UNITED NATIONS	International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991	Case No.	IT-09-92-T
		Date:	22 November 2017
		Original:	English

IN TRIAL CHAMBER I

Before: **Judge Alphons Orie, Presiding**
Judge Bakone Justice Moloto
Judge Christoph Flügge

Registrar: **Mr John Hocking**

Judgment of: **22 November 2017**

PROSECUTOR

v.

RATKO MLADIĆ

PUBLIC WITH CONFIDENTIAL ANNEX

JUDGMENT

VOLUME I OF V

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Table of contents

General abbreviations 13

1. Introduction 17

2. Administration of the Bosnian-Serb Republic 22

2.1 Republic political structures 22

2.1.1 Bosnian-Serb Presidency and President 22

2.1.2 Bosnian-Serb Assembly 29

2.1.3 Bosnian-Serb Government 32

2.2 Regional and municipal political structures 38

2.2.1 Regional political structures 38

2.2.2 Municipal political structures 45

3. Bosnian-Serb military and police structures 57

3.1 VRS 57

3.1.1 Establishment and structure 57

3.1.2 VRS's corps 66

3.1.3 Main Staff 129

3.1.4 Position of Ratko Mladić 141

3.2 JNA/VJ 144

3.3 Territorial Defence 152

3.4 Ministry of Interior 160

3.5 Paramilitary formations 175

4. Take-over of power and crimes in the municipalities 176

4.1 Banja Luka Municipality 176

4.1.1 Murder 176

4.1.2 Unlawful detention and cruel or inhumane treatment in detention facilities 194

4.1.3 Destruction of private and public property, including cultural monuments and sacred sites 241

4.1.4 Appropriation or plunder of property 244

4.1.5 Forced labour and human shields 244

4.1.6 Imposition and maintenance of restrictive and discriminatory measures 248

4.1.7 Forcible transfer and deportation 251

4.2 Bijeljina Municipality 262

4.2.1 Murder 262

4.2.2 Unlawful detention and cruel or inhumane treatment in detention facilities 270
4.2.3 Destruction of private and public property, including cultural monuments and sacred sites 296
4.2.4 Appropriation or plunder of property 299
4.2.5 Forced labour and human shields 301
4.2.6 Imposition and maintenance of restrictive and discriminatory measures 304
4.2.7 Forcible transfer and deportation 304
4.3 Foča Municipality 312
4.3.1 Murder 312
4.3.2 Unlawful detention and cruel or inhumane treatment in detention facilities 326
4.3.3 Destruction of private and public property, including cultural monuments and sacred sites 356
4.3.4 Appropriation or plunder of property 361
4.3.5 Forced labour and human shields 361
4.3.6 Imposition and maintenance of restrictive and discriminatory measures 363
4.3.7 Forcible transfer and deportation 364
4.4 Ilidža Municipality 372
4.4.1 Murder 372
4.4.2 Unlawful detention and cruel or inhumane treatment in detention facilities 372
4.4.3 Destruction of private and public property, including cultural monuments and sacred sites 377
4.4.4 Appropriation or plunder of property 377
4.4.5 Forced labour and human shields 377
4.4.6 Imposition and maintenance of restrictive and discriminatory measures 380
4.4.7 Forcible transfer and deportation 380
4.5 Kalinovik Municipality 384
4.5.1 Murder 384
4.5.2 Unlawful detention and cruel or inhumane treatment in detention facilities388
4.5.3 Destruction of private and public property, including cultural monuments and sacred sites 399
4.5.4 Appropriation or plunder of property 401
4.5.5 Forced labour and human shields 402
4.5.6 Imposition and maintenance of restrictive and discriminatory measures 404
4.5.7 Forcible transfer and deportation 404
4.6 Ključ Municipality 406
4.6.1 Murder 406

4.6.2 Unlawful detention and cruel or inhumane treatment in detention facilities 427
4.6.3 Destruction of private and public property, including cultural monuments and sacred sites 430
4.6.4 Appropriation or plunder of property 439
4.6.5 Forced labour and human shields 442
4.6.6 Imposition and maintenance of restrictive and discriminatory measures 442
4.6.7 Forcible transfer and deportation 446
4.7 Kotor Varoš Municipality 457
4.7.1 Murder 457
4.7.2 Unlawful detention and cruel or inhumane treatment in detention facilities 463
4.7.3 Destruction of private and public property, including cultural monuments and sacred sites 471
4.7.4 Appropriation or plunder of property 476
4.7.5 Forced labour and human shields 477
4.7.6 Imposition and maintenance of restrictive and discriminatory measures 478
4.7.7 Forcible transfer and deportation 481
4.8 Novi Grad Municipality 491
4.8.1 Murder 491
4.8.2 Unlawful detention and cruel or inhumane treatment in detention facilities 500
4.8.3 Destruction of private and public property, including cultural monuments and sacred sites 500
4.8.4 Appropriation or plunder of property 503
4.8.5 Forced labour and human shields 503
4.8.6 Imposition and maintenance of restrictive and discriminatory measures 503
4.8.7 Forcible transfer and deportation 503
4.9 Pale Municipality 508
4.9.1 Murder 508
4.9.2 Unlawful detention and cruel or inhumane treatment in detention facilities 508
4.9.3 Destruction of private and public property, including cultural monuments and sacred sites 508
4.9.4 Appropriation or plunder of property 510
4.9.5 Forced labour and human shields 512
4.9.6 Imposition and maintenance of restrictive and discriminatory measures 512
4.9.7 Forcible transfer and deportation 512
4.10 Prijedor Municipality 533
4.10.1 Murder 533

4.10.2 Unlawful detention and cruel or inhumane treatment in detention facilities 617
4.10.3 Destruction of private and public property, including cultural monuments and sacred sites 700
4.10.4 Appropriation or plunder of property 724
4.10.5 Forced labour and human shields 733
4.10.6 Imposition and maintenance of restrictive and discriminatory measures 736
4.10.7 Forcible transfer and deportation 741
4.11 Rogatica Municipality 753
4.11.1 Murder 753
4.11.2 Unlawful detention and cruel or inhumane treatment in detention facilities 765
4.11.3 Destruction of private and public property, including cultural monuments and sacred sites 786
4.11.4 Appropriation or plunder of property 791
4.11.5 Forced labour and human shields 793
4.11.6 Imposition and maintenance of restrictive and discriminatory measures 798
4.11.7 Forcible transfer and deportation 799
4.12 Sanski Most Municipality 817
4.12.1 Murder 817
4.12.2 Unlawful detention and cruel or inhumane treatment in detention facilities 842
4.12.3 Destruction of private and public property, including cultural monuments and sacred sites 842
4.12.4 Appropriation or plunder of property 861
4.12.5 Forced labour and human shields 863
4.12.6 Imposition and maintenance of restrictive and discriminatory measures 864
4.12.7 Forcible transfer and deportation 868
4.13 Sokolac Municipality 891
4.13.1 Murder 891
4.13.2 Unlawful detention and cruel or inhumane treatment in detention facilities 893
4.13.3 Destruction of private and public property, including cultural monuments and sacred sites 893
4.13.4 Appropriation or plunder of property 895
4.13.5 Forced labour and human shields 895
4.13.6 Imposition and maintenance of restrictive and discriminatory measures 895
4.13.7 Forcible transfer and deportation 896
4.14 Vlasenica Municipality 900
4.14.1 Murder 900

4.14.2 Unlawful detention and cruel or inhumane treatment in detention facilities 910
4.14.3 Destruction of private and public property, including cultural monuments and sacred sites 928
4.14.4 Appropriation or plunder of property 930
4.14.5 Forced labour and human shields 931
4.14.6 Imposition and maintenance of restrictive and discriminatory measures 933
4.14.7 Forcible transfer and deportation 936
5. Sarajevo 949
5.1 Introduction 949
5.1.1 Conditions in Sarajevo 949
5.1.2 Modified air bombs 973
5.2 Sniping incidents 985
5.2.1 Schedule F.1 985
5.2.2 Schedule F.3 989
5.2.3 Schedule F.4 991
5.2.4 Schedule F.5 994
5.2.5 Schedule F.9 997
5.2.6 Schedule F.11 1000
5.2.7 Schedule F.12 1005
5.2.8 Schedule F.13 1008
5.2.9 Schedule F.15 1011
5.2.10 Schedule F.16 1014
5.2.11 Other sniping incidents 1016
5.3 Shelling incidents 1035
5.3.1 Schedule G.1 1035
5.3.2 Schedule G.2 1041
5.3.3 Schedule G.4 1047
5.3.4 Schedule G.6 1052
5.3.5 Schedule G.7 1058
5.3.6 Schedule G.8 1062
5.3.7 Schedule G.10 1086
5.3.8 Schedule G.13 1091
5.3.9 Schedule G.15 1095
5.3.10 Schedule G.18 1097
5.3.11 Other shelling incidents 1114

6. Taking of hostages **1150**
6.1 Introduction 1150
6.2 Detention of UNMOs stationed in Pale and in the Sarajevo area 1156
6.3 Detention of Ukrainian UNPROFOR soldiers in Banja Luka 1176
6.4 Detention of UNPROFOR soldiers in Sarajevo 1179
6.5 Detention of UNPROFOR soldiers in Goražde 1191
6.6 Release of UN hostages 1196
6.7 The Trial Chamber's findings 1207
7. Srebrenica **1210**
7.1 The take-over of the Srebrenica enclave 1210
7.1.1 1992 - July 1995 1210
7.1.2 Directives no. 7 and no. 7/1 1233
7.1.3 The fall of Srebrenica and the gathering of people in Potočari 1243
7.1.4 The Hotel Fontana meetings 1277
7.1.5 Transportation from Potočari 1288
7.1.6 The column 1334
7.2 Jadar River (Schedule E.1.1) 1383
7.3 Cerska Valley (Schedule E.2.1) 1392
7.4 Kravica Warehouse (Schedule E.3.1) 1397
7.5 Sandići Meadow (Schedule E.4.1) 1414
7.6 Luke School near Tišća (Schedule E.5.1) 1424
7.7 School in Orahovac and nearby field (Schedule E.6.1 and E.6.2) 1429
7.8 Petkovci (Schedule E.7) 1457
7.8.1 School in Petkovci (Schedule E.7.1) 1457
7.8.2 Dam near Petkovci (Schedule E.7.2) 1463
7.9 Roćević School and Kozluk (Schedule E.8.1 and E.8.2) 1473
7.10 Kula School (Schedule E.9.1), Branjevo Military Farm (Schedule E.9.2), and Pilica Cultural Centre (Schedule E.10.1) 1496
7.11 Bišina (Schedule E.12.1) 1518
7.12 Trnovo (Schedule E.13.1) 1526
7.13 Potočari (Schedule E.14) 1530
7.13.1 Near the UN Compound (Schedule E.14.1) 1530
7.13.2 Near the 'White House' (Schedule E.14.2) 1532
7.14 Bratunac Town (Schedule E.15) 1536
7.14.1 In and around the Vuk Karadžić elementary school (Schedule E.15.1) 1536

7.14.2 In front of the Vuk Karadžić elementary school (Schedule E.15.3) 1549
7.15 Other incidents of killings 1551
7.16 Incidents of ill-treatment 1558
7.17 Forcible transfer and deportation 1567
7.18 Burial operations 1574
8. Legal findings on crimes 1584
8.1 Violations of the laws or customs of war: general elements and jurisdictional requirements 1584
8.1.1 Applicable law 1584
8.1.2 Findings on armed conflict 1587
8.2 Crimes against humanity: general elements and jurisdictional requirement 1589
8.2.1 Applicable law 1589
8.2.2 Legal findings 1591
8.3 Murder 1601
8.3.1 Applicable law 1601
8.3.2 Legal findings 1601
8.4 Extermination 1617
8.4.1 Applicable law 1617
8.4.2 Legal findings 1618
8.5 Deportation and forcible transfer 1632
8.5.1 Applicable law 1632
8.5.2 Legal findings 1633
8.6 Acts of violence the primary purpose of which is to spread terror among the civilian population 1663
8.6.1 Applicable law 1663
8.6.2 Legal findings 1664
8.7 Unlawful attacks on civilians 1674
8.7.1 Applicable law 1674
8.7.2 Legal findings 1674
8.8 Taking of hostages 1676
8.8.1 Applicable law 1676
8.8.2 Legal findings 1677
8.9 Persecution 1679
8.9.1 Applicable law 1679
8.9.2 Legal findings 1690
8.10 Genocide 1755

8.10.1 Applicable law 1755
8.10.2 Legal findings 1757
9. The liability of the Accused 1821
9.1 Applicable law 1821
9.1.1 Joint criminal enterprise 1821
9.1.2 Planning, instigating, ordering, and aiding and abetting 1825
9.1.3 Superior responsibility 1827
9.2 First (overarching) joint criminal enterprise 1830
9.2.1 Overview of the charges 1830
9.2.2 Political developments and the role of the SDS in the lead-up to the conflict in 1991 and 1992 1831
9.2.3 The Variant A/B Instructions 1869
9.2.4 The Six Strategic Objectives 1877
9.2.5 Speeches, statements, and utterances by members of the Bosnian-Serb political leadership 1884
9.2.6 The role of the VJ 1895
9.2.7 The role of the MUP 1915
9.2.8 The role of paramilitary formations 1934
9.2.9 The role of the regional and municipal leadership 1969
9.2.10 Attempts to cover up crimes 1992
9.2.11 Tomašica 2028
9.2.12 Investigation and prosecution of crimes 2039
9.2.13 Revenge and related arguments 2075
9.2.14 Conclusion 2083
9.3 Ratko Mladić's alleged contribution to the first (overarching) joint criminal enterprise 2092
9.3.1 Introduction 2092
9.3.2 Participating in the establishment, organization and/or maintenance of the VRS 2092
9.3.3 Commanding and controlling the VRS 2107
9.3.4 Commanding and controlling elements of the Serb Forces integrated into, or subordinated to, the VRS 2137
9.3.5 Directing, monitoring and/or authorizing the VRS's cooperation and coordination with other elements of Serb Forces and with Bosnian-Serb Political and Governmental Organs 2142
9.3.6 Participating in procuring material and military assistance from the VJ 2147
9.3.7 Participating in the development of Bosnian-Serb governmental policies 2161

9.3.8 Disseminating, encouraging and/or facilitating the dissemination of propaganda to Bosnian Serbs intended to engender in Bosnian Serbs fear and hatred of Bosnian Muslims and Bosnian Croats or to otherwise win support for and participation in achieving the objective of the joint criminal enterprise 2173

9.3.9 Engaging in, supporting and/or facilitating efforts to deny or to provide misleading information about crimes against Bosnian Muslims and Bosnian Croats and about the role that Serb Forces had played in those crimes to representatives of the international community, non-governmental organizations, the media and the public, thereby facilitating the commission of crimes 2183

9.3.10 Facilitating and/or encouraging the commission by members of the VRS, and other elements of Serb Forces under his effective control, of crimes that furthered the objective of the joint criminal enterprise by failing, while under a duty stemming from his position, to take adequate steps to prevent and/or investigate such crimes, and/or arrest and/or punish the perpetrators of such crimes 2187

9.3.11 Directing, implementing and/or authorizing the restriction of humanitarian aid to Bosnian-Muslim and/or Bosnian-Croat enclaves located in territory controlled by the VRS, the TO, the MUP, and Bosnian-Serb paramilitary forces and volunteer units and/or Bosnian-Serb Political and Governmental Organs in an effort to create unbearable living conditions for these inhabitants 2202

9.3.12 Legal findings 2228

9.3.13 Mens rea 2230

9.4 Second joint criminal enterprise (Sarajevo) 2257

9.4.1 Overview of the charges 2257

9.4.2 Existence of and membership in the joint criminal enterprise 2258

9.4.3 The Trial Chamber's findings 2276

9.5 Ratko Mladić's alleged contribution to the second joint criminal enterprise (Sarajevo) 2281

9.5.1 Introduction 2281

9.5.2 Participating in the establishment, organization and/or maintenance of the VRS 2281

9.5.3 Commanding and controlling the VRS 2282

9.5.4 Participating in procuring material and military assistance from the VJ 2304

9.5.5 Participating in the development of Bosnian-Serb governmental policies 2309

9.5.6 Disseminating, encouraging and/or facilitating the dissemination of propaganda to Bosnian Serbs intended to engender in Bosnian Serbs fear and hatred of Bosnian Muslims and Bosnian Croats or to otherwise win support for and participation in achieving the objective of the joint criminal enterprise 2314

9.5.7 Engaging in, supporting and/or facilitating efforts to deny or to provide misleading information about crimes against Bosnian Muslims and Bosnian Croats and about the role that Serb Forces had played in those crimes to representatives of the international community, non-governmental organizations, the media and the public, thereby facilitating the commission of crimes 2315

9.5.8 Facilitating and/or encouraging the commission by members of the VRS, and other elements of Serb Forces under his effective control, of crimes that furthered the objective of the joint criminal enterprise by failing, while under a duty stemming from his position, to take adequate steps to prevent and/or investigate such crimes, and/or arrest and/or punish the perpetrators of such crimes 2317

9.5.9 Directing, implementing and/or authorizing the restriction of humanitarian aid to Bosnian-Muslim and/or Bosnian-Croat enclaves located in territory controlled by the VRS, the TO, the MUP, and Bosnian-Serb paramilitary forces and volunteer units and/or Bosnian-Serb Political and Governmental Organs in an effort to create unbearable living conditions for these inhabitants 2320

9.5.10 Legal findings 2345

9.5.11 Mens rea 2346

9.6 Third joint criminal enterprise (Srebrenica) 2359

9.6.1 Overview of the charges 2359

9.6.2 Contemporaneous statements and meetings 2360

9.6.3 Attempts to cover up and the non-investigation of crimes 2374

9.6.4 Conclusion 2379

9.7 Ratko Mladić's alleged contribution to the third joint criminal enterprise (Srebrenica) 2386

9.7.1 Introduction 2386

9.7.2 Commanding and controlling the VRS 2386

9.7.3 Commanding and controlling elements of the Serb Forces integrated into, or subordinated to, the VRS 2412

9.7.4 Engaging in, supporting and/or facilitating efforts to deny or to provide misleading information about crimes against Bosnian Muslims and about the role that Serb Forces had played in those crimes to representatives of the international community, non-governmental organizations, the media and the public, thereby facilitating the commission of crimes 2418

9.7.5 Facilitating and/or encouraging the commission by members of the VRS, and other elements of Serb Forces under his effective control, of crimes that furthered the objective of the joint criminal enterprise by failing, while under a duty stemming from his position, to take adequate steps to prevent and/or investigate such crimes, and/or arrest and/or punish the perpetrators of such crimes 2424

9.7.6 Legal findings 2428

9.7.7 Mens rea 2429

9.8 Fourth joint criminal enterprise (Hostages) 2443

9.8.1 Overview of the charges 2443

9.8.2 Common objective 2444

9.8.3 Conclusion 2446

9.9 Ratko Mladić's alleged contribution to the fourth joint criminal enterprise (Hostages) 2448
9.9.1 Overview of charges 2448
9.9.2 The Accused's alleged contribution 2449
9.9.3 Mens rea 2451
9.10 Other modes of liability 2454
10. Cumulative convictions 2456
11. Sentencing 2461
11.1 Law on sentencing 2461
11.2 Purpose of sentencing 2462
11.3 Sentencing factors 2463
11.3.1 Gravity of the offences and the totality of the culpable conduct 2463
11.3.2 Individual circumstances of Ratko Mladić 2466
11.3.3 General practice regarding the prison sentences in the courts of the former Yugoslavia 2470
11.3.4 Comparison with other cases 2472
11.3.5 Credit for the time served in custody 2472
11.4 Determination of sentences 2473
12. Disposition 2474
13. Partially dissenting opinion by Judge Alphons Orie 2476

Appendices

A. Procedural history 2478
B. Sources and use of evidence 2491
C. Table of cases with abbreviations 2521
D. Confidential Annex 2527

General abbreviations

1KK	1st Krajina Corps
2KK	2nd Krajina Corps
5th Kozara Brigade	5th Kozara Light Infantry Brigade
6th Krajina Brigade	6th Krajina Light Infantry Brigade (also referred to as 6th Sana Brigade, 6th Sanski Most Brigade, 6th Sanska Brigade, 6th Partisan Brigade)
22nd Brigade	22nd Light Infantry Brigade
30th Division	30th Light Infantry Division
ABiH	Army of Bosnia-Herzegovina
Accused	Ratko Mladić
Adjudicated Facts	List of facts adjudicated in previous proceedings and admitted pursuant to Rule 94(B) of the Rules by Decision on prosecution motions for judicial notice of adjudicated facts of 28 February 2012 (I), 21 March 2012 (II), and 13 April 2012 (III), as revised through the Appeals Chamber's decision of 12 November 2013 (*see also* T. 19228), as well as 30 January 2014 (IV) and *proprio motu* on 5 June 2012 (V)
Agreed Facts	Lists of agreed facts of 27 April 2012 (I) and 4 June 2013 (as revised on 6 June 2016) (II)
APC	Armoured Personnel Carrier
ARK	*Autonomna regija Krajina* – Autonomous Region of Krajina
BBC	British Broadcasting Corporation
BCMP	Bosnian Commission for Missing Persons
Bosnia-Herzegovina	Socialist Republic of Bosnia and Herzegovina (later, Republic of Bosnia and Herzegovina)
Bosnian-Serb Assembly	National Assembly of the Bosnian-Serb Republic
Bosnian-Serb Government	Government of the Bosnian-Serb Republic
Bosnian-Serb Presidency	Presidency of the Bosnian-Serb Republic
Bosnian-Serb President	President of the Bosnian-Serb Republic
Bosnian-Serb Republic	Serbian Republic of Bosnia-Herzegovina; on 12 August 1992, the name of the republic was officially changed to *Republika Srpska*
Canbat	Canadian Battalion
COHA	Cessation of Hostilities Agreement
Count 1 municipalities	Foča Municipality, Ključ Municipality, Kotor Varoš Municipality, Prijedor Municipality, Sanski Most Municipality, and Vlasenica Municipality
CSB	*Centar službi bezbjednosti* – Security Services Centre
CSCE	Conference on Security and Cooperation in Europe

Defence Final Brief	Notice of Filing Under Objection and with Reservation of Rights, 25 October 2016, Annex A; Corrigendum to Annex A to Notice of Filing under Objection and with Reservation of Rights, Filed 25 October 2016, 2 November 2016, Annex A
DEM	*Deutsche Mark* – German Marks
DK	Drina Corps
DutchBat	Dutch Battalion
EC	European Community
EU	European Union
ECMM	European Community Monitoring Mission
FAO	Food and Agriculture Organization
First Kotor Varoš Brigade	First Kotor Varoš Light Infantry Brigade
FreBat	French Battalion
FRY	Federal Republic of Yugoslavia
HDZ	*Hrvatska demokratska zajednica* – Croatian Democratic Union
HK	Herzegovina Corps
HVO	*Hrvatsko vijeće obrane* – Croatian Defence Council
IBK	*Istočnobosasnki Korpus* – East Bosnia Corps
ICMP	International Commission on Missing Persons
ICRC	International Committee of the Red Cross
IKM	*Istureno Komandno Mjesto* – Forward Command Post
Indictment	Fourth Amended Indictment, 16 December 2011
ITN	Independent Television News
JCE	Joint Criminal Enterprise
JNA	*Jugoslovenska narodna armija* – Yugoslav People's Army
MoD	Ministry of Defence
MoJ	Ministry of Justice
MSF	*Médecins Sans Frontières*
Municipalities	Banja Luka, Bijeljina, Foča, Ilidža, Kalinovik, Ključ, Kotor Varoš, Novi Grad, Pale, Prijedor, Rogatica, Sanski Most, Sokolac, Trnovo, and Vlasenica (*see* Indictment, para. 47)
MUP	*Ministarstvo unutrašnjih poslova* – Ministry of Interior[1]
NATO	North Atlantic Treaty Organization
NGO	Non-Governmental Organization
OG	Operation Group

[1] Without further specification, references to 'MUP' are to be understood as references to the MUP of the Bosnian-Serb Republic.

ONP	Section for Operations and Training
OSCE	Organization for Security and Co-operation in Europe
OP	Observation Post
Prosecution	Office of the Prosecutor (ICTY)
Prosecution Final Brief	Prosecution's Submission of Final Trial Brief, 25 October 2016
PJM	*Posebne jedinice milicije* – Special Police Unit
PJP	*Posebne jedinice policije* – Special Police Unit
POW	Prisoner-of-war
RDB	*Resor Državne Bezbjednosti* – State Security Department
RRF	Rapid Reaction Force
RSK	Republic of Serbian Krajina
Rules	Rules of Procedure and Evidence (ICTY)
SAO	*Srpska autonomna oblast* – Serb Autonomous District
SDA	*Stranka demokratske akcije* – Party for Democratic Action
SDB	*Služba državne bezbednosti* – State Security Service
SDK	*Služba društvenog knjigovodstva* – Social Accounting Service
SDS	*Srpska demokratska stranka* – Serb Democratic Party
SFRY	Socialist Federal Republic of Yugoslavia
SJB	*Stanica javne bezbednosti* – Public Security Station
SJB Administration	*Sluzba javne bezbednosti* – Public Security Service
SNB	*Savjet za nacionalnu bezbednost* – National Security Council
SNO	*Sekretarijat za narodnu odbranu* – Council for National Defence
SOS	*Srpske odbrambene snage* – Serbian Defence Forces, paramilitary formation
SRK	*Sarajevo-Romanija Korpus* – Sarajevo Romanija Corps
SRS	*Srpska Radikalna Stranka* – Serbian Radical Party
SSNO	*Savezni Sekretarijat Narodne Odbrane* – Federal Secretariat for National Defence
Statute	Statute of the International Criminal Tribunal for the Former Yugoslavia, established by Security Council Resolution 827 (1993)
SUP	*Sekretarijat Unutrašnjih Poslova* - Secretariat for Internal Affairs
SVK	*Srpska Vojska Krajine* – Serbian Army of Krajina
TEZ	Total Exclusion Zone
TG	Tactical Group

TO	*Teritorijalna odbrana* – Territorial Defence
UN	United Nations
UNDU	United Nations Detention Unit
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNGA	United Nations General Assembly
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Children's Emergency Fund
UNMO	United Nations Military Observer
UNPF	United Nations Peace Force
UNPROFOR	United Nations Protection Force
UNSC	United Nations Security Council
UNSG	United Nations Secretary-General
VJ	*Vojska Jugoslavije* – Yugoslav Army, remainder of the former JNA was to become the army of the new Federal Republic of Yugoslavia (Serbia and Montenegro)
VRS	*Vojska Srpske Republike Bosne I Herzegovine*, later *Vojska Republike Srpske* – Army of the Bosnian-Serb Republic
WCP	Weapons Collection Point
WFP	World Food Programme
WHO	World Health Organization

1. Introduction

1. The Accused, Ratko Mladić, was indicted on 24 July and 16 November 1995.[2] He was arrested in Serbia on 26 May 2011, almost 16 years after the initial indictments. The trial against him started on 16 May 2012. The hearing of evidence lasted for over four years. On 15 December 2016, the parties presented their closing arguments.

2. According to the Indictment, the Accused held various positions in the JNA and served as Commander of the VRS Main Staff from its formation on 12 May 1992 until at least 8 November 1996. The Prosecution charges the Accused with genocide, crimes against humanity, and violations of the laws and customs of war under Article 4, 5, and 3 of the Statute, respectively. The crimes were allegedly committed between 12 May 1992 and 30 November 1995 on the territory of Bosnia-Herzegovina. The areas covered by the Indictment include Sarajevo, Srebrenica, Goražde, and the following municipalities in Bosnia-Herzegovina: Banja Luka, Bijeljina, Foča, Ilidža, Kalinovik, Ključ, Kotor Varoš, Novi Grad, Pale, Prijedor, Rogatica, Sanski Most, Sokolac, Trnovo, and Vlasenica.

3. Under Count 1, the Prosecution alleges that in some municipalities, between 31 March 1992 and 31 December 1992, a campaign of persecutions included conduct that manifested an intent to destroy in part the national, ethnical, and/or religious groups of Bosnian Muslims and/or Bosnian Croats as such. The most extreme displays of the intent to partially destroy these groups occurred in Foča, Ključ, Kotor Varoš, Prijedor, Sanski Most, and Vlasenica. The Accused is to be held criminally responsible for genocide, punishable under Articles 4(3)(a), 7(1), and 7(3) of the Statute.

4. Under Count 2, the Prosecution alleges that, between the days immediately preceding 11 July 1995 and November 1995, there was a JCE to eliminate the Bosnian Muslims in Srebrenica as part of the Bosnian-Muslim national, ethnical, and/or religious group by killing the men and boys and forcibly removing the women, young children, and some elderly men from the area. The Accused is to be held criminally responsible for genocide punishable under Articles 4(3)(a), 7(1), and 7(3) of the Statute.

5. Under Count 3, the Prosecution charges persecutions as a crime against humanity. The Prosecution alleges that, from March 1992 to 30 November 1995, persecutory acts were carried out against Bosnian Muslims and Bosnian Croats on

political, racial, and/or religious grounds in the Municipalities and Srebrenica. These acts included killings; torture, beatings, and physical and psychological abuse; rape and other acts of sexual violence; cruel and inhumane treatment; forcible transfer or deportation; unlawful detention; forced labour and the use of human shields; appropriation or plunder of property; wanton destruction of private and public property, including cultural monuments and sacred sites; and the imposition of restrictive and discriminatory measures. The Accused is to be held criminally responsible for the crime against humanity of persecutions on political, racial, and/or religious grounds, punishable under Articles 5(h), 7(1), and 7(3) of the Statute.

6. Under Counts 4 and 5, the Prosecution charges extermination and murder as crimes against humanity. Count 6 charges murder as a violation of the laws or customs of war. The Prosecution alleges that from 12 May 1992 to 30 November 1995, extermination and murder were carried out against Bosnian Muslims and Bosnian Croats in the Municipalities and against Bosnian Muslims in Srebrenica, and that murder was carried out against members of the civilian population of Sarajevo and/or persons not taking active part in the hostilities. The Accused is to be held criminally responsible for extermination and murder as crimes against humanity, punishable under Articles 5(a), 5(b), 7(1), and 7(3) of the Statute; and for murder as a violation of the laws or customs of war, as recognized by common Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Articles 3, 7(1), and 7(3) of the Statute.

7. Under Counts 7 and 8, the Prosecution charges deportation and the inhumane act of forcible transfer as crimes against humanity. The Prosecution alleges that, between March 1992 and 30 November 1995, Bosnian Muslims and Bosnian Croats were forcibly transferred and/or deported from areas within the Municipalities and Srebrenica where they were lawfully present, across either a *de facto* or *de jure* border or internally without the crossing of any such border. The Accused is to be held criminally responsible for deportation as a crime against humanity, punishable under Articles 5(d), 7(1), and 7(3) of the Statute, and inhumane acts (forcible transfer) as a crime against humanity, punishable under Article 5(i), 7(1), and 7(3) of the Statute.

8. Under Counts 9 and 10, the Prosecution charges terror and unlawful attacks on civilians as violations of the laws or customs of war. The Prosecution alleges that between April 1992 and November 1995, there was a campaign involving the

[2] For further details, *see* Appendix A.

commission of the crimes of terror and unlawful attacks on civilians in Sarajevo. The Accused is to be held criminally responsible for acts of violence the primary purpose of which was to spread terror among the civilian population, a violation of the laws and customs of war, punishable under Articles 3, 7(1), and 7(3) of the Statute, and unlawful attacks on civilians, a violation of the laws and customs of war, punishable under Article 3, 7(1), and 7(3) of the Statute.

9. Under Count 11, the Prosecution charges the taking of hostages as a violation of the laws or customs of war. The Prosecution alleges that between approximately 26 May and 19 June 1995 over 200 UN peacekeepers and military observers were detained in various locations, including Pale, Sarajevo, Banja Luka, and Goražde, and other areas of strategic or military significance, in order to render the locations immune from NATO air strikes. Threats were allegedly issued to third parties, including NATO and UN commanders, that further NATO attacks would result in the injury, death, or continued detention of detainees, and some of the detainees were assaulted or maltreated while held in captivity. The Accused is to be held criminally responsible for a violation of the laws and customs of war, as recognized by Common Article 3(1)(b) of the Geneva Conventions of 1949, punishable under Articles 3, 7(1), and 7(3) of the Statute.

10. The Indictment states that the Accused is individually criminally responsible for the crimes charged. Pursuant to Article 7(1) of the Statute, he committed the crimes charged and, by his acts and omissions, planned, instigated, ordered, and/or aided and abetted the crimes. By 'commission' the Prosecution refers to the Accused's alleged participation in a JCE. Pursuant to Article 7(3) of the Statute, the Accused is also charged with criminal responsibility as a superior. The Prosecution alleges that between 12 May 1992 and 8 November 1996, he was the superior of, and had effective control over, all members of the VRS and those elements of Serb forces integrated into or subordinated to the VRS that participated in the crimes charged.

11. According to the Indictment, as of 12 May 1992, the Accused was a key member of an overarching JCE lasting from at least October 1991 until 30 November 1995, the objective of which was the permanent removal of Bosnian Muslims and Bosnian Croats from Bosnian-Serb-claimed territory in Bosnia-Herzegovina. This objective was allegedly carried out by the commission of crimes charged in Counts 1 and 3 to 8. Alternatively, this objective was carried out by the commission of crimes charged in

Counts 7 and 8, while the Accused willingly took the risk of the commission of crimes charged in Counts 1 to 6 as a foreseeable consequence of the implementation of the objective.

12. The Indictment further states that the Accused and others participated in three additional JCEs. The objective of the second JCE, in existence from April 1992 to November 1995, was to spread terror among the civilian population of Sarajevo through a campaign of sniping and shelling consisting of the crimes charged in Counts 5, 6, 9, and 10. The Prosecution alleges that the Accused was a participant in this JCE from 12 May 1992 to November 1995 and shared with others the intent to commit each of the crimes charged. The objective of the third JCE, in existence from the days immediately preceding 11 July 1995 to 1 November 1995, was to eliminate the Bosnian Muslims in Srebrenica through the crimes charged in Counts 2 to 8. The Prosecution alleges that the Accused was a participant of this JCE throughout its existence and shared with others the intent to commit each of the crimes charged. The objective of the fourth JCE, in existence during May and June 1995, was to take UN personnel as hostages through the crime charged in Count 11. The Prosecution alleges that the Accused was a participant of this JCE throughout its existence and shared with others the intent to commit the crime charged.

13. The Prosecution alleges that the Accused acted in concert with various named individuals or members of groups to carry out the crimes charged, including but not limited to members of the Bosnian-Serb leadership; members of the SDS and the Bosnian-Serb political and governmental organs; senior officials of the Serbian MUP, the JNA, the VJ, the VRS, the Bosnian-Serb MUP, and the Bosnian-Serb TO; as well as leaders of Serbian and Bosnian-Serb paramilitary forces and volunteer units. Alternatively, some or all of these members of the groups were not members of the JCE but were used by its members to carry out crimes committed in furtherance of the objective. According to the Indictment, the Accused provided a significant contribution to achieving the objective of each of the JCEs.

14. The Trial Chamber emphasizes that this case is about the alleged individual criminal responsibility of the Accused. It is neither about which side of the conflict is to be blamed for starting a war, nor about possible crimes committed by other sides to the conflict.

15. In chapters 2 and 3 of this Judgment, the Trial Chamber will set out the political and military structures of the Bosnian-Serb Republic during the Indictment period. It will then review the evidence and make factual findings on the crimes charged. Specifically, in chapter 4, the Trial Chamber will address the crimes alleged to have taken place in the Municipalities; in chapter 5, it will address the alleged sniping and shelling in Sarajevo; in chapter 6, it will address the alleged hostage-taking of UN personnel; and finally in chapter 7, it will address the alleged crimes in Srebrenica in July 1995. The Trial Chamber will then proceed, in chapter 8, to consider the factual findings on the crimes against the backdrop of the law and make the legal findings. Finally, the Trial Chamber will turn to the Accused's alleged responsibility in chapter 9 and address the four alleged JCEs and the other alleged modes of liability.

16. As set out in detail in Appendix B, the Trial Chamber received a vast amount of evidence from both parties, including the evidence of almost 600 witnesses and almost 10,000 exhibits. At the outset of the trial, the Trial Chamber took judicial notice of approximately 2,000 adjudicated facts. The Trial Chamber considered the adjudicated facts and all evidence during its deliberations. In Appendix B and throughout the Judgment, the Trial Chamber explained its considerations with regard to the adjudicated facts and specific pieces of evidence. In this respect, it focused on those aspects it considered central to the case, particularly those discussed by the parties in their final briefs and closing arguments. Due to the vast quantity of evidence, it was not possible to reference and discuss every piece of evidence in the Judgment, even though the Trial Chamber considered all evidence carefully. In the following chapters and as required pursuant to Article 23(2) of the Statute, the Trial Chamber will set out its judgment and its reasoned opinion.

2. Administration of the Bosnian-Serb Republic

2.1 Republic political structure

2.1.1 Bosnian-Serb Presidency and President

17. In this chapter, the Trial Chamber will review the evidence with regard to the Bosnian-Serb Presidency and President. In this respect, the Trial Chamber took judicial notice of a number of Adjudicated Facts. Further, it received evidence from **Patrick Treanor**, an intelligence analyst;[3] **Reynaud Theunens**, a military intelligence analyst;[4] and documentary evidence, and finds that this evidence is consistent with the Adjudicated Facts.[5] It also received evidence from **Richard Butler**, an intelligence research specialist.[6]

18. On 27 March 1992, the Bosnian-Serb Assembly established the SNB.[7] The SNB was to be an advisory organ to the Assembly on political, legal, constitutional, and other issues relevant to the security of Serbs in Bosnia-Herzegovina, and it was to be responsible to the Assembly.[8] The Bosnian-Serb President was to preside over the SNB and, in practice, SNB decisions were not approved by the Assembly but by the President (or acting Presidents) of the Bosnian-Serb Republic.[9] *Ex officio* members of the SNB also included the President of the Bosnian-Serb Assembly, Momčilo Krajišnik; the Bosnian-Serb Republic's Prime Minister; and the Ministers of Defence and Interior.[10] Radovan Karadžić performed the role of the president of the SNB between 27 March and early May 1992, even though he was not the Bosnian-Serb President at the time.[11] By early April 1992, the SNB developed into an executive organ issuing instructions to, and receiving reports from, municipal crisis staffs and TOs.[12] The SNB would meet in

[3] P3001 (Patrick Treanor, *curriculum vitae*), p. 3.
[4] Reynaud Theunens, T. 20230; P3093 (Reynaud Theunens, *curriculum vitae*), pp. 1-4.
[5] **Patrick Treanor**: P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), paras 98, 185, 188, 236, 241, 254-255, 258, 266-267. **Reynaud Theunens**: P3029 (Expert Report of Reynaud Theunens, September 2012), Part III, pp. 55-66. **Documentary evidence**: P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), pp. 1, 54; P3007 (Constitution, 28 February 1992), Arts 80-89; P3011 (Law on the Army, 1 June 1992); P3040 (Decision of the Bosnian-Serb Assembly to set up the SNB, 27 March 1992); P3043 (Decision on election of the members of the Bosnian-Serb Presidency, 12 May 1992).
[6] Richard Butler, T. 16108; P2094 (Richard Butler, *curriculum vitae*).
[7] Adjudicated Facts I, no. 234.
[8] Adjudicated Facts I, no. 235.
[9] Adjudicated Facts I, no. 237.
[10] Adjudicated Facts I, no. 238.
[11] Adjudicated Facts I, no. 220.
[12] Adjudicated Facts I, no. 239.

joint sessions with the Bosnian-Serb Government for the purpose of taking decisions on military, political, and administrative matters.[13]

19. According to **Patrick Treanor**, the forming of the SNB represented the first step in the formalization of the *de facto* collective leadership, later to be enshrined in the Bosnian-Serb Presidency.[14] After the adoption of the Constitution on 28 February 1992, the Bosnian-Serb Presidency was the most important organ through which the Bosnian-Serb leadership exercised power.[15] Prior to the election of Karadžić as President and Biljana Plavšić and Nikola Koljević as Vice-Presidents of the Bosnian-Serb Republic on 17 December 1992, a number of interim bodies exercised the functions of the Presidency.[16] These interim bodies included two Acting Presidents, Plavšić and Koljević between 28 February and 27 March 1992, the SNB in conjunction with the two Acting Presidents between 27 March and 12 May 1992, a three-member Presidency with Karadžić, Plavšić, and Koljević between 12 May and 2 June 1992, and finally a five-member expanded Presidency, with the inclusion of Krajišnik and Branko Đerić between 2 June and 17 December 1992.[17] The SNB took on an important role almost immediately, and by exercising similar powers, acted as a *de facto* expanded Presidency.[18] According to Treanor, the SNB became the central Bosnian-Serb crisis staff, its composition mirroring that of the regional and local crisis staffs.[19]

20. The idea of creating a collective presidency for the Bosnian-Serb Republic first emerged when the Bosnian-Serb Assembly was drafting the Law for Implementing the Constitution.[20] Until direct popular elections could take place, the Bosnian-Serb members of the Bosnia-Herzegovina Presidency, elected on 18 November 1990, were to carry out the functions of the Bosnian-Serb President.[21] On 12 May 1992, the Bosnian-Serb Assembly passed a constitutional law instituting a three-member Presidency until a Bosnian-Serb President could be elected by the people.[22] Radovan Karadžić, Nikola

[13] Adjudicated Facts I, no. 240.
[14] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 98.
[15] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 235.
[16] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), paras 188, 235-236, 254, 266.
[17] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), paras 236, 254-255, 260-263.
[18] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), paras 185, 255, 258. *See also* P4260 (Record of SNB and Bosnian-Serb Government Session, 10 May 1992).
[19] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 258.
[20] Adjudicated Facts I, no. 221.
[21] Adjudicated Facts I, no. 216. *See also* Adjudicated Facts I, no. 222.
[22] Adjudicated Facts I, no. 223.

Koljević, and Biljana Plavšić were appointed to the Presidency on that same day.[23] Following the establishment of the Presidency, the last reported meeting of the SNB took place on 15 May 1992. The SNB was effectively replaced by the Presidency.[24]

21. On 1 June 1992, the Bosnian-Serb Presidency amended the Constitution pursuant to its emergency powers in time of war or immediate threat of war. The amendment provided that 'during a state of war' the three-member Presidency was to be expanded by two members, thus becoming an Expanded Presidency. The two additional members were to be the President of the Assembly and the Prime Minister.[25] The Bosnian-Serb Presidency operated in fact with five members from its inception on 12 May 1992.[26] The five-member Presidency acted as the commander-in-chief of the Bosnian-Serb Republic until 17 December 1992, when the Bosnian-Serb Assembly elected Karadžić as Bosnian-Serb President, with Koljević and Plavšić as Vice-Presidents.[27] Occasionally, people from municipal authorities also attended sessions of the Presidency, as did lawyers, experts, and military officials.[28]

22. In accordance with the Constitution, the Bosnian-Serb President would represent the Bosnian-Serb Republic.[29] Other constitutional duties included proposing to the Bosnian-Serb Assembly a candidate for the post of Prime Minister and proclaiming laws by edict.[30] In contrast to the situation in peacetime, when the President could merely propose laws, in a state of war or immediate threat of war, the President, on his or her own initiative, could enact laws on questions falling within the jurisdiction of the Bosnian-Serb Assembly, subject to confirmation by the Assembly as soon as it was able to reconvene.[31] In the period between April and August 1992, the Presidency often invoked this provision of the Constitution allowing it to pass laws.[32] The Bosnian-Serb President was bestowed with the authority to appoint, promote, and discharge military officers, military judges, and military prosecutors.[33] It was generally the members of the

[23] Adjudicated Facts I, no. 224.
[24] Adjudicated Facts I, no. 226.
[25] Adjudicated Facts I, no. 231.
[26] Adjudicated Facts I, no. 232.
[27] Adjudicated Facts I, no. 233.
[28] Adjudicated Facts I, no. 227.
[29] Adjudicated Facts I, no. 215.
[30] Adjudicated Facts I, no. 218.
[31] Adjudicated Facts I, nos 219, 228.
[32] Adjudicated Facts I, no. 228.
[33] Adjudicated Facts I, no. 225.

Presidency, often Karadžić, who reported to the Assembly on the military and strategic situation in the Bosnian-Serb Republic.[34]

23. **Treanor** testified that on 12 May 1992, during its 16th session, the Bosnian-Serb Assembly amended the Constitution so that the President of the Republic commanded the VRS in war and in peace.[35] On 1 June 1992, the Presidency adopted the Law of the Army, which defined the responsibilities and terms of service within the VRS, and identified the President as its Supreme Commander.[36] As Supreme Commander, the President could transfer certain matters of command to the Commander of the VRS Main Staff, who commanded the VRS in conformity with the authority conferred by the President to whom he ultimately remained responsible.[37] Any plans for recruitment, training, and procurement had to be made in conformity with the President's plans and decisions.[38]

24. In addition to the Presidency's considerable *de jure* powers, 'the Bosnian-Serb leadership' also exercised *de facto* political control over all members of the government, including the Ministers of Defence and Interior, and the Commander of the VRS Main Staff, through the overwhelming SDS majority in the Bosnian-Serb Assembly.[39] Furthermore, the leadership was able to appoint members of the Government when the Bosnian-Serb Assembly was unable to meet, for example due to a state of war or imminent threat of war.[40] As such, the SNB and Presidency passed a series of laws and made several important appointments or decisions, including ordering the mobilization of the TO Defence.[41]

25. As set out in chapter 2.2, on 1 June 1992, the Bosnian-Serb Constitution was amended to allow war presidencies at both republican and municipal levels. According to Treanor, this amendment gave the Presidency the authority to create war presidencies

[34] Adjudicated Facts I, no. 230.
[35] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 243; P3007 (Constitution, 28 February 1992), Art. 111.
[36] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), paras 244-246; P3011 (Law on the Army, 1 June 1992), Art. 174.
[37] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), paras 246-247; P3011 (Law on the Army, 1 June 1992), Arts 174-175.
[38] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 247.
[39] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 238.
[40] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), paras 238-240; P3007 (Constitution, 28 February 1992), Art. 81(2).
[41] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), paras 241, 267. *See also* D446 (Decision by the Bosnian-Serb presidency, 15 April 1992).

and replace crisis staffs in municipalities during a state of war.[42] This was one of the ways in which the leadership could exert control over individual municipalities.[43] The Presidency subsequently established war commissions and commissioners in, *inter alia*, Bijeljina, Bratunac, Doboj, Foča, Ilijaš, Skelani, Sokolac, Vogošća, and Zvornik Municipalities.[44] On 6 July 1992, Krajišnik and Karadžić were assigned responsibility over war commissioners and military matters, respectively.[45] A week later, on 13 July 1992, the Presidency decided to place the reserve police under unified civilian-military command, controlled by the Presidency as the Supreme Commander of the VRS.[46] On 1 September 1992, Bogdan Subotić, the Minister of the Army,[47] briefed the Bosnian-Serb Presidency about his visits to certain towns and military formations in the Bosnian Krajina and informed them of his military observations. Subotić agreed with the Presidency regarding the engagement of certain military formations in the forthcoming period.[48] **Treanor** testified that Mladić or the Minister of Defence regularly briefed the Presidency on the situation in the Bosnian-Serb Republic, and on 9 October 1992, the Presidency established a means by which Mladić could keep it informed on a daily basis.[49]

26. **Richard Butler** testified that the powers over the broader area of the strategic war aims were exercised collectively among the civilian leadership.[50] **Treanor** testified that in this respect, on 30 November 1992, the Presidency created a Supreme Command of the VRS, consisting of, *inter alios*, the member of the Presidency, the President of the Assembly, the Minister of Defence, and the Minister of Interior.[51] The Commander of the VRS Main Staff, his assistants, members of the Main Staff and the commanders of

[42] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), paras 251, 268.
[43] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 268.
[44] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 268. *See also* P3692 (Minutes of the meeting of Presidency of the Bosnian-Serb Republic, 10 June 1992).
[45] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 267; P6672 (Minutes of Bosnian-Serb presidency meeting, 6 July 1992), p. 3.
[46] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 267; P4263 (Minutes of Bosnian-Serb Presidency Session, 13 July 1992), pp. 1-2.
[47] The Trial Chamber understands that this position was the same as Minister of Defence and will use the terms interchangeably.
[48] P3034 (Minutes of the 27th meeting of the Bosnian-Serb Presidency, 1 September 1992).
[49] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 273. *See* P3691 (Meeting minutes of Bosnian-Serb Presidency, 9 June 1992); P4263 (Minutes of Bosnian-Serb Presidency Session, 13 July 1992); P4265 (Minutes of Bosnian-Serb Presidency Session, 9 October 1992), p. 1; P3068 (Minutes of Bosnian-Serb Presidency session, 2 August 1992).
[50] P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 2.1.
[51] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), paras 241, 267; P3042 (Decision on the establishment of the supreme command of the VRS, 30 November 1992). *See also* P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 2.1.

the corps of the VRS were to attend meetings of the Supreme Command on invitation only.[52] **Butler** testified that the Supreme Command exercised its powers, among others, through 'Operational Directives' on wider strategic issues.[53]

27. **Treanor** testified that on the basis of several constitutional reforms, the powers and responsibilities of Karadžić, the Bosnian-Serb President, as well as of Koljević and Plavšić, his Vice-Presidents, underwent several changes while they were in office between 1993 and 1995.[54] The Bosnian-Serb Assembly adopted various amendments on 11 November 1994, through which Karadžić gained the authority to, for example, proclaim a state of war or the imminent threat thereof on the basis of a statement by the President of the Assembly, and to issue decrees and proclaim laws.[55] According to Treanor, Karadžić was always the unrivalled leader of the Bosnian Serbs.[56] His close working relationship with Slobodan Milošević, with whom he served as a focal point within the Bosnian-Serb leadership, cemented his primacy in the Bosnian-Serb leadership.[57]

28. According to Treanor, based on a law adopted by the Bosnian-Serb Assembly on 24 November 1994, Karadžić was the Supreme Commander of the Armed Forces of the Bosnian-Serb Republic, which comprised the VRS and units of the MUP.[58] The Supreme Command comprised the Vice-Presidents of the Republic, the President of the Bosnian-Serb Assembly, and the President of the Government, as well as the Ministers of Defence and of Interior. The Supreme Command did not involve the Bosnian-Serb President under this new law. The new law enabled Karadžić to designate entities to oversee the preparation of the population and territory for defence and provide for the needs of the Armed Forces, including the VRS and MUP units, in the districts and municipalities, establish their composition and determine their responsibilities in light of imminent threat of war or state of war.[59] In relation to combat missions, police units would be entitled to use all weapons and equipment used by the VRS, and the MUP

[52] P3042 (Decision on the establishment of the supreme command of the VRS, 30 November 1992). *See also* P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 2.1.
[53] P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 2.1.
[54] P3004 (Patrick Treanor, The Bosnian-Serb Leadership 1993-1995: Addendum, April 2009), paras 100-101.
[55] P3004 (Patrick Treanor, The Bosnian-Serb Leadership 1993-1995: Addendum, April 2009), paras 103-104, 108-109.
[56] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), paras 13, 67.
[57] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 13.
[58] P3004 (Patrick Treanor, The Bosnian-Serb Leadership 1993-1995: Addendum, April 2009), paras 110-112.

could establish separate police units who would participate in operations pursuant to the Supreme Commander's orders.[60]

29. Based on the foregoing, the Trial Chamber concludes that the Bosnian-Serb President and the Presidency were the most important political bodies in the Bosnian-Serb Republic. The Presidency took different forms during the first years of the Bosnian-Serb Republic: the SNB; the three-member Presidency; the five-member Presidency; and the President and Vice-Presidents. Throughout all its forms, Radovan Karadžić, Biljana Plavšić, and Nikola Koljević were members and played important roles. Together with Momčilo Krajišnik, the President of the Bosnian-Serb Assembly, they formed part of the collective political leadership of the Bosnian-Serb Republic.

30. The powers of the Bosnian-Serb President and Presidency were set out in the Constitution and included representing the Bosnian-Serb Republic and proposing to the Bosnian-Serb Assembly a candidate for the post of Prime Minister. The Bosnian-Serb President and Presidency also had the power, in a state of war or immediate threat of war, to enact laws on their own initiative on questions falling within the jurisdiction of the Bosnian-Serb Assembly, subject to confirmation by the Assembly as soon as it was able to reconvene. In the period between April and August 1992, the Presidency often invoked the provision of the Constitution allowing it to pass laws. The Trial Chamber finds that, along with its *de jure* powers, the Bosnian-Serb political leadership also exercised *de facto* political control over members of the Bosnian-Serb Government, including the Ministers of Defence and Interior and the Commander of the VRS Main Staff, through the overwhelming SDS majority in the Bosnian-Serb Assembly. Furthermore, the leadership was able to appoint members of the Bosnian-Serb Government when the Bosnian-Serb Assembly was unable to meet. The Bosnian-Serb Presidency had the authority to create war presidencies and replace crisis staffs in municipalities, thus exerting control over municipal authorities.

31. The Bosnian-Serb President was also the Supreme Commander of the VRS. As Supreme Commander, the President could transfer certain matters of command to the Commander of the VRS Main Staff, who commanded the VRS in conformity with the authority conferred by the Bosnian-Serb President to whom he ultimately remained

[59] P3004 (Patrick Treanor, The Bosnian-Serb Leadership 1993-1995: Addendum, April 2009), para. 111.
[60] P3004 (Patrick Treanor, The Bosnian-Serb Leadership 1993-1995: Addendum, April 2009), para. 112.

responsible. The Commander of the VRS Main Staff was to attend meetings of the Supreme Command on invitation only.

32. The Trial Chamber will further consider these findings in chapter 9, below.

2.1.2 Bosnian-Serb Assembly

33. In this chapter, the Trial Chamber will review the evidence with regard to the Bosnian-Serb Assembly. The Trial Chamber took judicial notice of a number of Adjudicated Facts in this respect.[61] Further, it received documentary evidence and finds that this evidence is consistent with the Adjudicated Facts.[62] It also received evidence from **Patrick Treanor**, an intelligence analyst.[63]

34. **Treanor** testified that, despite remaining in joint Bosnia-Herzegovina republican institutions for some time, the SDS Deputies Club of the Bosnia-Herzegovina Assembly decided to establish a separate Bosnian-Serb Assembly to look after Serb interests.[64] The SDS Party Council reached a decision to found a Bosnian-Serb Assembly on 15 October 1991.[65] On 24 October 1991, the constituent meeting of the 'Assembly of the Serbian People in Bosnia and Herzegovina' took place.[66] According to Treanor, the founding of a separate Bosnian-Serb Assembly signified a ground-breaking step towards founding a separate Serb state in Bosnia-Herzegovina.[67] Between its establishment and the founding of the Bosnian-Serb Republic on 9 January 1992, the Assembly prepared the means and conditions necessary for the establishment of an entirely separate structure for the Serb people of Bosnia-Herzegovina and for a separate Bosnian-Serb Republic.[68] It created legislation that was to be considered valid only for Serbs in Bosnia-Herzegovina and formed the basis for segregation.[69]

[61] Adjudicated Facts I, nos 226, 231-234, and 238 are reviewed in chapter 2.1.1.
[62] P3007 (Constitution, 28 February 1992), Arts 69-70, 137-138, 140-141; P3048 (Defence Act of the Bosnian-Serb Republic, 1 June 1992), Art. 6.
[63] P3001 (Patrick Treanor, *curriculum vitae*), p. 3. The evidence of Patrick Treanor is also reviewed in chapters 2.1.1 and 9.2.2.
[64] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), paras 58-59.
[65] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), paras 58, 164, 170.
[66] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), paras 59, 165-166, 168.
[67] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 163.
[68] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 168.
[69] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 169.

35. The Constitution of the Bosnian-Serb Republic of 28 February 1992 vested the Bosnian-Serb Assembly with constitutional and legislative authority.[70] The Constitution stipulated that the Assembly was to consist of 120 deputies reflecting as closely as possible the national composition of the Bosnian-Serb Republic.[71] In its early days, the Bosnian-Serb Assembly was composed of 82 deputies, all but seven of whom were SDS members.[72] Other than the SDS party, the Reformist Party, the former Communist League, and the Serb Renewal Movement were represented.[73] The members of the SDS Main Board would at times be allowed in the hall where the Assembly was meeting to put pressure on the deputies.[74] The activities of the Bosnian-Serb Assembly were supported financially by the SDS.[75] Chaired by a president (Speaker) and two vice-presidents, the Bosnian-Serb Assembly could adopt laws and determine the budget and territorial organization of the Republic.[76] It could also call referenda, elections for deputies, and elections for the President of the Republic.[77] Proposals for legislation could be launched by the deputies, by the Government, or by the President of the Republic.[78] Thereafter, a draft would be prepared by the relevant Ministry, adopted by the Government, and then forwarded to the Assembly.[79] Regardless of who initiated the legislation, the body officially proposing it would always be the Government.[80] The Bosnian-Serb Assembly was to exercise control over matters within the competence of the Bosnian-Serb Government.[81] It elected the Prime Minister and voted to appoint the Government Ministers.[82] The Bosnian-Serb Assembly debated matters related to the work of the Supreme Court, the Public Prosecutor, and the constitutionality of the laws of the Republic upon advice given to it by the Constitutional Court.[83] The Assembly was also tasked with cooperating with the assemblies of other republics, autonomous

[70] Adjudicated Facts I, no. 151.
[71] Adjudicated Facts I, no. 152.
[72] Adjudicated Facts I, no. 153.
[73] Adjudicated Facts I, no. 170.
[74] Adjudicated Facts I, no. 171.
[75] Adjudicated Facts I, no. 172.
[76] Adjudicated Facts I, no. 154.
[77] Adjudicated Facts I, no. 155.
[78] Adjudicated Facts I, no. 156.
[79] Adjudicated Facts I, no. 157.
[80] Adjudicated Facts I, no. 158.
[81] Adjudicated Facts I, no. 159.
[82] Adjudicated Facts I, no. 160.
[83] Adjudicated Facts I, no. 161.

provinces, and municipalities, through information exchange and visits by Assembly deputies.[84]

36. The Bosnian-Serb Assembly was also responsible for adopting a defence development plan, determining sources of defence finance, and enabling the acquisition of material supplies.[85] Its responsibilities also included organizing the defence system and formulating defence policy as well as analyzing the state of preparations for defence in the republic and define steps to organize, develop, and strengthen defence.[86] Pursuant to the Law on National Defence of 28 February 1992 (in force until 1 June 1992), the Bosnian-Serb Assembly's powers in the area of defence included appointing and relieving from duty the TO Commander, on proposal by the Bosnian-Serb President.[87]

37. The President of the Bosnian-Serb Assembly controlled the procedure of the legislative body.[88] The Assembly President had the power to propose the agenda of Assembly sessions and to convene the Assembly at his initiative, or upon demand of the Bosnian-Serb Government or one-third of the deputies of the Assembly.[89] The Assembly President was to sign laws following their adoption.[90] In a state of war or imminent threat of war, the Assembly President could propose that laws be adopted without debate.[91] **Treanor** testified that Momčilo Krajišnik chaired the Bosnian-Serb Assembly from 24 October 1991, while he continued to preside over the Bosnia-Herzegovina Assembly until at least January 1992.[92] Based on the various positions Krajišnik held within the SDS and SDS-affiliated institutions, as well as being an influential member of the SDS Main Board, he was one of the party's chief policymakers.[93] His prominent position and *de facto* authority were reflected in dozens of telephone conversations with Karadžić between May 1991 and February 1992.[94] Krajišnik regularly consulted Karadžić and the two met regularly to reach decisions and set policies.[95] According to Treanor, Krajišnik was one of Karadžić's closest

[84] Adjudicated Facts I, no. 162.
[85] Adjudicated Facts I, no. 244.
[86] P3048 (Defence Act of the Bosnian-Serb Republic, 1 June 1992), Art. 6.
[87] P3008 (Law on National Defence of the Bosnian-Serb Republic, 28 February 1992), Art. 5; P3048 (Defence Act of the Bosnian-Serb Republic, 1 June 1992), Arts 83-84.
[88] Adjudicated Facts I, no. 163.
[89] Adjudicated Facts I, no. 164.
[90] Adjudicated Facts I, no. 165.
[91] Adjudicated Facts I, no. 167.
[92] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), paras 41, 69, 167, 169.
[93] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), paras 14, 41, 69.
[94] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), paras 14, 41, 69.
[95] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), paras 15, 71.

collaborators, often acting as his equal rather than his subordinate and frequently exercising *de facto* powers, especially with respect to the MUP.[96] He was the second most influential leader within the Bosnian-Serb and SDS leadership.[97]

38. Based on the foregoing, the Trial Chamber finds that the Bosnian-Serb Assembly was founded on 24 October 1991 and functioned in parallel to the Bosnia-Herzegovina Assembly until at least January 1992. The SDS was the dominant party in the Bosnian-Serb Assembly. The Bosnian-Serb Assembly was vested with constitutional and legislative authority. In the sphere of defence, the Bosnian-Serb Assembly was tasked with, *inter alia*, the organization of the defence system and formulation of defence policy; determining the sources of financing the defence; and defining ways to obtain material supplies for defence requirements. Between 28 February and 1 June 1992, the Bosnian-Serb Assembly was also entitled to appoint to and relieve from duty the TO Commander.

39. Momčilo Krajišnik, as the President of the Bosnian-Serb Assembly from 24 October 1991, controlled the procedure of the legislative body and had the power to convene the assembly and to propose the agenda of Bosnian-Serb Assembly sessions. In case of a state of war or imminent threat of war, the President of the Bosnian-Serb Assembly could propose that laws be adopted without debate. The President of the Assembly was a member of the SNB between 27 March and at least 15 May 1992; a member of the Bosnian-Serb Presidency between 12 May and 17 December 1992; and a member of the Supreme Command of the VRS from November 1992 onwards.

40. The Trial Chamber will further consider these findings in chapter 9, below.

2.1.3 Bosnian-Serb Government

41. In this chapter, the Trial Chamber will review the evidence with regard to the Bosnian-Serb Government. In this respect, the Trial Chamber took judicial notice of a number of Adjudicated Facts. Further, it received documentary evidence and finds that this evidence is consistent with the Adjudicated Facts.[98] It also received evidence from

[96] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 15
[97] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 15.
[98] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 54; P3007 (Constitution, 28 February 1992), Arts 91-92, 94, 97; P3048 (Defence Act of the Bosnian-Serb Republic, 1 June 1992), Arts 8, 10; P4903 (Law on the Bosnian-Serb Government, 29 September 1992).

Patrick Treanor, an intelligence analyst;[99] **Reynaud Theunens**, a military intelligence analyst;[100] and **Richard Butler**, an intelligence research specialist.[101]

42. On 21 December 1991, the deputies of the Bosnian-Serb Assembly proceeded to establish a Ministerial Council, which was to act under the assembly.[102] The Ministerial Council became the Bosnian-Serb Government following the Assembly's passage of the Government Act on 28 February 1992.[103] The Bosnian-Serb Constitution vested the Bosnian-Serb Government with executive authority, under the formal control of the Assembly.[104] Headed by the Prime Minister, two deputy Prime Ministers, and 13 Ministers, the Government functioned through the work of its Ministries and permanent working bodies.[105] The Bosnian-Serb Government was to report to the Assembly on its progress in policy implementation and law enforcement.[106] Based on an evaluation of the Government's work, the Assembly could hold a vote of no-confidence.[107] The Government was to make its decisions by a simple majority vote, in sessions with a majority of the members attending.[108] It was to cooperate with municipal executive organs by having their representatives participate in Government sessions, as well as by having Ministers participate in sessions of the municipal organs.[109]

43. While still a member of the Bosnia-Herzegovina Government, Branko Đerić was nominated by Biljana Plavšić for the post of Prime Minister in the Bosnian-Serb Government.[110] On 24 March 1992, the Bosnian-Serb Assembly elected Branko Đerić as Prime Minister and he was sworn in that same day.[111] **Patrick Treanor** testified that on 24 March 1992, the Bosnian-Serb Assembly also elected Aleksandar Buha as Minister of Foreign Affairs and Mićo Stanišić as Minister of Interior.[112] Serbs who had been serving in ministerial posts in the Government of Bosnia-Herzegovina were appointed by the Bosnian-Serb Assembly as Ministers to equivalent positions in the

[99] P3001 (Patrick Treanor, *curriculum vitae*), p. 3.
[100] Reynaud Theunens, T.20230; P3093 (Reynaud Theunens, *curriculum vitae*), pp. 1-4.
[101] Richard Butler, T. 16108; P2094 (Richard Butler, *curriculum vitae*).
[102] Adjudicated Facts I, nos 98, 100, 180.
[103] Adjudicated Facts I, no. 180.
[104] Adjudicated Facts I, no. 174.
[105] Adjudicated Facts I, no. 175.
[106] Adjudicated Facts I, no. 176.
[107] Adjudicated Facts I, no. 177.
[108] Adjudicated Facts I, no. 178.
[109] Adjudicated Facts I, no. 179.
[110] Adjudicated Facts I, no. 181.
[111] Adjudicated Facts I, no. 143.
[112] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 179.

Bosnian-Serb Government.[113] Where no Serb sat as Minister or deputy Minister in the Bosnia-Herzegovina Government, the Prime Minister was to propose candidates for ministerial posts in the Bosnian-Serb Government to the Bosnian-Serb Assembly.[114]

44. In the first days of April 1992, following international recognition of Bosnia-Herzegovina as an independent state and the beginning of the conflict, the Bosnian-Serb leadership relocated to Pale, about 20 kilometres from Sarajevo.[115] The Kikinda Hotel in Pale functioned as the seat of the Bosnian-Serb institutions (Assembly, Presidency, Government) until June 1992.[116] In April 1992, Nikola Koljević proposed to JNA colonel Bogdan Subotić that he set up a Bosnian-Serb MoD. Đerić and the Assembly were aware of this.[117] Subotić accepted the assignment, moved to Pale, and with the assistance of the SFRY MoD, started organizing the Bosnian-Serb MoD and preparing drafts of the Law on Defence and Law on the Army.[118] These drafts were eventually adopted by the Government and submitted to the Bosnian-Serb Assembly.[119] Buha, as the Minister of Foreign Affairs, was in charge of contacts with international representatives, including those from the USA and the OSCE.[120] The Ministry of Information, under Velibor Ostojić, dealt with general public information and would distribute and report on the statements from Government sessions, press briefings, and news conferences.[121] Dragan Kalinić, Minister of Health and Social Affairs, was in charge of cooperation with international humanitarian organizations.[122] On 22 April 1992, Momčilo Pejić was elected Deputy Prime Minister and Momčilo Mandić was appointed Minister of Justice and Administration.[123] **Treanor** testified that on 8 June 1992, the Presidency appointed Milan Trbojević as Deputy Prime Minister.[124] In October 1992, Đerić resigned from his post as Prime Minister.[125]

[113] Adjudicated Facts I, no. 182.
[114] Adjudicated Facts I, no. 183.
[115] Adjudicated Facts I, no. 188.
[116] Adjudicated Facts I, no. 189.
[117] Adjudicated Facts I, no. 190.
[118] Adjudicated Facts I, no. 191.
[119] Adjudicated Facts I, no. 192.
[120] Adjudicated Facts I, no. 184.
[121] Adjudicated Facts I, no. 185.
[122] Adjudicated Facts I, no. 186.
[123] P3036 (Minutes of the joint meeting of the SNB and the Bosnian-Serb Government, 22 April 1992), p. 3.
[124] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 238.
[125] Adjudicated Facts I, no. 201.

45. The Bosnian-Serb Government sat for the first time as an independent executive body, distinct from the SNB (see chapter 2.1.1) on 23 May 1992.[126] Nedeljko Lakić, secretary of the Government from 27 April 1992 onwards, would see Prime Minister Đerić about twice a week and would liaise with him and other Ministers to organize the sessions of the Bosnian-Serb Government.[127] After each session, Lakić would write the minutes of the meetings and show them to Đerić.[128] Legislative proposals were forwarded to the Assembly, while decisions within the competence of the Government were published in the *Official Gazette*.[129] By early May 1992, the Government had at its disposal in Pale a Republican Information Centre which connected with regional communication centres in Bosnian-Serb territory.[130] It operated 24 hours per day and had five employees.[131] By June 1992, written reports, as well as dozens of telegrams, were received daily by the centre and sent on to the intended recipients.[132]

46. The Bosnian-Serb Constitution entrusted the Bosnian-Serb Government with the power to propose and ensure the passing and enforcement of laws, other regulations, and general enactments. Further, the Bosnian-Serb Government was to enact decrees, decisions, and other acts for the enforcement of laws, as well as to give its opinion on draft laws and other regulations submitted to the Bosnian-Serb Assembly by other entities. The Bosnian-Serb Government was to coordinate the work of ministries and other bodies.[133] The Government was concerned with the issue of deserted houses and apartments in the municipalities, as well as the issue of Muslim-owned property in general.[134] It would send individual Ministers to visit municipal assemblies in order to be kept up to date on the situation.[135] On 8 May 1992, the Bosnian-Serb Government established a Central Commission for the Exchange of Prisoners of War and Arrested Persons.[136] On 10 May 1992, the SNB and the Government appointed the members of the Commission, who included representatives from the Bosnian-Serb MoD, the MUP, and the MoJ.[137] The Commission's official role was to coordinate exchanges and

[126] Adjudicated Facts I, no. 187.
[127] Adjudicated Facts I, no. 193.
[128] Adjudicated Facts I, no. 194.
[129] Adjudicated Facts I, no. 195.
[130] Adjudicated Facts I, no. 198.
[131] Adjudicated Facts I, no. 199.
[132] Adjudicated Facts I, no. 200.
[133] P3007 (Constitution of the Bosnian-Serb Republic, 28 February 1992), Art. 90.
[134] Adjudicated Facts I, no. 196.
[135] Adjudicated Facts I, no. 197.
[136] Adjudicated Facts I, no. 211.
[137] Adjudicated Facts I, nos 211-212.

provide information on captured persons.[138] As part of that role, the Commission was to differentiate between civilians and POWs, with a view to releasing the former and preventing crisis staffs or paramilitary formations from committing crimes against the latter.[139] In practice, exchanges of prisoners were left to the authority of the individual exchange commissioners in each region.[140]

47. The Bosnian-Serb Government had the authority to propose a defence plan and carry out defence preparations.[141] The MoD was to be in charge of mobilization efforts.[142] In case of a state of emergency, war, or the imminent threat of war, ministries were to implement laws and war regulations, carry out the tasks set out in the defence plan of the Bosnian-Serb Republic, and be responsible for ensuring that the fields for which they were established functioned properly.[143] The MoD was to organize, coordinate, and participate in the drafting of the Bosnian-Serb Republic's Defence Plan; keep conscription and mobilization records; and define the organization and tasks of the military administration during a state of emergency, in time of war, or the imminent threat of war.[144] On 13 June 1992, the Law on the Ministries entered into force.[145] According to this law, the ministries were the administrative organs of the Bosnian-Serb Republic.[146] According to **Reynaud Theunens**, Article 7 of the Law on the Ministries confirmed that the duties of the MoD were first and foremost of an administrative nature and that the Minister of Defence did not have command authority over the VRS.[147] **Richard Butler** testified that the Minister of Defence was not within the chain of command and he did not have any direct oversight over the planning or conduct of VRS operations.[148]

48. Based on the foregoing, the Trial Chamber finds that the Ministerial Council, established on 21 December 1991, became the Bosnian-Serb Government following the Bosnian-Serb Assembly's adoption of the Government Act on 28 February 1992. The

[138] Adjudicated Facts I, no. 213.
[139] Adjudicated Facts IV, no. 214.
[140] Adjudicated Facts IV, no. 214.
[141] Adjudicated Facts I, no. 241.
[142] Adjudicated Facts I, no. 242.
[143] P3048 (Defence Act of the Bosnian-Serb Republic, 1 June 1992), Art. 9.
[144] P3048 (Defence Act of the Bosnian-Serb Republic, 1 June 1992), Art. 10. *See also* P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), paras 2.2, 2.4, 2.10.
[145] P4904 (Law on the Ministries, 13 June 1992), p. 1, Art. 33.
[146] P4904 (Law on the Ministries, 13 June 1992), Art. 1.
[147] P3029 (Expert Report of Reynaud Theunens, September 2012), Part II, Section 3, pp. 63-64; P4904 (Law on the Ministries, 13 June 1992), Art. 7.
[148] P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 2.2.

Bosnian-Serb Government sat for the first time as an independent executive body on 23 May 1992. The Government consisted of a Prime Minister, two deputy Prime Ministers, and 13 Ministers and it functioned through the work of its Ministries and permanent working bodies. Branko Đerić was the Prime Minister in the Bosnian-Serb Government from 24 March until October 1992. The Ministers included, *inter alios*, Bogdan Subotić, Minister of Defence; Mićo Stanišić, Minister of Interior; Aleksandar Buha, Minister of Foreign Affairs; Velibor Ostojić, Minister of Information; Dragan Kalinić, Minister of Health and Social Affairs; and Momčilo Mandić, Minister of Justice and Administration.

49. The Bosnian-Serb Constitution vested the Bosnian-Serb Government with executive authority, under the formal control of the Bosnian-Serb Assembly. The Bosnian-Serb Government was to cooperate with municipal executive organs by having their representatives participate in Bosnian-Serb Government sessions, as well as by having Ministers participate in sessions of the municipal organs. Furthermore, the Bosnian-Serb Government had the authority to propose a defence plan and carry out defence preparations, while the MoD was to be in charge of mobilization efforts. The Minister of Defence did not have command authority over the VRS. On 8 May 1992, the Bosnian-Serb Government established a Central Commission for the Exchange of Prisoners of War and Arrested Persons, which comprised representatives from the Bosnian-Serb MoD, the MUP, and the MoJ.

50. The Trial Chamber will further consider these findings in chapter 9, below.

2.2 Regional and municipal political structures

2.2.1 Regional political structures

51. In this chapter, the Trial Chamber will review the evidence on regional political structures in the Bosnian-Serb Republic, namely the SAOs including the ARK. The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to these regional political structures.[149] Further, it received evidence from **Patrick Treanor**, an intelligence analyst,[150] as well as documentary evidence, and finds that this evidence is consistent with the Adjudicated Facts.[151] The Trial Chamber also received evidence from **Mane Đurić**, Head of the SJB Vlasenica as of 20 May 1992;[152] **Miloš Šolaja**, Editor-in-chief within the 1KK Press Centre from 18 July 1992 until the end of the war;[153] and **Milenko Stanić,** President of the Vlasenica Municipal Assembly from the beginning of 1991 to the beginning of 1993 and President of the SAO Birač Executive Council.[154]

General

52. The Bosnian-Serb Republic was composed of so-called SAOs, which included the ARK.[155] At least three communities of municipalities – Eastern and Old Herzegovina, Bosnian Krajina (ARK), and Romanija – became SAOs in September 1991.[156] **Patrick Treanor** testified that the ARK was established after SDS officials had met in Pale on 7 September 1991.[157] More SAOs were formed between September and

[149] Adjudicated Facts I nos 37-38, 40, 42, 54-55, and 57 are reviewed in chapters 9.2.2.
[150] P3001 (Patrick Treanor, *curriculum vitae*), p. 3.
[151] **Patrick Treanor**: P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), paras 136, 142-143, 148. **Documentary evidence**: P3861 (Decision of SDS Executive Board, 24 February 1992); P6485 (ARK Assembly Decision on proclamation of ARK, 16 September 1991), p. 1; P4031 (Decision of the SDS Executive Board on the appointment of Vojo Krunić and Radomir Nešković as coordinators for the SAO Eastern Herzegovina, 24 February 1992), pp. 1-2; P4032 (Decision of the SDS Executive Board on the appointment of Jovo Šarac and Milovan Žugić as coordinators for the SAO Romanija, 24 February 1992), pp. 1-2; P4033 (Decision of the SDS Executive Board on the appointment of Jovo Jovanović and Milivoje Prijić as coordinators for the city of Sarajevo, 24 February 1992), pp. 1-2; P4034 (Decision of the SDS Executive Board on the appointment of Simo Mihić and Slobodan Babić as coordinators for the SAO Northern Bosnia, 24 February 1992).
[152] Mane Đurić, T. 27630.
[153] D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 4.
[154] D884 (Milenko Stanić, witness statement, 16 February 2013), paras 1-2, 5; Milenko Stanić, T. 30850, 30883-30884, 30904.
[155] Adjudicated Facts I, no. 110.
[156] Adjudicated Facts I, no. 56.
[157] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), paras 135-136.

November 1991: Semberija-Majevica, Northern Bosnia, and Birač.[158] According to **Treanor**, the number of SAOs did not remain stable, nor did their names. On 21 November 1991, the Bosnian-Serb Assembly verified a number of SAOs, including one called SAO Romanija-Birač. However, an SAO Romanija-Birač was never formed and was instead two separate districts that continued to exist as separate districts throughout the summer of 1992.[159] On 21 December 1991, the Bosnian-Serb Assembly appointed Jovan Čizmović as the co-ordinator between the executive bodies of the SAOs and the ARK.[160]

53. **Treanor** testified that on 12 May 1992, references to the role of the regions in defence as specified in the Bosnian-Serb Constitution as well as references to the TO in the Bosnian-Serb defence law were eliminated, which reflected a general restructuring of the Bosnian-Serb defence legislation in connection with the establishment of the VRS. In the new Bosnian-Serb defence law, which was enacted on 1 June 1992, references to the regions as well as to the municipalities in defence were removed.[161] The Constitution was amended again on 14 September 1992. References to 'autonomous districts' in defining the Bosnian-Serb territory were eliminated. Based on remarks published in the SDS journal *Javnost* on 19 September 1992, Treanor concluded that this amendment reflected the Bosnian-Serb leadership's intention to eliminate the regional territorial-administrative level.[162] On 21 September 1992, the Bosnian-Serb Government ordered the elimination or transformation of all regional funds which had been designated for the functioning of the SAOs.[163] According to Treanor, while the activities of the SAOs did not cease abruptly, the ARK Assembly was apparently disbanded by 23 October 1992.[164]

ARK

54. The ARK was a regional body, vested with both executive and legislative powers within its area of jurisdiction, which acted as an intermediate level of authority between

[158] Adjudicated Facts I, no. 57.
[159] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 137.
[160] P3770 (Appointment of co-ordinator between ARK and Serb autonomous regions, 21 December 1991).
[161] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 157.
[162] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 158.
[163] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 160.
[164] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 161.

the Bosnian-Serb Republic and the municipalities.[165] Upon the creation of the ARK on 16 September 1991, Radoslav Brđanin became its first Vice-President. In October 1991, he became a member of the Bosnian-Serb Assembly.[166] According to **Treanor**, the statute of the Community of Municipalities of the Bosnian Krajina continued to apply to the ARK.[167] According to the 16 September 1991 ARK Assembly decision on the proclamation of the ARK, federal law, regulations, and other general legislation were to apply in the ARK. Laws, regulations, and legislation of the region as well as the legislation of Bosnia-Herzegovina were to be valid unless contrary to the SFRY Constitution or laws, regulations, and other general legislation of the FRY, until the enactment of regional laws, regulations, and other general legislation.[168]

55. In terms of its Statute, the ARK was a voluntary association. In this context, in the municipalities where the Bosnian Serbs enjoyed a majority, the decision to join the ARK was in fact taken only by the Bosnian-Serb municipal delegates of these municipalities, with the SDA and the HDZ delegates either opposed to this idea or unaware that such a decision was being taken. In the municipalities where the Bosnian Serbs were in a minority, the decision by the respective municipalities to join the ARK was taken either without the majority of votes provided for by the law or by the assemblies of the newly established Bosnian-Serb municipalities.[169]

56. **Treanor** testified that the ARK Assembly, which comprised delegates from assemblies whose municipalities had joined the ARK, was the ARK's 'fundamental bearer of the functions'. The ARK Assembly's powers included the enactment of a 'statute' and of decisions and conclusions as well as the formation of an Executive Council.[170] The agenda for the 16th session in April 1992 also referred to the establishment of the ARK's National Defence Council.[171] On 9 May 1992, the ARK Crisis staff adopted a decision pursuant to which all of its decisions and conclusions were to be binding for all municipalities.[172] On 15 May 1992, the ARK Crisis Staff issued a set of instructions for the establishment of a duty operations rota in the ARK

[165] Adjudicated Facts I, no. 411.
[166] Adjudicated Facts I, no. 415.
[167] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 140.
[168] P6485 (ARK Assembly Decision on proclamation of ARK, 16 September 1991), p. 1. *See also* P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 141.
[169] Adjudicated Facts I, no. 412.
[170] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 142.
[171] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 146.
[172] P3782 (Decision of the ARK Crisis Staff, 9 May 1992).

and all municipal crisis staffs. The aim was to ensure the direct monitoring of the situation in the civilian sector in the ARK; provide instructions for implementation of conclusions, decisions, and orders of the crisis staffs; and ensure that state organs and business enterprises could be activated at any moment.[173] Among other instructions, the document established that the duty operations officer of the municipal crisis staff had to inform his counterpart in the ARK Crisis Staff of all important events and problems in the municipality.[174] According to **Treanor**, in June 1992, an amendment to the ARK's Statute made the ARK Assembly's decisions binding for all member municipalities.[175] Despite the provisions in Articles 4 and 5 of the ARK Statute, suggesting that the ARK was a multi-ethnic institution, the ARK was in practice a 'Serbian' organisation. Out of the 189 delegates to the ARK Assembly, only a negligible number were of Bosnian-Croat or Bosnian-Muslim ethnicity.[176]

57. On 22 January 1992, the first regional crisis staff of the ARK was covertly formed.[177] With regard to the notion and function of crisis staffs in the Bosnian-Serb Republic, see generally chapter 2.2.2, below. According to **Treanor**, on 5 May 1992, the ARK Executive Council issued a decision forming an ARK War or Crisis Staff.[178] The ARK Crisis Staff considered itself to be fulfilling the role allotted by the Constitutions of the SFRY and the Socialist Republic of Bosnia-Herzegovina to the Presidencies of socio-political communities during a state of war or imminent threat of war, assuming all powers and functions of the ARK Assembly, therefore, becoming the highest organ of civilian authority of the ARK.[179] On 5 May 1992, Radoslav Brđanin was appointed President of the newly created ARK Crisis Staff, which became the ARK War Presidency on 9 July 1992. Brđanin retained this position until the abolition of the ARK on 15 September 1992.[180] The ARK Crisis Staff had 15 core members with Radoslav Brđanin appointed as President and the head of the Secretariat for National Defence of the ARK, Lieutenant Colonel Milorad Sajić appointed as Vice-President. The other core members of the ARK Crisis Staff included: the Deputy of the Bosnian-Serb Assembly Vojo Kuprešanin; the President of the ARK Executive Council Nikola

[173] P3937 (Instructions by the ARK Crisis Staff to ARK and Municipal Crisis Staffs, 15 May 1992), p. 2.
[174] P3937 (Instructions by the ARK Crisis Staff to ARK and Municipal Crisis Staffs, 15 May 1992), pp. 3-4.
[175] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 142.
[176] Adjudicated Facts I, no. 413.
[177] Adjudicated Facts I, no. 416.
[178] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 148.
[179] Adjudicated Facts I, no. 417.

Erceg; the President of the Banja Luka Municipal Assembly and the Banja Luka Crisis Staff Predrag Radić; the Co-ordinator of the ARK for the SDS Main Board Radislav Vukić; the Deputy of the Bosnian-Serb Assembly Milovan Milanović; the Commander of the 1KK of the VRS General Momir Talić; VRS Air Force officer Major Zoran Jokić; the Head of the Banja Luka CSB Stojan Župljanin; Dr Rajko Kuzmanović; the Public Prosecutor in Banja Luka Milan Puvačić; the Judge in charge of the Banja Luka Court Jovo Rosić; Slobodan Dubočanin; and Nenad Stevandić. According to the version of the decision on the establishment of the ARK Crisis Staff that was published in the ARK *Official Gazette*, Đuro Bulić and Nedeljko Kesić were also members of the ARK Crisis Staff.[181] Nenad Stevandić was the head of the SOS and Slobodan Dubočanin was connected with the SOS and the Special Intervention Squad.[182]

58. On 24 February 1992, the SDS Executive Board assigned 'coordinators' for the ARK and the different SAOs.[183] Among other tasks, these coordinators were to ensure the implementation of decisions of the Bosnian-Serb Assembly and the Bosnian-Serb Government and to take part in the work of the regional crisis staffs.[184] Moreover, while no senior SDA or HDZ politician ever participated in any session of the ARK Assembly, senior SDS members at the level of the Bosnian-Serb Republic, including Karadžić, as well as high ranking officers of the army, took a vital interest in the work of the ARK and participated in a number of sessions of the ARK Assembly.[185] In August 1992, the ARK Assembly expressed its support for the political leadership of the Bosnian-Serb Republic.[186]

59. **Treanor** testified that on 28 May 1992, the ARK Crisis Staff called for the organisation of the work of the Regional Defence Secretariat.[187] The ARK Crisis Staff determined on 14 May 1992 that 'reserved' funds would continue to fund the judiciary, police, the TO, and other republican institutions in the ARK, and that it would inform the Bosnian-Serb Government that it had fulfilled its obligations toward these ARK

[180] Adjudicated Facts I, no. 418.
[181] Adjudicated Facts I, no. 419.
[182] Adjudicated Facts I, no. 420.
[183] Adjudicated Facts I, no. 379.
[184] Adjudicated Facts I, no. 379.
[185] Adjudicated Facts I, no. 414.
[186] D444 (Minutes of the 23rd meeting of the Bosnian-Serb Presidency, 5 August 1992), p. 1.
[187] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 148.

institutions. These measures were to remain in force until the Bosnian-Serb Government guaranteed that it would fund these institutions.[188]

60. By 17 July 1992, the ARK Crisis Staff had stopped exercising its powers and functions in practice.[189] **Miloš Šolaja** testified that when the ARK Crisis Staff was abolished, its members, who held high positions in the government and army, all retained their jobs.[190] According to **Treanor**, the ARK Assembly held its 18th and final session on 17 July 1992.[191] The ARK War Presidency continued to meet at least until 8 September 1992, just one week prior to the adoption of the Bosnian-Serb constitutional amendment that abolished the ARK as a territorial unit of the Bosnian-Serb Republic.[192]

SAO Birač

61. **Mane Đurić** testified that Milenko Stanić was the president of the government of the SAO Birač, which included Vlasenica Municipality.[193] During the second session of the SAO Birač Assembly held on 5 February 1992, members of the SAO Birač Executive Council and of the working bodies of the SAO Birač Assembly were appointed.[194] On 29 April 1992 and pursuant to a decision by the SNB and the Bosnian-Serb Government, the SAO Birač Crisis Staff proclaimed a state of war for the entire SAO and ordered the general mobilisation of able-bodied men.[195] **Milenko Stanić** testified that there was no SAO Birač Crisis Staff at the time the decision was taken and that Miroslav Deronjić, who signed the decision on general mobilisation, was a member of the Bratunac Crisis Staff.[196] The last meeting of the SAO Birač Executive Council took place around mid-May 1992, but afterwards its members were not divested of their posts.[197]

[188] P2868 (Conclusion of ARK Crisis Staff Banja Luka, 14 May 1992), p. 1.
[189] Adjudicated Facts IV, no. 421.
[190] Miloš Šolaja, T. 32753-32754.
[191] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 158.
[192] Adjudicated Facts IV, no. 421.
[193] D732 (Mane Đurić, witness statement, 30 July 2014), paras 6-7.
[194] P7080 (Minutes from the second session of the Assembly of the SAO Birač, 5 February 1992), pp. 1, 3-4.
[195] P3982 (Decision of the Crisis Staff of the SAO Birač on the proclamation of state of war, 29 April 1992).
[196] Milenko Stanić, T. 30918; P3982 (Decision of the Crisis Staff of the SAO Birač on the proclamation of state of war, 29 April 1992).
[197] Milenko Stanić, T. 30922.

The Trial Chamber's findings

62. Based on the foregoing, the Trial Chamber finds that the SAOs were regional territorial units comprised of municipalities within the Bosnian-Serb Republic. In September 1991, the SDS established several SAOs, including SAO North-eastern Bosnia, SAO Romanija, SAO Northern Bosnia, and SAO Birač in the Bosnian-Serb Republic. The ARK was established on 16 September 1991.

63. Concerning the SAO Birač, on 5 February 1992 the SAO Birač Assembly appointed an Executive Council. By at least 29 April 1992, a SAO Birač Crisis Staff had been established.[198] The last meeting of the SAO Birač Executive Council took place around mid-May 1992, but its members were then not divested of their posts.

64. Turning to the ARK, it was vested with both executive and legislative powers within the ARK's territorial jurisdiction. Its organs acted as an intermediate level of authority between the Bosnian-Serb Republic and the municipalities. The ARK Assembly exercised legislative powers, including issuing decisions. It was comprised of delegates from the municipal assemblies of the municipalities that were members of the ARK. The delegates were almost exclusively Bosnian Serbs, with few Bosnian Croats or Bosnian Muslims. From June 1992 onwards, the ARK Assembly's decisions were binding for all member municipalities pursuant to the ARK Statute. The ARK Assembly also appointed an Executive Council, which exercised executive powers. The ARK Executive Council was responsible for carrying out the ARK Assembly's decisions in cooperation with the responsible municipal organs.

65. Although a crisis staff had already been formed covertly on 22 January 1992, on 5 May 1992 the ARK Executive Council officially formed a regional crisis staff for the ARK. The ARK Crisis Staff assumed all powers and functions of the ARK Assembly during a state of war or imminent threat of war and, thereby, became the highest organ of civilian authority of the ARK. The ARK Crisis Staff included the non-VRS and MUP members as listed in Adjudicated Fact no. 419.[199] On 9 July the ARK Crisis Staff became the ARK War Presidency and accordingly stopped exercising its powers and functions as the ARK Crisis Staff by 17 July 1992. The ARK Assembly held its final

[198] The Trial Chamber received evidence from Milenko Stanić, who testified that no crisis staff had been formed in the SAO Birač in April 1992. However, the Trial Chamber received reliable documentary evidence, such as a decision on general mobilisation dated 29 April 1992 taken by and signed by the SAO Birač Crisis Staff, and will therefore not rely on the witness's evidence in this regard.

session on 17 July 1992. The ARK War Presidency continued to meet at least until 8 September 1992. A week later, a constitutional amendment abolished the SAOs, including the ARK, but the activities of the SAOs, including the ARK, did not immediately cease. By 23 October 1992, the ARK Assembly was formally disbanded.

66. Regarding the relationship between the SAOs and the Bosnian-Serb Republic, the Trial Chamber finds that senior republican SDS members, including Karadžić, took a vital interest in the work of the ARK and participated in a number of sessions of the ARK Assembly. Coordinators, assigned by the SDS Executive Board, were responsible for ensuring the implementation of decisions of the Bosnian-Serb Assembly and Bosnian-Serb Government as well as taking part in the work of the regional crisis staffs.

67. The Trial Chamber will further consider these findings in chapter 9, below.

2.2.2 Municipal political structures

68. In this chapter, the Trial Chamber will review the evidence on municipal political structures in the Bosnian-Serb Republic, namely the crisis staffs, war presidencies, and war commissions. The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to these municipal political structures. Further, it received evidence from **Dorothea Hanson**, a research officer for the Prosecution Leadership Research Team;[200] **Nenad Davidović**, the Chief of Medical Service in the 6th Krajina Brigade from June 1992 until the end of the war;[201] **Witness GRM-014**, a Serb from Ključ Municipality;[202] and **Witness RM-016**, a Bosnian Serb from Banja Luka,[203] as well as documentary evidence, and finds that this evidence is consistent with the Adjudicated Facts.[204] The Trial Chamber also received evidence from **Miloš Šolaja**,

[199] The Trial Chamber received evidence on the membership of VRS personnel in the ARK Crisis Staff and will discuss this evidence in chapter 9.2.9.
[200] P378 (Dorothea Hanson, *curriculum vitae*), p. 1; Dorothea Hanson, T. 4141.
[201] D897 (Nenad Davidović, witness statement, 4 March 2014), para. 3.
[202] D869 (Witness GRM-014, witness statement, 17 June 2014), p. 1, paras 1-2; Witness GRM-014, T. 30331; D868 (Pseudonym sheet for Witness GRM-014).
[203] P2375 (Witness RM-016, witness statement, 5 August 2013), p. 1, paras 4, 11, 16; Witness RM-016, T. 17398.
[204] **Nenad Davidović**: D897 (Nenad Davidović, witness statement, 4 March 2014), paras 3, 15-16; Nenad Davidović, T. 31547. **Dorothea Hanson**: P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), paras 23, 32, 38-39, 41, 44, 47, 49-51, 53-55. **Witness RM-016**: P2375 (Witness RM-016, witness statement, 5 August 2013), paras 25, 32, 53, 56, 60; P2376 (Clarifications to statement of Witness RM-016).**Witness GRM-014**: Witness GRM-014, T. 30349-30350, 30365-30366. **Documentary evidence**: P401 (Instructions for municipal presidencies, 24 May 1992); P402 (Decision on formation of municipal war presidencies in municipalities, 31 May 1992);

Editor-in-chief within the 1KK Press Centre from 18 July 1992 until the end of the war;[205] and **Patrick Treanor**, an intelligence analyst.[206]

Background

69. The former Socialist Republic of Bosnia-Herzegovina was divided into 109 territorial units of self-management which possessed a certain level of autonomy. Each of these municipalities (opština) was governed by a municipal assembly, consisting of members directly elected by the local population, which in turn elected an Executive Council from its own members.[207] The municipal assembly was by law the highest organ of municipal authority.[208] It was headed by the assembly president and one or more vice-presidents, who were elected by the assembly from its members for a four-year term. It consisted of a single chamber with quotas for its ethnic composition.[209] The assembly could determine the organization and functioning of the executive board and other local government authorities.[210] The assembly president was to convene assembly sessions, initiate debate, and sign assembly decisions, which were to be reached by majority vote.[211] An executive organ (a board or a committee), together with a number of administrative organs or departments, was to be in charge of the implementation of assembly decisions.[212] This body consisted of the committee president, elected from among the municipal assembly delegates for a four-year term, and of functionaries directing various municipal administrative organs.[213]

70. **Dorothea Hanson** testified that the concept of a collective municipal presidency equipped with extraordinary powers to deal with situations of war or an imminent threat of war already existed in the legislation of the former Socialist Republic of Bosnia-Herzegovina. This presidency, which consisted of the assembly's leadership and several

P3977 (Proposal for a work schedule for municipal bodies in war conditions, May 1992), p. 5; P6905 (SDS BiH Executive Board Secretary re: formation of war presidencies, 31 May 1992); P7046 (Information from Banja Luka CSB, undated).

[205] D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 4.

[206] P3001 (Patrick Treanor, *curriculum vitae*), p. 3. The evidence of Patrick Treanor is also reviewed in chapter 2.1.1.

[207] Adjudicated Facts I, no. 7.

[208] Adjudicated Facts I, no. 28.

[209] Adjudicated Facts I, no. 29.

[210] Adjudicated Facts I, no. 30.

[211] Adjudicated Facts I, no. 31.

[212] Adjudicated Facts I, no. 32.

[213] Adjudicated Facts I, no. 33.

additional members, would act on the municipal assembly's behalf.[214] The legislation also extended extraordinary emergency powers to another municipal body, namely the Committees for All-People's Defence and Social Self-Protection. These committees consisted of municipal leaders and representatives from the League of Communists, the JNA, the TO, and the secretariats of the national defence and internal affairs, and they served as coordinating operational and policy committees.[215]

71. The Trial Chamber also received evidence and Adjudicated Facts on the municipal political structures in the Bosnian-Serb Republic. The Bosnian-Serb Constitution provided for the territorial division of the Bosnian-Serb Republic into local units of self-management, such as cities and municipalities. Organization and operation of municipal authorities was to be determined and regulated by municipal statutes.[216] Each assembly had an executive committee and a network of municipal administrative organs charged with the implementation of the assembly decisions.[217] The Bosnian-Serb Constitution also bestowed on the municipalities the right and obligation to manage and organize the TO.[218]

Crisis Staffs

72. Crisis Staffs were formed in the SAOs to assume government functions and carry out general municipal management.[219] **Hanson** testified that a crisis staff was known in the SFRY as an *ad hoc* leadership body formed within an enterprise, municipality, or other unit of self-administration in response to a crisis or unusual situation. The SDS used this term and applied it to its own municipal party organ.[220] At the end of 1991, SDS municipal boards began forming SDS crisis staffs.[221] Their work was conducted within the party and coordinated with the SDS leadership's policies and plans.[222] Based

[214] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 11.
[215] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 14.
[216] Adjudicated Facts I, no. 369.
[217] Adjudicated Facts I, no. 370.
[218] Adjudicated Facts I, no. 371. *See also* Adjudicated Facts I, no. 408.
[219] Adjudicated Facts I, no. 372.
[220] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 13.
[221] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 26.
[222] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 31.

on the links it possessed to the highest levels of party leadership, the crisis staff operated as an elite inner circle within the SDS municipal boards.[223] Crisis staffs were created for the 'defense of the interest of the Serbian people', as well as to serve as municipal governments for territories that included non-Serbs.[224] In the first few months of 1992, while the Bosnian-Serb Republic institutions were being created, the SDS crisis staffs emerged more into the public view.[225]

73. By April or May 1992, the SDS crisis staffs in the Bosnian-Serb Republic were all fully set up and operational.[226] Once the SDS crisis staffs became municipal organs they functioned as the municipal authority when municipal assemblies could not operate due to the state of emergency, replacing both the municipal assembly and the executive committee.[227] **Hanson** testified that as the party bodies at the Bosnian-Serb republican level evolved into governmental organs of the Bosnian-Serb Republic in early 1992, the municipal crisis staffs changed from the 'SDS Crisis Staff' to 'Crisis Staff of the Serb Municipality', without altering its membership or policy.[228] On 4 April 1992, the SNB issued a public announcement, signed by Karadžić ordering the activation of the crisis staffs in case Bosnian TOs, Civilian Protection or reserve police were raised.[229] According to **Hanson**, this completed the transition of crisis staffs from party to governmental organs.[230] The municipal crisis staffs claimed that conditions prevented the municipal assemblies from functioning, thereby declaring themselves the highest organ of authority in the municipality.[231] The transformation of the crisis staffs from party to state organs, albeit largely completed by the end of April, was not instantaneous as some crisis staffs continued to consider themselves SDS organs as well as state

[223] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 24.
[224] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 23.
[225] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 31.
[226] Adjudicated Facts I, no. 374.
[227] Adjudicated Facts I, no. 375.
[228] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), paras 37, 44; P3899 (Announcement by National Security Council, 4 April 1992).
[229] P3899 (Announcement by National Security Council, 4 April 1992).
[230] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), paras 36, 37, 44.
[231] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 59.

organs. In June 1992 for example, the Sanski Most Crisis Staff declared that subcommittees of the SDS exercised power over the municipality's territory.[232]

74. The crisis staffs were most active from April to June 1992, when they took control of municipalities. Crisis staffs often met on a daily basis to issue orders, decisions, and conclusions aimed at securing control of the municipality.[233] **Miloš Šolaja** testified that the ARK and other crisis staffs were an interim stage between the break-up of the federal Yugoslav institutions and the establishment of the Bosnian-Serb Republic.[234]

75. As for the membership, the crisis staffs included leaders at the municipal level but also people with ties to the republican level of the SDS.[235] Members of the crisis staffs included SDS leaders, the JNA Commander for the area, Serb police officials, and the Serb TO Commander.[236] According to **Hanson**, the crisis staffs were to include the president of the municipal executive committee and were responsible for coordinating with competent authorities, namely government commissioners specifically appointed to war-threatened areas.[237] The president of the SDS municipal board, who was also the municipal assembly's president in most Serb-majority municipalities, was to head the crisis staff.[238] Crisis staff members also had individual responsibilities relating to their municipal positions.[239] Bosnian-Serb Assembly deputies also served as members of the municipal crisis staffs, taking on the prerogatives of the municipal governments, just as the Bosnian-Serb Assembly had taken on the prerogatives of a national legislature.[240] According to Hanson, the military presence in the crisis staffs ensured a commonality of purpose among the political and military bodies.[241]

[232] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 44.
[233] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 59.
[234] Miloš Šolaja, T. 32782.
[235] Adjudicated Facts I, no. 384.
[236] Adjudicated Facts I, no. 373.
[237] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), paras 39, 41. *See also* P408 (Extract from the instructions from the Bosnian-Serb Government concerning the work of Serbian crisis staffs in municipalities, 26 April 1992), paras 2, 11.
[238] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 24.
[239] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 40.
[240] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 32.
[241] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 86.

76. The crisis staffs received orders, instructions, and requests from the Bosnian-Serb Presidency, the SNB, and the Bosnian-Serb Government.[242] During the period of the creation of the institutions of the Bosnian-Serb Republic, in the absence of any formalized channels, the link between the municipal crisis staffs and the SDS leadership depended on informal contacts between them.[243] Newly emerging organs of the Bosnian-Serb Republic asserted their authority over the municipal crisis staffs and the municipal leaders looked to the central organs for guidance in establishing the Serb state on the ground.[244] Republic-level Bosnian-Serb organs, such as the SNB and the Bosnian-Serb Government, regarded the crisis staffs as being under their responsibility.[245] This was evidenced by their decision to draft more detailed instructions for the crisis staffs.[246] Members of the SDS Main Board, but in particular, the Bosnian-Serb Assembly deputies were the link from the republic level to the municipal.[247] The role of members of the SDS Main Board and Bosnian-Serb Assembly deputies was to transfer authority from the central to the municipal level and to convey information between those two levels.[248]

77. According to **Hanson**, the Bosnian-Serb leadership also intended that the regional crisis staffs exercise authority over the municipal crisis staffs, which was evidenced by the SDS Executive Board directive of 31 May 1992.[249] The Government Instructions for the Work of Crisis Staffs from 26 April 1992 required the crisis staffs to issue weekly reports to regional and state organs.[250] Regional organs also issued orders, instructions, and requests to the crisis staffs.[251] Municipal crisis staffs received

[242] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 60.
[243] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 31.
[244] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 38.
[245] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 42.
[246] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 42. *See also* P4158 (Minutes of the session of the SNB and the Bosnian-Serb Government, 27 April 1992), pp. 1-2.
[247] Adjudicated Facts I, no. 385.
[248] Adjudicated Facts I, no. 386.
[249] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 65. *See also* P6905 (SDS Executive Board Secretary re formation of war presidencies, 31 May 1992).
[250] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 65.
[251] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 60; P408 (Extract from the instructions from the Bosnian-Serb Government concerning the work of Serbian crisis staffs in municipalities, 26 April 1992), para. 14.

instructions from, acted upon decisions of, and reported to regional crisis staffs.[252] The municipal crisis staffs in the ARK received instructions from, acted upon decisions of, and reported to the ARK Crisis Staff.[253]

War Presidencies and War Commissions

78. In June 1992, in order to further centralize the power and streamline its authority, the Bosnian-Serb leadership pursued efforts to transform the municipal crisis staffs first into war presidencies and then, later, into war commissions. The three were, however, essentially the same body. One distinction between crisis staffs, war presidencies, and war commissions was that while the crisis staffs were meant to be replacing the municipal assemblies only, the war presidencies and war commissions were to replace both the assembly and the executive committee.[254] However, the crisis staffs already acted as executive organs.[255]

79. Specifically, on 22 April 1992, the SNB and the Bosnian-Serb Government in a joint meeting decided that the government would appoint a war presidency and war executive committees in those municipalities where the executive committees were not functioning.[256] The term 'war presidency' began to enter official state parlance a month later once the Bosnian-Serb leadership recognized the need to legalize and centralize the crisis staffs.[257]

80. On 23 May 1992, the abolition of the crisis staffs and the establishment of war presidencies were first discussed within the Bosnian-Serb Government.[258] In a meeting held on the same day, the Bosnian-Serb Government concluded that crisis staffs should be abolished and replaced by war presidencies pending the formation of regular

[252] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 65.
[253] Adjudicated Facts I, no. 380.
[254] Adjudicated Facts I, no. 387.
[255] Adjudicated Facts I, no. 388.
[256] P3036 (Minutes of the joint meeting of the SNB and the Bosnian-Serb Government, 22 April 1992), p. 2. *See also* P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 38.
[257] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 45.
[258] Adjudicated Facts I, no. 389.

governing organs.[259] According to instructions issued on 24 May 1992 by the Bosnian-Serb Presidency, municipal presidencies were to be formed to coordinate the defence and provide for the work of the military organs defending the 'Serbian' people; establish governmental power; and create and coordinate the functioning of legal organs of the 'Serbian' people in the municipalities.[260] The war presidencies were to consist of the president of the municipal assembly or another prominent figure in the municipality and a representative of the republic.[261] This representative was the commissioner.[262] One representative could cover several municipalities 'in conformity with the organization of the VRS.[263] The instructions mandated the Bosnian-Serb Presidency to appoint the commissioner who would assign the municipal presidencies in consultation with municipal organs, and provide support to the presidencies and the municipalities.[264] This commissioner was authorised to undertake all measures concerning the work of the municipalities and to ensure constant coordination and implementation of policies determined by the state organs and the VRS Main Staff.[265] **Hanson** testified that the commissioner would run the municipal war presidency, thereby linking the municipalities to the Bosnian-Serb Presidency and further coordinate and execute policies and measures of republic state organs, as well as the VRS.[266] This was essentially an exercise in renaming municipal crisis staffs and changing their name to 'war presidencies', without altering their membership.[267]

81. On 31 May 1992, the Bosnian-Serb Presidency took the formal decision to form war presidencies in the municipalities.[268] According to the decision, war presidencies were to be formed within 15 days in municipalities where the assembly and executive

[259] P410 (Minutes from a meeting of the Bosnian-Serb Government, 23 May 1992), para. 4. *See also* P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 46.
[260] P401 (Instructions for municipal presidencies, 24 May 1992).
[261] Adjudicated Facts I, no. 390.
[262] Adjudicated Facts I, no. 391.
[263] Adjudicated Facts I, no. 392.
[264] P401 (Instructions for municipal presidencies, 24 May 1992); P402 (Decision on formation of municipal war presidencies in municipalities, 31 May 1992). *See also* P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 47.
[265] P401 (Instructions for municipal presidencies, 24 May 1992); P402 (Decision on formation of municipal war presidencies in municipalities, 31 May 1992).
[266] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 47.
[267] Adjudicated Facts I, no. 393. The Trial Chamber understands, in light of Adjudicated Facts I, nos 390-392, that 'membership' refers to the previous members.
[268] Adjudicated Facts I, no. 390.

organ were unable to exercise their authority.[269] The war presidencies were to coordinate the activities for the defence of the 'Serbian' people and the establishment of the 'lawful' municipal authorities, perform the duties of the assembly and the executive organ until those organs were able to function, and create and facilitate the work of military organs and units defending the 'Serbian' people.[270] Crisis staffs would cease to operate once war presidencies were established.[271] According to **Hanson**, theoretically all crisis staffs should have become war presidencies after 31 May 1992.[272] Hanson testified that in practice, however, these decisions were neither immediately nor consistently applied, creating confusion noted even at the government level.[273]

82. On 1 June 1992, the Bosnian-Serb Constitution was amended by the Bosnian-Serb Presidency to allow war presidencies at both the republican and municipal levels.[274] The Presidency Decision on the Formation of War Commissions of 10 June 1992 further complicated the regulations on war presidencies.[275] On 10 June 1992, the Bosnian-Serb Presidency decided on the establishment of war commissions in the municipalities 'during war, imminent threat of war, or in the state of war'.[276] **Hanson** testified that war commissioners were tasked with passing on directives from the republic war presidency and reporting local problems and needs back up the chain.[277]

83. The war commissions were to consist of four members from the ranks of the most influential citizens within the crisis staff, the economy, and the ruling party, and a state commissioner, appointed by the Bosnian-Serb Presidency.[278] **Hanson** testified that

[269] P402 (Decision on formation of municipal war presidencies in municipalities, 31 May 1992). *See also* P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 47.
[270] P402 (Decision on formation of municipal war presidencies in municipalities, 31 May 1992). *See also* P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 48.
[271] P402 (Decision on formation of municipal war presidencies in municipalities, 31 May 1992). *See also* P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 47.
[272] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 53.
[273] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 54.
[274] Adjudicated Facts I, no. 394.
[275] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 50.
[276] P3692 (Minutes of the meeting of Presidency of the Bosnian-Serb Republic, 10 June 1992), p. 1. *See also* P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), paras 50, 53.
[277] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 51.
[278] Adjudicated Facts I, no. 398.

the republic war commissioner could appoint and dissolve municipal war commissions with the republic war presidency's agreement.[279] The state commissioner on a war commission was responsible for appointing municipal war commissions and providing them with his expertise and other assistance.[280] According to **Hanson**, because they were able to intervene in areas where local initiatives had not produced the desired result, the war commissions ensured greater central control.[281]

84. The exact setting-up and transformation from crisis staff, to war presidency, to war commission varied from municipality to municipality. Some of the factors determining this variation were location, time, and personalities.[282]

85. **Šolaja** testified that the Minister of Defence of the Bosnian-Serb Republic, Bogdan Subotić, announced the abolition of the crisis staffs at a press conference held at the 1KK Press Centre.[283] According to an article authored by the witness dated 7 July 1992, Subotić informed Banja Luka journalists of the Bosnian-Serb government's decree to disband the crisis staffs in all municipalities, noting that there was no legal basis for their creation and that the jurisdiction of crisis staffs and military organs was not always clearly delineated, which had resulted in 'minor misunderstandings'.[284] **Hanson** testified that by this time, the VRS structures were sufficiently robust.[285] On 17 December 1992, the Bosnian-Serb Assembly abrogated the Decision on the Formation of War Commissions of 10 June 1992. War commissions, however, were active again in the last year of the war.[286]

86. **Patrick Treanor** testified that constitutional amendments made by the Bosnian-Serb Assembly on 11 November 1994 gave the Bosnian-Serb President the authority to establish municipal war presidencies, mandated to implement orders relating to the mobilisation and prosecution of the war.[287] According to Treanor, Karadžić had already

[279] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 51.
[280] Adjudicated Facts I, no. 399.
[281] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 51.
[282] Adjudicated Facts I, no. 401.
[283] D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 28.
[284] D925 ('Crisis Staffs Abolished', 7 July 1992), p. 1.
[285] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 84.
[286] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 53.
[287] P3004 (Patrick Treanor, The Bosnian-Serb Leadership 1993-1995: Addendum, April 2009), para. 109.

issued an order on the same subject on 31 October 1994.[288] The war presidencies were to include representatives of existing municipal organs and organisations, as well as brigade assistant commanders for morale and religious and legal affairs. They were responsible for their work to the Bosnian-Serb Government, to which they were to report at least weekly. The Bosnian-Serb President could also request weekly reports.[289]

The Trial Chamber's findings

87. Based on the foregoing, the Trial Chamber finds that the Bosnian-Serb Republic was divided into local units of self-management, such as cities and municipalities. From the end of 1991 onwards, the SDS municipal boards formed SDS crisis staffs in the municipalities. Most SDS crisis staffs were fully set up and operational in the Bosnian-Serb Republic by April or May 1992. By the end of April 1992, most SDS crisis staffs had transformed into public, municipal organs, assuming municipal governmental functions and replacing the municipal assemblies and executive committees. Crisis staffs were most active between April and June 1992 often meeting on a daily basis. They received orders, instructions, and requests from and reported to the newly emerging state organs, such as the SNB, the Bosnian-Serb Government, and the Bosnian-Serb Presidency. Furthermore, crisis staffs received instructions, acted upon decisions of, and reported to regional organs. Crisis staffs within the ARK reported to the ARK Crisis Staff.

88. The presidents of the SDS municipal boards, who were also the presidents of the municipal assemblies in most Bosnian-Serb majority municipalities, headed the crisis staffs. Other members included municipal leaders, and people with ties to the republican level of the SDS, as well as the president of the municipal executive committee, Bosnian-Serb police officials, the Bosnian-Serb TO commander, and the JNA commander for the area. Bosnian-Serb Assembly deputies were also members of the crisis staffs, linking the crisis staffs to the republic organs of the Bosnian-Serb Republic.

89. From about June 1992 onwards, the crisis staffs were replaced by war presidencies, and then by war commissions. The exact setting up and transformation from crisis staffs, to war presidencies, to war commissions varied from municipality to

[288] P3004 (Patrick Treanor, The Bosnian-Serb Leadership 1993-1995: Addendum, April 2009), para. 109, footnote 213.
[289] P3004 (Patrick Treanor, The Bosnian-Serb Leadership 1993-1995: Addendum, April 2009), para. 109.

municipality, depending on factors such as location, time, and personalities. The members of the war presidencies included the president of the municipal assembly or another prominent figure in the municipality, and a republic commissioner, appointed by the Bosnian-Serb Presidency as the representative of the Bosnian-Serb Republic. The war commissions consisted of the republic commissioner and four prominent crisis staff members. As a member of the war commission and at the head of the war presidency, the commissioner could coordinate municipal measures with state organs, such as the Bosnian-Serb Presidency. Although the Bosnian-Serb Assembly rescinded the war commissions on 17 December 1992, they were reactivated in 1994 and were to report at least weekly to the Bosnian-Serb Government. Thus, the crisis staffs, war presidencies, and war commissions were essentially the same body: a renamed crisis staff with no alterations to its membership, apart from the addition of the republic commissioner to the war presidencies and war commissions in 1992 and the brigade assistant commanders to the war presidencies in 1994.

90. The Trial Chamber will further consider these findings in chapter 9, below.

3. Bosnian-Serb military and police structures

3.1 VRS

3.1.1 Establishment and structure

91. In this chapter, the Trial Chamber will review the evidence and make findings with regard to the establishment and structure of the VRS. The Prosecution argued that the VRS was officially formed on 12 May 1992 from existing JNA, TO, and volunteer units, and that it was Serb-dominated.[290] The Defence argued that there was no seamless transition from the JNA to the VRS, and that Muslims and Croats left the VRS voluntarily.[291] The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to the VRS's establishment and structure. It further received evidence from **Đorđe Đukić**, the Assistant Commander for Logistics of the VRS Main Staff;[292] **Reynaud Theunens**, a military intelligence analyst;[293] **Ewan Brown**, a military analyst;[294] and **Richard Butler**, an intelligence research specialist;[295] as well as documentary evidence, and finds that this evidence is consistent with the Adjudicated Facts.[296] In addition, the Trial Chamber received evidence from **Mevludin Sejmenović**, the Vice President of the SDA in Prijedor from 1990 to 1992;[297] **Velimir Kevac**, a Bosnian Serb who from the end of May 1992 until 7 October 1993 served as Assistant Chief of Staff at the Command of the VRS 30th Division in Mrkonjić Grad;[298] **Boško Amidžić**, Chief of the Quartermaster Service in the 1KK from May 1992 and Assistant Commander for Logistics in the 1KK from 14 February 1993;[299] **Svetozar Andrić**, Commander of the VRS Birač Brigade in Šekovići from 19 May 1992 to 6 August

[290] Prosecution Final Brief, paras 11, 27-28, 32-36.
[291] Defence Final Brief, paras 601-607, 625-627.
[292] P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), pp. 1, 7.
[293] Reynaud Theunens, T.20230; P3093 (Reynaud Theunens, *curriculum vitae*, 15 October 2012), pp. 1-4.
[294] P2863 (Ewan Brown, witness statement, 27 and 28 July 2009), p. 2; P2858 (Ewan Brown, *curriculum vitae*), p. 1.
[295] Richard Butler, T. 16108; P2094 (Richard Butler, *curriculum vitae*, 10 June 2011).
[296] **Đorđe Đukić**: P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), p. 7. **Reynaud Theunens:** P3029 (Expert Report of Reynaud Theunens, September 2012), Part III, p. 72. **Ewan Brown**: P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013), paras 1.6, 1.15-1.16. **Richard Butler**: P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), paras 1.0-1.1. **Documentary evidence**: P338 (Analysis of the combat readiness and activities of the VRS, April 1993), pp. 69, 75. P3027 (Decisions regarding the establishment of the TO as an armed force of the Bosnian-Serb Republic, 15 and 16 April 1992), p. 1. P7190 ('Defending Krajina', 1KK Bulletin, 28 June 1992), p. 1. P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), pp. 53-54.
[297] P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 4.
[298] D871 (Velimir Kevac, witness statement, 31 July 2014), p. 1, paras 1, 4, 21.
[299] D847 (Boško Amidžić, witness statement, 25 June 2014), para. 2; Boško Amidžić, T. 29502.

1995, then Chief of Staff of the DK until March 1996;[300] **Miloš Šolaja**, Editor-in-chief within the 1KK Press Centre from 18 July 1992 until the end of the war;[301] **Stojan Malčić**, a member of the Personnel Section of the VRS Main Staff in Han Pijesak from late May 1992 until 31 August 1997;[302] and **Witness RM-016**, a Bosnian Serb from Banja Luka.[303]

Establishment

92. On 16 April 1992, the Ministry of National Defence of the Bosnian-Serb Republic issued a decision on the establishment of the TO as an army of the Bosnian-Serb Republic, putting the command and control of the TO with municipal, district, and regional staffs, as well as the staff of the Bosnian-Serb Republic TO (*see also* chapter 3.3). In the same decision the Ministry of National Defence of the Bosnian-Serb Republic declared an imminent threat of war and ordered public mobilisation of the TO in the entire territory of the Bosnian-Serb Republic. Moreover, the formation of TO staffs in the newly established Bosnian-Serb municipalities was ordered.[304] This decision was signed by Bogdan Subotić, the Minister of the National Defence.[305] In respect of components of the armed forces other than the TO, the decision was made 'in keeping with the solution on the political organisation of Bosnian-Herzegovina and the statute of the JNA'.[306] The decision contains a statement of reasons. In respect of the establishment of the TO it states, *inter alia*, that the municipal TO staffs that had been operating regularly should remain and that the TO staffs in newly-formed 'Serbian municipalities' were to be set up on the same principle. TO units that had been attached to JNA formations were not to be withdrawn. The SAO was to be responsible for the

[300] D1033 (Svetozar Andrić, witness statement, 16 July 2013), para. 1; Svetozar Andrić, T. 34737; D1034 (Order of hand-over of duties as Commander of the 1st Birač Infantry Brigade from Andrić to Colonel Ljubomir Vlačić, 6 August 1995).
[301] D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 4.
[302] D656 (Stojan Malčić, witness statement, 26 June 2014), paras 2, 16-17, 30; Stojan Malčić, T. 26214-26216, 26249.
[303] P2375 (Witness RM-016, witness statement, 5 August 2013), p. 1, paras 4, 11, 16; Witness RM-016, T. 17398.
[304] Adjudicated Facts I, nos 290, 359.
[305] P3027 (Decisions regarding the establishment of the TO as an armed force of the Bosnian-Serb Republic, 15 and 16 April 1992), p. 2.
[306] P3027 (Decisions regarding the establishment of the TO as an armed force of the Bosnian-Serb Republic, 15 and 16 April 1992), p. 1.

establishment of district staffs and the engagement of TO units was to be exercised in cooperation with JNA units and, where possible, to be put under a single command.[307]

93. On 12 May 1992, the Bosnian-Serb Assembly ordered the formation of the VRS after the partial withdrawal of the JNA.[308] The VRS was a product of the dissolution of the old JNA and the withdrawal of its non-Bosnian elements into Serbia.[309] **Mevludin Sejmenović** testified that the JNA did not withdraw from Bosnia-Herzegovina in mid-May 1992, but merely changed its name.[310] The VRS inherited both officers and men from the JNA and also substantial arms and equipment, including over 300 tanks, 800 APCs, and over 800 pieces of heavy artillery.[311] In accordance with the Bosnian-Serb Republic's Defence Act, defence equipment, funds, and other property previously belonging to Bosnia-Herzegovina were to be transferred to the Bosnian-Serb Republic.[312] The VRS had control over several weapon-production plants in Bosnia-Herzegovina.[313] **Ewan Brown** testified that at the 16th Session of the Bosnian-Serb Assembly on 12 May 1992, the assembly passed a number of important decisions concerning the VRS.[314] These included the decisions on the official establishment of the army, the re-naming of existing TO units and staffs into commands and units of the VRS, the appointment of Mladić as the Commander of the VRS Main Staff, and the changing of uniforms and insignia worn by members of the JNA and TO into those of the VRS.[315] These decisions effectively transformed the JNA units that remained in Bosnia-Herzegovina into VRS commands.[316] After the establishment of the FRY, many of the commands and units of the JNA simply renamed themselves as units of the VRS and remained organized as they had been under the JNA.[317] According to the minutes of the 16th session of the Bosnian-Serb Assembly, it was also decided that pursuant to the

[307] P3027 (Decisions regarding the establishment of the TO as an armed force of the Bosnian-Serb Republic, 15 and 16 April 1992), p. 2.
[308] Adjudicated Facts III, no. 1769. *See also* Agreed Facts I, no. 24.
[309] Adjudicated Facts I, no. 302.
[310] P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 22.
[311] Adjudicated Facts I, no. 303.
[312] Adjudicated Facts I, no. 245.
[313] Adjudicated Facts I, no. 249.
[314] P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013), para. 1.6.
[315] P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013), para. 1.6; P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), pp. 53-54.
[316] P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013), para. 1.6.
[317] P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013), para. 1.15, 1.22.

Constitution and the law, the Bosnian-Serb Presidency was supposed to command the VRS both in times of peace and in times of war.[318]

94. The first step in organising the VRS was the establishment of the Main Staff, which the Trial Chamber will address in more detail below.[319] Mobilisation was primarily carried out at first by the former JNA Military Sectors and those JNA forces loyal to the VRS and to the Bosnian-Serb Republic, with the direct co-operation of unit commands, officers, and the authorities of the SDS municipal leadership.[320] On 21 May 1992, the Bosnian-Serb Presidency called for the general mobilization of able-bodied citizens of the Bosnian-Serb Republic.[321] After this decision, mobilisation was carried out by the military territorial authorities and/or MoD organs, which were also being formed and constituted at that time.[322] In addition, in the months that followed, and despite some delay, many Serb TO units were renamed 'light brigades' of the VRS.[323]

95. According to a 26 May 1992 proposal on the VRS structure signed by the Chief of Staff of the VRS Main Staff, Manojlo Milovanović, options for the establishment and the organisation of the VRS were discussed by the Corps Commanders, the Chiefs of Staff of the VRS, and the top political leadership of the Bosnian-Serb Republic.[324] The VRS was to be equipped for an 'offensive defence' and for guarding the 'Serbian' territories in Bosnia-Herzegovina; it was not equipped to conquer territory belonging to others. In order to decide on the final structure of the VRS, the commanders of the 1KK, 2KK, SRK, IBK, and HK were to submit proposals to Milovanović by 27 May 1992. These proposals were to address matters such as the composition of the corps command, the number and general structure of the combat brigades, and the proposed corps' zones of responsibility.[325] On 8 June 1992, Svetozar Andrić ordered that in accordance with an IBK Command order dated 6 June 1992, all previous TO staffs and TO units of the municipalities of Kalesija, Vlasenica, Bratunac, Milići, and Šekovići should be renamed commands and units of the VRS and become part of the Birač Brigade.[326] According to

[318] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), pp. 52-53.
[319] For further details on the VRS Main Staff, *see* chapter 3.1.3.
[320] P338 (Analysis of the combat readiness and activities of the VRS, April 1993), p. 75; P2906 (Decision on the forming, organisation, establishment, and command and control of the VRS, 15 June 1992), para. 3.
[321] Adjudicated Facts I, no. 306.
[322] P338 (Analysis of the combat readiness and activities of the VRS, April 1993), p. 75.
[323] Adjudicated Facts I, no. 306.
[324] P4960 (Proposal on structure of the VRS, 26 May 1992), p. 1.
[325] P4960 (Proposal on structure of the VRS, 26 May 1992), p. 2.
[326] P7348 (Order on the renaming of TO staffs and TO units by Svetozar Andrić, 8 June 1992).

Svetozar Andrić, the implementation of these orders took several weeks and up until the end of 1992 in some municipalities.[327]

96. The next step was the 15 June 1992 decision of the Bosnian-Serb Presidency, signed by Karadžić, on the formation, organisation, establishment, and command of the VRS and the order of the VRS Main Staff Commander, issued on 16 June 1992.[328] The decision of 15 June 1992 established, *inter alia*, that the headquarters of the 1KK should be located in Banja Luka, the 2KK in Drvar, the IBK in Bijeljina, the SRK in Pale, and the HK in Biléca.[329]

Structure

97. **Brown** testified that at the time it was established, the VRS consisted of a Main Staff, the most senior headquarters of the army; the subordinated corps; and independent units.[330] The five corps were the 1KK (formerly the JNA 5th Corps, headed by Momir Talić from 17 March 1992); the 2KK (formerly the JNA 10th Corps); the IBK (formerly the JNA 17th Corps); the SRK (formerly the JNA 4th Corps); and the HK (formerly part of the JNA 9th Corps).[331] In addition to the JNA formations, on its establishment, the VRS integrated Serb TO units into the ranks of the army, usually named as light infantry brigades.[332] **Richard Butler** testified that the VRS also consisted of paramilitary units that were fighting in Bosnia-Herzegovina.[333] According to **Brown**, on 1 November 1992, the DK was established, encompassing parts of the former territory of the IBK and the SRK.[334]

98. **Butler** testified that the VRS corps structure included three Assistant Commanders to manage the specialized branches on behalf of the Corps Commander: the Assistant Commander for Security; the Assistant Commander for Morale and Legal

[327] Svetozar Andrić, T. 34738, 34758.
[328] P338 (Analysis of the combat readiness and activities of the VRS, April 1993), p. 70.
[329] P2906 (Decision on the forming, organisation, establishment, and command and control of the VRS, 15 June 1992), para. 3.
[330] P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013), para. 1.16.
[331] Adjudicated Facts I, nos 248, 304.
[332] P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013), para. 1.16.
[333] P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), paras 1.0-1.1.
[334] P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013), para. 1.16. *See also* P3029 (Expert Report of Reynaud Theunens, September 2012), Part III, p. 72.

and Religious Affairs; and the Assistant Commander for Rear (or Logistics) Services.[335] The Assistant Commander (Chief) for Security monitored and informed the Commander about 'enemy' activities in and against units and proposed measures to counter them; controlled units of the Military Police and proposed ways to use them; and coordinated with bodies of the MUP in the corps sector.[336] The Assistant Commander for Morale and Legal and Religious Affairs monitored and assessed the morale in the corps units and proposed ways to raise morale. The Assistant Commander for Rear Services monitored, studied, and assessed the logistics situation and proposed to the Commander the most suitable way to ensure logistical support.[337] In addition to the Assistant Commanders, the Corps had a Chief of Staff, who was responsible for ensuring that the activities of three Corps branches were coordinated with the operative bodies of the Corps Staff.[338] The Corps Staff included the following departments: the ONP; the Intelligence Department; the Armour and Mechanized Forces Department; the Nuclear, Chemical, and Biological Defence Department; the Engineering Department; the Artillery and Missile Department; the Communications Department; the Anti-Aircraft Defence Department; and the Personnel Administration Department.[339]

1. **Brown** testified that the Supreme Commander of the VRS was the Bosnian-Serb President.[340] He commanded the VRS Main Staff through Mladić, who was the most senior officer in the VRS.[341] Mladić commanded the subordinated corps and units of the VRS via the staff officers and branches of the VRS Main Staff.[342] **Reynaud Theunens** testified that the Supreme Command formed the strategic level of the VRS, which also included the Supreme Command Staff and the Secretariat for All People's Defence. The operational level was the military command level below the Supreme Command Staff, the corps commands, as well as equivalent TO commands, the republican and provincial TO command. Anything below the corps, *i.e.* the brigades, battalions, and equivalent

[335] P2200 (Richard Butler, VRS Corps Command Responsibility Report, 5 April 2000), p. 15; P2204 (Diagram of VRS DK Structure, July 1995), p. 1.
[336] P2200 (Richard Butler, VRS Corps Command Responsibility Report, 5 April 2000), p. 15.
[337] P2200 (Richard Butler, VRS Corps Command Responsibility Report, 5 April 2000), p. 15.
[338] P2200 (Richard Butler, VRS Corps Command Responsibility Report, 5 April 2000), pp. 15, 17.
[339] P2200 (Richard Butler, VRS Corps Command Responsibility Report, 5 April 2000), p. 17.
[340] P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013), para. 1.17. For further details *see* chapter 2.1.1.
[341] P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013), para. 1.18.
[342] P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013), para. 1.18.

units, up to the squad level, formed the tactical level of command.[343] As of October 1994, VRS security and intelligence organs were subject to two lines of command: (i) the security and intelligence organs of the superior command, and (ii) the unit to which they belonged.[344] According to a Main Staff order of 24 October 1994, information reported along the professional line, *i.e.* from one security organ to another, was privileged and delivered in person; no one could inspect its contents, including the commander of the unit to which the security organ belonged.[345] **Theunens** further testified that the VRS applied the same definition of command and control as the JNA, whose basic principles and functions included a unified command, single authority, and the obligation to implement decisions, commands, and orders issued by superiors.[346]

Ethnic composition

100. In a notebook entry dated 14 May 1992, Mladić noted that 'we urgently need all Serbian officers who were born in BH territory to be put at our disposal', and 'officers belonging to other ethnic groups should not be sent to us for now because of secrecy protection and also for their own sakes'.[347] **Velimir Kevac** testified that on approximately 15 or 16 May 1992, Lieutenant Colonel Marković told him that the order to withdraw the JNA from Bosnia-Herzegovina was in force and that members of the JNA were offered the possibility to stay in Bosnia-Herzegovina.[348] Although the witness did not know what the offer was, he understood that the offer applied to all officers and soldiers regardless of ethnicity.[349]

101. **Boško Amidžić** testified that in May 1992, the Main Staff circulated a memorandum to all JNA units stipulating that the officers could choose to stay in Bosnia-Herzegovina and join the VRS or go to the FRY to continue their military service.[350] During the war there was a considerable number of non-Serb officers in the

[343] Reynaud Theunens, T. 20266. *See also* P1577 (Instructions on command and control over the security and intelligence organs of the VRS from Zdravko Tolimir, 24 October 1994).
[344] P3029 (Expert Report of Reynaud Theunens, September 2012), Part III, pp. 70-71.
[345] P1577 (Main Staff Order of 24 October 1994), p. 2.
[346] P3029 (Expert Report of Reynaud Theunens, September 2012), Part III, p. 66.
[347] P352 (Mladić notebook, 14 February 1992 - 25 May 1992), pp. 313, 316-317.
[348] D871 (Velimir Kevac, witness statement, 31 July 2014), para. 3; Velimir Kevac, T. 30448-30451, 30453-30454.
[349] Velimir Kevac, T. 30448-30451, 30453-30454.
[350] D847 (Boško Amidžić, witness statement, 25 June 2014), paras 64-65.

witness's military organ.[351] **Miloš Šolaja** testified that Muslims and Croats were not forced to serve in the VRS, although some did so voluntarily.[352] **Witness RM-016** testified that non-Serbs holding high positions in the VRS, including Colonel Hasotić, were dismissed.[353]

102. On 20 June 1992, the VRS Main Staff sent an explanation to the 30th Partisan Division that soldiers who were not of 'Serb nationality' should, at their request, be dismissed from the units after one of the following procedures: (i) the unit reports the soldiers to the ICRC as 'prisoners', and then an exchange was to be carried out through that humanitarian organisation for prisoners from the other side; (ii) the dismissed soldiers depart for Belgrade, from where they would travel to the destination of their choice; or (iii) soldiers who were not of 'Serbian nationality' and wished to serve in the VRS were to be kept in units on secondary duties and under necessary supervision.[354]

103. By late 1992 or early 1993, out of 2,579 VRS officers, the majority were Serb (2,165, or 84 per cent), or Yugoslav (204, or 8 per cent). Only 62 (or 2 per cent) were Croat, and 33 (1 per cent) were Muslim.[355] JNA officers, Bosnian-Serb Republic citizens, and citizens of other Yugoslav republics who wished to serve in the VRS could be transferred to the VRS.[356] **Stojan Malčić** testified that in his estimate more than 95 per cent of the VRS members were Serbs born in the territory of Bosnia-Herzegovina.[357]

The Trial Chamber's findings

104. Based on the foregoing, the Trial Chamber finds that on 12 May 1992 the Bosnian-Serb Assembly ordered the formation of the VRS, which was a product of the dissolution of the JNA and the withdrawal of its non-Bosnian elements into Serbia. The VRS inherited both officers and men from the JNA, as well as substantial arms and equipment, including over 300 tanks, 800 APCs, and over 800 pieces of heavy artillery. On its establishment the VRS consisted of a Main Staff, subordinated corps, and independent units. The VRS Main Staff operated under the direction of the Supreme Command of the Bosnian-Serb Republic and in concert with both the MoD and MUP.

[351] D847 (Boško Amidžić, witness statement, 25 June 2014), para. 58.
[352] Miloš Šolaja, T. 32776.
[353] P2375 (Witness RM-016, witness statement, 5 August 2013), para. 38.
[354] D97 (Memorandum from the 30th Partisan Division Command, 21 June 1992), p. 1.
[355] Adjudicated Facts I, no. 253.
[356] Adjudicated Facts I, no. 246.

The VRS corps structure included three Assistant Commanders to manage the specialized branches on behalf of the Corps Commander: the Assistant Commander for Security; the Assistant Commander for Morale and Legal and Religious Affairs; and the Assistant Commander for Rear (or Logistics) Services.

105. The VRS was comprised of the following corps: 1KK, 2KK, IBK, SRK, and HK. On 1 November 1992, a sixth corps was established, the DK. Under the former JNA corps organization, as adopted by the VRS, the Corps Staff included the following departments: the ONP; the Intelligence Department; the Armour and Mechanized Forces Department; the Nuclear, Chemical, and Biological Defence Department; the Engineering Department; the Artillery and Missile Department; the Communications Department; the Anti-Aircraft Defence Department; and the Personnel Administration Department. In addition to the former JNA formations, the VRS integrated Serb TO and paramilitary units, which were to have their organization and establishment determined by the Bosnian-Serb President. VRS security and intelligence organs were subject to two lines of command: (i) the security and intelligence organs of the superior command, and (ii) the unit to which they belonged.

106. The Trial Chamber further finds that the VRS applied the same definition of command and control as the JNA whose basic principles and functions included a unity of command, single authority, and the obligation to implement decisions, commands, and orders issued by superiors.

107. With regard to the ethnic composition of the VRS, the Trial Chamber finds that by late 1992 or early 1993, out of 2,579 VRS officers, the majority were Serb (2,165, or 84 per cent). Only 62 (or 2 per cent) were Croat and 33 (1 per cent) were Muslim. JNA officers, Bosnian-Serb Republic citizens, and citizens of other Yugoslav republics who wished to serve in the VRS could be transferred to the VRS.

[357] D656 (Stojan Malčić, witness statement, 26 June 2014), para. 25.

3.1.2 VRS's corps

First Krajina Corps

108. In this section, the Trial Chamber will review the evidence regarding the structure of the 1KK.[358] The Prosecution argued that the 1KK as the largest VRS Corps was powerful, experienced, and equipped with a reliable communication system as well as a functioning chain of command between the VRS Main Staff, the 1KK Command, and its subordinate units.[359] The Defence submitted that the 1KK units lacked discipline and were untrained and unprofessional.[360] Specifically, it argued that the 1st Kotor Varoš Brigade was disorganised, undisciplined, lacked basic communication equipment as well as professional soldiers, and was not incorporated into the command system of the 1KK until late 1992.[361] The Trial Chamber took judicial notice of Adjudicated Fact 304 with regard to this chapter. It further received evidence from **Boško Kelečević**, Chief of Staff of the 1KK from 12 May 1992 until the end of the war;[362] **Witness RM-802**, a former VRS officer;[363] **Ewan Brown**, a military analyst;[364] **Boško Amidžić**, Chief of Quartermaster Service in the 1KK from May 1992 and Assistant Commander for Logistics in the 1KK from 14 February 1993;[365] **Branko Davidović**, Assistant Commander for Morale, Legal Affairs, and Information of the 6th Krajina Brigade since June 1992;[366] **Vojin Ubiparip**, a member of the VRS 22nd Brigade since 25 August 1992;[367] and **Velimir Kevac**, a Bosnian Serb who from the end of May 1992 until 7 October 1993 served as Assistant Chief of Staff at the Command of the VRS 30th Division in Mrkonjić Grad,[368] and finds that this evidence is consistent with the

[358] Witnesses in their testimony as well as documentary evidence referred to names of 1KK's units using different short forms. Based on the list of the 1KK's units in P2859 (para. 3.58), Witness RM-015's testimony (P2362, para. 88), and P3812 (p. 4), the Trial Chamber determined which unit was referred to and used the respective short form.
[359] Prosecution Final Brief, paras 98, 255-262.
[360] Defence Final Brief, para. 654.
[361] Defence Final Brief, paras 1166-1169.
[362] D1110 (Boško Kelečević, witness statement, 26 June 2014), p. 1, paras 1, 9; Boško Kelečević, T. 37131.
[363] P439 (Witness RM-802, witness statement, 25 April 2012), pp. 1-2, 33; P438 (Witness RM-802, pseudonym sheet).
[364] P2863 (Ewan Brown, witness statement, 27 and 28 July 2009), p. 2; P2858 (Ewan Brown, *curriculum vitae*), p. 1.
[365] D847 (Boško Amidžić, witness statement, 25 June 2014), para. 2; Boško Amidžić, T. 29502.
[366] D675 (Branko Davidović, witness statement, 30 June 2014), paras 14-16; Branko Davidović, T. 26504.
[367] D891 (Vojin Ubiparip, witness statement, 22 July 2014), paras 2-4, 7; Vojin Ubiparip, T. 31182-31184.
[368] D871 (Velimir Kevac, witness statement, 31 July 2014), p. 1, paras 1, 21, 23.

Adjudicated Fact.[369] The Trial Chamber also received evidence from **Milivoje Simić**, Doboj Garrison Commander and Operational Group Doboj Commander until 1994;[370] **Osman Selak**, a Bosnian-Muslim Colonel in the JNA, and later the VRS, who retired in July 1992;[371] **Mile Matijević**, the Chief of Police of the Banja Luka CSB;[372] **Slobodan Župljanin**, 2nd Infantry Battalion Commander of the 22nd Brigade from 7 May 1992;[373] **Witness RM-051**, a VRS security officer from June 1992;[374] **Stojan Malčić**, a member of the Personnel Section of the VRS Main Staff in Han Pijesak from late May 1992 until 31 August 1997;[375] **Danko Gojković**, a teleprinter operator in the Rogatica Brigade in 1995;[376] **Ostoja Barašin**, a member of the 5th Kozara Brigade from 1993 until 1995;[377] **Miloš Šolaja**, Editor-in-chief within the 1KK Press Centre from 18 July 1992 until the end of the war;[378] **Čedo Šipovac**, a clerical officer of the 43rd Motorised Brigade from August 1992;[379] **Rade Javorić**, Commander of the Prijedor TO Staff as of 16 September 1991;[380] **Mirzet Karabeg**, a Bosnian Muslim who served as the SDA President of the Executive Board of the Sanski Most Municipal Assembly from 1 January 1991 until 17 April 1992 and as the President of the Sanski Most War Presidency from 30 March 1993 until 15 March 1996;[381] **Duško Čorokalo**, a reserve second lieutenant in the command of the 6th Krajina Brigade;[382] **Witness RM-015**, a Bosnian Serb from Sanski Most;[383] **Branko Basara**, 6th Krajina Brigade Commander

[369] **Boško Kelečević**: D1110 (Boško Kelečević, witness statement, 26 June 2014), para. 9; Boško Kelečević, T. 37131. **Witness RM-802**: P439 (Witness RM-802, witness statement, 25 April 2012), para. 20. **Ewan Brown**: P2859 (Ewan Brown, Military Developments Bosanska Krajina 1992 – A Background Study, 27 November 2002), paras 1.35, 1.72, 1.76, 3.5. **Boško Amidžić**: Boško Amidžić, T. 29496, 29505. **Branko Davidović**: Branko Davidović, T. 26519. **Vojin Ubiparip**: D891 (Vojin Ubiparip, witness statement, 22 July 2014), para. 2. **Velimir Kevac**: D871 (Velimir Kevac, witness statement, 31 July 2014), para. 4.
[370] D921 (Milivoje Simić, witness statement, 24 July 2014), paras 6, 20; Milivoje Simić, T. 32527.
[371] P244 (Osman Selak, witness statement, 13 July 2000), p. 1; Osman Selak, T. 2965-2966, 3182.
[372] D1402 (Mile Matijević, witness statement, 17 June 2015), paras 2-3, 5.
[373] D887 (Slobodan Župljanin, witness statement, 4 July 2014), p. 1, para. 7; Slobodan Župljanin, T. 30940-30941; P7089 (Article titled 'Brave Men from Vrbanja', April/May 1994), p. 2.
[374] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), p. 5255; Witness RM-051, T. 2883-2884.
[375] D656 (Stojan Malčić, witness statement, 26 June 2014), paras 2, 16-17, 30; Stojan Malčić, T. 26214-26216, 26249.
[376] P3465 (Prosecution interview with Danko Gojković, 16 May 2006), pp. 2-4, 7.
[377] D790 (Ostoja Barašin, witness statement, 19 June 2014), para.16.
[378] D924 (Miloš Šolaja, witness statement, 11 June 2014), paras 4-5. Part of the evidence of Miloš Šolaja is reviewed in chapter 9.3.8.
[379] D766 (Čedo Šipovac, witness statement, 18 January 2014), paras 2-3, 8; Čedo Šipovac, T. 28177, 28180.
[380] D895 (Rade Javorić, witness statement, 26 June 2014), paras 2, 6; Rade Javorić, T. 31424.
[381] P3248 (Mirzet Karabeg, witness statement, 25 July 1999), pp. 1-2; P3249 (Mirzet Karabeg, witness statement, 23 May 2002), pp. 1-2.
[382] D785 (Duško Čorokalo, witness statement, 6 February 2014), para. 3.
[383] P2362 (Witness RM-015, witness statement, 13 March 2002), paras 2, 6, 9, 111.

from 29 October 1991 to mid-December 1992;[384] **Slavko Puhalić**, a Serb soldier from Prijedor who served under Slobodan Kuruzović in the Trnopolje camp until August 1992;[385] **Zdravka Karlica**, a Serb from Prijedor;[386] **Obrad Bubić**, Commander of the Serb TO Platoon in Bregovi, Kotor Varoš, from 10 June 1992 and Commander of the Logistics Platoon in the First Kotor Varoš Brigade from late summer 1992 until the end of the war;[387] and **Vojislav Kršić**, a Bosnian Serb from Kotor Varoš and Assistant Chief of Staff for Operational and Educational Affairs in the VRS 1st Kotor Varoš Brigade from 28 August 1992,[388] as well as documentary evidence.

Organization and area of responsibility

109. Pursuant to a decree of 12 March 1992, Lieutenant General Vladimir Vuković handed over his duties as Commander of the JNA 5th Corps to Major General Momir Talić, effective as of 17 March 1992.[389] **Boško Kelečević** testified that on 15 March 1992, he was assigned as Chief of Staff of the 5th Corps.[390] On 18 May 1992, pursuant to a decision of the Bosnian-Serb Government on mobilisation in the territory of the ARK, Talić ordered all subordinate units to admit all military conscripts into the 5th Corps, and that special attention be devoted to the admission of Muslims and Croats and other nationalities.[391]

110. The Banja Luka Corps, being the 5th Corps of the old JNA, became part of the VRS in Bosnia-Herzegovina, and was named the 1KK, but retained the same commander, Lieutenant General Talić.[392] **Witness RM-802** stated that this happened on 12 May 1992.[393] **Brown** testified that the 5th Corps was renamed the 1KK only on 19 or 20 May 1992 and that it became a key formation of the army.[394]

[384] D1031 (Branko Basara, witness statement, 21 July 2014), para. 4; Branko Basara, T. 34386, 34401.
[385] D898 (Slavko Puhalić, witness statement, 26 June 2014), p. 1, paras 2-5; Slavko Puhalić, T. 31659, 31664.
[386] D863 (Zdravka Karlica, witness statement, 17 March 2014), p. 1, para. 1.
[387] D674 (Obrad Bubić, witness statement, 14 February 2014), paras 3, 15, 17.
[388] D844 (Vojislav Kršić, witness statement, 8 February 2014), p. 1, paras 1-2, 4; P6977 (Appointment of Vojislav Kršić as assistant chief of staff in Kotor Varoš light infantry brigade, 27 August 1992).
[389] P2864 (Record of hand-over of duty, 19 March 1992). *See also* P2859 (Ewan Brown, Military Developments Bosanska Krajina 1992 – A Background Study, 27 November 2002), para. 3.5.
[390] D1110 (Boško Kelečević, witness statement, 26 June 2014), para. 8; Boško Kelečević, T. 37131.
[391] P4949 (Order on the admission and training of military transcripts into the 5th Corps by Major General Talić, 18 May 1992), p. 1.
[392] Adjudicated Facts I, no. 304.
[393] P439 (Witness RM-802, witness statement, 25 April 2012), para. 20.
[394] P2859 (Ewan Brown, Military Developments Bosanska Krajina 1992 – A Background Study, 27 November 2002), paras 1.35, 1.73.

111. Various witnesses testified that the 1KK was the largest corps within the VRS in terms of manpower and area of responsibility including approximately half of the municipalities of the Bosnian-Serb Republic.[395] **Brown** testified that the 1KK was garrisoned in the wider *Bosanska Krajina*.[396] In a press interview dated 30 April and 1 and 2 May 1992, Talić stated that the Banja Luka Corps had such a large force and such an organisation that there was no risk of the Corps or the people of Krajina being endangered.[397] **Osman Selak** testified that on 27 May 1992, the 1KK had approximately 100,000 armed men mobilised.[398] A normal corps, when mobilised, comprised of 15,000 to 18,000 and in exceptional circumstances 20,000 men.[399] According to **Witness RM-802**, the 1KK was primarily a Serb corps, as the Muslims and Croats had left by 12 May 1992.[400]

112. **Amidžić** testified that the primary command post and the Logistics Base of the 1KK were located in the building of the former JNA 5th Corps Command in the centre of Banja Luka Town.[401] The Trial Chamber received evidence on various locations of the IKM.[402] **Milivoje Simić** testified that during the summer of 1992 Generals Talić and Kelečević were often present at the IKM.[403]

113. **Brown** testified that most of the staff officers who had been serving in the 5th Corps headquarters remained in their posts.[404] Various witnesses provided evidence on the composition of the 1KK's staff. They testified that the Corps Command of the 1KK comprised, besides the commander, Boško Kelečević, the Chief of Staff and Deputy Commander; and four Assistant Commanders: one for Security; one for Morale and

[395] D847 (Boško Amidžić, witness statement, 25 June 2014), para. 11; D1110 (Boško Kelečević, witness statement, 26 June 2014), para. 9; P4381 (VRS Main Staff order, 4 June 1992), p. 2; P5136 (Map of 1KK zone of responsibility, undated); Boško Kelečević, T. 37175.
[396] P2859 (Ewan Brown, Military Developments Bosanska Krajina 1992 – A Background Study, 27 November 2002), para. 1.72.
[397] P7464 (Press article from 'Glas' entitled 'The army stays here', 31 April and 1 and 2 May 1992, p. 3. *See also* Boško Kelečević, T. 37173-37175.
[398] Osman Selak, T. 2974-2975; P249 (Map 4 showing the locations of units of the 1KK after 18 May 1992), p. 1.
[399] Osman Selak, T. 2975.
[400] P439 (Witness RM-802, witness statement, 25 April 2012), para. 20
[401] D847 (Boško Amidžić, witness statement, 25 June 2014), paras 10, 25, 66; Boško Amidžić, T. 29495-29496, 29498-29499, 29507. *See also* P244 (Osman Selak, witness statement, 13 July 2000), paras 26, 30; P2859 (Ewan Brown, Military Developments Bosanska Krajina 1992 – A Background Study, 27 November 2002), para. 1.72.
[402] P244 (Osman Selak, witness statement, 13 July 2000), paras 26, 30; D847 (Boško Amidžić, witness statement, 25 June 2014), para. 10; Boško Amidžić, T. 29496; Milivoje Simić, T. 32532-32533.
[403] Milivoje Simić, T. 32532-32533.
[404] P2859 (Ewan Brown, Military Developments Bosanska Krajina 1992 – A Background Study, 27 November 2002), para. 1.76.

Legal and Religious Affairs; one for Rear and Logistics Services; and one for Civilian Affairs.[405] Initially, the Assistant Commander for Security was Milan Stevilović, who, after his death in July 1992, was replaced by Stevan Bogojević.[406] The Assistant Commander for Rear and Logistics Services was Vašo Tepšić, who, after his death, was replaced by Boško Amidžić in February 1993.[407] The Assistant Commander for Morale and Legal and Religious Affairs was Colonel Vukelić and the Assistant Commander for Civilian Affairs was Gojko Vujinović.[408] **Slobodan Župljanin** testified that Captain Balaban was a member of the 1KK's security organ.[409]

Communication system and chain of command

114. On 3 September 1992, the 1KK Commander reported to the VRS Main Staff that all units and armed formations had essentially been put under the control of the 1KK.[410] **Kelečević** testified that the chain of command from the VRS Main Staff to the 1KK to its subordinate units was the same as in the JNA from the 2nd Military District to the 5th Corps to the 343rd Brigade.[411] **Brown** testified that the 1KK was integrated into the new military structure and utilised the newly established chain of command which ran from the Corps units to the Corps headquarters and on to the VRS Main Staff.[412] The 5th Corps/1KK used numerous methods and procedures by which the Corps Commander maintained control of the corps.[413] Throughout 1992, this included receiving and acting on directives, instructions, and orders from the Main Staff; the compilation of regular and special combat reports based on the daily and special reports

[405] P2859 (Ewan Brown, Military Developments Bosanska Krajina 1992 – A Background Study, 27 November 2002), paras 3.23-3.24, 3.41, 3.48; Boško Amidžić, T. 29496; Boško Kelečević: T. 37131.
[406] P2859 (Ewan Brown, Military Developments Bosanska Krajina 1992 – A Background Study, 27 November 2002), para. 3.50; Boško Amidžić, T. 29505; Slobodan Župljanin, T. 30950; Boško Kelečević, T. 37144; Mile Matijević, T. 43078.
[407] D847 (Boško Amidžić, witness statement, 25 June 2014), paras 25, 66; P2859 (Ewan Brown, Military Developments Bosanska Krajina 1992 – A Background Study, 27 November 2002), para. 3.51; Boško Amidžić, T. 29498-29499, 29502; Boško Kelečević, T. 37142-37143.
[408] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5299-5300; P2859 (Ewan Brown, Military Developments Bosanska Krajina 1992 – A Background Study, 27 November 2002), paras 1.53, 3.53-3.54; Witness RM-051, T. 2904-2905; Stojan Malčić, T. 26228; Ostoja Barašin, T. 28688-28689; Boško Amidžić, T. 29505; Milivoje Simić, T. 32539; Boško Kelečević, T. 37144; Dragić Gojković, T. 37555.
[409] Slobodan Župljanin, T. 30948.
[410] P3951 (Report of the 1KK, addressed to the VRS Main Staff, 3 September 1992), p. 2.
[411] Boško Kelečević, T. 37160-37161.
[412] P2859 (Ewan Brown, Military Developments Bosanska Krajina 1992 – A Background Study, 27 November 2002), para. 1.76.
[413] P2859 (Ewan Brown, Military Developments Bosanska Krajina 1992 – A Background Study, 27 November 2002), para. 3.26.

of subordinate units, logistics reports, and other instructions; Corps level briefings; and the production of maps and routine visits to and inspections of subordinate units.[414] The standard format for reports did not change after the transition from the 5th Corps to the 1KK.[415] In cases of failure to send reports, units were subjected to criticism.[416]

115. **Selak** stated that the Corps Commander received his orders from the JNA 2nd Military District in Sarajevo, and later from the VRS Main Staff in Pale.[417] For major combat operations, the Corps Commander would personally attend a briefing at his higher command where instructions would be given, using a large operational map. Any oral orders given at this point were normally followed up with written orders. After receiving an oral order, the Corps Commander would communicate, usually by telephone, with his own staff to begin preparations to execute the order. Upon return to the corps, a briefing would be arranged with commanders of the brigade tactical group and operational group, key staff officers, and staff branches of the corps, and the Corps Commander's work map would be prepared.[418] The brigade commanders would trace from the Commander's map and staff branches commanders would prepare individual plans including artillery, security, and logistics plans. The staff branches commanders would then submit their plan to the operations branch for collation and prepare the written corps command order. The Corps Commander would review the order before issuing it to the relevant body.[419] Selak conceded that it was possible that a brigade could have been ordered to carry out a task directly by the Main Staff, but that it would be unusual and in contravention of the training and doctrine of the VRS that brigades carried out operations without the knowledge of the corps.[420]

116. The aim of the IKM was to improve the command and control of military operations and speed up the reporting from units as it allowed the commander to be closer to combat action.[421] The Stara Gradiška IKM was a fully functioning

[414] P2859 (Ewan Brown, Military Developments Bosanska Krajina 1992 – A Background Study, 27 November 2002), paras 3.26-3.40. *See also* P247 (1KK Report, 27 May 1992).
[415] P2859 (Ewan Brown, Military Developments Bosanska Krajina 1992 – A Background Study, 27 November 2002), paras 3.33-3.34.
[416] P2859 (Ewan Brown, Military Developments Bosanska Krajina 1992 – A Background Study, 27 November 2002), para. 3.35. *See also* D1999 (Warning issued by the 1KK Command, 5 July 1992), p. 1.
[417] P244 (Osman Selak, witness statement, 13 July 2000), para. 19.
[418] P244 (Osman Selak, witness statement, 13 July 2000), para. 20.
[419] P244 (Osman Selak, witness statement, 13 July 2000), para. 21.
[420] P244 (Osman Selak, witness statement, 13 July 2000), paras 21, 25.
[421] P244 (Osman Selak, witness statement, 13 July 2000), para. 29.

headquarters, and daily meetings were held at 7 p.m. wherein orders from the VRS Main Staff, daily operations, and routine corps work were discussed.[422]

117. **Kelečević** testified that in May and June 1992, Talić held weekly Monday morning meetings with his assistant commanders.[423] When the regular in-person meetings could not take place, Talić instead had phone contact with them.[424] An operations team was on duty around-the-clock and reported to Talić or, in his absence, to the witness.[425] In Talić's absence, Kelečević would report to Mladić about what was going on in the Corps's area of responsibility.[426] According to the witness, he could always rely on the communication means.[427] The witness's corps received orders and directives directly from the VRS Main Staff, which then were turned into operational directives by Talić and the corps command. Mladić and other VRS Main Staff officers would regularly visit the 1KK.[428] In an interview with Miloš Šolaja in June 1993, Momir Talić stated that the 1KK had 'extraordinarily good cooperation' with the VRS Main Staff and 'by doing so, we have achieved all that we have today'.[429]

118. **Selak** stated that while in peacetime one daily written or oral and standardised report was sent by the brigades to the corps by 8 p.m., during periods of war, two written reports were sent by 6 a.m. and by 8 p.m.[430] Regular communication between brigades and corps were conducted by individuals in the same field; for example, the brigade logistics department would communicate regularly with the corps logistics department.[431] Extraordinary reports were compiled for incidents of importance, such as serious breaches of discipline.[432] If there was a consistent failure to submit daily or adequate reports, the corps could issue an order reinforcing the procedure and, if necessary, instigate disciplinary measures.[433] Communications from units of the Corps to the Corps Command and from the Corps Command to the Main Staff were also enhanced during combat.[434]

[422] P244 (Osman Selak, witness statement, 13 July 2000), para. 27.
[423] Boško Kelečević, T. 37146, 37205-37206.
[424] Boško Kelečević, T. 37146-37147.
[425] Boško Kelečević, T. 37206.
[426] Boško Kelečević, T. 37147-37148, 37207.
[427] Boško Kelečević, T. 37207.
[428] Boško Kelečević, T. 37148.
[429] P7191 ('Serbs are the noblest people', the Krajina Soldier, June 1993), p. 7.
[430] P244 (Osman Selak, witness statement, 13 July 2000), paras 3, 7.
[431] P244 (Osman Selak, witness statement, 13 July 2000), para. 6.
[432] P244 (Osman Selak, witness statement, 13 July 2000), paras 8, 33.
[433] P244 (Osman Selak, witness statement, 13 July 2000), para. 9.
[434] P244 (Osman Selak, witness statement, 13 July 2000), para. 10.

119. **Witness RM-051** testified that officers had to report in writing to their direct superiors in the command of the 1KK on a daily or more frequent basis and that the superior would then report in writing to the Corps staff.[435] **Amidžić** testified that every chief of a sector submitted a report on the work of his sector and that regular combat reports were sent from the 1KK to the Main Staff on a daily basis.[436] **Witness RM-802** testified that during the summer of 1992, brigades sent daily combat reports to the corps as necessary and the corps would then send daily combat reports to the Main Staff so that Mladić knew what was occurring in the entire area of responsibility of the VRS.[437] According to documentary evidence, regular combat reports and other reports were regularly sent from the 1KK to the Main Staff in 1992, including in May 1992.[438]

120. **Miloš Šolaja** testified that, throughout his time in the Press Centre of the 1KK's organ for Morale and Legal and Religious Affairs, in which he worked from 18 July 1992 until the end of the war, Lieutenant-Colonel Milovan Milutinović was his superior officer and Milutinović's superior officer was Milutin Vukelić.[439] The Press Centre's analytical group monitored international media reports and kept Milutinović and Vukelić apprised of relevant reports.[440] **Barašin** testified that the 1KK press centre published a magazine called *Krajiški Vojnik* through which the soldiers were kept informed about what was going on at the front and on the political scene.[441] According to a report of the VRS Main Staff on the combat readiness and activities of the VRS in 1992, the *Krajiški Vojnik* was of exceptional importance for informing members of the army in 1992.[442]

[435] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5270-5271.
[436] Boško Amidžić, T. 29506, 29525.
[437] P439 (Witness RM-802, witness statement, 25 April 2012), para. 74.
[438] *See* for example: P151 (1KK regular combat report 44/1-155 signed by Talić, 31 May 1992); P2405 (1KK Command daily combat report to VRS Main Staff signed by General Talić, 29 May 1992); P3951 (Report of the 1KK, addressed to the VRS Main Staff, 3 September 1992); P3877 (Regular Combat Report to the VRS Main Staff, 8 August 1992); P3890 (1KK Command combat report, 24 May 1992); P3902 (1KK Command report, 9 June 1992); P4041 (Regular Combat Report, addressed to the VRS Main Staff, 18 August 1992); P4015 (1KK Command combat report, 31 May 1992); P4042 (Regular Combat Report of the 1KK, addressed to the VRS Main Staff, 29 August 1992); P4950 (Report no. 18-168/1, from the 1KK to the VRS Main Staff on the control of weapons and equipment issued to the TO at the beginning of the conflict in Croatia and the Bosnian-Serb Republic, 31 August 1992); P5139 (Regular combat report by 1KK Commander Momir Talić, 7 June 1992); P5152 (Report of the 1KK Command, 2 October 1992); P6988 (Report on consumption of material in the 1KK from 1 May to 1 October 1992, 9 October 1992), pp. 1-4; P7390 (1KK Command report on current issues of combat morale addressed to the VRS Main Staff, 30 September 1992). *See* also Boško Amidžić, T. 29513.
[439] D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 4; Miloš Šolaja, T. 32729-32730.
[440] Miloš Šolaja, T. 32730-32731.
[441] Ostoja Barašin, T. 28692, 28767.
[442] P338 (Report of the Main Staff on the combat readiness and activities of the VRS in 1992, April 1993), pp. 1, 45, 52.

Units

121. **Brown** testified that when the 5th Corps became the 1KK the units remained almost identical except that some changed their unit designation and a number of new light brigades were formed as the Serb TO was integrated into the Corps.[443] On 27 May 1992, the 1KK sent a proposal for the Corps's structure and organization to the VRS Main Staff.[444] By the end of 1992, Talić commanded, *inter alia*, the following units: the Corps Headquarters, the 16th Krajina Motorised Brigade, the 5th Kozara Brigade, the 22nd Brigade, the 6th Krajina Brigade, the 30th Division, the 43rd Motorised Brigade, the First Kotor Varoš Brigade, and the Manjača Training Facility and Detention Unit, as well as a number of temporary units, including the Operational Group Doboj.[445] **Amidžić** testified that the 1KK consisted of up to 48 regiments and brigades.[446] **Kelečević** testified that the units of the 1KK which had been in the territory of Slavonia, namely the 6th Krajina and the 43rd Motorised Brigades, were battle-tested units.[447]

43rd Motorised Brigade

122. **Čedo Šipovac** testified that Vladimir Aršić was the Commander of the 343rd Motorised Brigade of the JNA and Radmilo Zeljaja was his deputy.[448] The 343rd Motorised Brigade of the JNA, a.k.a. War Unit 4777, was stationed in Prijedor and later became the 43rd Motorised Brigade of the VRS.[449] The 43rd Motorised Brigade was part of the 1KK.[450] **Kelečević** testified that Radmilo Zeljaja was the Chief of Staff of the 43rd Motorised Brigade.[451] On 10 June 1992, the Commander of the 4th Battalion of the 43rd Motorised Brigade was Captain Borislav Bojić; his Deputy Commander was

[443] P2859 (Ewan Brown, Military Developments Bosanska Krajina 1992 – A Background Study, 27 November 2002), para. 1.76.
[444] P3812 (Proposal for the 1KK structure and organisation, 27 May 1992), pp. 1, 4.
[445] P2859 (Ewan Brown, Military Developments Bosanska Krajina 1992 – A Background Study, 27 November 2002), paras 3.58-3.59.
[446] D847 (Boško Amidžić, witness statement, 25 June 2014), para. 11.
[447] Boško Kelečević, T. 37153-37154.
[448] Čedo Šipovac, T. 28180-28181.
[449] D766 (Čedo Šipovac, witness statement, 18 January 2014), para. 8; Čedo Šipovac, T. 28180-28181.
[450] Čedo Šipovac, T. 28190-28191.
[451] D1110 (Boško Kelečević, witness statement, 26 June 2014), para. 14; Boško Kelečević, T. 37249-37251.

Captain Milanko Savić and the battalion's intelligence officer was Lieutenant Milenko Malić.[452]

123. **Slavko Puhalić** testified that both his superior, Trnopolje camp commander Slobodan Kuruzović, and himself were members of the 43rd Motorized Brigade.[453] **Zdravka Karlica** testified that on 16 September 1991, her husband, Zoran Karlica, was mobilized as a reserve 1st class captain and reported to the 343rd Motorised Brigade, a.k.a. the 'Prijedor Motorized Brigade'.[454] From 2 March 1992, Zoran Karlica was permanently on duty at the Žarko Zgonjanin barracks in Prijedor.[455] In May, Zoran Karlica was the Commander of the reconnaissance company of the 343rd Motorised Brigade,[456] which included, *inter alios*, Dragan Škrbić, Željko Zgonjanin a.k.a. Čupo, and Stojan Madžar.[457]

124. On 10 June 1992, the Commander of the 4th Battalion of the 43rd Motorised Brigade was Captain Borislav Bojić; his Deputy Commander was Captain Milanko Savić and the battalion's intelligence officer was Lieutenant Milenko Malić.[458]

125. According to July 1992 records of the Public Prosecutor's Office and the Prijedor Lower Court, Duško Knežević and Žoran Žigić were members of the 'Zoran Karlica' Sabotage and Reconnaissance Uunit of the 43rd Motoriszed Brigade.[459]

126. According to an interview with Radmilo Željaja published in the *Kozarski Vjesnik* on 20 May 1994, Željaja was appointed the Commander of the 4th Tactical

[452] P354 (Mladić notebook, 16 July 1992 - 9 September 1992), p. 44.
[453] Slavko Puhalić, T, 31706. *See also* T. 31664-31666.
[454] D863 (Zdravka Karlica, witness statement, 17 March 2014), para. 2.
[455] D863 (Zdravka Karlica, witness statement, 17 March 2014), para. 5.
[456] D863 (Zdravka Karlica, witness statement, 17 March 2014), paras 9-11.
[457] D863 (Zdravka Karlica, witness statement, 17 March 2014), paras 13, 15.
[458] P354 (Mladić notebook, 16 July 1992 - 9 September 1992), p. 44.
[459] On 8 July 1992, Duško Knežević of the Sabotage and Reconnaissance Unit with military post no. 4777/3, Prijedor, requested the Public Prosecutor's office in Prijedor to release 'our soldier' Zoran Žigić, 'because our Sabotage and Reconnaissance Unit is getting ready to go to the front in Derventa'. Knežević remarked that Žigić was the Sabotage and Reconnaissance Unit's 'best expert on explosive' [*sic*]. The following day, on 9 July 1992, the Prijedor Lower Court issued a decision, based on a proposal by the Public Prosecutor's Officer, ordering that Žoran Žigić be released from custody effective immediately as his case file showed 'information which shows the necessity for the accused to be engaged in the "Zoran Karlica" unit as an excellent and capable worker - soldier who is knowledgeable about [*sic*] explosives.' *See* P7204 (Letter by Knežević to Public Prosecutor's office regarding the release of Žigić), p. 1; P7205 (Decision by the Lower Court of Prijedor, 9 July 1992), p. 1. In light of the evidence reviewed in this chapter, the Trial Chamber is convinced that the 'Zoran Karlica' Sabotage and Reconnaissance Unit was the Sabotage and Reconnaissance Unit of the 43rd Motorised Brigade. This unit was sometimes referred to as a 'scouting company/platoon', 'pioneer platoon', 'sabotage company', or 'reconnaissance company' of the 43rd Motorised Brigade, whose first commander was Zoran Karlica. In its Judgment, the Trial Chamber refers to this unit as the Sabotage and Reconnaissance Unit of the 43rd Motorised Brigade.

Group on 28 June. Željaja mentioned that at that time, the 4th Battalion of the 43rd Motorised Brigade was led by Borislav Bojić.[460]

127. According to an article published in the Kozarski Vjesnik on 20 May 1994 dedicated to the day of the 43rd Motorised Brigade, the JNA 343rd Brigade became the VRS 43rd Motorised Brigade on 22 May 1992.[461] The Commander of the Brigade was Colonel Vladimir Arsić and his Chief of Staff was Lieutenant-Colonel Radmilo Zeljaja. The 43rd Motorized Brigade's 'scouting company' was named after its commander, Zoran Karlica.[462]

128. In May 1994, the 4th Tactical Group published a bulletin on the 3rd Battalion of the 43rd Motorised Brigade.[463] It stated that the Commander of the 3rd Battalion of the 43rd Motorised Brigade was Draško Vujić.[464] Milac Gruban was a member of the 2nd Company of this battalion and Stanislav Gavrić a member of the battalion's 3rd Company.[465]

129. In May 1994, the 4th Tactical Group issued a bulletin regarding the 3rd Battalion of the 43rd Motorised Brigade. The 2nd Battalion Commander was Rade Bilbija, a.k.a. Čuča[466], the 3rd Battalion Commander was Draško Vujić's;[467] the 4th Battalion Commander was Borislav Bojić's;[468] the 5th Battalion (the 'Town Battalion') Commander was Nenad Vujanić's.[469] The bulletin further mentions the 43rd Motorised Brigade's 'Zoran Karlica' Reconnaissance Platoon on the Gradačac front in August 1992.[470] In relation to the 2nd Battalion, the bulletin mentions that it had 'taken over [its] name from a battalion from Omarska' after it left to join the formation of the 5th

[460] P3841 (Interview with Radmilo Željaja published in *Kozarski Vjesnik*, 20 May 1994), p. 5.
[461] P3852 (Article in *Kozarski Vjesnik* titled 'To the Pride and Honour of the Fatherland, 20 May 1994), p. 1.
[462] P3852 (Article in *Kozarski Vjesnik* titled 'To the Pride and Honour of the Fatherland, 20 May 1994), p. 2.
[463] P7364 (Bulletin of the 4th Tactical Group regarding the 3rd Battalion of the 43rd Motorised Brigade, May 1994), p. 1.
[464] P7364 (Bulletin of the 4th Tactical Group regarding the 3rd Battalion of the 43rd Motorised Brigade, May 1994), p. 1.
[465] P7364 (Bulletin of the 4th Tactical Group regarding the 3rd Battalion of the 43rd Motorised Brigade, May 1994), p. 2.
[466] P7620 (Bulletin of the 4th Tactical Group titled 'Zeka's Unfinished Story', May 1994), p. 6.
[467] P7620 (Bulletin of the 4th Tactical Group titled 'Zeka's Unfinished Story', May 1994), p. 3.
[468] P7620 (Bulletin of the 4th Tactical Group titled 'Zeka's Unfinished Story', May 1994), p. 3.
[469] P7620 (Bulletin of the 4th Tactical Group titled 'Zeka's Unfinished Story', May 1994), p. 7.
[470] P7620 (Bulletin of the 4th Tactical Group titled 'Zeka's Unfinished Story', May 1994), p. 4.

Kozara Brigade.[471] Notable fighters of the 43rd Motorised Brigade included Radmilo Zeljaja, the late Zoran Karlica, Mišo Rodić, and Rade Javorić.[472]

130. In a televised speech aired sometime in 1994, President Radovan Karadžić decorated the men of the 43rd Motorized Brigade, better known as the 'Prijedor Brigade'.[473] Karadžić commended the members of the 'scout company' of the 43rd Motorized Brigade which was named after its first Commander, Zoran Karlica.[474]

131. On 1 July 1994, the *Kozarski Vjesnik* published a list of medals awarded by decree of Radovan Karadžić to members of the 43rd Motorised Brigade.[475] Soldiers of the 'pioneer platoon' included Žoran Žigić and Goran Gruban.[476]

5th Kozara Brigade

132. **Javorić** testified that in 1991 the 5th Partisan Brigade, later renamed the 5th Kozara Brigade, was stationed in Prijedor in the same barracks as the 43rd Motorised Brigade.[477]

6th Krajina Light Infantry Brigade

133. **Branko Davidović** stated that when the VRS was established, the 6th Krajina Brigade became the VRS 6th Sana Brigade.[478] **Brown** testified that the 6th Krajina Brigade was a 1KK Corps unit from Sanski Most.[479] Various witnesses provided evidence on the brigade's deployment in Sanski Most Municipality, the brigade's command post, as well as its commander and staff. They testified that in early 1992, after the JNA 6th Krajina Brigade had been deployed in the Jasenovac area, it returned to Sanski Most Municipality on the orders of the Corps Commander and that the

[471] P7620 (Bulletin of the 4th Tactical Group titled 'Zeka's Unfinished Story', May 1994), p. 6.
[472] P7620 (Bulletin of the 4th Tactical Group titled 'Zeka's Unfinished Story', May 1994), p. 7.
[473] P7028 (Video clip regarding the 43rd Brigade from July 1994 with transcript, undated), p. 1; Zdravka Karlica, T. 30162, 30167.
[474] P7028 (Video clip regarding the 43rd Brigade from July 1994 with transcript, undated), p. 2.
[475] P3277 (Article in *Kozarski Vjesnik* on awarding members of the 43rd Motorized Brigade, 1 July 1994), p. 1.
[476] P3277 (Article in *Kozarski Vjesnik* on awarding members of the 43rd Motorized Brigade, 1 July 1994), p. 5.
[477] D895 (Rade Javorić, witness statement, 26 June 2014), para. 4.
[478] D675 (Branko Davidović, witness statement, 30 June 2014), para. 17.
[479] P2859 (Ewan Brown, Military Developments Bosanska Krajina 1992 – A Background Study, 27 November 2002), para. 1.99.

brigade's headquarters was in Lušci Palanka Village, in Sanski Most Municipality.[480] Branko Basara was the brigade commander from October 1991 to mid-December 1992.[481] **Čorokalo** stated that Veljko Brajić was the Chief of Staff of the brigade.[482] Pero Maličević was the brigade's Chief of security.[483]

134. **Mirzet Karabeg** stated that the brigade was not composed of active duty personnel and most were Serb reservists, who had joined the brigade through mobilisation, making the brigade almost exclusively Serb.[484] **Witness RM-015** testified that after the formation of light brigades in municipalities including Ključ, Prijedor, Bosanski Novi, and Dubica, soldiers from the JNA 6th Krajina Brigade who came from these municipalities left this brigade and joined the newly formed brigades, reducing the manpower of the brigade to about 500 to 600 men at the time it was deployed to Jasenovac. The 6th Krajina Brigade was also known as the 6th Sana Brigade or 6th Partisan Brigade.[485]

135. **Basara** testified that as Muslims neither took up their positions nor signed up for the 6th Krajina Brigade, its composition was 100 per cent Serb.[486] The brigade was made up exclusively of reserve personnel and, while during its time in Jasenovac around April and May 1992 the brigade had around 1,000 men at the most, by August 1992, it comprised approximately 3,500 to 4,000 men.[487] According to a 6 December 1992 report of the 6th Krajina Brigade, the brigade comprised 28 active servicemen and 3,661 reservists.[488]

136. **Basara** testified that it was his responsibility as the commander to supervise all of his subordinates and to make sure that they fulfilled their obligations properly and according to the rules and the law and that he made sure that his units were under strict

[480] D675 (Branko Davidović, witness statement, 30 June 2014), paras 10, 12-13; D785 (Duško Čorokalo, witness statement, 6 February 2014), para. 4; D1031 (Branko Basara, witness statement, 21 July 2014), para. 4; P2362 (Witness RM-015, witness statement, 13 March 2002), para. 88; P3248 (Mirzet Karabeg, witness statement, 25 July 1999), p. 5; Branko Basara, T. 34386, 34401.
[481] D1031 (Branko Basara, witness statement, 21 July 2014), para. 4; Branko Basara, T. 34386, 34401. *See also* D675 (Branko Davidović, witness statement, 30 June 2014), para. 17; D785 (Duško Čorokalo, witness statement, 6 February 2014), para. 4; P3248 (Mirzet Karabeg, witness statement, 25 July 1999), p. 3; P3250 (Mirzet Karabeg, *Brđanin* transcript, 27-28 May 2002), p. 6100.
[482] D785 (Duško Čorokalo, witness statement, 6 February 2014), para. 4.
[483] D785 (Duško Čorokalo, witness statement, 6 February 2014), para. 8.
[484] P3248 (Mirzet Karabeg, witness statement, 25 July 1999), p. 5.
[485] P2362 (Witness RM-015, witness statement, 13 March 2002), para. 88.
[486] D1031 (Branko Basara, witness statement, 21 July 2014), para. 18.
[487] D1031 (Branko Basara, witness statement, 21 July 2014), para. 23; Branko Basara, T. 34398.
[488] D1966 (6th Krajina Brigade report, 6 December 1992), p. 1.

control and aware of the rules of warfare.[489] Through the duty officer, the brigade sent regular reports to the Corps Command.[490] Following the chain of command, officers in the various sections would report to their respective superiors in the Corps Command.[491] According to the witness, Talić was informed about crimes committed in Sanski Most Municipality.[492] The witness also personally provided Talić with information on the overall situation in the territory through frequent conversations at Talić's request or when the witness required something for his brigade.[493]

137. According to **Davidović**, the brigade respected the system of subordination and unity of command. The brigade command was under the sole and exclusive command of the corps commander.[494] The witness sent reports on the state of morale in the 6th Krajina Brigade to the command in charge.[495] **Witness RM-015** believed Colonel Basara to be generally powerless to control illegal behaviour in the units subordinate to him.[496] In September or October 1992, General Talić, under pressure from the SDS, removed Colonel Basara from the command of the 6th Krajina Brigade and replaced him with Colonel Kajtez.[497]

138. According to a report of the 6th Krajina Brigade of 6 December 1992, there was a lack of uniformity of clothing in the 6th Krajina Brigade due to an inadequate supply of proper uniforms.[498] A small number of the units partly wore some civilian clothing.[499]

Vlašić Operational Group

139. **Witness RM-802** testified that Major Janko Trivić commanded the Vlašić Operational Group.[500] This group was comprised of the 22nd Brigade, the 1st Kneževo Brigade, and the 1st Kotor Varoš Brigade, as well as various other units. The Chief of

[489] D1031 (Branko Basara, witness statement, 21 July 2014), para. 22; Branko Basara, T. 34412.
[490] Branko Basara, T. 34403-34406, 34412.
[491] Branko Basara, T. 34406-34407.
[492] Branko Basara, T. 34408-34410.
[493] Branko Basara, T. 34404-34409.
[494] D675 (Branko Davidović, witness statement, 30 June 2014), para. 34.
[495] Branko Davidović, T. 26505.
[496] P2362 (Witness RM-015, witness statement, 13 March 2002), para. 133.
[497] P2362 (Witness RM-015, witness statement, 13 March 2002), para. 102; Witness RM-015, T. 17289.
[498] D1966 (6th Krajina Brigade report, 6 December 1992), p. 1.
[499] D1966 (6th Krajina Brigade report, 6 December 1992), p. 1.
[500] P439 (Witness RM-802, witness statement, 25 April 2012), paras 46, 51.

Staff of the Vlašić Operational Group was Lieutenant Colonel Grahovac.[501] **Slobodan Župljanin** testified that the 22nd Brigade and the 1st Kotor Varoš Brigade, including the Grabovica Company, were in the Vlašić Operational Group, which was led by Colonel Janko Trivić, to whom Dusan Novaković and the witness reported directly.[502]

22nd Brigade

140. **Obrad Bubić** testified that the 22nd Brigade was deployed in the region of Kotor Varoš.[503] **Vojin Ubiparip** testified that the brigade was part of the 1KK.[504] Until October 1992, Boško Peulić was the Commander of the 22nd Brigade.[505] When the witness became the chief of staff of the brigade at the end of January 1993, Janko Trivić was the Brigade Commander.[506] **Župljanin** testified that on 23 or 24 October 1992, Colonel Janko Trivić took over the command of the brigade from Peulić.[507] **Witness RM-802** testified that the Chief of Staff of the brigade was Lieutenant Colonel Grahovac.[508] The brigade's command post was located in the post office in Kneževo and was then moved to the school in Vitovlje.[509] **Župljanin** testified that it was his task to implement orders of his superior command regardless of whether he supported the orders.[510]

1st Kotor Varoš Brigade

141. **Vojislav Kršić** testified that the 1st Kotor Varoš Brigade was to be formed on 11 June 1992 on the order of the commander of the 1KK, but initially it did not have a commander.[511] Dušan Novaković was eventually appointed as commander.[512]

[501] P439 (Witness RM-802, witness statement, 25 April 2012), paras 46, 48, 52.
[502] Slobodan Župljanin, T. 30941-30942, 30953.
[503] D674 (Obrad Bubić, witness statement, 14 February 2014), para. 2.
[504] D891 (Vojin Ubiparip, witness statement, 22 July 2014), para. 2.
[505] D891 (Vojin Ubiparip, witness statement, 22 July 2014), para. 3. *See also* D674 (Obrad Bubić, witness statement, 14 February 2014), para. 2; Obrad Bubić, T. 26455.
[506] D891 (Vojin Ubiparip, witness statement, 22 July 2014), para. 3.
[507] Slobodan Župljanin, T. 30949. *See also* P439 (Witness RM-802, witness statement, 25 April 2012), paras 45-46, 48, 51.
[508] P439 (Witness RM-802, witness statement, 25 April 2012), paras 46, 52.
[509] P439 (Witness RM-802, witness statement, 25 April 2012), para. 55.
[510] Slobodan Župljanin, T. 30951.
[511] Vojislav Kršić, T. 29278.
[512] Vojislav Kršić, T. 29278-29279, 29310-29311; P6977 (Appointment of Vojislav Kršić as assistant chief of staff in Kotor Varoš light infantry brigade, 27 August 1992). *See also* Slobodan Župljanin, T. 30940; P439 (Witness RM-802, witness statement, 25 April 2012), para. 46.

According to the witness, the 1st Kotor Varoš Brigade logistics were entrusted 'for the most part' to the Kotor Varoš Municipality and the Presidency, thus the actual relationship between the 1KK and the brigade began only in late November or December 1992.[513] According to the witness, from the brigade's establishment until November 1992, it was completely disorganised, namely it had neither a command nor the necessary personnel, and it was a group of armed men rather than a unit, until in October or November 1992 the brigade made efforts to change that.[514] Until November 1992 there was practically no link between the command of the brigade and the corps command.[515] Sometimes the brigade sent reports via the command of the 22nd Brigade.[516] The 1st Kotor Varoš Brigade consisted of companies and the brigade had a membership ranging from 850 to 2,000 soldiers, while most of the time it comprised 1,000 to 1,500 soldiers.[517] Until the second half of 1993, the command post of the brigade had been in Kotor Varoš and then it moved to Šiprage Village.[518] According to the witness, while the 1st Kotor Varoš Brigade was dominated by Serbs, the brigade included 30 Muslims and Croats, including Asim Agan Begović, Adis Hadžiselimović, and Enes Caus.[519] The 30 non-Serb soldiers became members when the brigade was established and stayed in the brigade until the end of the war.[520]

142. On 8 June 1992, Manojlo Tepić was appointed Chief of Staff of the 1st Kotor Varoš Brigade by Novaković.[521] **Witness RM-802** testified that in October 1992, the brigade consisted of about 1,200 men.[522] **Ubiparip** testified that he was the commander of the 1st Kotor Varoš Brigade from June 1993. There were Muslims and Croats among his subordinated officers.[523]

[513] Vojislav Kršić, T. 29279.
[514] D844 (Vojislav Kršić, witness statement, 8 February 2014), para. 6; Vojislav Kršić, T. 29276-29277.
[515] Vojislav Kršić, T. 29280.
[516] Vojislav Kršić, T. 29281.
[517] D844 (Vojislav Kršić, witness statement, 8 February 2014), para. 4; Vojislav Kršić, T. 29306
[518] D844 (Vojislav Kršić, witness statement, 8 February 2014), para. 5.
[519] D844 (Vojislav Kršić, witness statement, 8 February 2014), para. 25; Vojislav Kršić, T. 29303-29305.
[520] Vojislav Kršić, T. 29304-29305.
[521] P851 (List of 46th Kotor Varoš Brigade Members), p. 1; P6807 (Order of the Commander of the Kotor Varoš Light Infantry Brigade, 8 June 1992).
[522] P439 (Witness RM-802, witness statement, 25 April 2012), para. 46.
[523] D891 (Vojin Ubiparip, witness statement, 22 July 2014), para. 7.

Operational Group Doboj

143. **Simić** testified that after he received information from Zagreb that Muslim-Croat forces planned to attack Doboj in mid-June 1992, he first reported this information to his immediate superior, General Talić.[524] On 26 May 1992, after the session of the Bosnian-Serb Assembly, the witness also informed Mladić and Karadžić.[525] Mladić and Karadžić then ordered Talić to establish Operational Group Doboj.[526] The witness became its commander until General Slavko Lišica replaced him in 1994.[527] According to the witness, he was subordinated to Talić, who sent down everything that he received from the VRS Main Staff, which the witness sent down to his units, according to the chain of command.[528] **Amidžić** testified that around 14 April 1994, the Operational Group Doboj was subordinated to the First Krajina Corps.[529] Requests for logistic assistance were sent to the VRS Main Staff.[530]

30th Division

144. **Velimir Kevac** testified that the 30th Division had its command post at the Kula Barracks in Mrkonjić Grad.[531] The division was part of the 5th Corps of the JNA.[532] When the witness arrived, the majority of the division's professional military senior officers had left for Serbia.[533] The division command and the brigade command filled these posts with officers from the JNA reserve forces and, in some cases, ordinary soldiers who lacked military rank, but had 'authority among the people'.[534] Apart from the brigade commander, there were one or two other active-duty officers, but the rest were reserve officers.[535] A few battalion commanders were active-duty officers, but the company and platoon commanders rarely had the adequate knowledge required of

[524] D921 (Milivoje Simić, witness statement, 24 July 2014), paras 8-15; Milivoje Simić, T. 32531.
[525] D921 (Milivoje Simić, witness statement, 24 July 2014), para.16.
[526] D921 (Milivoje Simić, witness statement, 24 July 2014), para. 18.
[527] D921 (Milivoje Simić, witness statement, 24 July 2014), para. 20.
[528] Milivoje Simić, T. 32533.
[529] Boško Amidžić, T. 29515; *see also* P6989 (Request to the First Krajina Corps for approval to purchase ammunition and spare parts, 14 April 1994), pp. 1-2.
[530] Boško Amidžić, T. 29515-29516; P6989 (Request to the First Krajina Corps for approval to purchase ammunition and spare parts, 14 April 1994), pp. 1-2.
[531] D871 (Velimir Kevac, witness statement, 31 July 2014), paras 1, 4.
[532] D871 (Velimir Kevac, witness statement, 31 July 2014), para. 4.
[533] D871 (Velimir Kevac, witness statement, 31 July 2014), para. 6.
[534] D871 (Velimir Kevac, witness statement, 31 July 2014), para. 6; Velimir Kevac, T. 30449.
[535] Velimir Kevac, T. 30449.

senior officers, making it difficult for the units to function properly.[536] 'After a while' this problem was addressed through the centre for training in the former school for training armoured units in Banja Luka.[537]

145. The division informed its superior command of the situation in the field through regular and interim combat reports.[538] The witness drafted reports based on information contained in the daily reports from the division's units. He then submitted these reports for approval to the Division Commander, who when the witness took up his duty in the 30th Division at the end of May 1992 until September 1992 was Colonel Stanislav Galić. The approved reports were then submitted to the Corps Commander, General Momir Talić, who reviewed the reports and made decisions based on them.[539] While the witness could not confirm that the information he submitted in the reports was conveyed to the VRS Main Staff, the content of his reports was co-ordinated with the reports of the division commands and the brigade commands, both of which were subordinated to the corps command.[540]

Military Police Units

146. **Witness RM-015** testified that three military police units were established in Sanski Most Municipality, including the 'legitimate' military police unit formed by Colonel Basara.[541]

The Trial Chamber's findings

147. Based on the foregoing, the Trial Chamber finds that the JNA 5th Corps became the VRS First Krajina Corps, which was established between 12 and 20 May 1992. It was the largest VRS corps with a zone of responsibility including approximately half of the municipalities of the Bosnian-Serb Republic and a strength of approximately 100,000 armed men. It was a primarily Bosnian-Serb corps. Its primary command post was located in the building of the former command of the 5th Corps in the centre of Banja Luka. Momir Talić commanded the 5th Corps from 17 March 1992, and he

[536] D871 (Velimir Kevac, witness statement, 31 July 2014), para. 6; Velimir Kevac, T. 30449.
[537] Velimir Kevac, T. 30455.
[538] D871 (Velimir Kevac, witness statement, 31 July 2014), para. 5.
[539] D871 (Velimir Kevac, witness statement, 31 July 2014), para. 5; Velimir Kevac, T. 30466-30468.
[540] D871 (Velimir Kevac, witness statement, 31 July 2014), para. 5; Velimir Kevac, T. 30467-30468.

remained the commander when the 5th Corps became the First Krajina Corps. Boško Kelečević was the First Krajina Corps Chief of Staff; Gojko Vujinović was the Assistant Commander for Civilian Affairs; Milan Stevilović was the Assistant Commander for Security, succeeded by Stevo Bogojević; Milutin Vukelić was the Assistant Commander for Morale, Legal, and Religious Affairs; and Vaso Tepšić was the Assistant Commander for Logisitics, succeeded by Boško Amidžić.

148. The First Krajina Corps consisted of up to 48 regiments and brigades, most of which were originally JNA units. This included the 43rd Motorised Brigade; the 5th Kozara Brigade; the 6th Krajina Brigade,(also called the 6th Sana Brigade, 6th Sanski Most Brigade, 6th Sanska Brigade, or 6th Partisan Brigade); the Vlašić Operational Group, including the 22nd Brigade and the First Kotor Varoš Brigade; the Operational Group Doboj; the 30th Division; and at least one military police division.

149. On 22 May 1992, the JNA 343rd Motorised Brigade became the 43rd Motorised Brigade a.k.a. the 'Prijedor Brigade'. The 43rd Motorised Brigade was stationed in Prijedor in the Žarko Zgonjanin Barracks. It was commanded by Vladimir Aršić and Radmilo Zeljaja was the Chief of Staff. Members of the 43rd Motorised Brigade's reconnaissance and sabotage unit included its first Commander, Zoran Karlica, as well as Dragan Škrbić, Željko Zgonjanin, a.k.a. Čupo, Zoran Žigić, Duško Knežević, and Stojan Madžar. Amongst the Battalion Commanders of the 43rd Motorised Brigade were Draško Vujić, Borislav Bojić, Nenad Vujanić, and Rade Bilbija a.k.a. Čuča. Other members of the 43rd Motorised Brigade included Slobodan Kuruzović, Slavko Puhalić, Milanko Savić, Goran Gruban, Milenko Malić, Mišo Rodić, and Rade Javorić.

150. The 5th Kozara Brigade was stationed in Prijedor in the same barracks as the 43rd Motorised Brigade. The 6th Krajina Brigade returned to Sanski Most Municipality in early 1992 and the brigade's headquarters was in Lušci Palanka, in Sanski Most Municipality. It was commanded by Branko Basara, who was replaced by Colonel Kajtez in September or October 1992. Veljko Brajić was the brigade's Chief of Staff and Pero Maličević was the Chief of Security. While around April or May the brigade only had around 1,000 men, by August 1992 until at least December 1992, it was made up of approximately 3,500 to 4,000 men, who except for a small minority were reservists. The brigade was exclusively Bosnian-Serb. There was a lack of uniformity of clothing in the brigade due to inadequate supply and some units partly wore civilian

[541] P2362 (Witness RM-015, witness statement, 13 March 2002), para. 102.

clothing. The Vlašić Operational Group was commanded by Janko Trivić and its Chief of Staff was Colonel Grahovac. The 22nd Brigade was deployed in the region of Kotor Varoš. It was first commanded by Boško Peulić and then from October 1992 by Janko Trivić. Colonel Grahovac was its Chief of Staff followed by Vojin Ubiparip in January 1993. The First Light Kneževo Brigade was commanded by Major Vulin. The First Kotor Varoš Brigade was first commanded by Dušan Novaković and from June 1993 by Vojin Ubiparip. Manojlo Tepić was its Chief of Staff. The brigade's strength ranged from 850 to 2,000 soldiers, most of the time comprised 1,000 to 1,500 soldiers, and was dominated by Serbs. The Operational Group Doboj was commanded by Milivoje Simić and from 1994 by Slavko Lišica. The 30th Division was stationed in Mrkonjić Grad and commanded by Stanislav Galić.

151. Furthermore, in relation to the Defence's argument that the First Krajina Corps units lacked discipline and were untrained and unprofessional, the Trial Chamber considered that according to Talić's statement (P7464), dated the end of April or beginning of May 1992, the Banja Luka Corps had such an organisation that neither the Corps nor the people of Krajina were endangered. Further, evidence provided by Kelečević indicates that the organisation of the 5th Corps was maintained when the Corps became part of the VRS. With regard to the 6th Krajina Brigade, Witness RM-015 testified that he believed the brigade's commander, Branko Basara, to be generally powerless to control illegal behaviour in his subordinated units. This is contradicted by Branko Davidović who testified that the brigade respected the system of subordination and unity of command as well as Branko Basara's own testimony that he made sure that his units were under strict control and aware of the rules of warfare. With regard to the First Kotor Varoš Brigade, Vojislav Kršić testified that this unit was disorganised, initially did not have a command, lacked necessary personnel, and had no link to the First Krajina Corps Command until October or November 1992. This is contradicted by an order issued on 8 June 1992 by Dušan Novaković, as commander of the First Kotor Varoš Brigade. Furthermore, Kršić admitted that until a link to the Corps Command was formally established, the Brigade sent reports via other channels. Lastly, even if there were instances of lack of discipline or organisation, the Trial Chamber considers that any such problems did not affect the Corps's overall ability to meaningfully control its subordinate units. Accordingly, the Trial Chamber rejects the Defence's arguments.

152. Therefore, the Trial Chamber finds that the chain of command and the communication system, including a regular reporting system, fully functioned between the VRS Main Staff, the First Krajina Corps, and its subordinate units. Throughout 1992, subordinate units sent daily and special reports to and received orders from the First Krajina Corps Command. These units were also routinely visited by the Corps Command. The Corps Command in turn reported to and received orders from the VRS Main Staff, during 1992, including in early July. Talić and Kelečević were regularly present at the command post. At least from the end of June 1992, the Corps Command was kept informed about relevant international media reports by its press centre, and throughout 1992 the soldiers of the Corps were informed about what was going on at the front and the political scene via a military paper published by the press centre.

Second Krajina Corps

153. In this section, the Trial Chamber will review the evidence regarding the structure of the 2KK. In this respect, the Trial Chamber received evidence from **Grujo Borić**, Commander of the 2KK from July 1992 to December 1994;[542] **Dušan Kukobat**, Chief of Staff of the Ključ Brigade as of 18 August 1992 and Chief of Staff of the 2KK as of 15 August 1994;[543] **Milorad Zorić**, a Serb from Bihać in Bihać Municipality, who was deployed as a wartime cameraman in the 2nd Krajina Corps from June 1992 until the end of the war;[544] and **Đorđe Đukić**, the Assistant for Logistics of the VRS Main Staff;[545] as well as documentary evidence.

154. **Grujo Borić** testified that on 25 May 1992, he met with Mladić and General Savo Kovacević and was informed that a corps would be created and he would likely be named commander.[546] According to a certification from the VRS Main Staff dated 12 October 1992 and signed by Mladić, Borić was promoted to the rank of Major General on 10 June 1992.[547] **Borić** testified that he received the decree from the Supreme Commander promoting him to this position on 16 December 1992.[548]

[542] Grujo Borić, T. 34580-34581, 34586, 34599-34600, 34608. Part of Grujo Borić's evidence is reviewed in chapter 4.6.1.
[543] D757 (Dušan Kukobat, witness statement, 23 June 2014), paras 1-3, 6.
[544] D877 (Milorad Zorić, witness statement, 29 July 2014), p. 1, paras 1, 18; Milorad Zorić, T. 30682.
[545] P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), p. 7.
[546] Grujo Borić, T. 34585-34586, 34603-34604.
[547] P7342 (VRS Main Staff certification of appointment of Grujo Borić to the rank of Major-General).
[548] Grujo Borić, T. 34680-34681.

155. On 2 June 1992, pursuant to a decision of the Bosnian-Serb Assembly about the formation of the army and an order of the VRS Main Staff, Borić issued an order for the units of the 2KK to be set up.[549] The units included the 2nd Military Police Battalion, the 17th Ključ Brigade, the 2nd Mixed Artillery Regiment, the 2nd Mixed Anti-Armour Artillery Regiment, and the 2nd 'PVO' Light Artillery Regiment.[550] These units were to be formed from units which were already mobilised, TO units in the municipalities, and additional officers and soldiers born in the territory of Bosnia-Herzegovina. Material from the 9th and 10th JNA Corps was to be used.[551] The units had to be set up by 10 June 1992.[552] By an order issued on 4 June 1992, Mladić defined the area of responsibility of the 2KK.[553]

156. On 9 June 1992, Stanislav Galić, Commander of the 30th Partisan Division, informed the 1KK Command that on 6 June 1992, he had been informed by the Chief of Staff of the 2KK that the territory of the Ključ Municipal Assembly fell within the area of responsibility of the 2KK and that units deployed on that territory were being re-subordinated to the 2KK Command.[554] The 17th Light Infantry Brigade was to be formed on the same territory. Galić further informed that the 3rd Battalion of the 1st Partisan Brigade had been formed out of the Ključ TO Detachment and as such had been likewise resubordinated to the 2KK.[555]

157. **Borić** testified that he was formally appointed Commander of the 2KK on 7 or 8 July 1992, by a decree from Karadžić.[556] However, as of 2 June 1992, he was already issuing orders as the commander of the corps.[557] Colonel Mićo Vlaisavljević was appointed Chief of Staff of the 2KK, and Major Mikajlo Mitrović was the 2KK Chief of

[549] P5137 (Order from Grujo Borić, Commander of the 2KK, on the formation of units, 2 June 1992), p. 1.
[550] P5137 (Order from Grujo Borić, Commander of the 2KK, on the formation of units, 2 June 1992), pp. 1-9.
[551] P5137 (Order from Grujo Borić, Commander of the 2KK, on the formation of units, 2 June 1992), p. 1. *See also* D2073 (Škrbić article published in *Srpska vojska*, 9 May 1994), pp. 1-2.
[552] P5137 (Order from Grujo Borić, Commander of the 2KK, on the formation of units, 2 June 1992), p. 2.
[553] P4381 (VRS Main Staff order, 4 June 1992), pp. 1-2.
[554] P4052 (Explanation concerning the re-subordination of troops, 9 June 1992). *See also* P2859 (Ewan Brown, Military Developments Bosanska Krajina 1992 – A Background Study, 27 November 2002), para. 1.95.
[555] P4052 (Explanation concerning the re-subordination of troops, 9 June 1992).
[556] Grujo Borić, T. 34586.
[557] P3910 (Order issued by Grujo Borić, Commander of the 2KK on forming POW camps, 25 June 1992); P5137 (Order from Grujo Borić, Commander of the 2KK, on the formation of units, 2 June 1992); P7336 (2KK Command order signed by Borić for further operations, 8 June 1992); P7343 (2KK order signed by Borić on the collection of war booty, 7 June 1992); P7499 (Order from Grujo Borić, Commander of the 2KK, 27 June 1992).

Security.[558] On 7 January 1993, Major Mitrović was promoted to the rank of Lieutenant Colonel of the Land Technical Service by Mladić.[559] Milan Ivancević led the 2KK exchange commission, and any exchange agreements entered into by the Corps had to be approved by the VRS Main Staff.[560] According to **Dušan Kukobat**, Drago Samardžija was the Commander of the Ključ Brigade of the 2KK in August 1992.[561] **Milorad Zorić** testified that Borić was succeeded as Commander of the 2KK by Major General Radivoje Tomanić in November 1994.[562]

158. According to **Borić**, the 2KK command post was first located in Drvar and later moved to Ostrelj, between Drvar and Petrovac.[563] From June or July 1992, the 2KK comprised units of the 10th Corps that had left Croatia, TO brigades, a former JNA brigade, an engineer regiment, and three artillery battalions.[564] The 2nd Engineering Regiment, based at Lanište in Ključ Municipality, answered directly to the 2KK Command.[565]

159. **Borić** testified that subordinate brigades would submit daily situation reports to the 2KK and the corps command would then compile a report and send it to the VRS Main Staff that same day.[566] Urgent situations were immediately reported to the 2KK Command, which would then inform the VRS Commander.[567] A representative of the VRS Main Staff would periodically visit the 2KK Command and then submit a report to the VRS Main Staff Command.[568] The 2KK would have a meeting every morning, which would be run by the witness, or, in his absence, by Mićo Vlaisavljević, the Chief of Staff, and attended by the assistant commanders.[569] In those meetings, information from subordinate units, neighbouring corps, and the VRS Main Staff would be

[558] Grujo Borić, T. 34586, 34647, 34702. For Major Mitrović's first name *see* P7341 (VRS Main Staff order promoting Mikajlo Mitrović to the rank of Lieutenant-Colonel, 7 January 1993).
[559] Grujo Borić, T. 34647, 34679; P7341 (VRS Main Staff order promoting Mikajlo Mitrović to the rank of Lieutenant-Colonel, 7 January 1993).
[560] Grujo Borić, T. 34668-34669; P7338 (2KK command request for approval for negotiations regarding the exchange of prisoners, 13 November 1994), p. 1.
[561] D757 (Dušan Kukobat, witness statement, 23 June 2014), para. 3; Dušan Kukobat, T. 28013-28014.
[562] Milorad Zorić, T. 30682. *See also* P5083 (Letter from Major General Tomanić on St Vitus Day, 27 June 1995), pp. 1-2.
[563] Grujo Borić, T. 34591, 34676-34677.
[564] Grujo Borić, T. 34589-34590.
[565] Grujo Borić, T. 34681-34682.
[566] Grujo Borić, T. 34597-34598; P7331 (Excerpts from transcript of Prosecution interview of Grujo Borić, 21-23 April 2004), pp. 6-7; P7336 (2KK Command order for further operations, 8 June 1992), p. 8.
[567] Grujo Borić, T. 34597-34598.
[568] Grujo Borić, T. 34626, 34628; P7331 (Excerpts from transcript of Prosecution interview with Grujo Borić, 21-23 April 2004), p. 6.
[569] Grujo Borić, T. 34615-34616.

discussed, and tasks would be issued for the day.[570] The witness frequently spoke with Mladić.[571] Furthermore, a representative from the corps command would inspect a subordinate unit every day and the witness would inspect all brigades and meet with all brigade commanders under his authority weekly.[572] Brigade commanders could only receive orders from the corps command and not from any other structures and, to the witness's knowledge, the brigade commanders under his authority never launched an offensive operation without his approval.[573] Furthermore, as corps commander, the witness was responsible for the forces under his command and he received instructions from the VRS Main Staff on the criteria for criminal punishment of soldiers, including the fact that a commander could be held responsible for not dealing with crimes committed by his subordinates.[574]

160. On 12 and 13 June 1992, the 17th Ključ Light Infantry Brigade sent daily reports to the 2KK Command.[575] **Borić** testified that, in one instance, he had to coordinate with Talić in carrying out an operation which involved units of both the 1st and the 2KK.[576] Colonel Basara would have reported to Talić on the operation and Colonel Drago Samardžija would have reported to Borić.[577] Furthermore, the witness reported to Mladić about everything that happened in the 2KK on that day.[578]

161. According to a document from the 2KK Command dated 4 February 1993 and signed by Lieutenant Colonel Radivoje Kršić, 64 active servicemen had been transferred to the 2KK from the FRY.[579] According to **Borić**, once the 30th Personnel Centre was created, the soldiers who had been transferred from the VJ, as well as himself and Mićo Vlaisavljević, his Chief of Staff, were paid through that personnel centre.[580]

[570] Grujo Borić, T. 34616.
[571] Grujo Borić, T. 34625-34626; P7331 (Excerpts from transcript of Prosecution interview with Grujo Borić, 21-23 April 2004), p. 7.
[572] Grujo Borić, T. 34616-34617.
[573] Grujo Borić, T. 34593-34594, 34628.
[574] Grujo Borić, T. 34655.
[575] P7334 (Daily report from the 17th Light Infantry Brigade to the 2KK Command, 12 June 1992); P7335 (Daily report from the 17th Light Infantry Brigade to the 2KK Command, 13 June 1992).
[576] Grujo Borić, T. 34650; P7331 (Excerpts from transcript of Prosecution interview of Grujo Borić, 21-23 April 2004), p. 19.
[577] Grujo Borić, T. 34650. For Samardžija's first name *see* P3754 (Order from the Command of the Light Infantry Brigade signed by Drago Samardžija).
[578] Grujo Borić, T. 34650.
[579] P7327 (2KK document containing date on active servicemen transferred from the FRY, 4 February 1993), pp. 1-5.
[580] Grujo Borić, T. 34614; P7331 (Excerpts from transcript of Prosecution interview of Grujo Borić, 21-23 April 2004), p. 16.

162. According to an order from the 2KK Command, pursuant to a VRS Main Staff order dated 9 July 1992, all active military personnel of Muslim or Croat ethnicity were to be sent on annual leave and upon return from annual leave, were to be sent to the VJ General Staff Personnel Administration for the purpose of regulating their further status in service.[581]

163. **Đorđe Đukić** stated that until 19 May 1992 the JNA was engaged in Bosnia-Herzegovina territory with six corps, namely the 4th, 5th, 9th, 10th, 13th, and 17th Corps.[582] These corps were transformed into the VRS, namely the 5th Corps into the 1KK, the 9th and 10th Corps into the 2KK, the 17th Corps into the IBK, the 4th Corps into the SRK, and the 13th Corps into the HK.[583]

164. Based on the above, the Trial Chamber finds that the VRS 2KK was established in early June 1992 and composed of, *inter alia*, the former JNA 9th Knin and 10th Bihać Corps and local TO units. It was first headquartered in Drvar and later moved to Ostrelj. On 6 June 1992, the territory of Ključ Municipality was included in the area of responsibility of the 2KK and the units deployed in that territory were resubordinated to the 2KK Command. The 2KK consisted of, *inter alia*, several brigades and their battalions, including the 17th Ključ Light Infantry Brigade, three artillery regiments, and the 2nd Drvar Assault Infantry Platoon. Grujo Borić was the Commander of the 2KK as of June 1992 and was officially appointed to this position by a decree from Karadžić on 7 or 8 July 1992. He held this position until November or December 1994, when he was replaced by Major General Radivoje Tomanić. Mićo Vlaisavljević was Chief of Staff of the 2KK until his replacement by Dušan Kukobat on 15 August 1994. The Trial Chamber further finds that the communication system was fully functioning between the VRS Main Staff, the 2KK, and its subordinate units. Lower level 2KK units sent daily reports to the 2KK Command and were regularly inspected by the corps command. The corps command in turn reported to the VRS Main Staff and was regularly inspected by VRS Main Staff representatives.

[581] P7326 (2KK command document regulating the status in service of active military personnel, 10 July 1992), p. 1.
[582] P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), p. 9.
[583] P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), p. 7.

East Bosnia Corps

165. In this section, the Trial Chamber will review the evidence and make findings regarding the structure of the VRS East Bosnia Corps, IBK. In this respect, the Trial Chamber took judicial notice of two Adjudicated Facts.[584] Further, it received evidence from **Đorđe Đukić**, the Assistant for Logistics of the VRS Main Staff,[585] and **Richard Butler**, an intelligence research specialist,[586] and finds that this evidence is consistent with the Adjudicated Facts.[587] The Trial Chamber also received evidence from **Witness RM-513**, a Bosnian Serb from Bijeljina;[588] **Milenko Todorović**, Assistant Commander of the Intelligence and Security Organ of the IBK as of 16 November 1993;[589] **Novica Simić**, member of the VRS since 12 May 1992 and Commander of the IBK from 31 August 1992 until after the war;[590] **Svetozar Andrić**, Commander of the VRS Birač Brigade in Šekovići from 19 May 1992 to 6 August 1995, then Chief of Staff of the DK until March 1996;[591] and **Dragomir Andan**, a Bosnian Serb who served as a MUP senior inspector in Bijeljina, Zvornik, and Brčko from 1 June 1992 and then as an intelligence officer in the VRS Main Staff from September 1992,[592] as well as documentary evidence.[593]

166. **Richard Butler** testified that the VRS was comprised of remnants of the 2nd Military District of the JNA, an amalgamation of various TOs, as well as municipal and paramilitary units that were fighting in Bosnia-Herzegovina. The 2nd Military District numbered approximately 70,000 troops by mid-March 1992 and was comprised of the JNA 4th, 5th, 9th, 10th, and 17th Corps.[594] The following VRS Corps were created from the JNA Corps comprising the 2nd Military District: the 1KK (from the JNA 5th

[584] Adjudicated Facts 248 and 1769 are reviewed in chapter 3.1.1.
[585] P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), p. 7. Đukić's evidence is reviewed in chapter 3.1.2 *Second Krajina Corps*.
[586] Richard Butler, T. 16108; P2094 (Richard Butler, *curriculum vitae*, 10 June 2011).
[587] **Richard Butler:** P2210 (VRS Main Staff Command Responsibility Report, 9 June 2006), p. 4. **Đorđe Đukić:** P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), p. 7.
[588] P1054 (Witness RM-513, witness statement, 25 June 2011), p. 1, paras 2, 4-6. Witness RM-513's evidence is also reviewed in chapter 9.2.8.
[589] Milenko Todorović, T. 19835, 19837.
[590] P4325 (Novica Simić, *Popović et al.* transcript, 19-21, 24 November 2008), pp. 28483-28485.
[591] D1033 (Svetozar Andrić, witness statement, 16 July 2013), para. 1; Svetozar Andrić, T. 34737; D1034 (Order of hand-over of duties as Commander of the 1st Birač Infantry Brigade from Andrić to Colonel Ljubomir Vlačić, 6 August 1995).
[592] D512 (Dragomir Andan, witness statement, 6 June 2014), paras 5-7; Dragomir Andan, T. 22386-22388, 22396, 22437. Andan's evidence is reviewed in chapter 9.2.8.
[593] P2906 is reviewed in chapter 3.1.1.
[594] P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), paras 1.0-1.1, 1.6.

Corps), the 2KK (from the JNA 10th Corps), the IBK (from the JNA 17th Corps), the SRK (from the JNA 4th Corps), and the HK (from elements of the JNA 9th Corps).[595]

167. By an order issued on 4 June 1992, Mladić set initial boundaries for the IBK's area of responsibility.[596] The Trial Chamber received documentary evidence concerning which units were part of the IBK. On 30 May 1992, Colonel Nikola Denčić, Commander of the IBK, sent an order to the Zvornik TO that the Zvornik TO headquarters be transformed into the Zvornik Infantry Brigade of the IBK.[597] On 3 June 1992, pursuant to a decision of the Bosnian-Serb Assembly, Denčić ordered the transformation of the Serbian Volunteers Guard of the SAO Semberija and northern Majevica into units of the IBK. He appointed Guard Commander Ljubiša Savić, a.k.a. Mauzer, as Chief of Staff - Security Affairs in the Security and Intelligence Department of the IBK Command, with the rank of Major-Lieutenant Colonel.[598] **Witness RM-513** testified that Mauzer's group was brought under the unified command of the VRS.[599] On 6 June 1992, IBK Commander Colonel Dragutin Ilić ordered the subordination of all current TO staffs and units of certain municipalities including Bijeljina to the VRS.[600] On 1 July 1992, Ljubiša Savić declared in an interview with *Srpska televizija*, that the Serb National Guard was transformed into a special brigade of the IBK.[601] During a conference of the IBK held in Bijeljina on 15 September 1992, Mladić recorded that Ljubiša Savić reported on the situation in the 'Special brigade'.[602] The aforementioned units had to form commands and units and mobilize as rapidly as possible.[603] TO area units were to remain at the current level and engage in village defence and territory surveillance.[604]

168. On 15 June 1992, the Bosnian-Serb Presidency passed a decision on the formation, organization, establishment, and command and control of the VRS upon which Mladić, as the VRS Main Staff Commander, issued the order for the formation of

[595] P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 1.1.
[596] P4381 (VRS Main Staff order, 4 June 1992), pp. 2-3.
[597] P7346 (Order by IBK Command, 30 May 1992). *See also* Svetozar Andrić, T. 34740.
[598] P3911 (IBK Command order, 3 June 1992).
[599] Witness RM-513, T. 9264-9265.
[600] P3739 (Order by IBK Commander Ilić to rename TO staffs and TO units, 6 June 1992), p. 1. *See also* P188 (IBK Daily operations report, 7 June 1992); P3738 (Order for combat activities and tasks for the IBK Brigades, signed by Dragutin Ilić as the IBK Commander, 7 June 1992)
[601] P1061 (Transcript of an interview with Ljubiša Savić a.k.a. Mauzer, 1 July 1992).
[602] P355 (Mladić notebook, 10-30 September 1992), pp. 40-41.
[603] P3739 (Order by IBK Commander Ilić to rename TO staffs and TO units, 6 June 1992), pp. 1-2.
[604] P3739 (Order by IBK Commander Ilić to rename TO staffs and TO units, 6 June 1992), p. 2.

the VRS commands and units on 15 June 1992.[605] On 16 June 1992, Mladić sent an overview of the units and institutions to be formed within the IBK to its command.[606]

169. **Novica Simić**, who was Commander of the IBK from 31 August 1992 until after the war, stated that throughout the war, Mladić or, in his absence, his deputy, General Milovanović, was his immediate superior.[607] The witness replaced Colonel Ilić in his function as IBK commander.[608] Milenko Todorović was the Security Chief in the IBK and was temporarily replaced by his deputy and then by Colonel Petar Jakovlević.[609] **Todorović** testified that, in his capacity as Chief of the Intelligence and Security within the IBK, he reported directly to both General Novica Simić and General Tolimir.[610] **Simić** stated that in 1995, Colonel Budimir Gavrić was the IBK's Chief of Staff and deputy, and Colonel Slobodan Jelacić was the Assistant Commander for Morale.[611] At the beginning of the war, Simić received integral texts of the Geneva Conventions from the Minister of Defence, General Subotić, with a special section on the treatment of prisoners.[612] They had to study the Conventions with the foot soldiers and the officers.[613] Each of his soldiers received a copy of the section of the Geneva Conventions on the treatment of prisoners.[614]

170. The Trial Chamber received evidence that the Serbian Volunteers Guard of the SAO Semberija and northern Majevica was also known as the Serb National Guard. For consistency purposes, the Trial Chamber will refer to this unit as the Serbian Volunteers Guard.

171. The Trial Chamber received contradictory evidence with respect to the date of Mauzer's group's subordination to the IBK. According to exhibit P3911, on 3 June 1992, the Commander of the IBK ordered the transformation of the Serbian Volunteers Guard of the SAO Semberija and the northern Majevica into units of the IBK. However,

[605] P3674 (Order by Mladić on the formation of the units in the IBK, 16 June 1992), p. 1.
[606] P3674 (Order by Mladić on the formation of the units in the IBK, 16 June 1992), pp. 1-2.
[607] P4325 (Novica Simić, *Popović et al*. transcript, 19-21, 24 November 2008), pp. 28484-28485, 28515-28516. *See also* P2915 (Milenko Todorović, *Tolimir* transcript, 18-20 April 2011), pp. 12920, 12924, 12929-12930, 12932; Milenko Todorović, T. 19814, 19818, 19825, 19835-19837, 19884-19885.
[608] P4325 (Novica Simić, *Popović et al.* transcript, 19-21, 24 November 2008), p. 28485.
[609] P4325 (Novica Simić, *Popović et al*. transcript, 19-21, 24 November 2008), pp. 28647-28648.
[610] P2915 (Milenko Todorović, *Tolimir* transcript, 18-20 April 2011), p. 12930; Milenko Todorović, T. 19817-19818.
[611] P4325 (Novica Simić, *Popović et al*. transcript, 19-21, 24 November 2008), pp. 28647-28648. *See also* P2915 (Milenko Todorović, *Tolimir* transcript, 18-20 April 2011), pp. 12920, 12924, 12929-12930, 12932; Milenko Todorović, T. 19814, 19818, 19825, 19835-19837, 19884-19885.
[612] P4325 (Novica Simić, *Popović et al*. transcript, 19-21, 24 November 2008), p. 28680.
[613] P4325 (Novica Simić, *Popović et al*. transcript, 19-21, 24 November 2008), pp. 28551, 28680.

Dragomir Andan testified that Mauzer's unit was subordinated to the IBK towards the end of 1992. Considering Andan's uncertainty about the date ('perhaps' in September or October 1992), the Trial Chamber will not rely on his evidence in this regard.

172. Based on the foregoing, the Trial Chamber finds that the IBK was one of the VRS Corps established in May 1992 from a JNA Corps and in the beginning of June from the Serbian Volunteers Guard and TO staffs and units of the municipalities of *inter alia* Brčko, Bijeljina, Ugljevik, Zvornik, Šekovići, Vlasenica, and Bratunac. On 3 June 1992, a unit under the command of Ljubiša Savić – a.k.a. Mauzer – joined the IBK and was put under the unified command of the VRS. The IBK headquarters was located in Bijeljina. The commanders of the IBK were, from May 1992, Nikola Denčić, then Colonel Dragutin Ilić, and Novica Simić from 31 August 1992 until after the war. The IBK's area of responsibility was established by an order from Mladić and included the municipality of Bijeljina.

Herzegovina Corps

173. In this section, the Trial Chamber will review the evidence and make findings on the structure of the VRS HK. The Trial Chamber took judicial notice of two Adjudicated Facts in this respect.[615] Further, the Trial Chamber received evidence from **Đorđe Đukić**, the Assistant for Logistics of the VRS Main Staff;[616] **Mitar Kovač**, the Chief of Staff of the artillery regiment of the HK from the end of January 1993 until the beginning of August 1993;[617] **Boško Kelečević**, Chief of Staff of the 1KK from 12 May 1992 until the end of the war;[618] **Witness RM-019**, a member of the 11th Herzegovina Light Infantry Brigade from May 1992;[619] **Veselinko Simović**, a marksman in the 5th Battalion from 15 April 1992 and later a member of the Dragan Nikolić Intervention Unit, both TO formations in Foča which later became part of the VRS;[620] **Witness RM-**

[614] P4325 (Novica Simić, *Popović et al*. transcript, 19-21, 24 November 2008), p. 28680.
[615] Adjudicated Facts 248 and 1769 are reviewed in chapter 3.1.1.
[616] P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), pp. 6, 7. Đukić's evidence is reviewed in chapter 3.1.2 *Second Krajina Corps*.
[617] Mitar Kovač, T. 41295.
[618] D1110 (Boško Kelečević, witness statement, 26 June 2014), p. 1, paras 1, 9; Boško Kelečević, T. 37131.
[619] P572 (Witness RM-019, witness statement, 3 September 2003), p. 1, paras 4, 6-8; Witness RM-019, T. 5701-5706.
[620] D583 (Veselinko Simović, witness statement, 8 June 2014), p. 1, paras 1, 7; Veselinko Simović, T. 24372.

048, a Bosnian-Muslim woman;[621] **Trivko Pljevaljčić**, a Bosnian Serb from Foča Municipality who was commander of the 3rd Company of the 5th Battalion of the Foča Tactical Group and who worked in KP Dom Foča in 1995;[622] **Zoran Nikolić**, a Serb from Foča;[623] **Witness RM-013**, a Bosnian Muslim from Foča;[624] **Witness RM-070**, a Muslim woman from Foča Municipality;[625] **Witness GRM-277**, a Bosnian Serb who worked in Foča Municipality as of 1991;[626] and **Zijo Hadžić**, a Bosnian-Muslim police officer of the Kalinovik police from 1987 until 20 April 1992;[627] as well as documentary evidence.[628]

174. According to an order issued by Mladić on 4 June 1992, the area of responsibility of the HK included the municipalities of Foča and Kalinovik.[629] **Mitar Kovač** testified that Radovan Grubač was the Commander of the HK.[630] Novica Gusić was Commander of the Nevesinje Brigade of the HK and Colonel Milenko Lalović was a battalion commander in the Nevesinje Brigade.[631]

175. **Veselinko Simović** provided evidence about other units within the HK. Around 15 April 1992, the 5th Battalion was part of the TO and later became part of the VRS.[632] An Intervention Unit, named after its commander Dragan Nikolić, was established by the TO as the military police with the aim to protect the Serb and Muslim population during war operations.[633] Dragan Nikolić was the first commander of the unit and was killed in clashes with the Muslim forces in Foča.[634] **Witness RM-070** and **Zoran Nikolić** testified that Dragan Nikolić's unit was taken over by Brane Ćosović after

[621] P979 (Witness RM-048, witness statement, 8 June 1999), p. 1, para. 1; Witness RM-048, T. 8815.
[622] D706 (Trivko Pljevaljčić, witness statement, 10 July 2014), p. 1, paras 1, 4; Trivko Pljevaljčić, T. 27200, 27205, 27215-27216.
[623] D581 (Zoran Nikolić, witness statement, 8 March 2014), para. 1.
[624] P982 (Witness RM-013, witness statement, 22 October 1995), p. 1, para. 1; P983 (Witness RM-013, witness statement, 20 May 1996), p. 1.
[625] P2422 (Witness RM-070, witness statement, 18 November 1995), p. 1, para. 1; P2421 (Pseudonym sheet for Witness RM-070).
[626] D685 (Witness GRM-277, witness statement, 8 June 2014), p. 1, paras 1-2, 10; Witness GRM-277, T. 26711-26712.
[627] P2800 (Zijo Hadžić, witness statements), witness statement of 30 January 1999, pp. 1-2, 5, witness statement of 19 February 2003, p. 1.
[628] P1963 is reviewed in chapters 9.3.3 and 9.5.3; P2906 is reviewed in chapter 3.1.1; P3677 and P3680 is reviewed in chapter 9.3.2.
[629] P4381 (VRS Main Staff order, 4 June 1992), p. 3.
[630] Mitar Kovač, T. 41318, 41463. *See also* Boško Kelečević, T. 37166-37167; P2825 (Decree on the exceptional promotion of Colonel Radovan Grubač, 19 December 1992); P2829 (Excerpt from the personnel file of General Major Radovan Grubač), p. 5.
[631] Mitar Kovač, T. 41463.
[632] D583 (Veselinko Simović**,** witness statement, 8 June 2014), para. 7; Veselinko Simović, T. 24372.
[633] D583 (Veselinko Simović**,** witness statement, 8 June 2014), para. 7; Veselinko Simović, T. 24374-24375.

Nikolić died.[635] **Simović** also testified that Brane Ćosović was the commander of the Dragan Nikolić Intervention Unit and that from June 1992 the unit received orders from Colonel Marko Kovač, who reported on the unit's activities to his superior command.[636] Radomir Kovač a.k.a. Klanfa was also a member of the unit.[637] The Dragan Nikolić Intervention Unit was headquartered in the Zelengora Hotel in Foča.[638] The unit engaged in operations together with the Žaga Detachment, a unit which was under the control of the Foča Brigade, and was also receiving orders from Colonel Kovač.[639] The Commander of the Žaga Detachment was Dragomir Kunarac a.k.a. Žaga; the detachment included a number of fighters from Montenegro and was based at a house called '16 Ulica Osmana Dikica'.[640] The Dragan Nikolić Intervention Unit also engaged in operations together with the Elez Battalion, a.k.a. the Miljevina Battalion or the 7th Battalion, commanded by Pero Elez.[641] Radovan Stanković was one of Elez's men.[642] On 30 June 1992, the VRS Foča Brigade, commanded by Marko Kovač, was established.

176. **Witness RM-048** testified that Janko Janjić a.k.a. Joe or Tuta was in charge of a group of soldiers and that Radovan Kovač a.k.a Klanfa, Zoran Vuković, and a man named 'Pike' were under his command.[643] Brane Ćosović a.k.a. Ćosa, who had more than 100 soldiers under him, was the leader of Janko Janjić's unit as well as three or four other units.[644] Brane Ćosović's deputy was Dragan Džurević. Some soldiers under Ćosović wore uniforms of the military police.[645] Pero Elez, Brane Ćosović, and Gojko Janković each had separate units with soldiers from Foča under them; each gave the impression of being of similar rank.[646] Žaga had his own group of soldiers who were

[634] Veselinko Simović, T. 24375, 24424.
[635] P2422 (Witness RM-070, witness statement, 18 November 1995), para. 77; P2423 (Witness RM-070, prior testimony), p. 1491; D581 (Zoran Nikolić, witness statement, 8 March 2014), para. 9; Zoran Nikolić, T. 24275, 24348-24349.
[636] D583 (Veselinko Simović**,** witness statement, 8 June 2014), para. 13; Veselinko Simović T. 24389-24390.
[637] Veselinko Simović, T. 24392-24393.
[638] Veselinko Simović, T. 24392.
[639] Veselinko Simović, T. 24393-24394; P6684 (Municipal Secretariat of National Defence Trebinje, Monitoring and Information Centre document, 2 August 1992).
[640] Veselinko Simović, T. 24393.
[641] Veselinko Simović, T. 24394; P6684 (Municipal Secretariat of National Defence Trebinje, Monitoring and Information Centre document, 2 August 1992), para. 2.
[642] Veselinko Simović, T. 24394.
[643] P979 (Witness RM-048, witness statement, 8 June 1999), paras 58-59, 66.
[644] P979 (Witness RM-048, witness statement, 8 June 1999), para. 68; Witness RM-048, T. 8823-8824.
[645] P979 (Witness RM-048, witness statement, 8 June 1999), para. 68; Witness RM-048, T. 8824.
[646] P979 (Witness RM-048, witness statement, 8 June 1999), paras 70-71, 76.

mainly from Montenegro.[647] All of the units in Foča were under the command of Marko Kovač who would issue orders to them regularly.[648]

177. **Pljevaljčić** testified that Radovan Stanković was a member of Pero Elez's unit, the 'Serbian Army Miljevina Battalion'.[649] In July 1992, Branislav Ćosović commanded the 1st Independent Dragan Nikolić detachment.[650] Zoran Vuković, Radomir Kovać a.k.a. Klanfa, and Janko Janjić a.k.a. Tuta were in the VRS working together with units under Ćosović's command.[651] As commander of the 3rd Company of the 5th Battalion of the Foča Tactical Group, the witness worked with Dragomir Kunarac a.k.a. Žaga's detachment which carried out reconnaisance work, including in July 1992.[652] **Witness GRM-277** testified that Radomir Kovač, Dragan Zelenović, Zoran Vuković, and Jagus Kostić were members of the 'Dragan Nikolić' unit. According to the witness, Dragan Zelenović and Jagus Kostić were not permanent members and would 'come and go'.[653]

178. **Zoran Nikolić** testified that Gojko Janković commanded a unit as part of the VRS and reported to Marko Kovač; at least since when the witness first saw him on Saint Nicholas's Day in December 1992.[654] On 13 August 1993, Kovač recommended a commendation for Janković for the highest honour of 'Vojvoda'; the proposal was for his full contribution for a year and a half of the war which included, among other things, the 'liberation of remaining territory of Foča'.[655] **Witness RM-013** also testified that Gojko Janković's superior was Marko Kovač.[656] **Zoran Nikolić** testified that Dragomir Kunarac and Predrag Trivun both commanded units in Foča first as part of the TO and later, from July 1992, as part of the VRS.[657]

179. **Witness RM-019** testified that Miroslav Stanić was the first commander of the 11th Herzegovina Light Infantry Brigade for one month, after which he was replaced by Colonel Marko Kovač.[658] Marko Kovač remained in charge until the end of 1994.[659] In

[647] P979 (Witness RM-048, witness statement, 8 June 1999), paras 70-71.
[648] P979 (Witness RM-048, witness statement, 8 June 1999), paras 81.
[649] Trivko Pljevaljčić, T. 27221.
[650] Trivko Pljevaljčić, T. 27222.
[651] Trivko Pljevaljčić, T. 27221-27223.
[652] Trivko Pljevaljčić, T. 27223-27225.
[653] Witness GRM-277, T. 26715-26716.
[654] Zoran Nikolić, T. 24301-24306.
[655] P6683 (Proposal that Gojko Janković be proclaimed military leader, signed by Marko Kovač, 13 August 1993)
[656] Witness RM-013, T. 8897-8898.
[657] Zoran Nikolić, T. 24306-24308.
[658] P572 (Witness RM-019, witness statement, 3 September 2003), para. 6.

a video interview, Miroslav Stanić stated that 'they' were active in the Crisis Committee at the beginning of June, and later on in the Army Command. He relinquished the army command to eleven officers, headed by Colonel Marko Kovač. Stanić stated that the unit changed names several times and was known as the Drina Tactical Group and then the Garrison, but that the structure of the battalion remained the same.[660]

180. **Zijo Hadžić** stated that the overall Commander of the JNA barracks in Kalinovik Town until October 1991 was Rade Pavlović, after which he was replaced by Ratko Bundalo.[661] These two men went on to have prominent positions in the Kalinovik Tactical Group; Bundalo as the commander and Pavlović as the Chief of Staff.[662]

181. The Trial Chamber received evidence about orders given by Marko Kovač, Commander of the Foča Tactical Group, to various units. On 7 July 1992, Marko Kovač gave orders to a number of units, to assist in breaking through the siege of Goražde, including: the 1st and 2nd Foča Light Infantry Brigades, the 'Serbian Army Miljevina Battalion', the 1st Independent 'Dragan Nikolić' Detachment, and the Independent Žaga Detachment.[663] The Trial Chamber received evidence on the reporting system between the VRS Main Staff, the HK, and its subordinates. From July to September 1992, Marko Kovač, Commander of the Foča Tactical Group, sent several reports relating to the activities of his unit to the HK and the Main Staff.[664] In October 1992, the Main Staff sent orders to its subordinate units, including the HK, Foča Tactical Group, and Kalinovik Tactical Group.[665] Pursuant to an order issued on 14 October 1992 by the VRS Main Staff, Radovan Grubač, Commander of the HK, sent an order on 15 October

[659] P572 (Witness RM-019, witness statement, 3 September 2003), para. 6. *See also* P355 (Mladić notebook, 10-30 September 1992), pp. 60, 66.
[660] P2852 (Excerpt from video interview with Miroslav Stanić, undated).
[661] P2800 (Zijo Hadžić, witness statements), witness statement of 30 January 1999, p. 2.
[662] P4150 (Order to pursue combat activities from the Command of the Kalinovik Tactical Group addressed to the Commands of the Trnovo Tactical Group, 4 June); P4152 (Request for a helicopter from the Kalinovik Tactical Group Command addressed to the HK Command, Ratko Mladić, and Radovan Karadžić, 26 August 1992).
[663] P2823 (Combat order to units of tactical group Foča signed by Marko Kovač, 7 July 1992), pp. 3-4.
[664] P2831 (Regular combat report from Kovač, Commander of the Tactical Group Foča, to the HK Command and the Main Staff, 21 July 1992); P2835 (Telegram from Kovač to the HK regarding Foča Tactical Group, 12 July 1992); P2836 (Regular report from Kovač to the HK Command, 18 September 1992); P2840 (Telegram from Kovač, Commander of the Foča Tactical Group, to the HK Command and the Main Staff, 16 July 1992); P2841 (Telegram from Kovač, Commander of the Foča Anti-Terrorist Group, to the HK Command and the Main Staff, 17 July 1992); P2842 (Telegram from Kovač, Commander of the Foča Tactical Group, to the Main Staff and the HK, 27 July 1992); P2850 (Interim report from Kovač, Commander of the Foča Tactical Group, to the HK and the VRS Main Staff, 24 July 1992).
[665] P2845 (VRS Main Staff Order to set up optimal postal services, 14 October 1992); P2849 (VRS Main Staff Order re defence of the Drina Valley, 29 October 1992), pp. 1, 3.

1992, to its subordinate units, including Foča Tactical Group and Kalinovik Tactical Group.[666]

182. The Trial Chamber received evidence that the Foča Tactical Group headed by Marko Kovač was renamed several times and was also known as the Drina Tactical Group and the Garrison. The Trial Chamber notes that the unit commanded by Marko Kovač was also called the 11th Herzegovina Light Infantry Brigade, Foča Brigade, or Foča Anti-terrorist Group. For consistency purposes, the Trial Chamber will refer to this unit as the Foča Tactical Group.

183. Based on the foregoing, the Trial Chamber finds that the HK was one of the VRS Corps established in May 1992 and composed of a former JNA corps. The HK was headquartered in Biléca and its area of responsibility covered Foča and Kalinovik Municipalities.

184. The HK was commanded by Radovan Grubač and consisted of, *inter alia*, the Kalinovik Tactical Group, commanded by Ratko Bundalo; and the Foča Tactical Group, commanded by Miroslav Stanić from May 1992 until 2 June 1992 and then by Marko Kovač. Pursuant to an order from Mladić, from 14 July 1992, the Podrinje Operations Group - consisting of the already-functioning Foča Tactical Group, Kalinovik Tactical Group, and Goražde Tactical Group - was headquartered in Kalinovik.

185. The Trial Chamber finds that Marko Kovač as Commander of the Foča Tactical Group was the superior officer and gave orders to a number of units subordinated to him, including: the 'Dragan Nikolić' Intervention Unit commanded by Brane Ćosović, a.k.a. Ćosa; the Miljevina Battalion or 7th Battalion commanded by Pero Elez; the Independent 'Žaga' Detachment commanded by Dragomir or 'Dragoljub' Kunarac, a.k.a. Žaga; and a unit commanded by Gojko Janković. These commanders reported to Kovač. Brane Ćosović headed other several sub-units, including a unit led by Janko Janjić, a.k.a. Tuta. Brane Ćosović's deputy was Dragan Džurević. Radovan Kovač a.k.a. Klanfa, Zoran Vuković, and a man named 'Pike' were under Janko Janjić's command. Radovan Stanković was subordinated to Pero Elez. Dragan Zelenović and Jagus Kostić were part-time members of and worked with the 'Dragan Nikolić' Intervention Unit. With regard to some of these units, the Trial Chamber also refers to its findings in chapter 9.2.8.

[666] P2846 (Order of the HK re establishment of mail circulation, 15 October 1992).

186. The Trial Chamber finds that the communication system was functioning between the Main Staff, the HK, and its subordinate units, including the Tactical Groups, and that while the latter were subordinated to the HK, they also received, on occasion, direct orders from, and sent reports directly to, the VRS Main Staff.

Drina Corps

187. In this chapter, the Trial Chamber will review the evidence and make findings regarding the structure and command and control within the DK. The Prosecution argued that in July 1995 the DK and its component units were an efficient and experienced military organization responsible for all operations within its area of responsibility.[667] The Defence argued that DK squads usually did not have commanders. It further argued that Zvornik Brigade company commanders were frequently replaced due to a lack of expertise or motivation for the post and that due to a severe lack of qualified officers at all command levels there was no organisational unity from squad level up to the brigade level.[668] The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to the DK's structure and its command and control. It further received evidence from **Svetozar Andrić**, Commander of the VRS Birač Brigade in Šekovići from 19 May 1992 to 6 August 1995, then Chief of Staff of the DK until March 1996;[669] **Momir Nikolić**, the Assistant Commander for Intelligence and Security of the Bratunac Brigade from November 1992 to at least October 1995;[670] **Mirko Trivić** Commander of the 2nd Romanija Motorised Brigade from August 1994;[671] **Richard Butler**, an intelligence research specialist;[672] **Zoran Kovačević**, a company commander in the Bratunac Brigade as of April 1992;[673] **Mihajlo Galić**, the Assistant Chief of Staff for Personnel Affairs and Mobilisation of the Zvornik Brigade in 1995;[674] **Witness RM-322**, an officer in the VRS Zvornik Brigade in 1995;[675] **Srecko**

[667] Prosecution Final Brief, para. 1077.
[668] Defence Final Brief, para. 653.
[669] D1033 (Svetozar Andrić, witness statement, 16 July 2013), para. 1; Svetozar Andrić, T. 34737; D1034 (Order of hand-over of duties as Commander of the 1st Birač Infantry Brigade from Andrić to Colonel Ljubomir Vlačić, 6 August 1995).
[670] Momir Nikolić, T. 11768-11771, 11776-11777; D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), paras 1, 13-14.
[671] P1463 (Mirko Trivić, *Popović et al.* transcript, 18, 21 May 2007), p. 11795.
[672] Richard Butler, T. 16108; P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), paras 7.28-7.30.
[673] D594 (Zoran Kovačević, witness statement, 6 June 2014), paras 2, 4-5, 7.
[674] P3463 (Mihajlo Galić, *Popović et al.* transcript, 25-27 April 2007), pp. 10492-10493.

Aćimović, a Bosnian Serb from Roćević in Zvornik Municipality and Commander of the 2nd/3rd Infantry Battalion of the Zvornik Brigade between November 1992 and 1995;[676] **Ljubomir Bojanović**, a member of the Zvornik Brigade in 1995;[677] **Damjan Lazarević**, a Serb member of the Engineering Unit of the Zvornik Brigade in July 1995;[678] **Milos Mitrović**, a member of the Transport and Fortification Platoon of the Zvornik Brigade Engineering Company as of December 1992;[679] and **Witness RM-318**, a Bosnian-Serb member of the VRS military police in July 1995;[680] as well as documentary evidence and finds that this evidence is consistent with the Adjudicated Facts.[681] The Trial Chamber also received evidence from **Pieter Boering**, a DutchBat major who served as liaison officer with the VRS and ABiH in Srebrenica from 3 January to July 1995;[682] **Mile Simanić**, a member of the Vlasenica TO and Deputy Commander of the DK's 5th Engineering Battalion in 1995;[683] **Witness RM-269**, a member of the Drina Wolves from 1993 and a military police officer in the Zvornik Brigade in June and July 1995;[684] **Slavko Perić**, the Assistant Commander for the

[675] Witness RM-322, T. 11621-11622, 11626-11627, 11667-11668; P1492 (Pseudonym sheet for Witness RM-322).
[676] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), pp. 12930-12931; Srecko Ačimović, T. 13230.
[677] P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), pp. 11673, 11676.
[678] P3636 (Damjan Lazarević, *Popović et al.* transcript, 29-30 August 2007), pp. 14431-14432.
[679] P3645 (Milos Mitrović, *Blagojević and Jokić* transcript, 3-4 December 2003), pp. 5589-5590, 5594.
[680] P1821 (Witness RM-318, *Popović et al.* transcript, 10 March 2009), pp. 32566-32567; Witness RM-318, T. 14874; P1820 (Pseudonym sheet for Witness RM-318).
[681] **Svetozar Andrić**: D1033 (Svetozar Andrić, witness statement, 16 July 2013), paras 2, 9. **Momir Nikolić**: Momir Nikolić, T. 11779-11781. **Mirko Trivić**: P1463 (Mirko Trivić, *Popović et al.* transcript, 18 and 21 May 2007), pp. 11795, 11802-11803; Mirko Trivić, T. 11280, 11385. **Richard Butler**: P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), para. 7.50; P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 3.2. **Zoran Kovačević**: D594 (Zoran Kovačević, witness statement, 6 June 2014), para. 3. **Mihajlo Galić**: P3463 (Mihajlo Galić, *Popović et al.* transcript, 25-27 April 2007), pp. 10494-10495. **Witness RM-322**: P1494 (Witness RM-322, statement of facts, 20 May 2003), p. 1; Witness RM-322, T. 11695-11696. **Milos Mitrović**: P3645 (Milos Mitrović, *Blagojević and Jokić* transcript, 3-4 December 2003), pp. 5595, 5597. **Srecko Ačimović**: P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), pp. 12931-12932. **Ljubomir Bojanović**: P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), pp. 11674-11676, 11678-11679, 11687. **Damjan Lazarević**: P3636 (Damjan Lazarević, *Popović et al.* transcript, 29-30 August 2007), pp. 14433-14434. **Witness RM-318**: P1821 (Witness RM-318, *Popović et al.* transcript, 10 March 2009), pp. 32567-32568; Witness RM-318, T. 14876, 14889. **Documentary evidence**: P1464 (DK warning order, 2 July 1995), pp. 1-2; P1693 (Ground search order from the 1st Bratunac Light Infantry Brigade Command to its Infantry Battalions, 14 July 1995); P1695 (Daily combat report from the 1st Bratunac Light Infantry Brigade to the DK Command, 15 July 1995); P1696 (Daily combat report from the 1st Bratunac Light Infantry Brigade to the DK Command, 16 July 1995); P1698 (Report from the 1st Bratunac Light Infantry Brigade to the DK Command, 17 July 1995).
[682] P1139 (Pieter Boering, *Popović et al.*transcript, 19, 21-22 September 2006), pp. 1867-1873; Pieter Boering, T. 10025.
[683] P3517 (Mile Simanić, *Popović et al.* transcript, 3 September 2007), pp. 14619, 14621-14622.
[684] P1561 (Witness RM-269, *Popović et al.* transcript, 29 January 2007), pp. 6437-6438.

Intelligence and Security Section of the Zvornik Brigade 1st Battalion in 1995;[685] **Petar Škrbić**, the Assistant Commander for Organisation, Mobilisation, and Personnel Affairs of the VRS Main Staff in July 1995;[686] **Vidoje Blagojević**, the Commander of the 1st Bratunac Light Infantry Brigade as of 25 May 1995;[687] **Mićo Gavrić**, the Chief of Artillery in the Bratunac Brigade from 14 November 1992 until the end of the war;[688] **Mile Petrović**, a member of the Bratunac Brigade military police platoon in July 1995;[689] **Robert Franken**, the Deputy Commanding Officer of DutchBat in Potočari from 15 January to late July 1995;[690] **Pero Andrić**, a Serb member of the military police platoon of the Bratunac Brigade from 1994 until July 1995;[691] **Mile Janjić**, a member of the of the Bratunac Brigade military police platoon in July 1995;[692] **Mladen Blagojević**, a Serb member of the Bratunac Light Infantry Brigade military police platoon in July 1995;[693] **Lazar Ristić**, the Acting Commander of the 4th Infantry Battalion of the Zvornik Brigade between 1 July and 18 July 1995;[694] **Marko Milošević**, Deputy Commander of the 6th Battalion of the Zvornik Brigade from the beginning of April 1995;[695] and **Milenko Janković**, a former member of a Rogatica TO unit in Pješevica and former VRS soldier.[696]

188. The DK of the VRS was formed in November 1992 with the specific objective of 'improving' the situation of Bosnian-Serb people living in the Middle Podrinje region, of which Srebrenica was a part.[697] **Richard Butler** testified that the establishment of the DK resulted from the recognition that the IBK could not effectively manage operations in the broader area of Eastern Bosnia.[698] The DK Headquarters was established first in Han Pijesak and later moved to Vlasenica.[699] The Corps was organised along the lines

[685] P3508 (Slavko Perić, *Popović et al.* transcript, 11 May 2007), pp. 11367, 11369, 11371.
[686] Petar Škrbić, T. 13981.
[687] D965 (Vidoje Blagojević, witness statement, 16 June 2014), para. 3; D966 (Vidoje Blagojević, *Popović et al.* transcript, 1 October 2008), pp. 2-3; Vidoje Blagojević, T. 33611.
[688] Mićo Gavrić, T. 13899. The evidence of Mićo Gavrić is also reviewed in chapter 7.1.6.
[689] D894 (Mile Petrović, witness statement, 6 June 2014), para. 1.
[690] P1417 (Robert Franken, witness statement, 15 January 2012), paras 3-4, 109. The evidence of Robert Franken is also reviewed in chapter 7.1.5.
[691] Pero Andrić, T. 34096-34097, 34130-34131; P7295 (Bosnia-Herzegovina Prosecutor's Office record of interview, 29 June 2006), p. 1; P7297 (List of conscripts within the Bratunac Brigade, July 1995), p. 2.
[692] P1445 (Mile Janjić, *Blagojević and Jokić* transcript, 24-25 May 2004), p. 9756.
[693] D922 (Mladen Blagojević, witness statement, 6 June 2014), p. 1, para. 3; P7186 (Mladen Blagojević, US Department of Homeland Security, Report of Investigation), pp. 2, 4.
[694] P3510 (Lazar Ristić, *Popović et al.* transcript, 16 and 18 April 2007), pp. 10035, 10037.
[695] P3504 (Marko Milošević, *Popović et al.* transcript, 26 June 2007), p. 13299.
[696] D683 (Milenko Janković, witness statement, 2 August 2014), para. 3; Milenko Janković, T. 26664.
[697] Adjudicated Facts II, no. 1324.
[698] P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 3.2.
[699] Adjudicated Facts II, no. 1328.

of the former JNA Corps and, as was the case with the VRS generally, JNA operating methodologies were almost completely adopted.[700] **Mile Simanić** stated that, following the creation of the Corps, members of the Vlasenica TO were assigned to its companies and battalions.[701] **Svetozar Andrić** testified that the DK had the manpower of between 15,000 and 20,000 in 1995.[702] The DK's zone of responsibility included 14 municipalities in Eastern Bosnia.[703] The VRS was organised on a geographic basis and Srebrenica fell within the domain of the DK. Between 1,000 and 2,000 soldiers from three DK brigades were deployed around the enclave.[704]

189. In July 1995, the DK was composed of the following subordinate units: the 1st Zvornik Infantry Brigade, the 1st Bratunac Light Infantry Brigade, the 1st Vlasenica Light Infantry Brigade, the 2nd Romanija Motorized Brigade, the 1st Birać Infantry Brigade, the 1st Milići Light Infantry Brigade, the 1st Podrinje Light Infantry Brigade, the 5th Podrinje Light Infantry Brigad, and the 1st Skelani Separate Infantry Battalion. These units had combat capabilities and were supported by the 5th Mixed Artillery Regiment, the 5th Engineers Battalion, the 5th Communications Battalion, and the 5th military police Battalion.[705] The code names used to refer to relevant DK subordinate brigades, as well as the DK Headquarters, were as follows: 'Palma' was the Zvornik Brigade, 'Badem' was the Bratunac Brigade, and 'Zlatar' was the Command of the DK.[706]

190. General Živanović assumed the role of DK Commander at the time of its formation.[707] Krstić was appointed corps commander on 13 July 1995. That same day, Svetozar Andrić was appointed the corps's Chief of Staff.[708] In addition to the commander and chief of staff, the DK also had three assistant commanders.[709]

[700] Adjudicated Facts II, no. 1327.
[701] P3517 (Mile Simanić, *Popović et al.* transcript, 3 September 2007), p. 14621.
[702] D1033 (Svetozar Andrić, witness statement, 16 July 2013), para. 9.
[703] P1087 (Srebrenica Court Binder of maps), pp. 6-7; P360 (Mladić notebook, 9 January - 21 March 1994), p. 62.
[704] Adjudicated Facts II, no. 1299.
[705] Adjudicated Facts II, no. 1337.
[706] Adjudicated Facts II, no. 1351.
[707] Adjudicated Facts II, no. 1325.
[708] P1713 (DK Document No. 05/2-293 Regarding the Transfer of Duties from General Živanović to General Krstić, 13 July 1995); P7056 (DK Command, Handover of Corps Commander Duties, 13 July 1995).
[709] Adjudicated Facts II, no. 1330.

191. Prior to the war in Bosnia-Herzegovina, General Radislav Krstić was a Lieutenant Colonel in the JNA, and he joined the VRS in July 1992.[710] **Mirko Trivić** testified that until August 1994, Krstić had been in command of the 2nd Romanija Brigade, at which time the witness took over.[711] On 8 August 1994, the Bosnian-Serb Minister of Defence appointed Krstić as Chief of Staff and Deputy Commander of the DK, effective 15 August 1994.[712] In July 1995, Krstić was the Chief of Staff of the DK until his appointment as corps commander.[713] **Petar Škrbić** testified that the Main Staff was aware of this transfer of duties but the appointment did not occur through the standard procedure, namely during a meeting of the collegium of commanders of the Main Staff, but came directly from Mladić.[714] Colonel Slobodan Cerović was Assistant Commander for Morale, Legal, and Religious Affairs and Colonel Lazar Aćamović was Assistant Commander for Rear Services or Logistics of the DK.[715] In July 1995, Lieutenant Colonel Vujadin Popović was Assistant Commander for Security for the DK.[716] **Momir Nikolić** testified that in July 1995, Svetozar Kosorić was the officer in charge of the intelligence sector in the DK.[717]

Bratunac Brigade

192. **Mićo Gavrić** recalled that the Bratunac Brigade was formed on 14 November 1992.[718] **Nikolić** testified that its headquarters was in Bratunac.[719] According to **Butler**, the brigade had four battalions, a military police platoon, and a pioneer platoon.[720] **Vidoje Blagojević** added that the brigade also had a Mixed Artillery Battery.[721]

193. On 25 May 1995, Vidoje Blagojević was appointed as the Commander of the Bratunac Brigade. In July 1995, Blagojević held the rank of Colonel.[722] He remained in command and control of all units of the brigade, including members of the security

[710] Adjudicated Facts II, no. 1331.
[711] P1463 (Mirko Trivić, *Popović et al.* transcript, 18 and 21 May 2007), p. 11795.
[712] Adjudicated Facts II, no. 1331.
[713] Adjudicated Facts II, no. 1333.
[714] Petar Škrbić, T. 13992.
[715] Adjudicated Facts II, no. 1333.
[716] Adjudicated Facts II, no. 1336.
[717] Momir Nikolić, T. 11779-11780.
[718] Mićo Gavrić, T. 13899.
[719] Momir Nikolić, T. 11804.
[720] P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), para. 2.8.
[721] Vidoje Blagojević, T. 33569.
[722] Adjudicated Facts II, no. 1349.

organ, as well as the Bratunac Brigade military police between 11 July 1995 and 1 November 1995.[723] He remained in the rank of Colonel until mid-1996 when he was re-assigned to the VRS Main Staff.[724] **Nikolić** testified that in July 1995, he reported to his direct superior, Blagojević, on a daily basis. As part of the Security and Intelligence Organ, the witness was also under the professional management of the sector for intelligence and security in the DK Command. Along the professional line of reporting, the witness also submitted reports to the DK security and intelligence sector.[725]

194. **Mile Petrović** testified that in July 1995, the Bratunac Brigade military police platoon was composed of about 20 members.[726] **Mladen Blagojević** recalled that in July 1995, Mirko Janković was the Commander of the Platoon and Mile Petrović was his deputy.[727] Momir Nikolić was the Chief of Security and Intelligence in the Bratunac Brigade.[728] **Nikolić** testified that along the professional line, he managed the military police.[729] The witness specified that this meant that he did not issue orders or set tasks for the military police.[730] Instead, he proposed its use to the commander and monitored its combat readiness and whether its tasks were implemented properly.[731]

195. Zlatan Celanović was part of the Religious and Morale Affairs Organ of the Bratunac Brigade in July 1995.[732] Celanović interrogated prisoners and gathered information on potential war crimes carried out by Muslim soldiers who had been captured.[733] He drafted criminal reports on interrogations and on offences pertaining to members of the Bratunac Brigade and submitted them to the Bratunac Brigade Commander.[734]

196. According to a combat readiness report sent to the DK Command in relation to the Bratunac Brigade's combat readiness from 1 January to 30 June 1995, the difficulties identified in relation to the exercise of command and control included, *inter*

[723] Adjudicated Facts II, no. 1350.
[724] Adjudicated Facts II, no. 1349.
[725] Momir Nikolić, T. 11778-11779, 11989.
[726] D894 (Mile Petrović, witness statement, 6 June 2014), para. 1.
[727] D922 (Mladen Blagojević, witness statement, 6 June 2014), para. 3; Mladen Blagojević, T. 32611; P7186 (Mladen Blagojević, US Department of Homeland Security, Report of Investigation), p. 11. *See also* Momir Nikolić, T. 11780.
[728] Mladen Blagojević, T. 32611.
[729] Momir Nikolić, T. 11780.
[730] Momir Nikolić, T. 11781.
[731] Momir Nikolić, T. 11780.
[732] Momir Nikolić, T. 11777.
[733] Momir Nikolić, T. 11777, 11941, 11988-11989.
[734] Momir Nikolić, T. 11777-11778.

alia: (i) shortage of suitably trained officers at all levels; (ii) expansion of the brigade's zone of responsibility beyond its objective capabilities; (iii) shortage of communication equipment; (iv) inadequate training and war weariness of individuals, crews, and units; (v) inability to form reserve force; and (vi) difficult economic position of commanding officers, soldiers, and families.[735] Notwithstanding the difficulties identified in the report, the Bratunac Brigade received a mark of 'very good' for command and control and a mark of 'good' for training for the period of 1 January to 30 June 1995.[736]

Zvornik Brigade

197. In July 1995, Lieutenant Colonel Vinko Pandurević was the Commander of the Zvornik Brigade.[737] Dragan Obrenović was the Chief of Staff and Deputy Brigade Commander.[738] Dragan Jokić was the Chief of Engineering of the Brigade and held the rank of Major between 11 July and 1 November 1995.[739] The Zvornik Brigade security department, headed by Lieutenant Drago Nikolić, was directly subordinate to the Commander of the Zvornik Brigade.[740] **Srecko Ačimović** testified that Drago Nikolić usually received orders from the corps command and not from the VRS Main Staff.[741] In 1992, Milorad Trbić was assigned to the 3rd Battalion Brigade as a foot soldier, and by 1995, Trbić had become a reserve lieutenant and was one of Drago Nikolić's assistants.[742]

198. **Ljubomir Bojanović** provided further details about the Brigade's organisation. He stated that the commander had three direct assistants: the Assistant Commander for Logistics, Captain Sreten Milošević; the Assistant Commander for Security, Lieutenant Drago Nikolić; and the Assistant Commander for Morale, Religious, and Legal Affairs.[743] The commander, the chief of staff, and the assistants were hierarchically

[735] P1508 (Report on 1st Bratunac Light Infantry Brigade combat readiness, Vidoje Blagojević, 4 July 1995), p. 3
[736] P1508 (Report on 1st Bratunac Light Infantry Brigade combat readiness, Vidoje Blagojević, 4 July 1995), pp. 3, 6.
[737] Adjudicated Facts II, no. 1345.
[738] Adjudicated Facts II, no. 1346.
[739] Adjudicated Facts II, no. 1347.
[740] Adjudicated Facts II, no. 1348.
[741] Srecko Ačimović, T. 13266.
[742] P1594 (Srecko Ačimović, *Popović et al*. transcript, 20-22 June 2007), pp. 12932-12933; Srecko Ačimović, T. 13299.
[743] P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), p. 11675.

superior to other officers.[744] The Assistant Chiefs of 'Arms of Service', which was an expert advisory service, were Major Dragan Jokić, in charge of engineering; Captain Milisav Petrović, in charge of communication; Captain or Major Miodrag Maksimović, Chief of Artillery; and a Chief of Air Defence and Air Force Affairs.[745] In the first half of July 1995, Pandurević, accompanied by parts of the most elite units of the brigade, left to be in the field to deal with Srebrenica and Žepa. In his absence, Dragan Obrenović, the Chief of Staff, was in command of the Zvornik Brigade.[746] **Gavrić** testified that around 14 or 15 July 1995, Obrenović was the Zvornik brigade's acting commander.[747]

199. **Mihajlo Galić** stated that all chiefs of services of the Zvornik Brigade reported directly to the brigade commander.[748] Regular combat reports were drafted by the duty operations officer in charge, issued on a daily basis, and sent from the brigade command to the superior command.[749] On occasion, extraordinary combat reports could be drafted by any chief of service or commander who saw the need to report an issue to the superior command.[750] **Witness RM-322** testified that information also came down from the superior command security officers to the brigades.[751] **Bojanović** stated that the security organ had its own separate hierarchy and the commander of the unit did not have to be informed about all its activities.[752] There was a line of reporting and a line of subordination among the security organs.[753] **Galić** and **Witness RM-322** specified that the chief of security reported to the security chief of the corps command.[754] Security officers were in charge of the military police and were under the authority of the brigade's commanders.[755] **Bojanović** stated that the security organ of the Zvornik Brigade cooperated with the organs of the MUP.[756]

200. **Witness RM-322** testified that sometime during the second half of 1994, Pandurević asked Drago Nikolić, the Zvornik Brigade Chief of Security, to come to his

[744] P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), pp. 11675, 11678.
[745] P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), pp. 11674, 11678-11679.
[746] P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), p. 11687.
[747] Mićo Gavrić, T. 13924, 13926.
[748] P3463 (Mihajlo Galić, *Popović et al.* transcript, 25-27 April 2007), p. 10584.
[749] P3463 (Mihajlo Galić, *Popović et al.* transcript, 25-27 April 2007), pp. 10587-10588.
[750] P3463 (Mihajlo Galić, *Popović et al.* transcript, 25-27 April 2007), pp. 10587-10588.
[751] Witness RM-322, T. 11633.
[752] P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), p. 11683.
[753] Witness RM-322, T. 11633.
[754] P3463 (Mihajlo Galić, *Popović et al.* transcript, 25-27 April 2007), p. 10585; Witness RM-322, T. 11633.
[755] Witness RM-322, T. 11633.

office and ordered him not to send anything to the superior command without Pandurević's consent, or to use the commander's stamp or teleprinter dispatches without his knowledge.[757] Drago Nikolić complained about this incident and the VRS Main Staff sent instructions to the Zvornik Brigade, providing for the manner in which the security organs were to communicate among themselves without the knowledge of the unit commanders.[758] Nevertheless, even though the security organs were competent to make some decisions on their own, the witness testified that he and others believed that 'everything came from the Main Staff'.[759] **Bojanović** was present as duty operations officer when a telegram arrived from the VRS Main Staff concerning a complaint from Drago Nikolić and 'his people' that the commander was interfering in their affairs. The telegram stated that the security organ should carry on with its duties without much involvement from the commander.[760]

201. **Witness RM-269** testified that the Zvornik Brigade headquarters was located at the barracks in Karakaj.[761] **Butler** testified that the Zvornik Brigade commanded eight battalions.[762] **Slavko Perić** stated that he was directly subordinate to the 1st Battalion Commander, Milan Stanojević, and his deputy Momir Pelemiš.[763] Perić reported along the professional line to the Assistant Brigade Commander for Intelligence and Security, Lieutenant Drago Nikolić.[764] The other individuals assigned to the Command of the 1st Battalion were Dragan Pantić, the Assistant Commander for Morale and Information; Private Rajko Babić, the Officer for General Affairs; Milan Jovanović and Milenko Pantić, the drivers; and Jovan Babić, who was the assistant of Rajko Babić and Zoran Marković, the latter two both operations officers.[765]

202. **Lazar Ristić** stated that the 4th Infantry Battalion consisted of 450 soldiers or more.[766] The battalion's area of responsibility stretched from Parlog to Pandurica.[767]

[756] P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), pp. 11682-11683.
[757] Witness RM-322, T. 11745-11747.
[758] Witness RM-322, T. 11747-11748.
[759] Witness RM-322, T. 11748.
[760] P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), p. 11683.
[761] P1561 (Witness RM-269, *Popović et al.* transcript, 29 January 2007), p. 6440.
[762] P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), para. 2.8.
[763] P3508 (Slavko Perić, *Popović et al.* transcript, 11 May 2007), p. 11369.
[764] P3508 (Slavko Perić, *Popović et al.* transcript, 11 May 2007), pp. 11369-11370, 11378.
[765] P3508 (Slavko Perić, *Popović et al.* transcript, 11 May 2007), p. 11371.
[766] P3510 (Lazar Ristić, *Popović et al.* transcript, 16 and 18 April 2007), p. 10038.
[767] P3510 (Lazar Ristić, *Popović et al.* transcript, 16 and 18 April 2007), pp. 10037-10038.

The battalion's headquarters was in Rebići, in Baljkovica.[768] Records from the Zvornik Brigade indicate that Gojko Simić was assigned to the 1st Zvornik Infantry Brigade's 4th Infantry Battalion and that he was the Commander of the 4th Infantry Battalion heavy weapons detachment.[769] Second Lieutenant Pero Vidaković was the Commander of the 4th Infantry Battalion, however, a commendation dated 18 July 1995 shows that Deputy Commander Second Lieutenant Lazar Ristić led the 4th Battalion during this period.[770] **Marko Milošević** stated that Ostoja Stanišić was the Commander of the 6th Battalion of the Zvornik Brigade in July 1995.[771]

203. **Damjan Lazarević** stated that the Chief of the Engineering Unit was Dragan Jevtić.[772] His Deputy Commander was Slavko Bogičević, who also acted as Chief of Morale.[773] The Engineering Unit was divided into three platoons: the pioneer platoon, the platoon for roads and bridges, and the platoon for engineering works.[774] In July 1995, Lazarević was the commander of the roads and bridges platoon and in charge of about 10 to 12 soldiers. In this capacity, his immediate superior was the unit commander Dragan Jevtić, to whom he reported directly.[775] The roads and bridges platoon did not have a lot of construction equipment, and in case of need for heavy machinery they always turned to various civilian construction companies.[776] **Milos Mitrović** testified that if Jevtić was unavailable or in the field, Lazarević would report to the Chief of Engineers of the Zvornik Brigade, Dragan Jokić.[777]

204. **Witness RM-269** testified that members of the Zvornik Brigade military police were recognisable by their shoulder insignia stating that they were the military police and their white belts.[778] In July 1995, the Commander of the military police was Miodrag Jasikovac,[779] who was subordinate to Drago Nikolić, the Assistant Commander

[768] P3510 (Lazar Ristić, *Popović et al.* transcript, 16 and 18 April 2007), p. 10038.
[769] P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), para. 7.15.
[770] P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), para. 7.7.
[771] P3504 (Marko Milošević, *Popović et al.* transcript, 26 June 2007), pp. 13299-13301, 13318, 13342.
[772] P3636 (Damjan Lazarević, *Popović et al.* transcript, 29-30 August 2007), pp. 14433-14434.
[773] P3636 (Damjan Lazarević, *Popović et al.* transcript, 29-30 August 2007), p. 14435.
[774] P3636 (Damjan Lazarević, *Popović et al.* transcript, 29-30 August 2007), p. 14436.
[775] P3636 (Damjan Lazarević, *Popović et al.* transcript, 29-30 August 2007), p. 14436. *See also* P3645 (Milos Mitrović, *Blagojević and Jokić* transcript, 3-4 December 2003), pp. 5594-5595, 5625.
[776] P3636 (Damjan Lazarević, *Popović et al.* transcript, 29-30 August 2007), pp. 14437-14438.
[777] P3645 (Milos Mitrović, *Blagojević and Jokić* transcript, 3-4 December 2003), pp. 5595, 5597.
[778] P1561 (Witness RM-269, *Popović et al.* transcript, 29 January 2007), pp. 6438-6439.
[779] The Trial Chamber understands the references to 'Miomir' Jasikovac at T. 12731 and 12736 to refer to Miodrag Jasikovac.

for Security of the Zvornik Brigade.[780] **Trivić** testified that a unit from the Zvornik Brigade called the Drina Wolves was led by Major Jolović, a.k.a.Legenda.[781]

205. The Command of the Zvornik Brigade, where the office of the duty operations officer was also located, was in the *Standard* Building, facing the Drina River.[782] During their shift, duty operations officers would record any incoming and outgoing information, as well as the handover of duty, in a notebook, which was not an official document and not meant to be kept for a long period of time.[783] By contrast, the war logbook, kept by the operations department, whose content was typically dictated by the Assistant Chief for Operations to one of the officers, was an official document, meant to be kept for a long period of time.[784] Duty operations officers would also draft daily and interim combat reports.[785] Daily combat reports would inform the superior command of the state of affairs in the area of defence of the Zvornik Brigade.[786] Interim reports were sent only in extraordinary situations.[787] Both daily and interim combat reports had to be approved or signed by the commander or the chief of staff.[788] Sometimes the commander or the chief of staff would be present while the duty officer would compile the daily report and sometimes they would even dictate it to the duty operations officer.[789] It was not possible for a report to be dictated by telephone or via radio connection and sent without a signature.[790] As the content of the report was the responsibility of its signatory, the commander reserved the right to amend a report at a later stage.[791]

[780] P1561 (Witness RM-269, *Popović et al.* transcript, 29 January 2007), pp. 6440-6441; Witness RM-269, T. 12736.
[781] P1463 (Mirko Trivić, *Popović et al.* transcript, 18 and 21 May 2007), p. 11814.
[782] P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), pp. 11691-11692.
[783] P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), pp. 11703-11704; P3571 (Excerpt from manual for the operation of staffs and commands), p. 2.
[784] P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), pp. 11703-11704.
[785] P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), p. 11703.
[786] P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), p. 11705.
[787] P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), p. 11708.
[788] P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), pp. 11705, 11726.
[789] P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), p. 11704.
[790] P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), p. 11726.
[791] P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), p. 11706.

1st Podrinje Light Brigade

206. **Milenko Janković** testified that at the beginning of 1992, several self-organised TO units existed in Rogatica Municipality.[792] Around the end of April 1992, the Serb TO was organised and Rajko Kušić was its Commander.[793] The Rogatica Company, a unit of approximately 100 men, of which the witness became the commander on 25 July 1992, was formed in May 1992.[794] In execution of an SRK order dated 22 May 1992, the Rogatica TO Brigade was formed and Rajko Kušić was appointed Brigade Commander.[795] After the TO became part of the VRS, a brigade was formed from all the units in Rogatica Municipality, commanded by Rajko Kušić.[796] The Rogatica Brigade had three battalions.[797] Kušić; Milovan Lelek, who was the commander of the Borike Battalion until 30 November 1993 and who took over the function of Chief of Staff of the Rogatica Brigade from Mile Ujić; and the witness joined the VRS on 20 May 1992.[798] The witness became the Commander of the Borike Battalion as of 30 November 1993.[799] In late 1992, the Rogatica Brigade was renamed the 1st Podrinje Light Brigade.[800]

207. On 18 December 1994, Kušić sent a letter to the DK Command in which he set out the history of the formation of his unit.[801] The letter indicated that the first military formation in the area of Rogatica Municipality was established on 24 February 1992 in Borike. When the VRS was formed, the organised military formation in Rogatica became part of that army and was called the Rogatica Brigade. At first, the brigade was attached to the SRK, but on 1 November 1992, which according to Kušić was the date

[792] D683 (Milenko Janković, witness statement, 2 August 2014), para. 3.
[793] D683 (Milenko Janković, witness statement, 2 August 2014), para. 4, Milenko Janković, T. 26650-26651.
[794] D683 (Milenko Janković, witness statement, 2 August 2014), para. 5; Milenko Janković, T. 26617, 26656.
[795] P6827 (Order by the SRK command, 22 May 1992), pp. 1-2; Mile Ujić, T. 26946-26947.
[796] D683 (Milenko Janković, witness statement, 2 August 2014), paras 5, 15; Milenko Janković, T. 26660, 26664.
[797] D683 (Milenko Janković, witness statement, 2 August 2014), para. 8.
[798] Milenko Janković, T. 26662-26664; P6815 (List of officers in the 1st Prodinje Light Infantry Brigade, 23 November 1994), pp. 1-3, 6.
[799] D683 (Milenko Janković, witness statement, 2 August 2014), para. 7.
[800] Milenko Janković, T. 26660-26661.
[801] P3904 (Letter 1st Podrinje Brigade Command to DK Command, 18 December 1994), p. 1. *See also* P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 4.0.

of the formation of the DK, the Rogatica Brigade became part of the DK and 'developed into' the 1st Podrinje Light Brigade.[802]

Skelani Battalion

208. **Trivić** testified that the Skelani Battalion was an independent battalion within the DK.[803]

Milići Brigade

209. **Gavrić** testified that in July 1995, Nastić commanded the Milići Brigade.[804]

The Trial Chamber's findings

Drina Corps

210. With respect to the Defence argument that there were problems with the DK's command and control structure, the Trial Chamber notes that the Defence relies on exhibit P5241, an assessment of the state of combat readiness of the DK signed by Mladić and dated 5 March 1993.[805] The command and control structure of the DK is primarily relevant to the Srebrenica component of the case and the Srebrencia JCE is alleged to have existed from the days immediately preceding 11 July 1995 to 1 November 1995. The Trial Chamber will not consider this Defence argument further as it does not directly relate to command and control in the DK in 1995.

211. Based on the foregoing, the Trial Chamber finds that the DK was formed in November 1992 with the specific objective of improving the situation of Bosnian-Serb people living in the Middle Podrinje region, of which Srebrenica was a part. The DK's zone of responsibility comprised 14 municipalities in Eastern Bosnia, including Srebrenica Municipality. Its headquarters was established first in Han Pijesak and later moved to Vlasenica. General Živanović was the DK Commander at the time of its

[802] P3904 (Letter 1st Podrinje Brigade Command to DK Command, 18 December 1994), p. 1. *See also* P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 4.0.
[803] P1463 (Mirko Trivić, *Popović et al.* transcript, 18 and 21 May 2007), p. 11803.
[804] P1691 (Mićo Gavrić, *Popović et al.* transcript, 1-2 October 2008), pp. 26513-26515, 26520; Mićo Gavrić, T. 13895-13896, 13933-13934.
[805] *See* Defence Final Brief, para. 653.

formation. On 13 July 1995, Radislav Krstić was appointed DK Commander. Svetozar Andrić was the DK Chief of Staff, Vujadin Popović was the Assistant Commander for Security, and Svetozar Kosorić was the officer in charge of the intelligence sector in the DK. Slobodan Cerović was the Assistant Commander for Morale, Legal, and Religious Affairs and Lazar Aćamović was the Assistant Commander for Rear Services or Logistics.

212. By July 1995, the DK was composed of nine subordinate units: the Bratunac Brigade, the Zvornik Brigade, the 1st Podrinje Brigade, the Skelani Battalion, the Milići Brigade, the Vlasenica Brigade, the 2nd Romanija Brigade, the 1st Birać Brigade, and the 5th Podrinje Brigade. These units had combat capabilities and were supported by the 5th Mixed Artillery Regiment, the 5th Engineers Battalion, the 5th Communications Battalion, and the 5th military police Battalion and had the manpower of between 15,000 and 20,000. Mile Simanić was Deputy Commander of the 5th Engineering Battalion in 1995. The code names used to refer to relevant DK subordinate brigades, as well as the DK headquarters, were as follows: 'Palma' was the Zvornik Brigade, 'Badem' was the Bratunac Brigade, and 'Zlatar' was the DK Command. On 1 November 1992, the Rogatica Brigade, formerly part of the SRK, became part of the DK and was later renamed the 1st Podrinje Brigade. Rajko Kušić was its commander.

213. In 1995, the DK maintained an effective command and control structure with a strong reporting chain and there was a fully functioning communication system in place.

Bratunac Brigade

214. The Trial Chamber finds that the Bratunac Brigade comprised four battalions, a military police platoon, a pioneer platoon, and a mixed artillery battery. Its headquarters was located in Bratunac. As of 25 May 1995, the Commander of the Bratunac Brigade was Vidoje Blagojević. Momir Nikolić was the Assistant Commander for Intelligence and Security of the brigade, and, in July 1995, he reported to his direct superior, Vidoje Blagojević, on a daily basis as part of the operational line of reporting. Momir Nikolić also submitted reports directly to the DK Security and Intelligence Sector as part of the professional line of reporting. The Chief of Artillery was Mićo Gavrić. In July 1995, Dragan Zekić was the Commander of the Bratunac Brigade 3rd Battalion. Mirko Janković was the Commander of the Bratunac Brigade military police platoon and Mile

Petrović was his deputy. The platoon was composed of approximately 20 members and was placed under Vidoje Blagojević's command, although Momir Nikolić managed the platoon professionally. Pero Andrić, Mladen Blagojević, and Mile Janjić were all members of the platoon. The Trial Chamber further finds that Vidoje Blagojević was in command and control of all units of the Bratunac Brigade, including the members of the security organ, as well as the Bratunac Brigade military police between 11 July 1995 and 1 November 1995.

Zvornik Brigade

215. The Trial Chamber finds that the Zvornik Brigade comprised eight battalions, as well as a military police unit, an engineering unit, a communications unit, an artillery unit, and an air defence unit. Its headquarters was located at the barracks in Karakaj. In July 1995, Vinko Pandurević was the Commander of the Zvornik Brigade and Dragan Obrenović was the Chief of Staff and Deputy Brigade Commander. The Zvornik Brigade security department, headed by Drago Nikolić, was directly subordinate to Pandurević. Milorad Trbić was a reserve lieutenant and was one of Drago Nikolić's assistants. Dragan Jokić was the Chief of Engineering of the Zvornik Brigade. The Commander of the Zvornik Brigade military police was Miodrag Jasikovac who was subordinate to Drago Nikolić. The members of the Zvornik Brigade military police wore shoulder insignia stating that they were the military police and white belts.

216. Dragan Jevtić was the Commander of the Zvornik Brigade Engineering Unit. The unit was divided into different platoons, including the pioneer platoon, the platoon for roads and bridges, and the platoon for engineering works. Slavko Bogičević was the Deputy Commander of the Engineering Unit, Damjan Lazarević was the Commander of the Transport and Fortification Platoon and reported directly to Jevtić, and Milos Mitrović was a member of the platoon.

217. Milan Stanojević was the Commander of the Zvornik Brigade 1st Battalion and his deputy was Momir Pelemiš. Slavko Perić was the battalion's Assistant Commander for Intelligence and Security, Dragan Pantić was the Assistant Commander for Morale and Information, and Rajko Babić was the Officer for General Affairs. Srecko Ačimović was the Commander of the Zvornik Brigade 3rd Battalion in 1995. Pero Vidaković was the Commander of the Zvornik Brigade 4th Battalion, however Lazar Ristić

commanded the 4th Battalion between 1 and 18 July 1995. Gojko Simić was the Commander of the 4th Battalion heavy weapons detachment. Ostoja Stanišić was the Commander of the Zvornik Brigade 6th Battalion in July 1995 and Marko Milošević was the Deputy Commander. Dusko Jević was the Commander of the Zvornik Brigade Special Police Detachment. A unit called the Drina Wolves led by Major Jolović a.k.a. Legenda also formed part of the Zvornik Brigade.

218. All chiefs of services of the Zvornik Brigade reported directly to Pandurević. However, like with the other brigades of the DK, there was a professional line of reporting in the intelligence and security sector. For example, Perić reported both to his battalion commander and to Drago Nikolić. Drago Nikolić reported to the superior officer of the DK Command, Popović. Information also came down from the superior-command security officers to the brigades. The security organ of the brigade also cooperated with organs of the MUP.

1st Podrinje Light Brigade

219. The Trial Chamber finds that on 22 May 1992 an organised military formation made up of the Rogatica TO and commanded by Rajko Kušić became part of the VRS and was called the Rogatica Brigade. At first, the brigade was attached to the SRK, but on 1 November 1992, the Rogatica Brigade became part of the DK and was renamed the 1st Podrinje Light Brigade. The brigade had three battalions.

Skelani Battalion and Milići Brigade

220. The Trial Chamber finds that the Skelani Battalion was an independent unit within the DK and that a person called Vuković was its commander. The Milići Brigade was commanded by Nastić.

Sarajevo Romanija Corps

221. In this chapter, the Trial Chamber will review the evidence regarding the structure and command and control within the SRK. The Prosecution argued that the SRK maintained a professional, effective, and functioning structure of command and

control.[806] The Defence submitted that the SRK lacked appropriately qualified soldiers, officers, and commanders.[807] As a consequence, orders were not always followed or passed along the chain of command, and problems, crimes, or incidents of disobedience by SRK members were not always reported to the SRK command or were reported incorrectly.[808] As a result, the SRK could not exercise effective command and control.[809] The Defence also argued that the SRK did not have professional snipers within its ranks.[810] The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to the SRK's structure and command and control. It further received evidence from **Witness RM-055**, an UNPROFOR soldier stationed in Sarajevo between 12 May and 28 September 1995;[811] **Mile Sladoje**, a member of the 1st Battalion of the Ilidža Brigade as of April 1992;[812] **Savo Simić**, an artillery officer in the SRK throughout the conflict;[813] **David Fraser**, a military assistant to the UNPROFOR Commander in Sector Sarajevo from 17 April 1994 to 26 May 1995;[814] **Witness RM-163**, an UNPROFOR soldier stationed in Sarajevo in 1993 and 1994 and a member of the RRF in 1995;[815] and **Witness RM-147**, a member of the VRS from June 1992 onwards;[816] and finds that this evidence is consistent with the Adjudicated Facts.[817] The Trial Chamber further received evidence from **Milorad Šehovac**, the Chief of Staff of the 1st Posavina Brigade in Brčko between 23 May and 15 August 1992 and the Commander of the SRK 2nd Sarajevo Light Infantry Brigade between 18 August 1992 and mid-September 1995,[818] and finds that his evidence is partly consistent with the Adjudicated Facts.[819] The Trial Chamber will address Šehovac's evidence below. The

[806] Prosecution Final Brief, paras 725-734.
[807] Defence Final Brief, paras 654, 1418, 1713, 2370-2371, 2379-2382, 2384-2385, 2449.
[808] Defence Final Brief, paras 675, 2370-2371, 2381, 2387-2390, 2394-2397, 2450.
[809] Defence Final Brief, paras 2370-2371, 2388.
[810] Defence Final Brief, paras 2098-2099.
[811] P749 (Witness RM-055, witness statement, undated), p. 3.
[812] D453 (Mile Sladoje, witness statement, 10 May 2014), para. 5.
[813] D1062 (Savo Simić, witness statement, 4 November 2012), paras 1, 3; Savo Simić, T. 35932, 35935, 35944, 35949-35850.
[814] P576 (David Fraser, witness statement, 3 December 2012), paras 7, 11.
[815] P628 (Witness RM-163, witness statement, undated), paras 4, 6-7, 9-10.
[816] P107 (Witness RM-147, witness statement, 3 June 2012), p. 1, paras 3-4, 12.
[817] **Witness RM-055**: P749 (Witness RM-055, witness statement, undated), pp. 6-8, 34. **Mile Sladoje**: D453 (Mile Sladoje, witness statement, 10 May 2014), para. 7. **Savo Simić**: Savo Simić, T. 35966-35967; P7404 (Order by Colonel Stanislav Galić, 16 September 1992). **David Fraser**: P576 (David Fraser, witness statement, 3 December 2012), paras 13, 30. **Witness RM-163**: Witness RM-163, T. 6100-6101; P628 (Witness RM-163, witness statement, undated), paras 57, 68. **Witness RM-147**: P107 (Witness RM-147, witness statement, 3 June 2012), para. 35; Witness RM-147, T. 1740.
[818] D559 (Milorad Šehovac, witness statement, 13 May 2014), p. 1, paras 1-2; Milorad Šehovac, T. 24055.
[819] Milorad Šehovac, T. 24084-24085.

Trial Chamber also received evidence from **Ratomir Maksimović**, who served in the SRK Command from 1 April 1993 to 1 September 1994 and from 30 April 1995 to 31 March 1996;[820] **Desimir Šarenac**, Chief of Security of the 1st Sarajevo Mechanised Brigade from May 1992 until May 1995 and Commander of the Slaviša Vajner Čiča barracks in Lukavica from May 1992;[821] **Velimir Dunjić**, Commander of the Igman Brigade of the SRK from August 1992 to mid-January 1993;[822] **Richard Philipps**, a military analyst;[823] **Witness RM-511**, a member of the SRK;[824] **Svetozar Guzina**, the Commander of the Ilidža Brigade's 5th Battalion from June 1992 to 1993 and the Commander of the Ilidža Brigade's 1st Battalion from 1993 until the end of the war;[825] **Vladimir Radojčić**, the Commander of the VRS Ilidža Brigade from January 1993 until the end of the war;[826] **Vlade Lučić**, a battalion commander in the SRK's 216th Mountain Brigade based at Grbavica, Sarajevo, between 18 May 1992 and the end of January 1993;[827] **Miloš Škrba**, the Commander of the 2nd Infantry Company of the 2nd Infantry Battalion in the 1st Sarajevo Mechanised Brigade of the SRK;[828] **Predrag Trapara**, Commander of the 5th Company of the 2nd Infantry Battalion of the 1st Sarajevo Mechanised Brigade as of 1992 and for the duration of the conflict;[829] **Stojan Džino**, a member of the Rajlovac Brigade as of May 1992 and Assistant Commander of the 4th Battalion of the 3rd Sarajevo Brigade from early 1994;[830] **Dušan Škrba**, Commander of the Mixed Artillery Battalion of the 1st Sarajevo Mechanised Brigade as of 27 May 1992;[831] **Dragan Maletić**, a Bosnian-Serb military commander in the SRK's 1st Romanija Brigade throughout the war;[832] **Mihajlo Vujasin**, Company Commander and Chief of Engineers at the Rajlovac Airforce Base in Sarajevo;[833] **Blaško Rašević**, a

[820] D686 (Ratomir Maksimović, witness statement, 15 December 2012), paras 4-5; Ratomir Maksimović, T. 26800.
[821] D653 (Desimir Šarenac, witness statement, 27 July 2014), paras 4, 7-8; Desimir Šarenac, T. 26125, 26141, 26146.
[822] D598 (Velimir Dunjić, witness statement, 12 November 2012), paras 1, 4; D599 (Velimir Dunjić, witness statement, 23 July 2014), para. 4; Velimir Dunjić, T. 24892-24893.
[823] Richard Philipps, T. 4675-4677; P450 (*Curriculum vitae* of Richard Philipps).
[824] Witness RM-511, T. 4983, 4993, 4996, 5056; P500 (Pseudonym sheet).
[825] D514 (Svetozar Guzina, witness statement, 15 May 2014), p. 1, paras 1, 36-37; Svetozar Guzina, T. 22467, 22527-22528, 22552.
[826] D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 1.
[827] D658 (Vlade Lučić, witness statement, 5 November 2012), paras 3-6, 8-9, 13.
[828] D524 (Miloš Škrba, witness statement, 10 May 2014), paras 1, 6, 15; Miloš Škrba, T. 22797-22798, 22803-22804, 22822, 22902, 22887. Part of Miloš Škrba's evidence is reviewed in chapter 5.2.1.
[829] D459 (Predrag Trapara, witness statement, 10 May 2014), p. 1, para. 1; Predrag Trapara, T. 21121, 21141-21142.
[830] D643 (Stojan Džino, witness statement, 4 November 2012), paras 3-4; Stojan Džino, T. 25700.
[831] D463 (Dušan Škrba, witness statement, 11 May 2014), para. 7.
[832] D482 (Dragan Maletić, witness statement, 10 May 2014), pp. 1, 3-4; Dragan Maletić, T. 21741.
[833] D641 (Mihajlo Vujasin, witness statement, 16 December 2012), para. 1.

Serb member of the Mrkovići Company of the Hreša Battalion of the 2nd and 1st Romanija Motorised Brigades from May 1992 to August 1994, Deputy Commander of the Hreša Battalion from August 1994 to late 1994 or early 1995, and member of the Koševo Battalion of the 3rd Sarajevo Brigade thereafter;[834] **Slavko Gengo,** the Commander of the 7th Infantry Battalion of the 1st Romanija Infantry Brigade from the end of January 1994 until May 1995;[835] **Milovan Lelek**, Assistant Chief of Staff for Training and Operations for the Rogatica Brigade from late May 1992 until 1994;[836] as well as documentary evidence.

Structure

222. The SRK was formed of 10 to 13 brigades, ranging from a few dozen troops to several thousands, divided into battalions and companies, with each battalion ranging in size from 56 to over 700 troops.[837] A battalion was divided into companies, with a company consisting of 100 or more troops.[838] A company was itself divided into platoons ranging in size from 24 to 32 members.[839]

223. JNA elements joined local TO forces and participated in organizing and staffing the SRK.[840] **Savo Simić** testified that in May 1992, the 49th Mechanised Brigade of the JNA, which formed part of the 4th Corps of the JNA, became the 1st Sarajevo Mechanised Brigade forming part of the newly created SRK. The SRK was previously the 4th Corps of the JNA.[841] The witness and other senior members of the SRK were assigned to the VRS by the 30th Personnel Centre of the VJ.[842] On 22 May 1992, the SRK command ordered the formation of the Pale TO Brigade, Sokolac TO Brigade, Novo Sarajevo TO Brigade, and Ilidža TO Brigade.[843]

224. **Witness RM-055** testified that the SRK had about 13,000 to 15,000 men.[844] **Ratomir Maksimović** testified that the SRK consisted of approximately 22,000 armed

[834] D551 (Blaško Rašević, witness statement, 28 May 2014), p. 1, paras 1, 20-21; Blaško Rašević, T. 23582-23584, 23601-23604.
[835] D473 (Slavko Gengo, witness statement, 10 May 2014), paras 3, 30; Slavko Gengo, T. 21613.
[836] D849 (Milovan Lelek, witness statement, 2 August 2014), paras 8, 14; Milovan Lelek, T. 29584.
[837] Adjudicated Facts III, no. 1779.
[838] Adjudicated Facts III, no. 1781.
[839] Adjudicated Facts III, no. 1782.
[840] Adjudicated Facts III, no. 1778.
[841] Savo Simić, T. 35935-35937.
[842] Savo Simić, T. 35951; P7400 (Appointments within the VJ, 12 August 1995).
[843] P6827 (Order by the SRK command, 22 May 1992), pp. 1-2.
[844] P749 (Witness RM-055, witness statement, undated), pp. 7, 34.

men, of whom approximately 10,000 to 12,000 were engaged in combat on the SRK lines on the inner circle bordering Sarajevo.[845] According to a 24 February 1993 SRK document, the '[f]ull strength of war time units' was 30,789 and the '[c]urrent strength of war time units' was 24,904.[846] These figures included 'auxiliary' personnel, *i.e.* a 'semi-combat complement' employed in the rear that was not 'combat-ready'.[847]

225. The SRK was to be located in the greater Sarajevo area, the former zone of responsibility of the 4th JNA Corps.[848] **Witness RM-055** testified that the SRK's headquarters was located in Pale and its IKM in Lukavica.[849] The barracks in Lukavica where the SRK command stayed and functioned throughout the conflict were located east of Dobrinja, south of Sarajevo, within range of the combat actions of the companies on the front line.[850] The corps headquarters consisted of four sections, each headed by an assistant corps commander.[851] Each brigade headquarters included a staff whose structure replicated that of the Corps headquarters in order to facilitate communication with the latter.[852] **Witness RM-055** testified that the SRK was responsible for a triangular zone between Višegrad, Kladanj, and Igman.[853]

Command and control

226. **Witness RM-511** testified that on 19 May 1992, Radovan Karadžić appointed Tomislav Šipčić as commander of the SRK.[854] **Richard Philipps** testified that in the period 1992 to 1995, there were three SRK commanders: General Tomislav Šipčić, General Stanislav Galić, and General Dragomir Milošević.[855] The witness saw documents relating to a meeting that took place in September 1992 in Jahorina, indicating when Galić became Corps Commander.[856] The witness did not find any documents pertaining to Šipčić's removal from command, although the latter's name

[845] D686 (Ratomir Maksimović, witness statement, 15 December 2012), para. 7; Ratomir Maksimović, T. 26788, 26845.
[846] P6817 (Comparative Review of Changes in Strength of the SRK and Casualties in war time units, 24 February 1993).
[847] Ratomir Maksimović, T. 26788, 26845, 26847.
[848] Adjudicated Facts III, no. 1777.
[849] P749 (Witness RM-055, witness statement, undated), p. 7.
[850] Adjudicated Facts III, nos 1774-1775.
[851] Adjudicated Facts III, no. 1775. The Trial Chamber understands 'corps' to refer to the SRK.
[852] Adjudicated Facts III, no. 1776.
[853] P749 (Witness RM-055, witness statement, undated), p. 7.
[854] Witness RM-511, T. 4984-4986.
[855] Richard Philipps, T. 4694; P451 (Two organization charts 'Sarajevo Romanija Corps, VRS 1992-1994' and 'Sarajevo Romanija Corps, VRS 1994-1995').

appeared in documents up to September 1992.[857] According to the witness, it was possible that a subordinate took over the command in the interim period between Šipčić's removal from the command and Galić's assumption thereof.[858]

227. On 10 September 1992, General Stanislav Galić assumed the post of Commander of the SRK.[859] Galić was a professional military officer and in November 1992, he was promoted to the rank of Major General.[860] Upon his appointment as Commander of the SRK, he finalised the SRK's composition and organisation.[861] Galić remained Commander of the SRK until 10 August 1994 when Dragomir Milošević assumed command.[862] From on or about 6 July 1993, Milošević served as Chief of Staff and Deputy Commander in the SRK under Galić.[863] Milošević was the Commander of the SRK from August 1994 to November 1995.[864] He then held the rank of Major General and was immediately subordinate to the VRS Main Staff and Ratko Mladić.[865] During this period, Milošević was the superior of the SRK troops, including the snipers.[866]

228. From 10 September 1992 to 10 August 1994, Galić was present on the battlefield of Sarajevo in close proximity to the confrontation lines.[867] He actively monitored the situation in Sarajevo, in particular from the Lukavica command post.[868] The command post was accessible to all UN representatives, VRS military personnel, and paramilitaries.[869] It was directly linked to the operations centre of the command, which was also located on the premises of the command, *via* telephone.[870] Galić was perfectly cognisant of the situation in the battlefield of Sarajevo and in a good position to instruct and order his troops.[871] SRK personnel were under normal military command and control.[872]

[856] Richard Philipps, T. 4763-4764.
[857] Richard Philipps, T. 4764.
[858] Richard Philipps, T. 4764; P451 (Two organization charts 'Sarajevo Romanija Corps, VRS 1992-1994' and 'Sarajevo Romanija Corps, VRS 1994-1995'), p. 1.
[859] Adjudicated Facts III, no. 1787.
[860] Adjudicated Facts III, nos 1788, 1790.
[861] Adjudicated Facts III, no. 1791.
[862] Adjudicated Facts III, no. 1820.
[863] Adjudicated Facts III, no. 1822.
[864] Adjudicated Facts III, no. 1821.
[865] Adjudicated Facts III, no. 1824.
[866] Adjudicated Facts III, no. 1838.
[867] Adjudicated Facts III, no. 1792.
[868] Adjudicated Facts III, no. 1793.
[869] Adjudicated Facts III, no. 1795.
[870] Adjudicated Facts III, no. 1796.
[871] Adjudicated Facts III, nos 1805, 1807.
[872] Adjudicated Facts III, no. 1808.

229. Milošević was in command of SRK troops in the theatre of Sarajevo.[873] He was highly respected by his subordinates, who were very disciplined and followed his orders.[874] He regularly visited SRK units at the confrontation lines in order to get an impression of the situation in the field and he held a 'tight chain of command' within the SRK.[875] As SRK Commander, Milošević held regular meetings with his subordinate staff, once or twice a month, and held briefings after visiting the confrontation lines.[876] In the SRK, orders were often communicated to the lower levels orally by phone or radio.[877] The SRK operations centre could enquire from SRK brigade operations officers whether certain orders were carried out.[878] The SRK had a strong reporting chain in place.[879] Lower level SRK units regularly sent reports to the higher commands, as Milošević himself had ordered. The reports also included information about civilian casualties.[880]

230. A number of witnesses provided evidence about the training and discipline of the soldiers within the SRK command. **Witness RM-163** testified generally that sniping activity in Sarajevo on both sides of the conflict involved an organized structure, and there were very few rogue actors on either side of the conflict.[881] **Maksimović** testified that the SRK consisted of men aged 20 to 60, with most between 35 and 50.[882] Fifteen to twenty per cent of the SRK were professional soldiers, the vast majority of whom were at the SRK command.[883] There was a lack of discipline in the SRK due to fatigue and the lack of soldiers.[884] SRK soldiers with no prior military service received 30 days of basic rifle training and additional specialist training.[885] There was a lack of training in the SRK as only 'several hundred' SRK soldiers received this training, while the rest were poorly trained former JNA soldiers.[886]

[873] Adjudicated Facts III, no. 1860.
[874] Adjudicated Facts III, no. 1864.
[875] Adjudicated Facts III, nos 1853, 1861.
[876] Adjudicated Facts III, no. 1827.
[877] Adjudicated Facts III, no. 1834.
[878] Adjudicated Facts III, no. 1836.
[879] Adjudicated Facts III, no. 1862.
[880] Adjudicated Facts III, no. 1851.
[881] P628 (Witness RM-163, witness statement, undated), paras 67-68.
[882] D686 (Ratomir Maksimović, witness statement, 15 December 2012), paras 8, 36.
[883] D686 (Ratomir Maksimović, witness statement, 15 December 2012), para. 35.
[884] D686 (Ratomir Maksimović, witness statement, 15 December 2012), para. 38.
[885] Ratomir Maksimović, T. 26794-26796; P6818 (SRK order regarding the training of young soldiers, 28 May 1992), para. 1.
[886] D686 (Ratomir Maksimović, witness statement, 15 December 2012), para. 36; Ratomir Maksimović, T. 26797.

231. On 21 September 1992, SRK Commander Galić reported to the VRS Main Staff that the situation regarding combat readiness in the SRK units was strained by inefficient command and control on almost all levels and by the authorities exerting great influence on command and control at brigade level.[887] Moreover, lack of discipline among the soldiers and part of the officers resulted in orders banning leave as well as training and movement outside the unit's area not being implemented. The SRK command had taken measures to prevent these negative occurrences, which were however slow and insufficient.[888] Furthermore, a large number of soldiers and civilians were engaging in war profiteering in Sokolac, Pale, and Han Pijesak Municipalities.[889]

232. On 22 May 1993, Galić informed all brigades, regiments, and independent battalions that during the Bosnian-Serb Assembly held on 19 May 1993, criticism had been raised relating to members of the military police and other persons in uniform, who engaged in theft, black marketeering, profiteering, and other crimes.[890] Drunkenness was widespread and individuals, groups, and entire units spent ammunition in towns and villages behind the frontline, instilling fear in residents.[891] In connection with this criticism, Galić ordered all commands of brigades, regiments, and independent battalions and institutions with their subordinate units to execute an analysis of order and discipline, to assess the situation concerning these questions and to issue specific tasks in order to improve them.[892] On 20 October 1993, Milošević, then-Chief of Staff of the SRK, informed the VRS Main Staff, by way of regular combat report, about increasingly visible signs of laxity, lack of discipline, and discontent.[893]

233. Various witnesses provided further evidence about the situation in specific brigades. They testified that brigades (i) had very few professional officers,[894] (ii) had

[887] D1740 (Regular combat report from the SRK Command addressed to the VRS Main Staff, 21 September 1992), pp. 1-2, 6.
[888] D1740 (Regular combat report from the SRK Command addressed to the VRS Main Staff, 21 September 1992), p. 2.
[889] D1740 (Regular combat report from the SRK Command addressed to the VRS Main Staff, 21 September 1992), p. 3.
[890] D1867 (Order by command of the SRK, signed by Stanislav Galić, 22 May 1993), pp. 1, 4.
[891] D1867 (Order by command of the SRK, signed by Stanislav Galić, 22 May 1993), p. 1.
[892] D1867 (Order by command of the SRK, signed by Stanislav Galić, 22 May 1993), p. 2.
[893] D1840 (Regular combat report from the command of the SRK to the Main Staff, signed by Dragomir Milošević, 20 October 1993), pp. 1-2.
[894] D658 (Vlade Lučić, witness statement, 5 November 2012), para. 22l; D535 (Vladimir Radojčić, witness statement, 11 May 2014), paras 39-40, 43, 66, 113; D453 (Mile Sladoje, witness statement, 10 May 2014), paras 7, 23; D559 (Milorad Šehovac, witness statement, 13 May 2014), paras 32, 63; D459 (Predrag Trapara, witness statement, 10 May 2014), para. 17; D643 (Stojan Džino, witness statement, 4 November 2012), paras 52, 55; D641 (Mihajlo Vujasin, witness statement, 16 December 2012), paras 40-41; D473 (Slavko Gengo, witness statement, 10 May 2014), para. 29; D849 (Milovan Lelek, witness

mostly reserve officers,[895] (iii) were essentially a people's army composed of locals,[896] (iv) only rarely provided training,[897] (v) were understaffed,[898] and (vi) faced disciplinary problems.[899] **Vlade Lučić** testified that the level of training achieved was good. He did not believe that the shortage of professional personnel had a major impact on the quality of command.[900] **Vladimir Radojčić** testified that his brigade had no professionally trained snipers.[901]

Snipers

234. **Fraser** testified that UNPROFOR's investigations into sniping incidents suggested that the VRS snipers used high velocity rifles and silenced weapons.[902] According to an assessment of the Anti-Sniping Task Force, the VRS snipers were professional.[903] Fraser assessed them as highly skilled as they were capable of hitting targets at considerable distance and through buildings.[904] The Bosnian-Serb snipers appeared to be coordinating their actions in Sarajevo, since sniping was concentrated in

statement, 2 August 2014), para. 14; D653 (Desimir Šarenac, witness statement, 27 July 2014), para. 8; D598 (Velimir Dunjić, witness statement, 12 November 2012), para. 5. *See also* D566 (Sarajevo Light Infantry Brigade report on combat readiness, 14 June 1993), pp. 2, 6.

[895] D658 (Vlade Lučić, witness statement, 5 November 2012), para. 22; Miloš Škrba, T. 22802; D643 (Stojan Džino, witness statement, 4 November 2012), para. 55; D641 (Mihajlo Vujasin, witness statement, 16 December 2012), para. 40.

[896] D658 (Vlade Lučić, witness statement, 5 November 2012), para. 22; D535 (Vladimir Radojčić, witness statement, 11 May 2014), paras 39, 66, 113; D463 (Dušan Škrba, witness statement, 11 May 2014), para. 20; D459 (Predrag Trapara, witness statement, 10 May 2014), para. 17; D643 (Stojan Džino, witness statement, 4 November 2012), para. 52; D641 (Mihajlo Vujasin, witness statement, 16 December 2012), para. 40; D482 (Dragan Maletić, witness statement, 10 May 2014), p. 6; D473 (Slavko Gengo, witness statement, 10 May 2014), para. 28; D514 (Svetozar Guzina, witness statement, 15 May 2014), para. 31; D653 (Desimir Šarenac, witness statement, 27 July 2014), para. 8.

[897] D658 (Vlade Lučić, witness statement, 5 November 2012), para. 22; D535 (Vladimir Radojčić, witness statement, 11 May 2014), paras 39, 66, 113; Miloš Škrba, T. 22802; D459 (Predrag Trapara, witness statement, 10 May 2014), para. 17; D643 (Stojan Džino, witness statement, 4 November 2012), para. 54; D641 (Mihajlo Vujasin, witness statement, 16 December 2012), para. 40; D473 (Slavko Gengo, witness statement, 10 May 2014), para. 29. *See also* D566 (Sarajevo Light Infantry Brigade report on combat readiness, 14 June 1993), pp. 2, 6.

[898] D658 (Vlade Lučić, witness statement, 5 November 2012), para. 22. *See also* D566 (Sarajevo Light Infantry Brigade report on combat readiness, 14 June 1993), pp. 1-2, 5.

[899] D658 (Vlade Lučić, witness statement, 5 November 2012), para. 23; D559 (Milorad Šehovac, witness statement, 13 May 2014), paras 32, 63; D641 (Mihajlo Vujasin, witness statement, 16 December 2012), para. 41; D473 (Slavko Gengo, witness statement, 10 May 2014), para. 29. *See also* D566 (Sarajevo Light Infantry Brigade report on combat readiness, 14 June 1993), pp. 2, 6.

[900] D658 (Vlade Lučić, witness statement, 5 November 2012), para. 22.

[901] D535 (Vladimir Radojčić, witness statement, 11 May 2014), paras 39-40, 43.

[902] P576 (David Fraser, witness statement, 3 December 2012), paras 61-64.

[903] P576 (David Fraser, witness statement, 3 December 2012), para. 63. The Trial Chamber understands the Anti-Sniping Task Force to be a UN-initiated task force, *see* David Fraser, T. 5800.

[904] P576 (David Fraser, witness statement, 3 December 2012), paras 63-65.

certain areas.[905] This suggested, in Fraser's view, that they acted on orders from a higher command.[906] When UNPROFOR killed snipers, they were replaced by the Bosnian Serbs.[907] According to the VRS reports on training activities, in 1994, the VRS soldiers received *inter alia* training for sniper squad commanders, and new trainings for snipers were recommended to be undertaken in 1995.[908] Dragomir Milošević was actively engaged in a number of matters, including the levels of ammunition and the selection of individual members of the SRK for sniper training.[909] He issued several orders relating to snipers, sniper training, and sniper ammunition.[910] Colonel Lugonja, one of Milošević's assistant commanders, wrote in a memorandum pertaining to the implementation of an anti-sniping agreement, dated 15 August 1994, that 'sniping is to be stopped only by orders and the inner organisation and accordingly by taking adequate measures'.[911] Lugonja further noted, regarding his proposals for the implementation of the agreement, that 'the final decision will be taken by Commander General Milošević'.[912] On 19 January 1995, Milošević ordered that specific arrangements be made for the transport of sniper instructors to the Jahorina barracks and that a training course be organised.[913] According to **Fraser**, that order confirmed his assessment that the snipers were controlled by the corps commander.[914]

235. **Witness RM-147** testified that from at least June 1992 until the beginning of May 1993, an SRK platoon, under the command of Dragan Šiljak, Duško Čajić, and Dragan Nožica, guarded SRK sniper positions.[915] Various upper-floor apartments in four high-rise buildings in Sarajevo were used as firing positions by soldiers of a sniping unit under the command of Marinko Krneta.[916] While the snipers did not form part of the platoon that guarded the location, they would always go to the platoon

[905] P576 (David Fraser, witness statement, 3 December 2012), para. 78.
[906] P576 (David Fraser, witness statement, 3 December 2012), paras 78, 135.
[907] P576 (David Fraser, witness statement, 3 December 2012), para. 78.
[908] P604 (3rd Sarajevo Infantry Brigade Report on training activities in 1994, signed by Commander Dragan Josipović, 5 January 1995,), p. 4; P606 (1st Ilijaš Infantry Brigade Report on training activities in 1994, signed for the Commander by Captain Božidar Savić, 13 January 1995), p. 2.
[909] Adjudicated Facts III, no. 1863.
[910] Adjudicated Facts III, no. 1902.
[911] Adjudicated Facts III, no. 1903.
[912] Adjudicated Facts III, no. 1904.
[913] P605 (Order on the detachment and transfer of sniper instructors, signed by General Dragomir Milošević, 19 January 1995).
[914] P576 (David Fraser, witness statement, 3 December 2012), para. 77.
[915] P107 (Witness RM-147, witness statement, 3 June 2012), paras 12, 30, 35, 39, 53; Witness RM-147, T. 1740.

headquarters before they started their shifts at one of the four high-rise buildings.[917] On some occasions a platoon member would be assigned to a location on Ozrenska Street where he or she would stay for about five days.[918] The platoon used abandoned Muslim houses as shelter.[919] Snipers also used these houses as firing position and used various kinds of weaponry, such as a rifle with telescopic sights and some kind of binoculars, as well as a special machine gun with optic infrared sights fitted onto it which allowed them to also shoot at night.[920]

236. **Šehovac** testified that while the 2nd Sarajevo Light Infantry Brigade did not have specially organised sniper units, one company had three or four snipers and 17 sniper rifles.[921] According to the witness, his brigade had two snipers deployed in Sarajevsko Polje, in the riverbed of the Željeznica River, from where these snipers could only be used to some degree.[922] **Džino** testified that during the war, he did not see a professional sniper who had completed sniper training and who was equipped with a suitable rifle and ammunition as well as protective equipment in his or other units of the SRK.[923] According to the witness, the best sharpshooters or soldiers would receive sniper rifles to use in the course of combat.[924] **Blaško Rašević** testified that he did not see a single sniper rifle in the Koševo Battalion.[925]

The Trial Chamber's findings

237. The Trial Chamber received evidence that may appear to contradict Adjudicated Fact 1808, which states that SRK personnel were under normal military command and control, or Adjudicated Fact 1864, which states that Dragomir Milošević's subordinates were very disciplined and followed his orders. The Trial Chamber understands 'normal' military command and control to refer to the ability to exercise general command and

[916] P107 (Witness RM-147, witness statement, 3 June 2012), paras 36, 40, 42, Appendices A and H; P119 (Photograph of downtown Sarajevo, four skyscrapers marked by witness); P125 (Map of Grbavica marked by witness).
[917] P107 (Witness RM-147, witness statement, 3 June 2012), para. 39.
[918] P107 (Witness RM-147, witness statement, 3 June 2012), paras 34, 43.
[919] P107 (Witness RM-147, witness statement, 3 June 2012), paras 43-44; Witness RM-147, T. 1698; P117 (Photograph marked by witness).
[920] P107 (Witness RM-147, witness statement, 3 June 2012), para. 45.
[921] D559 (Milorad Šehovac, witness statement, 13 May 2014), paras 33-34; Milorad Šehovac, T. 24043.
[922] D559 (Milorad Šehovac, witness statement, 13 May 2014), para. 35; Milorad Šehovac, T. 24043; D560 (Corrections to witness statement, 10 July 2014), para. 11.
[923] D643 (Stojan Džino, witness statement, 4 November 2012), para. 56; Stojan Džino, T. 25695. *See also* D598 (Velimir Dunjić, witness statement, 12 November 2012), para. 8.
[924] Stojan Džino, T. 25696, 25727.

control and considers that this ability may exist even where there are instances of indiscipline or disobedience or temporary problems with command and control. Various witnesses testified that there were many local, unprofessional men in SRK brigades. However, the Trial Chamber considers that this evidence does not, in itself, contradict the Adjudicated Facts that the SRK was under normal military command, with Milošević's subordinates being disciplined and following his orders. The evidence of Ratomir Maksimović, Vladimir Radojčić, Milorad Šehovac, Mihajlo Vujasin, and Slavko Gengo, as well as exhibits D1740, D1867, D566, and D1840, additionally suggest that the lack of professional commanding officers and staff in various SRK brigades affected the quality of control and command and led to problems with indiscipline, disobedience, and inefficient command and control. However, individualised instances of indiscipline and disobedience, such as reported in exhibit D1740, on more general problems with command and control at one specific moment in time are insufficient to demonstrate that the SRK generally did not function under normal military command and control. The Trial Chamber therefore finds that this evidence does not contradict Adjudicated Facts 1808 and 1864. In light of this finding, the Trial Chamber considers the Defence's submissions that the SRK did not exercise effective command and control to be unmeritorious.

238. The Trial Chamber received evidence from Vladimir Radojčić and Miloš Škrba that there were no professionally trained snipers in the Ilidža Brigade and the 2nd Infantry Company of the 2nd Infantry Battalion in the 1st Sarajevo Mechanised Brigade. The Trial Chamber also received evidence from Stojan Džino and Velimir Dunjić that they did not see professional snipers in their units or the other units of the SRK and from Blaško Rašević that he did not see a single sniper rifle in the Koševo Battalion. The Trial Chamber considers this evidence not to contradict Adjudicated Facts 1838, 1863, and 1902 to 1904 since the snipers referenced in those Adjudicated Facts may have been in brigades other than those mentioned by these witnesses and since it is reasonably possible that these witnesses may not have seen the snipers or rifles in the brigades they mentioned. Under these circumstances, the Trial Chamber also considers the Defence's submission that there were no snipers in the SRK to be unmeritorious.[926]

[925] Blaško Rašević, T. 23587.
[926] The Trial Chamber notes in this respect that the Defence appears to demand a level of specificity before calling someone a 'sniper' that does not accord with the Trial Chamber's understanding. In this

239. Based on the foregoing, the Trial Chamber finds that the SRK was established in May 1992 and was composed of 10 to 13 brigades,[927] divided into battalions, companies, and platoons. JNA elements, in particular those within the JNA 4th Corps, and local TO forces participated in organizing and staffing the SRK. The SRK was present in the greater Sarajevo area, which was the former zone of responsibility of the 4th JNA Corps. The SRK command was in Lukavica throughout the conflict. The commanders of the SRK during the war were Tomislav Šipčić from 19 May 1992 until September 1992, Stanislav Galić from 10 September 1992 until 10 August 1994, and Dragomir Milošević from 10 August 1994 until November 1995. At least Galić and Milošević actively monitored the situation in Sarajevo and visited the battlefield. SRK personnel generally were under normal military command and control. Moreover, the SRK had a strong reporting chain. Lower level SRK units regularly sent reports to the higher commands and the SRK command in turn reported to their superiors. The SRK also had snipers.

10th Sabotage Detachment

240. In this chapter, the Trial Chamber will review the evidence regarding the VRS 10th Sabotage Detachment. It received the evidence of **Milorad Pelemiš**, the Commander of the 10th Sabotage Detachment;[928] **Ljubomir Obradović**, Deputy Chief of Operations and Training of the VRS Main Staff from September 1994 onwards;[929] **Manojlo Milovanović**, the Chief of Staff and Deputy Commander of the VRS Main Staff from 1992 to 1996;[930] and **Dražen Erdemović**, a Bosnian-Croat member of the VRS 10th Sabotage Detachment.[931]

241. **Milorad Pelemiš** testified that he was appointed Commander of the VRS 10th Sabotage Detachment in October or November 1994.[932] On 4 December 1994, Mladić

respect, the Trial Chamber refers to its understanding of the term 'sniper', as further set out in Appendix B.

[927] The Trial Chamber finds that throughout the conflict, the SRK brigades included at least the 1st Romanija Motorised Brigade, the 1st Sarajevo Mechanised Brigade, the 2nd Sarajevo Light Infantry Brigade, the 3rd Sarajevo Brigade, the Rajlovac Brigade, the Ilidža Brigade, and the Rogatica Brigade.

[928] D978 (Milorad Pelemiš, witness statement, 18 June 2014), p. 1, paras 1-2; Milorad Pelemiš, T. 33776.

[929] P1783 (Ljubomir Obradović, *Tolimir* transcript, 29-31 March 2011), pp. 11929, 11931-11932; P1784 (VRS Main Staff Structure, July 1995).

[930] Manojlo Milovanović, T. 16889; P2211 (Signed *curriculum vitae* of Manojlo Milovanović), pp. 1-2; P2212 (VRS Main Staff Structure - organisation chart, July 1995).

[931] P1673 (Dražen Erdemović, Rule 61 hearing transcript, 5 July 1996), pp. 832, 834-835.

[932] D978 (Milorad Pelemiš, witness statement, 18 June 2014), para. 2.

issued an order regarding the establishment and recruitment of the Detachment, setting out the requirements and conditions for its members.[933] **Pelemiš** testified that the hierarchical structure dictated that he reported to the Commander of the VRS Main Staff, who was his superior commander. However, according to the professional chain of command, Pelemiš was subordinated to the VRS Main Staff Intelligence Administration and its chief, Petar Salapura. As such, the Intelligence Administration proposed assignments to the Commander of the VRS Main Staff and if they were approved, the Commander of the Detachment would carry them out.[934]

242. **Ljubomir Obradović** provided further details and testified that the Detachment was 'attached through the professional line' to the Intelligence Administration, but directly linked to the command of the VRS Main Staff.[935] The Intelligence Administration could not issue orders to the detachment, but would provide assistance along the professional line in the form of training and logistic support, the selection of personnel, and making proposals to Mladić for the use of the detachment.[936]

243. **Manojlo Milovanović** testified that during non-complex operations, which were operations carried out by not more than one or two corps, parts of the 10th Sabotage Detachment were re-subordinated to the unit carrying out the operation. However, if it was a complex operation the detachment was under the command of someone from the VRS Main Staff.[937] **Obradović** clarified that if the detachment had been re-subordinated to a unit for a particular operation, it would have reported directly to the commander of that unit until the completion of the task at hand.[938]

244. **Pelemiš** testified that the detachment consisted of Slovenians, Muslims, Croats, and mostly Serbs, and its members had been vetted by the VRS Main Staff Security Administration.[939] **Dražen Erdemović** testified that the detachment was comprised of two platoons: his platoon, which was based in Bijeljina, and a platoon stationed in

[933] P5013 (VRS Main Staff Order regarding 10th Sabotage Detachment, 4 December 1994). *See also* P1799 (Communication by Tolimir concerning personnel selection of 10th Sabotage Detachment, 21 December 1994).
[934] D978 (Milorad Pelemiš, witness statement, 18 June 2014), para. 3.
[935] P1783 (Ljubomir Obradović, *Tolimir* transcript, 29-31 March 2011), pp. 11960-11961, 11967, 11972; Ljubomir Obradović, T. 14517; P1784 (VRS Main Staff Structure, July 1995).
[936] P1783 (Ljubomir Obradović, *Tolimir* transcript, 29-31 March 2011), pp. 11961-11962, 11967; Ljubomir Obradović, T. 14585-14586; P1784 (VRS Main Staff Structure, July 1995).
[937] Manojlo Milovanović, T. 17113.
[938] Ljubomir Obradović, T. 14587.
[939] D978 (Milorad Pelemiš, witness statement, 18 June 2014), para. 5.

Vlasenica.[940] The detachment, which under normal circumstances consisted of approximately 60 soldiers, carried out reconnaissance and sabotage operations behind enemy lines and was directly subordinated to the VRS Main Staff.[941] **Milovanović** testified that the Intelligence Administration was engaged in so-called 'forceful acquiring of information', which he described as the 'provocation of a conflict with the enemy in a particular area to observe its reaction', on the basis of which the enemy's strength, size, and power was assessed. The detachment was used for this purpose.[942]

245. Based on the foregoing, the Trial Chamber finds that the VRS 10th Sabotage Detachment, operational in 1995, comprised approximately 60 soldiers and was commanded by Milorad Pelemiš. It comprised two platoons, one based in Bijeljina and one stationed in Vlasenica. The detachment was tasked with carrying out reconnaissance and sabotage operations. It was directly subordinated to Ratko Mladić as the Commander of the VRS Main Staff. The Intelligence Administration of the VRS Main Staff could not issue orders to the detachment, but would provide assistance along the professional line in the form of training and logistic support, the selection of personnel, and making proposals to Mladić for the use of the detachment. With the approval of the VRS Main Staff, the detachment could be subordinated to other units for the purpose of specific operations.

3.1.3 Main Staff

246. In this chapter, the Trial Chamber will review the evidence on the structure of the VRS Main Staff. In this respect, the Trial Chamber took judicial notice of Adjudicated Fact 1323. It further received evidence from **Richard Butler**, an intelligence research specialist;[943] **Reynaud Theunens**, a military intelligence analyst;[944] **Manojlo Milovanović**, the Chief of Staff and Deputy Commander of the VRS Main Staff from 1992 to 1996;[945] **Ljubomir Obradović**, Deputy Chief of

[940] P1673 (Dražen Erdemović, Rule 61 hearing transcript, 5 July 1996), pp. 834, 840; Dražen Erdemović, T. 13723, 13726.
[941] P1673 (Dražen Erdemović, Rule 61 hearing transcript, 5 July 1996), pp. 834-836, 840.
[942] Manojlo Milovanović, T. 16924.
[943] Richard Butler, T. 16108; P2094 (Richard Butler, *curriculum vitae*, 10 June 2011).
[944] Reynaud Theunens, T.20230; P3093 (Reynaud Theunens, *curriculum vitae*, 15 October 2012), pp. 1-4.
[945] Manojlo Milovanović, T. 16889; P2211 (Signed *Curriculum Vitae* of Manojlo Milovanović), pp. 1-2; P2212 (VRS Main Staff Structure - organisation chart, July 1995).

Operations and Training of the VRS Main Staff from September 1994;[946] **Đorđe Đukić**, the Assistant for Logistics of the VRS Main Staff;[947] **Petar Škrbić**, the Assistant Commander for Organisation, Mobilisation, and Personnel affairs of the VRS Main Staff in July 1995;[948] **Đoko Razdoljac**, Assistant Commander for Logistics in the VRS Rogatica Brigade from the end of 1992 until the end of 1995;[949] **Petar Salapura**, the chief of the intelligence sector of the VRS Main Staff;[950] **Vladimir Radojčić**, the Commander of the SRK Ilidža Brigade between January 1993 and the end of the war;[951] **Milovan Milutinović**, Chief of the Press Centre and the Information Service at the 1KK between 1992 and 1994 and head of the VRS Main Staff Information Service and Centre for Information and Propaganda Activities between 1994 and 1996;[952] **Rajko Banduka**, a Warrant Officer Second Class and Adjutant to Mladić from May 1992 until 1995;[953] as well as documentary evidence.

Events leading up to the formation of the VRS Main Staff

247. **Đorđe Đukić** stated that Jugoslav Kostić, the President of the Presidency of the SFRY, announced in late April 1992 that the Presidency had decided to reorganise the command of the 2nd Military District of the JNA and appointed the witness to the post of Assistant Commander for Logistics, Ratko Mladić to the post of Chief of Staff, Milan Gvero to the post of Assistant Commander for Morale, Religious, and Legal Affairs, and Colonel Grubor to the post of Assistant Commander for Organisation, Mobilisation, and Personnel.[954]

[946] P1783 (Ljubomir Obradović, *Tolimir* transcript, 29-31 March 2011), pp. 11929, 11931-11932; P1784 (VRS Main Staff structure, July 1995).
[947] P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), p. 7.
[948] Petar Škrbić, T. 13981.
[949] P3491 (Đoko Razdoljac, *Tolimir* transcript, 30 November 2010), pp. 8228, 8233.
[950] P1584 (Excerpts from transcript of testimony of Petar Salapura in *Tolimir* Case, 9 May 2011), pp. 13467, 13473.
[951] D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 1.
[952] D862 (Milovan Milutinović, witness statement, 11 July 2014), paras 3, 5, 51, 54, 140; Milovan Milutinović, T. 30038.
[953] D711 (Rajko Banduka, witness statement, dated 14 July 2014), para. 3; Rajko Banduka, T. 27313, 27327.
[954] P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), pp. 1-2, 11. The Trial Chamber notes that the terminology used for defining the 'Sector for Morale, Religious, and Legal Affairs' varies in the evidence it has received. This difference is partly explained by the fact that in the JNA, this sector was called the 'Sector for Moral Guidance and Legal Affairs'. In order to avoid confusion, the Trial Chamber has referred to this sector as the 'Sector for Morale, Religious, and Legal Affairs' throughout the judgment.

248. According to an analysis report on the combat readiness of the VRS in 1992 and 1993, signed by Karadžić, the core of the Main Staff was formed and constituted on 3 May 1992 'pursuant to a decision of the Assembly of the Serbian people and the tacit consent of the competent organs of the Main Staff of the Army of the FRY'.[955]

249. **Đorđe Đukić** stated that in May 1992, General Adžić issued an order regulating the transformation of the Command of the 2nd Military District into the Main Staff of the VRS. The witness specified that this order further regulated the appointments of the commander and assistant commanders of the Main Staff.[956] **Manojlo Milovanović** testified that on 11 May 1992, before the establishment of the Main Staff and the appointment of Mladić as its commander, Mladić assigned the witness a number of tasks necessary for the creation of the Main Staff. These tasks included creating the necessary infrastructure for communications between the Main Staff, the corps commands, and the logistics base, as well as the extraction of JNA officers from the 2nd Military District who had formally withdrawn from Bosnia-Herzegovina on 3 May 1992. The Main Staff became operational on 12 May 1992.[957]

Functions and structure of the VRS Main Staff

250. **Richard Butler** testified that the Main Staff was a hybrid command and staff organisation that provided the means by which the Bosnian-Serb Republic would manage the war effort and plan its overall strategy. In the early stages, much of the effort of the Main Staff was dedicated to providing logistical and administrative support to keep the various Corps formations at a reasonable state of combat efficiency.[958] At its inception, the Main Staff could largely draw from the staff and organisation of the former JNA 2nd Military District headquartered in Sarajevo.[959] The period from the inception of the Main Staff in May 1992 until approximately 15 June 1992 covered a significant transitional phase that encompassed three principal objectives: overseeing the withdrawal of the JNA from Bosnia-Herzegovina; staffing and organising the Main Staff and the army; and assuming direct management of ongoing military activities from

[955] P338 (Analysis of the combat readiness and activities of the VRS, signed by Karadžić on 5 April 1993), pp. 1, 69-70, 153.
[956] P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), pp. 7, 11.
[957] Manojlo Milovanović, T. 16902-16905.
[958] P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 1.14
[959] P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), paras 1.0-1.1, 1.14.

local, municipal, and regional authorities throughout Bosnia-Herzegovina.[960] According to Butler, the Main Staff order of 4 June 1992 designating the areas of responsibility and the forthcoming tasks of the VRS was a critical step for the Main Staff in establishing itself as the primary body behind the conduct of military operations.[961] The Bosnian-Serb Presidency formally established the organisation, formation, and command of the VRS on 15 June 1992.[962]

251. The Main Staff operated under the direction of the Supreme Command of the Bosnian-Serb Republic and in concert with both the MoD and MUP.[963] Based on the minutes of meetings of the Bosnian-Serb Presidency and of the Supreme Command Staff, **Theunens** concluded that Mladić attended sessions of the Supreme Command between 1992 and 1995[964] and briefed the Supreme Command and the Presidency on the military situation in Bosnia-Herzegovina.[965] He noted that Mladić and other senior members of the Main Staff also attended sessions of the Bosnian-Serb Assembly and briefed the members about the military situation.[966]

252. **Butler** testified that the Main Staff was the highest operative body directing the conduct of the VRS's military operations.[967] It was responsible for the planning and conduct of the the operations at the strategic level. The Main Staff was at the core of the Bosnian-Serb war effort and was comprised of experienced officers, most of whom formally maintained ranks and positions within the VJ, as will be further discussed in chapter 9.2.6. The Main Staff was also responsible for ensuring that VRS military activities were fully harmonized with the political and diplomatic efforts of the civilian authorities of the Bosnian-Serb Republic. As a result, senior Main Staff officers dealt

[960] P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), paras 1.11-1.12, 1.15.
[961] P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 1.17.
[962] P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 1.19.
[963] P2210 (Richard Butler, VRS Main Staff Command Responsibility report, 9 June 2006), para. 2.0. *See also* D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 128.
[964] The witness referenced examples of Mladić's attendance at sessions of the Supreme Command, which included sessions held on 9 June 1992, 13 July 1992, 2 August 1992, 31 August 1992, 20 December 1992, 28 October 1994, 31 March 1995, 13 April 1995, and 15 September 1995.
[965] P3029 (Expert Report of Reynaud Theunens, September 2012), Part III, pp. 334-335.
[966] P3029 (Expert Report of Reynaud Theunens, September 2012), Part III, pp. 335-336. The witness referenced examples of Mladić's attendance at sessions of the Bosnian-Serb Assembly, which included sessions held on 14-15 September 1992, 30-31 October 1992, 1 November 1992, 17 December 1992, 19-20 May 1993, 21-22 July 1993, 10 January 1994, 24 November 1994, 14-15 April 1995, 23-24 May 1995, 14-15 June 1995, 6 August 1995, 28 August 1995, and 15-16 October 1995.
[967] P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 2.0.

with senior military and civilian UNPROFOR officials throughout Bosnia-Herzegovina on a daily basis.[968]

253. **Theunens** testified that in addition to directing combat operations, the Main Staff was also responsible for solving operational and tactical problems, such as preparedness and training, morale, legal issues, informing the public, religious issues, mobilisation and personnel affairs, intelligence and security, diplomacy, and cooperation with governmental or other bodies.[969] Based on the 'Law on the Army' of the Bosnian-Serb Republic, the Commander of the Main Staff was responsible for duties concerning the conscription, replenishment, and numerical disposition of army personnel, as well as for training, inspection of combat readiness, and other related tasks.[970]

254. **Butler** prepared a diagram of the Main Staff structure in July 1995. Ratko Mladić was the Commander of the Main Staff and Manojlo Milovanović was the Main Staff Deputy Commander and Chief of Staff.[971] The Main Staff was comprised of six departments[972]: 'the Staff' (which was comprised of two sectors: 'Combat Services' and 'Operations and Training'); Air Force and Anti-Aircraft Defence; Intelligence and Security Affairs; Mobilisation and Personnel Affairs; Rear Services; and Development and Finance.[973] Except for 'the Staff', which was headed by the Chief of Staff, each of the departments was headed by an assistant commander.[974] The Chief of Staff and the assistant commanders were, in turn, directly subordinated to Mladić. In addition, several VRS unit commanders were directly subordinated to Mladić, including the corps

[968] P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 2.3.
[969] P3029 (Expert Report of Reynaud Theunens, September 2012), Part III, pp. 70-71.
[970] P3029 (Expert Report of Reynaud Theunens, September 2012), Part III, p. 68.
[971] P2208 (Diagram of VRS Main Staff structure, July 1995). *See also* Petar Skrbić, T. 14003-14005.
[972] The Trial Chamber notes that departments of the Main Staff were sometimes referred to in the evidence as 'sectors' or 'branches'. The Trial Chamber has referred to them as 'departments' of the Main Staff. Some of these Main Staff departments were further divided into different sectors or administrations. In most cases, the Trial Chamber has used the word 'sector' to describe these subdivisions of the Main Staff Departments.
[973] P2208 (Diagram of VRS Main Staff structure, July 1995). *See also* P3029 (Expert Report of Reynaud Theunens, September 2012), Part III, pp. 69-70; Manojlo Milovanović, T. 16918; P2212 (VRS Main Staff structure - organisation chart, July 1995).
[974] P2208 (Diagram of VRS Main Staff structure, July 1995). *See also* P1783 (Ljubomir Obradović, *Tolimir* transcript, 29-31 March 2011), pp. 11937-11938, 11940, 11955-11956, 11992, 12019; P3491 (Đoko Razdoljac, *Tolimir* transcript, 30 November 2010), pp. 8287-8288; P1784 (VRS Main Staff structure, July 1995); P3813 (Fifth Corps Command operations document, 12 May 1992), p. 1; P4957 (Report on handover of duty by Milan Gvero, 9 May 1992), p. 1.

commanders and the commanders of the 65th Protection Regiment and the 10th Sabotage Detachment.[975]

255. The Main Staff Chief of Staff was responsible for the planning and management of most combat-related activity undertaken by the Main Staff.[976] His subordinate, the Chief of the Operations and Training sector (Miletić), functioned as the Main Staff's Deputy Chief of Staff and created the broader work plan of the command with regard to operational planning. Following the receipt of orders from the Commander or the Chief of Staff, the Chief of Operations briefed the Main Staff command and subordinate commands on envisioned assignments, basic concepts, and appraisal of situations.[977] The Main Staff Operations and Training sector was central in devising much of the VRS's broad military strategy, which manifested itself in 'Operational Directives'. These directives, periodically drafted by the VRS for the approval and ratification by the Bosnian-Serb leadership were designed to ensure the full integration of political and military elements of the Bosnian-Serb Republic in support of the war effort.[978] According to Butler, the Main Staff Operations and Training sector played an important role in dealing with issues related to UNPROFOR, in relation to its impact on VRS operations, as well as to granting the necessary clearance for UNPROFOR logistics convoys travelling through VRS-held territory and efforts to effectively marginalize the ability of UNPROFOR and NATO to intervene in the VRS military operations by 1995.[979]

256. **Ljubomir Obradović** testified that his task as Deputy Chief of the Operations and Training Sector in the Main Staff was to follow the operative situation on the battlefield and to draft orders, warnings, reports, and plans.[980] He would send drafts concerning the operative situation on the battlefield for review to Miletić – the Chief of the Operations and Training Sector – who would in turn sign or forward them to Mladić to sign, depending on the type of document concerned.[981] While the Operations and Training Sector headed by Miletić was supposed to have 18 officers, it was comprised

[975] P2208 (Diagram of VRS Main Staff structure, July 1995).
[976] P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), paras 2.6-2.7. *See also* P1783 (Ljubomir Obradović, *Tolimir* transcript, 29-31 March 2011), pp. 11939-11941. The Trial Chamber notes that the witness also referred to 'the Staff' as the 'operative sector' of the VRS Main Staff.
[977] P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 2.7.
[978] P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 2.8.
[979] P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 2.9.
[980] P1783 (Ljubomir Obradović, *Tolimir* transcript, 29-31 March 2011), p. 11929.
[981] P1783 (Ljubomir Obradović, *Tolimir* transcript, 29-31 March 2011), pp. 11944-11945. *See also* P1784 (VRS Main Staff structure, July 1995).

of only four: Miletić, Obradović, Đerić, and Mićanović.[982] Understaffing was a problem in parts of the Main Staff and also featured in the units, because of a shortage of the professional cadre.[983]

257. **Butler** testified that the Main Staff department for Morale, Religious, and Legal Affairs was responsible for managing the information and propaganda campaign in support of the war aims.[984] **Milovan Milutinović** testified that as head of the Main Staff Information Service and Centre for Information and Propaganda Activities between 1994 and 1996, he was directly subordinated to the Main Staff Assistant Commander for Morale, Religious, and Legal Affairs, Milan Gvero.[985] The witness drafted reports to the Main Staff and that information was distributed within the Main Staff.[986]

258. **Butler** testified that the Main Staff department for Intelligence and Security Affairs – headed by Main Staff Assistant Commander Zdravko Tolimir – was tasked primarily with the collection of intelligence on the opposing forces, as well as with the protection of VRS intelligence from reaching the opposing forces (counter-intelligence).[987] It planned 'high-value' sabotage or diversionary actions and was also responsible for the overall climate of security, including physical protection of key military personnel and facilities.[988] The department also provided technical support for specialized units, such as reconnaissance troops and units and radio reconnaissance units.[989] The department for Intelligence and Security Affairs was subdivided into two 'administrations': the Intelligence Administration, operated under the Chief of Intelligence Operations and consisting of an intelligence centre, analytical element, and heads of the reconnaissance and sabotage and radio reconnaissance units; and the Security Administration, operated under the Chief of Security and consisting of a counter-intelligence group and analytical element, chief of the Military Police, and an

[982] P1783 (Ljubomir Obradović, *Tolimir* transcript, 29-31 March 2011), pp. 11943-11944; Ljubomir Obradović, T. 14518-14519; P1784 (VRS Main Staff structure, July 1995).
[983] Ljubomir Obradović, T. 14519, 14546.
[984] P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 2.10.
[985] D862 (Milovan Milutinović, witness statement, 11 July 2014), paras 3, 5, 51, 54, 140; Milovan Milutinović, T. 30038, 30099-30100.
[986] Milovan Milutinović, T. 30100.
[987] P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), paras 2.13, 2.15. *See also* P1584 (Excerpts from transcript of testimony of Petar Salapura in *Tolimir* Case, 9 May 2011), pp. 13474, 13477; Petar Salapura, T. 13019-13020.
[988] P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), paras 2.13, 2.15.
[989] P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 2.13.

officer responsible for ensuring personal security of certain Main Staff officers.[990] **Obradović** testified that in July 1995, the Intelligence Administration was headed by Colonel Petar Salapura and the Security Administration was headed by Colonel Ljubiša Beara. Both Salapura and Beara were directly subordinated to Tolimir.[991]

259. In July 1995, the commander of the 65th Motorized Protection Regiment was Lieutenant-Colonel Milomir Savčić.[992] This regiment was in charge of protecting the Main Staff command post and commander and was directly subordinated to Mladić, from whom it took its orders. The regiment included a Military Police battalion, which along the professional line was responsible to the Main Staff Security Administration.[993] Since the regiment was located in the same place as the Main Staff, it reported orally instead of in writing.[994]

260. **Petar Škrbić** testified that the basic command post of the Main Staff was in Crna Rijeka and the rear command post of the Main Staff was in Han Pijesak.[995] **Rajko Banduka** testified that Mladić was stationed in a villa in Crna Rijeka called 'Villa Javor' from 9 May 1992 until 1995.[996] Both the Main Staff operations centre and the communications centre were located some one to two kilometres from Villa Javor.[997] The Main Staff assistant commanders and the deputy commander worked at the Main Staff operations centre. Mladić did not have his own office at the operations centre, but would use Milovanović's office when he was there.[998] Located directly next to Villa Javor was an entrance to an underground facility, from where Mladić and his command

[990] P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), paras 2.14-2.15. *See also* P1783 (Ljubomir Obradović, *Tolimir* transcript, 29-31 March 2011), p. 11949; Ljubomir Obradović, T. 14585; P1784 (VRS Main Staff structure, July 1995). *See also* P1584 (Excerpts from transcript of testimony of Petar Salapura in *Tolimir* Case, 9 May 2011), p. 13474; Petar Salapura, T. 13019-13020.
[991] P1783 (Ljubomir Obradović, *Tolimir* transcript, 29-31 March 2011), p. 11949; Ljubomir Obradović, T. 14586; P1784 (VRS Main Staff structure, July 1995). *See also* P1584 (Excerpts from transcript of testimony of Petar Salapura in *Tolimir* Case, 9 May 2011), pp. 13475, 13484.
[992] P1783 (Ljubomir Obradović, *Tolimir* transcript, 29-31 March 2011), pp. 11963, 11966; P1784 (VRS Main Staff structure, July 1995).
[993] P1783 (Ljubomir Obradović, *Tolimir* transcript, 29-31 March 2011), p. 11962; P1784 (VRS Main Staff structure, July 1995).
[994] P1783 (Ljubomir Obradović, *Tolimir* transcript, 29-31 March 2011), pp. 11966-11967; Ljubomir Obradović, T. 14553-14554; D333 (Order by Milomir Savčić concerning oral reporting, 23 December 1993).
[995] Petar Škrbić, T. 13992.
[996] Rajko Banduka, T. 27308-27309, 27313, 27340; P6848 (Photograph of 'Villa Javor').
[997] Rajko Banduka, T. 27310, 27313, 27315-27316.
[998] Rajko Banduka, T. 27316.

staff could carry out the tasks of the operations centre and communications centre when needed. This happened during the NATO bombing.[999]

261. **Milovanović** testified that to his knowledge, the Main Staff sent regular and interim combat reports containing data on the situation at the front, the activities of the Muslim-Croat forces, and requests to resolve various issues, as well as the needs of the army in terms of fuel, ammunition, and other supplies, to the Supreme Command.[1000] Supreme Command members periodically attended VRS meetings on combat readiness and morale and would sometimes visit VRS units at the front.[1001]

262. Throughout the war, Mladić held regular daily meetings in the morning around 7 a.m. with his assistant commanders, who were sometimes accompanied by their deputies.[1002] Occasionally, if there had been changes at the front lines, additional evening meetings were held.[1003] During the meetings, regular combat reports from the previous day, sent by all units, were evaluated and proposals were made on the basis of which the commander eventually issued tasks and orders.[1004] Regular weekly reporting meetings, usually called briefings, were attended by Mladić, the assistant commanders or their deputies, as well as the entire operations administration of 'the Staff'.[1005] The agenda for the weekly briefings was drafted by Mladić, who would inform the witness thereof on the eve of the meeting.[1006] Mladić would speak first at these meetings, following which he would invite the witness to give an assessment of the situation on the front line as well as on relevant military proposals. Then, each assistant commander reported on his own department as to what had been done in the course of the week and what was planned for the following week.[1007] In case Mladić was unable to attend the meeting, Milovanović informed him about the most important issues immediately afterwards.[1008] During monthly meetings, which were attended by all members of the Main Staff who were present at the time, military activities were analysed.[1009] Key

[999] Rajko Banduka, T. 27313, 27316, 27336; P6848 (Photograph of 'Villa Javor').
[1000] D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 128.
[1001] D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 129.
[1002] Manojlo Milovanović, T. 16937-16939, 16945-16946. The Trial Chamber notes that the witness used 'Sector Chiefs' to refer to the assistants to the Commander, which he explained concerned the Main Staff Assistant Commanders, *see* T. 16939-16940.
[1003] Manojlo Milovanović, T. 16938.
[1004] Manojlo Milovanović, T. 16947.
[1005] Manojlo Milovanović, T. 16947-16949.
[1006] Manojlo Milovanović, T. 16949.
[1007] Manojlo Milovanović, T. 16948-16949.
[1008] Manojlo Milovanović, T. 16950-16951.
[1009] Manojlo Milovanović, T. 16951.

decisions by the Main Staff and its commander that touched upon the six strategic goals were made within the commander's collegium meeting, consisting of all Main Staff assistant commanders and the corps commanders.[1010]

263. Throughout the war, the commanders of the VRS battalions, brigades, and corps had to submit daily combat report to their superior organs.[1011] The reports consisted of eight sections: i) overall enemy activities during the day; ii) activities of the corps; iii) information on neighbouring units; iv) the corps commanders' decision for the next day; v) logistics supply and the number of killed, wounded, or sick soldiers; vi) issues concerning policy and morale within the unit; vii) security issues; and viii) command and communications.[1012] If nothing relevant had happened, reports still had to be filed saying 'no changes'.[1013] The Main Staff received daily combat reports from the corps commanders by 8 p.m; these reports were the result of the compilation of reports from the battalion commanders to the brigades, and from the brigade commanders to the corps as sent earlier that afternoon and early evening.[1014] Based on the combat reports from the corps commanders, the Main Staff would send a combat report to the Supreme Command before midnight.[1015] Mladić did not sign the reports every day but was kept informed about the main issues reported to the Supreme Command by Milovanović who drew up a selection of what he considered to be the most important points.[1016] The daily reports submitted by corps commanders would also contain a section on future actions, which would be reviewed by the Main Staff.[1017] The witness would also discuss any changes or discrepancies in the reports with Mladić so 'he was kept abreast of all the developments'.[1018] In the evening, and in the morning before 8 a.m., the Main Staff would relay the Commander's decision to accept, reject, or change such a proposal by telephone to the respective unit commander.[1019] There was only one major break-down in the communication system, on 29 August 1995 when NATO bombed all 13

[1010] Manojlo Milovanović, T. 16952, 16956.
[1011] Manojlo Milovanović, T. 16960-16961, 16964-16966.
[1012] Manojlo Milovanović, T. 16958-16960.
[1013] Manojlo Milovanović, T. 16965-16966.
[1014] Manojlo Milovanović, T. 16958-16964.
[1015] Manojlo Milovanović, T. 16960-16961, 16964.
[1016] Manojlo Milovanović, T. 16963-16964.
[1017] Manojlo Milovanović, T. 16965-16966.
[1018] Manojlo Milovanović, T. 16964.
[1019] Manojlo Milovanović, T. 16960, 16967-16969.

communication hubs.[1020] According to Milovanović, the system of command and control within the VRS worked throughout the war.[1021]

264. **Vladimir Radojčić** testified that the Main Staff was informed regarding the activities of its soldiers mainly through the chain of command, but also through UNPROFOR liaison officers. He testified that the Main Staff had the ability to conduct investigations into alleged criminal activities and gave evidence regarding two occasions in August 1993 when such investigations were conducted.[1022] On these occasions, the Main Staff ordered the SRK commander to carry out an investigation into an allegation, following which the SRK Commander assigned two persons to carry out the investigation.[1023] The findings of the investigation were then communicated by the SRK Commander to the Main Staff.[1024]

The Trial Chamber's findings

265. Based on the foregoing, the Trial Chamber finds that preparations for the creation of a Main Staff began in April 1992. Its officers were largely to be drawn from the Command of the JNA 2nd Military District. On 12 May 1992, the Main Staff, headed by Mladić, became fully operational.[1025] The Main Staff was the highest operative body directing the conduct of the VRS's military operations. It was responsible for the planning and conduct of the operations at the strategic level. In addition to directing combat operations, the Main Staff was also responsible for solving operational and tactical problems, such as preparedness and training, morale, legal issues, informing the public, religious issues, mobilisation and personnel affairs, intelligence and security, diplomacy, and cooperation with governmental or other bodies. The Main Staff operated under the direction of the Supreme Command of the Bosnian-Serb Republic and in concert with both the MoD and MUP. The Commander of the Main Staff regularly informed the Supreme Command and the Presidency as well as the Assembly about the military situation in Bosnia-Herzegovina.

[1020] Manojlo Milovanović, T. 16935-16936.
[1021] Manojlo Milovanović, T. 16972-16973.
[1022] Vladimir Radojčić, T. 23274.
[1023] D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 94. Vladimir Radojčić, T. 23269-23274.
[1024] Vladimir Radojčić, T. 23273.
[1025] For further detail regarding the appointment of Mladić as Commander of the Main Staff, *see* chapter 3.1.4.

266. The basic command post of the Main Staff was located in Crna Rijeka and the rear command post was based in Han Pijesak. Both the Main Staff operations centre and the communications centre were located one or two kilometres from a facility called 'Villa Javor' in Crni Rijeka, which Mladić used throughout the war. When the need arose, the Main Staff used an underground facility located next to Villa Javor to carry out the work normally performed at the Main Staff operations centre and the communications centre.

267. The VRS Main Staff was divided into different departments. One department – 'the Staff' – was headed by the Main Staff Chief of Staff, while the others were headed by assistant commanders. The Chief of Staff also functioned as the Main Staff Deputy Commander when necessary. The assistant commanders and the Chief of Staff were directly subordinated to the Main Staff Commander. In addition, several unit commanders were also directly subordinated to the Main Staff Commander, including the corps commanders and the commanders of the 65th Protection Regiment and the 10th Sabotage Detachment.

268. During the war, the Main Staff organized regular daily, weekly, and monthly meetings to coordinate and keep itself apprised of the ongoing war effort. The Main Staff meetings were attended and prepared by the relevant Main Staff assistant commanders. Furthermore, the Main Staff received daily combat reports from the corps commanders by 8 p.m.; these reports were the result of reports sent during the day through the relevant chains of command (e.g. reports from the battalion to the brigade commanders, who in turn sent out reports to the corps commanders). Based on the information received from the corps commanders, the Main staff would send a combat report to the Supreme Command before midnight.

269. Through its 'Operational Directives', periodically drafted for the approval and ratification by the Bosnian-Serb leadership, the Main Staff ensured the full integration of political and military elements of the Bosnian-Serb Republic in support of the war effort. Key decisions by the Main Staff and by its commander that touched upon the six strategic goals were made within the commander's collegium meetings, consisting of the Main Staff assistant commanders and the corps commanders.

270. The Main Staff played an important role in communicating with international organizations – particularly if such contact impacted VRS operations – and provided the necessary clearance for logistics convoys, for example by UNPROFOR, travelling

through VRS-held territory. Main Staff officers dealt with senior military and civilian UNPROFOR officials throughout Bosnia-Herzegovina on a daily basis.

271. Lastly, the Trial Chamber finds that the Main Staff could order that investigations be carried out into the activities of VRS soldiers.

3.1.4 Position of Ratko Mladić

272. Ratko Mladić was born on 12 March 1942 in Božanovići, Kalinovik Municipality.[1026] He entered the military academy of the JNA in Belgrade on 1 November 1961.[1027] On 27 September 1965, he joined the permanent forces of the JNA.[1028] On 23 November 1968, he was promoted to Infantry 2nd Lieutenant. On 1 November 1971, he was promoted to Infantry Captain and on 21 October 1974, he was promoted to Infantry Captain 1st Class. On 17 November 1978, he was promoted to Infantry Major.[1029] On 7 September 1982, he was appointed Administrator for the ONP, 3rd Army Command, Skoplje Garrison.[1030] On 8 November 1983, he was transferred for service requirements to the position of Commander of the 164th Infantry Regiment 'B', 41st Infantry Division, 3rd Army, Ohrid Garrison, and on 14 November the same year, he was promoted to the rank of Infantry Lieutenant Colonel.[1031] On 15 November 1985, he became the Commander of the same regiment.[1032]

273. On 1 September 1986, he was sent for training to the Centre for Military Higher Education of the JNA Command Staff School.[1033] From 18 August 1987 to 25 January 1989, he was Commander of 39th Infantry Brigade, 26th Infantry Division, 3rd Army, Štip Garrison.[1034] On 22 December 1988, he was promoted to the rank of Colonel.[1035] On 31 January 1989, he was transferred for service requirements to the Section of the ONP Organ Command, 3rd Military District, Skoplje Garrison, as Assistant Chief of Training.[1036] On 28 June 1989, he became Chief of the Training Section of the ONP

[1026] P3028 (Yugoslavia Presidency Decree appointing Ratko Mladić as Chief of Staff, 25 April 1992), p. 1; P4951 (Ratko Mladić's JNA personnel sheet), pp. 1, 18. *See*, however, T. 2.
[1027] Agreed Facts I, no. 2.
[1028] P4951 (Ratko Mladić's JNA personnel sheet), p. 1.
[1029] P4951 (Ratko Mladić's JNA personnel sheet), p. 4.
[1030] Agreed Facts I, no. 10. *See also* P4951 (Ratko Mladić's JNA personnel sheet), pp. 8-9.
[1031] Agreed Facts I, nos 11-12. S*ee also* P4951 (Ratko Mladić's JNA personnel sheet), pp. 4-5, 9.
[1032] Agreed Facts I, no. 13. *See also* P4951 (Ratko Mladić's JNA personnel sheet), p. 9.
[1033] Agreed Facts I, no. 15. *See also* P4951 (Ratko Mladić's JNA personnel sheet), p. 9.
[1034] Agreed Facts I, no. 16. *See also* P4951 (Ratko Mladić's JNA personnel sheet), p. 9.
[1035] Agreed Facts I, no. 17. *See also* P4951 (Ratko Mladić's JNA personnel sheet), p. 5.
[1036] Agreed Facts I, no. 18. *See also* P4951 (Ratko Mladić's JNA personnel sheet), p. 10.

Organ Command.[1037] On 25 January 1991, he was transferred for service requirements and appointed as Peacetime Establishment Assistant Commander for Logistics at the 3rd 'VO', 52nd Corps Command, Priština Garrison.[1038] On 3 July 1991, he was a Colonel posted in the Command of the 9th Corps of the JNA in Knin.[1039] On 30 July 1991, he was appointed Chief of Staff and Deputy Commander of the 9th Corps and extraordinarily promoted to the rank of General Major on 4 October 1991, before being appointed 9th Corps Commander on 30 December 1991.[1040]

274. On 24 April 1992, Mladić was promoted to the rank of Lieutenant General.[1041] The day after, he was assigned to the post of Chief of Staff and Deputy Commander of the 2nd Military District Headquarters of the JNA in Sarajevo.[1042] On 4 May 1992, the Presidency of the FRY decided that JNA members who were citizens of the FRY should withdraw to the territory of the FRY.[1043] In view of this decision, Mladić requested to be deployed to the territory of Bosnia-Herzegovina.[1044] He assumed his post as Chief of Staff and Deputy Commander on 9 May 1992, and on 10 May 1992, he assumed the command of the 2nd Military District Headquarters of the JNA.[1045]

275. On 12 May 1992, the Bosnian-Serb Assembly appointed Mladić as Commander of the VRS Main Staff.[1046] According to a report, Mladić was promoted to Colonel General when he was appointed Commander of the VRS Main Staff in May 1992.[1047] However, according to the Agreed Facts and Mladić's JNA personnel sheet, he was

[1037] Agreed Facts I, no. 19. *See also* P4951 (Ratko Mladić's JNA personnel sheet), p. 10.
[1038] Agreed Facts I, no. 20. *See also* P4951 (Ratko Mladić's JNA personnel sheet), p. 10.
[1039] Agreed Facts I, no. 3. *See also* P4907 (Personnel administration form concerning appointment of Mladić, signed on 3 July 1991 by Mladić); P4951 (Ratko Mladić's JNA personnel sheet), p. 10.
[1040] Agreed Facts I, nos 4-5, 21. *See also* P4908 (Personnel administration form concerning appointment of Mladić, signed on 23 August 1991 by Mladić); P4910 (Decree of the SFRY Presidency, 4 October 1991); P4951 (Ratko Mladić's JNA personnel sheet), pp. 5, 10-11.
[1041] Agreed Facts I, no. 6. *See also* P4924 (Decree of the Presidency of the SFRY, 24 April 1992), p. 1; P4951 (Ratko Mladić's JNA personnel sheet), p. 5.
[1042] Agreed Facts I, no. 7. *See also* P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), p. 1; P3028 (Yugoslavia Presidency Decree appointing Ratko Mladić as Chief of Staff, 25 April 1992), pp. 1-2; P3813 (Fifth Corps Command operations document, 12 May 1992), p. 1; P4951 (Ratko Mladić's JNA personnel sheet), p. 11.
[1043] P4951 (Ratko Mladić's JNA personnel sheet), p. 18.
[1044] P4951 (Ratko Mladić's JNA personnel sheet), p. 18.
[1045] Agreed Facts I, nos 8-9. *See also* P3813 (Fifth Corps Command operations document, 12 May 1992), p. 1; P4951 (Ratko Mladić's JNA personnel sheet), p. 11; P4955 (Information on appointments of Mladić, Gvero, Đukić, and Tolomir by Colonel Galić, 16 May 1992).
[1046] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), pp. 53-54; P2799 (Decision of the Parliament of the Bosnian-Serb Republic regarding the formation of the VRS and appointment of Mladić as VRS Main Staff Commander, 12 May 1992), p. 1; P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 180. *See also* P7190 ('Defending Krajina', 1KK Bulletin, 28 June 1992), p. 1.
[1047] P4090 (Report signed by Ratko Mladić, 20 May 1992), p. 1

only promoted to the rank of Colonel General on 16 June 1994.[1048] Mladić remained in command of the VRS Main Staff until at least 8 November 1996.[1049] On 16 June 2001, he was removed from the records of the VJ, and on 28 February 2002, he was discharged from professional military service.[1050]

276. Based on the foregoing, the Trial Chamber finds that Mladić joined the permanent forces of the JNA in 1965 and held various positions within the JNA, including the posts of Chief of Staff, Deputy Commander, and, from July 1991 to April 1992, Commander of the JNA 9th Corps in Knin. He subsequently became the Chief of Staff and Deputy Commander of the 2nd Military District Headquarters of the JNA in Sarajevo, assuming the post on 9 and the command on 10 May 1992. On 12 May 1992, Mladić was appointed Commander of the VRS Main Staff. He remained in this position until at least 8 November 1996. The Trial Chamber will further consider these findings in chapter 9, below.

[1048] Agreed Facts I, no. 27. *See also* P4951 (Ratko Mladić's JNA personnel sheet), p. 5.
[1049] Agreed Facts I, no. 28.
[1050] Agreed Facts I, nos 29-30. *See also* P4951 (Ratko Mladić's JNA personnel sheet), p. 11.

3.2 JNA/VJ

277. In this chapter, the Trial Chamber will review the evidence it received on the former Yugoslav People's Army called the 'JNA' and on the formation of the Yugoslav Army called the 'VJ'. The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to these matters and further received Agreed Facts thereon. It also received evidence from **Reynaud Theunens**, a military intelligence analyst,[1051] as well as documentary evidence.

The JNA from late 1991 until May 1992

278. According to a book by SFRY Presidency member Borislav Jović, on 5 July 1991, the JNA was on the verge of collapse and the opposition was seeking the formation of a Serbian army.[1052] Between 30 July and 28 September 1991, the Chief of Staff of the JNA Supreme Command Veljko Kadijević demanded, during several meetings with members of the SFRY Presidency, the transformation of the JNA into a military force to protect those who wanted to remain in Yugoslavia, comprising at least Serbia, the Serb nation in Bosnia-Herzegovina, and Montenegro.[1053] Following a meeting of the SFRY Presidency on 8 August 1991, Jović noted that there was no other alternative but to expel Croats and Slovenes from the JNA and pull the military back to the territory to be defended by Serbs.[1054] On 5 December 1991, Jović and Slobodan Milošević discussed the departure of Muslims and Croats from the JNA to form paramilitary units. They feared that when Bosnia-Herzegovina would be recognized internationally, the JNA withdrawal would be requested and the Serb population in Bosnia-Herzegovina would be left defenseless. Milošević suggested withdrawing all citizens of Serbia and Montenegro from the JNA in Bosnia-Herzegovina and transferring citizens of Bosnia-Herzegovina to the JNA there, to avoid military chaos and enable the Serb leadership in Bosnia-Herzegovina to assume command over the

[1051] Reynaud Theunens, T. 20230; P3093 (Reynaud Theunens, *curriculum vitae*, 15 October 2012), pp. 1-4.
[1052] P3084 (Excerpt from a book by Borislav Jović entitled 'The last days of the SFRY', 1993), pp. 1, 311.
[1053] P3084 (Excerpt from a book by Borislav Jović entitled 'The last days of the SFRY', 1993), pp. 244, 326, 344-346. *See also* P3078 (Excerpt from a book by Veljko Kadijević entitled 'My view of the break-up', 1993), p. 1.
[1054] P3084 (Excerpt from a book by Borislav Jović entitled 'The last days of the SFRY', 1993), pp. 329-330.

Serb part of the JNA.[1055] On 25 December 1991, in a conversation between Jović, Milošević, and Kadijević, Kadijević reported that 90 per cent of the JNA had been relocated, while only 10 to 15 per cent of the forces in Bosnia-Herzegovina were not from that area.[1056]

279. From 1991, the JNA provided arms and equipment to the Serb population of Bosnia-Herzegovina, who, in turn, organized themselves into various units and militia in preparation for combat.[1057] In addition, in the second half of 1991, the JNA disbanded TO units in predominantly Muslim and Croat areas of Bosnia-Herzegovina.[1058]

280. According to the memoirs of Veljko Kadijević, the JNA underwent a structural and territorial reorganization in 1991.[1059] The role of the Serb nation in Bosnia-Herzegovina was one of the pillars guiding the territorial reorganization of the JNA.[1060] On 31 December 1991, the JNA was reorganised, at which time five Military Districts and Naval District were dissolved and four Military Districts were established, comprising 16 numbered and named Corps: the 1st Military District (Belgrade – comprising the North of Serbia, Vojvodina, and the North-East of Bosnia-Herzegovina); the 2nd Military District (Sarajevo – comprising the rest of Bosnia-Herzegovina); the 3rd Military District (Skopje – comprising the South of Serbia, Kosovo, and Macedonia); and the 4th Military District (Titograd comprising Montenegro and the South-East of Bosnia-Herzegovina).[1061] The Naval District Command was moved from Split to Kumbor in Montenegro.[1062]

281. In the first half of 1992, the ethnic make up of the armed forces changed significantly. In early 1992, and partly due to the refusal of non-Serbs to mobilize for the war in Croatia, the JNA units in Bosnia-Herzegovina were progressively becoming all-Serb units.[1063] By April 1992, more than 90 per cent of all JNA officers were Serbs or Montenegrins, and the JNA was openly favouring Serbs in its personnel policy.[1064] The political leadership often exerted influence on the military leaders to remove the

[1055] P3084 (Excerpt from a book by Borislav Jović entitled 'The last days of the SFRY', 1993), p. 374.
[1056] P3084 (Excerpt from a book by Borislav Jović entitled 'The last days of the SFRY', 1993), p. 375.
[1057] Adjudicated Facts I, no. 286.
[1058] Adjudicated Facts I, no. 266.
[1059] P3078 (Excerpt from a book by Veljko Kadijević entitled 'My view of the break-up', 1993), pp. 1, 73.
[1060] P3078 (Excerpt from a book by Veljko Kadijević entitled 'My view of the break-up', 1993), pp. 73, 89.
[1061] Agreed Facts I, no. 23.
[1062] Agreed Facts I, no. 23.
[1063] Adjudicated Facts I, no. 250.
[1064] Adjudicated Facts I, no. 251.

remaining non-Serbs from the armed forces. There was also pressure from within the JNA on non-Serb officers to resign which was expressed in the form of threats coming from Serb soldiers and reassignments to menial jobs.[1065]

282. The JNA strengthened its presence in Bosnia-Herzegovina throughout the latter half of 1991 and into 1992.[1066] By early 1992, there were some 100,000 JNA troops in Bosnia-Herzegovina with over 700 tanks, 1,000 APCs, much heavy weaponry, 100 planes, and 500 helicopters, all under the command of the General Staff of the JNA in Belgrade.[1067] In early 1992, arming and mobilization of the population in cooperation with the JNA increased.[1068] For example, the SDS formed its own military unit in Milići, Vlasenica Municipality, which was equipped by the JNA's 216th Brigade.[1069] Furthermore, in order to replace Croat and Muslim soldiers who refused to mobilize in Rogatica and Sokolac Municipalities, two exclusively Serb battalions of the 216th Brigade were formed with the assistance of the SDS.[1070] These battalions then armed and equipped Serb civilians in neighbouring villages and, from March 1992 onwards, their commanders reported exclusively to the Brigade Commander, Colonel Dragomir Milošević who, in turn, reported directly to General Vojislav Đurđevac, Commander of the JNA 4th Corps.[1071] Rajko Kušić, a prominent SDS leader in Rogatica, created his own unit composed of Serb volunteers, under the auspices of Colonel Milošević.[1072] Between January and March 1992, Colonel Milošević had frequent meetings with SDS leaders, including Rajko Dukić.[1073]

283. On 6 March 1992, open conflict erupted in Bosnia-Herzegovina and the units of the JNA already present in the territory were actively involved in the fighting that took place.[1074] The JNA had significant numbers of troops on the ground at this time.[1075] Reports of combat included an attack on Bosanski Brod on 27 March 1992 and the occupation of Derventa, as well as incidents in Bijeljina, Foča, and Kupres in early

[1065] Adjudicated Facts I, no. 252.
[1066] Adjudicated Facts I, no. 286.
[1067] Adjudicated Facts I, no. 267.
[1068] Adjudicated Facts I, no. 269.
[1069] Adjudicated Facts I, no. 270.
[1070] Adjudicated Facts I, no. 271.
[1071] Adjudicated Facts I, no. 272.
[1072] Adjudicated Facts I, no. 273.
[1073] Adjudicated Facts I, no. 274.
[1074] Adjudicated Facts I, no. 287.
[1075] Adjudicated Facts I, no. 286

April.[1076] After Bosnia-Herzegovina's independence was recognised by the EC on 6 April 1992, these attacks increased and intensified, especially in Sarajevo, Zvornik, Višegrad, Bosanski Šamac, Vlasenica, Prijedor, and Brčko.[1077] Between March and May 1992, there were several attacks on and takeovers by the JNA of areas that constituted main entry points into Bosnia-Herzegovina or were situated on major logistic or communication lines such as those in Bosanski Brod, Derventa and Bijeljina, Kupres, Foča and Zvornik, Višegrad, Bosanski Šamac, Vlasenica, Brčko, and Prijedor.[1078]

284. On 10 April 1992, Colonel Petar Salapura, Commanding Officer of the Duty Operations Team of the 2nd Military District Command, reported to the General Staff of the SFRY armed forces that the situation in the 2nd Military District's zone of responsibility was increasingly troubled and was reaching a boiling point, especially in the Višegrad, Zvornik, Jajce, and Sarajevo sectors. Hatred against the JNA among the Bosnian-Muslim and Bosnian-Croat population grew, as the President of Bosnia-Herzegovina claimed that the JNA was unwilling to protect the Muslim population in the Zvornik sector.[1079] The 5th Corps of the 2nd Military District was maintaining a firm hold of the front lines and the situation in its zone of responsibility was also deteriorating, especially in the Jajce, Prijedor, and Sanski Most sectors. The SDA and HDZ were arming themselves and paramilitary formations were acting under the guise of a newly established TO.[1080] The report also noted the 'extremely troubled' situation in Zvornik and Višegrad. In Zvornik, more than 3,000 Muslim citizens were under an ultimatum from 'Serbian paramilitary formations' and armed conflict was expected.[1081]

Dissolution of the JNA

285. On 27 April 1992, the Bosnia-Herzegovina Presidency ordered the JNA to withdraw from Bosnia-Herzegovina, and when it failed to do so, special police of the Bosnia-Herzegovina MUP and other units loyal to the Bosnia-Herzegovina government

[1076] Adjudicated Facts I, nos 287, 289.
[1077] Adjudicated Facts I, no. 287.
[1078] Adjudicated Facts I, no. 289.
[1079] P4939 (Combat and operations report of the 2nd Military District to the General Staff of SFRY armed forces, 10 April 1992), p. 2.
[1080] P4939 (Combat and operations report of the 2nd Military District to the General Staff of SFRY armed forces, 10 April 1992), p. 3.
[1081] P4939 (Combat and operations report of the 2nd Military District to the General Staff of SFRY armed forces, 10 April 1992), p. 5

surrounded some of the JNA facilities in Sarajevo. The JNA soldiers and army command were deprived of food and electricity, and some clashes ensued, resulting in casualties.[1082] The JNA troops and their equipment were hostages in the negotiations that followed to ensure their withdrawal from Bosnia-Herzegovina.[1083]

286. According to a book by SFRY Presidency member Borislav Jović, a conversation took place on 30 April 1992 between members of the SFRY leadership – including Republic Presidents Kostić, Bulatović, and Milošević, Commander of the JNA General Staff Milan Panić, and Jović – and members of the Bosnian-Serb leadership, including Karadžić, Krajišnik, and Koljević.[1084] During this conversation, there was discussion of the need to withdraw the remaining JNA soldiers who were FRY citizens from Bosnia-Herzegovina; this group constituted no more than 10,000 people.[1085] It was stated that even without this group about 90,000 JNA soldiers of mostly Serb ethnicity would remain in Bosnia-Herzegovina, and the Bosnian-Serb leadership could assume political command of them.[1086] It was agreed that the withdrawal of the JNA was to be completed within 15 days.[1087] It was also agreed that in the context of withdrawing generals of non-Bosnian origin from Bosnia-Herzegovina, Mladić would replace General Vuković as Commander of the JNA 2nd Military District.[1088]

287. On 4 May 1992, the Yugoslav Presidency ordered the withdrawal of JNA forces from Bosnia-Herzegovina within 15 days.[1089] In a report to the UNSC, the UNSG made note of this order, specifying that by 19 May, all JNA personnel who were not citizens of Bosnia-Herzegovina were to withdraw from Bosnia-Herzegovina.[1090] On 6 May 1992, pursuant to an order from the Presidency of the FRY on 'the transformation of the JNA', JNA members who either remained in or were to be sent to the territory of

[1082] Adjudicated Facts III, no. 1709.
[1083] Adjudicated Facts III, no. 1710.
[1084] P3084 (Excerpt from a book by Borislav Jović entitled 'The last days of the SFRY', 1993), p. 399.
[1085] P3084 (Excerpt from a book by Borislav Jović entitled 'The last days of the SFRY', 1993), p. 400.
[1086] P3084 (Excerpt from a book by Borislav Jović entitled 'The last days of the SFRY', 1993), pp. 399-400.
[1087] P3084 (Excerpt from a book by Borislav Jović entitled 'The last days of the SFRY', 1993), p. 400.
[1088] P3084 (Excerpt from a book by Borislav Jović entitled 'The last days of the SFRY', 1993), p. 400. *See also* P3029 (Expert Report of Reynaud Theunens, September 2012), Part II, p. 8; Reynaud Theunens, T. 20335.
[1089] Adjudicated Facts III, no. 1716. The Trial Chamber understands the reference to the 'Yugoslav Presidency' in the Adjudicated Fact to refer to the FRY Presidency.
[1090] P2052 (Report of UNSG to UNSC, 30 May 1992), pp. 1-2.

Bosnia-Herzegovina retained all of their rights.[1091] All JNA members who were citizens of Bosnia-Herzegovina were to remain in their current posts in units and institutions of Bosnia-Herzegovina, while those who were not could choose to remain in their posts or be transferred to the territory of the FRY.[1092] An agreement on the withdrawal of JNA personnel and weapons was reached on 10 May 1992 in Sarajevo between representatives of the Bosnia-Herzegovina Presidency, the JNA, the ECMM, and the personal envoy of Lord Carrington, Colm Doyle. President Izetbegović requested the UNSG to ensure that UNPROFOR supervise the withdrawal of JNA personnel and weapons in accordance with the agreement of 10 May.[1093]

288. On 15 May 1992, the UNSC demanded that all interference from outside Bosnia-Herzegovina by units of the JNA cease immediately and that those units either be withdrawn, be subject to the authority of the Government of the Republic of Bosnia-Herzegovina, or be disbanded and disarmed.[1094] The formal withdrawal of the JNA from Bosnia-Herzegovina took place on 19 May 1992.[1095]

Establisment of the VJ

289. **Reynaud Theunens** testified that in May 1992, the VJ was established as the JNA's successor as the army of the FRY.[1096] In accordance with the FRY constitution, the FRY President, Slobodan Milošević, commanded the VJ in times of war and peace, in compliance with decisions of the Supreme Defence Council, chaired by the FRY President.[1097] In accordance with the FRY law on the army, the Commander of the VJ General Staff determined the basic organisation of development and use of the VJ and implemented the decisions issued by the FRY President.[1098] In May 1992, the first

[1091] P4945 (Implementation of FRY Presidency Order, Rights of JNA Members, Colonel Adžić, 6 May 1992); P4947 (Receipt of telegram from the Federal Secretariat for National Defence, Rights of JNA Members, Colonel Hasotić, 7 May 1992).
[1092] P4945 (Implementation of FRY Presidency Order, Rights of JNA Members, Colonel Adžić, 6 May 1992); P4947 (Receipt of telegram from the Federal Secretariat for National Defence, Rights of JNA Members, Colonel Hasotić, 7 May 1992).
[1093] P2052 (Report of UNSG to UNSC, 30 May 1992), p. 2.
[1094] Adjudicated Facts I, no. 291.
[1095] Adjudicated Facts I, no. 300.
[1096] P3029 (Expert Report of Reynaud Theunens, September 2012), Part I, p. 69.
[1097] P3029 (Expert Report of Reynaud Theunens, September 2012), Part I, p. 72.
[1098] P3029 (Expert Report of Reynaud Theunens, September 2012), Part I, p. 76.

Commander of the VJ General Staff was Života Panić, and on 26 August 1993 General Momčilo Perišić became Commander of the VJ General Staff.[1099]

290. The JNA military operations under the command of Belgrade that had already commenced by 19 May 1992 did not cease immediately and the same elements of the VJ continued to be directly involved in them.[1100]

The Trial Chamber's findings

291. Based on the foregoing, the Trial Chamber finds that throughout the second half of 1991 and into 1992, the JNA strengthened its presence in Bosnia-Herzegovina. By early 1992, there were some 100,000 JNA troops in Bosnia-Herzegovina with over 700 tanks, 1,000 APCs, much heavy weaponry, 100 planes, and 500 helicopters, all under the command of the General Staff of the JNA in Belgrade.

292. In 1991, the JNA began providing arms and equipment to the Serb population of Bosnia-Herzegovina, who, in turn, organized themselves into various units and militia in preparation for combat. At the same time, in the second half of 1991, the JNA disbanded TO units in predominantly Muslim and Croat areas of Bosnia-Herzegovina.

293. The ethnic make up of the JNA changed significantly in the first half of 1992. In early 1992, the JNA units in Bosnia-Herzegovina were progressively becoming all-Serb units. By April 1992, more than 90 per cent of all JNA officers were Serbs or Montenegrins, and the JNA was openly favouring Serbs in its personnel policy.

294. On 6 March 1992, open conflict erupted in Bosnia-Herzegovina and the units of the JNA already present in the territory were actively involved in the fighting that took place. After Bosnia-Herzegovina's independence was recognised by the EC on 6 April 1992, JNA attacks increased and intensified, including in Sarajevo, Zvornik, Vlasenica, and Prijedor. Between March and May 1992, there were several attacks on and takeovers by the JNA of areas that either constituted main entry points into Bosnia-Herzegovina or were situated on major logistic or communication lines, such as those in Bijeljina, Foča, Zvornik, Vlasenica, and Prijedor. On 30 April 1992, approximately 90,000 JNA soldiers of mostly Serb ethnicity were stationed in Bosnia-Herzegovina.

[1099] P3029 (Expert Report of Reynaud Theunens, September 2012), Part I, p. 77.
[1100] Adjudicated Facts I, no. 301.

295. On 4 May 1992, the FRY Presidency ordered the withdrawal of JNA forces from Bosnia-Herzegovina within 15 days. On 6 May, implementing an order from the FRY Presidency on the 'transformation' of the JNA, the JNA General Staff decided that all JNA members who were citizens of Bosnia-Herzegovina were to be kept in their current posts in units and institutions of Bosnia-Herzegovina, while those who were not could choose to remain in their posts or be transferred to the territory of the FRY. JNA members who remained in – or were to be sent to – the territory of Bosnia-Herzegovina were informed that they would retain all their rights associated with their military status as JNA members. On 19 May 1992, the JNA formally withdrew from Bosnia-Herzegovina.

296. In May 1992, the FRY established the VJ as the successor to the JNA. The President of the FRY, Slobodan Milošević, commanded the VJ, in compliance with decisions of the Supreme Defence Council – a body he also chaired. The Commander of the VJ General Staff determined the basic organisation and use of the VJ and implemented decisions issued by the FRY President. Života Panić was the first Commander of the VJ General Staff and held the position from May 1992 until August 1993, at which point he was replaced by Momčilo Perišić.

297. Evidence regarding VJ assistance to the VRS from May 1992 to November 1995 will be discussed in chapter 9.2.6.

3.3 Territorial Defence

298. In this chapter, the Trial Chamber will review the evidence regarding the TO. The Trial Chamber took judicial notice of a number of Adjudicated Facts in this regard.[1101] It received evidence from **Witness RM-093**, a member of the Banja Luka district TO,[1102] and finds that this evidence is consistent with the Adjudicated Facts.[1103] The Trial Chamber further received evidence from **Patrick Treanor**, an intelligence analyst;[1104] **Svetozar Andrić**, Commander of the VRS Birač Brigade in Šekovići from 19 May 1992 to 6 August 1995, then Chief of Staff of the DK until March 1996;[1105] **Dorothea Hanson**, a research officer for the Prosecution Leadership Research Team;[1106] **Obrad Bubić**, Commander of the Serb TO platoon in Bregovi, Kotor Varoš, from 10 June 1992 and Commander of the Logistics Platoon in the First Kotor Varoš Brigade from late summer 1992 until the end of the war;[1107] **Čedo Šipovac**, a clerical officer of the 43rd Brigade of the VRS in Prijedor Municipality as of August 1992;[1108] **Rade Javorić**, Commander of the Prijedor TO Staff as of 16 September 1991;[1109] **Mile Simanić**, a member of the Vlasenica TO and Deputy Commander of the 5th Engineering Battalion of the DK in 1995;[1110] **Milenko Rajak**, at first a member of the Rogatica Serb TO and later of the Rogatica Brigade until 1 June 1994;[1111] **Milenko Janković**, a former member of a Rogatica TO unit in Pješevica and former VRS soldier;[1112] **Zoran Đerić**, a Serb from Rogatica Municipality;[1113] **Milovan Lelek**, Assistant Chief of Staff for Training and Operations for the Rogatica Brigade from late

[1101] Adjudicated Facts I, nos 290, 306, and 359 and Adjudicated Facts III, no. 1769 are reviewed in chapter 3.1.1. Adjudicated Fact I, no. 266 is reviewed in chapter 3.2. Adjudicated Facts I, nos 58, 60-61 are reviewed in chapter 9.2.2.
[1102] P3144 (Witness RM-093, witness statement, 12 October 2002), pp. 1-2; P3145 (Witness RM-093, *Brđanin* transcript, 6-7, 10-13 March 2003), p. 15273.
[1103] P3144 (Witness RM-093, witness statement, 12 October 2002), p. 2.
[1104] P3001 (Patrick Treanor, *curriculum vitae*), p. 3. The evidence of Treanor is reviewed in chapters 2.1.1.
[1105] D1033 (Svetozar Andrić, witness statement, 16 July 2013), para. 1; Svetozar Andrić, T. 34737; D1034 (Order of hand-over of duties as Commander of the 1st Birač Infantry Brigade from Andrić to Colonel Ljubomir Vlačić, 6 August 1995). The evidence of Andrić is reviewed in chapter 3.1.1.
[1106] P378 (Dorothea Hanson, *curriculum vitae*), p. 1; Dorothea Hanson, T. 4141.
[1107] D674 (Obrad Bubić, witness statement, 14 February 2014), paras 3, 15, 17.
[1108] D766 (Čedo Šipovac, witness statement, 18 January 2014), paras 2-3, 8; Čedo Šipovac, T. 28177, 28180.
[1109] D895 (Rade Javorić, witness statement, 26 June 2014), paras 2, 6; Rade Javorić, T. 31424.
[1110] P3517 (Mile Simanić, *Popović et al.* transcript, 3 September 2007), pp. 14619, 14621-14622. The evidence of Simanić is reviewed in chapter 3.1.1.
[1111] D708 (Milenko Rajak, witness statement, 6 June 2014), paras 2-3, 8.
[1112] D683 (Milenko Janković, witness statement, 2 August 2014), para. 3; Milenko Janković, T. 26664. The evidence of Janković is reviewed in chapter 3.1.2 *Sarajevo Romanija Corps*.
[1113] D788 (Zoran Đerić, witness statement, 6 June 2014), p. 1, para. 1.

May 1992 until 1994;[1114] and **Milenko Stanić**, President of the Vlasenica Municipal Assembly from the beginning of 1991 to the beginning of 1993 and President of the SAO Birač Executive Council;[1115] as well as documentary evidence.[1116]

299. Around 1968, a defence system known as 'All People's Defence' (or 'Total National Defence') was devised to protect the SFRY from external attack.[1117] Prior to the break-up of the SFRY, the totality of SFRY armed forces included the regular army, navy, and air force, collectively known as the JNA (consisting of an officer corps, non-commissioned officers, and conscripts, together with a reserve force), and the TO, which was distinct from the JNA.[1118] The JNA was an entirely federal force, with its headquarters in Belgrade.[1119] The JNA was a national army, equipped with all the conventional weapons and equipment that modern European armies possess.[1120] There was a distinct TO in each republic, funded by that republic and under the control of the MoD of that republic.[1121] The TOs had no tanks and their transport would vary depending on the adequacy of a particular republic's funding of its TO and on how much each received by way of JNA cast-offs.[1122] **Witness RM-093** stated that the TO had two components: the Staff and the TO units. For each republic, there was also a TO Staff called the Republic Staff.[1123] Bosnia-Herzegovina had district TOs which were subordinated to the Republic Staff. The TO districts included Bihać, Banja Luka, Livno, Tuzla, Doboj, Mostar, Goražde, Zenica, and Sarajevo.[1124] Subordinated to each district TO were municipal staff TOs, and under these were TOs at the local commune level; within Bosnia-Herzegovina there were approximately 106 municipal TOs.[1125] Sarajevo had two TOs, namely a city and a district TO.[1126] If there were insufficient TO weapons

[1114] D849 (Milovan Lelek, witness statement, 2 August 2014), paras 8, 14; Milovan Lelek, T. 29584.
[1115] D884 (Milenko Stanić, witness statement, 16 February 2013), paras 1-2, 5; Milenko Stanić, T. 30850, 30883-30884, 30904.
[1116] P3035 (Minutes of the joint meeting of the SNB and the Bosnian-Serb Government, 15 April 1992) and D446 (Decision by the Bosnian-Serb presidency, 15 April 1992) are reviewed in chapter 9.2.2.
[1117] Adjudicated Facts I, no. 257.
[1118] Adjudicated Facts I, no. 258.
[1119] Adjudicated Facts I, no. 259.
[1120] Adjudicated Facts I, no. 260.
[1121] Adjudicated Facts I, no. 261.
[1122] Adjudicated Facts I, no. 263.
[1123] P3144 (Witness RM-093, witness statement, 12 October 2002), p. 2.
[1124] P3144 (Witness RM-093, witness statement, 12 October 2002), pp. 2-3.
[1125] P3144 (Witness RM-093, witness statement, 12 October 2002), p. 3.
[1126] P3144 (Witness RM-093, witness statement, 12 October 2002), pp. 2-3.

for distribution, privately owned hunting rifles and carbines were registered as TO weapons.[1127]

300. The Banja Luka district TO covered 16 municipalities, including Banja Luka, Sanski Most, Ključ, Prijedor, and Kotor Varoš.[1128] On 19 September 1991, General Uzelac, the Commander of the JNA 5th Corps, ordered the mobilization of the entire Banja Luka district TO into the 2nd Brigade (Banja Luka) and the 5th Partisan Brigade (Prijedor).[1129] These brigades were to be subordinated to the JNA 5th Corps, which later became the VRS 1KK (*see* chapter 3.1.1).[1130] Later that same day, a high-level meeting was held at the Corps Command in Banja Luka where progress on the mobilization of the 5th Partisan Brigade was discussed; mobilization, as per regulations, was to be completed within 36 hours of the call for mobilization.[1131] The commander of the 5th Partisan Brigade was Colonel Pero Čolić.[1132] On 30 September 1991, General Adžić, Chief of the General Staff of the JNA, visited Banja Luka and spoke to Uzelac and observed how the mobilization was progressing.[1133]

301. In October 1991, municipal authorities, such as in Čelinac where Radoslav Brđanin was head of the Municipal Executive Board, started to rid the TO Staffs of non-Serbs.[1134] From 1 April to 15 June 1992, municipal and regional SDS organs played a major role in organizing TO units. These units, sometimes working together with the JNA, then proceeded to secure Serb municipalities, especially in the ARK.[1135]

302. Crisis staffs provided various forms of general assistance to the TO, calling for mobilization within their municipalities and providing financial assistance.[1136] **Dorothea Hanson** testified that in light of the constitution of the Bosnian-Serb Republic, municipalities were obliged to organise, manage, and support the municipal TO staff. According to Hanson, as crisis staffs took over the responsibilities of municipal authorities, some of them acted as if this also gave them the authority to

[1127] P3144 (Witness RM-093, witness statement, 12 October 2002), p. 3.
[1128] P3145 (Witness RM-093, *Brđanin* transcript, 6-7, 10-13 March 2003), pp. 15278-15279.
[1129] P3144 (Witness RM-093, witness statement, 12 October 2002), pp. 3, 5.
[1130] P3144 (Witness RM-093, witness statement, 12 October 2002), p. 3.
[1131] P3144 (Witness RM-093, witness statement, 12 October 2002), pp. 3, 5.
[1132] P3144 (Witness RM-093, witness statement, 12 October 2002), p. 5.
[1133] P3144 (Witness RM-093, witness statement, 12 October 2002), p. 6.
[1134] P3144 (Witness RM-093, witness statement, 12 October 2002), p. 8.
[1135] Adjudicated Facts I, no. 378.
[1136] Adjudicated Facts I, no. 409.

command the TO.[1137] Other crisis staffs relied on paramilitary units, for example from Serbia, as a source for a Serb armed force, and provided financial and logistical support to entities of this kind that came to their municipality.[1138] Some crisis staffs took a different approach and rather than cooperate with existing military structures, were involved in the arming of local Serbs and the formation of Serb units, either under the guise of an existing TO or civil defence structure, or as separate and sometimes clandestine units.[1139] On 27 March 1992, Karadžić recommended that, where possible, the TO units organised by crisis staffs be placed under JNA Command.[1140]

303. On 15 April 1992, the Bosnian-Serb Presidency adopted a decision to form a Bosnian-Serb TO as the armed force of the Bosnian-Serb Republic, which was to be under the command of municipal, district and regional staffs, and the republican staff of the Bosnian-Serb TO (*see also* chapter 3.1.1 and 9.2.2). The decision regarding other components of the armed forces was to be made 'in keeping with the solution on the political organisation of Bosnia-Herzegovina and the statute of the JNA'.[1141] In the statement of reasons for these decisions, signed by the minister of national defence Bogdan Subotić, it was stated that the municipal TO staffs that had operated regularly before should remain in the same formation and establishment, and that TO staffs in newly-formed 'Serbian municipalities' were to be set up on the same principle. TO units that had been attached to JNA formations were not to be withdrawn. The SAO was to be responsible for the establishment of district staffs and the engagement of TO units was to be exercised in cooperation with JNA units and, where possible, to be put under a single command.[1142]

304. The JNA was not the only armed force in the Bosnian-Serb Republic whose composition changed in a dramatic fashion; the TO was also struggling to fill up its ranks following the departure of non-Serbs.[1143] In a letter dated 27 April 1992, Minister

[1137] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 74.
[1138] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 75.
[1139] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 74.
[1140] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 72.
[1141] P3027 (Decisions regarding the establishment of the TO as an armed force of the Bosnian-Serb Republic, 15 and 16 April 1992), p. 1.
[1142] P3027 (Decisions regarding the establishment of the TO as an armed force of the Bosnian-Serb Republic, 15 and 16 April 1992), p. 2.
[1143] Adjudicated Facts I, no. 255.

of Defence Bogdan Subotić requested reinforcements from the JNA's 2nd Military District.[1144] The letter provided as follows: In view of the essential need to bring the TO in the Bosnian-Serb Republic up to the basic level of manpower, in accordance with an agreement reached and a promise made in Belgrade, we request your urgent assistance in providing us with […] officers.[1145]

305. **Treanor** testified that on 12 May 1992, during its 16th session, the Bosnian-Serb Assembly transformed the TO Defence into the VRS.[1146] **Witness RM-093** stated that between 14 April and 17 June 1992, the Banja Luka District TO was transformed into six light infantry brigades of the 1KK.[1147] During that period, municipal TO Staffs in the Banja Luka district were required to declare their loyalty to the JNA.[1148] On 14 April 1992, Momir Talić, as Commander of the 5th Krajina Corps, ordered the Banja Luka TO district commander to speak to commanders and commands of the Banja Luka municipal TO Staffs in order to determine which side they were on. Those TO Staffs that refused to obey orders would be disbanded and new staffs would be formed in their place.[1149]

306. The witness stated that when the VRS was established, the TO was essentially split up along ethnic lines; whichever ethnicity had the majority in a given municipality, it was that ethnicity that took possession of the TO.[1150] On 17 June 1992, Momir Talić, as Commander of the 1KK, submitted a proposal to the VRS Main Staff regarding the composition of the six light brigades in the Banja Luka district.[1151] All six light brigades were to be headed by then former Banja Luka district TO Commander Spasojević.[1152] On 21 June 1992, Talić ordered Spasojević to inform all municipal TO Staffs that light brigades were to be formed from municipal defence units and that all units were subordinate to the 1KK Command.[1153] The municipal civilian authorities had significant

[1144] Adjudicated Facts I, nos 190, 256.
[1145] Adjudicated Facts I, no. 256.
[1146] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), paras 180, 243.
[1147] P3145 (Witness RM-093, *Brđanin* transcript, 6-7, 10-13 March 2003), pp. 15472-15473; P4058 (Proposal by 1KK Commander to the Command of the VRS Main Staff), p. 1.
[1148] P3145 (Witness RM-093, *Brđanin* transcript, 6-7, 10-13 March 2003), p. 15472.
[1149] P3145 (Witness RM-093, *Brđanin* transcript, 6-7, 10-13 March 2003), p. 15472; D51 (Military report of the 5th Krajina Corps Command, 14 April 1992), pp. 1, 3
[1150] P3146 (Witness RM-093, *Stanišić and Župljanin* transcript, 20-21 April 2010), p. 8935.
[1151] P4058 (Proposal by 1KK Commander to the Command of the VRS Main Staff), p. 1.
[1152] P3145 (Witness RM-093, *Brđanin* transcript, 6-7, 10-13 March 2003), pp. 15472-15473; P4058 (Proposal by 1KK Commander to the Command of the VRS Main Staff), p. 1.
[1153] P3144 (Witness RM-093, witness statement, 12 October 2002), pp. 3-4; P3145 (Witness RM-093, *Brđanin* transcript, 6-7, 10-13 March 2003), p. 15472; P3149 (Order by 1KK Commander Momir Talić, 21 June 1992).

influence in the formation of the light brigades within their municipalities, as the municipality financed and equipped them when they happened to be within the municipality; officers in the Municipal TOs were paid and appointed by the municipality, while officers in the Republic and District TOs were paid and appointed by the JNA.[1154] In this respect, Banja Luka Municipal Assembly President, Predrag Radić, always referred to the light brigades in Banja Luka, which were filled with Banja Luka soldiers, as 'his brigades'.[1155] The witness believed that the municipal authorities also had influence over the corps commander in terms of engaging the light brigades.[1156] In September and the beginning of October 1991, the witness saw that SDS representatives were seriously trying to interfere in the appointment of TO commanders in their municipality, demanding that their nominee be mde the TO Commander for the municipality.[1157] **Obrad Bubić** testified that the Kotor Varoš TO was transformed into the First Kotor Varoš Brigade.[1158]

307. **Rade Javorić** testified that on 31 March 1992, he received an order to mobilise his TO and also an order from Radmilo Zeljaja to hand over all equipment, ammunition, and weaponry of the TO and the 5th Partisan Brigade to the Prijedor garrison.[1159] On 19 May 1992, after the VRS had been established, the municipal TO, including the Dr Mladen Stojanović Detachment, became part of a battalion of the 43rd Motorised Brigade of the 1KK, and thereby integrated in the VRS structures.[1160] **Čedo Šipovac** testified that military territorial districts or military TOs were distinct from civilian TOs. Civilian TO units belonged to local communes and were under civilian authority control whereas military TOs were under the control of the JNA.[1161] In August 1992, the entire military TO in Prijedor became part of the 43rd Brigade of the VRS.[1162]

[1154] P3144 (Witness RM-093, witness statement, 12 October 2002), pp. 3-4; P3145 (Witness RM-093, *Brđanin* transcript, 6-7, 10-13 March 2003), pp. 15473-15474, 15494-15495.
[1155] P3144 (Witness RM-093, witness statement, 12 October 2002), p. 34; P3145 (Witness RM-093, *Brđanin* transcript, 6-7, 10-13 March 2003), p. 15496.
[1156] P3145 (Witness RM-093, *Brđanin* transcript, 6-7, 10-13 March 2003), pp. 15473-15474, 15494-15495.
[1157] P3144 (Witness RM-093, witness statement, 12 October 2002), pp. 6-7; P3145 (Witness RM-093, *Brđanin* transcript, 6-7, 10-13 March 2003), p. 15535.
[1158] Obrad Bubić, T. 26452-26454.
[1159] D895 (Rade Javorić, witness statement, 26 June 2014), para. 18; Rade Javorić, T. 31434-31435.
[1160] D895 (Rade Javorić, witness statement, 26 June 2014), para. 27; Rade Javorić, T. 31394-31395, 31441, 31453.
[1161] D766 (Čedo Šipovac, witness statement, 18 January 2014), paras 3, 8; Čedo Šipovac, T. 28198.
[1162] D766 (Čedo Šipovac, witness statement, 18 January 2014), para. 3; Čedo Šipovac, T. 28178.

308. **Milenko Rajak** testified that the Rogatica Serb TO was established in March 1992 under the command of Rajko Kušić.[1163] On 22 May 1992, the Rogatica Serb TO was incorporated into the Rogatica Brigade of the VRS and officially called 1st Podrinje Light Infantry Brigade.[1164] **Zoran Đerić** testified that in April 1992, Rajko Kušić was the commander of the Rogatica Serb TO.[1165] The witness's TO unit, assigned to the security of the Borike IKM in May 1992, was equipped with long barrels and automatic, semi-automatic, and M48 rifles.[1166] This TO unit joined the VRS on 19 May 1992.[1167]

309. **Milovan Lelek** testified that beginning in March 1992, the political and security situation in Rogatica became 'rather complex', and the Muslim population started leaving the municipality for central Bosnia and Goražde.[1168] On a daily basis the witness saw armed groups of Muslims leaving voluntarily and without being pressured.[1169] Around that time, the witness visited Rogatica and was told by people leaving there that the situation in Rogatica town was 'rather bad' and that preparations were underway to split the municipality, the TO, and the police into Serb and Muslim parts.[1170] The division of the SJB took place in February, and the division of the TO Staff took place in March 1992.[1171]

310. **Milenko Stanić** stated that on 21 April 1992, the Vlasenica TO was mobilised and tasked with securing the facilities of vital importance to prevent private and public property from being looted.[1172]

311. Based on the foregoing, the Trial Chamber finds that, prior to the break-up of the SFRY, the TO was part of the SFRY armed forces but distinct from the JNA. The TO had two components: the TO Staff and TO units. Each SFRY republic funded and controlled a distinct TO. In the second half of 1991, the JNA largely disbanded TO units in predominantly Muslim and Croat areas of Bosnia-Herzegovina. Beginning in October 1991, municipal authorities began ridding TO Staffs of non-Serbs. From at least

[1163] Milenko Rajak, T. 27342.
[1164] Milenko Rajak, T. 27343, 27345. *See also* D849 (Milovan Lelek, witness statement, 2 August 2014), para. 14; Milovan Lelek, T. 29578-29579.
[1165] D788 (Zoran Đerić, witness statement, 6 June 2014), paras 3-4; Zoran Đerić, T. 28586-28587.
[1166] Zoran Đerić, T. 28588-28589.
[1167] Zoran Đerić, T. 28598-28599, 28601; P6931 (Excerpts from interview with Rajko Kušić broadcast on Serbian Television in the 'Defending the homeland' documentary, undated), p. 3.
[1168] D849 (Milovan Lelek, witness statement, 2 August 2014), para. 5.
[1169] D849 (Milovan Lelek, witness statement, 2 August 2014), para. 5; Milovan Lelek, T. 29572-29576.
[1170] D849 (Milovan Lelek, witness statement, 2 August 2014), para. 5.
[1171] D849 (Milovan Lelek, witness statement, 2 August 2014), para. 6.
[1172] D884 (Milenko Stanić, witness statement, 16 February 2013), para. 22.

19 September 1991, municipal TOs began mobilizing. Crisis Staffs provided various forms of general assistance to the TO, calling for mobilization within their municipalities and providing financial assistance.

312. The Constitution of the Bosnian-Serb Republic obliged municipalities to organize, manage, and support their municipal TO Staff. As Crisis Staffs took over the responsibilities of municipal authorities, some began commanding TO units and some armed local Serbs and formed Serb units under the guise of existing TO units. From 1 April to 15 June 1992, municipal and regional SDS organs played a major role in organizing TO units, which worked with the JNA to secure Serb municipalities, particularly in the ARK.

313. On 15 April 1992, the Bosnian-Serb Presidency and the SNB declared an imminent threat of war, ordered the mobilization of the TO throughout the Bosnian-Serb Republic, and tasked the MoD with organising and supervising the TO until the appointment of an acting commander. The Bosnian-Serb Presidency further adopted a decision to form a Bosnian-Serb TO as the armed force of the Bosnian-Serb Republic, with existing municipal TO staffs remaining and TO staffs in newly-formed Bosnian-Serb municipalities to be set up on the same principle. On 16 April 1992, the Bosnian-Serb MoD likewise ordered the mobilization of the TO throughout the Bosnian-Serb Republic and further ordered the establishment of the TO as an army of the Bosnian-Serb Republic and the formation of TO staffs in the newly-established Bosnian-Serb municipalities. Following the Bosnian-Serb Assembly's 12 May 1992 decision to establish the VRS,[1173] Serb TO units were incorporated into the VRS; this process of incorporation continued throughout 1992. Therefore, after this date, there were still TO units, under the supervision of the MoD, operating in the Bosnian-Serb Republic.

[1173] *See* chapter 3.1.1.

3.4 Ministry of Interior

314. In this chapter, the Trial Chamber will review the evidence regarding the structure and command and control within the Bosnian-Serb MUP. The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to the MUP. It further received evidence from **Milenko Karišik**, a Bosnian-Serb MUP official throughout the Indictment period;[1174] **Predrag Radulović**, Head of the intelligence team known as the Miloš group within the Banja Luka CSB from mid-1991 to 1994;[1175] and **Witness RM-336**, a Serb policeman from the Ugljevik SJB;[1176] as well as documentary evidence and finds that this evidence is consistent with the Adjudicated Facts.[1177] The Trial Chamber also received evidence from **Neđo Jovičić**, a member of the Special Police Brigade and driver of the Deputy Commander of the Special Police Brigade Ljubomir Borovčanin in 1995;[1178] **Witness RM-333**, a member of the joint MUP forces of the RSK, Serbia, and the Bosnian-Serb Republic in 1995;[1179] **Witness RM-268**, a member of the Special Police Brigade in 1995;[1180] **Ratko Adžić**, President of the Ilijaš Crisis Staff and Minister of Interior in the Bosnian-Serb Government from 20 January to 12 July 1993;[1181] **Milan Tupajić**, President of the Sokolac Municipal Assembly from 1991 and President of the Sokolac Crisis Staff from April 1992 until 1996;[1182] **Mile Matijević**, the Chief of police at the Banja Luka CSB;[1183] **Dragan Kijać**, Chief of the Sarajevo National Security Service Sector from 6 April 1992 onwards and Undersecretary of the

[1174] D935 (Milenko Karišik, witness statement, 23 June 2013), paras 1, 20, 23, 33; Milenko Karišik, T. 33121, 33152, 33158, 33184, 33188, 33223; D933 (Karišik's appointment as Assistant Minister/Head of the Public Security Department, 9 or 11 November 1994).
[1175] P3207 (Predrag Radulović, witness statement, 5 December 2009), p. 1, paras 4-5.
[1176] P3455 (Witness RM-336, *Popović et al*. transcript, 16 November 2006), pp. 4076-4079; P3458 (Statement of Witness RM-336 before the Bijeljina SJB, 23 September 2004), p. 3.
[1177] **Milenko Karišik**: D935 (Milenko Karišik, witness statement, 23 June 2013), paras 19-20, 23, 28; Milenko Karišik, T. 33138-33139, 33161, 33177-33178, 33196, 33249. **Predrag Radulović**: P3207 (Predrag Radulović, witness statement, 5 December 2009), para. 32. **Witness RM-336**: P3455 (Witness RM-336, *Popović et al*. transcript, 16 November 2006), pp. 4079-4082, 4089. **Documentary evidence**: P3009 (Dispatch from the Bosnia-Herzegovina Deputy Minister of the Interior to the Minister of the Interior, 31 March 1992), p. 1; P3208 (Minutes of a meeting of the MUP of Bosnia-Herzegovina, 11 February 1992), p. 4; P4237 (Miloš group report, 27 April 1992); P7215 (Excerpts of Law on Internal Affairs, 28 February 1992), p. 1, Arts 15, 43.
[1178] D976 (Neđo Jovičić, witness statement, 3 August 2014), para. 2.
[1179] Witness RM-333, T. 6759, 6792-6793; P724 (Report on the combat engagement of police forces in Srebrenica 95 signed by Ljubiša Borovčanin, 5 September 1995), p. 1; D129 (MUP order signed by Tomislav Kovač, 10 July 1995). Witness RM-333's evidence is also reviewed in chapter 7.1.3.
[1180] P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), pp. 8565, 8567.
[1181] D597 (Ratko Adžić, witness statement, 27 May 2014), p. 1, para. 25; Ratko Adžić, T. 24771, 24787, 24804-24807; P6700 (Decision concerning the resignation of Ratko Adžić, signed by Radovan Karadžić, 17 September 1993), p. 1.
[1182] P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), pp. 15321, 15469, 15471; P3182 (Letter of resignation by Milan Tupajić, 9 October 1992).

MUP-SNB from 6 August 1992 until September 1994, after which he was appointed Undersecretary and Chief of the RDB;[1184] **Predrag Čelić**, a Bosnian-Serb member of the 2nd Šekovici Detachment of the Special Police Brigade in 1995;[1185] **Milenko Pepić**, a Serb member of the Second Platoon of the Second Šekovići Detachment of the Special Police Brigade;[1186] **Mendeljev Đurić** a.k.a. Mane, the Bosnian-Serb Commander of the 1st Company of the Special Police Brigade at the Jahorina training centre in July 1995;[1187] **Witness RM-015**, a Bosnian Serb from Sanski Most;[1188] and **Richard Butler**, an intelligence research specialist.[1189]

The establishment and structure of the MUP

315. Following the November 1990 elections, the SDA, the SDS, and the HDZ divided among themselves top positions in the Bosnia-Herzegovina MUP, which controlled the police.[1190] Alija Delimustafić (SDA) became MUP Minister, Vitomir Žepinić (SDS) became Deputy Minister, Avdo Hebib (SDA) became Assistant Minister for police affairs, and Momčilo Mandić (SDS) became Assistant Minister for the prevention and detection of crime.[1191] The regional organization of the Bosnia-Herzegovina MUP was based on nine CSBs, located in Bihać, Banja Luka, Doboj, Tuzla, Livno, Mostar, Zenica, Sarajevo, and Goražde.[1192]

316. On 11 February 1992, Momčilo Mandić attended a meeting of Serb officials from the Bosnia-Herzegovina MUP.[1193] Mićo Stanišić, then a member of the Bosnian-Serb Ministerial Council, stated that the Council and the Bosnian-Serb Assembly had decided to create a separate Serb MUP, and that it would be organized at state, regional, and municipal levels.[1194] The minutes of the meeting record a resolution to create a

[1183] D1402 (Mile Matijević, witness statement, 17 June 2015), paras 2-3, 5.
[1184] D1292 (Dragan Kijać, witness statement, 30 November 2013), para. 4; Dragan Kijać, T. 40018-40020; P7576 (Decision by Mićo Stanišić to appoint Dragan Kijać as undersecretary of the National Security Service of the MUP, 6 August 1992), pp. 1-2.
[1185] P2173 (Predrag Čelić, *Popović et al.* transcript, 28 June 2007), pp. 13456-13458, 13462. Predrag Čelić's evidence is reviewed in chapter 7.4.
[1186] P1543 (Milenko Pepić, Bosnia-Herzegovina statement, 26 October 2005), pp. 2, 5; Milenko Pepić, T. 12406-12407, 12433. Milenko Pepić's evidence is reviewed in chapter 7.1.6.
[1187] P2174 (Mendeljev Đurić, Popović *et al.* transcript, 1-3 May 2007), pp. 10790, 10793, 10796-10797.
[1188] P2362 (Witness RM-015, witness statement, 13 March 2002), paras 2, 6, 9, 111.
[1189] Richard Butler, T. 16108; P2094 (Richard Butler, *curriculum vitae*, 10 June 2011).
[1190] Adjudicated Facts I, nos 18, 22.
[1191] Adjudicated Facts I, no. 23.
[1192] Adjudicated Facts I, no. 24.
[1193] Adjudicated Facts I, no. 281.
[1194] Adjudicated Facts I, no. 282.

steering committee, a 'Serbian advisory board' within the Bosnia-Herzegovina MUP under the direction of Momčilo Mandić 'to carry out all preparations necessary for the functioning of the Serbian MUP after the adoption of the constitution of the Serbian Republic of Bosnia-Herzegovina'.[1195]

317. The Bosnian-Serb Law on Internal Affairs was enacted by the Bosnian-Serb Assembly on 28 February 1992, the same day that the Assembly adopted the Bosnian-Serb Constitution.[1196] The Law was based, to an overwhelming extent, on the 17 April 1990 Bosnia-Herzegovina Law on Internal Affairs.[1197] One difference was that the new law made reference to the MUP's ethnic composition and invited 'employees of Serbian nationality and other employees who so desire' to take employment in the MUP.[1198] In accordance with the Law, the Bosnian-Serb MUP was to handle security affairs on behalf of the Government.[1199] It regulated, *inter alia*, the integrated SJB Administration, the national security service, and the duties and authorities of certain Bosnian-Serb MUP employees.[1200]

318. At its session of 11 March 1992, the Bosnian-Serb Assembly unanimously called for the implementation of the new Law on Internal Affairs by the Ministerial Council.[1201] On 24 March 1992, the Bosnian-Serb Assembly instructed the Ministerial Council to prepare an operational plan for 'assuming power, that is for establishing power and rendering operational the authorities in the territory of the Bosnian-Serb Republic and in particular in the field of internal affairs' and to submit it to the Assembly on 27 March.[1202] On 27 March 1992, the Bosnian-Serb Assembly established the Bosnian-Serb MUP.[1203] The Bosnian-Serb MUP was one of the first institutions of the nascent Republic to start functioning effectively.[1204] The Law on Internal Affairs, published in the Official Gazette on 23 March 1992, came into effect on 31 March 1992.[1205]

[1195] Adjudicated Facts I, no. 283.
[1196] Adjudicated Facts I, nos 128, 320.
[1197] Adjudicated Facts I, no. 321.
[1198] Adjudicated Facts I, no. 323.
[1199] Adjudicated Facts I, no. 324.
[1200] P7215 (Excerpts of Law on Internal Affairs, 28 February 1992), Art. 1.
[1201] Adjudicated Facts I, no. 341.
[1202] Adjudicated Facts I, no. 345.
[1203] Adjudicated Facts I, no. 346. *See also* Adjudicated Facts I, no. 348.
[1204] Adjudicated Facts I, no. 341.
[1205] Adjudicated Facts I, nos 343, 346.

319. On 24 March 1992, Mićo Stanišić was appointed Minister of Interior by the Bosnian-Serb Assembly.[1206] **Milenko Karišik** testified that Slobodan Škipina was the Chief of the SDB and Čedo Kljajić was the Head of the SJB Administration.[1207] **Ratko Adžić** testified that he was the Minister of Interior from 20 January to 12 July 1993.[1208] On 12 July 1993, Tomislav Kovač, who was then Chief of the SJB Administration, was appointed Minister of Interior by Karadžić, which was confirmed in writing on 17 September 1993.[1209] Mićo Stanišić was the Minister of Interior once again from at least January 1994 until April 1994.[1210] **Karišik** testified that he was appointed Deputy Minister of Interior on 8 November 1994.[1211] In July 1995, Tomislav Kovač was Deputy Minister of Interior and Staff Commander of the police forces.[1212] In July 1995, Kovač was the acting Minister of Interior in the Bosnian-Serb Republic.[1213]

320. The Vraca police academy became the first headquarters of the new MUP and the CSB Sarajevo.[1214] The MUP headquarters was later moved to two locations in Pale. At the beginning of July 1992, the CSB Sarajevo was moved to Lukavica.[1215] By September 1992, the Bosnian-Serb MUP numbered 11,240 employees, which was more than the 10,195 employees in all of the Bosnia-Herzegovina MUP in January 1990.[1216]

321. On 4 March 1992, during its 15th session, the ARK Assembly adopted a decision to form the CSB of the ARK with its seat in Banja Luka.[1217] The Banja Luka CSB was divided into two principal departments, the SDB and the SJB. The SDB was occupied with intelligence work. Within the SJB there were several sub-sections dealing, for example, with crime, traffic, personnel, passports, and aliens.[1218] During the session, Stojan Župljanin was appointed Chief of the CSB.[1219] This was subsequently confirmed

[1206] Adjudicated Facts I, no. 342. The Trial Chamber understands the position of Minister of Internal Affairs to be the same as that of Minister of Interior. For consistency purposes, it shall refer to 'Minister of Interior'.
[1207] D935 (Milenko Karišik, witness statement, 23 June 2013), para. 23.
[1208] D597 (Ratko Adžić, witness statement, 27 May 2014), para. 25; Ratko Adžić, T. 24804-24807; P6700 (Decision concerning the resignation of Ratko Adžić, signed by Karadžić, 17 September 1993), p. 1.
[1209] Ratko Adžić, T. 24807; P6700 (Decision concerning the resignation of Ratko Adžić, signed by Karadžić, 17 September 1993), p. 1.
[1210] Mile Matijević, T. 43113; P7800 (Personnel file of Simo Drljača), pp. 24, 31.
[1211] D935 (Milenko Karišik, witness statement, 23 June 2013), para. 33.
[1212] Milenko Karišik, T. 33196.
[1213] Adjudicated Facts II, no. 1353.
[1214] Adjudicated Facts I, no. 351.
[1215] Adjudicated Facts I, no. 352.
[1216] Adjudicated Facts I, no. 354.
[1217] Adjudicated Facts I, no. 422.
[1218] Adjudicated Facts I, no. 350.
[1219] Adjudicated Facts I, no. 422.

by Mićo Stanišić.[1220] On 4 February 1994, Župljanin became the Internal Affairs Adviser to the Bosnian-Serb President and ceased to be an employee of the Bosnian-Serb MUP.[1221] On 30 March 1992, the Bosnian-Serb MUP was set up in the SAO Romanija.[1222]

322. On 31 March 1992, Momčilo Mandić sent a telex to all CSBs and all the SJBs around the Bosnian-Serb Republic, informing them of the establishment of the Bosnian-Serb MUP.[1223] According to this telex, the Assembly had passed a number of laws and regulations for the functioning of the Bosnian-Serb Republic, including a 'Law on Internal Affairs', which was to be uniformly applied on the territory of the Bosnian-Serb Republic as of 1 April 1992.[1224] The 1992 law provided for five CSBs in the Bosnian-Serb Republic: Banja Luka for the territory of the ARK, Trebinje for the SAO of Herzegovina, Doboj for the SAO of Northern Bosnia, Sarajevo for the SAO of Romanija-Birač, and Bijeljina for the SAO of Semberija.[1225] The telex also set out that within those CSBs, SJBs were going to be set up for the territories of municipalities.[1226] The law stipulated that from 31 March 1992, all CSBs and SJBs of Bosnia-Herzegovina[1227] throughout the territory of the Bosnian-Serb Republic were to stop functioning.[1228]

323. Each of the five CSBs was in charge of a number of SJBs found in municipalities covered by that particular CSB.[1229] In this structure the SJBs would continue to play the role of the main organ of the MUP at the municipal level.[1230] The Law on Internal Affairs specified SJB competencies as including protection of life and personal security of citizens, prevention and detection of criminal acts, and the tracking down and apprehension of perpetrators.[1231] The law tasked SJBs to cooperate with any 'organs' or

[1220] P4321 (MUP personnel file of Stojan Župljanin), pp. 3-6, 10-11, 13-15.
[1221] P4321 (MUP personnel file of Stojan Župljanin), p. 2.
[1222] Adjudicated Facts I, no. 347.
[1223] Adjudicated Facts I, no. 348.
[1224] P3009 (Dispatch from the Bosnia-Herzegovina Deputy Minister of the Interior to the Minister of the Interior, 31 March 1992), p. 1.
[1225] Adjudicated Facts I, no. 325.
[1226] P3009 (Dispatch from the Bosnia-Herzegovina Deputy Minister of the Interior to the Minister of the Interior, 31 March 1992), p. 1.
[1227] The Trial Chamber understands this to refer to all CSBs and SJBs that existed at the time and were part of the Bosnia-Herzegovina MUP.
[1228] Adjudicated Facts I, nos 328, 344.
[1229] Adjudicated Facts I, no. 326.
[1230] Adjudicated Facts I, no. 327.
[1231] Adjudicated Facts I, nos 324, 329.

'organizations' that had been legally charged with maintaining order in a given area.[1232] **Dragan Kijać** testified that the SJB was responsible for the collection of information about war crimes and other criminal offences committed against the non-Serb population in Bosnian-Serb territory.[1233]

324. The Law on Internal Affairs established the MUP-SNB, a separate department within the Ministry, tasked with carrying out activities and tasks related to national security.[1234] The MUP-SNB gathered information in order to detect and prevent the activities of individuals, groups, and organisations that intended to undermine or overthrow the constitutional order of the state, and was to take the necessary measures in response.[1235] An Under-Secretary in the MUP was to be in charge of the MUP-SNB and would be referred to as the Head thereof. The Head was accountable for the MUP-SNB's operation to the Minister of Interior.[1236] The Bosnian-Serb President was to evaluate the execution of the MUP-SNB's work on the basis of reports by the Minister of Interior and to inform the Bosnian-Serb Assembly accordingly.[1237] **Predrag Radulović** stated that after the split of the Bosnia-Herzegovina MUP in April 1992, the SDB was transformed into the MUP-SNB.[1238] In 1992, Dragan Devedlaka was the Under-Secretary of the MUP-SNB and he was succeeded by Slobodan Škipina and, in August 1992, by Dragan Kijać.[1239] **Kijać** testified that from 1994 onwards, the MUP-SNB became the RDB.[1240]

Command and control within the MUP

325. The chain of command in the security services was as follows: the service was headed on a ministerial level by the Minister of the Interior. Next in the chain of command were the regional authorities.[1241] In accordance with the new Law on Internal Affairs, the MUP's head office was to coordinate the work of the CSBs, and, in circumstances that jeopardized the security of the Bosnian-Serb Republic, activate

[1232] Adjudicated Facts I, no. 330.
[1233] D1292 (Dragan Kijać, witness statement, 30 November 2013), para. 28.
[1234] P7215 (Excerpts of Law on Internal Affairs, 28 February 1992), Arts 1, 19.
[1235] P7215 (Excerpts of Law on Internal Affairs, 28 February 1992), Art. 19. *See also* D1292 (Dragan Kijać, witness statement, 30 November 2013), para. 27; Dragan Kijać, T. 40000.
[1236] P7215 (Excerpts of Law on Internal Affairs, 28 February 1992), Art. 20.
[1237] P7215 (Excerpts of Law on Internal Affairs, 28 February 1992), Art. 25.
[1238] P3207 (Predrag Radulović, witness statement, 5 December 2009), paras 6, 13.
[1239] P3207 (Predrag Radulović, witness statement, 5 December 2009), para. 25.
[1240] Dragan Kijać, T. 39984-39985.

reserve police forces and supply police units with arms.[1242] In addition to tasks assigned to them by the MUP's head office, the CSBs and SJBs were to implement the regulations of municipal assemblies in connection with the maintenance of law and order.[1243] The Minister could also limit public movement and assembly if the security of the Bosnian-Serb Republic, the work of republican organs, or the freedom and rights of the citizens of the Bosnian-Serb Republic were threatened, although before doing so the Minister was obliged to consult the Assembly or, if the circumstances made it impossible to consult the Assembly, the Bosnian-Serb President.[1244] **Kijać** testified that the Bosnian-Serb President was the superior of the Minister of Interior.[1245]

326. **Witness RM-015** provided evidence about the situation in the area of the Banja Luka CSB. He testified that he believed that Mirko Vrućinić, Chief of Police in Sanski Most from 1992 until the end of the war, had very close ties with Stojan Župljanin, the Chief of the Banja Luka CSB, and that he took many orders from Župljanin. According to the witness, there was 'a very organized' line of command between the Banja Luka CSB and the SJBs in Sanski Most and Prijedor.[1246]

327. The Law on Internal Affairs tasked all MUP personnel to 'preserve the lives of people and human dignity' in the course of carrying out their duties.[1247] Moreover, it provided that '[a]uthorized officials shall execute orders issued by the Minister, or by their immediate supervisor, given in order to carry out matters and tasks of national and public security, except when such orders are contrary to the constitution of the law [sic]'.[1248] Pursuant to guidelines of Karadžić of July 1992, the Minister of Interior was to pass an act adjusting the internal structure of the Ministry to wartime conditions and issue instructions on how members of the MUP were to perform tasks and duties.[1249] **Karišik** confirmed that, as set out in Article 43 of the Law on Internal Affairs, issuing orders was within the exclusive remit of the Minister of Interior and that 'authorised officials' were duty bound to comply with these orders, unless they constituted a

[1241] Adjudicated Facts I, no. 349.
[1242] Adjudicated Facts I, no. 333.
[1243] Adjudicated Facts I, no. 334.
[1244] Adjudicated Facts I, nos 333, 336.
[1245] Dragan Kijać, T. 40019.
[1246] P2362 (Witness RM-015, witness statement, 13 March 2002), para. 52.
[1247] Adjudicated Facts I, no. 337. The Trial Chamber notes that Adjudicated Fact no. 337 refers to the 'Law on Interior Affairs'. The Trial Chamber understands that this is the same law as the 'Law on Internal Affairs'. For consistency purposes, the Trial Chamber refers to this law as the 'Law on Internal Affairs' throughout the Judgment.
[1248] Adjudicated Facts I, no. 338.

crime.[1250] He also explained that, as defined in the Law on Internal Affairs, the MUP applied a principle of hierarchy and subordination that he always respected.[1251]

328. The Trial Chamber received evidence about reporting within the Bosnian-Serb MUP. **Milan Tupajić** stated that there were two lines to communicate information to the leadership of the Bosnian-Serb Republic: (i) at the municipal level, there were state security departments organised into regional centres of state security, whose chiefs were responsible and reported to the chief of state security who then reported to the Bosnian-Serb President; and (ii) SJBs provided information to CSBs, who passed it on to the Minister of Interior.[1252] On 18 April 1992, the Minister of Interior, Mićo Stanišić, ordered that all CSBs send the 'Daily Incident Bulletin' and other significant information of security interest to the MUP by fax.[1253] On 6 May 1992, a meeting was held on the Banja Luka CSB premises and attended by chiefs of the SJB stations during which Župljanin stated that his orders were 'the law' and that if any staff member refused to carry out an order from a chief, that individual was to be informed that he or she was fired.[1254] Župljanin also announced that an information centre was being established at the Banja Luka CSB and that any information of security interest was to be forwarded to the CSB.[1255] At the meeting it was also concluded that the SJBs were required to submit monthly performance reports and plans to the Banja Luka CSB by the fifth day of every month.[1256]

329. **Mile Matijević** testified that weekly reports were sent from the Banja Luka CSB to the MUP and that daily bulletins were sent from the MUP to the Minister of Interior, Undersecretaries, Office of the Minister, and the Bosnian-Serb Government, including Prime Minister Đerić.[1257] The witness attended sessions of the collegium of CSB station chiefs.[1258] **Kijać** testified that until the end of 1992, the MUP-SNB did not send any

[1249] Adjudicated Facts I, no. 367.
[1250] Milenko Karišik, T. 33177-33178; P7215 (Excerpts of Law on Internal Affairs, 28 February 1992), Art. 43.
[1251] D935 (Milenko Karišik, witness statement, 23 June 2013), para. 32.
[1252] P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), p. 15400.
[1253] P7806 (MUP order signed by Mićo Stanišić sent to CSBs, 18 April 1992).
[1254] P3866 (Minutes of the Banja Luka CSB Council, 6 May 1992), p. 2. *See also* P7801 (Conclusions of meeting at Banja Luka CSB, 6 May 1992), p. 1.
[1255] P3866 (Minutes of the Banja Luka CSB Council, 6 May 1992), p. 3; P7801 (Conclusions of meeting at Banja Luka CSB, 6 May 1992), p. 1.
[1256] P3866 (Minutes of the Banja Luka CSB Council, 6 May 1992), p. 3. *See also* P7801 (Conclusions of meeting at Banja Luka CSB, 6 May 1992), p. 1; P7804 (Report by Drljača to Banja Luka CSB, 29 May 1992).
[1257] Mile Matijević, T. 43117-43118. *See also* P7805 (Daily MUP Bulletin, 27 May 1992), pp. 1-2.
[1258] Mile Matijević, T. 43090.

reports to the Bosnian-Serb President, but that this was done through the MUP. From 1993 onwards, SNB reports were sent to the Bosnian-Serb leadership, including the Bosnian-Serb President, the President of the Assembly, the Prime Minister, and other government bodies as required.[1259] As the Undersecretary of the MUP-SNB, Kijać was a member of the minister's collegium, which was comprised of 20 members, including the chiefs of the Banja Luka, Bijeljina, Doboj, Sarajevo, and Trebinje CSBs.[1260] Those present at such meetings would exchange information.[1261]

330. In August 1995, Tomislac Kovač, Deputy Minister of Interior of the Bosnian-Serb Republic, forwarded a dispatch from the Bosnian-Serb MUP dated 31 July 1995 to all supervisors of CSB organizational units and all SJB chiefs. It stated that during the 5th extraordinary session of the Bosnian-Serb Government on 29 July 1995, in relation to the implementation of the decision of the Bosnian-Serb President to declare a state of war, it was decided that the government, ministries, and special organisations were to move to war-time work conditions and apply regulations on work during war-time. The dispatch required all officials in charge of organisational units in the CSB and the SJB chiefs to submit weekly reports to the RJB on the implementation of the laws in force during the state of an imminent threat of war and the state of war, including the Law on Internal Affairs.[1262]

Special Units within the MUP

331. The Law on Internal Affairs authorized the Minister of Interior to form additional police units to carry out specific tasks, if needed to preserve peace and public order.[1263] In April 1992, the Bosnian-Serb MUP started establishing special police units armed with weaponry up to and including 120-millimetre mortars.[1264] On 27 April 1992, the ARK Assembly issued a decision to establish a 'Special Purpose Police Detachment' within the CSB.[1265] By 29 April 1992, Stojan Župljanin, head of the Banja Luka CSB, had at his disposal armed combat vehicles, anti-aircraft artillery, and

[1259] D1292 (Dragan Kijać, witness statement, 30 November 2013), para. 39.
[1260] Dragan Kijać, T. 40019-40020; P7586 (Minutes of the Expert Collegium of the MUP, 12 November 1993), p. 4.
[1261] Dragan Kijać, T. 40019-40020.
[1262] D934 (Dispatch from RJB forwarded by Kovač on the President's decision to declare a state of war, August 1995), pp. 1-2.
[1263] Adjudicated Facts I, no. 335.
[1264] Adjudicated Facts I, no. 355.
[1265] Adjudicated Facts I, no. 422.

helicopters.[1266] By early May 1992, Župljanin had established a 'counter-sabotage and counter-terrorist' police unit equipped for combat and numbering 150 men who had had combat experience in Croatia.[1267] **Radulović** stated that this Special Police Detachment was directly subordinated to the Banja Luka CSB and was typically the size of a company, but for larger operations comprised the size of a battalion.[1268] It was first commanded by Ljuban Ećim; then by Mirko Lukić, a VRS officer; towards the end of 1992 by Brane Pećanac; and finally by Dragan Lukać.[1269] Župljanin authorized the commanders of the detachment to select police officers from the SJBs in the areas where the detachment was sent to carry out operations.[1270]

332. The Commander of the first Bosnian-Serb MUP special unit was Milenko Karišik.[1271] **Karišik** testified that the Minister of Interior, Mićo Stanišić, appointed him as the Commander of the special police unit when it was established at the beginning of April 1992 and he remained in this position until February 1994.[1272] The special police unit was part of the Bosnian-Serb MUP and was only active when ordered by the Minister of Interior. In April and May 1992, the special police unit was a detachment comprising about 150 members, which by the end of 1992 had become the Special Police Brigade of around 1,500 members.[1273] At the end of June 1992, the MUP noted the presence of special police units at Sokolac and Pale and by September 1992, the Special Police Brigade had five detachments, one based at each of the five CSBs; some SJBs, such as those in Ilidža and Novo Sarajevo, also had their own special police units.[1274]

333. In July 1995, the civilian police was organized in two sections: the regular police force and the Special Police Brigade.[1275] **Butler** clarified that in July 1995, the special police units were divided into two different types: (i) the PJP Special Police Forces, or

[1266] Adjudicated Facts I, no. 356.
[1267] Adjudicated Facts I, no. 357.
[1268] P3207 (Predrag Radulović, witness statement, 5 December 2009), para. 57.
[1269] P3207 (Predrag Radulović, witness statement, 5 December 2009), paras 54, 56.
[1270] P3207 (Predrag Radulović, witness statement, 5 December 2009), para. 56.
[1271] Adjudicated Facts I, no. 355.
[1272] D935 (Milenko Karišik, witness statement, 23 June 2013), paras 23, 33.
[1273] D935 (Milenko Karišik, witness statement, 23 June 2013), para. 28.
[1274] Adjudicated Facts I, no. 358.
[1275] Adjudicated Facts II, no. 1353.

the municipal police companies; and (ii) the Special Police detachments of the Bosnian-Serb Special Police Brigade.[1276]

334. **Adžić** testified that according to the Law on Internal Affairs, the Minister of Interior determined the use of MUP forces and of the Special Police Brigade.[1277] **Butler** testified that the Brigade fell directly under the command of the Minister of Interior.[1278] **Karišik** testified that it, in cooperation with the local police and the military police, took measures to establish law and order and to prevent serious crimes.[1279] **Witness RM-268** stated that the Special Police Brigade constituted a combat formation and was for the most part given combat assignments.[1280] **Witness RM-336** stated that the task of Special Police Brigade was to conquer terrain.[1281]

335. **Butler** testified that in July 1995, General Goran Sarić was the Special Police Brigade Commander and Lieutenant Colonel Ljubiša Borovčanin was the Deputy Commander.[1282] In July of 1995, Duško Jević, the Assistant Commander of the Special Police Brigade, reported to Sarić, and in Sarić's absence, to Borovčanin.[1283] Sarić reported to the Minister of Interior and in his absence, to the Deputy Minister, Tomislav Kovač.[1284] According to **Witness RM-268**, the Special Police Brigade had its headquarters in Janja Town, approximately 12 kilometres from Bijeljina.[1285]

336. **Witness RM-333** testified that in June 1995, around 300 to 350 deserters who had gone to live in the FRY were captured by the Serbian police and brought back to Bosnia-Herzegovina, to a training centre of the Special Police in Jahorina, in Pale Municipality, where they received camouflage uniforms, weapons, and various training.[1286] The men were not allowed to leave the facility in Jahorina and were treated differently than the regular members of the Special Police Brigade and were called

[1276] P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), para. 2.14.
[1277] D597 (Ratko Adžić, witness statement, 27 May 2014), para. 27.
[1278] P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), para. 2.15.
[1279] D935 (Milenko Karišik, witness statement, 23 June 2013), para. 32.
[1280] P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), p. 8571. *See also* P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), para. 2.15.
[1281] P3455 (Witness RM-336, *Popović et al*. transcript, 16 November 2006), p. 4083.
[1282] P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), para. 2.15. *See also* P2174 (Mendeljev Đurić, Popović *et al.* transcript, 1-3 May 2007), p. 10797; D976 (Neđo Jovičić, witness statement, 3 August 2014), para. 4.
[1283] P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), p. 8569.
[1284] P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), pp. 8572-8573.
[1285] P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), pp. 8570-8571.

deserters.[1287] **Witness RM-268** stated that in April or May 1995, a group of approximately 200 deserters arrived at the Jahorina training facility and were subsequently organised in two companies, with each company consisting of three platoons.[1288] Mendeljev Đurić and Neđo Ikonić were appointed as the commanders of the 1st and 2nd Company, respectively.[1289] In July 1995, deserters from the entire FRY were receiving training in the facility located at Mount Jahorina.[1290] **Mendeljev Đurić** stated that his company contained conscripts who had deserted and were brought back from Serbia.[1291] His immediate superior at the Jahorina training centre was Duško Jević.[1292] According to **Witness RM-333**, each company was divided into four platoons.[1293] Goran was the leader of platoon 4 of the 1st Company.[1294] Each platoon was further divided into four smaller units that did not have a real leader but were each represented by a member of the units who functioned as a spokesperson.[1295] **Witness RM-268** stated that Đurić, a.k.a. Mane, Neđo Ikonić, and a team of instructors assisted in the training of the recruits.[1296] The Jahorina Detachment did not have any tanks or armoured vehicles.[1297] Whereas the regular members of the Special Police Brigade in general wore camouflage overalls with insignia on the sleeves, the Jahorina members wore two-piece camouflage uniforms of a different colour, which did not have any insignia.[1298]

337. **Witness RM-268** testified that the PJPs consisted of regular police forces, performed regular police duties, and belonged to the Public Security Centres.[1299]

[1286] P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), pp. 14787-14790, 14797-14798, 14872; Witness RM-333, T. 6747-6748.
[1287] P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), pp. 14790, 14798.
[1288] P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), pp. 8572, 8648; P2177 (Excerpts from the Bosnian-Serb MUP Work Report for 1995), p. 2. *See also* P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), pp. 14789, 14802, 14791-14792; Witness RM-333, T. 6770, 6795-6796, 6801-6804; P724 (Report on the combat engagement of police forces in Srebrenica 95 signed by Ljubiša Borovčanin, 5 September 1995), pp. 2, 5.
[1289] P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), pp. 8572-8573, 8576; 8600-8601, 8648; P2177 (Excerpts from the Bosnian-Serb MUP Work Report for 1995), p. 2. *See also* P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), pp. 14789, 14802, 14791-14792; Witness RM-333, T. 6770, 6795-6796, 6801-6804; P724 (Report on the combat engagement of police forces in Srebrenica 95 signed by Ljubiša Borovčanin, 5 September 1995), pp. 2, 5.
[1290] P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), pp. 8567-8568, 8649.
[1291] P2174 (Mendeljev Đurić, *Popović et al.* transcript, 1-3 May 2007), pp. 10842-10843.
[1292] P2174 (Mendeljev Đurić, *Popović et al.* transcript, 1-3 May 2007), pp. 10793, 10797.
[1293] P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), pp. 14791, 14794-14795.
[1294] P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), p. 14794.
[1295] P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), pp. 14791, 14794-14797.
[1296] P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), pp. 8568-8569.
[1297] P2176 (Witness RM-268, *Popović et. al.* transcript, 9, 12-13 March 2007), p. 8578.
[1298] P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), pp. 8576-8579.
[1299] P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), pp. 8571-8572.

According to **Butler**, the primary functions of the PJP units were related to law enforcement and public safety.[1300] In 1995, six PJP units were organised under the Zvornik Public Security Centre to supplement military forces or to conduct security sweeps in the rear area of the DK when necessary.[1301] In July 1995, Danilo Zoljić was the Commander of the PJP units in Zvornik and Savo Cvjetinović was the Commander of the overall MUP PJP.[1302] **Witness RM-336** stated that a PJP unit composed of 100 to 120 police officers from different SJBs, including the Bijeljina and Zvornik SJBs, was sent to the field and tasked to guard the lines.[1303] One unit was composed of several platoons comprised of 30 people and they received orders from Kulić, the Ugljevik SJB Commander.[1304]

The Trial Chamber's findings

Establishment and structure of the MUP

338. Based on the above, the Trial Chamber finds that on 28 February 1992, the Bosnian-Serb Assembly enacted the Law on Internal Affairs, which came into effect on 31 March 1992. On 27 March 1992, the Bosnian-Serb Assembly established the Bosnian-Serb MUP. On 24 March 1992, Mićo Stanišić was appointed Minister of Interior by the Bosnian-Serb Assembly. From 20 January to 12 July 1993, Ratko Adžić fulfilled this position after which he was succeeded by Tomislav Kovač. From at least January until April 1994, Stanišić was once again the Minister of Interior. On 8 November 1994, Karišik was appointed Deputy Minister of Interior. In July 1995, Kovač was the acting Minister of Interior.

339. Five CSBs in the Bosnian-Serb Republic were established: Banja Luka for the territory of the ARK, Trebinje for the SAO of Herzegovina, Doboj for the SAO of Northern Bosnia, Sarajevo for the SAO of Romanija-Birač, and Bijeljina for the SAO of Semberija. Each of the five CSBs was in charge of a number of SJBs located in

[1300] P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), para. 2.16.
[1301] P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), para. 2.17.
[1302] P724 (Report on the combat engagement of police forces in Srebrenica 95 signed by Ljubiša Borovčanin, 5 September 1995), p. 6. *See also* P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), para. 2.17.
[1303] P3455 (Witness RM-336, *Popović et al*. transcript, 16 November 2006), pp. 4081-4084, 4087-4089, 4102.
[1304] P3455 (Witness RM-336, *Popović et al*. transcript, 16 November 2006), pp.4088-4090, 4093-4094.

municipalities covered by that particular CSB. By September 1992, the Bosnian-Serb MUP numbered 11,240 employees. On 4 March 1992, the ARK Assembly established the Banja Luka CSB and appointed Stojan Župljanin as its chief. On 1 April 1992, Mićo Stanišić officially appointed Župljanin to Chief of the Banja Luka CSB.

340. The MUP-SNB was a separate department within the MUP tasked with carrying out activities and tasks related to national security. The Bosnian-Serb President was tasked with evaluating the execution of the MUP-SNB's work on the basis of reports by the Minister of Interior and informing the Bosnian-Serb Assembly accordingly. From 1994 onwards, the MUP-SNB transformed into the RDB.

Command and control

341. The MUP was headed by the Minister of Interior who was subordinate to the Bosnian-Serb President. The MUP's head office was to coordinate the work of CSBs, and, in circumstances that jeopardized the security of the Bosnian-Serb Republic, activate reserve police forces and supply police units with arms. The SJBs were the main organ of the MUP at the municipal level. Their competencies included the protection of life and personal security of citizens, prevention and detection of criminal acts, and the tracking down and apprehension of perpetrators. The CSBs and SJBs were to also implement the regulations of municipal assemblies in connection with the maintenance of law and order. The Minister of Interior had the exclusive authority to issue orders to employees directly engaged in operational activities and tasks related to public and national security.

342. The Trial Chamber finds that there was a functioning reporting system within the MUP. On a municipal level, SJBs collected information and forwarded it to regional CSBs, who in turn reported to the MUP. From 18 April 1992 onwards, all CSBs were ordered to send daily reports and other significant information of security interest to the MUP by fax. Daily bulletins were then sent by the MUP up to the Bosnian-Serb Prime Minister Đerić. Pursuant to an inter-departmental agreement, information collected by the MUP-SNB was also provided to the SJB Administration. From July 1995 onwards, all officials in charge of organisational units within the CSB and all the SJB chiefs had to submit weekly reports to the RJB on the implementation of laws in force.

Special police units within the MUP

343. The Trial Chamber finds that in April 1992, the Bosnian-Serb MUP started establishing special police units. Milenko Karišik was the commander of the first Bosnian-Serb MUP special unit, which later transformed into the Special Police Brigade. The Special Police Brigade fell directly under the command of the MUP. By September 1992, the Special Police Brigade had at least five detachments, based at each of the five CSBs. Some SJBs, such as those in Ilidža and Novo Sarajevo, also had their own special police units. Members of the Special Police Brigade wore camouflage uniforms with insignia on the sleeves, including those featuring the words 'Special Brigade', 'The Police', and a two-headed eagle.

344. The Trial Chamber further finds that as of July 1995, two different types of special police units existed. First, the PJP or the municipal police companies, whose primary functions related to law enforcement and public safety. In July 1995, Savo Cvjetinović was the Commander of the MUP PJP and Danilo Zoljić was the Commander of the PJP units in Zvornik. These forces supplemented military forces or conducted security sweeps in the rear area of the DK when necessary. Second, the Special Police units, or detachments of the Special Police Brigade, were organized as combat formations. In July 1995, General Goran Sarić was the Special Police Brigade Commander and Lieutenant Colonel Ljubiša Borovčanin was the Deputy Commander. The Second Šekovići Detachment was also a unit of the Special Police Brigade and was commanded by Rade Čuturić, a.k.a. Officer or Oficir.

345. From at least mid-1995, deserters who had gone to live in the FRY were brought back by the Serbian police and taken to a training centre in Jahorina, in Pale Municipality. The deserters were subsequently divided into two companies, with each company consisting of four platoons and Goran being the leader of platoon 4 of the 1st Company. The Jahorina training centre was commanded by Duško Jević, Assistant Commander of the Special Police Brigade. Those trained at the centre wore two-piece camouflage uniforms of a different colour without any insignia.

346. The MUP and its possible connection to the Accused will be discussed further in chapter 9.

3.5 Paramilitary formations

347. As described in chapters 4 and 9.2.8, several paramilitary formations were operating within the territorial scope of the Indictment. Prior to May 1992, the JNA played a role in the training and equipping of Bosnian-Serb paramilitary forces. In 1991 and into 1992, the Bosnian-Serb and Croatian-Serb paramilitary forces cooperated with and acted under the command and within the framework of the JNA. These forces included Arkan's Serbian Volunteer Guard and various forces styling themselves as *Chetniks*, a name which is of significance from the fighting in the Second World War against the German, Italian, and Croat forces in Yugoslavia. Some were even given training in the compounds of the 5th JNA Corps in Banja Luka. The reliance placed on such forces by the JNA reflected a general manpower shortage.[1305] Local SDS boards, crisis staffs, and SAO governments often invited and assisted paramilitary groups.[1306] This occurred, for example, with the Yellow Wasps, the Red Berets, Mauzer's men, and Arkan's men, operating in north-eastern Bosnia-Herzegovina (Bijeljina, Brčko, and Zvornik Municipalities).[1307]

348. In the discussion to follow in chapters 4 through 8, the Trial Chamber will find that several named paramilitary groups committed crimes within the temporal and geographic scope of the Indictment. These paramilitary groups and their possible connection to the Accused will be discussed further in chapter 9.

[1305] Adjudicated Facts IV, no. 288.
[1306] Adjudicated Facts I, no. 314.
[1307] Adjudicated Facts I, no. 315.

4. Take-over of power and crimes in the municipalities

4.1 Banja Luka Municipality

4.1.1 Murder

Schedule B.1.1

349. According to the Indictment, the Accused is responsible for the killing of at least six men in front of Manjača camp on 3 or about June 1992 after their transportation from Hasan Kikić elementary school in Sanski Most.[1308] The Defence argued that the evidence is insufficient to determine the identity or affiliation of the perpetrators.[1309] The Trial Chamber took judicial notice of Adjudicated Facts 481 and 482 with regard to this incident. Further, it received evidence from **Sakib Muhić**, a Bosnian Muslim from Mahala in Sanski Most town;[1310] **Enis Šabanović**, a Bosnian Muslim from Trnova in Sanski Most Municipality who was detained at Manjača camp from about 6 June to 24 November 1992;[1311] and **Ewa Tabeau**, a demographer and statistician;[1312] as well as documentary evidence and finds that the evidence is consistent with the Adjudicated Facts.[1313]

350. On 6 June 1992, several buses with around 150 mainly Bosnian-Muslim prisoners left the Hasan Kikić Elementary School in Sanski Most, to arrive at Manjača camp on the same evening.[1314] Upon arrival of this group of prisoners at Manjača camp, at least six of them were beaten and subsequently killed by policemen from Sanski Most.[1315] **Sakib Muhić**, who was among the prisoners arriving from Sanski Most that day, stated that he saw a soldier point to a body and heard him say 'Kajtez, have you

[1308] Indictment, paras 39(a)(ii), 51-53, 59(a)(ii), 62(b), 70, Schedule B.1.1.
[1309] Defence Final Brief, para. 855.
[1310] P3426 (Sakib Muhić, witness statement, 11 April 2000), pp. 1-2.
[1311] P3124 (Enis Šabanović, witness statement, 19 February 2001), pp. 1-2, 7, 17.
[1312] Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013)**.**
[1313] **Sakib Muhić:** P3426 (Sakib Muhić, witness statement, 11 April 2000), pp. 2, 6-7, 10, 13. **Enis Šabanović:** P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 7. **Ewa Tabeau and documentary evidence:** P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 21-22; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 294-296; P4690 (Record of autopsies and repeated autopsies, 2 February 2008), pp. 1-2, 8; P5966 (Autopsy report for Ermin Bahtić, 10 November 2007), pp. 1, 3; P5968 (Autopsy report for Haris Bišćević, 2 February 2008), p. 1; P5969 (Autopsy report for Medin Hadžiahmetović, 2 February 2008), p. 1; P5970 (Autopsy report for Medin Hadžiahmetović, 2 February 2008), p. 1-2; P5971 (Autopsy report for Jasmin Jelečević, 2 February 2008), p. 1; P5972 (Autopsy report for Neron Mehadžić, 19 January 2008), p. 1; P5973 (ICMP notice of DNA reports, 30 January 2008), p. 3; P5974 (Autopsy report for Fajko Pašić, 8 December 2007), pp. 1-2; P5975 (Sanski Most Court Ruling on the death of Fajko Pašić, 11 September 1997), pp. 1-2.
[1314] Adjudicated Facts I, no. 481.
[1315] Adjudicated Facts I, no. 482.

finished, he is still moving'. Muhić later learned from other prisoners that Kajtez's first name was Danilo and that prior to the war he was known as 'Četnik' and lived in the outskirts of Sanski Most town in Kruhari. The soldiers threw the bodies onto a small truck. A soldier saw Muhić standing at the back of the truck and said 'there is one more balija there', and then one of the other soldiers said 'jump balija and run after them' referring to the other prisoners who were inside the camp. As Muhić jumped off the truck, the driver of the truck, Milan Čamber, who wore an olive green uniform and had participated in the beatings of the six men, ordered Muhić to stand against the truck. He hit Muhić with a wooden object for approximately 10 to 15 minutes. The other Serb soldiers cursed Čamber's mother and said to Čamber 'if you don't know how to beat a balija then you should let him go'.[1316] Čamber broke five fingers on Muhić's left hand and two fingers on his right and then let him go.[1317] Muhić entered Manjača camp and proceeded past the command post where he saw approximately ten armed soldiers. Muhić stated that these soldiers must have witnessed the killing of the six men as well as his own beating on the basis that it all took place in front of the main entrance.[1318]

351. With regard to perpetrators, the Trial Chamber notes that Sakib Muhić refers to them as 'soldiers' but it does not consider this specific enough to rebut the Adjudicated Facts. The Trial Chamber therefore relies on the unrebutted Adjudicated Facts and rejects the Defence's argument in this respect.

352. Based on the foregoing, the Trial Chamber finds that on 6 June 1992, 150 mainly Bosnian-Muslim detainees were transported from the Hasan Kikić Elementary School in Sanski Most to Manjača Camp. Upon arrival, six men were separated from the other detainees and beaten to death at the camp's main entrance by several policemen from Sanski Most, who frequently referred to the victims as *balijas*. Based on the fact that the detainees were mainly Bosnian Muslims and that the policemen referred to the victims as *balijas*, the Trial Chamber finds that the six men were Bosnian Muslims. The Trial Chamber will further consider this incident in relation to Counts 3-6 of the Indictment in chapter 8, below.

[1316] P3426 (Sakib Muhić, witness statement, 11 April 2000), p. 7.
[1317] P3426 (Sakib Muhić, witness statement, 11 April 2000), pp. 2, 7.
[1318] P3426 (Sakib Muhić, witness statement, 11 April 2000), p. 7.

Schedule B.1.2

353. According to the Indictment, the Accused is responsible for the death of a number of prisoners who suffocated in trucks on 7 July 1992 during their transportation from Betonirka detention facility in Sanski Most to Manjača camp.[1319] The Defence argued that the suffocation of those transported was accidental.[1320] The Defence also argued that the perpetrators were not VRS members or subordinate to the VRS.[1321] The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this incident. It received evidence from **Ahmet Zulić**, **Bekir Delić** (both Bosnian Muslims), and **Jakov Marić** (a Bosnian Croat), all of whom were transported to Manjača camp on 7 July 1992.[1322] It also received evidence from **Enis Šabanović**, a Bosnian Muslim from Trnova in Sanski Most Municipality who was detained at Manjača camp from about 6 June to 24 November 1992;[1323] **Sakib Muhić**, a Bosnian Muslim from Mahala in Sanski Most Town who was detained in Manjača camp;[1324] **Adil Draganović**, a Muslim Judge, President of the Sanski Most Municipal Court, who was detained in Manjača camp from 17 June 1992 to 14 December 1992;[1325] **Witness RM-016**, a Bosnian Serb from Banja Luka;[1326] **Radomir Radinković**, a VRS 1KK intelligence and security officer at Manjača Camp as of May 1992;[1327] **Ewa Tabeau**, a demographer and statistician;[1328] as well as documentary evidence and finds that the above-mentioned evidence does not rebut the Adjudicated Facts.[1329] The Trial Chamber also received evidence from **Witness RM-051**, a VRS security officer .[1330]

[1319] Indictment, paras 39(a)(ii), 59(a)(ii), 62(b), Schedule B.1.2.
[1320] Defence Final Brief, paras 858-860, 864. The Trial Chamber notes that the Defence also argued that the Indictment 'incorrectly purports 40 scheduled victims', Defence Final Brief, para. 862. However, the Indictment does not make such allegation. The Defence appears to take this number from P2796, an expert report by Ewa Tabeau.
[1321] Defence Final Brief, para. 864.
[1322] P3611 (Ahmet Zulić, witness statement, 22 February 2010), p. 1, paras 1-3; P3432 (Bekir Delić, witness statement, 13 September 2001), pp. 1-2; P3117 (Jakov Marić, witness statement, 11 March 2000), pp. 1-2.
[1323] P3124 (Enis Šabanović, witness statement, 19 February 2001), pp. 1-2.
[1324] P3426 (Sakib Muhić, witness statement, 11 April 2000), pp. 1-2, 7.
[1325] P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, pp. 1-2, 7, 10, 12, witness statement of 6 October 2000, p. 1, witness statement of 7 July 2000, pp. 1, 3.
[1326] P2375 (Witness RM-016, witness statement, 5 August 2013), p. 1, paras 4, 11, 16; Witness RM-016, T. 17398.
[1327] D900 (Radomir Radinković, witness statement, 8 December 2013), pp. 1, 6.
[1328] Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).
[1329] **Ahmet Zulić:** P3611 (Ahmet Zulić, witness statement, 22 February 2010), p. 1, paras 49-50, 87-89, 91-94, 96, 98; P3612 (Diary of Ahmet Zulić, second book), pp. 5-6. **Jakov Marić:** P3117 (Jakov Marić, witness statement, 11 March 2000), pp. 4-5; P3118 (Jakov Marić, *Brđanin* testimony, 16 October 2002), pp. 10841-10842. **Bekir Delić:** P3432 (Bekir Delić, witness statement, 13 September 2001), pp. 5-8, 11; P3433 (Bekir Delić, *Brđanin* transcript, 4 July 2002), p. 7978; P3435 (1KK Command daily combatant

354. On 7 July 1992, a group of around 64 mainly Bosnian-Muslim prisoners arrived at Manjača camp in locked trailers. This transport originated from the Betonirka detention facility in Sanski Most, where those people had been detained since the end of May 1992.[1331] Drago Došenović, a.k.a. Maca, and a camp warden called 'Špaga' organised this transport.[1332] In this transport, prisoners had to stand in extremely cramped conditions and were not provided with sufficient water to drink during the nine hours of the journey, despite the hot weather.[1333] As a consequence of these conditions, more than 20 prisoners died during the transportation.[1334]

355. The Trial Chamber received evidence from a number of witnesses, including three detainees who were part of the group transported to Manjača camp. **Ahmet Zulić** stated that several policemen and Brane Šobot, who was dressed in civilian clothes, herded the detainees at the Betonirka detention facility onto a truck, which was covered with a tarpaulin, while beating them with batons.[1335] The witness heard one of the men shout '[t]here are exactly 64 of them. Make sure that the bandits don't escape'.[1336] **Jakov Marić** stated that the guards created a corridor that the detainees had to pass through in order to board the truck, confiscating all water bottles and forcing some detainees to consume salt.[1337] Marić heard Drago Vujanić, the warden, tell Drago Došenović, the commander of the convoy and a policeman, that there were 65 men on

report, 8 July 1992), para. 4. **Enis Šabanović:** P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 13; P3125 (Enis Šabanović, *Brđanin* transcript, 5 June 2002) pp. 6542-6544; P3131 (Official Note by Adil Draganović, 2 June 2000). **Sakib Muhić:** P3426 (Sakib Muhić, witness statement, 11 April 2000), p. 3. **Witness RM-016:** P2375 (Witness RM-016, witness statement, 5 August 2013), p. 1, paras 79, 81. **Adil Draganović:** P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 11. **Radomir Radinković:** Radomir Radinković, T. 31783-31786. **Ewa Tabeau**: P2791 (Ewa Tabeau, revised table of names to the proof of death expert report, 30 August 2013), p. 3; P2793 (Ewa Tabeau, table of corrections to proof of death expert report and annex, 7 November 2013), p.5; P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 3, 22, 32-33; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 297-312; **Documentary evidence**: All forensic documentation relating to this scheduled incident admitted into evidence pursuant to the Trial Chamber's bar table decisions both dated 31 January 2014; P220 (Daily report from Manjača camp operational team to the 1KK Command, 9 July 1992), p. 1; P227 (Daily report from Manjača camp operational team to the 1KK Command, 8 July 1992), pp. 1-2.

[1330] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), p. 5255; Witness RM-051, T. 2883-2884

[1331] Adjudicated Facts I, no. 483.

[1332] Adjudicated Facts I, no. 484.

[1333] Adjudicated Facts I, no. 485.

[1334] Adjudicated Facts I, no. 486.

[1335] P3611 (Ahmet Zulić, witness statement, 22 February 2010), paras 49-50, 87-88; P3612 (Diary of Ahmet Zulić, second book), p. 5. *See also* P3117 (Jakov Marić, witness statement, 11 March 2000), p. 4; P3432 (Bekir Delić, witness statement, 13 September 2001), pp. 6-7; Radomir Radinković, T. 31783-31786.

[1336] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 96; P3612 (Diary of Ahmet Zulić, second book), p. 5.

the truck and Drago Došenović responded 'we will see how many will arrive in Manjača'.[1338] The guards threw the detainees who were unable to board the truck themselves onto the truck. While they were closing the tarpaulin, Marić heard the guards who were with Drago Došenović say '[t]here is no point in taking them to Manjača, let them try to escape in Čađavci and kill them'.[1339]

356. **Bekir Delić** stated that the detainees began to poke holes in the truck's tarpaulin to get air, however, the Serbs threatened to kill them if they continued and beat them if they leaned against the tarpaulin.[1340] **Zulić** stated that the detainees tried to put their shoes in between the tarpaulin and the frame of the truck, but the Serbs knocked the shoes out from the frame.[1341] He drank a small bottle of shaving lotion, then urinated in the bottle and drank his own urine.[1342] **Delić** also stated that some men started to drink their own urine since they had no water.[1343] **Marić** stated that the truck stopped at restaurants or cafés every ten to 15 kilometres.[1344] The guards outside the truck asked the detainees whether they still wanted an independent Bosnia.[1345] **Zulić** added that the Serbs shot in the air when the truck stopped.[1346]

357. **Witness RM-051** testified that the MUP was in charge of transporting detainees to the camp.[1347] **Enis Šabanović** stated that armed policemen in camouflage and former JNA uniforms escorted the transport.[1348] **Zulić** referred to three of them as 'Macura', 'Došenović', and 'Maunić'.[1349] According to **Marić**, Drago Vujanić, Brane Šobot, Andjelko Kajtez, Dušan Veselinović, Mirko Kravić, and a person called Rega escorted the convoy.[1350] **Delić** stated that a person called Mršić led the Serb policemen.[1351]

[1337] P3117 (Jakov Marić, witness statement, 11 March 2000), p. 4.
[1338] P3117 (Jakov Marić, witness statement, 11 March 2000), p. 4; P3118 (Jakov Marić, *Brđanin* testimony, 16 October 2002), p. 10832.
[1339] P3117 (Jakov Marić, witness statement, 11 March 2000), p. 4.
[1340] P3432 (Bekir Delić, witness statement, 13 September 2001), p. 7.
[1341] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 91.
[1342] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 92. *See also* P3117 (Jakov Marić, witness statement, 11 March 2000), p. 5.
[1343] P3432 (Bekir Delić, witness statement, 13 September 2001), p. 8.
[1344] P3117 (Jakov Marić, witness statement, 11 March 2000), p. 5.
[1345] P3117 (Jakov Marić, witness statement, 11 March 2000), p. 5.
[1346] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 91.
[1347] Witness RM-051, T. 2893, 2918-2919.
[1348] P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 12.
[1349] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 95; P3612 (Diary of Ahmet Zulić, second book), p. 6.
[1350] P3118 (Jakov Marić, *Brđanin* testimony, 16 October 2002), p. 10832. The Trial Chamber understands Adil Draganović's mention of 'Regan' (P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 11) to refer to the person called Rega.
[1351] P3432 (Bekir Delić, witness statement, 13 September 2001), p. 8.

358. After arriving at Manjača camp, Špaga, the deputy commander of the camp, ordered the detainees to remove the dead bodies from the truck and write down the names of the dead; he also told the Serb policemen who had escorted the detainees that he only accepted men that walked.[1352] The witness stated that Špaga allowed him to get some water, which he used to attempt to revive some of the unconscious men. Mršić ordered detainees Enver Burnić and Vicko Mauzner to assist the unconscious men while Biščević, who was a dentist, offered to help. The witness did not see the unconscious men or the three men that assisted again. Špaga ordered the Serb policemen to take the dead detainees back to Sanski Most and told Drago Došenović that the injured and dead detainees 'were his problem'.[1353] Camp commander Popović later told **Šabanović** that the men had been taken back to Sanski Most and would be buried there.[1354] **Delić** later heard that some of the men that died on the truck may have been exhumed in Dabar River.[1355]

359. According to **Zulić**, six detainees in the truck still showed signs of life, and it was Božidar Popović, the camp commander, who ordered the other detainees to take them from the truck and put them on the ground.[1356] The witness recalled the names of three sick detainees, Mustafa Hodžić, a.k.a. Lika, Mirhad Delić, and Ibrahim Hadžija from Tomina.[1357] Popović ordered the policemen to get Eniz Šabanović, a detainee and doctor, as well as Asim Bajrić, the doctor's assistant.[1358] **Šabanović** stated that he saw six people in a coma and that he recognized one of them as 'Lika'.[1359] According to **Zulić**, Šabanović checked on the men and said that they would not survive without proper treatment due to their state of extreme dehydration.[1360] Popović then ordered the other detainees to put the six men back onto the truck and said '[p]ut the shit back. I don't need dead people'.[1361] In addition, Enver Burnić and three men from Sanski Most, Edin or Haris Biščević who was a student, Vjenceslav Mauzner who was a Croat policeman, and a third man whose name the witness did not recall, were put on the

[1352] P3432 (Bekir Delić, witness statement, 13 September 2001), pp. 7-8.
[1353] P3432 (Bekir Delić, witness statement, 13 September 2001), p. 8.
[1354] P3125 (Enis Šabanović, *Brđanin* transcript, 5 June 2002) pp. 6543-6544.
[1355] P3432 (Bekir Delić, witness statement, 13 September 2001), p. 8.
[1356] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 95; P3612 (Diary of Ahmet Zulić, second book), p. 6.
[1357] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 104.
[1358] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 98.
[1359] P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 13.
[1360] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 98.
[1361] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 99.

truck.[1362] All these four men were in good health.[1363] The witness never saw the men who were put back on the truck again.[1364] **Šabanović** stated that a military policeman took him to the back of one of the trucks and said, '[l]ook at how you Balijas are being killed in the war'.[1365] He saw the bodies of approximately 20 people who had suffocated.[1366] **Delić** saw many die from suffocation in the truck and was able to name 17 of them.[1367] According to **Marić**, 24 people died in the truck in which he was transported.[1368] **Adil Draganović** stated that 17 men suffocated in the truck.[1369] According to the Manjača camp operational team's reports to the 1KK Command dated 8 and 9 July 1992, 24 people died during the transport in refrigerator trucks.[1370]

360. Based on the foregoing, the Trial Chamber finds that 24 detainees, among a group of around 64 primarily Bosnian-Muslim detainees, suffocated while being transported from Betonirka detention facility in Sanski Most to Manjača camp on 7 July 1992.[1371] Based on the fact that the transported detainees were primarily Bosnian Muslims, the Trial Chamber finds that most of the 24 victims were Bosnian Muslims. Those transporting and escorting the detainees were policemen. Guards at Betonirka had confiscated water bottles and had forced some detainees to consume salt before they were transported. During the approximately nine-hour journey, the trucks were hot, cramped, covered with tarpaulins,[1372] and the detainees received no water. A number of detainees drank their urine and attempted to make holes in the truck's tarpaulin for oxygen, but stopped when the policemen threatened them. The policemen asked the

[1362] P3611 (Ahmet Zulić, witness statement, 22 February 2010), paras 100, 104.
[1363] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 101.
[1364] P3611 (Ahmet Zulić, witness statement, 22 February 2010), paras 101-102.
[1365] P3124 (Enis Šabanović, witness statement, 19 February 2001), pp. 12-13.
[1366] P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 13.
[1367] P3432 (Bekir Delić, witness statement, 13 September 2001), pp. 7-8.
[1368] P3117 (Jakov Marić, witness statement, 11 March 2000), p. 5.
[1369] P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 11.
[1370] P220 (Daily report from Manjača camp operational team to the 1KK Command, 9 July 1992), p. 1; P227 (Daily report from Manjača camp operational team to the 1KK Command, 8 July 1992), pp. 1-2. *See also* D900 (Radomir Radinković, witness statement, 8 December 2013), p. 5; Radomir Radinković, T. 31783-31784.
[1371] In relation to the number of suffocated detainees, the Adjudicated Facts state that 'more than 20 prisoners died'. Bekir Delić and Adil Draganović stated that 17 suffocated. Given the circumstances of the transport, the Trial Chamber finds that the detainees' estimates concerning the number of suffocated detainees are not of sufficient reliability to rebut the Adjudicated Facts. Having considered the daily report from the Manjača camp operational team, the Trial Chamber concluded that the number of suffocated was 24.
[1372] While there is an inconsistency between P227 and the witnesses' accounts pertaining to the types of trucks used to transport the detainees, the Trial Chamber has relied on the first-hand accounts of the witnesses. The Trial Chamber considered that the type of truck, different from the number of dead, was a marginal detail in the camp's reporting and may have been prone to inaccuracy.

detainees whether they still wanted an independent Bosnia and stated 'we will see how many will arrive in Manjača'. Once the detainees arrived at the camp, those deemed not healthy enough to survive due to dehydration were put back on the truck as Popović, the camp commander, stated '[p]ut the shit back. I don't need dead people'. The Trial Chamber will further consider this incident, as well as the Defence's submissions regarding the absence of criminal intent, in relation to Counts 3-6 of the Indictment in chapter 8, below.

Schedule B.1.4

361. According to the Indictment, the Accused is responsible for the killing of at least ten men in Manjača camp between 1 June and 18 December 1992.[1373] The Defence argued that the VRS investigated and punished the perpetrators of some of the killings pertaining to this scheduled incident and that the forensic evidence fails to link any deaths which occurred inside Manjača camp to the VRS.[1374] The Trial Chamber took judicial notice of two Adjudicated Facts in relation to this incident. It also received evidence from **Enis Šabanović**, a Bosnian Muslim from Trnova in Sanski Most Municipality who was detained at Manjača camp from about 6 June to 24 November 1992;[1375] and **Adil Draganović**, a Muslim Judge, President of the Sanski Most Municipal Court, who was detained in Manjača camp from 17 June 1992 to 14 December 1992;[1376] and finds that this evidence is consistent with Adjudicated Fact number 488.[1377] The Trial Chamber further received evidence from **Radomir Radinković**, a VRS 1KK intelligence and security officer at Manjača camp as of May 1992;[1378] **Witness RM-051**, a VRS security officer;[1379] **Charles McLeod**, a member of the ECMM in north-west Bosnia since July 1992;[1380] **Sakib Muhić**, a Bosnian Muslim from Mahala in Sanski Most Town;[1381] **Witness RM-709**, a Bosnian Muslim who

[1373] Indictment paras 11-12, 39(a)(ii), 59(a)(ii), 62(b), Schedule B.1.4.
[1374] Defence Final Brief, paras 866-867, 869-872.
[1375] P3124 (Enis Šabanović, witness statement, 19 February 2001), pp. 1-2.
[1376] P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, pp. 1-2, 7, 10, 12, witness statement of 6 October 2000, p. 1, witness statement of 7 July 2000, pp. 1, 3.
[1377] **Enis Šabanović:** P3124 (Enis Šabanović, witness statement, 19 February 2001), pp. 9-11. **Adil Draganović:** P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 15.
[1378] D900 (Radomir Radinković, witness statement, 8 December 2013), pp. 1, 6.
[1379] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), p. 5255; Witness RM-051, T. 2883-2884.
[1380] P3258 (Charles McLeod, *Brđanin* transcript 21-24 June 2002), p. 7281.
[1381] P3426 (Sakib Muhić, witness statement, 11 April 2000), pp. 1-2.

deserted from the JNA in February 1992 and joined the Muslim TO in the village of Trnopolje;[1382] **Adem Seferović**, a Bosnian Muslim from Hrustovo in Sanski Most Municipality;[1383] **Ahmet Zulić**, a Bosnian Muslim from the village of Pobriježje near Sanski Most;[1384] **Muhamed Filipović**, a Bosnian Muslim from Ključ Municipality;[1385] **Adil Medić**, a Muslim from Ključ and leader of the 'Muslim Corps' commission in charge of camp- and prisoner-related problems;[1386] **Bekir Delić**, a Bosnian Muslim from Sanski Most;[1387] **Asim Egrlić**, a Bosnian Muslim from Ključ who was detained at Manjača camp between 12 June and 13 December 1992 and then at Batković camp;[1388] **Atif Džafić**, the Bosnian-Muslim police commander of the Ključ SJB from 1991 to 21 or 22 May 1992;[1389] **Jakov Marić**, a Catholic Bosnian Croat from Sasina in Sanski Most Municipality;[1390] **Witness RM-018**, a Bosnian Muslim from Ključ Municipality;[1391] and **Ewa Tabeau**, a demographer and statistician,[1392] as well as documentary evidence in relation to this incident.

362. According to the Adjudicated Facts, between June and November 1992, at least ten prisoners died inside Manjača camp as a result of beatings or of sporadic killings.[1393] Božidar Popović ordered that death certificates giving a false account of the cause of death of detainees who were killed by being beaten inside Manjača camp be issued.[1394] **Radomir Radinković** testified that a total of two detainees were beaten to death at

[1382] P3437 (Witness RM-709, witness statement, 6 June 2000), pp. 1-4; P3438 (Witness RM-709, witness statement, 16 February 2002), pp. 1-2; P3439 (Witness RM-709, witness statement, 26 October 2002), pp. 1-2.
[1383] P2502 (Adem Seferović, witness statement, 26 July 1999), pp. 1-2.
[1384] P3611 (Ahmet Zulić, witness statement, 22 February 2010), p. 1, paras 1-3.
[1385] P3133 (Muhamed Filipović, witness statements), witness statement of 24 May 1997, pp. 1-2, witness statement, of 13 March 2001, p. 1. The evidence of Muhamed Filipović is reviewed in chapter 4.1.2 *Schedule C.1.2*.
[1386] P154 (Adil Medić, witness statement, 31 January 1996), p. 1, para. 4; Adil Medić, T. 2033. Part of Adil Medić's evidence is reviewed in chapter 4.1.2 *Schedule C.1.2*.
[1387] P3432 (Bekir Delić, witness statement, 13 September 2001), pp. 1-2.
[1388] P3402 (Asim Egrlić, witness statement, 23 May 1997), pp. 1-2, 5; P3403 (Asim Egrlić, *Brđanin* transcript, 10 October 2002), p. 10607.
[1389] P3394 (Atif Džafić, witness statement, 28 September 2011), p. 1, paras 1, 4, 6; P3395 (Atif Džafić, *Karadžić* transcript, 30 September 2011), p. 19657.
[1390] P3117 (Jakov Marić, witness statement, 11 March 2000), pp. 1-2.
[1391] P146 (Witness RM-018, witness statement, 28 July 1999), p. 1, para. 1; P147 (Witness RM-018, witness statement, 27 August 2002), p.1, para. 1; Witness RM-018, T. 1962-1963; P145 (Pseudonym sheet for Witness RM-018). Part of Witness RM-018's evidence is reviewed in chapter 4.1.2 *Schedule C.1.2*.
[1392] Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).
[1393] Adjudicated Facts I, no. 487.
[1394] Adjudicated Facts I, no. 488.

Manjača camp between June and November 1992.[1395] **Witness RM-051** testified that five people died at Manjača camp, three of natural causes and two, Esad Bender and Omer Filipović, were killed.[1396] Omer Filipović, a Bosnian Muslim, was a spiritual leader from Ključ.[1397] **Charles McLeod** stated that during an ECMM visit to Manjača camp on 30 August 1992, Colonel Božidar Popović, said that there had been six deaths in the camp but these people had died of natural causes.[1398] The Trial Chamber notes that the evidence of Radinković and Witness RM-051 differs from one of the Adjudicated Facts with respect to the number of detainees killed inside the camp. Given that Radinković was present at the camp during the relevant time period,[1399] and given Witness RM-051's position at the time, the Trial Chamber considers their evidence to be sufficiently reliable to rebut the Adjudicated Fact in this respect. Under these circumstances, the Trial Chamber finds that Adjudicated Fact number 487 is rebutted as it relates to the number of people killed inside the camp. It will therefore review the evidence before it, including McLeod's evidence, in order to make a determination on this matter.

363. The Trial Chamber received extensive evidence concerning the alleged killing of two detainees held at Manjača camp: Omer Filipović and Esad Bender. **Sakib Muhić** stated that he first saw Omer Filipović, who he described as a former school teacher from Ključ, when Filipović was brought to Manjača camp and placed in the same stable as the witness. Filipović was badly beaten on several occasions during his detention at the camp. After 15 days he was placed in solitary confinement but occasionally the soldiers permitted him to return to the stable. At night, Filipović would be called out by name and Muhić heard him screaming throughout the night as he was beaten. The same events repeated themselves and eventually Filipović could not walk and had to crawl out of the stable.[1400] **Enis Šabanović** stated that he also stayed in the same stable at the

[1395] D900 (Radomir Radinković, witness statement, 8 December 2013), p. 12; D901 (Table of concordance of Adjudicated Facts). The Trial Chamber notes that Radinković was shown the following Adjudicated Fact: 'Between June and November 1992, at least 10 prisoners died inside Manjača camp as a result of beatings or of sporadic killings' (Adjudicated Fact, no. 487). According to him, this is not true as only two detainees lost their lives inside the camp.
[1396] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5268, 5348.
[1397] P222 (Daily report of Manjaca camp to command of 1KK, 29 July 1992), p.1.
[1398] P3264 (ECMM report, 3 September 1992), paras 1, 3, 15; P3269 (Charles McLeod's personal notes, 20-31 August 1992), pp. 40-41.
[1399] The witness was a security officer at the camp as of May 1992, and testified to events occurring at the camp at least until 13 December 1992, *see* D900 (Radomir Radinković, witness statement, 8 December 2013), pp. 1, 6, 9; Radomir Radinković, T. 31746-31747, 31830.
[1400] P3426 (Sakib Muhić, witness statement, 11 April 2000), p. 9.

camp as Omer Filipović, who he knew as a former philosophy teacher from Ključ. Filipović was taken out of the stable and beaten many times. He was also kept in solitary confinement for a few days.[1401]

364. **Muhić** further stated that one night, around 10 p.m., Filipović and Esad Bender were called out by a guard named Bulatović, a.k.a. Bula or Fadil, and the witness heard terrible screaming from both detainees.[1402] **Witness RM-709** added that Bulatović was accompanied by guards called Neđeljko and Zoka.[1403] **Adem Seferović** stated that Filipović was taken out by two camp guards called Zoka and Siniša, together with two other detainees: Senad Šupuk and a man called Muslija. Seferović recalled that Šupuk, who survived, later told other detainees that they had been taken behind the stable, beaten and jumped upon.[1404] **Witness RM-709** heard Filipović and Bender screaming and crying while being beaten by the guards. An hour later, the detainees were allowed to step out and found Bender lying unconscious on the floor. The detainees asked for a doctor but their request was denied.[1405] **Muhić** stated that at approximately midnight, Bender was brought back to the stable. His entire body appeared broken, he was bleeding, and he cried 'help me'. The detainees did not dare help him because they were afraid they would be beaten if any of the soldiers saw them assisting him. In the morning, at approximately 7 a.m., Enis Šabanović approached him and felt his pulse and shortly afterwards, he announced that Bender had died.[1406] **Šabanović** confirmed that Bender died of beatings and damage to his internal organs.[1407] According to **Muhić**, Filipović also died that night.[1408] **Šabanović** stated that one day he was told to go to the isolation cell where he found Filipović lying dead and bloodied on his back, with a fire extinguisher nearby, the bottom of which was covered in blood. The witness opined that Filipović had been dead for around two to three hours.[1409] **Witness RM-709** also saw Filipović's naked body covered with bruises and marks of black shoe polish; one of his front teeth was missing.[1410] **Seferović** stated that Filipović, Šupuk, and the man called

[1401] P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 12.
[1402] P3426 (Sakib Muhić, witness statement, 11 April 2000), pp. 8-10. *See* also, P3437 (Witness RM-709, witness statement, 6 June 2000), pp. 7-8.
[1403] P3437 (Witness RM-709, witness statement, 6 June 2000), pp. 7-8.
[1404] P2502 (Adem Seferović, witness statement, 26 July 1999), p. 6.
[1405] P3437 (Witness RM-709, witness statement, 6 June 2000), p. 8.
[1406] P3426 (Sakib Muhić, witness statement, 11 April 2000), p. 9. *See* also P3437 (Witness RM-709, witness statement, 6 June 2000), p. 8.
[1407] P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 12.
[1408] P3426 (Sakib Muhić, witness statement, 11 April 2000), p. 9.
[1409] P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 12.
[1410] P3437 (Witness RM-709, witness statement, 6 June 2000), p. 8.

Muslija were brought back to the stable two or three hours later.[1411] **Seferović** could see their injuries from beating.[1412] Filipović and Muslija died in the stable that night.[1413] **Muhić** stated that the next morning soldiers ordered the detainees from Ključ to bring Bender's body, which had been wrapped in a dark coloured sheet, outside.[1414] Around noon, the witness saw two bodies, wrapped in dark sheets, in an olive-green van.[1415] As the van passed by, the witness saw the licence plate, which read 'JNA'.[1416]

365. **Ahmet Zulić**, **Mohamed Filipović**, and **Adil Medić** gave evidence that the alleged killing of Filipović and Bender took place at the end of July 1992 (see also chapter 9.2.10).[1417] Other detainees at Manjača camp also provided consistent evidence relating to the death of these two detainees.[1418]

366. **Radomir Radinković** and **Witness RM-051**, as well as documentary evidence, provided further details about the perpetrators of the alleged killings of Filipović and Bender. **Radomir Radinković** testified that one night, a group of military policemen took the two detainees out of the building and beat them, so that they died from their injuries.[1419] According to the witness, the military policemen acted of their own volition. The 'crime fighting service' of the military police battalion suspended the perpetrators and filed a criminal report against them. After the war, the military policemen responsible for the death of the two detainees were convicted by the District Court in Banja Luka.[1420]

367. According to a report of 29 July 1992, during the night of 29 July 1992, Filipović and Bender died in Manjača camp. Both prisoners were taken to solitary rooms by members of the military police, who beat them and used so much force on them that they died as a result of internal injuries.[1421] An on-site investigation was conducted by

[1411] P2502 (Adem Seferović, witness statement, 26 July 1999), p. 6.
[1412] P2502 (Adem Seferović, witness statement, 26 July 1999), p. 6.
[1413] P2502 (Adem Seferović, witness statement, 26 July 1999), p. 6.
[1414] P3426 (Sakib Muhić, witness statement, 11 April 2000), p. 9.
[1415] P3426 (Sakib Muhić, witness statement, 11 April 2000), p. 9.
[1416] P3426 (Sakib Muhić, witness statement, 11 April 2000), pp. 9-10.
[1417] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 123; P3612 (Diary of Ahmet Zulić, second book), pp. 11-12; P3133 (Muhamed Filipović, witness statements), witness statement of 24 May 1997, p. 5; P3134 (Muhamed Filipović, *Brđanin* transcript, 30 August 2002, 4-5 September 2002), pp. 9621-9623.
[1418] P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 15; P3432 (Bekir Delić, witness statement, 13 September 2001), p. 9; P3403 (Asim Egrlić, *Brđanin* transcript, 10 October 2002), p. 10610; P3394 (Atif Džafić, witness statement, 28 September 2011), para. 126.
[1419] D900 (Radomir Radinković, witness statement, 8 December 2013), pp. 4, 6.
[1420] D900 (Radomir Radinković, witness statement, 8 December 2013), p. 6.
[1421] P222 (Daily report from Manjača camp operational team to the 1KK Command, 29 July 1992), p. 1.

the investigative judge of the Banja Luka Basic Court.[1422] The report notes that the military police patrol that 'was getting their kicks' that night included Zoran Gajić, Siniša Teodorović, Radenko Vučenović, Dragan Barjaktarević, and sergeant Milorad Topić.[1423] Recalling its earlier suggestion to rotate members of the police present in the camp every 20 to 30 days, the operational team proposed that the aforementioned members of the military police be replaced as soon as possible.[1424] After emphasizing that the military police, in killing Bender and Filipović, had acted on 'their own free will' and that the 'procedure' of putting these two 'prisoners' in isolation and beating them had not been ordered by anyone, the report states:

> We pointed out negligence of the Military Police in 'Manjača' camp, but one gets the impression that it's hard for them to accept this, since they think they can do whatever they want with the prisoners. Our operations officers are investigating whether the murder of Filipović and Bender was commissioned and from whom, because this is also possible.[1425]

Witness RM-051 testified that three perpetrators of the killings were removed from the camp the same day, but acknowledged they were prosecuted only in 2007.[1426]

368. Some of the former detainees also provided evidence about the alleged killing of Emir Mulalić. **Adil Draganović** stated that on one occasion, he, Emir Mulalić, who was a Bosnian-Muslim former policeman from Sanski Most, and about ten other detainees were removed from a stable and brought to the ground floor building of the Command to be interrogated by the Serbs.[1427] The detainees were asked to face the wall, keep their heads bent, and place their hands behind their backs.[1428] They were beaten in the hall and taken to another room for interrogation.[1429] The witness heard that Mulalić died as a

[1422] Witness RM-051, T. 2895; P222 (Daily report from Manjača camp operational team to the 1KK Command, 29 July 1992), p. 1.
[1423] P222 (Daily report from Manjača camp operational team to the 1KK Command, 29 July 1992), pp. 1-2.
[1424] P222 (Daily report from Manjača camp operational team to the 1KK Command, 29 July 1992), p. 2.
[1425] Witness RM-051, T. 2932; P222 (Daily report from Manjača camp operational team to the 1KK Command, 29 July 1992), p. 2.
[1426] Witness RM-051, T. 2895-2896, 2957-2958.
[1427] P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 13, witness statement of 7 July 2000, p. 5; P3432 (Bekir Delić, witness statement, 13 September 2001), p. 8.
[1428] P3293 (Adil Draganović, witness statements), witness statement of 7 July 2000, p. 5.
[1429] P3293 (Adil Draganović, witness statements), witness statement of 7 July 2000, p. 5. *See* also P3611 (Ahmet Zulić, witness statement, 22 February 2010), paras 117-118.

result of the beatings and saw the Serbs taking his body out.[1430] **Zulić** stated that Mulalić died on 10 July 1992 after being severely beaten by Serb guards.[1431] **Bekir Delić** added that Mulalić was taken out with a group of 20 detainees, interrogated by Brane Šobot and never returned. The witness learned this from Hajrudin Trožić, who was interrogated with Mulalić, and who told the witness that Šobot and five reserve police officers from Ključ beat Mulalić to death; his body was later found in a grave in Banja Luka.[1432] **Seferović** stated that on one occasion, while waiting to be interrogated, he saw a guard called Špaga hitting and kicking Mulalić, who was standing a few metres away from the witness, until Mulalić did not move anymore. The witness was later told by a doctor that Mulalić had died.[1433] **Šabanović** stated that sometime in the second half of 1992, he had to examine 15 to 20 new detainees arriving at the camp from Sanski Most. One of the new arrivals was Mulalić. The witness found him lying dead on the floor, bleeding from the mouth and nose. When he unbuttoned Mulalić's shirt, the witness saw that Mulalić was bleeding through an opening in his chest, and that all of his chest bones were broken.[1434]

369. The Trial Chamber further received evidence about the alleged killing of another detainee called Husein Delalović. **Witness RM-709** stated that one day, Bulatović and six to seven guards, including Zoka, called out a Croat HVO member. They took him into solitary confinement and the witness could hear the sounds of beatings and screams. The witness then heard one shot. While carrying out the dead body of the Croat, the detainees noticed a bullet hole in his chest. After the event, the detainees, including the witness, heard the guards speaking with Popović, the commander, who asked 'What have you done this time?'. Zoka responded 'wait until I get there and I will explain everything'.[1435] A report by the Manjača camp's operational team to the 1KK Command of 8 July 1992 states that one prisoner, Husein Delalović, born in 1966 in Ključ, died of natural causes on 6 July 1992.[1436] **Witness RM-018** heard that Omer

[1430] P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 13, witness statement of 7 July 2000, p. 5. *See* also P3611 (Ahmet Zulić, witness statement, 22 February 2010), paras 117-118.
[1431] P3611 (Ahmet Zulić, witness statement, 22 February 2010), paras 117-118.
[1432] P3432 (Bekir Delić, witness statement, 13 September 2001), pp. 8-9.
[1433] P2502 (Adem Seferović, witness statement, 26 July 1999), p. 6.
[1434] P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 10.
[1435] P3437 (Witness RM-709, witness statement, 6 June 2000), p. 9.
[1436] P227 (Daily report from Manjača camp operational team to the 1KK Command, 8 July 1992), p. 2.

Filipović, Husein Delalović and Esad Bender were killed in a stable although he did not witness their killing.[1437]

370. The Trial Chamber also received evidence concerning the alleged killing of an unidentified man from Ključ, detained at Manjača camp. **Jakov Marić** stated that while being detained at Manjača camp between 7 July and 13 December 1992, he witnessed three guards, identified as Bula, Špaga, and Zoran, a.k.a. Zoka, as well as an unidentified fourth guard, all of whom were dressed in police camouflage uniforms, beat a man from Ključ.[1438] After the beating, they left the man on the ground and about 40 minutes later they removed him. Subsequently, Špaga explained to the witness that while they had beaten the man, they had not killed him, as he had died of a heart attack.[1439] **Šabanović** stated that on one occasion, he, Meho Derviškadić, and Asim Bajrić were called to examine a man from Ključ, who had been beaten to death.[1440] The witness saw that the man's ribs were broken and his body was covered in bruises, indicating that he had died of internal bleeding.[1441]

371. Finally, **Witness RM-018** provided evidence about detainees from Trnopolje and Keraterm camps, who were killed upon their arrival at Manjača camp. The witness testified that one evening during the summer of 1992 buses and trucks loaded with detainees arrived at Manjača camp, escorted by 'soldiers' dressed in black uniforms.[1442] The witness later learned from the guards that the detainees had been brought from Trnopolje and Keraterm camps.[1443] The witness could clearly see the 'soldiers' slitting the detainees' throats at random, as the detainees disembarked from the buses.[1444] The witness could only observe these actions for approximately ten minutes, watching two or three men being slaughtered until he could not watch any longer; he later saw the bodies 'piled in a heap'.[1445] The witness later heard that 18 men had been killed.[1446] The witness noted that the killings stopped when the camp commander, Popović, arrived and

[1437] P146 (Witness RM-018, witness statement, 28 July 1999), para. 94.
[1438] P3117 (Jakov Marić, witness statement, 11 March 2000), pp. 4-5.
[1439] P3117 (Jakov Marić, witness statement, 11 March 2000), p. 5.
[1440] P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 9.
[1441] P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 9.
[1442] P146 (Witness RM-018, witness statement, 28 July 1999), paras 97-98, 100.
[1443] P146 (Witness RM-018, witness statement, 28 July 1999), para. 97.
[1444] P146 (Witness RM-018, witness statement, 28 July 1999), paras 97-98; Witness RM-018, T. 2020.
[1445] P146 (Witness RM-018, witness statement, 28 July 1999), paras 97-99.
[1446] P146 (Witness RM-018, witness statement, 28 July 1999), para. 99.

intervened by taking the detainees to a stable and questioning the soldiers as to who had ordered their actions.[1447]

372. According to **Ewa Tabeau** and forensic evidence, the remains of eight bodies were exhumed from four sites and subsequently identified:[1448] two from the Muslim cemetery 'Kazaferija' in Banja Luka Municipality,[1449] three from 'Novo Groblje' in Banja Luka Municipality,[1450] two from 'Ušće Dabra' in Sanski Most Municipality,[1451] and one from 'Hazići Pavići' in Banja Luka Municipality.[1452] The place of exhumation of the ninth identified body is unknown.[1453] Eight of the nine identified victims died between June and August 1992.[1454] One of the victims disappeared on 7 August 1992.[1455] All nine of the identified victims died in Manjača in Banja Luka Municipality.[1456] With respect to the three cases in which the cause of death could be established, Esad Bender's cause of death was found to be purulent inflammation of the

[1447] P146 (Witness RM-018, witness statement, 28 July 1999), paras 86, 99.
[1448] The following persons were identified: Said Babić (1953), Esad Bender (1959), Dedo Crnalić (1926), Husein Delalović (1938), Salahudin Durmišević (1960), Omer Filipović (1953), Mirzet Jahić (1959), Besim Materić (1959), and Emir Mulalić (1962).
[1449] P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 2-3, 12, 22-23, 32-34; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), p. 313; P3288 (Autopsy reports for Esad Bender and Omer Filipović, 30 July 1992); P3289 (Death certificate for Omer Filipović, 13 September 2001); P3290 (Death certificate for Esad Bender, 13 September 2001); P5992 (Court record of exhumation of Esad Bender and Omer Filipović, 17 November 1998); P5993 (Court record of exhumation of Esad Bender and Omer Filipović, 16 November 1998).
[1450] P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 2-3, 12, 22-23, 32-34; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), p. 315; P4696 (Identification report pertaining to the remains of Husein Delalović, 22 June 2006); P4697 (Death certificate for Husein Delalović, 29 January 2007); P4698 (Autopsy report for Husein Delalović, 22 June 2006).
[1451] P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 2-3, 12, 22-23, 32-34; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), p. 315.
[1452] P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 2-3, 12, 22-23, 32-34; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), p. 315.
[1453] P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), p. 313; P5995 (Lower court death certificate for Emir Mulalić, 9 April 1996), p.1; P5996 (Missing person's certificate for Emir Mulalić, 4 April 2013).
[1454] P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 313-315; P3289 (Death certificate for Omer Filipović, 13 September 2001); P3290 (Death certificate for Esad Bender, 13 September 2001); P4696 (Identification report for Husein Delalović, 22 June 2006), p.1;); P4697 (Death certificate for Husein Delalović, 29 January 2007); P4698 (Autopsy report for Husein Delalović, 22 June 2006); P5992 (Court record of exhumation of Esad Bender and Omer Filipović, 17 November 1998); P5993 (Court record of exhumation of Esad Bender and Omer Filipović, 16 November 1998); P5995 (Lower court death certificate for Emir Mulalić, 9 April 1996), p.1; P5996 (Missing person's certificate for Emir Mulalić, 4 April 2013).
[1455] P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), p. 315.
[1456] P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 313-315; P3289 (Death certificate for Omer Filipović, 13 September 2001); P3290 (Death certificate for Esad Bender, 13 September 2001); P4696 (Identification report for Husein Delalović, 22 June 2006), p.1; P4697 (Death certificate for Husein Delalović, 29 January 2007) p.1; P4698 (Autopsy report for Husein Delalović, dated 22 June 2006), p. 1; P5992 (Court record of exhumation of Esad Bender and Omer Filipović, 17 November 1998), p. 5; P5993 (Court record of exhumation of Esad Bender and Omer Filipović, 16 November 1998), p. 2; P5995 (Lower court death certificate for Emir Mulalić, 9 April 1996), p.1.

gall bladder caused by blunt force, Omer Filipović's cause of death was found to be purulent inflammation of the right kidney caused by blunt force, and Husein Delalović's cause of death was found to be a gunshot wound to the chest.[1457] One victim was over 60 years of age in 1992.[1458] According to forensic evidence, one victim was found in civilian clothing.[1459]

373. The Trial Chamber received contradictory evidence with respect to the number of detainees killed inside Manjača camp. On one hand, Enis Šabanović, Jakov Marić, Ahmet Zulić, Adil Draganović, Witness RM-709, Bekir Delić, Adem Seferović, and Witness RM-018 provided evidence with respect to the alleged killings of Omer Filipović and Esad Bender, as well as a number of other detainees, which occurred at the camp during the relevant time period. On the other hand, according to McLeod's hearsay evidence, all six deaths which occurred in the camp until 30 August 1992 were due to natural causes, while according to the evidence of Radinković and Witness RM-051, only Filipović and Bender were killed inside the camp between June and November 1992. With respect to McLeod's hearsay evidence, the Trial Chamber notes that the witness obtained the information from Popović, who, in accordance with Adjudicated Fact number 488, on a number of occasions ordered the issuance of death certificates for detainees with a false account of the cause of death. The Trial Chamber therefore finds the witness's source of knowledge unreliable with respect to the cause of death of the detainees and does not rely on this evidence. With respect to the evidence of Radinković and Witness RM-051, the Trial Chamber finds that their evidence provides less detail on the circumstances surrounding the incidents, while Šabanović, Marić, Zulić, Draganović, Witness RM-709, Delić, Seferović, and Witness RM-018, who provided evidence about further alleged killings which occurred in the camp, were all present at the camp. Some were eye-witnesses to the incidents, and all provided detailed accounts. Under these circumstances, the Trial Chamber considers the evidence

[1457] P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), p. 313; P3288 (Autopsy reports for Esad Bender and Omer Filipović, 30 July 1992), pp. 6-7; P4697 (Death certificate for Husein Delalović, 29 January 2007), p. 2; P4698 (Autopsy report for Husein Delalović, dated 22 June 2006), p. 2; P5992 (Court record of exhumation of Esad Bender and Omer Filipović, 17 November 1998), p. 5.
[1458] P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 313-315; P3289 (Death certificate for Omer Filipović, 13 September 2001); P3290 (Death certificate for Esad Bender, 13 September 2001); P4696 (Identification report pertaining to the remains of Husein Delalović, 22 June 2006), p. 1; P4697 (Death certificate for Husein Delalović, 29 January 2007), p. 1; P4698 (Autopsy report for Husein Delalović, 22 June 2006), p. 1; P5995 (Lower court death certificate for Emir Mulalić, 9 April 1996), p. 1
[1459] P4696 (Identification report for Husein Delalović, 22 June 2006), p.2; P4698 (Autopsy report for Husein Delalović, dated 22 June 2006), p. 1.

of the latter witnesses to be more reliable and therefore does not rely on the evidence of Radinković and Witness RM-051 with respect to the number of detainees killed inside the camp.

374. Based on the foregoing, the Trial Chamber finds that between 3 June and 18 December 1992[1460] guards at Manjača camp, VRS and SJB members as found in chapter 4.1.2 *Schedule C.1.2*, including Bulatović, a.k.a. Bula or Fadil; Neđeljko; Zoran Gajić, a.k.a. Zoka; Siniša Teodorović; Radenko Vučenović; Dragan Barjaktarević; Milorad Topić; Brane Šobot; and Špaga killed six detainees inside the camp.[1461] Five of these detainees - Omer Filipović, Esad Bender, Emir Mulalić, Muslija, and an unidentified man from Ključ - were beaten to death and the sixth one - Husein Delalović, a Croat HVO member - was shot and killed.[1462] For at least five of these detainees it has been established that they were killed sometime in July 1992. With respect to the Prosecution's allegation that at least ten detainees were killed inside Manjača camp, the Trial Chamber notes that, in its final brief, the Prosecution refers to Adjudicated Fact 487, which the Trial Chamber found to be rebutted, as well as to the evidence of a number of witnesses which pertains to dropped Scheduled Incident B.1.3, which the Trial Chamber has therefore not considered, and to Scheduled Incident B.1.2, which the Trial Chamber has considered elsewhere.[1463] The Prosecution also refers to the evidence of Ewa Tabeau.[1464] In this respect, the Trial Chamber notes that while Tabeau links a total of nine victims to this scheduled incident,[1465] the cause of death could only be established by her in three cases.[1466] As it could not exclude the reasonable possibility that the victims died due to other causes, such as illness, the Trial Chamber has only made positive findings with respect to those detainees for whom it

[1460] The Trial Chamber recalls its finding in chapter 4.1.2 *Schedule C.1.2* that Manjača camp held detainees between 3 June and 18 December 1992.
[1461] The Trial Chamber notes that the various witness accounts are not entirely consistent as to the precise date or time when specific individuals were killed. Considering the number of witnesses providing evidence and the fact that these witnesses gave evidence many years after the incidents in question, the Trial Chamber finds that these inconsistencies do not affect the overall finding on the charge.
[1462] In light of the detailed evidence by Witness RM-709 and the forensic evidence concerning the cause of death of Husein Delalović, the Trial Chamber does not rely on P227, which states that the victim died of natural causes.
[1463] *See* Prosecution Final Brief, Annex B, p. 1.
[1464] *See* Prosecution Final Brief, Annex B, p. 1.
[1465] *See* P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 313-315.
[1466] *See* P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), p. 313; P3288 (Autopsy reports for Esad Bender and Omer Filipović, 30 July 1992), pp. 6-7; P4697 (Death certificate for Husein Delalović, 29 January 2007), p. 2; P4698 (Autopsy report for Husein Delalović, dated 22 June 2006), p. 2; P5992 (Court record of exhumation of Esad Bender and Omer Filipović, 17 November 1998), p. 5.

received eye-witness evidence of their killing. Since the Trial Chamber's finding is based on such eye-witness accounts, the Trial Chamber also rejects the Defence's argument that the forensic evidence fails to link any deaths which occurred inside Manjača camp to the VRS.[1467]

375. The Trial Chamber further finds that Omer Filipović and Emir Mulalić were Bosnian Muslims. The Trial Chamber could not determine the ethnicities of Esad Bender, Muslija, the unidentified man from Ključ, and Husein Delalović. The Trial Chamber will further consider this incident, with regard to the killings of Omer Filipović and Emir Mulalić, in relation to Counts 3-6 of the Indictment in chapter 8 below.

376. The Trial Chamber also finds that, on other occasion, during the summer of 1992, buses and trucks loaded with detainees from Trnopolje and Keraterm camps arrived at Manjača camp, escorted by soldiers wearing black uniforms. The soldiers killed at least two detainees by slitting their throats as they got off the buses. The killings stopped when Božidar Popović intervened and questioned the perpetrators as to who had ordered their actions. Considering that the detainees at Trnopolje and Keraterm camps also contained a small number of detainees of ethnicities other than Bosnian Muslim, the Trial Chamber cannot exclude the reasonable possibility that the two detainees were of another ethnicity. For this reason, the Trial Chamber will not further consider this incident in relation to any count of the Indictment.

377. The Trial Chamber will consider the Defence's argument that the VRS investigated and punished the perpetrators of some of the killings pertaining to this scheduled incident in chapter 9.2.10.

4.1.2 Unlawful detention and cruel or inhumane treatment in detention facilities

Schedule C.1.2

378. According to the Indictment, the Accused is responsible for unlawful detention, torture, beating, abuse, rape, other acts of sexual violence, and subjecting Bosnian Muslims and Bosnian Croats detainees to inhumane living conditions in Manjača camp

[1467] With respect to the Defence's argument that Šabanović's evidence does not support a positive finding with respect to the killing of an unidentified man from Ključ (*see* Defence Final Brief, para. 868), the

between early June and 18 December 1992.[1468] The Defence argued that Manjača camp held POWs and criminals.[1469] It further argued that, because of a humanitarian crisis, the VRS lacked resources to provide for the detainees at Manjača camp and that the guards at the camp did not have sufficient food either and that the SJB personnel present at Manjača camp were not within the effective control of the VRS.[1470] The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this charge. It also received evidence from **Milovan Milutinović**, Chief of the Press Centre and the Information Service at the 1KK between 1992 and 1994 and head of the VRS Main Staff Information Service and Centre for Information and Propaganda Activities between 1994 and 1996;[1471] **Enis Šabanović**, a Bosnian Muslim from Trnova in Sanski Most Municipality who was detained at Manjača camp from about 6 June to 24 November 1992;[1472] **Mirzet Karabeg**, a Bosnian Muslim who served as the SDA President of the Executive Board of the Sanski Most Municipal Assembly from 1 January 1991 until 17 April 1992 and as the President of the Sanski Most War Presidency from 30 March 1993 until 15 March 1996;[1473] **Sakib Muhić**, **Adem Seferović**, **Ahmet Zulić**, and **Bekir Delić**, all Bosnian Muslims from Sanski Most Municipality;[1474] **Atif Džafić**, the Bosnian-Muslim police commander of the Ključ SJB from 1991 to 21 or 22 May 1992;[1475] **Asim Egrlić**, a Bosnian Muslim from Ključ who was detained at Manjača camp between 12 June and 13 December 1992 and then at Batković camp;[1476] **Muhamed Filipović** and **Witness RM-018**, both Bosnian Muslims

Trial Chamber notes that its finding in this respect is based on the evidence of Šabanović and Marić, the latter of whom was an eye-witness of the beating which led to the death of the victim.

[1468] Indictment, paras 39(b)-(c), 53, 59(b)-(d), 59(g), Schedule C.1.2.

[1469] Defence Final Brief, paras 839, 841. *See also* Defence Final Brief, paras 901-905; T. 44734.

[1470] Defence Final Brief, paras 842, 883-887; T. 44603, 44735-44736.

[1471] D862 (Milovan Milutinović, witness statement, 11 July 2014), paras 3, 5, 51, 54, 140; Milovan Milutinović, T. 30038.

[1472] P3124 (Enis Šabanović, witness statement, 19 February 2001), pp. 1-2.

[1473] P3248 (Mirzet Karabeg, witness statement, 25 July 1999), pp. 1-2; P3249 (Mirzet Karabeg, witness statement, 23 May 2002), pp. 1-2.

[1474] **Sakib Muhić**: P3426 (Sakib Muhić, witness statement, 11 April 2000), pp. 1-2. **Adem Seferović**: P2502 (Adem Seferović, witness statement, 26 July 1999), pp. 1-2. **Ahmet Zulić**: P3611 (Ahmet Zulić, witness statement, 22 February 2010), p. 1, paras 1-3. **Bekir Delić**: P3432 (Bekir Delić, witness statement, 13 September 2001), pp. 1-2. The evidence of Sakib Muhić and Bekir Delić is also reviewed in chapter 9.2.10.

[1475] P3394 (Atif Džafić, witness statement, 28 September 2011), p. 1, paras 1, 4, 6; P3395 (Atif Džafić, *Karadžić* transcript, 30 September 2011), p. 19657. The evidence of Atif Džafić is also reviewed in chapter 9.2.10.

[1476] P3402 (Asim Egrlić, witness statement, 23 May 1997), pp. 1-2, 5; P3403 (Asim Egrlić, *Brđanin* transcript, 10 October 2002), p. 10607.

from Ključ Municipality;[1477] **Adil Draganović**, a Muslim Judge, President of the Sanski Most Municipal Court, who was detained in Manjača camp from 17 June 1992 to 14 December 1992;[1478] **Witness RM-709**, a Bosnian Muslim who deserted from the JNA in February 1992 and joined the Muslim TO in the village of Trnopolje;[1479] **Jakov Marić**, a Catholic Bosnian Croat from Sasina in Sanski Most Municipality;[1480] **Witness RM-017**, **Witness RM-026**, and **Witness RM-065**, all Bosnian Muslims from Prijedor Municipality;[1481] **Adil Medić**, a Muslim from Ključ and leader of the 'Muslim Corps' commission in charge of camp- and prisoner-related problems;[1482] **Witness RM-016**, a Bosnian Serb from Banja Luka;[1483] **Charles McLeod**, a member of the ECMM in north-west Bosnia since July 1992;[1484] **Charles Kirudja**, a UN civil affairs officer in Croatia between April 1992 and March 1994;[1485] **Boško Amidžić**, Chief of Quartermaster Service in the 1KK from May 1992 and Assistant Commander for Logistics in the 1KK from 14 February 1993;[1486] **Witness RM-051**, a VRS security officer;[1487] **Osman Selak**, a Bosnian-Muslim colonel in the JNA, and later the VRS, who retired in July 1992;[1488] and **Ewan Brown**, a military analyst,[1489] as well as

[1477] **Muhamed Filipović**: P3133 (Muhamed Filipović, witness statements), witness statement of 24 May 1997, pp. 1-2, witness statement, of 13 March 2001, p. 1. The evidence of Muhamed Filipović is also reviewed in chapter 9.2.10. **Witness RM-018**: P146 (Witness RM-018, witness statement, 28 July 1999), p. 1, para. 1; P147 (Witness RM-018, witness statement, 27 August 2002), p.1, para. 1; Witness RM-018, T. 1962-1963; P145 (Pseudonym sheet for Witness RM-018).
[1478] P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, pp. 1-2, 7, 10, 12, witness statement of 6 October 2000, p. 1, witness statement of 7 July 2000, pp. 1, 3. The evidence of Adil Draganović is also reviewed in chapter 4.12.7.
[1479] P3437 (Witness RM-709, witness statement, 6 June 2000), pp. 1-4; P3438 (Witness RM-709, witness statement, 16 February 2002), pp. 1-2; P3439 (Witness RM-709, witness statement, 26 October 2002), pp. 1-2.
[1480] P3117 (Jakov Marić, witness statement, 11 March 2000), pp. 1-2.
[1481] **Witness RM-017:** P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 1-2. **Witness RM-026:** P2585 (Witness RM-026, witness statements), statement of 23 September 1994, pp. 1-2. **Witness RM-065:** P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 1-2, witness statement of 28 August 2000, p. 2; P3274 (Pseudonym sheet for Witness RM-065). *See also* P3279 (Table of Concordance).
[1482] P154 (Adil Medić, witness statement, 31 January 1996), p. 1, para. 4; Adil Medić, T. 2033. The evidence of Adil Medić is also reviewed in chapter 9.2.10.
[1483] P2375 (Witness RM-016, witness statement, 5 August 2013), p. 1, paras 4, 11, 16; Witness RM-016, T. 17398.
[1484] P3258 (Charles McLeod, *Brđanin* transcript 21-24 June 2002), p. 7281. The evidence of Charles McLeod is also reviewed in chapter 9.2.10.
[1485] P3587 (Charles Kirudja, witness statement, 17 November 2010), para. 2.
[1486] D847 (Boško Amidžić, witness statement, 25 June 2014), para. 2; Boško Amidžić, T. 29502. The evidence of Boško Amidžić is also reviewed in chapter 9.2.10.
[1487] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), p. 5255; Witness RM-051, T. 2883-2884.
[1488] P244 (Osman Selak, witness statement, 13 July 2000), p. 1; Osman Selak, T. 2965-2966, 3182.
[1489] P2863 (Ewan Brown, witness statement, 27 and 28 July 2009), p. 2; P2858 (Ewan Brown, curriculum vitae), p. 1.

documentary evidence,[1490] and finds that this evidence is consistent with the Adjudicated Facts.[1491] It further received evidence from **Radomir Radinković**, a VRS

[1490] P4163 is reviewed in chapter 4.1.2 *Schedule C.2.1*.

[1491] **Boško Amidžić**: D847 (Boško Amidžić, witness statement, 25 June 2014), para. 27; Boško Amidžić, T. 29470, 29490-29492, 29524; P6993 (Manjača Camp daily report to the 1KK, 18 June 1992. **Ewan Brown**: P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013), paras. 2.1, 2.25, 2.35, 2.38, 2.40, 2.41, 2.55, 2.65-2.66, 2.68-2.72-2.73, 2.76, 2.87, 2.209; P2880 (Letter by Karadžić to Bosnian-Serb Prime Minister Đerić, 7 August 1992, and ICRC report on Manjača camp, 25 July 1992), pp. 5-7; P2891 (Article in 'Newsday' by Roy Gutman 'Prisoners of Serbia's war', 19 July 1992), pp. 1-2; P2898 (Daily report by Manjača Camp Operative Group to 1KK Command, 2 July 1992); P2899 (Daily report by Manjača Camp Operative Group to 1KK Command, 18-20 August 1992), pp. 1, 3-4; P2907 (Daily report by Manjača Camp Operative Group to 1KK Command, 5 November 1992), p. 1; P2908 (Manjača camp, Daily Report by Manjača Operative Group to 1KK Command, 8 August 1992), pp. 1-2; P2910 (Daily report by Manjača Camp Operative Group to 1KK Command, 29 October 1992), p. 1; P2923 (Daily report by Manjača Camp Operative Group to 1KK Command, 11 December 1992), pp. 1, 2, 4-5; P2924 Daily report by Manjača Camp Operative Group to 1KK Command, 13 December 1992), pp. 1, 3-4. **Bekir Delić**: P3432 (Bekir Delić, witness statement, 13 September 2001), pp. 8-9. **Adil Draganović**: P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, pp. 12-14, witness statement of 7 July 2000, pp. 5-6. **Atif Džafić**: P3394 (Atif Džafić, witness statement, 28 September 2011), paras 100-105, 107-110, 112, 123, 128-129; P3396 (List of prisoners being sent to the Manjača camp, signed by Vinko Kondić, 22 July 1992); P3397 (Map of Manjača camp, drawn by Atif Džafić); P3400 (Photography of witness Atif Džafić while detained in Manjača camp). **Asim Egrlić**: P3403 (Asim Egrlić, *Brđanin* transcript, 10 October 2002), p. 10605-10607. **Muhamed Filipović**: P3133 (Muhamed Filipović, witness statements), witness statement, of 13 March 2001, pp. 3-5; P3134 (Muhamed Filipović, *Brđanin* transcript, 30 August 2002, 4-5 September 2002), pp. 9612-9614, 9617-9619, 9620. **Mirzet Karabeg**: P3248 (Mirzet Karabeg, witness statement, 25 July 1999), p. 13; P3250 (Mirzet Karabeg, *Brđanin* transcript, 27-28 May 2002), pp. 6184-6188; P3251 (Mirzet Karabeg, *Krajišnik* transcript, 24 May 2004), p. 2750. **Charles Kirudja**: P3587 (Charles Kirudja, witness statement, 17 November 2010), para. 74; P6484 (Memorandum by Charles Kirudja to UNPROFOR headquarters, 3 July 1992), pp. 1-2. **Jakov Marić**: P3117 (Jakov Marić, witness statement, 11 March 2000), p. 5; P3119 (Sasina parish report on the killed, missing and wounded, June 1992 until December 1992), p. 1. **Charles McLeod**: P3258 (Charles McLeod, *Brđanin* transcript, 21-24 June 2002), pp. 7314-7316, 7333; P3264 (ECMM report, 3 September 1992), paras 1, 3, 26, 37-38; P3269 (Charles McLeod's personal notes, 20-31 August 1992), pp. 43, 45, 57. **Adil Medić**: P154 (Adil Medić, witness statement, 31 January 1996), paras. 6, 8-10, 21; Adil Medić, T. 2042-2043, 2048, 2054, 2056. **Milovan Milutinović**: D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 33. **Sakib Muhić**: P3426 (Sakib Muhić, witness statement, 11 April 2000), pp. 3, 7, 8-10, 12. **Enis Šabanović**: P3124 (Enis Šabanović, witness statement, 19 February 2001), pp. 7-17; P3125 (Enis Šabanović, *Brđanin* transcript, 5 June 2002) p. 6488. **Adem Seferović**: P2502 (Adem Seferović, witness statement, 26 July 1999), pp. 6-7. **Osman Selak**: P244 (Osman Selak, witness statement, 13 July 2000), paras 60-61; Osman Selak, T. 2970-2971, 3002. **Witness RM-016**: P2375 (Witness RM-016, witness statement, 5 August 2013), paras 44, 45, 48; Witness RM-016, T. 17394, 17465-17466, 17468-17469. **Witness RM-017**: P3228 (Witness RM-017, witness statement, 1 September 1994), p. 23. **Witness RM-018**: P146 (Witness RM-018, witness statement, 28 July 1999), paras 84-89, 93-94. **Witness RM-026**: P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 10. **Witness RM-051**: P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5255-5256, 5261, 5264-5265, 5267-5268, 5276, 5278-5280, 5282-5283, 5288-5293, 5295-5302, 5311-5312, 5344-5345, 5349-5350, 5365, 5386-5389; Witness RM-051, T. 2873-2874, 2876-2880, 2889, 2916-2917, 2922-2927, 2928, 2931, 2937-2938; P215 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 1 July 1992), pp. 1-2; P216 (Regular combat report from 1KK head of the command and control group Colonel Stevan Bogojević to the VRS, 10 July 1992), p. 1; P217 (1KK regular combat report, signed for Momir Talić, 13 June 1992), p. 2; P218 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 27 June 1992), p. 1; P219 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 5 July 1992), p. 1; P220 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 9 July 1992), p. 1; P221 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 22 July 1992), p. 1; P222 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 29 July 1992), p. 2; P223 (Minutes of meeting by officials from Manjača camp and list of 92 detainees, 20 August 1992), p. 1-10, 15; P224 (Report by Head of the 1KK Command to the VRS Main Staff, 7 August

1KK intelligence and security officer at Manjača camp as of May 1992,[1492] and finds that this evidence is partially consistent with the Adjudicated Facts.[1493] The Trial Chamber will address the evidence of Radomir Radinković below. The Trial Chamber also received evidence from **Witness RM-093**, a member of the Banja Luka district TO;[1494] and **Miloš Šolaja**, Editor-in-chief within the 1KK Press Centre from 18 July 1992 until the end of the war[1495], as well as documentary evidence.

Establishment and security at Manjača camp

379. **Ewan Brown** testified that Manjača camp was activated and deactivated on three occasions between 1991 and 1993; the first period of establishment ran from late 1991, the second from June to mid-December 1992, and the third for a brief period in 1993.[1496] Manjača camp was first established on orders of Major General Momir Talić of the JNA 5th Corps in the second half of 1991, commanded by Lieutenant Colonel Stanko Baltić, and used to detain members of the MUP and ZNG, identified as Croatian

1992), p. 1; P225 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 22 June 1992), p. 1; P226 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 4 July 1992), p. 1; P227 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 8 July 1992), p. 1.; P228 (List of detainees younger than 18 years to be released from Manjača camp, dated 10 July 1992), p. 1; P229 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 16 July 1992), pp. 1-2; P231 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 23 July 1992), p. 1; P233 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 7 August 1992), pp. 1-2; P236 (List of detainees from Omarska to Manjača camp, sent by Prijedor SJB Chief to Manjača camp Commander, 17 August 1992), p. 1; P237 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 21/22 August 1992), pp. 1-2; P241 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 14 November 1992), pp. 1-2; P242 (Report by Colonel Stevan Bogojević to Chief of SNB Prijedor, 6 August 1992), p. 1; P243 (BBC video footage of Manjača camp, 20 August 1992). **Witness RM-065**: P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 38-39; P3273 (Witness RM-065, *Karadžić* transcript, 17 January 2011), p. 10325; P3275 (Video of Manjača camp). See also P3279 (Table of Concordance). **Witness RM-709**: P3437 (Witness RM-709, witness statement, 6 June 2000), pp. 7-8, 10. **Ahmet Zulić**: P3611 (Ahmet Zulić, witness statement, 22 February 2010), paras 87, 94, 103, 106-107, 109, 112, 117-122, 124-125, 137-139; P3612 (Diary of Ahmet Zulić, second book), pp. 6-7; P3613 (Diary of Ahmet Zulić, third book), pp. 3-4; P3615 (Handwritten list of detainees, undated). **Documentary Evidence**: P4163 (Channel Four news report), p. 3; P6796 (Daily report concerning the transport of detainees out of Manjača, 14 December 1992), p. 1; P299 (UN Commission on Human Rights report on the situation of human rights the former Yugoslavia, 28 August 1992), paras 2-3, 35-36.

[1492] D900 (Radomir Radinković, witness statement, 8 December 2013), pp. 1, 6. The evidence of Radomir Radinković is also reviewed in chapter 9.2.10.

[1493] **Radomir Radinković**: D900 (Radomir Radinković, witness statement, 8 December 2013), 2-3, 5-6, 8, 10-11; Radomir Radinković, T. 31731, 31736, 31738, 31772-31774; D901 (Table of concordance of Adjudicated Facts).

[1494] P3144 (Witness RM-093, witness statement, 12 October 2002), p. 1-2; P3145 (Witness RM-093, *Brđanin* transcript, 6, 7, 10-13 March 2003), p. 15273. The evidence of Witness RM-093 is also reviewed in chapter 9.2.10.

[1495] D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 4.

forces, in accordance with the Geneva Conventions.[1497] Detainees began arriving immediately after the establishment of the camp.[1498] According to **Brown**, by early 1992, Manjača camp appeared to have been deactivated.[1499]

380. In mid-May 1992, Bosnian-Serb authorities set up the camp.[1500] **Boško Amidžić** testified that on 26 May 1992, at a briefing of the 1KK Command, Colonel Vaso Tepšić, the then Assistant Commander for Logistics, was assigned to lead the formation of a POW camp in Manjača.[1501] **Witness RM-093** stated that on 1 June 1992, Talić attended a meeting at the 1KK Command, during which he instructed that a camp be formed in Manjača.[1502] **Osman Selak** testified that he attended this meeting and that Talić ordered the establishment of a 'POW' camp at the Manjača training ground for approximately 2,500 'POWs' and specified that soldiers stationed there were to be armed.[1503] **Brown** testified that the camp was reactivated as a result of the operations in the Bosnian Krajina to house detainees from various municipalities in Bosanska Krajina, as VRS forces under the command of Lieutenant Colonel Božidar Popović seized control of Prijedor, Sanski Most, Ključ, and other Krajina areas in the spring and summer of 1992.[1504]

381. **Amidžić** testified that the establishment of Manjača camp was regulated by official orders 'within the competence of the VRS Main Staff'. The VRS Main Staff issued detailed instructions based on international humanitarian law for the treatment of detainees at the camp as well as detailed tasks to the members of the 1KK in charge of setting up the camp.[1505] **Brown** testified that on 2 June 1992, Mladić travelled to Banja

[1496] P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013), paras 2.1, 2.31, 2.231, 2.240.
[1497] P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013), paras 2.2-2.4. *See also* P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5257, 5261; Witness RM-051, T. 2937-2938.
[1498] P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013), para. 2.6.
[1499] P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013), para. 2.9.
[1500] Adjudicated Facts I, no. 458. Given that, according to Brown's evidence, Manjača camp was active in 1992, the Trial Chamber understand Adjudicated Fact 458 to mean that in mid-May 1992, Manjača camp was reactivated.
[1501] D847 (Boško Amidžić, witness statement, 25 June 2014), para. 25.
[1502] P3144 (Witness RM-093, witness statement, 12 October 2002), p. 24. *See also* P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 14.
[1503] P244 (Osman Selak, witness statement, 13 July 2000), para. 59; Osman Selak, T. 2970, 2992, 3000; P253 (Excerpts from Osman Selak's Diary) p. 4.
[1504] P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013), paras 2.9-2.11, 2.13.
[1505] D847 (Boško Amidžić, witness statement, 25 June 2014), para. 26.

Luka, where he and Karadžić attended a meeting of representatives of the Bosnian-Serb Krajina leadership and unit commanders of the 1KK.[1506] Based on briefings and subsequent reporting on 1 and 2 June 1992, Brown concluded that Manjača camp was established with the clear knowledge of Mladić and the VRS Main Staff, as well as of the senior Bosnian-Serb political leadership, following a briefing between the VRS Main Staff and subordinate corps commanders on 1 June 1992, which Mladić attended.[1507] The establishment of detention camps was sanctioned and understood at the highest levels of the VRS and the Bosnian-Serb Government, and the obligations on the correct treatment of detainees under international law were clearly understood and disseminated from the highest to the lowest levels of the VRS.[1508]

382. **Sakib Muhić** stated that Manjača camp was located 30 kilometres from Banja Luka and consisted of two parts separated by barbed wire, with three cattle stables on either side of the barbed wire.[1509] **Selak** testified that Manjača camp was approximately 700 hectares, of which one and a half or two hectares were reserved for the detention of 'POWs'.[1510] **Ahmet Zulić** stated that the entire camp was surrounded by barbed wire and regularly patrolled by policemen with German shepherds who were behind the barbed-wire fence.[1511] **Radomir Radinković** testified that the internal and external barbed-wire fences were two metres high.[1512] **Muhić** noticed four machine gun nests positioned at the four corners of the camp and saw soldiers manning them.[1513] The nests and soldiers remained in these positions throughout the witness's time at the camp, which was between June and November 1992.[1514] **Atif Džafić** stated that, at some point,

[1506] P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013), para. 2.16.
[1507] P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013), paras 2.13-2.15, 2.17. *See also* P353 (Mladić notebook, 27 May - 31 July 1992), pp. 44, 53-61; P246 (Report by 1KK Commander Talić to the VRS Main Staff, 1 June 1992).
[1508] P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013), para. 2.29. *See also* P377 (Instructions on the treatment of POWs, 15 June 1992); P3540 (Instructions on the treatment of captured persons, 13 June 1992).
[1509] P3426 (Sakib Muhić, witness statement, 11 April 2000), pp. 2, 7, 10. *See also* P3437 (Witness RM-709, witness statement, 6 June 2000), p. 8; P3258 (Charles McLeod, *Brđanin* transcript, 21-24 June 2002), p. 7314.
[1510] Osman Selak, T. 2976-2977, 3002.
[1511] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 107. *See also* P3258 (Charles McLeod, *Brđanin* transcript, 21-24 June 2002), p. 7314.
[1512] D900 (Radomir Radinković, witness statement, 8 December 2013), p. 2; Radomir Radinković, T. 31730.
[1513] P3426 (Sakib Muhić, witness statement, 11 April 2000), p. 7. *See also* P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 107; P3258 (Charles McLeod, *Brđanin* transcript, 21-24 June 2002), p. 7314.
[1514] P3426 (Sakib Muhić, witness statement, 11 April 2000), pp. 3, 7, 10.

mines were placed near the barbed-wire fence that surrounded the camp.[1515] Apart from guard towers, a trench bunker, and military barracks, he identified 23 structures in the camp, including two canteens, three quarters for the camp commander and guards, one command office, three workshops, one room for medical examinations, one infirmary, two solitary cells, and four interrogation rooms.[1516]

383. Manjača camp was run by Bosnian-Serb military police under the command of the 1KK.[1517] **Brown** testified that based on the regular reports passed between the 1KK and the camp, Talić established a functioning reporting chain from Manjača camp to the corps.[1518] **Witness RM-018** testified that members of the military police and soldiers guarded the detainees.[1519] **Brown** testified that while Manjača camp was a military run facility, the Bosnian-Serb police, including both the SJB and the CSB, were at times directly involved in the processing of detainees, including the guarding and escorting of detainees during their transfer, as well as the compilation of files and the submission of criminal reports.[1520] **Adil Draganović** stated that the guards included Serbs in regular blue police uniforms and members of the military police wearing white belts and camouflage uniforms.[1521]

384. **Witness RM-051** testified that sometime in June 1992, when there was a shortage of personnel in the camp, the 1KK Commander issued an order to the SJBs in Ključ, Sanski Most, and other places to send 20 to 30 police officers as reinforcement for securing the perimeter of the camp; these police officers were sent to the camp around July or August 1992 and were subordinated to the 1KK.[1522] The camp security forces included the internal security forces, consisting of the military police and police forces, and the external security forces, consisting of three battalions of the 1st Light Artillery Regiment, one APC from the 2nd Armoured Brigade, and one company of the

[1515] P3394 (Atif Džafić, witness statement, 28 September 2011), para. 100. *See also* P3133 (Muhamed Filipović, witness statements), witness statement, of 13 March 2001, p. 3; P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013), paras 2.35, 2.66, 2.68-2.72-2.73, 2.76, 2.87.
[1516] P3394 (Atif Džafić, witness statement, 28 September 2011), para. 100; P3397 (Map of Manjača camp drawn by Atif Džafić). *See also* D900 (Radomir Radinković, witness statement, 8 December 2013), p. 2.
[1517] Adjudicated Facts I, no. 439.
[1518] P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013), para. 2.25, 2.65.
[1519] P146 (Witness RM-018, witness statement, 28 July 1999), para. 86.
[1520] P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013), paras 2.36-2.37.
[1521] P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 13.
[1522] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5265-5267, 5365.

1st Military Police Battalion.[1523] **Radinković** testified that a platoon of the military police battalion, which was directly under the command of the 1KK, was in charge of the internal security of the camp, and the civilian police were in charge of securing the external components of the camp.[1524] **Enis Šabanović** specified that the guards outside the wired fence of the camp were mostly policemen from Prijedor, Banja Luka, and Sanski Most and would sometimes enter and beat detainees. According to the witness, there would be anywhere between 20 to 50 guards inside the camp on any given day.[1525]

385. **Witness RM-051** testified that, in principle, neither military police officers nor SJB officers were allowed to enter the camp within the perimeters of the barbed-wire fence unless there was a need for intervention.[1526] According to the witness, only men from a special interventions patrol were allowed to enter the internal perimeter of the camp, albeit unarmed, in accordance with a schedule set up by the military police commander. According to **Radinković**, generally, no one except for the patrol of military policemen on duty had access to the area in which the detainees were held.[1527] **Witness RM-017** stated that the guards stayed on the other side of the fence from the compound and were not allowed inside the sleeping rooms.[1528]

386. Colonel Božidar Popović was the camp commander.[1529] **Witness RM-015** testified that Popović, who was a VRS officer who had earlier retired as JNA officer, was appointed to this position around 15 June 1992.[1530] **Šabanović** stated that Popović called the detainees *'Ustaša'* and said that they were going to lose their heads. He also said that they were in 'a Serb nation' and that Bosnia was theirs.[1531] **Witness RM-016** testified that Popović reported to General Talić and to the Corps command.[1532] **Šabanović** stated that military policemen told him that Talić trusted Popović and praised him, giving the witness the impression that Popović was carrying out Talić's

[1523] P3268 (Order of the 1KK command, 27 July 1992), p. 1.
[1524] D900 (Radomir Radinković, witness statement, 8 December 2013), p. 2; Radomir Radinković, T. 31737-31738, 31768.
[1525] P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 17.
[1526] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), p. 5266.
[1527] Radomir Radinković, T. 31730-31731.
[1528] P3228 (Witness RM-017, witness statement, 1 September 1994), p. 23.
[1529] Adjudicated Facts I, no. 460.
[1530] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5261, 52164-5265. *See also* P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 10; P2586 (Witness RM-026, *Stakić* transcript, 26 April and 1 May 2001), pp. 2387-2388.
[1531] P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 16.
[1532] P2375 (Witness RM-016, witness statement, 5 August 2013), para. 45; Witness RM-016, T. 17465.

orders.[1533] A person called Špaga was the second-in-command at the camp.[1534] **Zulić** specified that Špaga's full name was Predrag Kovačević.[1535] **Muhić** stated that either Popović or Špaga was present at the camp at all times.[1536] Popović would sometimes wear a camouflage uniform but usually wore an olive-green uniform worn by JNA officers, while Špaga always wore a camouflage uniform.[1537] **Muhamed Filipović** also identified Špaga as one of the men responsible for Manjača camp, and a man nicknamed Zoka as one of the guards.[1538] **Radinković** testified that the personnel in the camp included the members of the intelligence and security organ and their superior officer of the 1KK.[1539] Their superior officer was initially Lieutenant-Colonel Milan Stevilović and later Stevan Bogojević.[1540] The members of the intelligence and security organ reported in writing to the security department at least once a week and, if necessary, daily; they verbally briefed Božidar Popović on a regular basis.[1541] Other members of the camp personnel were the warden, medical personnel, and supervisors.[1542]

387. **Witness RM-709** stated that the chief of security of Manjača camp was Željko Bulatović a.k.a. Bula or Fadil.[1543] **Zulić** described Bulatović a.k.a. Fadil or Tito as a Muslim guard.[1544] **Šabanović** referred to him as 'the most bloodthirsty of them all'.[1545] He further recognized another guard as a policeman from Sanski Most named Maco Došenović, who had escorted his transport to the camp.[1546] **Zulić** stated that another guard in the camp was called Zoka.[1547] **Karabeg** identified one of the guards at Manjača

[1533] P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 16.
[1534] P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 17. *See also* P146 (Witness RM-018, witness statement, 28 July 1999), para. 86; P3426 (Sakib Muhić, witness statement, 11 April 2000), p. 10; P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 10; P2586 (Witness RM-026, *Stakić* transcript, 26 April and 1 May 2001), pp. 2387-2388.
[1535] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 120.
[1536] P3426 (Sakib Muhić, witness statement, 11 April 2000), p. 10.
[1537] P3426 (Sakib Muhić, witness statement, 11 April 2000), p. 10.
[1538] P3134 (Muhamed Filipović, *Brđanin* transcript, 30 August 2002, 4-5 September 2002), pp. 9609-9610, 9625.
[1539] D900 (Radomir Radinković, witness statement, 8 December 2013), pp. 2, 8, 10; Radomir Radinković, T. 31736.
[1540] D900 (Radomir Radinković, witness statement, 8 December 2013), p. 2, 8; Radomir Radinković, T. 31736.
[1541] D900 (Radomir Radinković, witness statement, 8 December 2013), p. 3; Radomir Radinković, T. 31737.
[1542] D900 (Radomir Radinković, witness statement, 8 December 2013), p. 10.
[1543] P3437 (Witness RM-709, witness statement, 6 June 2000), p. 7. *See also* P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 17.
[1544] P3611 (Ahmet Zulić, witness statement, 22 February 2010), paras 97, 103, 120; P3612 (Diary of Ahmet Zulić, second book), pp. 6-7.
[1545] P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 17.
[1546] P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 7.
[1547] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 120.

camp as Tito.[1548] **Witness RM-709** stated that one of the guards was Neđeljko from Ključ.[1549] **Witness RM-065** referred to two guards called Gugi and Aco.[1550]

388. Once a week, a delegation from the 1KK, including Milovan Milutinović and Ostoja Barašanin, visited the camp. On the day the camp's observation post was built, General Talić visited the camp and walked through the camp with Popović.[1551]

389. **Witness RM-093** stated that on 18 August 1992, a meeting was held at the 1KK Command IKM in Duge Njive with, amongst others, General Talić, Colonel Stevo Bogojević, Radoslav Brđanin, General Ninković, Stojan Župljanin, Predrag Radić, Nikola Erceg, Čelinac Municipality President Sveto Kovačević, and Colonel Gojko Bogojević.[1552] Talić then ordered that the four light infantry brigades from Banja Luka be re-deployed to the Manjača training ground.[1553]

Detainees at Manjača camp

390. Manjača camp was one of the major places of detention in the ARK, receiving detainees from various ARK municipalities and from other camps and detention facilities located therein.[1554] The detainees were mainly from the areas of Kozarac and the Sana River valley.[1555] **Brown** specified that the detainees were from – among other municipalities in the Krajina – Ključ, Sanski Most, Bosanska Dubica, Doboj, Prijedor, Mrkonjić Grad, Šipovo, Jajce, Donje Vakuf, Derventa, and Kotor Varoš.[1556] **Draganović** added that some came also from Banja Luka.[1557] According to **Džafić**, some 1,200 detainees were from the territory of Ključ.[1558] **Ahmet Zulić** referred to a handwritten and undated list, which included 372 people who, according to the witness,

[1548] P3250 (Mirzet Karabeg, *Brđanin* transcript, 27-28 May 2002), p. 6188.
[1549] P3437 (Witness RM-709, witness statement, 6 June 2000), pp. 7-8.
[1550] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 39.
[1551] P3437 (Witness RM-709, witness statement, 6 June 2000), p. 10.
[1552] P3144 (Witness RM-093, witness statement, 12 October 2002), pp. 32-33.
[1553] P3144 (Witness RM-093, witness statement, 12 October 2002), p. 38.
[1554] Adjudicated Facts I, no. 461.
[1555] Adjudicated Facts I, no. 459.
[1556] P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013), para. 2.30. *See also* P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 13.
[1557] P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 13.
[1558] P3394 (Atif Džafić, witness statement, 28 September 2011), para. 129.

were arrested and subsequently detained at Manjača camp, approximately 90 per cent of whom were from Sanski Most Municipality.[1559]

391. The camp held almost exclusively civilians, who were predominantly Bosnian Muslims; there were also some Bosnian Croats and very few Bosnian Serbs.[1560] **Brown** testified that large numbers of individuals were rounded up and sent to Manjača camp without any proper selection or processing.[1561] A number of witnesses provided evidence about the circumstances in which different groups of detainees were brought to Manjača camp. **Karabeg** stated that on 3 June 1992, approximately 152 individuals were transferred from Hasan Kikić School in Sanski Most to Manjača camp.[1562] **Šabanović** added that they were escorted by policemen.[1563] On 6 June 1992, the Sanski Most Crisis Staff instructed the SJB to evacuate 150 prisoners and take them to Manjača.[1564] **Karabeg** stated that on 6 June 1992, approximately 172 individuals, who had been captured during combat operations, were transferred from the prison in Sanski Most, Betonirka, and Dvorana Hall to Manjača camp.[1565] **Džafić** stated that on 7 June 1992, he was forced to walk in a column to Manjača camp for six to eight hours, together with other 400 civilians, 200 to 250 of whom had been detained at Sitnica School in Ključ Municipality, escorted by Serb reserve policemen from Sitnica.[1566] **Asim Egrlić** stated that around 12 June 1992, he, along with a large group of people who were mostly from Ključ, was transferred from Stara Gradiška prison to Manjača camp, where there were already many people from Grapska in Doboj Municipality.[1567] **Witness RM-018** testified that on the morning of 24 June 1992, he was escorted together with 18 other detainees from the police headquarters in Ključ to Manjača camp

[1559] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 137; P3615 (Handwritten list of detainees, undated).
[1560] Adjudicated Facts I, nos 459, 462.
[1561] P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013), paras 2.42-2.46.
[1562] P3250 (Mirzet Karabeg, *Brđanin* transcript, 27-28 May 2002), pp. 6164-6165. *See also* P3124 (Enis Šabanović, witness statement, 19 February 2001), pp. 5-7; P3125 (Enis Šabanović, *Brđanin* transcript, 5 June 2002) pp. 6487-6488; P3127 (Order by the Sanski Most Crisis Staff, 6 June 1992).
[1563] P3124 (Enis Šabanović, witness statement, 19 February 2001), pp. 5-7; P3125 (Enis Šabanović, *Brđanin* transcript, 5 June 2002) pp. 6487-6488; P3127 (Order by the Sanski Most Crisis Staff, 6 June 1992).
[1564] P3870 (Conclusions of the Sanski Most Crisis Staff, 6 June 1992).
[1565] P3250 (Mirzet Karabeg, *Brđanin* transcript, 27-28 May 2002), pp. 6164-6165; P3255 (Letter from the public security station to the Manjača commander, 6 June 1992). *See also* P2502 (Adem Seferović, witness statement, 26 July 1999), pp. 5, 7.
[1566] P3394 (Atif Džafić, witness statement, 28 September 2011), paras 96-99.
[1567] P3402 (Asim Egrlić, witness statement, 23 May 1997), p. 5; P3403 (Asim Egrlić, *Brđanin* transcript, 10 October 2002), pp. 10567-10568. *See also* P214 (Witness RM-051, *Stanišić and Župljanin* transcript,

by Judge Jovo Dmitrović and five police officers, one of whom he identified as Sladojević.[1568] **Radinković** testified that detainees were mostly brought by the civilian police, although sometimes the military police brought in detainees from the zone of combat operations.[1569] On or about 6 August 1992, the civilian police, under the supervision of Simo Drljača, chief of the security services of Prijedor, brought 1,460 detainees in buses from Omarska to Manjača camp.[1570]

392. Upon entering the camp, all detainees were considered POWs and registered as such by the camp administration.[1571] After processing and interviewing the detainees, the intelligence and security organ found that among them were elderly, frail, under-aged, and sick people and that the majority of them had not been involved in the armed conflict and had been arrested without any weapons.[1572] **Brown** testified that although Manjača camp was portrayed as a detention centre for enemy soldiers captured during combat, camp authorities, as well as the VRS Main Staff, the CSB, and the 1KK were fully aware that many of those housed in Manjača camp in 1992 were actually not POWs.[1573] According to notes from a 22 June 1992 meeting between General Talić and Muslim representatives, including members of Merhamet, a local Bosnian-Muslim organisation, the accommodation of detainees in Manjača camp was reported to Talić as 'clearly contrary to the regulations of the Geneva Convention'.[1574] Muslims and Croats had been captured in Sanski Most Municipality after being called by the 'Serbian' authorities for a meeting and, upon their arrival at the camp, 30 per cent of them had serious injuries, such as fractured jaws, ribs, and hands.[1575] Talić was to contact Stojan Župljanin to ask for the release of all non-military detainees.[1576] **Charles McLeod** however stated that during the ECMM visit on 30 August 1992, Popović said there were around 3,640 POWs in the camp, 3.4 per cent of whom were Croat, less than 1 per cent

21-22 January 2010), pp. 5278-5280; P217 (1KK regular combat report, signed for Momir Talić, 13 June 1992), p. 2.

[1568] P146 (Witness RM-018, witness statement, 28 July 1999), paras 2-4, 73-74, 83-85.

[1569] D900 (Radomir Radinković, witness statement, 8 December 2013), p. 7.

[1570] Radomir Radinković, T. 31756, 31768-31769, 31806. *See also* P3228 (Witness RM-017, witness statement, 1 September 1994), p. 22; P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 9; P2586 (Witness RM-026, *Stakić* transcript, 26 April and 1 May 2001), p. 2388; P3878 (New York Times article on the 'Conflict in the Balkans', 9 August 1992), pp. 1-2.

[1571] Radomir Radinković, T. 31823-31824.

[1572] Radomir Radinković, T. 31751-31752.

[1573] P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013), paras 2.41, 2.55, 2.209.

[1574] P3873 (Notes from a meeting between General Talić and Muslim representatives, 22 June 1992), p. 1.

[1575] P3873 (Notes from a meeting between General Talić and Muslim representatives, 22 June 1992), p. 1.

Serb,[1577] and 96.5 per cent Muslim, and the POWs were being treated very humanely and as much as possible in accordance with the Geneva Conventions.[1578] All detainees were over the age of 14, which was considered to be the military age threshold.[1579] According to Popović, everyone was being interrogated and if it was proven that a person did not take part in fighting, that person would be released.[1580] **McLeod** saw that a few detainees were wearing parts of uniforms but the overwhelming majority were wearing civilian clothes and introduced themselves as civilians.[1581] One of the people who had escorted him to the camp told McLeod that because they needed the detainees' uniforms, they had taken them and replaced them with civilian clothing.[1582] **Draganović** specified that he only saw three ABiH soldiers and a few Serb deserters and Croat officers among the detainees.[1583] **Adem Seferović** also recalled that only three detainees at Manjača camp wore military uniforms and that those were Croatian military uniforms.[1584]

393. **Witness RM-016** testified that, unlike what was stated in a report from the Chief of Banja Luka SJB, only four people held at the Manjača detention centre were charged with a crime in the Banja Luka Military Court; the four were later acquitted and released.[1585] **Witness RM-051** testified that people detained at Manjača camp were suspects of crimes, but were not convicted of any crime upon their arrival at the camp.[1586] He was not aware of any case in which criminal proceedings were taken

[1576] Boško Amidžić, T. 29538; P3873 (Notes from a meeting between General Talić and Muslim representatives, 22 June 1992), p. 2.
[1577] P3258 (Charles McLeod, *Brđanin* transcript, 21-24 June 2002), p. 7309; P3264 (ECMM report, 3 September 1992), para. 21; P3269 (Charles McLeod's personal notes, 20-31 August 1992), p. 42. The Trial Chamber notes that our sources in relation to the percentage of Serb POWs in the camp are varying between 0.04 per cent and 0.4 per cent. Therefore, the Trial Chamber will assess this percentage as less than 1 per cent.
[1578] P3258 (Charles McLeod, *Brđanin* transcript, 21-24 June 2002), pp. 7306-7307, 7309, 7318; P3264 (ECMM report, 3 September 1992), paras 4-6, 21; P3269 (Charles McLeod's personal notes, 20-31 August 1992), pp. 40, 42; P3270 (Table of concordance).
[1579] P3258 (Charles McLeod, *Brđanin* transcript, 21-24 June 2002), p. 7378.
[1580] P3264 (ECMM report, 3 September 1992), para. 33; P3269 (Charles McLeod's personal notes, 20-31 August 1992), p. 44.
[1581] P3258 (Charles McLeod, *Brđanin* transcript, 21-24 June 2002), pp. 7317-7318, 7333, 7399; P3264 (ECMM report, 3 September 1992), para. 37; P3269 (Charles McLeod's personal notes, 20-31 August 1992), p. 57.
[1582] P3269 (Charles McLeod's personal notes, 20-31 August 1992), p. 57.
[1583] P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 14.
[1584] P2502 (Adem Seferović, witness statement, 26 July 1999), p. 5.
[1585] P2375 (Witness RM-016, witness statement, 5 August 2013), para. 49; Witness RM-016, T. 17423, 17465-17467; P3854 (Report from Simo Drljača addressed to the Bosnian-Serb MUP and the Banja Luka CSB, 5 August 1992).
[1586] Witness RM-051, T. 2874-2875.

against any of them.[1587] According to a news article dated 19 July 1992 by US journalist Roy Gutman, during an inspection by the ICRC in July 1992, the Serb army offered foreign journalists interviews with seven selected detainees and a camp doctor, in the presence of a camp guard. Many of the detainees he spoke to did not know why they had been brought to the camp; most of them stated that they had not taken up arms against the Serbs who had attacked their towns, and some stated that prior to their arrest, they had already turned over their legally registered guns to the Serbs as had been demanded. Banja Luka mayor Pedrag Radić told Gutman that the Manjača camp detainees had been offered to be exchanged for Serb POWs who were being held by Croats and Muslims, which led Gutman to conclude that the only purpose for their detention was for them to be used in bargaining for the exchange for Serb soldiers.[1588]

394. The number of detainees at Manjača at any one time between June and December 1992 varied from several hundred to over 3,000.[1589] At one point there were approximately 3,640 men detained in Manjača camp.[1590] **Witness RM-018** testified that Manjača camp comprised approximately 4,000 detainees.[1591] **Draganović** stated that about 6,000 men passed through the camp and the witness believed there was an average of 4,500 men in the camp at any given time between May and December 1992.[1592] **Witness RM-709** stated that when Omarska camp closed, the remaining detainees were transferred to Manjača camp, raising the total number to approximately 7,000 detainees.[1593] **Muhić** stated that by the time he was released, in November 1992, there were 3,900 detainees in the camp.[1594] The witness knew this figure because every day, one person in the stable had to count all the detainees in the stable and report it to a soldier and later, all those responsible for reporting the number of detainees in their stables compared notes.[1595] **Radinković** estimated the overall number of detainees that passed through the camp to be about 4,000 to 4,500, but that there were never more than 3,000 or 3,200 detainees at the camp at one time.[1596]

[1587] Witness RM-051, T. 2874-2875, 2900.
[1588] P2891 (Article in 'Newsday' by Roy Gutman 'Prisoners of Serbia's war', 19 July 1992), p. 2.
[1589] Adjudicated Facts I, no. 479.
[1590] Adjudicated Facts I, no. 462.
[1591] P146 (Witness RM-018, witness statement, 28 July 1999), para. 86.
[1592] P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 13.
[1593] P3437 (Witness RM-709, witness statement, 6 June 2000), p. 8.
[1594] P3426 (Sakib Muhić, witness statement, 11 April 2000), pp. 8, 10.
[1595] P3426 (Sakib Muhić, witness statement, 11 April 2000), p. 8.
[1596] Radomir Radinković, T. 31738, 31740-31743, 31747-31750.

395. In response to a written request by Merhamet to the command of the 1KK, between 110 to 120 detainees, among them under-age, elderly, and sick detainees, were released around 10 July 1992.[1597] In August and September 1992, more detainees were released.[1598] **Zulić** specified that about four under-aged boys as well as some men older than 60 years, were released on 28 August 1992, when the ICRC visited the camp.[1599] **Radinković** testified that detainees were selected to be released based on the evaluation and proposal of the intelligence and security organ, the camp commander, medical services, and with the approval of the 1KK Command and, sometimes, higher state authorities.[1600] A list compiled by the intelligence and security organ in August 1992 named 92 sick detainees for whom there was no evidence of participation in military activities.[1601] Only two detainees were amnestied on 11 September 1992 out of a group of 69 detainees from Manjača and Trnopolje camps whom the Presidency granted amnesty.[1602] Following a written report by the ICRC on the situation of the POWs in Manjača camp resulting from their visit to the camp on 17 July 1992, Mladić ordered on 12 August 1992 that the 1KK Command was to carry out a number of actions to improve the living conditions of the POWs in the camp. The actions to be undertaken were building a camp with all the necessary facilities according to international law by forming a working team composed of the POWs; that the POWs were to have adequate accommodation, water amounting to no less than 20 liters per 'prisoner', and meals of 2,800 calories per person per day; that the 'prisoners' were to be allowed to have a weekly bath, change and washing of underwear, medical check-ups and spraying; that POWs who were wounded, sick, or handicapped were to be transferred to a special facility which was to be made into a prison hospital; and that all manner of abuse, physical assaults, and beatings of 'prisoners' were to be terminated immediately.[1603] Mladić also ordered that the possibility of releasing 'civilian prisoners' should be considered, and that lists of 'prisoners' who had been released, exchanged, or who were deceased were to be sent to the ICRC. The 1KK Command was to report to the VRS Main Staff on the realization of the measures by 20 August 1992.[1604] According to **Radinković**, the intelligence and security organ could not act on the telegram, as far as

[1597] Adjudicated Facts I, nos 439, 478.
[1598] Adjudicated Facts I, no. 478.
[1599] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 116.
[1600] D900 (Radomir Radinković, witness statement, 8 December 2013), p. 5.
[1601] Radomir Radinković, T. 31790.
[1602] Radomir Radinković, T. 31793.
[1603] P2881 (VRS Main Staff order, 12 August 1992), pp. 1-2.

the release of civilians was concerned, as they would have required an order from the 1KK Command in this respect.[1605] The remaining detainees named on the August 1992 list compiled by the intelligence and security organ, were subsequently sent by buses to a third country.[1606] There were also a few instances of pardoning individuals on orders signed by Karadžić and at least once by Vojo Kuprešanin.[1607] On 1 October 1992, the ARK Assembly requested that the Bosnian-Serb Presidency pardon and release 13 Muslim detainees from Manjača camp as it 'has been established that they did not participate in the insurrection' against the Bosnian-Serb Republic.[1608]

396. In December 1992, Manjača camp was closed and the ICRC took care of the detainees that were released.[1609] Pursuant to a VRS Main Staff order dated 14 December 1992, on 15 December 1992 General Momir Talić ordered the Manjača camp commander, the 1KK Command, the assistant commander for moral guidance, the assistant commander for logistics, and the chief of the intelligence and security department to immediately close down Manjača camp. The detainees not suspected of having committed crimes were to be handed over to the ICRC, which would act as an intermediary in directing them to new locations of their choice.[1610] 'POWs' for whom there were grounds for suspicion that they had committed criminal acts, crimes against humanity, or war crimes were to be transferred to Batkovići camp near Bijeljina, and were to be treated in accordance with a Bosnian-Serb MoD instruction on the treatment of POWs dated 13 December 1992.[1611] The addressees of the order were to report back to Talić regarding the closing down no later than 26 December 1992. Of those prisoners for whom investigation had not determined that they had committed any war crimes,132 were to be sent to Kula camp near Sarajevo in order to be exchanged for 'Serbian' detainees.[1612]

[1604] P2881 (VRS Main Staff order, 12 August 1992), p. 2.
[1605] Radomir Radinković, T. 31812, 31815-31816, 31819.
[1606] Radomir Radinković, T. 31800-31801.
[1607] D900 (Radomir Radinković, witness statement, 8 December 2013), pp. 9, 10.
[1608] P3883 (Request from ARK Assembly to Bosnian-Serb Republic Presidency for pardon of Manjača camp detainees).
[1609] Adjudicated Facts I, no. 478.
[1610] P3806 (Order to close down Manjača camp by Momir Talić, 15 December 1992), p. 1.
[1611] P3806 (Order to close down Manjača camp by Momir Talić, 15 December 1992), p. 1. The Trial Chamber understands the reference to 'Batkovići' camp to be to Batković camp.
[1612] P3806 (Order to close down Manjača camp by Momir Talić, 15 December 1992), p. 1.

397. **Egrlić** stated that he remained in Manjača camp until 13 December 1992 when he was moved to Batković camp.[1613] **Witness RM-026** stated that on 18 December 1992, he hastily signed a release form he did not have much time to read, in exchange for his release.[1614] During the last 15 days of his detention at the camp, the witness saw journalists every few days.[1615] A 1KK combat report and an ICRC press release confirmed that on 18 December 1992, Manjača camp was disbanded with the release of 418 or 419 detainees.[1616] Eight other detainees who were treated at Banja Luka hospital were also released. All detainees were taken to Croatia and handed over to the UNHCR. Prior to their release, the ICRC had interviewed the detainees to verify that they wished to be transferred out of Bosnia-Herzegovina.[1617]

398. According to a report by the Manjača Camp Operative Group to the 1KK Command, on 22 June 1992, the Manjača Camp Operative Group, following the receipt of files from the SJB and after 'processing' the detainees, recommended the release of a group of 37 detainees older than 60 as well as a group of 13 detainees younger than 18 years.[1618] The Operative Group further included a recommendation for the release of three 'seriously sick individuals' present in the camp, as well as a man named Asif Hadžić, who had been brought to Manjača camp 'by mistake'.[1619] The order to interview Asif Hadžić had come from Colonel Stevilović of the 1KK Security Organ, who was Stevan Bogojević's superior.[1620]

399. A report by the Manjača Camp Operative Group to the 1KK Command states that on 27 June 1992, Manjača camp held 1,702 detainees, two of whom were in the Banja Luka hospital.[1621] According to another report by the Manjača Camp Operative Group to the 1KK Command, on 1 July 1992, Manjača camp held 1,859 detainees.[1622] More

[1613] P3402 (Asim Egrlić, witness statement, 23 May 1997), p. 5; P3403 (Asim Egrlić, *Brđanin* transcript, 10 October 2002), p. 10607.
[1614] P2586 (Witness RM-026, *Stakić* transcript, 26 April and 1 May 2001), pp. 2388-2389.
[1615] P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 10.
[1616] P3886 (1KK Command combat report), p. 1; P3887 (ICRC press release: Manjača Camp Closed Down, 18 December 1992).
[1617] P3887 (ICRC press release: Manjača Camp Closed Down, 18 December 1992).
[1618] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5282-5283; P225 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 22 June 1992), p. 1.
[1619] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5282-5283; P225 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 22 June 1992), p. 1.
[1620] Witness RM-051, T. 2894-2895; P225 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 22 June 1992), p. 1.
[1621] P218 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 27 June 1992), p. 1.
[1622] P215 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 1 July 1992), p. 1.

than 95 per cent of these detainees were Muslims; the Operative Group recommended that all persons above 60 years of age and all persons up to 18 years of age, as well as seriously sick detainees be released.[1623]

400. On 2 July 1992, there were a total of 1,869 detainees in Manjača camp.[1624] The camp commander from at least 8 August 1992 was called Božidar Popović.[1625] Newly arrived detainees were processed by the Manjača Camp Operative Group.[1626] On 2 July 1992, the Manjača Camp Operative Group processed detainees from Ključ and Sanski Most, confirming that 18 'POWs' had participated in arming and offering resistance in those municipalities.[1627]

401. A report by the Manjača Camp Operative Group to the 1KK Command states that on 4 July 1992, there were 1,870 detainees in Manjača camp, 54 of whom were over 60 years old, nine were younger than 18 years old, and five were seriously sick.[1628] The Manjača Camp Operative Group stated that it had been agreed with the SJB Sanski Most and Colonel Stevilović that all persons above 60 years of age and all persons up to 18 years of age, as well as seriously sick detainees be released.[1629] The Operative Group reported that Manjača camp held a total of 268 detainees from Sanski Most Municipality.[1630] A report from the Manjača Camp Operative Group to the 1KK Command stated that on 5 July 1992, all 268 detainees from Sanski Most had been processed, that their statements had been taken, and that criminal reports would be issued by the SJB Sanski Most 'against those who merit to have criminal reports against them issued'.[1631] The Operative Group provided representatives from the SJB Sanski

[1623] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5288-5289; P215 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 1 July 1992), p. 1-2.
[1624] P2898 (Daily report by Manjača Camp Operative Group to 1KK Command, 2 July 1992).
[1625] P2908 (Manjača camp, Daily Report by Manjača Operative Group to 1KK Command, 8 August 1992), p. 2; see also P2899 (Daily report by Manjača Camp Operative Group to 1KK Command, 18-20 August 1992), p. 1.
[1626] P2899 (Daily report by Manjača Camp Operative Group to 1KK Command, 18-20 August 1992), p. 1; P2910 (Daily report by Manjača Camp Operative Group to 1KK Command, 29 October 1992), p. 1; P2907 (Daily report by Manjača Camp Operative Group to 1KK Command, 5 November 1992), p. 1; P2923 (Daily report by Manjača Camp Operative Group to 1KK Command, 11 December 1992), p. 1; P2924 (Daily report by Manjača Camp Operative Group to 1KK Command, 13 December 1992), p. 1.
[1627] P2898 (Daily report by Manjača Camp Operative Group to 1KK Command, 2 July 1992).
[1628] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5290-5291; P226 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 4 July 1992), p. 1.
[1629] P226 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 4 July 1992), p. 1.
[1630] P226 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 4 July 1992), p. 1.
[1631] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), p. 5291; P219 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 5 July 1992), p. 1.

Most with a list of 'POWs' who were older than 60 and younger than 18 years of age as well as a list of seriously sick detainees in order to discuss the possibility of them returning to their place of residence.[1632] The Operative Group intended to act similarly when processing detainees from Ključ the next day.[1633]

402. A report by the Manjača Camp Operative Group to the 1KK Command of 8 July 1992 states that 'It is characteristic, as was the case with previously processed prisoners, that a large majority of prisoners brought to Manjača POW camp had no weapons, nor have they actively participated in the organisation or implementation of the armed rebellion. This fact makes it difficult to collect and complete documentation on criminal acts necessary for function of illegal activities.'[1634] The report further states that 'the mistakes that were noticed earlier, such as bringing in people younger that [*sic*] 18 and older than 60, still continue.'[1635]

403. On 9 July 1992, the Manjača Camp Operative Group sent a report to the 1KK Command, which states that after the exchange of five detainees from the camp and following the receipt of new detainees from Sanski Most and Ključ, the camp had a total of 2,470 detainees.[1636] Nine of these detainees were active duty military personnel, 13 were members of the police or the SUP, 26 were reserve officers who graduated from the school for reserve officers, seven worked in the TO headquarters and secretariats, 48 were college graduates, and two were religious imams.[1637] The report further states that

> The problems relating to reception of new prisoners, especially from the municipalities of Ključ and Sanski Most, is that they are being brought in massively and in large quantities, no selection has been made (they are bringing in those who shouldn't be treated as POWs because they have been picked up from their homes and off their fields, as well as individuals older than 60 and younger than 18 years of age), no attention is paid to transportation, and the prisoners (who are humans after all) are dieing *[sic]* of thirst, and

[1632] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5291-5292; P219 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 5 July 1992), p. 1.
[1633] P219 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 5 July 1992), p. 1.
[1634] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), p. 5293; Witness RM-051, T. 2916-2917; P227 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 8 July 1992), p. 1.
[1635] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), p. 5293; P227 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 8 July 1992), p. 1.
[1636] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5295-5296; P220 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 9 July 1992), p. 1.
[1637] P220 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 9 July 1992), p. 1.

that *[sic]* the prisoners, also during transportation, are not being treated in line with the Geneva conventions: they are maltreated, beaten and humiliated to the extreme.[1638]

404. In the same report, the Operative Group states that selected detainees older than 60 and younger than 18 years of age, as well as the seriously sick, will be handed over to a representative of the Muslim humanitarian organisation 'Merhamet' who was scheduled to visit the camp the next day.[1639]

405. A regular combat report of 10 July 1992 by Colonel Stevan Bogojević, head of the command and control group of the 1KK, addressed to the VRS Main Staff, states that on that day, 105 detainees, who had not been charged with any crimes, were handed over to the organisation 'Merhamet'.[1640] Part of this handover was the release of 23 detainees younger than 18 years old, which was authorised by Colonel Vukelić.[1641] **Witness RM-051** testified that the handover to Merhamet was the first time since June 1992 that detainees had been released from the facility.[1642]

406. A report of 16 July 1992 by the Manjača Camp Operative Group to the 1KK Command recounts a visit by an ICRC representative, who established that two detainees in isolation, Omer Filipović and Senad Šupuk, had been beaten and that there was fresh human blood on the walls of their cell.[1643] The report states 'According to information that is available to us, there was no "thrashing" today; however, that cannot be completely ascertained because it seems that the military policemen, together with the Security Commander, Staff Sergeant Mesar, just don't understand that the detainees are humans and that they are protected by international regulations while in the camp'.[1644] It commented that as far as injuries as a result of beatings are concerned, it

[1638] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5295-5296, 5344-5345, 5386-5389; Witness RM-051, T. 2922-2924; P220 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 9 July 1992), p. 1.
[1639] P220 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 9 July 1992), p. 1.
[1640] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5296-5297; P216 (Regular combat report from 1KK head of the command and control group Colonel Stevan Bogojević to the VRS, 10 July 1992), p. 1.
[1641] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5297-5298; P228 (List of detainees younger than 18 years to be released from Manjača camp, dated 10 July 1992), p. 1.
[1642] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5296-5297.
[1643] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5299-5300; P229 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 16 July 1992), p. 1.
[1644] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5299-5300; P229 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 16 July 1992), p. 1.

was difficult to ascertain when they were created, during arrest or while in detention.[1645] The report continues

> It is a fact that the soldiers – policemen are sometimes taking put *[sic]* prisoners whom they 'don't like' or who they 'like less' by their own will and that they beat them as they please. We are trying to prevent and eradicate that, but it is difficult for us to make any success because of the attitude of the security commander towards the prisoners who often says 'They should all be killed' in front of the soldiers.[1646]

407. The Operative Group summarized some of the ICRC's findings on Manjača camp: 'It has been concluded that the material conditions are bad, that the food is bad (poor quality), poor hygiene, and that even the healthy detainees will get mentally sick should they be treated like this any more. Colonel Vukelić, Lieutenant-Colonel Popović and the security department reacted to all these stated *[sic]* and unargumented conclusions, so the team reporter calmed down and corrected himself. It has been promised that everything will be done to improve the condition and attitude towards the prisoners'.[1647] The Operative Group recommended that in order to improve conditions in the camp 'all instances of arbitrariness (inflicting serious bodily injuries)' should be eliminated and once again underlined the importance of rotating military police personnel every 20 to 30 days in order to change their attitude towards the detainees.[1648] **Witness RM-051** stated that following the report, the Operative Group 'took steps through the military police' to put a stop to their behaviour, and that the report was sent to Colonel Stevan Bogojević, head of the security department of the 1KK.[1649]

408. On 16 July 1992, Colonel Vukelić sent a report to 1KK Commander General Talić regarding the ICRC visit.[1650] The report describes the findings made by the ICRC, including traces of fresh blood found on the walls of the prison cells, and rejects these

[1645] P229 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 16 July 1992), p. 1.
[1646] P229 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 16 July 1992), p. 2.
[1647] Witness RM-051, T. 2925-2927; P229 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 16 July 1992), p. 2.
[1648] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5299-5300; P229 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 16 July 1992), p. 2.
[1649] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), p. 5300; Witness RM-051, T. 2877.
[1650] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), p. 5301; P230 (Daily report by 1KK Assistant Commander for Moral Milutin Vukelić to 1KK Commander Momir Talić).

as unfounded.[1651] Vukelić describes that the Manjača camp commander rejected the ICRC's request to have medical experts examine the detainees.[1652]

409. A report by the Manjača Camp Operative Group to the 1KK Command of 22 July 1992 comments

> It should be noted that every new group of prisoners from Ključ and Sanski Most is less and less incriminated *[sic]*, so we suggest that cases are selected, i.e. that this way of bringing of 'prisoners' is stopped, because if they did not have weapons, did not participate in activities and give any form of resistance, then such people cannot be treated as war prisoners, nor be brought to the POW camp. Incidentally, this camp can be considered as a detention camp, i.e. a camp for segregation of Muslims and Croats, which history will not forgive us.[1653]

410. The report continues

> During the day, nine new 'war prisoners' were brought to the POW camp 'Manjača' from Ključ. Even the militiamen who brought them did not know how to explain why they "had imprisoned them" and brought them in. Truth to be said *[sic]*, this is the first group which was brought intact, i.e. there are no traces of violence, so this is also a proof that they were probably brought only because they are Muslims and Croats.[1654]

411. The Operative Group reported that Manjača camp had 2,382 detainees on 22 July 1992.[1655] It recounted a visit from the ICRC to the camp, during which the ICRC managed to register all detainees and interviewed them regarding maltreatment and the reason for their detention.[1656]

412. On 23 July 1992, the Manjača Camp Operative Group reported to the 1KK Command that during the day, 994 detainees from Sanski Most had been processed.[1657] It communicated that their statements usually come down to two or three sentences;

[1651] P230 (Daily report by 1KK Assistant Commander for Moral Milutin Vukelić to 1KK Commander Momir Talić).
[1652] P230 (Daily report by 1KK Assistant Commander for Moral Milutin Vukelić to 1KK Commander Momir Talić), p. 1.
[1653] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5301-5302; P221 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 22 July 1992), p. 1.
[1654] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5301-5302; P221 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 22 July 1992), p. 1.
[1655] P221 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 22 July 1992), p. 1.
[1656] P221 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 22 July 1992), p. 2.
[1657] P231 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 23 July 1992), p. 1.

they were imprisoned while at home and brought to the camp without knowing the reason for it.[1658] The report laments that even though they are questioned by operation officers from the SJB Sanski Most, i.e. from the same terrain as the detainees, even these operation officers could not gather any proof for a trial against these detainees.[1659] A great number of the detainees did not take part in combat activities, were not in possession of weapons, and there is no evidence which could serve as a basis to keep them as detainees.[1660] The report urges the people and authorities responsible in the municipalities of Ključ and Sanski Most to refrain from bringing such persons to Manjača camp.[1661] The Operative Group stated furthermore:

> […] we warn once again that the Military Police commander should be informed that POW camp 'Manjača' is not a torture house, but a camp of war prisoners, who should be treated at least humanely. I will inform on the identity of the perpetrators.[1662]

413. A report by the Manjača Camp Operative Group to the 1KK Command of 29 July 1992 recounts that on that day, the camp had 2,384 detainees.[1663] It further states that the ICRC visited the camp on 28 July 1992 from 9 a.m. until 5 p.m.[1664]

414. On 6 August 1992, the head of the Security Organ of the 1KK, Colonel Stevan Bogojević reported to the Chief of the Prijedor National Security Sector that on that day, there were 944 detainees from Sanski Most Municipality in the camp.[1665] Bogojević stated that after processing detainees detained in Manjača camp, his unit realized that a large number of them could not be considered POWs as they did not have weapons, did not participate in combat and were not in uniform.[1666] Bogojević proposed that someone from the Prijedor National Security Sector be sent to Manjača to aid in the

[1658] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5303-5304; P231 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 23 July 1992), p. 1.
[1659] P231 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 23 July 1992), p. 1.
[1660] P231 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 23 July 1992), p. 1.
[1661] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5303-5304; P231 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 23 July 1992), p. 1.
[1662] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5303-5304; P231 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 23 July 1992), pp. 1-2.
[1663] P222 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 29 July 1992), p. 2.
[1664] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), p. 5306; P222 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 29 July 1992), p. 2.
[1665] Witness RM-051, T. 2877-2878; P242 (Report by Colonel Stevan Bogojević to Chief of SNB Prijedor, 6 August 1992), p. 1.
[1666] Witness RM-051, T. 2877-2878; P242 (Report by Colonel Stevan Bogojević to Chief of SNB Prijedor, 6 August 1992), p. 1.

selection of detainees to be released from the camp, and requests that operative records be forwarded for the POWs transferred from Omarska to Manjača.[1667] Lastly, Bogojević stated

> as you know, we have recently been attacked by the European and world media in connection with the existence of "concentration camps", so this is sufficient reasons to carry out a prisoner selection.[1668]

415. On 7 August 1992, Zdravko Đurić, head of the 1KK Command, sent a report to the VRS Main Staff stating that approximately 1,460 POWs were brought from Omarska to Manjača camp.[1669] **Witness RM-051** explained that this transfer occurred following the closure of Omarska camp.[1670] The report further states that 'the issue of the POW camp at Manjača is becoming complex in terms of physical security, and especially with regard to supplies, cooking, water and health protection and so on'.[1671]

416. On 7 August 1992, the Manjača Camp Operative Group sent a report to the 1KK Command stating that on that day, Manjača camp received detainees from Omarska camp but no paperwork came with the detainees.[1672] The Operative Group reported that the behaviour of people who participated in securing transportation of the detainees – was very incorrect, inhuman and bullying, and that when a member of the 1KK security organ warned them not to kill a half-dead detainee, they told him '[s]hould you act like that, you'll get what he has gotten too'.[1673] The Operative Group further reported that 'the investigator' explained that these persons from Omarska were 'serious extremists' – whereas the team found that these detainees included people entirely unfit for combat, minors, people older than 60, sick persons and people who never participated in any form of combat, and considered they should be released.[1674] The team lamented their inclusion amongst the detainees and described it as 'indicative of the thoughtless conduct of the organs in Prijedor and of shallow work of the organs of the police and

[1667] Witness RM-051, T. 2877-2878; P242 (Report by Colonel Stevan Bogojević to Chief of SNB Prijedor, 6 August 1992), p. 1.
[1668] Witness RM-051, T. 2877-2878; P242 (Report by Colonel Stevan Bogojević to Chief of SNB Prijedor, 6 August 1992), p. 1.
[1669] P224 (Report by Head of the 1KK Command to the VRS Main Staff, 7 August 1992), p. 1.
[1670] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), p. 5307.
[1671] P224 (Report by Head of the 1KK Command to the VRS Main Staff, 7 August 1992), p. 1.
[1672] P233 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 7 August 1992), p. 1.
[1673] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), p. 5308; P233 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 7 August 1992), p. 1; *see also* P235 (Report by the Manjača camp security centre, 10 August 1992), pp. 1-2.

the Secretariat of Interior', and requested that it urgently be provided with the official records of the interviews with the detainees from Omarska camp.[1675] The Operative Group reported that Manjača camp was full and did not have room for another single detainee.[1676]

417. On 17 August 1992, Prijedor SJB Chief Simo Drljača sent a list of 402 detainees who had been sent from Omarska to Manjača camp, stating that information regarding the remaining detainees would be forwarded within a week.[1677] The list includes five detainees who were over 60 years of age, and six minors.[1678]

418. On 18 August 1992, the Manjača Camp Operative Group reported to the 1KK Command that an ICRC delegation brought the POWs blankets, sugar, and bars of soap for personal hygiene, and delivered some 600 messages to the guards from the prisoners.[1679] The ICRC delegates were told that in the future messages would not be allowed to be received or sent, except during regular ICRC camp inspections.[1680]

419. On 19 August 1992, the Manjača Camp Operative Group reported to the 1KK Command that the lists of detainees aged less than 18 and more than 60 years were completed.[1681] Again, the camp was visited by a group of foreign journalists; they had a special interest in those detainees who appeared to be in a bad physical state and were allowed to enter one of the pavilions and make direct contact with the detainees.[1682] A newly arrived detainee, Marko Čavar, was interviewed by the journalists while he received medical aid.[1683] Around 8:00 p.m., a heated discussion took place between

[1674] P233 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 7 August 1992), pp. 1-2.
[1675] P233 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 7 August 1992), p. 2.
[1676] P233 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 7 August 1992), p. 1.
[1677] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5311-5312; P236 (List of detainees from Omarska to Manjača camp, sent by Prijedor SJB Chief to Manjača camp Commander, 17 August 1992), p. 1. *See also* Witness RM-051, T. 2873-2874.
[1678] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5311-5312; P236 (List of detainees from Omarska to Manjača camp, sent by Prijedor SJB Chief to Manjača camp Commander, 17 August 1992).
[1679] P2899 (Daily report by Manjača Camp Operative Group to 1KK Command, 18-20 August 1992), p. 1.
[1680] P2899 (Daily report by Manjača Camp Operative Group to 1KK Command, 18-20 August 1992), p. 1.
[1681] P2899 (Daily report by Manjača Camp Operative Group to 1KK Command, 18-20 August 1992), p. 2.
[1682] P2899 (Daily report by Manjača Camp Operative Group to 1KK Command, 18-20 August 1992), p. 2.
[1683] P2899 (Daily report by Manjača Camp Operative Group to 1KK Command, 18-20 August 1992), p. 2.

Lieutenant Radomir Bojić, Commander of Security, and conscript Marko Raković, as the latter refused to carry out orders and had then insulted camp commander Božidar Popović.[1684] Detainee Ljubo Andrijević was released from the camp pursuant the approval of Lieutenant Colonel Milan Bogdanić.[1685]

420. On 20 August 1992, the representatives of the CSBs of Ključ, Banja Luka, and Prijedor attended a joint meeting with the Security Department in Manjača.[1686] The meeting had been convened in accordance with a telegram from the 'Main Staff of the Serbian Army'.[1687] Major Stupar and Vaso Skondrić, who were present at this meeting, presented tasks and instructions for 'joint work' which the representatives of the CSB's and all those present accepted; realization of these tasks commenced immediately thereafter.[1688]

421. On 20 August 1992, a meeting was held at Manjača regarding the position on the treatment and prominence of persons who participated in armed disturbances; it was attended by Božidar Popović, camp commander; Major Pero Stupar, co-ordinator of security organs of the Krajina Corps; Inspector Vaso Škondrić; and Radomir Radinković.[1689] The position of the 'Serbian republic presidency' was conveyed by Pero Stupar, whereas Vaso Škondrić conveyed the position of 'Serbian Bosnia Herzegovina MUP'. At the meeting, a list of 92 detainees at Manjača was discussed who were either seriously ill, or were minors and for whom the participants found that the need for their release from the camp should be reviewed by civil government organs in conjunction with the ICRC or the Islamic relief organisation Merhamet as 'their appearance was attracting attention' from the media and humanitarian organisations.[1690] A large number of detainees on this list of ill persons had severe health issues, having suffered one or more cardio-infarcts, suffering from active tuberculosis, or having undergone heavy

[1684] P2899 (Daily report by Manjača Camp Operative Group to 1KK Command, 18-20 August 1992), p. 3.
[1685] P2899 (Daily report by Manjača Camp Operative Group to 1KK Command, 18-20 August 1992), pp. 3-4.
[1686] P2899 (Daily report by Manjača Camp Operative Group to 1KK Command, 18-20 August 1992), p. 4.
[1687] P2899 (Daily report by Manjača Camp Operative Group to 1KK Command, 18-20 August 1992), p. 4.
[1688] P2899 (Daily report by Manjača Camp Operative Group to 1KK Command, 18-20 August 1992), p. 4.
[1689] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), p. 5312; P223 (Minutes of meeting by officials from Manjača camp and list of 92 detainees, 20 August 1992), p. 1.
[1690] P223 (Minutes of meeting by officials from Manjača camp and list of 92 detainees, 20 August 1992), p. 1-2.

surgery.[1691] It was further agreed that a precise record should be established of persons brought to Manjača camp.[1692] It was determined to review a list of 400 people detained at the camp for whom there is no evidence that they participated in armed combat, and that the aforementioned civilian authorities should take these detainees to a private camp or other form of accommodation.[1693] It was agreed that by 24 August 1992, a list of the remaining detainees in the camp should be analyzed.[1694]

422. On 22 August 1992, the Manjača Camp Operative Group sent a report to the 1KK Command noting the composition of the team on 21 August 1992: First Class Captain Dragomir Keserović; Captain Dubravko Prstojević; Lieutenant Vitomir Gajić; Staff Sergeant Radomir Radinković; and soldier Zdravko Ćurguz.[1695] The Operative Group reported that it had received, amongst others, 171 persons from the investigating centre Omarska by the CSB Prijedor and that a list of their names but not the files relating to these detainees had been provided.[1696] The Operative Group stated that it released 167 detainees who were on two lists provided by the CSB Prijedor, which named a total of 171 detainees; according to the report one detainee did not exist and three names were duplicates.[1697] The Operative Group commented these persons ought not to have been brought to the camp, and that the physical appearance of a large number of them was worse than the persons who had already been taken out of Manjača camp.[1698] It set out the number of detainees it had released to several CSBs, but lamented the fact that in spite of the orders and many reminders the CSBs had received to take over detainees from Manjača camp, the most critical CSBs had turned a deaf ear

[1691] P223 (Minutes of meeting by officials from Manjača camp and list of 92 detainees, 20 August 1992), pp. 3-10.
[1692] P223 (Minutes of meeting by officials from Manjača camp and list of 92 detainees, 20 August 1992), p. 2.
[1693] P223 (Minutes of meeting by officials from Manjača camp and list of 92 detainees, 20 August 1992), p. 15.
[1694] P223 (Minutes of meeting by officials from Manjača camp and list of 92 detainees, 20 August 1992), p. 15.
[1695] P237 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 21/22 August 1992), p. 1.
[1696] P237 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 21/22 August 1992), p. 1.
[1697] P237 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 21/22 August 1992), p. 1.
[1698] P237 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 21/22 August 1992), p. 1.

to that order.[1699] The report further states that representatives of the CSB Banja Luka visited the camp.[1700]

423. On 17 October 1992, the Manjača Camp Operative Group reported to the 1KK Command that two Manjača camp detainees had escaped into the woods.[1701] They tricked the policemen at official checkpoints into believing that they had been released.[1702] The Operative Group recommended that this information be provided to the SJB Sanski Most for further action.[1703] The two detainees were subsequently caught and brought back a few days later.[1704] The Operative Group remarked they were 'in good condition, [that is] to say, that no force had been used against them'.[1705] However, when they arrived, members of the military police mistreated them, which was observed by visiting ICRC delegates.[1706] The Manjača Camp Operative Group planned to investigate this incident and to report the use of force against detainees the next time.[1707] In the report, the Operative Group lamented the fact that it was unable to convince the members of the military police that their use of force on these detainees was a mistake that could not be corrected.[1708] On 29 October 1992, the operative team processed five Serb POWs.[1709]

424. On 5 November 1992, the Manjača Camp Operative Group reported to the 1KK Command and Major Stupar that ICRC representatives announced the release of 650 detainees that had been agreed with the authorities of the Bosnian-Serb Republic.[1710] Manjača camp had already received a list of 646 detainees who had been selected on the criteria of their age, i.e. younger than 18 and older than 60.[1711] The Operative Group continued with the selection of the detainees who were to be released from Manjača.[1712] The Operative Group expressed its concerns regarding 'the psychosis of the prisoners

[1699] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), p. 5314; P237 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 21/22 August 1992), p. 2.
[1700] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), p. 5314; P237 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 21/22 August 1992), p. 2.
[1701] P2910 (Daily report by Manjača Camp Operative Group to 1KK Command, 29 October 1992), p. 1.
[1702] P2910 (Daily report by Manjača Camp Operative Group to 1KK Command, 29 October 1992), p. 1.
[1703] P2910 (Daily report by Manjača Camp Operative Group to 1KK Command, 29 October 1992), p. 2.
[1704] P2910 (Daily report by Manjača Camp Operative Group to 1KK Command, 29 October 1992), pp. 1-2.
[1705] P2910 (Daily report by Manjača Camp Operative Group to 1KK Command, 29 October 1992), p. 2.
[1706] P2910 (Daily report by Manjača Camp Operative Group to 1KK Command, 29 October 1992), p. 2.
[1707] P2910 (Daily report by Manjača Camp Operative Group to 1KK Command, 29 October 1992), p. 2.
[1708] P2910 (Daily report by Manjača Camp Operative Group to 1KK Command, 29 October 1992), p. 2.
[1709] P2910 (Daily report by Manjača Camp Operative Group to 1KK Command, 29 October 1992), p. 1.
[1710] P2907 (Daily report by Manjača Camp Operative Group to 1KK Command, 5 November 1992), p. 1.
[1711] P2907 (Daily report by Manjača Camp Operative Group to 1KK Command, 5 November 1992), p. 1.
[1712] P2907 (Daily report by Manjača Camp Operative Group to 1KK Command, 5 November 1992), p. 1.

and their uncertainty is rising, because the nights are getting colder and after outgoing messages [*sic*] and finding out what the camp still won't be closed'.[1713] The Operative Group stressed that this could serve as a reason for the world public to attack their 'homeland in creation' and requested the 1KK to explain this situation to 'the Command'.[1714]

425. According to the minutes of the 123rd meeting of the War Presidency on 12 November 1992, attended also by Zdravko Pejić and Čedo Đukić, it was recommended that a total of 20 people who have been detained be transferred to Manjača camp.[1715]

426. On 14 November 1992, the Manjača Camp Operative Group reported to the 1KK Command that on that day, following the 'release' of 700 detainees to the ICRC, Manjača camp had 2,932 detainees.[1716]

427. On 11 December 1992, the Manjača Camp Operative Group reported to the 1KK Command that it had prepared a list of 151 Croat detainees and a list of 132 Muslim detainees.[1717] On the same day, 11 new detainees from Kotor Varoš were brought to the camp by Major Mirko Kosić, escorted by the ICRC.[1718] At this occasion the ICRC delegates handed over a list on the basis of which three groups of approximately 1,000 detainees each should be released: one on Monday 14 December 1992, one on Wednesday and one on Friday.[1719] In the following days, the ICRC would deliver the coordinated lists of 1,000 detainees that were to be released.[1720] The Operative Group started selecting 250 'extremist Muslims' that could not 'go through the ICRC'.[1721]

428. On the order of the VRS Main Staff, a group of 532 detainees was sent to Batković camp on 13 December 1992 in order to be exchanged against Serb soldiers.[1722]

[1713] P2907 (Daily report by Manjača Camp Operative Group to 1KK Command, 5 November 1992), p. 1.
[1714] P2907 (Daily report by Manjača Camp Operative Group to 1KK Command, 5 November 1992), p. 1.
[1715] P3710 (Extract from the Minutes of the 121st, 122nd, and 123rd meetings of the War Presidency of Kotor Varoš Municipality, 10-12 November 1992), p. 1.
[1716] Witness RM-051, T. 2876; P241 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 14 November 1992), pp. 1-2.
[1717] P2923 (Daily report by Manjača Camp Operative Group to 1KK Command, 11 December 1992), pp. 1, 5.
[1718] P2923 (Daily report by Manjača Camp Operative Group to 1KK Command, 11 December 1992), pp. 1-2.
[1719] P2923 (Daily report by Manjača Camp Operative Group to 1KK Command, 11 December 1992), pp. 4-5.
[1720] P2923 (Daily report by Manjača Camp Operative Group to 1KK Command, 11 December 1992), p. 5; P2924 Daily report by Manjača Camp Operative Group to 1KK Command, 13 December 1992), pp. 3-4.
[1721] P2923 (Daily report by Manjača Camp Operative Group to 1KK Command, 11 December 1992), pp. 1, 5.
[1722] Witness RM-051, T. 2950-2951.

Another group of detainees left the camp on 14 December 1992, and the last group on 18 December 1992, after which the camp was closed.[1723]

429. On 13 December 1992, the Manjača Camp Operative Group reported to the 1KK Command that it had selected detainees for their transfer from Manjača camp, and that at 7 a.m., camp supervisor Sergeant Kovačević took the detainees to the tarmac for the line-up.[1724] At noon a convoy composed of eleven buses, including two small ones left the camp.[1725] One hundred and forty-nine Croat and 383 Muslim detainees were taken from Manjača camp on that day.[1726] On the same day, a group of journalists visited the camp unexpectedly and an ICRC delegation brought a list of 1,000 detainees that had to be coordinated with the records in order to verify whether all the requested detainees existed.[1727] Once the Operative Group, together with the Security Commander and the Camp Commander, had completed this task, they could have a new list of 1,000 detainees ready for the next day, 14 December 1992, when the first transport was to take place.[1728] The Operative Group expressed serious doubts that the preparations could be finalised in time.[1729] The Manjača camp commander attempted to postpone the first transport of 1,000 POWs planned to start at 7 a.m. on the next day, but did not succeed.[1730]

430. On 14 December 1992, the Manjača Camp Operative Group reported to the 1KK Command that between 9 a.m. and 12:30 p.m. that day, after all departing detainees had signed a statement that they wished to go with the ICRC, 1,008 detainees left Manjača camp in 21 buses escorted by six ICRC jeeps.[1731] At 4:30 p.m., the security department of Manjača camp received information that the convoy had crossed the bridge in Gradiška.[1732] The camp command then issued an order to empty two pavilions of the

[1723] Witness RM-051, T. 2925.
[1724] P2924 Daily report by Manjača Camp Operative Group to 1KK Command, 13 December 1992), p. 1.
[1725] P2924 Daily report by Manjača Camp Operative Group to 1KK Command, 13 December 1992), p. 2.
[1726] P2924 Daily report by Manjača Camp Operative Group to 1KK Command, 13 December 1992), p. 3.
[1727] P2924 Daily report by Manjača Camp Operative Group to 1KK Command, 13 December 1992), pp. 3-4.
[1728] P2923 (Daily report by Manjača Camp Operative Group to 1KK Command, 11 December 1992), p. 5; P2924 Daily report by Manjača Camp Operative Group to 1KK Command, 13 December 1992), pp. 1, 3-4.
[1729] P2924 Daily report by Manjača Camp Operative Group to 1KK Command, 13 December 1992), p. 4.
[1730] P2924 Daily report by Manjača Camp Operative Group to 1KK Command, 13 December 1992), p. 4.
[1731] P6796 (Daily report concerning the transport of detainees out of Manjača, 14 December 1992), p. 1.
[1732] P6796 (Daily report concerning the transport of detainees out of Manjača, 14 December 1992), pp. 1-2.

'second camp' and to accommodate the remaining 1,413 (mainly Muslim) detainees in the 'first camp'.[1733]

Conditions at Manjača camp

431. The detainees were kept in large, crowded stables for livestock, where they sat or lay down for most of the day.[1734] There were some straw and blankets, but at times some detainees were lying directly on the concrete floor.[1735] According to **McLeod**, during his visit on 30 August 1992, he saw that the men each had a blanket.[1736] **Radinković** testified that each detainee received two blankets, one to lie on and one for cover, and there was always a lot of straw on the prison grounds, which the detainees were allowed to bring inside at their discretion.[1737] **Amidžić** testified that he was responsible for providing food, accommodation, bathing materials, and clothing from the establishment of Manjača camp.[1738] On 6 June 1992, he arranged for what he described as a 'necessary amount' of blankets to be distributed to the detainees at the camp.[1739] Furthermore, according to Amidžić, the Manjača camp command submitted information on the number of detainees to the 1KK personnel in charge of food supply at the Kozara barracks, who then calculated the quantities of food and other necessities to be provided and delivered the supplies.[1740] The detainees at Manjača camp received the same quantity and quality of food and supplies as the members of the army supplied by the 1KK.[1741] The preparation and distribution of food was organized by the detainees themselves.[1742] Once the food was cooked, the commander had to be present to taste it

[1733] P6796 (Daily report concerning the transport of detainees out of Manjača, 14 December 1992), pp. 1-2.
[1734] Adjudicated Facts I, no. 463.
[1735] Adjudicated Facts I, no. 463.
[1736] P3258 (Charles McLeod, *Brđanin* transcript, 21-24 June 2002), pp. 7314-7315; P3264 (ECMM report, 3 September 1992), para. 1; P3269 (Charles McLeod's personal notes, 20-31 August 1992), p. 57.
[1737] D900 (Radomir Radinković, witness statement, 8 December 2013), p. 11; D901 (Table of concordance of Adjudicated Facts). The witness was shown Adjudicated Fact 463, which reads: 'There were some straw and blankets, but at times some detainees were lying directly on the concrete floor.' In response, he stated that 'this is completely incorrect'.
[1738] D847 (Boško Amidžić, witness statement, 25 June 2014), para. 27; Boško Amidžić, T. 29470, 29490-29492, 29524.
[1739] D847 (Boško Amidžić, witness statement, 25 June 2014), para. 31.
[1740] D847 (Boško Amidžić, witness statement, 25 June 2014), para. 28; Boško Amidžić, T. 29469-29470.
[1741] D847 (Boško Amidžić, witness statement, 25 June 2014), para. 28; Boško Amidžić, T. 29469-29471, 29535.
[1742] D847 (Boško Amidžić, witness statement, 25 June 2014), para. 30; Boško Amidžić, T. 29469-29471, 29473-29474.

and approve its distribution.[1743] Amidžić was rarely present when the food was prepared and distributed so he could not personally verify if the food distribution was in accordance with the calculated ratios.[1744]

432. **Selak** testified that when he visited the camp on 3 June 1992, he saw that the detention area was only appropriate to accommodate 150 to 170 people, perhaps 200 if military bunk beds were used.[1745] He did not see any beds.[1746] **Witness RM-051** testified that Manjača camp had six stables, each of which could hold up to 600 to 700 detainees.[1747] **Ahmet Zulić** was placed in one of the stables which measured about 30 by 10 metres.[1748] **Witness RM-709** stated that the detainees were held in stables of about 50 by 20 metres.[1749] **Adil Draganović** stated that there were about 500 to 850 men per stable.[1750] **Sakib Muhić** stated that the detainees spent all their time in the stables and although the doors were not locked, they were always closed and the detainees were forbidden to go outside.[1751]

433. **Muhić** stated that the detainees dug a 12-metre-long trench with a wooden plank on top for a toilet; when the trench would overflow, the detainees would dig a new one. At night, the detainees used a barrel as a toilet inside the stable.[1752] **Zulić** explained that detainees were not allowed to go to the toilets outside of the stable when they wanted, but had to go in groups of ten. They were also not allowed to go wherever they wanted, for instance, it was forbidden to 'trample on Serbian grass'.[1753] According to **Šabanović**, detainees were not allowed to use the toilet more than once a day.[1754] **McLeod** stated, however, that Popović told the ECMM during a visit on 30 August

[1743] Boško Amidžić, T. 29473.
[1744] Boško Amidžić, T. 29470-29474.
[1745] P244 (Osman Selak, witness statement, 13 July 2000), para. 60; Osman Selak, T. 2977, 3001.
[1746] P244 (Osman Selak, witness statement, 13 July 2000), para. 61.
[1747] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), p. 5262.
[1748] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 106.
[1749] P3437 (Witness RM-709, witness statement, 6 June 2000), p. 8.
[1750] P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 13. *See also* P2502 (Adem Seferović, witness statement, 26 July 1999), p. 5; P3394 (Atif Džafić, witness statement, 28 September 2011), paras 100-101, 129; P3397 (Map of Manjača camp, drawn by Atif Džafić); P3432 (Bekir Delić, witness statement, 13 September 2001), p. 9; P3133 (Muhamed Filipović, witness statements), witness statement, of 13 March 2001, p. 3; P3134 (Muhamed Filipović, *Brđanin* transcript, 30 August 2002, 4-5 September 2002), pp. 9617-9618; P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 38; P3273 (Witness RM-065, *Karadžić* transcript, 17 January 2011), p. 10325; P3275 (Video of Manjača camp). *See also* P3279 (Table of Concordance); P3426 (Sakib Muhić, witness statement, 11 April 2000), p. 8.
[1751] P3426 (Sakib Muhić, witness statement, 11 April 2000), p. 9.
[1752] P3426 (Sakib Muhić, witness statement, 11 April 2000), p. 9. *See also* P3611 (Ahmet Zulić, witness statement, 22 February 2010), paras 107, 112.
[1753] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 112.

1992 that the detainees were allowed to go to the toilet at least twice a day.[1755] **Karabeg** stated that the conditions at the camp were unsanitary.[1756] **Džafić** stated that there was no access to running water or washing facilities.[1757] In a news article dated 19 July 1992, US journalist Roy Gutman reported that the detainees had a shower every two weeks and most wore the clothes they arrived in six weeks earlier.[1758] According to **Džafić**, the detainees suffered from diseases in the camp as a result of the unsanitary conditions.[1759] **Zulić** also stated that some detainees had diarrhoea because of the very poor hygienic conditions in the camp. When the ICRC visited the camp they installed military showers outside and a couple of detainees were allowed to shower while the ICRC was there, and while the television was filming them.[1760] Afterwards, they were no longer permitted to take showers.[1761] It was only towards the end of August, when the ICRC settled in the camp for a longer period of time, that they brought plastic jerrycans and the detainees could fetch water and wash themselves.[1762] The camp was infested with lice.[1763] There were also quite a number of people with diabetes, high blood pressure, and injuries.[1764] However, **Amidžić** – who was engaged in the 'Nuclear, Biological and Chemical Defence' of the hygienic needs of all VRS members and detainees at the camp – testified that baths were taken as needed and as requested.[1765]

434. The 'medical clinic' in the camp was staffed by detainees.[1766] **Radinković** testified that, from his arrival at Manjača camp and at the proposal of the intelligence and security organ, Dr. Eniz Šabanović was included in the team of physicians.[1767] According to the witness, Šabanović had 'semi-prison' status; he stayed among the detainees but he had the right to 'leave' at his own request or when somebody, *e.g.* the nurse, would come to get him out, however, he was not released.[1768] According to

[1754] P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 10.
[1755] P3264 (ECMM report, 3 September 1992), paras 1, 41; P3269 (Charles McLeod's personal notes, 20-31 August 1992), p. 45.
[1756] P3250 (Mirzet Karabeg, *Brđanin* transcript, 27-28 May 2002), p. 6186.
[1757] P3394 (Atif Džafić, witness statement, 28 September 2011), para. 102.
[1758] P2891 (Article in 'Newsday' by Roy Gutman 'Prisoners of Serbia's war', 19 July 1992), p. 1.
[1759] P3394 (Atif Džafić, witness statement, 28 September 2011), para. 105.
[1760] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 115.
[1761] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 115.
[1762] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 114-115.
[1763] Adjudicated Facts I, no. 464.
[1764] Adjudicated Facts I, no. 468.
[1765] D847 (Boško Amidžić, witness statement, 25 June 2014), para. 31.
[1766] Adjudicated Facts I, no. 468.
[1767] D900 (Radomir Radinković, witness statement, 8 December 2013), p. 7; Radomir Radinković, T. 31733.
[1768] Radomir Radinković, T. 31797-31798.

Witness RM-051, there was a nurse in the camp staff whose name was Aleksandar Bijelić.[1769] **Šabanović** recalled that on his arrival he saw a woman he referred to as a nurse wearing a camouflage uniform and a ribbon with a red cross around her arm.[1770] The 'medical clinic' suffered a severe shortage of medicine and supplies.[1771] According to **Šabanović**, in June or July 1992, no medical resources were available to him or the medical team. The situation changed after a first visit of the ICRC towards the end of June or the beginning of July 1992. Nevertheless, Šabanović had to hand over the more sought-after medicine such as antibiotics and vitamins to the military police who would keep it for themselves.[1772] On 24 August 1992, the Manjača Camp Operative Group reported to the 1KK Command that the camp received two trucks of humanitarian aid from the ICRC including food, water containers, and medical supplies.[1773]

435. **Filipović** testified that he occasionally received painkillers for his injuries at a clinic outside of the camp, where the offices were located.[1774] **Witness RM-018** added that on 24 June 1992, two detainee doctors whom he identified as **Šabanović** and a person called Meho were ordered by the military police to examine the detainees.[1775] The military police guards disregarded the doctors' reports on the detainees' condition.[1776]

436. **McLeod** stated that, with regard to medical care and hygiene, Popović told the ECMM during the visit on 30 August 1992 that they tried to satisfy the conditions of Articles 32 and 33 of the Geneva Conventions but that the embargo had an impact on this.[1777] When told that medication was not embargoed, Popović replied that medical aid did not arrive because planes could not land and that they tried everything to ensure medical supplies were available for the sick.[1778] Popović told them that there was a good infirmary, an ambulance, and a field ambulance but that there was little or no

[1769] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), p. 5276; Witness RM-051, T. 2931.
[1770] P3124 (Enis Šabanović, witness statement, 19 February 2001), pp. 7-8.
[1771] Adjudicated Facts I, no. 468.
[1772] P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 11.
[1773] P2909 (Daily report by Manjača Camp Operative Group to 1KK Command, 23-24 August 1992), p. 3.
[1774] P3134 (Muhamed Filipović, *Brđanin* transcript, 30 August 2002, 4-5 September 2002), pp. 9617, 9619.
[1775] P146 (Witness RM-018, witness statement, 28 July 1999), paras 84-85, 88.
[1776] P146 (Witness RM-018, witness statement, 28 July 1999), para. 88.
[1777] P3258 (Charles McLeod, *Brđanin* transcript, 21-24 June 2002), p. 7307; P3264 (ECMM report, 3 September 1992), paras 1, 8; P3269 (Charles McLeod's personal notes, 20-31 August 1992), p. 40.
[1778] P3258 (Charles McLeod, *Brđanin* transcript, 21-24 June 2002), p. 7395; P3264 (ECMM report, 3 September 1992), paras 9-10; P3269 (Charles McLeod's personal notes, 20-31 August 1992), p. 41.

medicine.[1779] There were six doctors and three medical technicians among the POWs plus the medical personnel belonging to the military camp. Twenty five POWs had been taken care of in the Banja Luka hospital.[1780]

437. The food in the camp consisted of a thin broth and a slice of bread twice a day.[1781] **Šabanović** added that a typical meal also included a small piece of bacon.[1782] **Filipović** stated that prior to an ICRC visit, one tin of meat was divided among eight detainees.[1783] The rations caused many detainees to lose weight and become very thin, and others to be so hungry that they resorted to eating grass.[1784] **Džafić** stated that, on average, detainees lost 25 to 30 kilograms of body weight during detention in the camp.[1785] **Muhić** stated that he weighed 104 kilograms when he arrived in the camp and had dropped to 52 or 53 kilograms when the ICRC first weighed him. After the ICRC's visit, the detainees started to get food and **Muhić** gained around 20 kilograms in one month.[1786] According to **Filipović**, detainees fainted from hunger.[1787] At the end of August 1992, **Karabeg** observed that some of the detainees at Manjača camp were unable to stand.[1788] In contrast, **Radinković** testified that the detainees received the same amount of food as the staff of the camp and the witness never saw or heard about anyone eating grass. Furthermore, some detainees were visibly thin when they arrived at Manjača camp from other collection centres, but they gained weight during their time at Manjača camp.[1789] Furthermore, it was not possible to provide the detainees with adequate accommodation, meals in the amount of 2,800 calories per day, and 20 litres of water per detainee, as set out in a telegram dated 12 August 1992 and signed by Mladić.[1790] **McLeod** attended a meeting between the ECMM; Radić, the mayor of Banja Luka; Župljanin, the Banja Luka Chief of Police; and Colonel Vukelić, a representative

[1779] P3264 (ECMM report, 3 September 1992), paras 19-20; P3269 (Charles McLeod's personal notes, 20-31 August 1992), p. 42.
[1780] P3264 (ECMM report, 3 September 1992), paras 18-19; P3269 (Charles McLeod's personal notes, 20-31 August 1992), p. 42.
[1781] Adjudicated Facts I, no. 465.
[1782] P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 11.
[1783] P3133 (Muhamed Filipović, witness statements), witness statement of 13 March 2001, p. 4; P3134 (Muhamed Filipović, *Brđanin* transcript, 30 August 2002, 4-5 September 2002), p. 9618.
[1784] Adjudicated Facts I, no. 465.
[1785] P3394 (Atif Džafić, witness statement, 28 September 2011), para. 123; P3400 (Photography of witness Atif Džafić while detained in Manjača camp).
[1786] P3426 (Sakib Muhić, witness statement, 11 April 2000), p. 12
[1787] P3133 (Muhamed Filipović, witness statements), witness statement, of 13 March 2001, p. 4.
[1788] P3250 (Mirzet Karabeg, *Brđanin* transcript, 27-28 May 2002), p. 6186.
[1789] D900 (Radomir Radinković, witness statement, 8 December 2013), p. 11; D901 (Table of concordance of Adjudicated Facts).
[1790] Radomir Radinković, T. 31812-31814.

of the 1KK, held on 20 August 1992, where Vukelić mentioned that the ICRC had requested an improvement of the conditions of the POWs, specifying that they should each receive 2,800 calories per day, while he could not even provide a lower number of calories for his soldiers.[1791] **Witness RM-051** also testified that during a period of the camp's operation in 1992, the camp was cut off from Serbia and the Bosnian-Serb Republic, which led to great logistical problems in delivering sufficient food and supplies to the camp.[1792]

438. **Džafić** stated that water was provided to the detainees in quantities that were insufficient to ensure survival.[1793] **Zulić** specified that detainees only received about two decilitres of water per day.[1794] **Radinković** testified that while there was no working water supply in the camp at the end of July 1992, water was brought from a nearby lake in hygienic containers and both detainees and guards drank the same water.[1795] When the detainees ran out of water, they were allowed to go to a source to get water, escorted by the military police.[1796] Later on, the water system began functioning.[1797] **Šabanović** stated that the water brought from the lake was full of impurities, even containing tadpoles and other small animals.[1798] **Zulić** stated that after 30 August 1992, the detainees received five-litre cans from the ICRC and were able to fetch water themselves from the nearby lake.[1799] According to a request dated 27 July 1992 by the Chief of Staff to the Assistant Commander for Logistics, the results of all recently conducted bacteriological tests of water for Manjača camp had been unsatisfactory and that it was necessary to replace about two kilometres of pipes. As stated in the request, this part of the water supply system was not used at that time but water was supplied by means of water tank trucks.[1800] **Amidžić** confirmed that there were also occasional

[1791] P3258 (Charles McLeod, *Brđanin* transcript 21-24 June 2002), pp. 7284, 7363; P3260 (ECMM report, 23 August 1992), pp. 1, 4; P3270 (Table of concordance).
[1792] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), p. 5346; Witness RM-051, T. 2928.
[1793] P3394 (Atif Džafić, witness statement, 28 September 2011), para. 102.
[1794] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 114.
[1795] D900 (Radomir Radinković, witness statement, 8 December 2013), p. 11; Radomir Radinković, T. 31782-31783; D901 (Table of Concordance of Adjudicated Facts).
[1796] Radomir Radinković, T. 31782.
[1797] Radomir Radinković, T. 31783.
[1798] P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 11; P3125 (Enis Šabanović, *Brđanin* transcript, 5 June 2002) pp. 6529-6530.
[1799] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 114.
[1800] P232 (Request by 1KK Command to Assistant Commander for Logistics in 1KK, 27 July 1992), p. 1.

water supply problems at the camp.[1801] Later, plastic barrels with a capacity of 100 to 200 litres were provided for storing water next to the outhouses.[1802]

439. **Witness RM-051** testified that the situation at Manjača camp improved significantly once the humanitarian relief organizations were allowed to come into the camp sometime in July 1992 to distribute food to the detainees.[1803] During June and July 1992, Merhamet was allowed to visit the camp once a week to bring food and clothes, and after that the ICRC was allowed to come into the camp.[1804] **Džafić** considered that the conditions at the camp improved after the ICRC visit on or about 14 July 1992.[1805] The ICRC registered him and gave him the possibility to send letters to his relatives.[1806] The detainees were also allowed to receive one food parcel per week.[1807] **Šabanović** confirmed that the food only improved due to the fact that the ICRC brought supplies from outside.[1808] **Zulić** explained that after the ICRC came to the camp, the detainees were able to wash themselves more properly, something that was not possible before the visit.[1809] Adequate food was, however, only available after 28 or 30 August 1992.[1810] **Karabeg** confirmed that the conditions improved with the arrival of the ICRC: medical examinations were carried out and detainees received a quarter of a loaf of bread in the mornings and evenings instead of one small slice of bread.[1811] **McLeod** stated that Popović told the ECMM during the visit on 30 August 1992 that the ICRC arranged for humanitarian aid to be brought to the camp every three days, and a nutritionist was allowed to stay at the camp 'as long as he wanted'.[1812]

[1801] Boško Amidžić, T. 29549.
[1802] D847 (Boško Amidžić, witness statement, 25 June 2014), para. 31.
[1803] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), p. 5346.
[1804] Witness RM-051, T. 2921. *See also* P3134 (Muhamed Filipović, *Brđanin* transcript, 30 August 2002, 4-5 September 2002), pp. 9623-9624; P3873 (Notes from a meeting between General Talić and Muslim representatives, 22 June 1992), p. 2.
[1805] P3394 (Atif Džafić, witness statement, 28 September 2011), paras 113, 119. *See also* P3258 (Charles McLeod, *Brđanin* transcript, 21-24 June 2002), p. 7316; P3264 (ECMM report, 3 September 1992), para. 37; P3269 (Charles McLeod's personal notes, 20-31 August 1992), p. 57; P3426 (Sakib Muhić, witness statement, 11 April 2000), p. 8; P3403 (Asim Egrlić, *Brđanin* transcript, 10 October 2002), p. 10609; P3134 (Muhamed Filipović, *Brđanin* transcript, 30 August 2002, 4-5 September 2002), pp. 9623-9624.
[1806] P3394 (Atif Džafić, witness statement, 28 September 2011), para. 118. *See also* P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 121; P3612 (Diary of Ahmet Zulić, second book), p. 11; P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 11.
[1807] P3394 (Atif Džafić, witness statement, 28 September 2011), para. 120.
[1808] P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 11.
[1809] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 115.
[1810] P3611 (Ahmet Zulić, witness statement, 22 February 2010), paras 111, 124. *See also* P3432 (Bekir Delić, witness statement, 13 September 2001), p. 9; P3228 (Witness RM-017, witness statement, 1 September 1994), p. 23.
[1811] P3250 (Mirzet Karabeg, *Brđanin* transcript, 27-28 May 2002), p. 6189.
[1812] P3264 (ECMM report, 3 September 1992), para. 27; P3269 (Charles McLeod's personal notes, 20-31 August 1992), pp. 43, 45.

Witness RM-051 confirmed that an ICRC nutritionist paid visits to the camp every day from 9 a.m. to 5 p.m.[1813] According to **Filipović**, the guards 'themselves were in a crisis', and that when the ICRC provided food, the guards said that the detainees 'were being better fed than them'.[1814]

Treatment of detainees at Manjača camp

440. Detainees at Manjača camp were subjected to regular beatings.[1815] Beatings at Manjača camp also took place during interrogations.[1816] **Seferović** stated that there were beatings every night.[1817] **Draganović** and other detainees were beaten every two hours for the first seven days and nights of his detention.[1818] The beatings were inflicted with the use of, among others, fists, feet, batons, wooden poles, rifle butts, and electric cables. In some cases, these beatings were so severe as to result in serious injury.[1819] The detainees also witnessed beatings being inflicted on other detainees.[1820] **Šabanović** stated that after his arrival at the camp, he was interrogated by six military officers in olive-grey uniforms, after which the interrogators pointed at two other detainees, called them *'Ustašas'*, and beat them in front of the witness for almost an hour.[1821] A tall military policeman then made the Christian cross on the witness's chest and kicked him.[1822] **Zulić** stated that detainees were referred to as *'Balijas'*.[1823] **Filipović** stated that Bulatović would make Omer Filipović take off his pants and then would pour hot tea over him.[1824] Omer Filipović was placed in solitary confinement and beaten for 19 days.[1825] Bulatović also delivered 94 blows with a police truncheon to another detainee, a Roma JNA officer from Serbia.[1826] **Draganović** described how guards threw water at

[1813] Witness RM-051, T. 2891, 2926.
[1814] P3134 (Muhamed Filipović, *Brđanin* transcript, 30 August 2002, 4-5 September 2002), pp. 9624-9625.
[1815] Adjudicated Facts I, no. 469.
[1816] Adjudicated Facts I, no. 471.
[1817] P2502 (Adem Seferović, witness statement, 26 July 1999), p. 6. *See also* P3403 (Asim Egrlić, *Brđanin* transcript, 10 October 2002), p. 10605.
[1818] P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 12.
[1819] Adjudicated Facts I, no. 472.
[1820] Adjudicated Facts I, no. 473.
[1821] P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 8.
[1822] P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 8.
[1823] P3611 (Ahmet Zulić, witness statement, 22 February 2010), paras 87, 94.
[1824] P3134 (Muhamed Filipović, *Brđanin* transcript, 30 August 2002, 4-5 September 2002), p. 9620.
[1825] P3134 (Muhamed Filipović, *Brđanin* transcript, 30 August 2002, 4-5 September 2002), p. 9620-9621.
[1826] P3134 (Muhamed Filipović, *Brđanin* transcript, 30 August 2002, 4-5 September 2002), pp. 9618-9619.

the detainees when they were collapsing following beatings.[1827] **Šabanović** examined men who had their testicles tied up in a rope which was then pulled.[1828] He also described how on his first day at the camp, upon entering the stables, the detainees had to pass two German shepherd dogs standing at each side of the door. One of the dogs bit off one of the detainee's right calf.[1829] According to a news article dated 19 July 1992 by US journalist Roy Gutman, detainees who had been released from Manjača camp informed Gutman that detainees were beaten for 20 to 30 minutes and, in fear of more beatings, no one went to the doctor.[1830] **Egrlić** stated that detainees who had been beaten did not receive medical care and confirmed that if they tried to wait outside the medical unit for treatment, the guards would beat them.[1831]

441. **Šabanović** stated that a few detainees talked or complained to the ICRC and were subsequently severely beaten; according to the witness, no other detainees dared talking to the ICRC after that.[1832] **Zulić** stated that during an ICRC visit, a Swiss doctor inspected his wounds.[1833] After seeing that the doctor checked on him, three guards – Bulatović, Zoka, and another guard – beat the witness and he had to crawl back to his stable, unable to walk. The guards kicked him while he crawled, and said that there were more people they had to 'take care of' that evening and that the ICRC could 'screw his mother'.[1834] According to an ICRC report, its delegates decided to terminate their visit on 16 July 1992 prematurely as they noticed that two detainees had been subjected to ill treatment during the visit.[1835]

442. Detainees at Manjača camp were beaten by the military police who were manning the camp, and by those who had accompanied the detainees in their transfers from their municipalities of origin.[1836] **Muhić** stated that, before the ICRC registered the detainees, Špaga was the worst perpetrator and would prepare lists of people who were

[1827] P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 13.
[1828] P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 11.
[1829] P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 8.
[1830] P2891 (Article in 'Newsday' by Roy Gutman 'Prisoners of Serbia's war', 19 July 1992), pp. 1-2.
[1831] P3403 (Asim Egrlić, *Brđanin* transcript, 10 October 2002), p. 10606.
[1832] P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 11.
[1833] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 121.
[1834] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 122.
[1835] P2880 (Letter by Karadžić to Bosnian-Serb Prime Minister Đerić, 7 August 1992, and ICRC report on Manjača camp, 25 July 1992), p. 5.
[1836] Adjudicated Facts I, no. 470.

to be beaten.[1837] According to the witness, guards could not beat detainees until Špaga ordered it.[1838] **Witness RM-018** considered that three military police guards named Siniša, Zoka, and Bulatović were the worst perpetrators of the beatings.[1839] **Šabanović** stated that he never saw Popović beat anyone.[1840] However, Popović was aware of the beatings being inflicted upon the detainees.[1841] Talić was also aware of the mistreatment being visited upon detainees and of the conditions in the camp.[1842] At a meeting on 22 June 1992, General Talić was informed by Medić that civilians were detained in inadequate conditions at Manjača camp and were being ill-treated.[1843]

443. **Egrlić** described how an army captain nicknamed Zenga interrogated him about events that took place in Ključ and the police guarding the camp beat him before and after each interrogation.[1844] **Radinković** testified that the civilian police interrogated detainees in the camp, with the knowledge and approval of the Chief of Security of the 1KK, and they beat detainees during those interrogations.[1845] Individual guards also forced detainees to beat one another.[1846]

444. **Radinković** personally observed fresh injuries, such as traces of blood, on some detainees, which he informed his superior Bogojević about.[1847] According to him, none of this was authorised by the camp officials, but individual guards acted 'with bad intentions and a desire for revenge'.[1848] These incidents were reported up the chain of command, and the guards in question were dismissed.[1849] A large number of military officers were dismissed, including Staff Sergeant Mesar, Commander of Security, who was replaced before 28 July 1992 because he did not report the activity of individual

[1837] P3426 (Sakib Muhić, witness statement, 11 April 2000), p. 10. *See also* P146 (Witness RM-018, witness statement, 28 July 1999), paras 93-94; P2891 (Article in 'Newsday' by Roy Gutman 'Prisoners of Serbia's war', 19 July 1992), p. 2.
[1838] P3426 (Sakib Muhić, witness statement, 11 April 2000), p. 10.
[1839] P146 (Witness RM-018, witness statement, 28 July 1999), paras 87, 90. *See also* P3403 (Asim Egrlić, *Brđanin* transcript, 10 October 2002), p. 10606; P3134 (Muhamed Filipović, *Brđanin* transcript, 30 August 2002, 4-5 September 2002), pp. 9613-9614.
[1840] P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 16.
[1841] Adjudicated Facts I, no. 474.
[1842] Adjudicated Facts I, no. 475.
[1843] Adjudicated Facts I, no. 476.
[1844] P3403 (Asim Egrlić, *Brđanin* transcript, 10 October 2002), pp. 10568-10569.
[1845] D900 (Radomir Radinković, witness statement, 8 December 2013), pp. 2, 4; Radomir Radinković, T. 31773-31774.
[1846] D900 (Radomir Radinković, witness statement, 8 December 2013), p. 11; D901 (Table of concordance of Adjudicated Facts).
[1847] Radomir Radinković, T. 31774-31776.
[1848] Radomir Radinković, T. 31773-31774.
[1849] D900 (Radomir Radinković, witness statement, 8 December 2013), p. 11; D901 (Table of concordance of Adjudicated Facts).

policemen; however these incidents were only dealt with by courts after the war.[1850] **Witness RM-051** testified that if police officers committed a disciplinary offence, the Manjača camp commander would be responsible for dealing with the matter.[1851]

445. According to **Radinković**, the intelligence and security organ had no influence over the interrogations by the civilian police, as the civilian police had their own rules of conduct and were not duty-bound to report to the intelligence and security organ.[1852] According to him, members of the intelligence and security organ generally did not use force during questioning; however occasional beatings took place, whose perpetrators were punished.[1853] On the other hand, **Amidžić** did not see any signs of beatings on the detainees during his visits at the camp.[1854]

446. **Šabanović** stated that sometime in August 1992, Momir Talić came to the camp in his military uniform, and after his departure, the detainees were subjected to particularly harsh beatings lasting throughout the night and the next few days.[1855]

The Trial Chamber's findings

447. In relation to the number of detainees held in Manjača camp, the Trial Chamber has received evidence from Radomir Radinković that there were never more than 3,000 or 3,200 detainees at the camp. This contradicts Adjudicated Fact 462, which states that at one given point there were approximately 3,640 men detained at the camp. The Trial Chamber notes that Radinković's evidence is a mere estimate based on, *inter alia*, the assumption that 4,000 or 4,500 could not have fitted inside the camp.[1856] Under these circumstances, the Trial Chamber finds that Radinković's evidence in this respect is not sufficiently reliable to rebut Adjudicated Fact 462.

448. The Trial Chamber has also received evidence from Radinković that all detainees at Manjača camp received two blankets and that detainees were allowed to bring straw from the camp grounds inside at their discretion, as well as that he never saw or heard of

[1850] D900 (Radomir Radinković, witness statement, 8 December 2013), p. 6; Radomir Radinković, T. 31780.
[1851] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5267-5268.
[1852] Radomir Radinković, T. 31773-31774.
[1853] D900 (Radomir Radinković, witness statement, 8 December 2013), p. 11; Radomir Radinković, T. 31774; D901 (Table of concordance of Adjudicated Facts).
[1854] D847 (Boško Amidžić, witness statement, 25 June 2014), para. 39; Boško Amidžić, T. 29545-29549.
[1855] P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 15.
[1856] *See* Radomir Radinković, T. 31750.

anyone eating grass. This evidence may be seen to contradict Adjudicated Fact 463, which states that while there was some straw and blankets, at times some detainees were lying directly on the concrete floor, and Adjudicated Fact 465, according to which the rations of food caused some detainees to be so hungry that they resorted to eating grass. However, the Trial Chamber notes that Radinković entered and observed the premises where detainees were held only occasionally, in the course of escorting journalists.[1857] The Trial Chamber therefore considers that this evidence only reflects Radinković's personal observations with respect to when he was present at the camp and does not contradict Adjudicated Facts 463 and 465. Under these circumstances, the Trial Chamber rejects the Defence's argument that Radinković's evidence rebuts Adjudicated Fact 463.[1858]

449. With respect to the status of the detainees at Manjača camp, the Trial Chamber received evidence from Boško Amidžić that Manjača camp was a POW camp.[1859] Furthermore, numerous reports from Manjača Camp Operative Group to the 1KK Command and from the 1KK Command to the VRS Main Staff refer to the detainees at Manjača camp as 'POWs'.[1860] This evidence may be seen to contradict Adjudicated Fact 459, according to which Manjača camp held almost exclusively civilians. The Trial Chamber however notes that Amidžić's evidence only referred to the purpose of the establishment of the camp and not to the status of the detainees at the camp. Furthermore, the Trial Chamber considers that the labelling of the camp as a 'POW camp' and of the detainees as 'POWs' is not indicative of their status, especially considering that some of the reports sent by the Manjača Camp Operative Group itself acknowledge the presence of minors and elderly among the detainees, as well as of people who had not participated in the armed conflict.[1861] Under these circumstances, the Trial Chamber finds that this evidence does not contradict Adjudicated Fact 459.

[1857] *See* Radomir Radinković, T. 31780-31781.
[1858] *See* Defence Final Brief, para. 889.
[1859] *See* D847 (Boško Amidžić, witness statement, 25 June 2014), paras 25, 32; Boško Amidžić, T. 29459-29460.
[1860] *See*, e.g., P224 (Report by Head of the 1KK Command to the VRS Main Staff, 7 August 1992), p. 1; P2898 (Daily report by Manjača Camp Operative Group to 1KK Command, 2 July 1992); P2899 (Daily report by Manjača Camp Operative Group to 1KK Command, 18-20 August 1992), p. 1; P2910 (Daily report by Manjača Camp Operative Group to 1KK Command, 29 October 1992), p. 1; P2923 (Daily report by Manjača Camp Operative Group to 1KK Command, 11 December 1992), pp. 1, 5; P2924 (Daily report by Manjača Camp Operative Group to 1KK Command, 13 December 1992), pp. 3-4; P3264 (ECMM report, 3 September 1992), paras 18-19; P3806 (Order to close down Manjača camp by Momir Talić, 15 December 1992), p. 1; P3269 (Charles McLeod's personal notes, 20-31 August 1992), p. 42.
[1861] *See* P225 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 22 June 1992), P215 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 1 July 1992),

450. Based on the foregoing, the Trial Chamber finds that between 3 June and 18 December 1992, Manjača camp held[1862] at least 3,900 detainees.[1863] The detainees were almost exclusively civilian and predominantly men, some of whom were under-age, some over the age of 60, and some physically or mentally handicapped. With respect to the Defence's submission that a screening of detainees at Manjača camp took place, evidenced, *inter alia*, by the conclusion that some of the detainees had been allegedly involved in illegal possession and procurement of weapons, while two of them had been involved in the organization of armed resistance against the Serbs,[1864] the Trial Chamber notes that this does not affect its overall finding that the detainees at Manjača camp were predominantly civilians. In light of the foregoing, the Trial Chamber rejects the Defence's argument that Manjača camp held POWs and criminals. The detainees were primarily Bosnian Muslims, along with some Bosnian Croats, a few Bosnian Serbs, and at least one Roma.

451. The size of the farm in which the camp was located was approximately 700 hectares, of which only one and a half or two hectares were used for the camp itself. The detainees were held in stables for livestock of a few hundred square metres in size and between 500 to 850 detainees were held in one stable. As no beds were available, the detainees were provided with some straw and blankets, but at times they had to lie directly on the concrete floors. Sanitary conditions at the camp were poor. Ditches dug around the stables and barrels served as toilets, which the detainees were only permitted to use in groups of ten, sometimes not more than once a day. The water supply at the

P226 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 4 July 1992), P227 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 8 July 1992).

[1862] The Trial Chamber has received evidence from Radinković suggesting that one of the people who worked in the camp medical clinic was not held against his will as he had the right to leave at his own request. The Trial Chamber considers Radinković's testimony to be inconsistent on this matter, as he later testified that although it was recommended to his superiors that this person be the first to be released, he was not released (*see* Radomir Radinković, T. 31798), suggesting that he did not have the right to leave. The Trial Chamber therefore did not rely on Radinković's testimony in this respect.

[1863] The Trial Chamber notes that a number of witnesses provided evidence with respect to the total number of detainees that passed through Manjača camp, as well as on the number of detainees held at the camp at a particular point in time, *see* Radomir Radinković, T. 31738, 31740-31743, 31747-31750; P3293 (Adil Radinković, witness statements), witness statement of 30 October 1999, p. 13; P3437 (Witness RM-709, witness statement, 6 June 2000), p. 8, P3426 (Sakib Muhić, witness statement, 11 April 2000), pp. 8, 10. The Trial Chamber has based its finding on the minimum number of detainees who passed through the camp on the evidence of Sakib Muhić, who received his information from the persons who were responsible for reporting the number of detainees in the stables in which they were held and who later compared notes, as opposed to Radinković and Witness RM-709, who provided mere estimates with respect to the number of detainees held at or who passed through the camp.

[1864] *See* Defence Final Brief, paras 843, 901-904.

camp was sporadic and detainees could only rarely wash themselves.[1865] Drinking water was provided to the detainees in quantities as small as 0.2 litres per day. When the water supply was not functioning, the detainees would fetch drinking water from a nearby lake, which was full of impurities and small animals such as tadpoles.[1866]

452. At least during the first six weeks of the camp's existence, the food provided to the detainees was scarce, consisting of as little as a thin broth, a slice of bread, and a small quantity of meat, which caused many detainees to lose significant amounts of weight, occasionally faint from hunger, and resort to eating grass. The camp was infested with lice and many detainees suffered from various illnesses, some caused by the poor sanitary conditions at the camp. A medical clinic existed in the camp and was staffed by, among others, camp detainees, but it suffered a severe shortage of medicine and supplies, with medical resources being sometimes non-existent. Occasionally, detainees in need of medical care were taken to the Banja Luka hospital. After the ICRC was allowed to visit the camp between June and December 1992, the provision of food, water, sanitary conditions, and medical supplies improved; the ICRC and other organizations were permitted to bring supplies from the outside. However, the more sought-after medicine had to be handed over to the military police, who would keep it for themselves.

453. With respect to the Defence's argument that, due to a humanitarian crisis, the VRS lacked resources to provide for the Manjača camp detainees and that the guards at the camp did also not have sufficient food,[1867] the Trial Chamber finds some of the evidence supporting this argument to be unreliable. In this respect, the Trial Chamber

[1865] While according to Amidžić, '[b]aths were taken as needed and as requested', the witness himself admitted that there were occasional water supply problems at the camp, as a consequence of which plastic barrels for storing water had to be provided at the camp (*see* D847 (Boško Amidžić, witness statement, 25 June 2014), para. 31; Boško Amidžić, T. 29549). The fact that there was no constant water supply at the camp and that the detainees could only rarely wash themselves is also supported by the evidence of Radomir Radinković (*see* Radomir Radinković, T. 31782-31783), Atif Džafić (*see* P3394 (Atif Džafić, witness statement, 28 September 2011), para. 102), Ahmet Zulić (*see* P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 114), and Ewan Brown (*see* P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013), para. 2.69), as well as by documentary evidence (*see* P232 (Request by 1KK Command to Assistant Commander for Logistics in 1KK, 27 July 1992), p. 1; P2880 (Letter by Karadžić to Bosnian-Serb Prime Minister Đerić, 7 August 1992, and ICRC report on Manjača camp, 25 July 1992), p. 6; P2891 (Article in 'Newsday' by Roy Gutman 'Prisoners of Serbia's war', 19 July 1992), p. 1).

[1866] In accordance with Radinković's evidence, both detainees and guards at Manjača camp drank the same water, which was brought from a nearby lake in hygienic containers. However, the witness did not specify whether *sufficient* water was provided to the detainees. Furthermore, even though the water may have been brought in hygienic containers, it may have contained impurities, as it was taken directly from a lake.

[1867] *See* Defence Final Brief, paras 883-885

notes that Amidžić, who testified that the detainees and the camp guards received the same quantity and quality of food, was rarely present when food was prepared and distributed and therefore could not personally verify how this occurred.[1868] Similarly, Radinković, who testified that the detainees received the same amount of food as the camp staff, only occasionally entered the premises where the detainees were kept.[1869] Moreover, given the overwhelming, reliable evidence that it received regarding the treatment of detainees at Manjača camp, which included regular beatings and mistreatment, as well as the evidence that, e.g., after medical supplies were available, the guards at the camp kept the more sought-after medicine,[1870] the Trial Chamber finds the suggestion that the camp guards received the same amount of food as the detainees to be disingenuous. Under these circumstances, and in light of the totality of the evidence, the Trial Chamber rejects the Defence's argument that the sole reason for which the detainees at Manjača camp were underfed was a lack of resources.

454. With regard to the responsibility for the detention and the conditions at the camp, the Trial Chamber considers that Manjača camp began operating under the control of the VRS 1KK, pursuant to instructions from the VRS Main Staff. Lieutenant Colonel Božidar Popović served as camp commander as of around 15 June 1992, and Predrag Kovačević a.k.a. Špaga, a military police officer, was his deputy. The guards at the camp were members of the VRS Military Police and members of the Banja Luka, Ključ, Prijedor, and Sanski Most SJBs, under the command of the 1KK.[1871]

[1868] *See* Boško Amidžić, T. 29470-29474.
[1869] *See* Radomir Radinković, T. 31780-31781.
[1870] *See* P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 11.
[1871] The Trial Chamber has received contradictory evidence with respect to whether the members of the civilian police were tasked with providing internal and/or external security at Manjača camp. According to Radomir Radinković, a military police battalion, under the command of the 1KK, was in charge of the internal security of the camp, while the civilian police were in charge of securing the external components of the camp (*see* D900 (Radomir Radinković, witness statement, 8 December 2013), p. 2; Radomir Radinković, T. 31737-31738, 31768). Enis Šabanović and Ahmet Zulić also provided evidence that policemen were providing security outside the wired fence surrounding the camp (*see* P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 17 and P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 107). According to Exhibit P3268 however, the Manjača camp internal security forces comprised both members of the military and the civilian police, while the Manjača camp external security forces included three battalions of the 1st Light Artillery Regiment and one APC from the 2nd Armoured Brigade (*see* P3268 (Order of the 1KK command, 27 July 1992), p. 1). Furthermore, according to Sakib Muhić and Charles McLeod, individuals identified as soldiers were manning the machine guns positioned at the four corners of the camp and at least one of the camp's watchtowers, respectively (*see* P3426 (Sakib Muhić, witness statement, 11 April 2000), p. 7 and P3258 (Charles McLeod, *Brđanin* transcript, 21-24 June 2002), p. 7314). Under these circumstances, the Trial Chamber has been unable to make a determination on which units were in charge of providing internal security and which units were in charge of providing external security at the camp. In light of the totality of the evidence, the Trial Chamber is, however, satisfied that the camp was staffed, internally and externally, by members of VRS

455. As for the Defence's argument that the SJB members were not within the effective control of the 1KK, the Trial Chamber considered the evidence of a discussion between conscripts and a commander at the camp, as well as a report that soldiers and policemen were targeting and beating prisoners against their commander's orders.[1872] On the other hand, the Trial Chamber took into account Witness RM-051's statement, which confirmed that as soon as SJB members arrived at Manjača they were immediately subordinated to the VRS, and all disciplinary offences committed by these members were dealt with by the camp commander.[1873] Accordingly, although some of the evidence referred to by the Defence shows sporadic episodes of disobedience by SJB members, the Trial Chamber considers that they do not disprove the Corps's overall control of SJB members in the camp.[1874] Based on the foregoing, the Trial Chamber finds that the VRS 1KK detained people at Manjača camp and was responsible for the conditions at the camp.

456. The camp guards subjected detainees to regular beatings, including during interrogations. Kovačević also beat detainees at the camp. The beatings were inflicted with the use of fists and feet, as well as batons, wooden poles, rifle butts, electric cables and other implements and would sometimes result in serious injuries. Detainees who had been beaten did not receive medical care and would sometimes be prevented from seeking such care through further beatings. Sometimes, detainees were beaten daily or as often as every two hours for seven days in a row. On one occasion, members of the VRS Military Police forced detainees to beat one another. On another occasion, the camp guards kicked a detainee while he was crawling back to his stable, unable to walk as a consequence of a beating. The camp guards also severely beat detainees who talked or complained to the ICRC, preventing other detainees from doing the same during other ICRC visits. The Trial Chamber further finds that those who escorted detainees to Manjača camp, including members of the VRS and the civilian police, also beat detainees at the camp. Popović was aware of the beatings inflicted upon the detainees. The camp guards also subjected the detainees to various forms of mistreatment, such as tying up their testicles in a rope which was then pulled, placing them in solitary

Military Police and the Banja Luka, Ključ, Prijedor, and Sanski Most SJBs, under the command of the VRS 1KK.

[1872] P2899 (Daily report by Manjača Camp Operative Group to 1KK Command, 18-20 August 1992), pp. 3-4; P229 (Daily report from the Manjača Camp Operative Group to the 1KK Command, 16 July 1992), p. 2.

[1873] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5267-5268.

confinement, and making one detainee take off his pants and then pouring hot tea over him. Both the camp guards and Popović referred to the detainees as *'Ustašas'* and *'Balijas'*. One camp guard, during a beating, made a Christian cross on a detainee's chest. Popović told the detainees that they were going to 'lose their heads', that they were in 'a Serb nation', and that Bosnia belonged to the Serbs.

457. The Trial Chamber will further consider the above in relation to Count 3 of the Indictment in chapter 8 below.

458. The Trial Chamber will consider the evidence with respect to the VRS permitting access to the ICRC and other humanitarian organizations, as well as international journalists to Manjača camp and the measures taken in response to some of the incidents which occurred at the camp in chapter 9.

4.1.3 Destruction of private and public property, including cultural monuments and sacred sites

459. According to the Indictment, the Accused is responsible for wanton acts of destruction of private property, including homes and business premises, and public property, including cultural monuments and sacred sites in Banja Luka Municipality between 12 May 1992 and 30 November 1995.[1875] The Trial Chamber took judicial notice of two Adjudicated Facts relating to these charges.[1876] It also received evidence from **Witness RM-016,** a Bosnian Serb from Banja Luka,[1877] as well as documentary evidence and finds that this evidence is consistent with the Adjudicated Facts.[1878] The Trial Chamber further received evidence from **András Riedlmayer**, a bibliographer and art documentation specialist;[1879] **Boško Amidžić**, Chief of Quartermaster Service in the 1KK from May 1992 and Assistant Commander for logistics in the 1KK from 14 February 1993;[1880] as well as documentary evidence.

[1874] *See* Defence Final Brief, para. 842.
[1875] Indictment, paras 47, 52, 59(j).
[1876] Adjudicated Facts I, nos. 489, 491.
[1877] P2375 (Witness RM-016, witness statement, 5 August 2013), p. 1, paras 4, 11, 16; Witness RM-016, T. 17398.
[1878] **Witness RM-016:** P2375 (Witness RM-016, witness statement, 5 August 2013), para. 39. **Documentary evidence:** P3434 (Weekly report by Stojan Župljanin regarding the situation in the area covered by CSB Banja Luka, 26 May 1992), pp. 3-4.
[1879] P2503 (Expert report of András Riedlmayer, December 2012), para. 75; András Riedlmayer, T. 17888; P2504 (*Curriculum vitae* of András Riedlmayer), p. 1.
[1880] D847 (Boško Amidžić, witness statement, 25 June 2014), para. 2; Boško Amidžić, T. 29502.

460. Attacks on private houses and business premises belonging to Bosnian Muslims and Bosnian Croats in the city of Banja Luka took place in mid 1992. Explosions were frequent and occurred mostly at night. Houses were attacked with hand grenades, rocket launchers, and rifle-launched grenades.[1881] **Witness RM-016** specified that a hair salon owned by a Muslim in Banja Luka was blown up in 1992 or 1993.[1882] The police failed to investigate the bombing of private houses and business premises in Banja Luka.[1883]

461. According to an interim report from the 1KK command to the VRS Main Staff, on 7 May 1993 at about 3:02 a.m., the Ferhadija mosque, the Arnaudija mosque, and the Gonji Šeher mosque were destroyed.[1884] The destruction caused considerable damage to the buildings in their vicinity. The police and forces defending the town sealed off the area and launched an investigation.[1885] According to **Witness RM-016**, the Ferhadija mosque in Banja Luka Town was blown up, as far as he remembers, on 1 May 1993, and although an on-site investigation was conducted by the 'basic court', the witness did not know of anyone being arrested or charged for carrying out a destruction.[1886] According to an article from The London Times, dated 14 May 1993, the mosque was destroyed by explosives on 7 May 1993. On 13 May 1993, the remains of the mosque were moved to the municipal rubbish dump. According to the article, also on 7 May 1993 the Arnaudija mosque was 'completely razed'. A Muslim community official interviewed for the article stated that on or around 1 May 1993, the Pobrdje mosque was set on fire.[1887]

462. **Boško Amidžić** testified that the 1KK Command never ordered the destruction of religious facilities in Banja Luka and issued a written order prohibiting the destruction of religious sites.[1888] Destructions occurred but were carried out by individuals and groups who were not under the command of the Corps.[1889]

[1881] Adjudicated Facts I, no. 489.
[1882] P2375 (Witness RM-016, witness statement, 5 August 2013), para. 39.
[1883] Adjudicated Facts I, no. 491.
[1884] P6991 (1KK Command interim report to the VRS Main Staff, 7 May 1993). *See also* P4298 ('Razing of Mosques Gives New Resolve to Muslims', The London Times, 14 May 1993). The Trial Chamber understands that Gonji Šeher refers to Gornji Šeher.
[1885] P6991 (1KK Command interim report to the VRS Main Staff, 7 May 1993).
[1886] P2375 (Witness RM-016, witness statement, 5 August 2013), para. 86; Witness RM-016, T. 17426; P2376 (Clarifications to statement of Witness RM-016, 23 September 2013).
[1887] P4298 ('Razing of Mosques Gives New Resolve to Muslims', The London Times, 14 May 1993).
[1888] D847 (Boško Amidžić, witness statement, 25 June 2014), para. 59.
[1889] D847 (Boško Amidžić, witness statement, 25 June 2014), para. 59; Boško Amidžić, T. 29518.

463. Riedlmayer testified that he received 'informant statements' mentioning the involvement of Bosnian-Serb sappers, specialised in explosives, in the destruction of the Ferhadija mosque.[1890] However, he clarified that he could not rule out that the destruction was done by civilians nor confirm it was done by the the military.[1891] He further testified that the 16 mosques of Banja Luka Town were damaged during the war without.[1892]

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465. With regard to Riedlmayer's evidence on the perpetrators of the destruction of the Ferhadija mosque, the Trial Chamber notes that he obtained his information from informants' statements. However, Riedlmayer did not specify how these persons obtained this information. Therefore, the Trial Chamber could not determine whether there was a solid basis for the conclusions presented to him and will not rely on his evidence in this respect.

466. Based on the foregoing, the Trial Chamber finds that in mid-1992 private houses and business premises belonging to Bosnian Muslims and Bosnian Croats in Banja Luka Town were frequently attacked, often at night. A private business owned by a Muslim was blown up in 1992 or 1993. Houses were attacked with hand grenades, rocket launchers, and rifle-launched grenades. The police failed to investigate these attacks. The Trial Chamber further finds that in early May 1993, three mosques located in Banja Luka Town were destroyed, and one mosque, located in the municipality, was set on fire. The Trial Chamber has not received evidence on the perpetrators of these incidents and is therefore unable to identify them. Under these circumstances, The Trial Chamber will not consider these incidents further in relation to Count 3 of the Indictment.

[1890] András Riedlmayer, T. 17958-17959.
[1891] András Riedlmayer, T. 17959-17960.
[1892] András Riedlmayer, T. 17983.
[1893] András Riedlmayer, T. 17958-17959.
[1894] András Riedlmayer, T. 17959-17960.

4.1.4 Appropriation or plunder of property

467. The Trial Chamber finds that the Prosecution has presented insufficient evidence to prove this charge.

4.1.5 Forced labour and human shields

468. According to the Indictment, the Accused is responsible for subjecting Bosnian Muslims and Bosnian Croats in Banja Luka Municipality to forced labour, including digging graves and trenches and other forms of forced labour at front lines, and using them as human shields between 12 May 1992 and 30 November 1995.[1896] The Defence argued that the labour carried out by Manjača camp detainees was in accordance with the Geneva Conventions and that the VRS ordered that International Humanitarian Law be respected with regard to the detainees being used for labour.[1897] The Trial Chamber has received documentary evidence as well as evidence from a number of witnesses, both VRS officials and Manjača camp detainees, concerning this charge, including **Radomir Radinković**, a VRS 1KK intelligence and security; [1898] **Ewan Brown**, a military analyst;[1899] **Witness RM-018**, a Bosnian Muslim from Ključ Municipality;[1900] **Adil Draganović**, a Muslim Judge, President of the Sanski Most Municipal Court, who was detained in the Manjača camp from 17 June 1992 to 14 December 1992;[1901] **Adem Seferović**, a Bosnian Muslim from Hrustovo in Sanski Most Municipality,[1902] **Enis Šabanović**, a Bosnian Muslim from Trnova in Sanski Most Municipality who was detained at the camp from about 6 June to 24 November 1992;[1903] **Atif Džafić**, the Bosnian-Muslim police commander of the Ključ SJB from 1991 to 21 or 22 May

[1895] András Riedlmayer, T. 17983.
[1896] Indictment, paras 39(c), 47, 59(h).
[1897] Defence Final Brief, paras 881-882.
[1898] D900 (Radomir Radinković, witness statement, 8 December 2013), pp. 1, 6.
[1899] P2863 (Ewan Brown, witness statement, 27 and 28 July 2009), p. 2; P2858 (Ewan Brown, *curriculum vitae*), p. 1.
[1900] P146 (Witness RM-018, witness statement, 28 July 1999), p. 1, para. 1; P147 (Witness RM-018, witness statement, 27 August 2002), p.1, para. 1; Witness RM-018, T. 1962-1963; P145 (Pseudonym sheet for Witness RM-018).
[1901] P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, pp. 1-2, 7, 10, 12, witness statement of 6 October 2000, p. 1, witness statement of 7 July 2000, pp. 1, 3.
[1902] P2502 (Adem Seferović, witness statement, 26 July 1999), pp. 1-2.
[1903] P3124 (Enis Šabanović, witness statement, 19 February 2001), pp. 1-2.

1992;[1904] **Muhamed Filipović**, a Bosnian Muslim from Ključ Municipality;[1905] **Witness RM-709**, a Bosnian Muslim who deserted from the JNA in February 1992 and joined the Muslim TO in the village of Trnopolje;[1906] **Witness RM-017**, a Bosnian Muslim from Kozarac in Prijedor Municipality;[1907] **Mirzet Karabeg**, a Bosnian Muslim who served as the SDA President of the Executive Board of the Sanski Most Municipal Assembly from 1 January 1991 until 17 April 1992 and as the President of the Sanski Most War Presidency from 30 March 1993 until 15 March 1996;[1908] **Witness RM-051**, a VRS security officer;[1909] **Sakib Muhić**, a Bosnian Muslim from Mahala in Sanski Most town;[1910] **Asim Egrlić**, a Bosnian Muslim from Ključ who was detained at Manjača camp between 12 June and 13 December 1992 and then at Batković camp;[1911] **Ahmet Zulić**, a Bosnian Muslim from the village of Pobriježje near Sanski Most;[1912] **Bekir Delić**, a Bosnian Muslim man from Sanski Most;[1913] and **Witness RM-016**, a Bosnian Serb from Banja Luka.[1914]

469. **Radomir Radinković** testified that detainees at the camp performed agricultural and maintenance work on the surrounding farm land, including cutting trees and preparing firewood, road maintenance, the construction of the local water delivery system from the lake and pumping station, and work connected with the local church.[1915] **Ewan Brown** testified that some of the detainees were expected to carry out work, including tasks of an apparent military nature.[1916] These tasks included cutting wood in order to supply fireword for troops, assisting with work carried out by the 1KK,

[1904] P3394 (Atif Džafić, witness statement, 28 September 2011), p. 1, paras 1, 4, 6; P3395 (Atif Džafić, *Karadžić* transcript, 30 September 2011), p. 19657.
[1905] P3133 (Muhamed Filipović, witness statements), witness statement of 24 May 1997, pp. 1-2, witness statement, of 13 March 2001, p. 1. The evidence of Muhamed Filipović is reviewed in chapter 4.1.2 *Schedule C.1.2*.
[1906] P3437 (Witness RM-709, witness statement, 6 June 2000), pp. 1-4; P3438 (Witness RM-709, witness statement, 16 February 2002), pp. 1-2; P3439 (Witness RM-709, witness statement, 26 October 2002), pp. 1-2.
[1907] P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 1-2.
[1908] P3248 (Mirzet Karabeg, witness statement, 25 July 1999), pp. 1-2; P3249 (Mirzet Karabeg, witness statement, 23 May 2002), pp. 1-2.
[1909] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), p. 5255; Witness RM-051, T. 2883-2884.
[1910] P3426 (Sakib Muhić, witness statement, 11 April 2000), pp. 1-2.
[1911] P3402 (Asim Egrlić, witness statement, 23 May 1997), pp. 1-2, 5; P3403 (Asim Egrlić, *Brđanin* transcript, 10 October 2002), p. 10607.
[1912] P3611 (Ahmet Zulić, witness statement, 22 February 2010), p. 1, paras 1-3.
[1913] P3432 (Bekir Delić, witness statement, 13 September 2001), pp. 1-2.
[1914] P2375 (Witness RM-016, witness statement, 5 August 2013), p. 1, paras 4, 11, 16; Witness RM-016, T. 17398.
[1915] D900 (Radomir Radinković, witness statement, 8 December 2013), p. 6.
[1916] P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013), para. 2.79.

and assisting in making firing positions for combat equipment used in defence of the camp.[1917] The Trial Chamber also received documentary evidence regarding the use of the detainees in carrying out these tasks. On 27 July 1992, as a result of bacteriological tests of water for the camp and surrounding area, the 1KK Command Chief of Staff requested that the Assistant Commander for Logistics of the corps engage detainees to work on the water supply system in the Manjača military training area.[1918] On 22 August 1992, General Momir Talić ordered the reconstruction of a Serbian Orthodox Church in the village of Šljivno, to be completed by 4 October 1992.[1919] The order specified that the workforce was to be provided by the 'collection centre' at Manjača.[1920] According to requests addressed to the 1KK Command dated 24 September 1992 and 1 October 1992, Chief of engineers, Colonel Lazar Kosanović, requested a total of 285 POWs from Manjača camp for work to be carried out in camouflage, fortification, and road construction and maintenance companies by the 1st Engineers Regiment.[1921] On 24 September 1992, Milutin Vukelić authorized the cutting of wood in Manjača military estates, and a maximum of 20 POWs were to be engaged in felling the trees.[1922] On 10 October 1992, Milutin Vukelić signed an authorisation to engage POWs from the Manjača camp to cut trees for the Banja Luka Military Post 7101.[1923]

470. The witnesses who were detained at the Manjača camp were brought there on or after 6 June 1992 and were held for a number of months, some until December 1992. The Trial Chamber has dealt with their detention in chapter 4.1.2 *Schedule C.1.2*. **Witness RM-018** testified that, during the period he was a detainee at the Manjača camp, from the scond half of June 1992 to mid-December 1992, he was forced to work every day and that most other detainees were also forced to work.[1924] **Adil Draganović**

[1917] P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013), para. 2.79.
[1918] P232 (Request by 1KK Command to Assistant Commander for Logistics in the 1KK, 27 July 1992), p. 1.
[1919] P238 (Order by General Momir Talić on the construction of a Serbian Orthodox Church, 22 August 1992), p. 1. See also P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5263-5264, 5315.
[1920] P238 (Order by General Momir Talić on the construction of a Serbian Orthodox Church, 22 August 1992), pp. 1-2.
[1921] P3882 (1KK request to Manjača camp, 1 October 1992); P4054 (1KK request to Manjača camp, 24 September 1992).
[1922] P3881 (Authorization letter to cut wood, 24 September 1992).
[1923] D902 (Command authorization to cut trees, 10 October 1992).
[1924] P146 (Witness RM-018, witness statement, 28 July 1999), paras 84, 95, 100. *See also* P3250 (Mirzet Karabeg, *Brđanin* transcript, 27-28 May 2002), p. 6188.

stated that the detainees were forced to work on the front lines, dig trenches, and carry wood.[1925] **Adem Seferović** stated that when he was detained at the camp from 6 June until 16 December 1992, he had to cut wood in the forest for one month while other detainees had to dig trenches and carry out agricultural work.[1926] **Enis Šabanović** confirmed that detainees were forced to carry out agricultural work, and also work on a hydroelectric power plant.[1927] **Witness RM-017** stated that the guards would come to look for 'volunteers' to cut wood. The witness drove a truck carting wood almost every day during his stay, except for some Sundays.[1928] **Witness RM-709** stated that detention conditions were brutal: detainees had to perform manual labour on the field and were beaten on the way there.[1929] **Šabanović**, **Atif Džafić**, and **Muhamed Filipović** all stated that detainees from the Manjača camp were also taken to carry out work on a nearby Orthodox church.[1930] **Bekir Delić** stated that Serb guards regularly selected detainees and ordered them to march to various work sites, escorted by VRS soldiers, to build an Orthodox church, to perform farming jobs, to dig canals for water, to fetch water, or to unload ammunition for the VRS army at the barracks located behind the camp.[1931]

471. **Witness RM-051** testified that detainees at the Manjača camp did carry out labour, but that it was voluntary; he explained that detainees preferred to be outside and that as a result, there were far more volunteers than were needed to perform the work.[1932] **Sakib Muhić** who was detained in the camp between 6 June and November 1992, also stated that many detainees preferred to carry out 'forced labour' because then they would be given something to eat.[1933] However, **Asim Egrlić** stated that detainees would be beaten if there were not enough volunteers to perform labour in the woods or in the fields outside of the camp and on one such occasion the witness's collarbone was

[1925] P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 13.
[1926] P2502 (Adem Seferović, witness statement, 26 July 1999), pp. 5-7.
[1927] P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 12; P3125 (Enis Šabanović, *Brđanin* transcript, 5 June 2002) pp. 6530-6533; P3128 (Request by the 1KK Command for reconstruction of the water supply system, 5 August 1992); P3129 (Authorisation by the 1KK Command to use prisoners-of-war in Manjača camp for work duties, 22 September 1992); P3130 (Order by the First Krajina Corps Command to use prisoners-of-war in Manjača camp for work duties, 22 September 19921KK Order to Commander of Manjača Camp, 5 November 1992).
[1928] P3228 (Witness RM-017, witness statement, 1 September 1994), p. 23.
[1929] P3437 (Witness RM-709, witness statement, 6 June 2000), p. 10.
[1930] P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 12; P3125 (Enis Šabanović, *Brđanin* transcript, 5 June 2002) pp. 6530-6533; P3133 (Muhamed Filipović, witness statements), witness statement of 13 March 2001, pp. 3-4; P3394 (Atif Džafić, witness statement, 28 September 2011), para. 111;
[1931] P3432 (Bekir Delić, witness statement, 13 September 2001), pp .8-9.
[1932] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), p. 5305.
[1933] P3426 (Sakib Muhić, witness statement, 11 April 2000), pp. 6, 8, 10.

broken when he was hit with a wooden plank.[1934] **Ahmet Zulić** stated that detainees were guarded by armed 'Serbs' at the locations where they would work.[1935]

472. Based on the foregoing, the Trial Chamber finds that between 3 June and 18 December 1992, [1936] detainees at Manjača camp regularly worked on the front lines, dug trenches, worked on a Serbian Orthodox church in the village of Šljivno and a hydroelectric power plant, and carried out various forms of agricultural work. Although the Trial Chamber accepts that some detainees may have offered to carry out certain types of work, some did so to receive food, and some were beaten if there were not enough people offering to perform labour. Based on exhibits P3881 and P3882 and the circumstances of the labour (in this respect, the Trial Chamber also recalls its findings in chapter 4.1.2 *Schedule C.1.2* concerning the conditions of detention), the Trial Chamber finds that the guards at Manjača camp, VRS and SJB members as found in chapter 4.1.2 *Schedule C.1.2*, forced the detainees to perform the labour. In relation to the ethnicity of the detainees, the Trial Chamber recalls its finding in chapter 4.1.2 *Schedule C.1.2*. The Trial Chamber will consider the Defence submission that the labour was in accordance with the Geneva Conventions in chapter 8. The Trial Chamber will further consider these incidents in relation to Count 3 of the Indictment in chapter 8, below.

4.1.6 Imposition and maintenance of restrictive and discriminatory measures

473. According to the Indictment, the Accused is responsible for imposition and maintenance of restrictive and discriminatory measures on Bosnian Muslims and/or Bosnian Croats in Banja Luka Municipality between 12 May 1992 and 30 November 1995.[1937] The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this charge.[1938] It also received evidence from **Witness RM-016**, a Bosnian Serb from Banja Luka;[1939] **Boško Amidžić** Chief of Quartermaster Service in the 1KK from May 1992 and Assistant Commander for Logistics in the 1KK from 14 February

[1934] P3403 (Asim Egrlić, *Brđanin* transcript, 10 October 2002), p. 10609.
[1935] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 127.
[1936] The Trial Chamber recalls its finding in chapter 4.1.2 *Schedule C.1.2* that Manjača camp held detainees between 3 June and 18 December 1992.
[1937] Indictment, paras 47, 59(k).
[1938] Adjudicated Fact no. 451 and 494 is reviewed in chapter 4.1.7.
[1939] P2375 (Witness RM-016, witness statement, 5 August 2013), p. 1, paras 4, 11, 16; Witness RM-016, T. 17398. Witness RM-016's evidence is also reviewed in chapter 4.1.7.

1993;[1940] **Boško Kelečević**, Chief of Staff of the 1KK from 12 May 1992 until the end of the war;[1941] **Milorad Sajić**, Secretary of the Secretariat of National Defence from April 1992 until 15 June 1992;[1942] **Mevludin Sejmenović**, the Vice-President of the SDA in Prijedor from 1990 to 1992,[1943] and documentary evidence.[1944]

474. During the republican referendum on independence on 29 February and 1 March 1992, the SOS blockaded the municipality building in Banja Luka Town.[1945] On 3 April 1992, the SOS erected checkpoints around the town and issued a press statement calling on the president of the municipality to establish a crisis staff in order to pursue several goals of the SOS, including the dismissal of Banja Luka Corps officers and public utility managers who voted 'against Yugoslavia'.[1946] The SOS's demands were adopted by the SDS. Upon the establishment of a municipal Serb crisis staff in the beginning of April 1992, Predrag Radić, president of the crisis staff and a member of the SDS Main Board, announced several measures, including: CSB employees had to pledge loyalty to the Bosnian-Serb Republic or lose their jobs; the presidency of the SFRY would be requested to reinforce the JNA Banja Luka Corps and dismiss or transfer JNA officers who had not voted 'for Yugoslavia'; and the directors of several public enterprises who pursued 'an anti-Serbian policy' would be dismissed. To enforce compliance with these orders, mixed patrols of the police, the TO, and the JNA were to take over control of the roads from the SOS.[1947] Employers in Banja Luka were told to evict non-Serbs from employer-owned apartments in order to make space for families of fallen Serb soldiers. Those who attempted to protect non-Serbs in Banja Luka were reprimanded or even replaced.[1948]

475. **Witness RM-016** testified that Radoslav Brđanin's speeches in mid-1992 which called on the Muslim population of Krajina to leave the area, supported the firing of non-Serbs.[1949] Non-Serbs who could not provide a certificate of membership in the VRS

[1940] D847 (Boško Amidžić, witness statement, 25 June 2014), p. 1, paras 1-2; Boško Amidžić, T. 29502.
[1941] D1110 (Boško Kelečević, witness statement, 26 June 2014), p. 1, paras 1, 9; Boško Kelečević, T. 37131.
[1942] D836 (Milorad Sajić, witness statement dated 24 November 2013), para. 14; Milorad Sajić, T. 29222.
[1943] P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 4.
[1944] P289 is reviewed in chapter 4.10.6.
[1945] Adjudicated Facts I, no. 453.
[1946] Adjudicated Facts I, no. 454.
[1947] Adjudicated Facts I, no. 455.
[1948] Adjudicated Facts I, no. 457.
[1949] P2375 (Witness RM-016, witness statement, 5 August 2013), para. 32; Witness RM-016, T. 17386-17387.

were dismissed from their companies.[1950] Non-Serbs who lost their jobs or whose children had moved away were forced to move to smaller apartments or lose their apartments completely.[1951]

476. The Ključ Municipality Crisis Staff documented that on 20 May 1992, the ARK Crisis Staff had decided that a military curfew was in effect in the ARK region and no public events could take place.[1952] On 29 May 1992, the ARK Crisis Staff concluded that, in order to enter the Banja Luka airport building, males between the age of 18 and 60 had to be in possession of a pass issued by the SNO of Banja Luka Municipality which allowed them to leave the ARK. Enrolment in Krajina secondary schools and Banja Luka University was to be postponed until the beginning of August 1992.[1953] On 2 June 1992, the ARK Crisis Staff concluded that employees of the SNO who failed to summon people to general mobilisation were to be replaced immediately.[1954] **Milorad Sajić** testified that the ARK Crisis Staff issued decisions in 1992 amongst others, on 26 May and 22 June 1992 regarding the removal of Muslims and Croats from their positions in companies in Krajina, which were distributed to all publicly-owned enterprises, and that these replacements were mostly carried out. According to the witness, the ARK Crisis Staff could not punitively enforce these decisions, despite the fact that he acknowledged that the decision on the removal of non-Serbs from their positions in publicly-owned enterprises contained threats of punitive measures for non-compliance.[1955] The witness also testified that the Crisis Staff's decision that publicly-owned and other companies and institutions received, was implemented to a significant degree and that these replacements were generally carried out.[1956]

477. Based on the foregoing, the Trial Chamber finds that from 12 May 1992 and throughout the remainder of that year, in particular on 26 May and 22 June 1992, the ARK Crisis Staff issued decisions to remove Bosnian Muslims and Bosnian Croats from their positions in publicly-owned enterprises in Krajina. These removals were mostly carried out. Bosnian Muslims and Bosnian Croats who had lost their jobs were

[1950] P2375 (Witness RM-016, witness statement, 5 August 2013), paras 32, 35; Witness RM-016, T. 17387.
[1951] P2375 (Witness RM-016, witness statement, 5 August 2013), para. 35; Witness RM-016, T. 17387.
[1952] D422 (Conclusion of ARK Crisis Staff, 20 May 1992), p. 1.
[1953] D423 (Conclusions and decision of ARK Crisis Staff, 28-29 May and 2-3 June 1992), p. 3.
[1954] D423 (Conclusions and decision of ARK Crisis Staff, 28-29 May and 2-3 June 1992), p. 4.
[1955] Milorad Sajić, T. 29221-29222; P6972 (Conclusions of the ARK Crisis Staff, 26 May 1992), p. 1.
[1956] Milorad Sajić, T. 29216, 29221.

also evicted from employer-owned apartments. The Trial Chamber will consider these incidents in relation to Count 3 in chapter 8 below.

478. The Trial Chamber further finds that although the freedom of movement in Banja Luka Municipality was restricted by checkpoints and curfews from 20 May 1992, and enrolment into the Krajina secondary schools and Banja Luka University was postponed until the beginning of August 1992, the evidence does not indicate that these measures were directed against non-Serbs alone. The Trial Chamber will therefore not further consider these incidents in relation to any count of the Indictment.

4.1.7 Forcible transfer and deportation

479. According to the Indictment, the Accused is responsible for forcible transfer and deportation of Bosnian Muslims and Bosnian Croats from Banja Luka Municipality between 12 May 1992 and 30 November 1995.[1957] The forcible transfers and deportations were implemented through the imposition of restrictive and discriminatory measures, arbitrary arrest and detention, harassment, torture, rape and other acts of sexual violence, killing, the destruction of houses, cultural monuments and sacred sites, and the threat of further such acts – all targeting Bosnian Muslims and Bosnian Croats.[1958] Others were physically driven out.[1959] The Defence argued, *inter alia*, that departures from Banja Luka Municipality were voluntary, organized by civilian authorities over whom the VRS had no authority, and prompted by criminals taking advantage of ethnic tensions to commit robberies.[1960] Departures from Manjača camp were an exchange of legitimately detained POWs.[1961] There was no intent to permanently remove these detainees.[1962] The Trial Chamber took judicial notice of a number of Adjudicated Facts related to this charge. It further received evidence from **Witness RM-016**, a Bosnian Serb from Banja Luka;[1963] and **Miloš Šolaja**, Editor-in-chief within the 1KK Press Centre from 18 July 1992 until the end of the war.[1964] The

[1957] Indictment, paras 47, 59(f), 67-69.
[1958] Indictment, para. 70.
[1959] Indictment, para. 70.
[1960] Defence Final Brief, paras 832-834.
[1961] Defence Final Brief, para. 900.
[1962] Defence Final Brief, para. 900.
[1963] P2375 (Witness RM-016, witness statement, 5 August 2013), p. 1, paras 4, 11, 16; Witness RM-016, T. 17398.
[1964] D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 4.

Trial Chamber finds that this evidence is consistent with the Adjudicated Facts.[1965] The Trial Chamber also received evidence from **Mirzet Karabeg**, a Bosnian Muslim who served as the SDA President of the Executive Board of the Sanski Most Municipal Assembly from 1 January 1991 until 17 April 1992 and as the President of the Sanski Most War Presidency from 30 March 1993 until 15 March 1996;[1966] **Davor Kolenda**, a member of the HVO in Travnik who served as Minister for Refugees within the Travnik Government just before June 1993;[1967] **Boško Amidžić**, Chief of Quartermaster Service in the 1KK from May 1992 and Assistant Commander for Logistics in the 1KK from 14 February 1993;[1968] **Radomir Radinković**, a VRS 1KK intelligence and security officer at Manjača camp as of May 1992;[1969] **Witness RM-051**, a VRS security officer ;[1970] **Charles McLeod**, a member of the ECMM in north-west Bosnia since July 1992;[1971] **Anthony Banbury**, an UNPROFOR Civil Affairs Officer in Sarajevo between March 1994 and May 1995 and later the Assistant to the UN Special Representative of the Secretary-General in Bosnia-Herzegovina;[1972] **Charles Kirudja**, a UN civil affairs officer in Croatia between April 1992 and March 1994;[1973] **Enis Šabanović**, a Bosnian Muslim from Trnova in Sanski Most Municipality who was detained at Manjača camp from about 6 June to 24 November 1992;[1974] and **Muhamed Filipović**, a Bosnian Muslim from Ključ Municipality;[1975] as well as documentary evidence[1976] in relation to this charge.

[1965] **Miloš Šolaja**: D924 (Miloš Šolaja, witness statement, 11 June 2014), paras 31-32, 43-44; Miloš Šolaja, T.32757, 32775-32776, 32792. **Witness RM-016**: P2375 (Witness RM-016, witness statement, 5 August 2013), paras 29-35; Witness RM-016, T. 17386-17387.

[1966] P3248 (Mirzet Karabeg, witness statement, 24-25 July 1999), pp. 1-2; P3249 (Mirzet Karabeg, witness statement, 23 May 2002), pp. 1-2. The evidence of Mirzet Karabeg is also reviewed in chapter 4.12.7.

[1967] D889 (Davor Kolenda, witness statement, 30 July 2014), para. 2; Davor Kolenda, T. 31001; P7092 (Davor Kolenda, statement to SIS Administration, 2 September 1993), p. 1.

[1968] D847 (Boško Amidžić, witness statement, 25 June 2014), para. 2; Boško Amidžić, T. 29502.

[1969] D900 (Radomir Radinković, witness statement, 8 December 2013), pp. 1, 6. The evidence of Radomir Radinković is also reviewed in chapter 4.1.2 *Schedule C.1.2*.

[1970] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), p. 5255; Witness RM-051, T. 2883-2884. The evidence of Witness RM-051 is also reviewed in chapter 4.1.*2 Schedule C.1.2*.

[1971] P3258 (Charles McLeod, *Brđanin* transcript 21-24 June 2002), p. 7281.

[1972] P874 (Anthony Banbury, witness statement, 19 May 2009), para. 3.

[1973] P3587 (Charles Kirudja, witness statement, 17 November 2010), para. 2. The evidence of Charles Kirudja is also reviewed in chapter 4.12.7.

[1974] P3124 (Enis Šabanović, witness statement, 19 February 2001), pp. 1-2. The evidence of Enis Šabanović is reviewed in chapter 4.12.7.

[1975] P3133 (Muhamed Filipović, witness statements), witness statement of 24 May 1997, pp. 1-2, witness statement, of 13 March 2001, p. 1.

[1976] P3806, P3886, and P3887 are reviewed in chapter 4.1.2 *Schedule C.1.2*.

Departures from Banja Luka Municipality

480. Between 1 April 1992 and 31 December 1992, there were many incidents in Banja Luka of non-Serbs being forced to either sign over their property or exchange their property for property in Croatia. An agency was set up by the authorities of Banja Luka specifically to facilitate these exchanges.[1977] In Banja Luka, the SDS publicly announced that non-Serb-owned shops and businesses would be transferred to returning Bosnian-Serb soldiers as a reward.[1978] Bosnian-Serb families moved into apartments belonging to non-Serbs who had left Banja Luka.[1979] People were not permitted to leave Banja Luka with more than 300 DEM. They were also warned not to take their belongings with them. However, when leaving Banja Luka, non-Serbs tried to hide valuables, for example, in coats and in pots of cosmetics. Restrictions were enforced at checkpoints where people were stripped and searched.[1980]

481. Between May 1992 and February 1993, many Muslim and Croat civilians were leaving Banja Luka each month, out of fear and because they had lost their jobs and apartments.[1981] **Witness RM-016** specified that non-Serbs continued to leave the municipality until May 1993 and that they did so because of SDS's policies, as well as killings, bombings, the destruction of religious sites, and rapes.[1982] In 1992, Brđanin called upon the Muslim population to leave the Krajina.[1983] Civilian authorities undertook the above-mentioned actions to drive the Muslim and Croatian population out of Banja Luka.[1984] An agency for resettlements, known as 'Brđanin's agency' in reference to Radoslav Brđanin, managed all aspects of relocation of the population.[1985] **Miloš Šolaja** testified that the civilian authorities organized Muslims and Croats leaving Banja Luka and that the VRS did not participate in the process.[1986] On 11 May 1992, the ARK Crisis Staff issued an order confiscating the property of able-bodied men aged

[1977] Adjudicated Facts I, no. 448.
[1978] Adjudicated Facts I, no. 449.
[1979] Adjudicated Facts I, no. 450.
[1980] Adjudicated Facts I, no. 451.
[1981] Adjudicated Facts I, no. 494.
[1982] P2375 (Witness RM-016, witness statement, 5 August 2013), paras 29-34; Witness RM-016, T. 17386-17387.
[1983] Witness RM-016, T. 17386; P3989 (Article published in the Ottawa Citizen on the situation in Banja Luka, 30 September 1992).
[1984] Witness RM-016, T. 17386-17387; P3714 (Regular combat report from the Command of the 1KK, 28 July 1992).
[1985] Adjudicated Facts I, no. 495.
[1986] D924 (Miloš Šolaja, witness statement, 11 June 2014), paras 31-33; Miloš Šolaja, T. 32775-32776.

between 18 and 55 who had left the area and had not immediately returned. This specifically applied to non-Serbs who had fled the territory of the ARK.[1987]

482. The Ključ Municipality Crisis Staff documented that the ARK Crisis Staff had decided in a meeting held on 20 May 1992, that there was no reason for the population of any nationality to move out of the ARK territory, and this conclusion was to be broadcasted over the radio in the following days.[1988] On 29 May 1992, the ARK Crisis Staff was concerned that several thousand Muslims from Prijedor, Sanski Most, and Bosanski Novi wished to move to central Bosnia, of their own free will, whereas a great number of Serbs from central Bosnia, who wanted to move to the ARK, were prevented from doing so by the local authorities. Due to this, the ARK Crisis Staff adopted a 'family for a family' principle, according to which all Muslims and Croats, who so wished, were allowed to move out of the area of the ARK on the condition that Serbs, who lived outside 'Serbian autonomous districts and regions', were allowed to move into the ARK and the Bosnian-Serb Republic. The ARK Crisis Staff decided that it was resolutely opposed and would prevent, with all means available under the law, all attempts to move the population out by force or any form of pressure.[1989] The ARK Crisis Staff invited the SDA and the HDZ to become actively involved in facilitating the resettlement of the population.[1990]

483. **Charles Kirudja** stated that on 1 June 1992, the mayor of Banja Luka informed him through Paolo Raffone, a UN civil affairs officer, that 15,000 Muslims from Bosanski Novi, Prijedor, Ključ, Dubica, Sanski Most, and Banja Luka had left their homes and that an additional 15,000 Muslims could soon follow.[1991]

484. In July and August 1992, crowds were seen queuing at the offices of Brđanin's agency, and busloads of people left the municipality for Croatia and other places almost daily.[1992] According to a 6 September 1992 regular combat report from the 1KK Command to the VRS Main Staff signed by Zdravko Đurić, there had been an exodus of

[1987] Adjudicated Facts I, no. 456.
[1988] D422 (Conclusion of ARK Crisis Staff, 20 May 1992), p. 1.
[1989] D423 (Conclusions and decision of ARK Crisis Staff, 28-29 May and 2-3 June 1992), p. 3.
[1990] D423 (Conclusions and decision of ARK Crisis Staff, 28-29 May and 2-3 June 1992), p. 3.
[1991] P3587 (Charles Kirudja, witness statement, 17 November 2010), para. 120; P3599 (Chart by Charles Kirudja regarding evacuations through sector north, undated).
[1992] Adjudicated Facts I, no. 495.

the majority of the Croatian, and part of the Muslim, population of Banja Luka and other towns.[1993]

485. **Davor Kolenda** testified that according to information he received as Minister for Refugees within the Travnik Government, 17,600 Bosnian Muslims from the Krajina area, who were being expelled on a daily basis from this area by the VRS, registered in Travnik Municipality by early June 1993.[1994]

486. According to an UNPROFOR report of 28 August 1994, the Bosnian Serbs were continuing their practice of expelling non-Serbs: on 26 August 1994, a reported 480 Muslims, most of whom had all of their money and belongings taken away, arrived in Tesanj and Tuzla from the Banja Luka area.[1995] An UNPROFOR report of 11 September 1994 noted that for several weeks prior, large numbers of non-Serbs had been 'expelled' from Bosnian-Serb controlled territory and that on 3 September 1994, about 500 non-Serbs crossed from the areas of Banja Luka and Sanski Most into Turbe.[1996] On 8 September 1994, Anthony Banbury reported that when confronted with the expulsions from Banja Luka, Karadžić claimed that those leaving had done so of their own volition.[1997]

Departures from Manjača camp

487. The Trial Chamber received evidence about detainees being exchanged and transferred from Manjača camp in Banja Luka Municipality from August 1992 onwards.[1998] On 20 August 1992, the Manjača Camp Operative Group reported to the 1KK Command that on 18 August 1992, six detainees were taken from the camp and exchanged on Mt Vlasić pursuant to the order of Captain Milutin Grujičić, President of the Exchange Commission, and pursuant to the approval of Major Gajić from the VRS Intelligence and Security Organ.[1999] On 24 August 1992, the Manjača Camp Operative

[1993] P3821 (Regular Combat Report from 1KK Command, 6 September 1992), pp. 1-3.
[1994] Davor Kolenda, T. 31001, 31022.
[1995] P887 (Political assessment of Bosnia-Herzegovina for 21-27 August 1994, 28 August 1994), p. 1, para. 9.
[1996] P885 (Political assessment of Bosnia-Herzegovina for 4-10 September 1994, 11 September 1994), p.1, para. 5.
[1997] P885 (Political assessment of Bosnia-Herzegovina for 4-10 September 1994, 11 September 1994), para. 6.
[1998] The Trial Chamber reviewed other evidence concerning Manjača camp in chapter 4.1.2 *Schedule C.1.2*.
[1999] P2899 (Daily report by Manjača Camp Operative Group to 1KK Command, 18-20 August 1992), p. 2.

Group reported to the 1KK Command that on the previous day, 41 detainees were brought from Manjača camp to the exchange at the Hotel 'Jajce'.[2000] The Manjača Camp Operative Group reported that pursuant to a telegram from the VRS Main Staff it had used all available forces on 24 August 1992 to work on the consolidation of the POW exchange lists. It also reported that it had succeeded in completing this task and had delivered the lists to the 1KK Command that day.[2001]

488. **Muhamed Filipović** stated that on 15 September 1992, he and other detainees were released and taken from Manjača camp to Banja Luka airport, where they met detainees from Trnopolje before being transported to London.[2002] In October 1992, roughly 158 Bosnian-Muslim and Bosnian-Croat detainees from Manjača camp were exchanged at Turbe, near Travnik.[2003]

489. On 14 November 1992, the Manjača Camp Operative Group reported to the 1KK Command that it had decided to release 700 detainees from Manjača camp to the ICRC for the purpose of their transfer to a third country.[2004] The report states that there was a thorough investigation of the detainees' files, including those detainees considered the most extreme individuals by the Sanski Most SJB, but there was not a single criminal report against any of the 700 detainees and, moreover, the charges against them were not supported by evidence and there was no basis for the team to keep them in detention or bring them to a military court.[2005] The Manjača Camp Operative Group allowed them to leave with the ICRC.[2006] **Charles McLeod** stated that in November 1992, he went to Manjača camp to assist the ICRC as they transferred released detainees to Bosanska Gradiška.[2007] The detainees who had been released were standing outside in the freezing cold in the same clothes they had been wearing in August.[2008] The detainees addressed the commander of the camp saying how grateful they were for the excellent treatment

[2000] P2909 (Daily report by Manjača Camp Operative Group to 1KK Command, 23-24 August 1992), pp. 1-2.
[2001] P2909 (Daily report by Manjača Camp Operative Group to 1KK Command, 23-24 August 1992), p. 2.
[2002] P3133 (Muhamed Filipović, witness statements), witness statement, of 13 March 2001, p. 5; P3134 (Muhamed Filipović, *Brđanin* transcript, 30 August 2002, 4-5 September 2002), pp. 9625-9626.
[2003] Adjudicated Facts I, no. 492.
[2004] Witness RM-051, T. 2875-2877; P241 (Daily report by Manjača Camp Operative Group to 1KK Command, 14 November 1992), pp. 1-2.
[2005] Witness RM-051, T. 2876-2877; P241 (Daily report by Manjača Camp Operative Group to 1KK Command, 14 November 1992), p. 1.
[2006] P241 (Daily report by Manjača Camp Operative Group to 1KK Command, 14 November 1992), p. 2.
[2007] P3258 (Charles McLeod, *Brđanin* transcript, 21-24 June 2002), pp. 7334-7335.
[2008] P3258 (Charles McLeod, *Brđanin* transcript, 21-24 June 2002), pp. 7334-7335.

they had received at the camp.[2009] The ICRC then brought them to Karlovac, after which they were transported to a third country or returned to their homes in Bosnia-Herzegovina.[2010] **Witness RM-051** clarified that following their release to the ICRC or Merhamet, only minors, the elderly, and the sick could return to their homes in Bosnia-Herzegovina; able-bodied men, regardless of whether they had participated in combat, could not return to their homes and had to leave for third countries.[2011] The detainees were forced to sign statements agreeing to the same.[2012] Detainees from Manjača camp were transported to Karlovac both prior to and following the closure of the camp in December 1992.[2013]

490. On 11 December 1992, the Manjača Camp Operative Group reported to the 1KK Command that it had prepared lists of 151 Croat detainees and 132 Muslim detainees.[2014] On the same day, 11 new detainees from Kotor Varoš were brought to the camp by Major Mirko Kosić, escorted by the ICRC.[2015] On this occasion the ICRC delegates handed over a list on the basis of which three groups of approximately 1,000 detainees each were to be released: one on Monday 14 December 1992, one on Wednesday and one on Friday.[2016] In the following days, the ICRC would deliver the coordinated lists of 1,000 detainees who were to be released.[2017] The Operative Group started selecting 250 'extremist Muslims' who could not 'go through the ICRC'.[2018]

491. On 13 December 1992, the Manjača Camp Operative Group reported to the 1KK Command that it had selected detainees for their transfer from Manjača camp, and that at 7 a.m., camp supervisor Sergeant Kovačević took the detainees to the tarmac for the line-up.[2019] At noon, a convoy composed of eleven buses, including two small ones, left the camp.[2020] One hundred and forty-nine Croat and 383 Muslim detainees were taken

[2009] P3258 (Charles McLeod, *Brđanin* transcript, 21-24 June 2002), p. 7335.
[2010] Witness RM-051, T. 2936-2937.
[2011] Witness RM-051, T. 2905-2907.
[2012] Witness RM-051, T. 2933-2937.
[2013] Adjudicated Facts I, no. 493.
[2014] P2923 (Daily report by Manjača Camp Operative Group to 1KK Command, 11 December 1992), pp. 1, 5.
[2015] P2923 (Daily report by Manjača Camp Operative Group to 1KK Command, 11 December 1992), pp. 1-2.
[2016] P2923 (Daily report by Manjača Camp Operative Group to 1KK Command, 11 December 1992), pp. 4-5.
[2017] P2923 (Daily report by Manjača Camp Operative Group to 1KK Command, 11 December 1992), p. 5; P2924 (Daily report by Manjača Camp Operative Group to 1KK Command, 13 December 1992), pp. 3-4.
[2018] P2923 (Daily report by Manjača Camp Operative Group to 1KK Command, 11 December 1992), pp. 1, 5.
[2019] P2924 (Daily report by Manjača Camp Operative Group to 1KK Command, 13 December 1992), p. 1.
[2020] P2924 (Daily report by Manjača Camp Operative Group to 1KK Command, 13 December 1992), p. 2.

from Manjača camp on that day.[2021] On the same day, a group of journalists visited the camp unexpectedly and an ICRC delegation brought a list of 1,000 detainees that had to be coordinated with the records in order to verify whether all the requested detainees existed.[2022] Once the Operations Group, together with the security commander and the camp commander, had completed this task, they could have a new list of 1,000 detainees ready for the next day, 14 December, when the first transport was to take place.[2023] The Operative Group expressed serious doubts that the preparations could be finalised in time. The Manjača camp commander attempted to postpone the first transport of 1,000 'POWs' planned to start at 7 a.m. on the next day, but did not succeed.[2024]

492. On 14 December 1992, the Manjača Camp Operative Group reported to the 1KK Command that between 9 a.m. and 12:30 p.m. that day, after all departing detainees had signed a statement that they wished to go with the ICRC, 1,008 detainees left Manjača camp in 21 buses escorted by six ICRC jeeps.[2025] At 4:30 p.m., the security department of Manjača camp received information that the convoy had crossed the bridge in Gradiška. The camp command then issued an order to empty two pavilions of the 'second camp' and to accommodate the remaining 1,413 (mainly Muslim) detainees in the 'first camp'.[2026]

493. On 16 December 1992, the 1KK Command reported to the VRS Main Staff that 1,001 detainees had been released from Manjača camp and escorted out of the territory of the Bosnian-Serb Republic.[2027] On 18 December 1992, 418 or 419 detainees were released.[2028]

494. Manjača camp was closed in December 1992.[2029] **Miloš Šolaja** testified that he was present when the camp was closed, pursuant to an agreement by Karadžić, Boban,

[2021] P2924 (Daily report by Manjača Camp Operative Group to 1KK Command, 13 December 1992), p. 3.
[2022] P2924 (Daily report by Manjača Camp Operative Group to 1KK Command, 13 December 1992), pp. 3-4.
[2023] P2923 (Daily report by Manjača Camp Operative Group to 1KK Command, 11 December 1992), p. 5; P2924 (Daily report by Manjača Camp Operative Group to 1KK Command, 13 December 1992), pp. 1, 3-4.
[2024] P2924 (Daily report by Manjača Camp Operative Group to 1KK Command, 13 December 1992), p. 4.
[2025] P6796 (Daily report concerning the transport of detainees out of Manjača, 14 December 1992), p. 1.
[2026] P6796 (Daily report concerning the transport of detainees out of Manjača, 14 December 1992), pp. 1-2.
[2027] P3824 (1KK combat report to VRS Main Staff, 16 December 1992), p. 1.
[2028] P3886 (1KK Command combat report), p. 1; P3887 (ICRC press release: Manjača Camp Closed Down, 18 December 1992).
[2029] Adjudicated Facts I, no. 493.

and Izetbegović.[2030] According to a letter from Karadžić to Daniel Schiffer, a condition of the closure of the Manjača camp was that the international community and the ICRC would accept, and then convey to third countries, those detainees who were released.[2031] **Radomir Radinković** testified that military aged, able-bodied detainees were sent to third countries, regardless of whether they had a criminal record, to prevent them from joining the army and fighting 'on the other side'.[2032] **Witness RM-051** testified that, pursuant to a decision by Karadžić, all detainees from Manjača camp were sent to third countries together, as a group.[2033]

The Trial Chamber's findings

495. Concerning the Defence's argument that the departures from Banja Luka Municipality were organized by civilian authorities over whom the VRS had no authority, the Trial Chamber will consider the alleged connection between the VRS and civilian authorities, including the ARK Crisis Staff, in chapter 9.2.9. Further, in light of the Trial Chamber's findings below, it is unnecessary to address the Defence's arguments on the alleged transfers from Manjača camp.

496. Based on the above, the Trial Chamber finds that between 12 May 1992 and May 1993, many Bosnian-Muslim and Bosnian-Croat civilians left Banja Luka Municipality. During July and August 1992, busloads left the municipality and went to Croatia as well as to other destinations. The majority of the Croat and part of the Muslim population in Banja Luka Municipality had left by 6 September 1992.

497. The Trial Chamber finds that people left the municipality out of fear. These departures were exacerbated by the conduct of the civilian authorities, including members of the ARK Crisis Staff, who facilitated the departure of Bosnian Muslims and Bosnian Croats from Banja Luka Municipality in 1992. Specifically, in 1992 Radoslav Brđanin, President of the ARK Crisis Staff, called upon Bosnian Muslims to leave the Krajina. In this respect, on 11 May 1992, the ARK Crisis Staff issued an order to confiscate the property of non-Serb men who had fled ARK territory and who were able-bodied and between 18 and 55 years old. On 20 May 1992, the ARK Crisis Staff

[2030] D924 (Miloš Šolaja, witness statement, 11 June 2014), paras 43-44; Miloš Šolaja, T. 32757.
[2031] Miloš Šolaja, T. 32757-32758, 32785; P7193 (Letter addressed to Daniel Schiffer signed by Radovan Karadžić, 4 December 1992).
[2032] Radomir Radinković, T. 31794.

concluded that there was no reason for anyone to move out of the ARK territory and decided to broadcast this conclusion on the radio over the following days. At a meeting of the ARK Crisis Staff held on 29 May 1992, the ARK Crisis Staff decided that it would permit Muslims and Croats to leave ARK territory on the condition that Serbs were allowed to move into the ARK and the Bosnian-Serb Republic. It also decided to oppose and prevent all attempts to pressure or force the population to move. During July and August 1992, the civilian authorities, including a civilian agency named after Brđanin, organized the departures of those leaving Banja Luka Municipality and managed all aspects of their relocation. The Trial Chamber also recalls its findings in chapters 4.1.1, 4.1.2, 4.1.3, and 4.1.6 in respect of the conditions and the context in which civilians left the municipality.

498. The Trial Chamber notes that the policies of the civilian authorities, including the ARK Crisis Staff, referred to non-Serbs. Considering that the victims above included the majority of the Bosnian-Croat and part of the Bosnian-Muslim population, the Trial Chamber finds that civilian authorities, including the ARK Crisis Staff, predominantly targeted Bosnian Muslims and Bosnian Croats by applying these policies in Banja Luka Municipality.

499. The Trial Chamber further finds that on 26 August 1994, Bosnian Serbs organised the departure of 480 Bosnian Muslims from Banja Luka Municipality to Tesanj and Tuzla. On 3 September 1994, Bosnian Serbs organised the departure of 500 non-Serbs from Banja Luka Municipality, who arrived in Turbe. Some of the non-Serbs were from Banja Luka. In light of its findings above, the Trial Chamber finds that the non-Serbs from Banja Luka were predominantly Bosnian Muslims and Bosnian Croats.

500. The Trial Chamber will further consider these incidents in relation to Counts 3 and 7-8 of the Indictment in chapter 8 below.

501. In relation to Davor Kolenda's evidence that 17,600 Bosnian Muslims, allegedly expelled from the Krajina area by the VRS, had registered in Travnik Municipality by early June 1993, the Trial Chamber notes that the witness did not identify the municipalities in the Krajina from which these Bosnian Muslims originated. As there are municipalities in the Krajina that are outside the scope of the Indictment, some or all of these 17,600 Bosnian Muslims may have originated from such municipalities, in

[2033] Witness RM-051, T. 2875, 2900.

which case the allegations concerning their forcible transfer or deportation would fall outside the scope of the Indictment. In the absence of any further evidence specifying from which part of the Krajina these Bosnian Muslims originated, the Trial Chamber will not further consider this incident in relation to any counts of the Indictment.

502. Turning to the alleged transfers from Manjača camp, the Trial Chamber recalls its finding in chapter 4.1.2 *Schedule C.1.2* in relation to the composition of the detainees at Manjača camp, specifically that Manjača camp also held detainees from municipalities outside the scope of the Indictment. Accordingly, the Trial Chamber will only further consider these alleged transfers where the evidence indicates that at least some of the transferred detainees originated from municipalities within the scope of the Indictment, namely in chapters 4.6.7, 4.10.7, and 4.12.7.[2034] In the absence of any further evidence specifying from where the other transferred detainees originated, the Trial Chamber will not further consider these incidents in relation to any counts of the Indictment.

[2034] These detainees are Muhamed Filipović, who originated from Ključ Municipality; Witness RM-017 and Witness RM-054, who originated from Prijedor Municipality; and Adil Draganović, Rajif Begić, Sakib Muhić, Mirzet Karabeg, and Enis Šabanović, who originated from Sanski Most Municipality.

4.2 Bijeljina Municipality

4.2.1 Murder

Schedule B.2.1

503. According to the Indictment, the Accused is responsible for the killing of at least six men in the Batković camp in Bijeljina Municipality between June 1992 and June 1995.[2035] The Trial Chamber took judicial notice of Adjudicated Fact 516 in relation to this incident. It also received evidence from **Witness RM-088**, a Bosnian Muslim from Šekovići Municipality;[2036] **Ibro Osmanović**, Bosnian Muslim from Vlasenica;[2037] **Tahir Ferhatbegović**, a Bosnian Muslim from Papraća in Šekovići Municipality;[2038] **Elvir Pašić**, a Bosnian Muslim from Rogatica;[2039] **Witness RM-513**, a Bosnian Serb from Bijeljina;[2040] and **Ewa Tabeau**, a demographer and statistician;[2041] as well as documentary evidence. Part of the evidence of the witnesses who were detained in Batković camp has been reviewed in chapter 4.2.2 *Schedule C.2.1*.

504. According to the Adjudicated Facts, three detainees were beaten to death while one detainee was shot dead at Batković camp.[2042] A number of witnesses provided further details with regard to these killings and evidence with regard to additional killings that occurred in the camp.

505. **Witness RM-088** testified that the first man he saw killed at Batković camp was Zulfo Hadžiomerović, who arrived at the camp on 30 June 1992 from Vlasenica and had already been beaten by the time of his arrival.[2043] One of the policemen who was with Mirović, the commander of the police force in Vlasenica, told the detainees that Hadžiomerović had been an *Ustaša* during the Second World War.[2044] Hadžiomerović had been in prison in Germany during the Second World War. [2045] He had a tattoo under

[2035] Indictment, paras 39(a)(ii), 51-52, 59(a)(ii), 62(b), Schedule B.2.1.
[2036] P524 (Witness RM-088, witness statement, 17 October 1994), p. 1, para. 1.
[2037] P207 (Ibro Osmanović, witness statement, 10 October 1994), p. 1, para. 1; P208 (Ibro Osmanović, witness statement, 11 October 1995), p. 1; Ibro Osmanović, T. 2747; D49 (Statement by Ibro Osmanović to the Lukavac war crimes office, 4 August 1993), p. 1; D50 (Statement by Ibro Osmanović to the ABiH, 23 July 1993), p. 1.
[2038] P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, pp. 1-2.
[2039] P434 (Elvir Pašić, witness statement, 21 October 1994), p. 1, para. 1.
[2040] P1054 (Witness RM-513, witness statement, 25 June 2011), p. 1, paras 2, 4-6.
[2041] Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).
[2042] Adjudicated Facts I, no. 516.
[2043] P524 (Witness RM-088, witness statement, 17 October 1994), para. 74; Witness RM-088, T. 5398-99.
[2044] P524 (Witness RM-088, witness statement, 17 October 1994), para. 74.
[2045] P524 (Witness RM-088, witness statement, 17 October 1994), para. 74.

his arm in the shape of a 'U', which Mirović's policemen showed to the detainees in the hangar, which is why the Serbs thought Hadžiomerović was an *Ustaša*.[2046] The witness saw Mirović's policemen and Velibor Stojanović's guards beat Hadžiomerović while Mirović and Stojanović watched.[2047] Stojanović then told the guards and policemen to take Hadžiomerović outside, while the detainees remained inside the hangar, after which the witness heard screaming.[2048] Hadžiomerović was explaining that he was not an *Ustaša*.[2049] Stojanović's guards then brought him back into the hangar, and they were followed by Stojanović.[2050] After the 70-year-old Hadžiomerović had died from the beating and kicking, the guards ordered **Ibro Osmanović** together with five other detainees to take the body outside where it was loaded onto a military truck.[2051] Two men wearing JNA uniforms with a captain's rank and a medical doctor's insignia examined the body, which was covered with black bruises, and said that he died of natural causes.[2052] Hadžiomerović's body was taken away by the truck at about 10:30 a.m. on the following day, 1 July 1992.[2053] **Osmanović** testified that this killing took place between 2 and 5 July 1992, and specified that it was Gligor and 'Major', joined by Veselin Nikolić and some policemen from Zenica, who kicked Hadžiomerović and beat him with police batons and guns until he died.[2054] **Witness RM-088** did not type a report to the ICRC about this incident.[2055] However, during one of the ICRC visits, possibly in September 1992, deputy commander Tukodi, who was drunk, gave the wrong list of detainees to the ICRC with Hadžiomerović's name on it.[2056] After the ICRC contacted the camp and asked them where Hadžiomerović was, Tukodi told Witness RM-088 to add Hadžiomerović's name to a list of people who had already been released.[2057]

[2046] P524 (Witness RM-088, witness statement, 17 October 1994), para. 74. *See also* P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 56.
[2047] P524 (Witness RM-088, witness statement, 17 October 1994), paras 66, 74.
[2048] P524 (Witness RM-088, witness statement, 17 October 1994), para. 74.
[2049] P524 (Witness RM-088, witness statement, 17 October 1994), para. 74.
[2050] P524 (Witness RM-088, witness statement, 17 October 1994), paras 74-75.
[2051] P207 (Ibro Osmanović, witness statement, 10 October 1994), paras 56-58; D49 (Statement by Ibro Osmanović to the Lukavac war crimes office, 4 August 1993), p. 3.
[2052] P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 58; D49 (Statement by Ibro Osmanović to the Lukavac war crimes office, 4 August 1993), p. 3.
[2053] P524 (Witness RM-088, witness statement, 17 October 1994), para. 75.
[2054] P207 (Ibro Osmanović, witness statement, 10 October 1994), paras 56-57; D49 (Statement by Ibro Osmanović to the Lukavac war crimes office, 4 August 1993), p. 3.
[2055] P524 (Witness RM-088, witness statement, 17 October 1994), para. 75.
[2056] P524 (Witness RM-088, witness statement, 17 October 1994), para. 76.
[2057] P524 (Witness RM-088, witness statement, 17 October 1994), para. 76.

506. **Witness RM-088** also provided evidence about the killing of detainees in August 1992. Sometime in the beginning of the month, five men from Bijeljina, three of whom were Professor Ferid Zečević, Husein Čurtić (also known as Apaka), and Ejub Smajić, were brought to the camp at night.[2058] The following morning, the witness observed Stojanović, his guards and Mišić take the same five men from the hangar. The witness heard the men being beaten and interrogated, after which they walked back into the hangar looking badly beaten. That same night, the witness saw Veselin Nikolić come into the hangar to take out the same five men. Although Nikolić was wearing a white mask over his face the witness recognized him by the sound of his voice, stature, and the way he walked. Half an hour later, Smajić walked into the hangar covered with blood. Zečević, who had difficulty breathing, was making gurgling sounds and appeared to be covered with bruises, was carried in. Čurtić sounded like he was being beaten on the way in.[2059] The following night while Stojanović and his guards were on duty, Nikolić singled out Zečević, Čurtić, and Smajić and took them out of the hangar.[2060] **Elvir Pašić** testified that Veljo with a group of seven or eight guards, including Gligor, Veselin, Zoka, Major, and Tojić, as well as two Muslim detainees known as Pike from Brezovo Polje and Špajzer from Vlasenica, beat a detainee from Bijeljina who was approximately 35 years old and was known to the other detainees as 'professor', for 30 to 45 minutes using rifle butts and wooden and metal sticks.[2061] Pašić observed the beating through a window from a distance of five to ten metres.[2062] **Witness RM-088** heard screams and, when the three men returned to the hangar, the witness saw Smajić covered with blood especially around his head with his clothes ripped and his scalp cut.[2063] Zečević and Čurtić, whose names the witness never saw on any registers, had to be dragged into the hangar by other detainees and died a few hours later.[2064] In the morning, four prisoners were ordered to remove the 'professor', who was severely injured, from the camp and subsequently reported that he was dead.[2065] Although Zečević was beaten to death, Witness RM-088 had to type in the report that he died as a

[2058] P524 (Witness RM-088, witness statement, 17 October 1994), paras 77, 93.
[2059] P524 (Witness RM-088, witness statement, 17 October 1994), para. 77.
[2060] P524 (Witness RM-088, witness statement, 17 October 1994), para. 78.
[2061] P434 (Elvir Pašić, witness statement, 21 October 1994), paras 36, 39, 41-43; Elvir Pašić, T. 4498-4500.
[2062] P434 (Elvir Pašić, witness statement, 21 October 1994), para. 42.
[2063] P524 (Witness RM-088, witness statement, 17 October 1994), para. 78.
[2064] P524 (Witness RM-088, witness statement, 17 October 1994), para. 78.
[2065] P434 (Elvir Pašić, witness statement, 21 October 1994), para. 42.

result of a fall.[2066] **Witness RM-513** provided corroborative evidence on the killing of Ferid Zečević, without adding any further details.[2067] **Osmanović** testified that at some point he saw a body of a person who other detainees referred to as Ejub Smajić.[2068]

507. **Witness RM-088** testified that also at the beginning of August 1992, another group of men, including Kabil Bilalić, a man (a.k.a. Fleka), and a young former JNA soldier from Zelinja, was brought to the camp.[2069] During the day, the witness heard screaming and yelling from outside the hangar by more than one person after which he went out in front of the hangar and entered the fenced area connected to the hangar.[2070] He heard a voice tell Džemal Zahirović, a.k.a. Špajzer, 'Now they are yours' and he saw the three men near the water tap inside the fence looking as though they had been beaten.[2071] The witness saw Zahirović hit the former JNA soldier with a large rock and then with a metal chair. A guard yelled at Zahirović, 'Stop beating the soldier; you will kill him' but Zahirović did not stop the beating until the soldier fell to the ground. Zahirović then pushed Bilalić to the ground and started hitting him in the back of the head with another rock after which Bilalić could no longer walk. The witness went back inside the hangar to register the men and when he returned about one hour later, he saw the dead body of the former JNA soldier. The soldier had never been registered with ICRC so the witness did not type a report about him.[2072]

508. **Witness RM-088** also testified about an incident involving a detainee by the name of Edhem Čudić who had epilepsy and complained to Doctor Željko about it several times.[2073] Željko did not give him any medication.[2074] The witness was told by a detainee who was a guard that Čudić was giving him a difficult time and a guard threatened the other detainees by saying, 'If you don't keep him calm and inside the hangar, we will shoot him.'[2075] The following morning the witness saw Čudić leave the hangar and walk toward the command offices located in the other hangar and about a minute later he heard screaming and yelling as if someone were panicking but he could

[2066] P524 (Witness RM-088, witness statement, 17 October 1994), para. 93.
[2067] P1054 (Witness RM-513, witness statement, 25 June 2011), paras 69, 71; Witness RM-513, T. 9399.
[2068] P207 (Ibro Osmanović, witness statement, 10 October 1994), paras 60, 62; P208 (Ibro Osmanović, witness statement, 11 October 1995), p. 2; Ibro Osmanović, T. 2764-2766, 2822-2829, 2846-2851.
[2069] P524 (Witness RM-088, witness statement, 17 October 1994), para. 79.
[2070] P524 (Witness RM-088, witness statement, 17 October 1994), para. 79.
[2071] P524 (Witness RM-088, witness statement, 17 October 1994), paras 69, 79.
[2072] P524 (Witness RM-088, witness statement, 17 October 1994), para. 79.
[2073] P524 (Witness RM-088, witness statement, 17 October 1994), para. 80; Witness RM-088, T. 5381.
[2074] P524 (Witness RM-088, witness statement, 17 October 1994), para. 80; Witness RM-088, T. 5382.
[2075] P524 (Witness RM-088, witness statement, 17 October 1994), para. 80.

not identify the voice of the person who was screaming due to the noise of buses in the vicinity.[2076] The witness heard a short burst of automatic gunfire comprising between three and five bullets, following which the guards pushed all detainees into the hangar.[2077] **Elvir Pašić** also testified that one of the detainees had experienced an anxiety attack and, in response, was shot in front of him by one of the 'soldiers'.[2078] Military police then came to the hangar to investigate and conducted interviews with witnesses, including detainees.[2079] **Witness RM-088** was in the same room as the police when they interviewed the witnesses and he heard a guard by the name of Branislav Jović admit to shooting Čudić because Čudić had supposedly attacked one of the guards and tried to grab the guard's weapon.[2080] The witness believed that Jović said that the guard was able to get free from the struggle with Čudić, and that Jović then shot Čudić in his legs and chest.[2081] **Witness RM-513** testified that no one was ever charged or punished for this killing.[2082]

509. **Elvir Pašić** and **Tahir Ferhatbegović** gave evidence about some additional killings in Batković camp. According to **Pašić**, on one occasion, guards Gligor and Veselin allowed drunken front line soldiers into the camp.[2083] The soldiers entered the prisoners' tent, randomly kicking and beating them.[2084] The witness observed that the soldiers, together with Gligor and Veselin, approached two detainees from Rogatica, Mehmed Hodžić and Hamdo, who were about 65 years old, and started to beat them severely stating that they could have been *Ustaša* fighters during the Second World War.[2085] The two men died as a result of their injuries.[2086] **Ferhatbegović** who was detained in the Batković camp between 27 June 1992 and 21 July 1993, stated that in July of 1992, he saw a guard with a mask over his face call out a jeweller from Bijeljina

[2076] P524 (Witness RM-088, witness statement, 17 October 1994), para. 81.
[2077] P524 (Witness RM-088, witness statement, 17 October 1994), para. 81.
[2078] P434 (Elvir Pašić, witness statement, 21 October 1994), para. 46.
[2079] P524 (Witness RM-088, witness statement, 17 October 1994), para. 81.
[2080] P524 (Witness RM-088, witness statement, 17 October 1994), para. 82; Witness RM-088, T. 5382-5383.
[2081] P524 (Witness RM-088, witness statement, 17 October 1994), para. 82; Witness RM-088, T. 5382, 5385.
[2082] P1054 (Witness RM-513, witness statement, 25 June 2011), para. 71; Witness RM-513, T. 9252.
[2083] P434 (Elvir Pašić, witness statement, 21 October 1994), para. 45.
[2084] P434 (Elvir Pašić, witness statement, 21 October 1994), para. 45; Elvir Pašić, T. 4502.
[2085] P434 (Elvir Pašić, witness statement, 21 October 1994), para. 45; Elvir Pašić, T. 4502-4503.
[2086] P434 (Elvir Pašić, witness statement, 21 October 1994), para. 45; Elvir Pašić, T. 4502-4503.

in the middle of the night.[2087] The man returned badly beaten and was unconscious for two days before he died.[2088]

510. **Witness RM-088** testified about a number of detainees killed while working outside Batković camp. In particular, the witness heard from another detainee that Ahmet Pašić was killed by shrapnel while cutting wood near the front line of Lopare. The witness further heard from another detainee that a sniper shot and killed Džemal Memić while digging trenches.[2089] Another detainee, who was an eye witness to the incident, told the witness that around the end of 1992 or beginning of 1993, soldiers from the Krajina Corps, who were coming back from Trnovo, entered the *Žitopromet* company in Bijeljina and stated that they were looking for '*balijas*' or '*Mujahedin*'.[2090] The soldiers took out two detainees who worked there and cut their throats.[2091] The eye witness saw the soldiers decapitate these men and play football with their heads, following which they placed their heads on stakes.[2092] The administration of the camp told the witness to first type a report for the ICRC stating that these dead men had been exchanged, not killed, which the witness then did.[2093] When details about the incident came to the attention of the ICRC, the witness was asked to inform the ICRC that these detainees had been killed.[2094] The command of the camp then officially confirmed that the detainees had been killed.[2095]

511. **Witness RM-513** testified that people from Banja Luka and Krajina perpetrated killings at Vanjekov Mlin, a part of the Žitopromet company used as a prison and placed under the authority of the military police.[2096] In particular, they decapitated two of their victims.[2097] Savo Bojanović investigated these murders and reported them to the military prosecution, but the prosecution did not act upon this.[2098]

[2087] P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, pp. 8-9.
[2088] P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, p. 9.
[2089] P524 (Witness RM-088, witness statement, 17 October 1994), para. 83.
[2090] P524 (Witness RM-088, witness statement, 17 October 1994), para. 84; Witness RM-088, T. 5355, 5386-5387.
[2091] P524 (Witness RM-088, witness statement, 17 October 1994), para. 84; Witness RM-088, T. 5355, 5386-5387.
[2092] P524 (Witness RM-088, witness statement, 17 October 1994), para. 84; Witness RM-088, T. 5355.
[2093] P524 (Witness RM-088, witness statement, 17 October 1994), para. 84; Witness RM-088, T. 5355, 5359, 5387-5388, 5402-5403.
[2094] P524 (Witness RM-088, witness statement, 17 October 1994), para. 84; Witness RM-088, T. 5388, 5402-5403.
[2095] Witness RM-088, T. 5403.
[2096] P1054 (Witness RM-513, witness statement, 25 June 2011), para. 74.
[2097] P1054 (Witness RM-513, witness statement, 25 June 2011), para. 74.
[2098] P1054 (Witness RM-513, witness statement, 25 June 2011), para. 75.

512. According to **Ewa Tabeau** and forensic evidence, the remains of two bodies were exhumed from Tombak locality, Mahala in Bijeljina Municipality, one in 2005 and the other in 2010, and subsequently identified.[2099] Four of the scheduled victims disappeared in the Batković camp between June 1992 and October 1992; one victim died on 28 July 1992 in Bijeljina; one victim disappeared in Bijeljina on 8 March 1992, one disappeared in August 1992 in Rogatica; and one died on 9 April 1992 in Divič in the Zvornik Municipality.[2100]According to Tabeau, two of the victims were over the age of 60 in 1992.[2101]

513. Based on the foregoing, the Trial Chamber finds that sometime between 30 June and 5 July 1992, policemen under Mirović, the Commander of the Police Force in Vlasenica, and guards, VRS members as found in chapter 4.2.2 *Schedule C.2.1*, under Velibor Stojanović, kicked and beat Zulfo Hadžiomerović, an approximately 70-year-old detainee, with police batons and guns. He was accused of being an *Ustaša*. Hadžiomerović died as a result of these beatings. Based on the fact that the detainees at Batković camp were predominantly Bosnian-Muslims and Bosnian-Croats and that Hadžiomerović was accused of being an *Ustaša*, the Trial Chamber finds that he was a Bosnian Croat. The Trial Chamber will further consider this incident in chapter 8, below.

514. The Trial Chamber also finds that at the beginning of August 1992, Mišić, a guard commander, and Stojanović and his guards, VRS members as found in chapter 4.2.2 *Schedule C.2.1*, beat Husein Čurtić and Professor Ferid Zečević, two detainees from Bijeljina, several times after they were taken from the hangars. Rifle butts and

[2099] P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 2-3, 12, 23, 32-34; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), p. 317; P4699 (Identification report for Ferid Zečević, 23 February 2007), pp. 1, 4; P6003 (Identification report for Džemil Memić, 14 July 2011), p. 1.

[2100] P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 2-3, 12, 23, 32-34; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 316-317; P4699 (Identification report for Ferid Zečević, 23 February 2007), p. 1; P5997 (Missing Persons Institute of Bosnia-Herzegovina certificate for Edhem Čudić, 4 April 2013); P5998 (Missing Persons certificate for Husein Čurtić, 4 April 2013); P5999 (Missing Persons certificate for Zulfo Hadžiomerović, 4 April 2013), p. 1; P6000 (Missing Persons certificate for Mehmed Hodžić, 4 April 2013); P6001 (Missing Persons certificate for Hamdo Karadarević, 4 April 2013); P6002 (Missing Persons certificate for Ahmo Pašić, 4 April 2013); P6003 (Identification report for Džemil Memić, 14 July 2011), p. 1. The following persons were identified as missing from Bijeljina: Edhem Čudić, Husein Čurtić, Zulfo Hadžiomerović, Mehmed Hodžić, Ferid Zečević and Džemil Memić.

[2101] P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), p. 10; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 316-317; P4699 (Identification report for Ferid Zečević, 23 February 2007), p. 1; P6003 (Identification report for Džemil Memić, 14 July 2011), p. 1.

sticks were used in the beating and the two detainees died a few hours after the beatings. The Trial Chamber's finding on the ethnicity of these two detainees is discussed below.

515. The Trial Chamber further finds that sometime between July 1992 and July 1993, two guards, VRS members as found in chapter 4.2.2 *Schedule C.2.1*, and drunken front line soldiers who were let into the camp by the former two, beat Mehmed Hodžić, an 86-year-old detainee, and another detainee called 'Hamdo', who was about 65 years old. The soldiers and guards stated that these detainees could have been '*Ustaša*' fighters. The two detainees died as a result of their injuries. Based on the fact that the detainees at Batković camp were predominantly Bosnian-Muslims and Bosnian-Croats and that the detainees were accused of being *Ustaša* fighters, the Trial Chamber finds that they were Bosnian Croats. The Trial Chamber will further consider this incident in relation to Counts 3-6 of the Indictment in chapter 8, below.

516. The Trial Chamber finds that, around the end of 1992 or the beginning of 1993, soldiers from the Krajina Corps took out two Bosnian-Muslim detainees from Batković camp working at the Žitopromet company in Bijeljina and killed them by cutting their throats. Before they were killed they were referred to as '*balijas*' or '*Mujahedin*'. The Trial Chamber will further consider this incident in relation to Counts 3-6 of the Indictment.

517. The Trial Chamber also finds that in July 1992, a detainee from Bijeljina, who was called out by a guard with a mask, returned to his hangar badly beaten and died two days later. The Trial Chamber concludes from this that the guard, a VRS member as found in chapter 4.2.2 *Schedule C.2.1*, beat the detainee so severely that he died as a result. Also in August 1992, Džemal Zahirović, a.k.a. Špajzer, a Muslim detainee severely beat a former JNA soldier with a large rock and a metal chair. This man died shortly afterwards. In late August 1992, guard Branislav Jović shot Edhem Čudić, a detainee, who allegedly had attacked another guard. Shortly after the guard was freed from the detainee, the detainee was shot by Jović in the chest and legs and died as a result. This detainee had suffered from epilepsy and had asked the camp doctor for medication several times without receiving it. The Trial Chamber has not received evidence establishing the ethnicity of the victims discussed in this paragraph, or for Husein Čurtić and Ferid Zečević discussed above. Considering the lack of evidence concerning ethnicity, and the fact that the detainees at Batković camp did not consist exclusively of Bosnian Muslims and Bosnian Croats, the Trial Chamber cannot

determine beyond reasonable doubt the ethnicity of these victims. For this reason, the Trial Chamber will not further consider these incidents in relation to any count of the Indictment.

518. The Trial Chamber also finds that Ejub Smajić, another detainee, was beaten in the beginning of August 1992. However, the Trial Chamber does not conclude that this detainee died as a result of the beatings, since the only evidence the Chamber received on his possible death is a witness testifying that he saw a body which was referred to by other prisoners as the body of this detainee. For these reasons, the Trial Chamber will not further consider this incident in relation to any count of the Indictment.

519. The Trial Chamber further finds that two men detained at the Batković camp were killed, respectively, by shrapnel while working near the front line, and by a sniper while digging trenches. The Trial Chamber has not received evidence on the perpetrators or their affiliation. Thus, the Trial Chamber cannot identify the perpetrators of the killings and will not further consider these incidents in relation to Counts 3-6 of the Indictment.

4.2.2 Unlawful detention and cruel or inhumane treatment in detention facilities

Schedule C.2.1

520. According to the Indictment, the Accused is responsible for unlawful detention, torture, beating, abuse, rape, other acts of sexual violence, and subjecting Bosnian Muslims and Bosnian Croats to inhumane living conditions at Batković camp between 1 June 1992 and 30 November 1995.[2102] The Defence argued that Batković camp held POWs and criminals.[2103] It further argued that detainees ate the same food as the guards but shortages in resources and supplies made it difficult to meet dietary and other requirements 100 per cent.[2104] Ultimately, the Defence argued that conditions in

[2102] Indictment, paras 39(b)-(c), 53, 59(b)-(d), 59(g), Schedule C.2.1. *See* paragraphs 49, 52, and 59 of the Indictment, limiting the time period during which acts of persecution are alleged to have been committed in the Municipalities between 12 May 1992 and 30 November 1995. While the Trial Chamber notes that Schedule C.2.1. of the Indictment alleges that acts of persecution at Batković camp took place 'between at least 1 June 1992 and 31 December 1995', the Trial Chamber has limited its findings to the time period during which the crime of persecution is alleged to have been committed by Mladić in the Municipalities, *i.e.* until 30 November 1995.
[2103] Defence Final Brief, paras 1628-1629; T. 44734-44735.
[2104] Defence Final Brief, paras 1634-1635; T. 44603, 44735.

Batković were humane and regularly checked by the ICRC.[2105] The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this incident. It also received evidence from a number of persons detained in Batković camp, namely **Mirsad Kuralić**, a Bosnian-Muslim member of the ABiH;[2106] **Tahir Ferhatbegović** and **Witness RM-088**, Bosnian Muslims from Šekovići Municipality;[2107] **Mujo Ramić**, a Muslim school teacher from Šeher in Osmaci Municipality;[2108] **Elvir Pašić**, a Bosnian Muslim from Rogatica Municipality;[2109] **Witness RM-030**, **Ibro Osmanović,** and **Witness RM-004**, Bosnian Muslims from Vlasenica Municipality;[2110] and **Adil Draganović**, a Muslim Judge, President of the Sanski Most Municipal Court, who was detained in Manjača camp from 17 June 1992 to 14 December 1992,[2111] and finds that this evidence is consistent with the Adjudicated Facts.[2112] The Trial Chamber further received evidence from **Pyers Tucker**, a British Army officer, who served with UNPROFOR as military assistant to General Philippe Morillon from October 1992 to March 1993,[2113]; **Safet Gagula**, a Bosnian Muslim from Knežina in Sokolac

[2105] Defence Final Brief, paras 1636-1640.
[2106] P2521 (Mirsad Kuralić, witness statement, 28 June 1996), pp. 1-3; P2524 (Medical record of Mirsad Kuralić, 21 June 1993), p. 6.
[2107] P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, pp. 1-2; P524 (Witness RM-088, witness statement, 17 October 1994), p. 1, para. 1.
[2108] P2528 (Mujo Ramić, witness statement, 23 February 2010), p. 1, para. 1.
[2109] P434 (Elvir Pašić, witness statement, 21 October 1994), p. 1, para. 1.
[2110] P1610 (Witness RM-030, witness statement, 29 September 1994), p. 1; P1612 (Witness RM-030, MUP statement, 25 November 1993), p. 1; P207 (Ibro Osmanović, witness statement, 10 October 1994), p. 1, para. 1; P208 (Ibro Osmanović, witness statement, 11 October 1995), p. 1; Ibro Osmanović, T. 2747; D49 (Statement by Ibro Osmanović to the Lukavac war crimes office, 4 August 1993), p. 1; D50 (Statement by Ibro Osmanović to the ABiH, 23 July 1993), p. 1. P3391 (Witness RM-004, witness statement, 30 August 2011), p. 1, paras 1-2; P3392 (Witness RM-004, witness statement, 3 April 2013), p. 1.
[2111] P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, pp. 1-2, 7, 10, 12, witness statement of 6 October 2000, p. 1, witness statement of 7 July 2000, pp. 1, 3.
[2112] **Mirsad Kuralić:** P2521 (Mirsad Kuralić, witness statement, 28 June 1996), pp. 7-8. **Tahir Ferhatbegović:** P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, p. 8; P2527 (Tahir Ferhatbegović, supplemental information sheet, 21 August 2003), pp. 2, 9. **Witness RM-088:** P524 (Witness RM-088, witness statement, 17 October 1994), paras 52-55, 59, 69-70. **Mujo Ramić:** P2528 (Mujo Ramić, witness statement, 23 February 2010), paras 12-13. **Witness RM-030:** P1610 (Witness RM-030, witness statement, 29 September 1994), pp. 5-6. **Ibro Osmanović:** P207 (Ibro Osmanović, witness statement, 10 October 1994), paras 54-60; P208 (Ibro Osmanović, witness statement, 11 October 1995), p. 2; Ibro Osmanović, T. 2763-2764, 2767; D49 (Statement by Ibro Osmanović to the Lukavac war crimes office, 4 August 1993), p. 3; D50 (Statement by Ibro Osmanović to the ABiH, 23 July 1993), pp. 2- 3. **Elvir Pašić:** P434 (Elvir Pašić, witness statement, 21 October 1994), paras 49-50; Elvir Pašić, T. 4504. **Witness RM-004:** P3391 (Witness RM-004, witness statement, 30 August 2011), para. 37. **Adil Draganović**: P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 13.
[2112] P2525 (Safet Gagula, witness statements), witness statement of 12 June 2001, pp. 1-2, Bosnia-Herzegovina statement of 20 August 1993, pp. 1, 3.
[2113] P317 (Pyers Tucker, witness statement, 10 May 2010), paras 4, 6; Pyers Tucker, T. 3751.

Municipality;[2114] **Witness RM-358**, a Bosnian Muslim from Srebrenica Municipality, who joined the TO in April 1992;[2115] **Witness RM-513**, a Bosnian Serb from Bijeljina;[2116] **Mane Đurić**, Head of the SJB Vlasenica as of 20 May 1992;[2117] **Đorđo Krstić**, a Serb deputy warden at Batković camp from 11 January 1993 to 6 June 1994;[2118] **Milenko Todorović**, Assistant Commander of the Intelligence and Security organ of the IBK from 16 November 1993;[2119] **Witness RM-066**, a Serb from Vlasenica;[2120] and **Richard Butler**, an intelligence research specialist;[2121] as well as documentary evidence.[2122]

Establishment, structure, and security at Batković camp

521. Serb authorities detained mostly Croat and Muslim civilians in six detention centres in Bijeljina Municipality, including in Batković camp.[2123] On 17 June 1992, the VRS Main Staff noted that the Birač Brigade of the IBK had close to 600 detainees and that a POW camp had not yet been established at corps level.[2124] Pursuant to a VRS Main Staff order of 12 June 1992, the IBK was instructed to set up a camp for 'war prisoners' and to relieve the Birač brigade from guarding detainees.[2125] This task was to be carried out as soon as possible and no later than 21 June 1992.[2126] On 17 June 1992, also pursuant to the VRS Main Staff order of 12 June 1992, the IBK ordered that a commission, composed of military officials, be formed to immediately select locations and facilities to accommodate POWs outside Bijeljina Town.[2127] The order specified that the location must have facilities to accommodate POWs and it must be fenced

[2114] P2525 (Safet Gagula, witness statements), witness statement of 12 June 2001, pp. 1-2, Bosnia-Herzegovina statement of 20 August 1993, pp. 1, 3.
[2115] P3378 (Witness RM-358, witness statements), witness statement of 28 May 2000, p. 1, para. 1, witness statement of 2 October 2013, p. 1, para. 1.
[2116] P1054 (Witness RM-513, witness statement, 25 June 2011), p. 1, paras 2, 4-6.
[2117] Mane Đurić, T. 27706.
[2118] D664 (Đorđo Krstić, witness statement, 29 September 2014), para. 3; Đorđo Krstić, T. 26345.
[2119] Milenko Todorović, T. 19835, 19837.
[2120] P182 (Witness RM-066, witness statement, 7 April 2010), p. 1.
[2121] Richard Butler, T. 16108; P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), paras 7.28-7.30.
[2122] P3806 is reviewed in chapter 4.1.2 *Schedule C.1.2.*
[2123] Adjudicated Facts I, no. 515.
[2124] P189 (VRS Main Staff order to IBK, 17 June 1992), p. 1.
[2125] P189 (VRS Main Staff order to IBK, 17 June 1992), p. 2; P377 (Instructions on the treatment of POWs, 15 June 1992)
[2126] P189 (VRS Main Staff order to IBK, 17 June 1992), p. 2.
[2127] D2080 (IBK Command order, 17 June 1992), p. 1.

off.[2128] Lieutenant-Colonel Momčilo Despot was appointed commander of the camp.[2129] The order also specified that there should be an agreement with the Bijeljina municipal organs to have the police secure the camp.[2130] All POWs were to be treated appropriately and in accordance with international laws of war, and unauthorised persons were to be prevented from entering the camp.[2131] The camp was to be set up by 25 June 1992.[2132]

522. On 2 July 1992, pursuant to the VRS Main Staff order of 12 June 1992, the IBK Command ordered that a camp be set up for POWs in the village of Batković.[2133] The camp was described as a collection centre for arrested people and was to operate under the name 'Ekonomija'.[2134] According to the order, the commander of the camp would be in charge of the daily organisation of life, work, and order in the camp.[2135] The organisation of the camp was to be in accordance with the Law on the Army and other rules for regulation of life and work of detainees, especially with the Geneva Convention on the treatment of POWs.[2136] Moreover, the IBK Command was to assign a number of soldiers to secure the facility and guard the detainees.[2137] The questioning and processing of detainees in order to collect information relevant for the VRS was to be carried out by the security organ of the Corps command or the military police battalion.[2138] The Stepa Stepanović barracks in Bijeljina was ordered to support the logistics of the camp.[2139]

523. Also on 2 July 1992, Camp Commander Momčilo Despot of the IBK issued two instructions, one addressed to the IBK Command and the Stepa Stepanović barracks, and one to the commander of the guards at Batković camp.[2140] The first instruction concerned the 'organization of life' at Batković camp or 'POW camp "Ekonomija"'.[2141] Despot instructed that the interrogation of the detainees on military information was to

[2128] D2080 (IBK Command order, 17 June 1992), pp. 1-2.
[2129] D2080 (IBK Command order, 17 June 1992), p. 2.
[2130] D2080 (IBK Command order, 17 June 1992), p. 2.
[2131] D2080 (IBK Command order, 17 June 1992), p. 2.
[2132] D2080 (IBK Command order, 17 June 1992), p. 2.
[2133] P3979 (IBK Command order on the establishment of Batković camp, 2 July 1992), item 1.
[2134] P3979 (IBK Command order on the establishment of Batković camp, 2 July 1992), item 1.
[2135] P3979 (IBK Command order on the establishment of Batković camp, 2 July 1992), items 2, 5.
[2136] P3979 (IBK Command order on the establishment of Batković camp, 2 July 1992), items 5, 7.
[2137] P3979 (IBK Command order on the establishment of Batković camp, 2 July 1992), item 3.
[2138] P3979 (IBK Command order on the establishment of Batković camp, 2 July 1992), item 4.
[2139] P3979 (IBK Command order on the establishment of Batković camp, 2 July 1992), item 6.
[2140] P527 (IBK Instruction, signed by Momčilo Despot, 2 July 1992); P3988 (IBK work instruction for the detention camp security organs, 2 July 1992).
[2141] P527 (IBK Instruction, signed by Momčilo Despot, 2 July 1992), p. 1.

be performed by the security organs of IBK.[2142] Despot instructed that it was forbidden for uninvited persons to enter into the courtyard of the camp without permission of the camp commander.[2143] The duty officer at the reception was duty bound to report to the commander of the camp via the phone regarding anyone requesting access to enter the camp; without permission, the visitor would be sent away.[2144] A logbook was to be kept for any visits to the camp.[2145] During the night, the detainees were not allowed to leave 'the storage' and the commander of the guard was responsible for locking 'the storage' and put a rail bar behind it.[2146] Despot further instructed that the POWs were to be treated humanely and that violence was not allowed to be used.[2147] He also instructed that lists of names of POWs at the camp be transmitted to the Red Cross of Bijeljina Municipality in order to inform the relatives of the POWs as well as the International Red Cross.[2148] A general affairs administrative officer was to keep records of the POWs, was responsible for the food in the camp, and for regularly providing the number of detainees to the Stepa Stepanović garrison command in Bijeljina.[2149] The officer was also responsible for setting up a pharmacy within the camp command in order to provide aid to injured persons. Medical check-ups would be performed on every first Wednesday of the month. Despot instructed that the commander of the guard was responsible for exemplary hygiene and order at the camp.[2150]

524. According to the second instruction issued by Despot on 2 July 1992, the camp was composed of a commander of security, a guard shift leader, and four guard posts.[2151] The commander of security was responsible for organising the intake and release of detainees, overseeing the searches of detainees and taking over their personal items for safekeeping, organising the detainees' accommodation, organising that the detainees be escorted for questioning, and controlling the implementation of the daily work schedule.[2152] The commander of security was also responsible for organising the guards in case of riots or escape attempts, with the aim of preventing escape.[2153] The

[2142] P527 (IBK Instruction, signed by Momčilo Despot, 2 July 1992), para. 9.
[2143] P527 (IBK Instruction, signed by Momčilo Despot, 2 July 1992), para. 15.
[2144] P527 (IBK Instruction, signed by Momčilo Despot, 2 July 1992), para. 17.
[2145] P527 (IBK Instruction, signed by Momčilo Despot, 2 July 1992), para. 17.
[2146] P527 (IBK Instruction, signed by Momčilo Despot, 2 July 1992), para. 14.
[2147] P527 (IBK Instruction, signed by Momčilo Despot, 2 July 1992), para. 11.
[2148] P527 (IBK Instruction, signed by Momčilo Despot, 2 July 1992), para. 10.
[2149] P527 (IBK Instruction, signed by Momčilo Despot, 2 July 1992), para. 4.
[2150] P527 (IBK Instruction, signed by Momčilo Despot, 2 July 1992), para. 13.
[2151] P3988 (IBK work instruction for the detention camp security organs, 2 July 1992), pp. 1-5.
[2152] P3988 (IBK work instruction for the detention camp security organs, 2 July 1992), p. 2.
[2153] P3988 (IBK work instruction for the detention camp security organs, 2 July 1992), p. 2.

first and second guard post's duties included stopping all persons at night; if after three warnings a person did not stop, the guards were instructed to shoot.[2154] The third guard post's duties included thwarting any escape attempts by the detainees by issuing a warning or using a weapon.[2155] The fourth guard post's responsibilities included preventing the detainees from approaching the wire.[2156] In case of a detainee's attempted escape, either within the 'wire enclosure' or during 'forced labour' outside the enclosure, the guards were instructed to warn the detainee orally to stop, and in case the guards were unable to physically stop the detainee, they were permitted to open fire to prevent escape.[2157]

525. **Mane Đurić** testified that the VRS ran Batković camp.[2158] **Witness RM-088** testified that Colonel Despot[2159] was the first commander of the camp, between June and July 1992.[2160] In August 1992, the commander at Batković camp was Velibor Stojanović.[2161] **Tahir Ferhatbegović** stated that the commanders from around October 1992 onwards were Đoko Vasiljević,[2162] Petar O. Dimitrović, and Đoko Pajić.[2163] **Witness RM-088** testified that Major Đoko Pajić was the camp commander from December 1992 until at least mid July 1993 when the witness was released.[2164] Mladen Tukodi was deputy commander from June 1992 to the spring of 1993.[2165] **Ferhatbegović** stated that Tukodi was replaced by a person called Đoko from Potpec Tinja.[2166] **Đorđo Krstić** testified that on 10 January 1993, the VRS Main Staff ordered his transfer to the Bijeljina headquarters of the IBK, where he was assigned as 'deputy manager' of Batković camp.[2167] **Witness RM-088** testified that Milenko Lujić was the

[2154] P3988 (IBK work instruction for the detention camp security organs, 2 July 1992), p. 3.
[2155] P3988 (IBK work instruction for the detention camp security organs, 2 July 1992), p. 5.
[2156] P3988 (IBK work instruction for the detention camp security organs, 2 July 1992), p. 5.
[2157] P3988 (IBK work instruction for the detention camp security organs, 2 July 1992), p. 6.
[2158] Mane Đurić, T. 27706.
[2159] Witnesses RM-088, Tahir Ferhatbegović, and Mirsad Kuralić referred to this person as Despot Obradović. However, in light of exhibits P527, P3988, and D2080, the Trial Chamber understands that this is Momčilo Despot.
[2160] P524 (Witness RM-088, witness statement, 17 October 1994), para. 65.
[2161] Adjudicated Facts I, no. 507.
[2162] Ferhatbegović refers to this person as Lieutenant-Colonel Đoko Vasijević. In light of other evidence concerning this person, the Trial Chamber understands that the correct spelling of his last name is Vasiljević.
[2163] P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, p. 9.
[2164] P524 (Witness RM-088, witness statement, 17 October 1994), para. 65, p. 23; Witness RM-088, T. 5349.
[2165] P524 (Witness RM-088, witness statement, 17 October 1994), paras 41, 65.
[2166] P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, p. 9.
[2167] D664 (Đorđo Krstić, witness statement, 29 September 2014), para. 3; Đorđo Krstić, T. 26349. The witness referred to Batković camp as the Batković collection centre.

deputy commander from around June to at least July 1993.[2168] **Milenko Todorović** gave testimony that part of his duties as Assistant Commander for Intelligence and Security included oversight of crime prevention and general welfare in Batković camp.[2169]

526. **Elvir Pašić** provided testimony that there were about 30 guards at the camp.[2170] **Krstić** testified that the interior security of the camp was provided by three military police officers, and outside security was provided by different units.[2171] **Witness RM-088**, who arrived at Batković in late June 1992 testified that there were three groups of guards who rotated duties in three shifts and each group had a guard commander who reported to the deputy commander and the commander.[2172] The guard commanders were: shift one commander Velibor Stojanović, a.k.a. Veljo; shift two commander Ljubiša Mišić; and shift three commander Milorad Osapović.[2173] The witness testified that all of the severe beatings in the camp were committed by the following persons: by Stojanović and his group of guards; by Milenko Lujić, who later became the deputy commander; and by Ljubiša Mišić; Milenko Tojić; and Džemal Zahirović, a.k.a. Špajzer.[2174] Stojanović's guards included: Gligor Begović from Goražde; a man with the last name Panić from Sarajevo; a man with the last name Grbović; Radovan Lazarević, a.k.a. Major; Zoran Zarić; Veselin Nikolić; a man known as Daco; a man by the first name of Dragan, a.k.a. Tica; and a man with the last name Knežević.[2175] **Ferhatbegović** stated that the guards included Stojan Makivić, a.k.a. Makinija, and a person nicknamed Rumenka.[2176] All of the commanders, guards, and administrators wore camouflage uniforms with a Serbian flag insignia, and at times with four S's and the letters VRS in Cyrillic; sometimes they used the old JNA uniforms.[2177] **Todorović** testified that when he was the Assistant Commander for Intelligence and Security from November 1993, members of the 3rd Military Police Battalion of the IBK were guards at Batković camp.[2178]

[2168] P524 (Witness RM-088, witness statement, 17 October 1994), para. 65.
[2169] Milenko Todorović, T. 19825, 19835, 19837-19840.
[2170] P434 (Elvir Pašić, witness statement, 21 October 1994), para. 41.
[2171] D664 (Đorđo Krstić, witness statement, 29 September 2014), para. 19; Đorđo Krstić, T. 26344.
[2172] P524 (Witness RM-088, witness statement, 17 October 1994), para. 66.
[2173] P524 (Witness RM-088, witness statement, 17 October 1994), para. 66. *See also* P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, p. 9.
[2174] P524 (Witness RM-088, witness statement, 17 October 1994), paras 67, 69.
[2175] P524 (Witness RM-088, witness statement, 17 October 1994), para. 68.
[2176] P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, p. 9.
[2177] P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, p. 9.
[2178] Milenko Todorović, T. 19835, 19837.

527. **Pašić** testified that on 16 July 1992, he and others were transferred from Sušica camp to Batković camp, where they were received by guards in JNA uniform.[2179] He considered that these guards were not disciplined soldiers, as they had no caps and were wearing running shoes.[2180] The witness remained in the camp for approximately one year.[2181] The camp consisted of three observation towers and two main buildings of approximately 50 by 30 metres each, in one of which about 1,400 people were detained.[2182] In a temporary military tent, another 200 people were detained.[2183] It was surrounded by barbed wire.[2184] The detainees' meals were delivered by a military van from the Bijeljina barracks.[2185] **Witness RM-088** testified that there were two hangars which housed the detainees; one had older people, adolescents, ex-JNA soldiers, and people from villages where there was no resistance fighting and they had access to a television, while the other hangar was comprised of Muslims who came from villages that resisted Serb attacks.[2186]

528. **Pyers Tucker** testified that on 26 March 1993, he attended a meeting, arranged through Slobodan Milošević, in Belgrade between, *inter alios*, Morillon, Gvero, and Mladić.[2187] At this meeting, Mladić acknowledged there had been mistreatment of detainees in some prisons, but he said that these prisons were not under the control of the VRS.[2188] Mladić said that the prisons at Foča, Batković, and Kula, however, were under his control and he claimed that the treatment of detainees in these prisons was in accordance with the Geneva Conventions.[2189] According to Mladić, detainees in these camps received three meals a day and were not made to dig trenches on the front lines.[2190]

[2179] P434 (Elvir Pašić, witness statement, 21 October 1994), paras 36, 39.
[2180] P434 (Elvir Pašić, witness statement, 21 October 1994), para. 36.
[2181] P434 (Elvir Pašić, witness statement, 21 October 1994), para. 36.
[2182] P434 (Elvir Pašić, witness statement, 21 October 1994), paras 37-39; P435 (Sketch of the Batković camp).
[2183] P434 (Elvir Pašić, witness statement, 21 October 1994), para. 39.
[2184] P434 (Elvir Pašić, witness statement, 21 October 1994), para. 37.
[2185] P434 (Elvir Pašić, witness statement, 21 October 1994), para. 40; Elvir Pašić, T. 4504.
[2186] P524 (Witness RM-088, witness statement, 17 October 1994), para. 72.
[2187] P317 (Pyers Tucker, witness statement, 10 May 2010), paras 241, 243.
[2188] P317 (Pyers Tucker, witness statement, 10 May 2010), para. 248.
[2189] P317 (Pyers Tucker, witness statement, 10 May 2010), para. 248.
[2190] P317 (Pyers Tucker, witness statement, 10 May 2010), para. 248.

Detainees at Batković camp

529. From at least June 1992 until 30 December 1992, Serbs detained Muslims and Croats in Batković camp.[2191] The detainees held at Batković camp originated from a large number of municipalities, including Brčko, Ključ, Lopare, Rogatica, Sokolac, Ugljevik, Vlasenica, and Zvornik.[2192] **Ferhatbegović** stated that there were also detainees from Modrica and Doboj.[2193] Many had been transferred from other detention facilities, particularly Sušica camp in Vlasenica and Manjača camp in Banja Luka.[2194] **Ibro Osmanović** testified that from 30 June 1992 to 21 July 1993, he was detained in Batković camp, together with around 3,500 other people.[2195] According to the witness, there were mostly Muslim detainees held in the camp, with a few Croats, Albanians, Roma, and one person with Muslim and Serb parents.[2196] **Witness RM-004** stated that there were 1,600 detainees with him in a hangar grouped by municipality of origin and guarded by reserve soldiers in military uniforms.[2197] All detainees he knew were Muslims.[2198]

530. **Witness RM-513** stated that based on his knowledge, 2,000 to 3,000 people went through the camp, not because of any criminal act, but because they were non-Serb.[2199] According to 'official reports', the detainees at Batković camp were all combatants but, in reality, they were mostly civilians.[2200] **Witness RM-088** testified that at least 95 per cent of the detainees at Batković camp were civilians; he could only recall the names of two men who were soldiers: Nedim Mustačević (also known as 'Beret 1') and Mirsad Kuralić (also known as 'Beret 2').[2201] In December 1992, a group of detainees arrived at Batković camp from Manjača camp amongst whom was Tole Žarko, a Croatian army commander who had been Mladić's commander in the former

[2191] Adjudicated Facts I, no. 505.
[2192] Adjudicated Facts I, no. 506.
[2193] P2527 (Tahir Ferhatbegović, supplemental information sheet, 21 August 2003), p. 2.
[2194] Adjudicated Facts I, no. 506.
[2195] P207 (Ibro Osmanović, witness statement, 10 October 1994), paras 52, 60; P208 (Ibro Osmanović, witness statement, 11 October 1995), p. 2; Ibro Osmanović, T. 2763-2764; D49 (Statement by Ibro Osmanović to the Lukavac war crimes office, 4 August 1993), p. 3; D50 (Statement by Ibro Osmanović to the ABiH, 23 July 1993), p. 2.
[2196] D49 (Statement by Ibro Osmanović to the Lukavac war crimes office, 4 August 1993), p. 4.
[2197] P3391 (Witness RM-004, witness statement, 30 August 2011), paras 36-37.
[2198] P3391 (Witness RM-004, witness statement, 30 August 2011), paras 36-37.
[2199] P1054 (Witness RM-513, witness statement, 25 June 2011), para. 70.
[2200] Witness RM-513, T. 9355, 9358.
[2201] P524 (Witness RM-088, witness statement, 17 October 1994), para. 46; P525 (Witness RM-088, Clarification chart relating to ICTY witness statement), p. 1; Witness RM-088, T. 5363.

JNA.[2202] Prior to a visit from the ICRC, he overheard a man tell the commander and deputy commander, Vasiljević and Tukodi, that Žarko was not allowed to be exchanged until Mladić gave his personal approval.[2203]

531. According to an invoice from the Drina-Trans company dated 21 July 1992, on 15 July 1992 the company transported 'prisoners' in four vehicles from Zvornik to Batković camp in Bijeljina Municipality pursuant to an order of the temporary government of Zvornik Municipality and of the TO staff.[2204] On 25 July 1992, the domestic payment agency authorised an order for payment of 85,800 dinars from an account of the Zvornik Municipality to the account of the Drina-Trans company for the transport services carried out between 4 and 18 July 1992.[2205]

532. In August 1992, around 1,280 Muslim men were detained in a single warehouse in the camp, and there were also some women, children, and elderly persons detained in a separate area.[2206] **Witness RM-088** testified that around 13 August 1992, the first group of detainees consisting of elderly, invalids, one child, and men from mixed marriages was released from Batković camp.[2207] Initially these people were not registered at the camp.[2208] Therefore, a list was quickly compiled by Fikret Smajlović.[2209] In September 1992, a group of elderly people, children, and former Muslim JNA soldiers, the presence of whom had not been reported to the ICRC when they arrived in August, were released.[2210] Witness RM-088 was told that Petar O. Dimitrović, acting camp commander in Vasiljević's absence, asked the former Muslim JNA soldiers if anyone wanted to join the Serb army and become a camp guard but no one took the offer and they were released.[2211] According to an order of 3 August 1992 by IBK Commander Dragutin Ilić, camp commander Lieutenant Colonel Vasiljević was

[2202] P524 (Witness RM-088, witness statement, 17 October 1994), para. 47; Witness RM-088, T. 5396.
[2203] P524 (Witness RM-088, witness statement, 17 October 1994), paras 48-49; Witness RM-088, T. 5353.
[2204] P405 (Order for payment from the domestic payment agency and invoice from the Drina-Trans company addressed to the Serbian municipality of Zvornik, 25 July 1992), pp. 3-4.
[2205] P405 (Order for payment from the domestic payment agency and invoice from the Drina-Trans company addressed to the Serbian municipality of Zvornik, 25 July 1992), pp. 1-2.
[2206] Adjudicated Facts I, no. 508.
[2207] P524 (Witness RM-088, witness statement, 17 October 1994), para. 52; P7393 (Order to release prisoners, 3 August 1992).
[2208] P524 (Witness RM-088, witness statement, 17 October 1994), para. 52.
[2209] P524 (Witness RM-088, witness statement, 17 October 1994), para. 52. The Trial Chamber notes that Fikret Smajlović was sometimes erroneously referred to in the evidence as Fikret 'Smajić'. The Trial Chamber has corrected these instances when it was clear the evidence referred to Fikret Smajlović.
[2210] P524 (Witness RM-088, witness statement, 17 October 1994), paras 56, 65; Witness RM-088, T. 5397-5398.
[2211] P524 (Witness RM-088, witness statement, 17 October 1994), para. 56; Witness RM-088, T. 5398.

to release all prisoners over the age of seventy from the camp during the course of 4 and 5 August and turn them over to the Red Cross of the SAO Semberija and Maljevica.[2212]

533. **Witness RM-088** heard from another detainee, Sead Feriz, that Vojislav Đurković, a.k.a. Vojkan, the President of the Commission for Exchange and a major in the Serb army at that time, had told Feriz that he would have to pay him money before Đurković would put him on the exchange list.[2213] The witness heard from a Serb guard that although the exchanges were supposed to be on a one-for-one basis, Đurković allowed more detainees to leave than Serb detainees were returned, and the guard assumed that Đurković was getting money.[2214] The witness testified that starting in 1993, civilians were exchanged for Serb detainees.[2215]

534. **Osmanović** testified that he was never given an explanation for his detention.[2216] **Kuralić** stated that during his detention in early September 1992, he received a letter summoning him to court to be put on trial.[2217] On 11 September 1992, ten detainees, including Kuralić, were taken to the court building in Bijeljina for a preliminary hearing.[2218] The witness was not told what he had been charged with and was ordered to serve one month in pre-trial detention at a detention centre in Doboj.[2219] On 1 March 1993, the witness was brought to the KP Dom Bijeljina and on 21 April 1993, he was part of an exchange in Gradačac.[2220]

535. **Mujo Ramić** stated that he was transferred from Sušica camp to Batković camp on 27 June 1992 and he was released from Batković camp around 27 November 1992 as part of a prisoner exchange involving 120 Bosnian Muslims.[2221] **Witness RM-004** stated that he was exchanged on 7 December.[2222] **Pašić** testified that on 21 July 1993, he was assisted by the Red Cross and left the camp together with 40 others in an exchange.[2223] There were approximately 500 detainees left at the camp at the time of the witness's departure.[2224] Before the witness's transfer, other groups were exchanged,

[2212] P7393 (Order to release prisoners, 3 August 1992).
[2213] P524 (Witness RM-088, witness statement, 17 October 1994), paras 60-61.
[2214] P524 (Witness RM-088, witness statement, 17 October 1994), para. 62.
[2215] P524 (Witness RM-088, witness statement, 17 October 1994), para. 46.
[2216] Ibro Osmanović, T. 2759, 2762-2763.
[2217] P2521 (Mirsad Kuralić, witness statement, 28 June 1996), p. 9.
[2218] P2521 (Mirsad Kuralić, witness statement, 28 June 1996), p. 9.
[2219] P2521 (Mirsad Kuralić, witness statement, 28 June 1996), p. 9.
[2220] P2521 (Mirsad Kuralić, witness statement, 28 June 1996), p. 9.
[2221] P2528 (Mujo Ramić, witness statement, 23 February 2010), paras 12-13.
[2222] P3391 (Witness RM-004, witness statement, 30 August 2011), para. 36.
[2223] P434 (Elvir Pašić, witness statement, 21 October 1994), paras 51-52; Elvir Pašić, T. 4505.
[2224] P434 (Elvir Pašić, witness statement, 21 October 1994), para. 51.

including a group of 350 who were transferred to Tuzla on the same day, and a group of 500-700 persons from Brčko.[2225] The witness and his group made it to Croatia and after being hospitalized in Zagreb for five months, he left for the United Kingdom.[2226] **Ferhatbegović** stated that he was also exchanged on 21 July 1993.[2227] **Witness RM-030** stated that after 13 months, he was released as part of an exchange and arrived in Tuzla on 21 July 1993.[2228]

536. **Đorđo Krstić** testified that upon his arrival at Batković camp on 11 January 1993, the centre held approximately 1,700 detainees from all over Bosnia-Herzegovina in two buildings, roughly half of them in each, and it was managed by reserve Major Đoko Pajić.[2229] The detainees at Batković camp were men between 18 and 60 years of age and the vast majority were non-Serbs.[2230] They were brought in to the centre by the military police and kept there until they were either exchanged or handed over to the ICRC. [2231] The status of the detainees as civilians or combatants was investigated by the security organs of the IBK Command, the Military Prosecution, and the Military Police organs.[2232] Initially, the witness testified that only able-bodied men between 18 and 60 were kept at Batković camp, whereas there had never been any women, children or elderly persons kept there.[2233] During cross-examination, when confronted with a document indicating that nine women, two of whom were 75 years old, had been brought to Batković camp during his time as deputy warden, the witness testified that women, children and elderly may have been brought to Batković camp, but he was not aware of it and he did not remember this had happened.[2234]

537. On 12 February 1993, Chief of Staff of the IBK Colonel Budimir Gavrić sent a communication to the warden of the Bijeljina KP Dom informing him that nine female prisoners who had been brought from Zvornik to Batković camp would be transferred shortly. Gavrić specified that the proper conditions were not in place for their detention at Batković camp, and instructed that the female prisoners would be held at the Bijeljina

[2225] P434 (Elvir Pašić, witness statement, 21 October 1994), para. 51.
[2226] P434 (Elvir Pašić, witness statement, 21 October 1994), para. 52; Elvir Pašić, T. 4478, 4505.
[2227] P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, p. 9.
[2228] P1610 (Witness RM-030, witness statement, 29 September 1994), pp. 6-7.
[2229] D664 (Đorđo Krstić, witness statement, 29 September 2014), paras 3, 5; Đorđo Krstić, T. 26348-26350.
[2230] D664 (Đorđo Krstić, witness statement, 29 September 2014), para. 6; Đorđo Krstić, T. 26351.
[2231] D664 (Đorđo Krstić, witness statement, 29 September 2014), para. 21.
[2232] D664 (Đorđo Krstić, witness statement, 29 September 2014), para, 6; Đorđo Krstić, T. 26349-26350.
[2233] D664 (Đorđo Krstić, witness statement, 29 September 2014), para. 6.
[2234] D664 (Đorđo Krstić, witness statement, 29 September 2014), para. 6; Đorđo Krstić, T. 26363-26364.

KP Dom until further notice. For one of the women, Gavrić listed that she was pregnant.[2235] The witness believed that the transfer of these women must have occurred when he was absent from the camp.[2236]

538. On 16 July 1993, Major General Manojlo Milovanović gave an order to transfer all soldiers and civilians captured by different VRS Corps and units to Batković camp.[2237] According to the witness, approximately 100 people were brought to Batković camp during the course of this operation, which lasted from 16 July until 22 July 1993.[2238]

539. Channel Four reported that there were about 400 detainees in Batković camp who had previously been detained in Omarska and Manjača camps until the fall.[2239] While the Channel Four correspondents were not allowed to visit Batković camp itself, they were allowed to interview two Muslim detainees and one Croat detainee from Batković at a flourmill, where they worked during the day.[2240] The detainees indicated they were 'civilians' but that Serbs referred to them as POWs.[2241]

540. In a VRS Main Staff order of 3 October 1994 addressed to the DK, SRK, IBK, and HK, Zdravko Tolimir reported on the exchange of detainees between the Muslim side and the VRS.[2242] Amongst others, 24 detainees from Batković camp and 49 detainees from Butmir prison were to be exchanged for Serbs.[2243] Tolimir stated that 'it should be kept in mind that in the exchanges we receive captured soldiers of the Republic *[sic]* Srpska while we mostly give them civilians'.[2244] Tolimir ordered that the heads of the intelligence sections of the SRK, the DK, and the IBK were to undertake all measures necessary to execute the agreement, while the SRK and DK were to enable an unfettered realization of agreed tasks regarding convoy movement and persons through checkpoints.[2245] The exchanges were to take place on 5 and 11 October 1994.[2246]

[2235] P6797 (IBK report to KP Dom Bijeljina Warden, 12 February 1993), p. 1.
[2236] Đorđo Krstić, T. 26363.
[2237] P6798 (VRS Main Staff order to transfer detainees to Batković, 16 July 1993).
[2238] Đorđo Krstić, T. 26365-26366.
[2239] P4163 (Channel Four news report), p. 3.
[2240] P4163 (Channel Four news report), p. 3.
[2241] P4163 (Channel Four news report), p. 3.
[2242] P4008 (Main Staff order by Zdravko Tolimir, 3 October 1994), p. 1.
[2243] P4008 (Main Staff order by Zdravko Tolimir, 3 October 1994), p. 1.
[2244] P4008 (Main Staff order by Zdravko Tolimir, 3 October 1994), p. 1.
[2245] P4008 (Main Staff order by Zdravko Tolimir, 3 October 1994), pp. 1-2.
[2246] P4008 (Main Staff order by Zdravko Tolimir, 3 October 1994), p. 2.

541. On 15 April 1995, the DK Command sent instructions which it had received from the VRS Main Staff Security Administration to the commands of various VRS brigades, battalions and a military police battalion.[2247] According to the instructions, the VRS Main Staff considered that the 'negligent' behaviour shown towards POWs from the moment of capture until they were taken to the Batković 'collection centre', or to another place of detention, as well as during detention itself, allowed the POWs to submit reports to their own intelligence and security organs with significant information about the VRS and the situation in the field after their exchange.[2248] In order to avoid this situation, the units were instructed to search, blindfold and handcuff the POWs prior to being transported.[2249] On 20 April 1995, IBK Assistant Commander for Intelligence and Security, Milenko Todorović sent out identical instructions recalling the VRS Main Staff's instruction; the instructions were addressed only to the 3rd Military Police Battalion and only referred to the situation at Batković.[2250] When shown these instructions, **Milenko Todorović** confirmed they mirrored the language contained in the 15 April 1995 DK Command instruction, and as such would have resulted from an instruction received from the VRS Main Staff Security Administration.[2251] The witness also testified that he would sometimes also relay information obtained by the 3rd Military Police Battalion during interrogations of detainees at Batković directly to Vujadin Popović.[2252]

542. The witness stated that due to pressure from the families of captured VRS soldiers and a lack of captured POWs to exchange in July 1995, General Simić called Colonel Pandurević, who said that the Zvornik Brigade could capture members of the ABiH trying to break through to Tuzla and send them to Batković camp.[2253] Between 15 and 20 July 1995, 15 members of the 3rd Military Police Battalion went from Bijeljina to the Zvornik Brigade daily and escorted a total of between 176 and 183 captured POWs to Batković camp.[2254] On 18 July 1995, 22 detainees were transferred from the

[2247] P2135 (DK Command Security Section Memo no. 17/450, 15 April 1995), p. 1.
[2248] P2135 (DK Command Security Section Memo no. 17/450, 15 April 1995), pp. 1-2.
[2249] P2135 (DK Command Security Section Memo no. 17/450, 15 April 1995), pp. 2-3.
[2250] P2919 (IBK instructions to 3rd military police battalion, 20 April 1995), p. 1.
[2251] P2915 (Milenko Todorović, *Tolimir* transcript, 18-20 April 2011), pp. 12968-12974.
[2252] P2915 (Milenko Todorović, *Tolimir* transcript, 18-20 April 2011), pp. 12959-12960, 12962, 12968.
[2253] P2914 (Milenko Todorović, Interview, 2 February 2010), pp. 4-5, 9, 11; P2915 (Milenko Todorović, *Tolimir* transcript, 18-20 April 2011), pp. 12941-12944; Milenko Todorović, T. 19822-19823, 19830-19831, 19859.
[2254] P2914 (Milenko Todorović, Interview, 2 February 2010), pp. 6, 17-18; P2915 (Milenko Todorović, *Tolimir* transcript, 18-20 April 2011), pp. 13161, 13165; Milenko Todorović, T. 19864-19866; P2921 (IBK Command operations logbook, 5 March 1995-12 June 1996), pp. 2-3.

5th Military Police Batallion to Batković camp under the care of the 3rd Military Police Battalion. According to the witness, all detainees were registered upon their arrival at Batković camp and the President of the POW commission, Ljubomir Mitrović, would then immediately notify the ICRC in Bijeljina.[2255] Mitrović was not part of any unit in Bosnia-Herzegovina, but reported directly to the IBK Command.[2256]

543. In a VRS Main Staff report of 3 September 1995 on the exchange of detainees, Tolimir reported on the VRS Main Staff's efforts regarding an 'all-for-all' exchange of Muslim soldiers held in Batković camp against VRS soldiers held in Muslim prisons, as the number of Muslim POWs held by the VRS in Batković camp was smaller than the number of captured VRS soldiers. Tolimir reported this was not accepted by the Muslim side, and that the two sides were planning to meet in the village of Kaloševići to come to an agreement on an exchange and on the favourable treatment of POWs.[2257]

544. According to a list from the General Staff attached to a letter from the Bosnian-Serb MoD to the ICTY Liaison Office of the Bosnian-Serb MoJ dated 13 March 2002, 171 Muslims – almost all of whom had arrived at Batković camp in July 1995 – had been 'exchanged' between July and December 1995.[2258] According to **Richard Butler**, these detainees were under the custody of the VRS.[2259] The detainees, who were registered by the ICRC, were exchanged between July and late December 1995 in the presence of the ICRC.[2260] Some individuals were moved to Batković camp from Bratunac, under the escort of the DK military police, around 17 and 18 July 1995.[2261] From 23-24 July 1995 and onwards, about 150 to 200 individuals captured, *inter alia*, in Zvornik and Bratunac, were sent to Batković camp.[2262]

545. In a telegram of October 1993 to the Eastern Bosnia Corps Commander, their Chief of Intelligence and Security, the DK Commander, and the Central State

[2255] P2915 (Milenko Todorović, *Tolimir* transcript, 18-20 April 2011), pp. 12958-12959.
[2256] P2915 (Milenko Todorović, *Tolimir* transcript, 18-20 April 2011), pp. 12953-12958, 12961; Milenko Todorović, T. 19840-19843, 19879-19880; P2922 (Aerial image of Batković camp); P2942 (Marked aerial image of Batković camp).
[2257] P2944 (VRS Main Staff report on exchange of prisoners, 3 September 1995), pp. 1-5.
[2258] P2132 (List from the General Staff attached to a letter from the Bosnian-Serb MoD to the ICTY Liaison Office of the Bosnian-Serb MoJ, 13 March 2002), pp. 2-8.
[2259] Richard Butler, T. 16441-16442; P2132 (List from the General Staff attached to a letter from the Bosnian-Serb MoD to the ICTY Liaison Office of the Bosnian-Serb MoJ, 13 March 2002), pp. 2-8.
[2260] P2132 (List from the General Staff attached to a letter from the Bosnian-Serb MoD to the ICTY Liaison Office of the Bosnian-Serb MoJ, 13 March 2002), pp. 2-9.
[2261] Richard Butler, T. 16442; P2132 (List from the General Staff attached to a letter from the Bosnian-Serb MoD to the ICTY Liaison Office of the Bosnian-Serb MoJ, 13 March 2002), pp. 2-8.

Commission for POW Exchange, Mladić set out that the DK Commander, Milenko Živanović, had not agreed to the exchange of 26 POWs captured in the zone of responsibility of the DK that had been scheduled for 16 October 1993 in Kovačica by the Commission for POW exchange.[2263] While 13 of these POWs were detained in the Batković collection centre, the other 13 were held in Vlasenica and Živanović had informed Mladić that the 26 POWs were to be exchanged for captured soldiers of the DK held at Muslim prisons.[2264] Mladić cancelled the scheduled exchange because the captured soldiers of the DK had not been envisaged for this exchange, and because the Muslim POWs had been put on the exchange list without permission of the DK.[2265] Mladić further instructed the Central State Commission for POW exchange to not include prisoners from the area of responsibility of the DK in the POW exchange without the permission of the DK Commander and their Commission for the exchange of POW in the future.[2266]

Conditions at Batković camp

546. With regard to the conditions at the camp, **Witness RM-088** testified that in late June 1992, he and about 1,300 men and women were placed in hangar number 1, which was crowded and they were forced to sleep like 'sardines in a tin'.[2267] At that time, the second hangar was not yet in use.[2268] There were mattresses and blankets in the hangar, but the detainees were not allowed to use them on night of their arrival, even though it was very cold.[2269] **Witness RM-513** testified that when he visited the camp in late summer 1992, conditions at the camp for the between 1,000 and 2,000 detainees were very poor; the camp did not have access to water from the town's supply and the space for detainees was confined.[2270] During his visit, the witness observed detainees lying on some sort of rugs on a concrete floor under a metal sheet roof.[2271] **Pašić** testified that the detainees only received hygiene products from the Red Cross, but not from authorities

[2262] Richard Butler, T. 16442; P2132 (List from the General Staff attached to a letter from the Bosnian-Serb MoD to the ICTY Liaison Office of the Bosnian-Serb MoJ, 13 March 2002), pp. 2-8.
[2263] P5184 (Telegram by Mladić concerning the exchange of POWs, October 1993), pp. 1-2.
[2264] P5184 (Telegram by Mladić concerning the exchange of POWs, October 1993), p. 1.
[2265] P5184 (Telegram by Mladić concerning the exchange of POWs, October 1993), p. 1.
[2266] P5184 (Telegram by Mladić concerning the exchange of POWs, October 1993), p. 1.
[2267] Witness RM-088, T. 5352-5353, 5376.
[2268] Witness RM-088, T. 5352.
[2269] P524 (Witness RM-088, witness statement, 17 October 1994), para. 41
[2270] P1054 (Witness RM-513, witness statement, 25 June 2011), para. 71; Witness RM-513, T. 9356.
[2271] Witness RM-513, T. 9356.

of the camp.[2272] Following the ICRC visits, the detainees were provided with three servings of food per day; however, the food – provided on one plastic dish shared by ten inmates – was extremely limited while detainees were rushed and beaten while eating.[2273] **Witness RM-088** testified that at first, detainees at Batković received very little to no food at all, and that after the ICRC visited, the detainees received some food three times a day which was of 'terrible quality'.[2274] The ICRC insisted that the Serbs keep a Serb doctor at the camp to treat the detainees but the doctor rarely visited the camp and only arrived on the days the ICRC came, accompanied by two nurses.[2275] The doctor, by the first name of Željko, falsified death reports and stated that detainees who had died because they were denied access to medical care – for example, one detainee who had diabetes died after being refused medicine, another detainee died of tuberculosis, and two detainees from Rogatica died of dysentery – had died of 'natural causes'.[2276] Detainees who typed reports that were provided to the ICRC were instructed by the camp command to write down that these people died of natural causes.[2277]

547. **Safet Gagula** stated that he was arrested in July 1992 and kept in various detention centres.[2278] On 15 March 1993, he was taken to Batković camp near Bijeljina.[2279] The camp housed 400 to 600 people in a large hangar, while another hangar housed 200 people, who he believed had all been sentenced by a military court of the VRS. People slept on wooden pallets, if they had them, or on the bare concrete floor. Those who had to perform labour received three meals a day. On 23 June 1993 the witness, together with other detainees, was transferred to Kula camp in Ilidža Municipality.[2280]

548. **Krstić** testified that during his time at Batković camp, from January 1993 to June 1994, the living conditions in Batković camp were 'fairly good'; the accommodation facility was constructed from solid material and was equipped with wood-burning

[2272] Elvir Pašić, T. 4504-4505.
[2273] P434 (Elvir Pašić, witness statement, 21 October 1994), para. 40.
[2274] Witness RM-088, T. 5391.
[2275] P524 (Witness RM-088, witness statement, 17 October 1994), para. 87; Witness RM-088, T. 5360.
[2276] P524 (Witness RM-088, witness statement, 17 October 1994), para. 91; Witness RM-088, T. 5360-5361.
[2277] P524 (Witness RM-088, witness statement, 17 October 1994), para. 91; Witness RM-088, T. 5360-5361.
[2278] P2525 (Safet Gagula, witness statements), witness statement of 12 June 2001, pp. 5-6, Bosnia-Herzegovina statement of 20 August 1993, pp. 1-3.
[2279] P2525 (Safet Gagula, witness statements), witness statement of 12 June 2001, pp. 5-6, Bosnia-Herzegovina statement of 20 August 1993, pp. 1-3.
[2280] P2525 (Safet Gagula, witness statements), Bosnia-Herzegovina statement of 20 August 1993, p. 3.

stoves and sufficient wood logs for heating.[2281] The detainees were supplied with drinkable water from taps and had a sufficient number of showers and toilets at their disposal.[2282] The detainees slept on straw on wooden pallets covered with 'PVC' foil and received two blankets each.[2283] They were provided with three meals a day and received the same food as members of the VRS.[2284] Medical check-ups were arranged every morning; ill detainees had a doctor at their disposal and could be brought to a medical station or to the city hospital if necessary.[2285] The ICRC visited Batković camp once or twice a week and, according to the witness, the cooperation was 'excellent'.[2286] The ICRC, as well as foreign journalists, usually came without prior notification and could visit the facilities and communicate with the detainees freely, without special preparations being made.[2287] The witness talked to the detainees on a daily basis and never received any complaints, nor was he aware of any abuse.[2288] **Todorović** testified that during his time at the camp, from 16 November 1993 until the camp was closed, a physician of Muslim ethnicity would come to Batković camp once a week to take care of detainees; he also testified that the detainees were served the same food from the kitchen in Bijeljina as the soldiers.[2289] The witness testified that he was not informed of crimes committed against camp detainees during his time at Batković.[2290]

549. On 25 January 1994, Mladić requested the opinions of the Bosnian-Serb President and Prime Minister on the status of 134 able-bodied Croats who had fled the Tuzla and Sarajevo regions and were detained in Batković and Kula camps, where the majority of them had been held for over 20 days.[2291] Mladić indicated that there were difficulties in securing food, hygiene, and medical supplies, as well as providing security for the detainees.[2292]

[2281] D664 (Đorđo Krstić, witness statement, 29 September 2014), paras 3, 8, 10; Đorđo Krstić, T. 26345. The witness referred to Batković camp as the Batković collection centre.
[2282] D664 (Đorđo Krstić, witness statement, 29 September 2014), paras 8, 11.
[2283] D664 (Đorđo Krstić, witness statement, 29 September 2014), para. 10.
[2284] D664 (Đorđo Krstić, witness statement, 29 September 2014), para. 9.
[2285] D664 (Đorđo Krstić, witness statement, 29 September 2014), para. 18.
[2286] D664 (Đorđo Krstić, witness statement, 29 September 2014), paras 12-13.
[2287] D664 (Đorđo Krstić, witness statement, 29 September 2014), paras 12-13; Đorđo Krstić, T. 26348-26349.
[2288] D664 (Đorđo Krstić, witness statement, 29 September 2014), para. 19.
[2289] Milenko Todorović, T. 19839-19840.
[2290] Milenko Todorović, T. 19839.
[2291] P4146 (Telegrams on Croatian POWs in Bosnian-Serb territory), telegram of Mladić to the Bosnian-Serb President and Prime Minister, 25 January 1994, p. 1.
[2292] P4146 (Telegrams on Croatian POWs in Bosnian-Serb territory), telegram of Mladić to the Bosnian-Serb President and Prime Minister, 25 January 1994, p. 1.

550. **Witness RM-358,** stated that on 21 July 1995, he was taken by truck, along with about 39 others, to a camp near the town of Batković.[2293] During his detention, he lost significant weight and knew of many people, including his cousin, who died of malnutrition, as well as a man who died after being taken to hospital with a minor leg wound.[2294]

Treatment of detainees at Batković camp

551. The detainees at Batković camp were beaten by Serb guards.[2295] Ten detainees were singled out for especially harsh treatment.[2296] They were beaten three times a day, forced to beat each other, and repeatedly forced to engage in degrading sexual acts with each other in the presence of other detainees.[2297]

552. **Witness RM-088** provided details about the ill-treatment of detainees upon his arrival at the camp. He testified that when he reached Batković camp from Sušica camp on 27 June 1992, he saw a large sign that stated 'prisoner-of-war camp'.[2298] After the detainees got off the buses at Batković camp, they were ordered to pass through two lines formed by Serb soldiers, who hit them with objects such as rifles and chains.[2299] Mladen Tukodi ordered the detainees not to move and to stay calm and he then gave the following order to a guard standing by a machine gun pointed at the detainees in the hangar: 'If you notice any of them moving, just shoot.'[2300] The following morning, on 28 June 1992, policemen from Sremski Karlovci started beating the detainees, then divided them according to those who had their hair and those with shaved heads, and continued the beatings focusing particularly on those with shaved heads who they believed were connected to Zenga, a paramilitary group in Croatia.[2301] The policemen also threatened to kill those with shaved heads and only stopped the beatings after it was confirmed that they came from Vlasenica and not Croatia.[2302] **Osmanović** testified that when he arrived at Batković camp on 30 June 1992 on a bus together with a group of

[2293] P3378 (Witness RM-358, witness statements), witness statement of 28 May 2000, para. 13.
[2294] P3378 (Witness RM-358, witness statements), witness statement of 28 May 2000, para. 13.
[2295] Adjudicated Facts I, no. 510.
[2296] Adjudicated Facts I, no. 511.
[2297] Adjudicated Facts I, no. 511.
[2298] Witness RM-088, T. 5363.
[2299] P524 (Witness RM-088, witness statement, 17 October 1994), para. 40; Witness RM-088, T. 5352.
[2300] P524 (Witness RM-088, witness statement, 17 October 1994), para. 41.
[2301] P524 (Witness RM-088, witness statement, 17 October 1994), para. 43.
[2302] P524 (Witness RM-088, witness statement, 17 October 1994), para. 43.

other detainees from Vlasenica, they were beaten with police batons and metal pipes on their way from the bus to the hangar and all their valuables were taken.[2303]

553. Witnesses gave evidence that the detainees at Batković camp were beaten severely and feared for their lives.[2304] Until at least August 1992, beatings occurred every day.[2305] **Kuralić** provided testimony regarding the ill-treatment he was subjected by the camp guards, using their hands, feet, and weapons.[2306] Prior his detention at Batković camp, the witness's skull had already been fractured as a result of ill-treatment in Sušica camp.[2307] At Batković camp, his skull was further fractured, as well as his nose, jaw, and right upper arm; the ill-treatment also resulted in the deformation of his earlobes, broken ribs, and damaged kidneys.[2308] As a result of the ill-treatment, he was still undergoing treatment for psychological trauma more than ten years later.[2309] **Witness RM-030**, who was also detained at Sušica camp prior to his detention at Batković camp, also sustained lasting injuries due to the beatings at Batković camp,[2310] **Pašić** testified he was forced to dig his own grave.[2311]

554. A group of ten to twelve detainees called the 'special group' was beaten several times a day.[2312] Due to the daily beatings, members of this group had deformed faces and could hardly be recognized.[2313] The prison guards laughed and approved of the beatings they observed.[2314] **Pašić** testified that front line soldiers were permitted to enter

[2303] P207 (Ibro Osmanović, witness statement, 10 October 1994), paras 52, 54; D49 (Statement by Ibro Osmanović to the Lukavac war crimes office, 4 August 1993), p. 3; D50 (Statement by Ibro Osmanović to the ABiH, 23 July 1993), p. 2.
[2304] P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, p. 8; P207 (Ibro Osmanović, witness statement, 10 October 1994), paras 54-60; Ibro Osmanović, T. 2767; D49 (Statement by Ibro Osmanović to the Lukavac war crimes office, 4 August 1993), p. 3.
[2305] P434 (Elvir Pašić, witness statement, 21 October 1994), paras 40, 48. *See also* P207 (Ibro Osmanović, witness statement, 10 October 1994), paras 54-60; Ibro Osmanović, T. 2767; D49 (Statement by Ibro Osmanović to the Lukavac war crimes office, 4 August 1993), p. 3; P1610 (Witness RM-030, witness statement, 29 September 1994), p. 6.
[2306] P2521 (Mirsad Kuralić, witness statement, 28 June 1996), p. 8.
[2307] P2521 (Mirsad Kuralić, witness statement, 28 June 1996), pp. 9-10.
[2308] P2521 (Mirsad Kuralić, witness statement, 28 June 1996), pp. 9-10; P2523 (Mirsad Kuralić, *Krajišnik* transcript, 25 April 2005), p. 12583; P2524 (Medical record of Mirsad Kuralić, 21 June 1993), pp. 1-7.
[2309] P2523 (Mirsad Kuralić, *Krajišnik* transcript, 25 April 2005), p. 12583.
[2310] P1610 (Witness RM-030, witness statement, 29 September 1994), pp. 6-7.
[2311] P434 (Elvir Pašić, witness statement, 21 October 1994), para. 47.
[2312] P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 61; P208 (Ibro Osmanović, witness statement, 11 October 1995), p. 2; D50 (Statement by Ibro Osmanović to the ABiH, 23 July 1993), p. 3.
[2313] P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 61; P208 (Ibro Osmanović, witness statement, 11 October 1995), p. 2.
[2314] Ibro Osmanović, T. 2766.

the camp and assault the detainees as they pleased.[2315] Such soldiers entered the camp every 10 to 15 days.[2316]

555. Several witnesses testified that those who participated in beatings and other forms of ill-treatment of the detainees included commanders Colonel Despot, Lieutenant Colonel Đoko Vasiljević, and Lieutenant Colonel Petar Dimitrović; security squad commanders Velibor Stojanović, a.k.a. Veljo, Stojan Makivić, a.k.a. Kivinja, Ljubiša Mišić, Milorad Ošopović, Milenko Lujić, and Mladen Tukodi; guards Gligor Begović, Veselin Nikolić, a person called Pavić, Radovan Lazarević, a.k.a. Major, Dragan Goić, a person called Grobović, Milenko Perić, Jovan Arsenović, and Zoran Zarić, a.k.a. Zoka; policemen Dragan Ilić and Aleksandar Đurić, a man with the last name Panić; a man with the last name Grbović, a.k.a. Daco; a person called Omer, from Brčko; and a person called Drago (from Požarnica in Tuzla municipality).[2317]

556. Detainees were involved in the beatings of other detainees, including Fikret Smajlović, Besim Mehinović, a.k.a. Pupa; Esad Bekrić; Mersed Sečkanović; two brothers Džemal and Džemail Malić; and Omer Brodlić from Brčko.[2318] Fikret Smajlović, Zahirović, and Mehinović beat the detainees during the night or day, with or without the presence of Serbs, while Bekrić, Sečkanović, and Brodlić took detainees out only during the night and beat the detainees only when Serbs were present.[2319] Fikret Smajlović wore a camouflage uniform, seemed to be loyal to the Serbs, and received special privileges as a result.[2320] He beat detainees with his fists and the metal part of his military belt and also kicked them.[2321]

557. **Osmanović** testified that in August 1992, the guards in the camp were changed and most of the guards who had beaten detainees were replaced by a group of elderly

[2315] P434 (Elvir Pašić, witness statement, 21 October 1994), para. 48.
[2316] P434 (Elvir Pašić, witness statement, 21 October 1994), para. 48.
[2317] P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 55; P434 (Elvir Pašić, witness statement, 21 October 1994), paras 41-42; P1610 (Witness RM-030, witness statement, 29 September 1994), p. 6; P2521 (Mirsad Kuralić, witness statement, 28 June 1996), pp. 10–11; P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, p. 8; Elvir Pašić, T. 4498.
[2318] P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 61; P208 (Ibro Osmanović, witness statement, 11 October 1995), p. 2; P434 (Elvir Pašić, witness statement, 21 October 1994), para. 43; P524 (Witness RM-088, witness statement, 17 October 1994), para. 69; P1610 (Witness RM-030, witness statement, 29 September 1994), p. 6; D50 (Statement by Ibro Osmanović to the ABiH, 23 July 1993), p. 3; Elvir Pašić, T. 4503, 4505.
[2319] P524 (Witness RM-088, witness statement, 17 October 1994), para. 70; P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 61; P208 (Ibro Osmanović, witness statement, 11 October 1995), p. 2; D50 (Statement by Ibro Osmanović to the ABiH, 23 July 1993), p. 3.
[2320] P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 62; P208 (Ibro Osmanović, witness statement, 11 October 1995), p. 2; Ibro Osmanović, T. 2821.

people from the village of Batković, who treated the detainees fairly.[2322] **Witness RM-088** believed that two policemen, Drago Ilić and Aleksandar Đurić, were sent to the camp during Đoko Vasiljević's command, between August and December 1992, because the guards were beating the detainees too much. The policemen established rules that no guards could beat the detainees or enter the hangar. From that point on, Ilić and Đurić reported directly to the camp commander and Ilić would beat the detainees himself.[2323]

558. At the end of June 1992, an administrator known as 'Učo' put a number of detainees to work in the administrative section, where their primary duty was to type reports and lists of detainees including the detainee's name, surname, and when the detainee was captured.[2324] According to a written instruction, a list of the detainees held at the camp along with their basic information was to be sent to the ICRC in Bijeljina.[2325] The reports to the ICRC only needed to record if the person left the camp due to release, exchange, death, or transfer, as well as the date the person left the camp.[2326] Only the commander or deputy commander could sign the ICRC reports and the commander or deputy commander would have to go with the ICRC representative to the IBK in Bijeljina to verify the reports.[2327] Tukodi gave orders to the detainees regarding what names to put in the reports.[2328] The camp command also ordered them to include false information in the reports addressed to the ICRC because the ICRC wanted to know where people were at any given point in time.[2329] Therefore, if a man was killed or went missing, the reports would state that the person had been exchanged.[2330] The camp authorities, however, knew what had actually happened to the persons who were reported as released.[2331]

559. On 4 August 1992, Colonel Dragutin Ilić, Commander of the IBK, ordered the commander of the 'POW' camp to prepare the camp for a visit by foreign journalists

[2321] P208 (Ibro Osmanović, witness statement, 11 October 1995), p. 2; Ibro Osmanović, T. 2821.
[2322] Ibro Osmanović, T. 2832; D50 (Statement by Ibro Osmanović to the ABiH, 23 July 1993), p. 3.
[2323] P524 (Witness RM-088, witness statement, 17 October 1994), para. 65.
[2324] P524 (Witness RM-088, witness statement, 17 October 1994), paras 43-44, 46; Witness RM-088, T. 5356.
[2325] P527 (IBK Instruction, signed by Momčilo Despot, 2 July 1992), para. 10.
[2326] P524 (Witness RM-088, witness statement, 17 October 1994), para. 83.
[2327] P524 (Witness RM-088, witness statement, 17 October 1994), para. 83; Witness RM-088, T. 5357.
[2328] Witness RM-088, T. 5357.
[2329] Witness RM-088, T. 5359-5360, 5362, 5401; P528 (Decision by Batković collection centre command, signed by Đ. Vesiljević, 26 September 1992), p. 1.
[2330] Witness RM-088, T. 5359-5360, 5362, 5401; P528 (Decision by Batković collection centre command, signed by Đ. Vesiljević, 26 September 1992), p. 1.

and the ICRC.[2332] The ICRC began visiting Batković camp in late August or September 1992 and after that, conditions at the camp improved.[2333] When the ICRC visited the camp, the youngest and oldest detainees, together with the most badly beaten detainees, were temporarily removed from the camp.[2334] **Ferhatbegović** specified that the guards hid the men over 60 and children younger than 18 years of age.[2335] **Kuralić** stated that this also happened whenever journalists visited the camp.[2336] **Witness RM-088** testified that the ICRC had to give notice 24 hours prior to its arrival at Batković camp; on 16 August 1992, such notice was received and on 17 August 1992, the ICRC visited the camp.[2337] The group of detainees called the 'special unit', which included Ejub Smajić and Alija Gušalić, was taken away from the hangar to the Čardak, a building surrounded by barbed wire situated about 700 metres from the main building.[2338] The 'special unit' was registered and their information was passed on to Tukodi. Subsequently, Serb policemen came into the Čardak and put on old clothes to make themselves look like the other detainees. After the ICRC arrived, the detainees were divided into small groups with about two policemen substituting detainees in each group.[2339] One of the policemen introduced himself as Ejub Smajić.[2340] At that time, the detainees in the special unit were badly swollen and bruised due to beatings they had received at the camp.[2341] **Witness RM-513** testified that guards would also pose as murdered detainees so that it would appear that no one was missing from the rosters.[2342] Vlado Stević was a military policeman in the Bijeljina barracks who was occasionally brought to Batković camp to stand in for missing detainees.[2343] **Pašić** testified that the detainees who

[2331] Witness RM-088, T. 5362.
[2332] P6795 (IBK Command order, 4 August 1992).
[2333] Adjudicated Facts I, no. 514.
[2334] Adjudicated Facts I, no. 513.
[2335] P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, p. 9.
[2336] P2521 (Mirsad Kuralić, witness statement, 28 June 1996), p. 8.
[2337] P524 (Witness RM-088, witness statement, 17 October 1994), paras 53-55. The Trial Chamber notes that Elvir Pašić testified that the first ICRC visit happened in September 1992 (P434 (Elvir Pašić, witness statement, 21 October 1994), para. 49 Elvir Pašić, T. 4504). However, considering the details provided by Witness RM-088, the Trial Chamber has relied on his evidence, rather than that of Pašić, with regard to the date of the first visit.
[2338] P524 (Witness RM-088, witness statement, 17 October 1994), paras 54-55; Witness RM-088, T. 5393.
[2339] P524 (Witness RM-088, witness statement, 17 October 1994), para. 55.
[2340] P524 (Witness RM-088, witness statement, 17 October 1994), para. 55; Witness RM-088, T. 5399.
[2341] P524 (Witness RM-088, witness statement, 17 October 1994), para. 55
[2342] P1054 (Witness RM-513, witness statement, 25 June 2011), para. 76; Witness RM-513, T. 9358.
[2343] P1054 (Witness RM-513, witness statement, 25 June 2011), para. 76; Witness RM-513, T. 9358.

remained in the camp were instructed to report that the conditions at the camp were good.[2344] Some detainees did not comply as a result of which they were all beaten.[2345]

560. **Witness RM-088** testified that in September 1992, an American news crew arrived at Batković camp to interview detainees.[2346] Before the interview, Fikret Smajlović and Džemal Zahirović, a.k.a. Špajzer, substituted Alija Gušalić and Ejub Smajić.[2347] Velibor Stojanović and Tukodi told the detainees that they could talk about life in the hangar but that they were not allowed to tell the reporter about the people who were dead or beaten.[2348] One detainee told a reporter from the American news crew that they were all civilians and that none of them had been soldiers.[2349] On 11 September 1992, the members of the 'special unit' were transferred away and the ICRC report was prepared, stating that the men in this group were transferred to a prison in Doboj for investigation.[2350]

The Trial Chamber's findings

561. The Trial Chamber notes Đorđo Krstić's evidence that during his time at Batković camp from 11 January 1993 to 6 June 1994, no civilians were detained in the camp, living conditions in the camp were 'fairly good' and detainees were not mistreated. The Trial Chamber notes in this respect that much of the evidence it received on the conditions at the camp and the treatment of detainees relates to 1992 and it is therefore not challenged by Krstić's evidence. With regard to 1993 and 1994, the Trial Chamber makes the following observations. Krstić was evasive in answering questions put to him by both the Prosecution and the Trial Chamber and he could not explain the large discrepancies between his statement and documents shown to him in court – including contemporaneous reports from his superiors.[2351] For the most part, Krstić's evidence on the conditions at Batković camp and the civilian status of the detainees contrasted starkly with almost all of the evidence the Trial Chamber received

[2344] P434 (Elvir Pašić, witness statement, 21 October 1994), paras 49-50.
[2345] P434 (Elvir Pašić, witness statement, 21 October 1994), paras 49-50.
[2346] P524 (Witness RM-088, witness statement, 17 October 1994), para. 57.
[2347] P524 (Witness RM-088, witness statement, 17 October 1994), para. 57.
[2348] P524 (Witness RM-088, witness statement, 17 October 1994), para. 57.
[2349] Witness RM-088, T. 5354.
[2350] P524 (Witness RM-088, witness statement, 17 October 1994), para. 59.
[2351] Đorđe Krstić, T. 26356-26365; P4008 (Main Staff order by Zdravko Tolimir, 3 October 1994), p. 1; P6797 (IBK report to KP Dom Bijeljina Warden, 12 February 1993), p. 1; P6798 (VRS Main Staff order to transfer detainees to Batković, 16 July 1993).

on these issues. In this regard, the Trial Chamber considered that a large number of witnesses gave detailed, credible, and consistent testimony before the Trial Chamber regarding the conditions at the camp, the deplorable medical care, as well as the mistreatment of detainees and the concealment thereof by the camp authorities. For these reasons, the Trial Chamber has not relied on this aspect of Krstić's evidence.

562. Based on the foregoing, the Trial Chamber finds that between 27 June 1992 and the end of November 1995, a large number of detainees were held at Batković camp. The number of detainees fluctuated during the camp's existence. At its peak, between June 1992 and July 1993, the camp held around 3,500 detainees. The detainees were predominantly Bosnian Muslim and Bosnian Croat. Based on the evidence, the Trial Chamber finds that the detainees were mostly civilians. At times, there were women, children, and elderly persons among the detainees. The vast majority of detainees were detained at Batković camp not because they had committed a criminal act but because they were non-Serb.

563. From June 1992 until at least September 1992, detainees did not have access to water from the town's supply and the camp was very crowded; each of the two hangars was approximately 1,500 square metres. A single hangar held between 1,000 and 1,400 detainees in this period. In a temporary military tent, another 200 people were detained. Inmates slept on rugs on a concrete floor and without blankets. Sanitary conditions were poor. One Serb doctor, accompanied by two nurses, rarely visited the camp and only arrived on days the ICRC visited the camp. The Trial Chamber finds hat the situation at the camp improved somewhat from September 1992 onwards, after the ICRC began visiting the camp. In particular, the detainees were provided with more food, although it was still hardly sufficient. Moreover, detainees were given little time to eat and some were beaten while eating. In the second half of 1995, detainees lost significant weight and a number of them died of malnutrition.

564. With regard to the responsibility for the detention and the conditions at the camp, the Trial Chamber finds that the VRS established Batković camp and that VRS soldiers commanded and guarded the facility. The Trial Chamber, accordingly, finds that the VRS detained people at Batković camp and were responsible for the conditions of their detention.

565. The most severe beatings of detainees at Batković camp occurred between June and December 1992. Detainees were severely beaten on a daily basis with fists, feet and

various instruments, such as the metal part of a military belt, weapons, police batons, chains, rifles, or metal pipes. Ten detainees were singled out for especially harsh treatment. They were beaten three times a day, forced to beat each other, and repeatedly forced to engage in degrading sexual acts with each other in the presence of other detainees. As a result of the beatings, some detainees sustained severe permanent physical injury and long-lasting psychological trauma. On one occasion, policemen from Sremski Karlovci came to the camp and severely beat the detainees. While the intensity of the beatings diminished following the ICRC visits in September 1992, the Trial Chamber concludes that beatings occurred at Batković camp between 1 June 1992 and 21 July 1993. The Trial Chamber did not receive evidence of beatings occurring after 21 July 1993.

566. The Trial Chamber finds that detainees at Batković camp were beaten by the camp's commanders,[2352] deputy commanders and security squad commanders,[2353] guards,[2354] and policemen.[2355] Front line soldiers were also permitted to enter the camp and approximately twice per month assaulted the detainees as they pleased. The Trial Chamber notes that some Muslim detainees participated in severe beatings.[2356] The Trial Chamber will not further consider these beatings in relation to any count of the Indictment.

567. The Trial Chamber further finds that the Batković camp authorities provided false reports to the ICRC to hide acts committed against persons detained at the camp. In addition, working closely with members of the VRS Military Police, the camp authorities set up a system to conceal the youngest and oldest detainees, as well as detainees who had been severely ill-treated, from the ICRC and journalists. The Trial Chamber will further address this aspect in chapter 9.2.10.

568. The Trial Chamber will further consider the above in relation to Count 3 of the Indictment in chapter 8, below.

[2352] Colonel Momčilo Despot, Velibor Stojanović, nicknamed 'Veljo', Lieutenant Colonel Đoko Vasiljević, and Lieutenant Colonel Petar O. Dmitrović (acting camp commander in Vasiljević's absence).
[2353] Stojan Makivić, nicknamed 'Kivinja', Ljubiša Mišić, Milorad Ošopović, nicknamed 'Miko', Milenko Lujić, and Mladen Tukodi, nicknamed 'Mladjo'.
[2354] Gligor Begović, Veselin Nikolić, a person called Pavić, Radovan Lazarević, nicknamed 'Major', Dragan Goić, a person whose last name was Grbović, nicknamed 'Daco', Milenko Perić, Jovan Arsenović, Zoran Zorić or Zarić, nicknamed 'Zoka', a man whose last name was Panić, a man whose last name was Knežević, and Milenko Tojić.
[2355] Dragan Ilić, nicknamed 'Drago' and Aleksandar Đurić.
[2356] Fikret Smajlović, nicknamed 'Pike' or 'Piklić', Džemal Zahirović, nicknamed 'Špajzer', Omer Brodlić from Brčko, and Esad Bekrić.

4.2.3 Destruction of private and public property, including cultural monuments and sacred sites

569. According to the Indictment, the Accused is responsible for wanton acts of destruction of private property, including homes and business premises, and public property, including cultural monuments and sacred sites listed in Scheduled Incident D.1, in Bijeljina Municipality between 12 May 1992 and 30 November 1995.[2357] The Defence argued that the Adjudicated Fact and the evidence adduced by the Prosecution related to this scheduled incident are insufficient to identify the date, perpetrators, and manner of the destruction of the three mosques mentioned in Scheduled Incident D.1.[2358] In particular, the Indictment sets out that the Atmačići, Janjari, and Srednja Trnova mosques were destroyed in the summer of 1992.[2359] Scheduled Incident D.1 is limited to the destruction of these three mosques. The Indictment, as far as the charge of destruction is concerned, is, however, not limited to the Scheduled Incidents.[2360] Accordingly, the Trial Chamber has also considered evidence falling outside the scope of Scheduled Incident D.1. The Trial Chamber took judicial notice of Adjudicated Fact number 517 related to the destruction of religious monuments in Bijeljina Municipality. The Trial Chamber further received evidence from **Witness RM-513**, a Bosnian Serb from Bijeljina,[2361] and **András Riedlmayer**, bibliographer and art documentation specialist,[2362] as well as documentary evidence.

570. During the summer of 1992, two mosques in Bijeljina Municipality were damaged or destroyed.[2363]

571. **Witness RM-513** stated that according to a rumour circulated in Bijeljina, religious and cultural monuments in Bijeljina were destroyed in the summer of 1992 under the supervision of the Department of Urbanism and Construction in Bijeljina. This department was headed by Đorđe Krsmanović, who was also a member of the War Presidency. Krsmanović was assisted by Dragan Jovanović who was a civil engineer.

[2357] Indictment, paras 47, 52, 59(j), Schedule D.1.
[2358] Defence Final Brief, paras. 1648-1651.
[2359] Indictment, Schedule D. 1.
[2360] Further on this issue, *see* Appendix B.
[2361] P1054 (Witness RM-513, witness statement, 25 June 2011), p. 1, paras 2, 4-6.
[2362] P2503 (Expert report of András Riedlmayer, December 2012), para. 75; András Riedlmayer, T. 17888; P2504 (*Curriculum vitae* of András Riedlmayer), p. 1. With regard to the Trial Chamber's approach concerning Riedlmayer's evidence, *see* Appendix B.
[2363] Adjudicated Facts I, no. 517.

The rumour also said that the monuments were destroyed by the VRS 1KK. The witness further stated that five important sites were destroyed in one night, including the Atik mosque. Afterwards, their rubble was removed by companies from Bijeljina, which used Muslims on work details. According to the witness, only the Catholic church was spared, at the intervention of the orthodox Bishop from Tuzla.[2364]

572. According to a Channel Four news report, a paramilitary group known as 'The Panthers', commanded by Ljubiša Savić, a.k.a. Mauzer, blew up the five mosques of Bijeljina Town in one night. Two hours before their destruction, all telephone lines in Bijeljina were cut. According to the report, the Bosnian-Serb mayor of the town, Jovan Vojnović, knew beforehand and opposed the plan to destroy the mosques. Following the destruction of Bijeljina's main mosque, its site was levelled with bulldozers. The mosque was only partially blown up to spare the surrounding buildings.[2365]

573. **András Riedlmayer** provided evidence about the destruction of religious monuments in Bijeljina Town. According to him, the Atik, Selimovići, Dašnica, Krpić, and Janjica mosques and the Turbe of Sadik Aga, located in Bijeljina Town, were destroyed with explosives on the night of 12-13 March 1993 and their ruins razed.[2366] Serb soldiers mined the Atik mosque.[2367] According to another source, a militia, known as the Panthers and commanded by Ljubiša Savić a.k.a. Mauzer, was responsible for the destruction of the Atik mosque.[2368] The sites where the mosques and the Turbe stood were levelled with heavy equipment, cleared, and planted with grass and trees.[2369] The local municipal authorities were in charge of clearing the ruins of the Atik mosque, its adjacent turbe, and of the Krpić mosque.[2370] The Atik Mosque had been broken into, looted, and desecrated on 5 April 1992, before its destruction.[2371] Further, prior to its destruction, the Krpić Mosque was vandalised and smashed by Serb paramilitaries,

[2364] P1054 (Witness RM-513, witness statement, 25 June 2011), para. 77.
[2365] P4163 (Channel Four news report), p. 1.
[2366] P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report dated 30 September 2013), pp. 1-2; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[2367] P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report dated 30 September 2013), p. 1.
[2368] P2511 (Survey database for expert report of András Riedlmayer).
[2369] P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report dated 30 September 2013), pp. 1-2
[2370] P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report dated 30 September 2013), pp. 1-2.
[2371] P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report dated 30 September 2013), p. 2.

including Arkan's men, in April 1992.[2372] During his July 2002 site visit, the witness observed that only small pieces of building debris, outlining the Selimovići Mosque's foundations, and disturbed soil could be found. When visiting the site of the Dašnica Mosque, he saw an empty field and observed traces of the mosque's foundations among the weeds. On the site of the Krpić Mosque, he observed a large empty lot, levelled and cleared. On the site of the Janjica Mosque, he observed an empty lot, overgrown with weeds. Only one large stone remained next to where the entrance of the mosque used to be and deep ruts, perhaps traces of heavy equipment, could be seen in the ground. The expert witness classified the adjacent buildings as being in good condition.[2373] In addition Riedlmayer also provided evidence on the destruction of other religious buildings in Bijeljina Municipality.[2374]

574. The Trial Chamber notes that Riedlmayer obtained information concerning the dates and, when applicable, the perpetrators of the incidents of destruction from the *Medžlis* of the Islamic Community of Bijeljina, the *Medžlis* of the Islamic Community of Janja, the Imams of the Srednja Trnova mosque and of the Glinja mosque, and a Washington Post article dated 8 May 1993. However, Riedlmayer's report and its annexes, including the database, do not contain information on how his sources obtained their information and, consequently, whether there was a solid basis for the conclusions presented to Riedlmayer. For these reasons, the Trial Chamber has not relied on his evidence concerning the date and, when applicable, perpetrators of destruction of religious buildings in Bijeljina Municipality.

575. Based on Adjudicated Fact no. 516, the Trial Chamber finds that in the summer of 1992, two mosques were damaged or destroyed in Bijeljina Municipality. However, the Adjudicated Fact does not contain the names of the mosques nor the alleged perpetrators of the destruction or damage caused to these mosques. The Trial Chamber also received evidence from **Witness RM-513** about rumours circulating in Bijeljina about destructions of religious and cultural monuments in the summer 1992 and their perpetrators. However, in light of the fact that the witness is merely repeating rumours, the Trial Chamber will not rely on his evidence with regard to these destructions. The

[2372] P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report dated 30 September 2013), p. 2.
[2373] P2511 (Survey database for expert report of András Riedlmayer).
[2374] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 1-7; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report dated 30

Trial Chamber did not receive any further evidence on destructions in the summer of 1992 in Bijeljina Municipality and is therefore unable to identify the alleged perpetrators of the destruction or damage. Under these circumstances, it will not further consider these incidents in relation to Count 3 of the Indictment.

576. The Trial Chamber further received evidence from Witness RM-513, Riedlmayer and documentary evidence about five mosques (the Atik, Selimovići, Dašnica, Krpić, and Janjica mosques) and the Turbe of Sadik Aga being destroyed. However, Witness RM-513 does not provide a date about these destructions and the Channel Four news report is undated. In addition, for the reasons explained above, the Trial Chamber has not relied on Riedlmayer concerning the date or perpetrators of destruction of the religious buildings in Bijeljina Municipality. Thus, the Trial Chamber is unable to determine when these destructions occurred or their perpetrators and will not further consider these incidents in relation to Count 3 of the Indictment.

4.2.4 Appropriation or plunder of property

577. According to the Indictment, the Accused is responsible for appropriation or plunder of property during and after take-overs, during arrests and detentions, and during or after deportations or forcible transfers in Bijeljina Municipality between 12 May 1992 and 30 November 1995.[2375] The Trial Chamber has taken judicial notice of two Adjudicated Facts relating to the alleged plunder in this municipality.[2376] It received evidence from **Witness RM-513**, a Bosnian Serb from Bijeljina,[2377] and documentary evidence, and finds that this evidence is consistent with the Adjudicated Facts.[2378] The Trial Chamber also received evidence from **András Riedlmayer**, a bibliographer and art documentation specialist,[2379] and **Milenko Todorović,** chief of the intelligence and security organ of the IBK from 16 November 1993.[2380] The Adjudicated Facts and most

September 2013), p. 2; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013); Andras Riedlmayer, T. 17924.

[2375] Indictment, paras 47, 59(i).

[2376] Adjudicated Facts I, nos 519-520.

[2377] P1054 (Witness RM-513, witness statement, 25 June 2011), p. 1, paras 2, 4-6.

[2378] **Witness RM-513**: P1054 (Witness RM-513, witness statement, 25 June 2011), paras 27-28; Witness RM-513, T. 9273-9274. **Documentary evidence**: P3908 (Report from The Humanitarian Law Fund entitled "Bijeljina in black", 15 September 1993), p. 3.

[2379] P2503 (Expert report of András Riedlmayer, December 2012), para. 75; András Riedlmayer, T. 17888; P2504 (*Curriculum vitae* of András Riedlmayer), p. 1.

[2380] P2915 (Milenko Todorović, *Tolimir* transcript, 18-20 April 2011), pp. 12920, 12924, 12932; Milenko Todorović, T. 19814, 19818, 19825, 19835-19837, 19884-19885.

of this evidence have been reviewed in other chapters; the Adjudicated Facts and the evidence of Witness RM-513 and Milenko Todorović, as well as D1974, in chapter 4.2.7; and the evidence of Riedlmayer in chapter 4.2.3.

578. **Riedlmayer** testified that the Catholic Church in Bijeljina was looted and vandalised during the war.[2381] During his 2002 site visit, Riedlmayer observed that the marble steps to the sanctuary were broken and altar goods and church pews were reportedly taken or destroyed.[2382] The rectory was in an advanced state of disrepair.[2383] Riedlmayer classified the adjacent building as being in good condition.[2384]

579. The Trial Chamber first recalls its finding in chapter 4.2.7 that from 12 May 1992 until the beginning of 1993, a private agency called 'Europa', staffed by MUP personnel, transported Bosnian Croats and Bosnian Muslims via Serbia to the Hungarian border.[2385] Based on the above, the Trial Chamber finds that many people who left Bijeljina through the Europa agency were required to sign statements leaving all of their property to the agency (*see also* chapter 4.2.7). The agency would then place Serb refugees into the non-Serb houses. In addition, from 1992 onwards, Vojkan Đurković of the Bijeljina SDS, aided by Mauzer's men, extorted property from Bosnian Muslims and stripped them of their valuables before they were forced out of the municipality. Đurković and Mauzer's men looted the Bosnian-Muslim houses. The Trial Chamber will consider these incidents in relation to Count 3 of the Indictment in chapter 8, below.

580. The Trial Chamber finds that the building materials of the Janjari Mosque were ripped out of the walls and taken away. Further, the Catholic Church was looted and, in particular, altar goods and church pews were taken away. The Trial Chamber has not received any evidence with regard to perpetrators and dates of these two incidents. Under these circumstances, it will not further consider them in relation to any count of the Indictment.

[2381] P2511 (Survey database for expert report of András Riedlmayer); P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[2382] P2511 (Survey database for expert report of András Riedlmayer).
[2383] P2511 (Survey database for expert report of András Riedlmayer).
[2384] P2511 (Survey database for expert report of András Riedlmayer).
[2385] The Trial Chamber notes that the evidence refers to non-Serbs. Considering that the population of Bijeljina Municipality was predominantly Bosnian Serb, Bosnian Muslim, and Bosnian Croat (*see* P2788 (Ewa Tabeau, Demography report, Annex B), p. 25), the Trial Chamber understands that non-Serbs for the purposes for Bijeljina Municipality refers to Bosnian Muslims and Bosnian Croats.

4.2.5 Forced labour and human shields

581. According to the Indictment, the Accused is responsible for subjecting Bosnian Muslims and Bosnian Croats in Bijeljina Municipality to forced labour, including digging graves and trenches and other forms of forced labour at front lines, and using them as human shields, between 12 May 1992 and 30 November 1995.[2386] The Defence argued that detainees at the Batković camp performed work exclusively on a voluntary basis.[2387] The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this charge.[2388] It also received evidence from **Safet Gagula**, a Bosnian Muslim from Knežina in Sokolac Municipality;[2389] **Witness RM-088**, a Bosnian Muslim from Šekovići Municipality;[2390] **Jakov Marić**, a Catholic Bosnian Croat from Sasina in Sanski Most Municipality;[2391] **Witness RM-358**, a Bosnian Muslim from Srebrenica Municipality, who joined the TO in April 1992;[2392] **Elvir Pašić**, a Bosnian Muslim from Rogatica;[2393] and **Witness RM-030**, a Bosnian Muslim from Vlasenica,[2394] and finds that this evidence is consistent with the Adjudicated Facts.[2395] The Trial Chamber further received evidence from **Đorđo Krstić**, a Serb deputy warden of the Batković camp from 11 January 1993 to 6 June 1994,[2396] as well as documentary evidence, and finds that this evidence is partially consistent with the Adjudicated Facts.[2397] The Trial Chamber will further discuss this matter below.

[2386] Indictment, paras 39(c), 47, 59(h).
[2387] Defence Final Brief, paras 1636-1637.
[2388] Some of these Adjudicated Facts are reviewed in chapters 4.2.6 and 4.2.7.
[2389] P2525 (Safet Gagula, witness statements), witness statement of 12 June 2001, pp. 1-2, Bosnia-Herzegovina statement of 20 August 1993, p. 1.
[2390] P524 (Witness RM-088, witness statement, 17 October 1994), p. 1, para. 1.
[2391] P3117 (Jakov Marić, witness statement, 11 March 2000), pp. 1-2.
[2392] P3378 (Witness RM-358, witness statements), witness statement of 28 May 2000, p. 1, para. 1, witness statement of 2 October 2013, p. 1, para. 1.
[2393] P434 (Elvir Pašić, witness statement, 21 October 1994), p. 1, para. 1.
[2394] P1610 (Witness RM-030, witness statement, 29 September 1994), p. 1; P1612 (Witness RM-030, MUP statement, 25 November 1993), p. 1.
[2395] **Safet Gagula**: P2525 (Safet Gagula, witness statements), Bosnia-Herzegovina statement of 20 August 1993, p. 3. **Witness RM-088**: P524 (Witness RM-088, witness statement, 17 October 1994), paras 45, 86; Witness RM-088, T. 5349, 5378. **Jakov Marić**: P3117 (Jakov Marić, witness statement, 11 March 2000), p. 5; P3118 (Jakov Marić, *Brđanin* testimony, 16 October 2002), pp. 10835-10836. **Witness RM-358**: P3378 (Witness RM-358, witness statements), witness statement of 28 May 2000, para. 13. **Elvir Pašić**: P434 (Elvir Pašić, witness statement, 21 October 1994), para. 37. **Witness RM-030**: P1610 (Witness RM-030, witness statement, 29 September 1994), p. 6.
[2396] D664 (Đorđo Krstić, witness statement, 29 September 2014), para. 3; Đorđo Krstić, T. 26345.
[2397] **Đorđo Krstić**: Đorđo Krstić, T. 26367-26368. **Documentary evidence**: P527 (East-Bosnia Corps Instruction, signed by Momčilo Despot, 2 July 1992), para. 7; P3970 (ICRC press communication about 17 detainees from Batković camp killed near the front, 2 April 1993); P3988 (IBK work instruction for the detention camp security organs), pp. 2, 4, 6.

582. Detainees at the Batković camp were forced to perform manual labour daily, including digging trenches and carrying munition at the front line, burying bodies, working in fields and factories, and assisting in the construction of an airport near Bijeljina.[2398] According to instructions issued on 2 July 1992 by Colonel Momčilo Despot of the IBK Command to the Guards Commander at the Batković 'POW' camp, the Commander of Security was responsible for organising security for detainees during forced labour.[2399] One of the detainees, **Witness RM-358** was released from the camp on 24 December 1995.[2400]

583. **Đorđo Krstić** testified that the detainees in the Batković camp were sent to work outside the facility on a voluntary basis.[2401] The shift leader of the guards would ask the representative of the detainees, selected by and from the detainees themselves, for volunteers to perform seasonal work or maintenance work on facilities.[2402] As a rule, there was a surplus of volunteers and only some were selected.[2403] According to the witness, the detainees would volunteer to work because they were provided with food and other supplies at the places, sometimes households, where they worked; because time 'would pass more quickly for them in this way', and because sometimes they would be provided with the opportunity to speak to their relatives over the phone, if the person for whom they worked allowed them to do so.[2404] While carrying out work, the detainees were provided with security in order to prevent any attacks on them by 'irresponsible residents' or by people who 'had bad intentions or prejudice against the [detainees]'.[2405]

584. In addition to **Krstić**'s evidence, the Trial Chamber also received documentary evidence that the detainees from Batković camp performed work on a voluntary basis. According to a Channel Four news report, Batković camp detainees, and in particular two Muslims and a Croat, worked at a Bijeljina flourmill without remuneration. The Channel Four reporters were allowed to talk to three detainees, who were hand-picked

[2398] Adjudicated Facts I, no. 512.
[2399] P3988 (Work instructions for the detention camp security organs, 2 July 1992), pp. 2, 6.
[2400] P3378 (Witness RM-358, witness statements), witness statement of 28 May 2000, para. 13.
[2401] D664 (Đorđo Krstić, witness statement, 29 September 2014), para. 17.
[2402] D664 (Đorđo Krstić, witness statement, 29 September 2014), para. 17; Đorđo Krstić, T. 26343.
[2403] D664 (Đorđo Krstić, witness statement, 29 September 2014), para. 17.
[2404] D664 (Đorđo Krstić, witness statement, 29 September 2014), para. 17; *see also* Witness RM-088, T. 5377-5379.
[2405] D664 (Đorđo Krstić, witness statement, 29 September 2014), para. 17.

for them at the mill. One of the three detainees, who was a Muslim, indicated he voluntarily worked at the flourmill where he received better food.[2406]

585. The Trial Chamber also received evidence concerning residents of Bijeljina being forced to work. According to a letter from an international organization to Karadžić dated 16 September 1993, Muslim men in Bijeljina were reportedly taken to carry out forced labour, including the digging of trenches on the front lines and clearing minefields after 11 September 1993.[2407]

586. The Trial Chamber has received *prima facie* contradictory information with respect to whether the detainees from Batković camp performed work on a voluntary basis. Adjudicated Fact number 512 indicates that the detainees were forced to work. Đorđo Krstić testified that the detainees were sent to work outside the facility on a voluntary basis. Also, according to the Channel Four news report, one detainee voluntarily worked at a flourmill in order to receive better food. The Trial Chamber considers however that 'volunteering for work' in a detention situation must be seen in light of the conditions of detention. Accordingly, the Trial Chamber finds that the evidence of Krstić and P4163 does not contradict the Adjudicated Facts. In light of the foregoing, the Trial Chamber rejects the Defence's argument that Batković camp performed work exclusively on a voluntary basis.

587. Based on the foregoing, the Trial Chamber finds that between July 1992 and 30 November 1995, detainees from Batković camp had to perform manual labour, including digging trenches and carrying munition at the front line, burying bodies, working in fields and factories, and assisting in the construction of an airport near Bijeljina, on a daily basis. The guards at Batković camp were VRS members as found in chapter 4.2.2 *Schedule C.2.1*. In this respect, the Trial Chamber also recalls its findings in chapter 4.2.2 *Schedule C.2.1* concerning the conditions of detention at Batković camp and that the detainees at the camp were predominantly Bosnian Muslim and Bosnian Croat and mostly civilians. The Trial Chamber will further consider these incidents in relation to Count 3 of the Indictment in chapter 8 below.

[2406] P4163 (Channel Four news report), p. 3.
[2407] P6799 (Letter to Karadžić concerning the forcible displacement of civilians in Doboj and Bijeljina, 16 September 1993), pp. 1-2.

4.2.6 Imposition and maintenance of restrictive and discriminatory measures

588. According to the Indictment, the Accused is responsible for imposition and maintenance of restrictive and discriminatory measures on Bosnian Muslims and/or Bosnian Croats in Bijeljina Municipality between 12 May 1992 and 30 November 1995.[2408] The Trial Chamber took judicial notice of one Adjudicated Fact in relation to this charge, stating that in September 1992, the Serb municipal assembly passed a decision that Muslims who refused to be mobilized would be fired, have their electricity, water, and telephone services cut off, and be required to report for work details. Prominent Muslims were forced to perform menial tasks, and those who refused were taken to Batković camp or expelled from the municipality. During the SDS operation, a large number of Muslims fled Bijeljina.[2409]

589. Based on the foregoing, the Trial Chamber finds that in September 1992, the Serb municipal assembly passed a decision that Bosnian Muslims who refused to be mobilized would be fired, have their electricity, water, and telephone services cut off, and be required to report for work detail. However, the Trial Chamber has not received evidence that this decision was implemented and will therefore not further consider this in relation to Count 3 of the Indictment.[2410]

4.2.7 Forcible transfer and deportation

590. According to the Indictment, the Accused is responsible for forcible transfer and deportation of Bosnian Muslims and Bosnian Croats from Bijeljina Municipality between 12 May 1992 and 30 November 1995.[2411] The forcible transfers and deportations were implemented by the imposition of restrictive and discriminatory measures, arbitrary arrest and detention, harassment, torture, rape and other acts of sexual violence, killing, the destruction of houses and cultural monuments and sacred sites, and the threat of further such acts - all targeted at Bosnian Muslims and Bosnian

[2408] Indictment, paras 39(c), 47, 59(k).
[2409] Adjudicated Facts I, no. 521.
[2410] While the Trial Chamber received evidence on dismissals (*see* P1054 (Witness RM-513, witness statement, 25 June 2011), para. 45), it was unable to conclude from that evidence that such dismissals were a result of the Serb municipal assembly's decision or that they occurred within the temporal scope of the Indictment.
[2411] Indictment, paras 39(c), 47, 59(f), 67-68.

Croats. Others were physically driven out.[2412] The Trial Chamber took judicial notice of a number of Adjudicated Facts related to this charge.[2413] It also received evidence from **Witness RM-513**, a Bosnian Serb from Bijeljina,[2414] and documentary evidence and finds that this evidence is consistent with the Adjudicated Facts.[2415] The Trial Chamber further received evidence from **Anthony Banbury**, an UNPROFOR Civil Affairs Officer in Sarajevo between March 1994 and May 1995 and later the Assistant to the UN Special Representative of the Secretary-General in Bosnia-Herzegovina;[2416] **Milenko Todorović,** chief of the intelligence and security organ of the IBK from 16 November 1993;[2417] **Mirko Perić**, a reserve policeman mobilised into the Bratunac police between 1992 and 1995;[2418] and **Ewa Tabeau**, a demographer and statistician.[2419]

591. **Ewa Tabeau** testified that in 1991, Bijeljina Municipality was 31 per cent Muslim and 59 per cent Serb.[2420] **Witness RM-513** testified that on one occasion in 1992, a private agency called 'Europa' was created and staffed by uniformed MUP personnel to expel non-Serbs and confiscate their property.[2421] The agency transported people for a year or a year-and-a-half.[2422] Many people who left Bijeljina through the Europa agency were required to sign statements leaving all of their property to the agency, after which the agency would place Serb refugees into the non-Serb houses.[2423] The agency charged 2,000-2,500 DEM per person for leaving Bijeljina by bus, and required that people hand over their passports seven days prior to leaving.[2424] Members of the MUP told the witness that the money would be used to buy equipment and

[2412] Indictment, para. 70.
[2413] Adjudicated Facts I, no. 521 is reviewed in chapter 4.2.6.
[2414] P1054 (Witness RM-513, witness statement, 25 June 2011), p. 1, paras 2, 4-6.
[2415] **Witness RM-513:** P1054 (Witness RM-513, witness statement, 25 June 2011), paras 26-28; Witness RM-513, T. 9273-9274, 9304-9305. **Documentary evidence:** P3908 (Report from The Humanitarian Law Fund entitled 'Bijeljina in black', 15 September 1993), pp. 2-3; P4163 (Channel Four news report), pp. 1-2.
[2416] P874 (Anthony Banbury, witness statement, 19 May 2009), para. 3.
[2417] P2915 (Milenko Todorović, *Tolimir* transcript, 18-20 April 2011), pp. 12920, 12924, 12932; Milenko Todorović, T. 19814, 19818, 19825, 19835-19837, 19884-19885.
[2418] Mirko Perić, T. 34228-34229, 34233.
[2419] Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).
[2420] P2788 (Ewa Tabeau, Demography report, Annex B), p. 25.
[2421] P1054 (Witness RM-513, witness statement, 25 June 2011), paras 13, 24-26, 30; Witness RM-513, T. 9301-9303.
[2422] Witness RM-513, T. 9302-9303.
[2423] P1054 (Witness RM-513, witness statement, 25 June 2011), para. 25; Witness RM-513, T. 9302-9303.
[2424] P1054 (Witness RM-513, witness statement, 25 June 2011), para. 25; Witness RM-513, T. 9302-9303.

uniforms for the MUP.[2425] The agency used only one route to bus people out of the area via Serbia, taking them as far as the Hungarian border.[2426]

592. The Bijeljina SDS compiled a list of names of wealthy Muslims. Aided by Mauzer's men, Vojkan Đurković of the Bijeljina SDS paid visits to those on the list in order to extort property from them. Some of these Muslims initially paid to be able to stay in Bijeljina. Others were detained immediately, stripped of their valuables, and transferred to 'no-man's land' between the warring factions, where they remained, sometimes for days, before being able to cross into Muslim-controlled territory.[2427] The abandoned Muslim houses were looted, and then allocated by Đurković to Serbs upon payment of a fee.[2428] **Witness RM-513** testified that Đurković arranged for non-Serbs to be taken away to the front line near Tuzla, from 1992 onwards.[2429] The witness personally saw Đurković and his gang break into a house in the middle of the night, force people out, and place them into vans while beating and cursing them and looting their jewellery and valuables.[2430] Đurković and his group often operated after the curfew, which began as early as 10 p.m., suggesting to the witness that the authorities were in no way preventing their activities.[2431] Some people also 'voluntarily applied with Đurković and asked to be put on the list' for the safety of their families and for fear of violent crimes being committed against them.[2432] Hundreds of people were expelled by Đurković.[2433] **Milenko Todorović** testified that Đurković was not a member of the VRS.[2434] Đurković had tried to establish contact through certain officers, but the Corps Commander ordered to keep him as far as possible from the tasks and obligations of the VRS.[2435]

593. **Mirko Perić** testified that Serbs and Muslims from Bijeljina started moving out of the municipality at the beginning of the conflict out of fear and concern for their families.[2436]

[2425] Witness RM-513, T. 9302-9303.
[2426] Witness RM-513, T. 9304.
[2427] Adjudicated Facts I, no. 519.
[2428] Adjudicated Facts I, no. 520.
[2429] P1054 (Witness RM-513, witness statement, 25 June 2011), para. 27; Witness RM-513, T. 9273-9274.
[2430] P1054 (Witness RM-513, witness statement, 25 June 2011), paras 27-28; Witness RM-513, T. 9274.
[2431] Witness RM-513, T. 9383-9385.
[2432] Witness RM-513, T. 9275.
[2433] Witness RM-513, T. 9398-9399.
[2434] Milenko Todorović, T. 19841-19842, 19894-19895.
[2435] Milenko Todorović, T. 19842.
[2436] Mirko Perić, T. 34229-34230.

594. According to a report of the Humanitarian Law Fund dated 15 September 1993, between 24 August and 10 September 1993 several groups of people were expelled from Bijeljina against their will.[2437] Expulsions were carried out also after that date.[2438] People were taken to Tuzla or, on two occasions, to the Hungarian border.[2439] According to a prominent private businessman, two VRS soldiers broke into his house on 29 August 1993 and ordered him to pack.[2440] He heard Đurković speaking on a walkie-talkie saying 'Make them pack and take them away'.[2441]

595. According to a letter sent to Radovan Karadžić dated 16 September 1993, between 4 and 11 September 1993 approximately 400 predominantly Muslim civilians were forcibly expelled from Bijeljina during operations carried out by Bosnian-Serb forces and pushed across front lines to the Tuzla region. Two local communities, Tombak and Zajir, were reported to have been completely emptied of Muslims. Most civilians were expelled at gunpoint and without notice after Bosnian-Serb forces forced their way into their houses and made them leave their keys and sign papers surrendering their property. Others had applied to leave.[2442] They were taken to the agricultural school in Bijeljina, where they were searched and some women were strip-searched, by soldiers under the command of Đurković.[2443] All their money, jewellery, and valuables were taken.[2444] Soldiers reportedly stated that 'the minorities had no right to exist on "Serb territory"'.[2445] Đurković claimed that these actions were carried out pursuant to Karadžić's orders.[2446]

[2437] P3908 (Report from The Humanitarian Law Fund entitled 'Bijeljina in black', 15 September 1993), p. 1.
[2438] P3908 (Report from The Humanitarian Law Fund entitled 'Bijeljina in black', 15 September 1993), p. 1.
[2439] P3908 (Report from The Humanitarian Law Fund entitled 'Bijeljina in black', 15 September 1993), p. 2.
[2440] P3908 (Report from The Humanitarian Law Fund entitled 'Bijeljina in black', 15 September 1993), p. 3.
[2441] P3908 (Report from The Humanitarian Law Fund entitled 'Bijeljina in black', 15 September 1993), p. 3.
[2442] P6799 (Letter to Radovan Karadžić concerning the forcible displacement of civilians in Doboj and Bijeljina, 16 September 1993), p. 1.
[2443] P6799 (Letter to Radovan Karadžić concerning the forcible displacement of civilians in Doboj and Bijeljina, 16 September 1993), p. 2.
[2444] P6799 (Letter to Radovan Karadžić concerning the forcible displacement of civilians in Doboj and Bijeljina, 16 September 1993), p. 2.
[2445] P6799 (Letter to Radovan Karadžić concerning the forcible displacement of civilians in Doboj and Bijeljina, 16 September 1993), p. 1.
[2446] P6799 (Letter to Radovan Karadžić concerning the forcible displacement of civilians in Doboj and Bijeljina, 16 September 1993), p. 2.

596. According to an UNPROFOR press statement of 5 September 1994, over 2,400 non-Serbs were expelled from Bijeljina to Tuzla between mid July and 5 September 1994 as part of a 'deliberate policy of rendering the area ethnically homogeneous'.[2447] Many of the expelled reported systematic practice of 'forced labour' as well as 'severe human rights violations including torture, rape and sexual assault, arbitrary arrest and detention and arbitrary deprivation of property' in areas from which they had arrived.[2448] Before the issuance of the press statement, UNPROFOR had met Karadžić on 20 August 1994 in Pale, where Karadžić attributed the problem to criminals and undertook to replace the Chief of Police.[2449] Nevertheless, the number of 'refugees' increased in August and September.[2450] An UNPROFOR code cable of 6 September 1994 reported that over 2,000 people were 'forced' to leave the Bijeljina area between 18 August and 4 September 1994.[2451]

597. On 20 September 1994, UNPROFOR informed Karadžić that 'within the past few days' over 2,500 Muslim civilians had been 'forcefully expelled' from the area of Bijeljina and Janja.[2452] Bosnian-Serb authorities under the command of Karadžić separated able-bodied males from their families and detained them.[2453] In addition, criminals led by a man known as 'Vojkan' took significant amounts of money from the people who were leaving.[2454] Similarly, departures continued onwards from the Banja Luka area to Croatia, with some 700 people who arrived in Central Bosnia on 17 September 1994.[2455]

598. Karadžić was approached by the UNHCR on 5 September 1994 *via* letter and urged to take immediate action to provide proper protection to the minorities in the areas under his control.[2456] The letter stated that in the month of September 1994 alone,

[2447] P2047 (UN reports on the expulsion of non-Serbs from Bijeljina, 6 September 1994), p. 2.
[2448] P2047 (UN reports on the expulsion of non-Serbs from Bijeljina, 6 September 1994), p. 2.
[2449] P2047 (UN reports on the expulsion of non-Serbs from Bijeljina, 6 September 1994), p. 1.
[2450] P2047 (UN reports on the expulsion of non-Serbs from Bijeljina, 6 September 1994), pp. 1-2.
[2451] P2047 (UN reports on the expulsion of non-Serbs from Bijeljina, 6 September 1994), pp. 1-2.
[2452] P2048 (Letter from UNPROFOR to Karadžić on the expulsion of Muslims from Bijeljina, 20 September 1994), p. 2.
[2453] P2047 (UN reports on the expulsion of non-Serbs from Bijeljina, 6 September 1994), p. 3; P2048 (Letter from UNPROFOR to Karadžić on the expulsion of Muslims from Bijeljina, 20 September 1994), p. 2.
[2454] P2047 (UN reports on the expulsion of non-Serbs from Bijeljina, 6 September 1994), p. 3; P2048 (Letter from UNPROFOR to Karadžić on the expulsion of Muslims from Bijeljina, 20 September 1994), p. 2.
[2455] P2048 (Letter from UNPROFOR to Karadžić on the expulsion of Muslims from Bijeljina, 20 September 1994), p. 2.
[2456] P2047 (UN reports on the expulsion of non-Serbs from Bijeljina, 6 September 1994), p. 3.

over 1,300 members of the minority communities in Bijeljina and Janja as well as 1,000 people from the Banja Luka area were 'forced' to leave their homes.[2457]

599. **Anthony Banbury** testified that the Bosnian Serbs were continuing their practice of expelling non-Serbs in August 1994, as evidenced by the arrival on 24 August 1994 of 187 Muslims in Tuzla from Bijeljina.[2458] On 3 September 1994, about 1,000 non-Serbs crossed the confrontation line from the Bijeljina area into Tuzla.[2459] On 7 September, another 150-200 non-Serbs came from Bijeljina to Tuzla and on 8 September yet another 1,000.[2460] **Witness RM-513** confirmed that there was a large, organized expulsion of Muslims from Bijeljina in September 1994, of more than 2,500 people.[2461] An UNPROFOR report on the situation in Bosnia-Herzegovina during the week of 9-15 April 1995 recorded that 90 Muslims had been expelled from Serb-controlled territory around Bijeljina by Vojkan Đurković.[2462]

600. According to a letter by Dragan Andan, Head of CSB Bijeljina of 29 July 1992, while the new organs of the government were being established in Bijeljina, many paramilitary groups, including the Serbian Volunteer Guard, established a parallel authority of their own.[2463] Members of the Serbian Volunteer Guard pretended to be instructors and entered the SJB, where they engaged in abuse and flagrant violation of the law on a massive scale.[2464] Until 27 June 1992, there were frequent cases of terrorizing the population, both Muslims and Serbs, through rapes, thefts of property and foreign currency, unauthorized invasions of houses and removal of appliances, gold, artworks, and other items.[2465] There were also frequent instances of appropriation of houses and flats, which included the physical expulsion or liquidation of the owners.[2466] Between 1 April and 27 June 1992, more than ten people of various ethnic origins were liquidated.[2467] All these cases remained unsolved and not a single criminal report was

[2457] P2047 (UN reports on the expulsion of non-Serbs from Bijeljina, 6 September 1994), p. 3.
[2458] P874 (Anthony Banbury, witness statement, 19 May 2009), paras 44, 48-49; P887 (Political assessment of Bosnia-Herzegovina for 21-27 August 1994, 28 August 1994), para. 9.
[2459] P874 (Anthony Banbury, witness statement, 19 May 2009), para. 60; P885 (Political assessment of Bosnia-Herzegovina for 4-10 September 1994, 11 September 1994), para. 5.
[2460] P874 (Anthony Banbury, witness statement, 19 May 2009), para. 60; P885 (Political assessment of Bosnia-Herzegovina for 4-10 September 1994, 11 September 1994), paras 5-6.
[2461] P1054 (Witness RM-513, witness statement, 25 June 2011), para. 37; P1055 (ICRC press report 19 September 1994).
[2462] P883 (Political assessment of Bosnia-Herzegovina for 9-15 April 1995, 16 April 1995), para. 19.
[2463] D1974 (Letter to Karadžić, 29 July 1992), p. 2.
[2464] D1974 (Letter to Karadžić, 29 July 1992), p. 2.
[2465] D1974 (Letter to Karadžić, 29 July 1992), p. 2.
[2466] D1974 (Letter to Karadžić, 29 July 1992), p. 2.
[2467] D1974 (Letter to Karadžić, 29 July 1992), p. 2.

made regarding these murders.[2468] As a result of this pressure and terrorization by paramilitary groups, both Muslims and Serbs departed from the Bijeljina area.[2469] To deal with this situation, the Bosnian-Serb Government sent an expert team of inspectors to the Bijeljina CSB, consisting of, in part, a special MUP unit.[2470] The team arrived on 27 June 1992 and began documenting instances of the legalization and registration of stolen cars and instances of passports, driver's licenses, and gun licenses being issued to people who did not meet the minimum requirements for possessing them.[2471] The team also documented instances of the illegal seizure and dismissal from the Public Security Station of criminally prosecuted persons, and people whom the service was investigating in connection with committed criminal offences.[2472] Furthermore, the team discovered a prison where paramilitary groups used to store stolen electrical goods, cars, food, and other products.[2473] The team set up check points and established patrol zones.[2474] Individuals who had engaged in illegal activities were dismissed from the Bijeljina Public Security Station.[2475] The remaining police was restructured.[2476] On 2 August 1992, Karadžić handwrote a reply under a letter from Andan, encouraging Andan to keep enforcing order and the rule of law.[2477]

601. Based on the foregoing, the Trial Chamber finds that at the beginning of the conflict a number of people, Serbs and Muslims, left the municipality out of fear for their families. Starting in the summer of 1992 and until 1995, Vojkan Đurković of the SDS, aided by Mauzer's men, transferred thousands of Muslim civilians to 'no-man's land' between the front lines. Some asked Đurković to transport them away out of fear of violent crimes being committed against them. During this time, other Muslims also fled Bijeljina on their own. In some instances, the transfers were preceded by Đurković breaking into houses in the middle of the night and placing Muslims in vans while beating and cursing them. The perpetrators stated that 'the minorities had no right to exist on "Serb territory"'.

[2468] D1974 (Letter to Karadžić, 29 July 1992), p. 2.
[2469] D1974 (Letter to Karadžić, 29 July 1992), p. 2.
[2470] D1974 (Letter to Karadžić, 29 July 1992), p. 3.
[2471] D1974 (Letter to Karadžić, 29 July 1992), p. 3.
[2472] D1974 (Letter to Karadžić, 29 July 1992), p. 3.
[2473] D1974 (Letter to Karadžić, 29 July 1992), p. 3.
[2474] D1974 (Letter to Karadžić, 29 July 1992), pp. 3-4.
[2475] D1974 (Letter to Karadžić, 29 July 1992), p. 4.
[2476] D1974 (Letter to Karadžić, 29 July 1992), p. 4.
[2477] D1974 (Letter to Karadžić, 29 July 1992), pp. 1, 5.

602. In parallel, in 1992 and 1993, a private agency called 'Europa', staffed by MUP personnel, transported non-Serbs via Serbia to the Hungarian border. Considering the ethnic composition of the municipality, the Trial Chamber finds that almost all of the non-Serbs were Bosnian Muslims. Many people who left Bijeljina through the Europa agency were required to sign statements leaving all of their property to the agency (*see also* chapter 4.2.4). The Defence argued that this private agency was organized for both Bosnian Serbs and Bosnian Muslims, but did not provide any reference to any evidence supporting this.[2478] The Trial Chamber will further consider these incidents in relation to Counts 3 and 7-8 in chapter 8, below.

[2478] Defence Final Brief, para. 1626.

4.3 Foča Municipality

4.3.1 Murder

Schedule A.2.1

603. According to the Indictment, the Accused is responsible for the killing of a number of people hiding in the woods near Mješaja/Trošanj in Foča Municipality in early July 1992.[2479] The Trial Chamber notes that the Prosecution, in its Final Trial Brief, made more specific submissions on Scheduled Incident A.2.1 insofar as it submits that: '[o]n 3 July 1992, TG Foča soldiers, including G. Jankovič and R. Kovač (under B. Cosović) attacked Muslim villagers in Mješaja/Trošanj, where weapons had been surrendered earlier', that 'three villagers [were] killed during the attack' and that '[a]fter the attack, others [were] killed, beaten, abused, arrested and detained'.[2480] The Defence submitted that Scheduled Incident A.2.1 fails to specify which crimes are alleged in this charge.[2481] The Trial Chamber notes that in the Indictment, Scheduled Incident A.2.1 is limited to the killings of people hiding in the woods near Mješaja/Trošanj. The Indictment is, however, not limited to the Scheduled Incidents.[2482] Accordingly the Trial Chamber has not disregarded evidence which might fall outside the scope of Scheduled Incident A.2.1, and has dealt with all evidence of killing related to the attack on Mješaja/Trošanj. The Trial Chamber took judicial notice of a number of Adjudicated facts in relation to this incident. It also received evidence from **Witness RM-070**, a Muslim woman from Foča Municipality,[2483] and **Ewa Tabeau**, a demographer and statistician,[2484] as well as forensic documentary evidence, and finds that this evidence does not rebut the Adjudicated Facts.[2485]

[2479] Indictment, paras 39(a)(i), 47, 59(a)(i), 62(a), Schedule A.2.1.
[2480] Prosecution Final Brief, Annex B, p. 6.
[2481] Defence Final Brief, para. 1040.
[2482] Further on this issue, *see* Appendix B.
[2483] P2422 (Witness RM-070, witness statement, 18 November 1995), p. 1, para. 1; P2421 (Pseudonym sheet for Witness RM-070).
[2484] Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).
[2485] **Witness RM-070**: P2422 (Witness RM-070, witness statement, 18 November 1995), paras 9, 12-14, 22-23, 25; P2423 (Witness RM-070, prior testimony), pp. 1376-1381, 1384-1385; Witness RM-070, T. 17634-17638, 17659, 17662. **Ewa Tabeau and forensic documentary evidence**: P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 1-6; P4642 (Sarajevo Cantonal Court record of exhumation and identification, 2 July 2001); P5284 (Record of identification for Sifet Čolo, 30 July 2001); P5285 (Autopsy report for Sifet Čolo, 25 July 2001); P5286 (Record of identification for Armin Pekaz, 30 July 2001); P5287 (Autopsy report for Armin Pekaz, 25 July 2001); P5288 (Record of identification for Zijad Barlov, 30 July 2001); P5289 (Autopsy report for Zijad Barlov, 25 July 2001); P5290 (Record of identification for Meho Barlov, 30 July 2001); P5291 (Autopsy report for Meho Barlov, 25 July 2001); P5292 (Record of identification for Husein Barlov, 30 July 2001); P5293 (Autopsy report for Husein Barlov, 25 July 2001); P5294 (Identification report for Adem Čolo, 30 July 2001);

604. On 24 April 1992, an agreement was reached between the Muslim representatives of the village of Trošanj and the civilian authorities of the Serb municipality of Foča and the military authorities, stating, *inter alia*, that all weapons, whether legal or illegal, owned by the Muslims in the area of the village of Trošanj were to be surrendered and taken over by the representatives of the units of the TO of the Serb municipality of Foča.[2486] **Witness RM-070** testified having heard at the end of May or in the beginning of June 1992, that the 'Serbs' demanded the villagers of Mješaja/Trošanj to handover their weapons and that, while Witness-RM-070's family did not have any weapons, other villagers complied.[2487]

605. In early July 1992, local Serb soldiers, including Gojko Janković and Radomir Kovač, attacked the Muslim village of Mješaja/Trošanj.[2488] At the time of the attack, some Muslim villagers in Trošanj continued living in their houses but would sleep in the woods at night and only return to their homes during daytime.[2489] **Witness RM-070** testified that there were no Muslim soldiers in Mješaja/Trošanj in June and July 1992.[2490] Three villagers were killed during the attack.[2491] **Witness RM-070** testified that one of them was Izet Čolo, a member of the civilian protection and the only one armed in the group, who returned fire and was killed.[2492] Salima Pekaz and Fadila Odobašić, who was carrying a three-year-old baby at the time, were also killed, while five or six people were wounded.[2493] The villagers begged the soldiers to stop the shooting and promised to surrender because of the many children among them.[2494] The villagers, consisting of a group of about 50 Muslims, were violently forced towards a meadow and another two male villagers were severely mistreated.[2495] Serb soldiers hit

P5295 (Autopsy report for Adem Čolo, 25 July 2001); P5296 (Record of identification for Mujo Pekaz, 30 July 2001); P5297 (Autopsy report for Mujo Pekaz, 25 July 2001); P5298 (Sarajevo Cantonal Court record of the exhumation and identification for Selima Pekaz, 2 July 2001); P5299 (Record of identification for Selima Pekaz, 30 July 2001); P5300 (Autopsy report for Selima Pekaz, 25 July 2001); P5301 (Record of identification for Izet Čolo, 26 March 2002); P5302 (Record of identification for Fadila Odobašić, 2 November 2006).

[2486] D576 (Agreement between Muslim Representatives of Trošanj and the civilian and military Serb authorities in Foča, 24 April 1992).

[2487] P2422 (Witness RM-070, witness statement, 18 November 1995), para. 8; P2423 (Witness RM-070, prior testimony), pp. 1374-1375; Witness RM-070, T.17635-17636.

[2488] Adjudicated Facts I, no. 560.

[2489] Adjudicated Facts I, no. 558.

[2490] Witness RM-070, T. 17633

[2491] Adjudicated Facts I, no. 560.

[2492] Witness RM-070, T. 17635-17636.

[2493] P2422 (Witness RM-070, witness statement, 18 November 1995), paras 10-11; P2423 (Witness RM-070, prior testimony), pp. 1377-1379; Witness RM-070, T. 17638, 17661, 17664-17665.

[2494] P2423 (Witness RM-070, prior testimony), p. 1378.

[2495] Adjudicated Facts I, no. 561.

the villagers with rifle butts and tree branches, kicking them, and calling them '*Ustašas*'.[2496] **Witness RM-070** testified that the villagers were also called '*Balijas*'.[2497] One of the Muslims lost an eye as a result of the brutal beating.[2498] After about half an hour the soldiers heard over their radios that they were not supposed to do anything until they received specific orders.[2499] At the meadow, the soldiers separated the men from the women and the women were chased down a hill towards the village of Trošanj.[2500] Seven detained men were killed.[2501] **Witness RM-070** testified that her father later told her that he saw all of the men's dead bodies when he returned to the meadow: Husein Barlov, Zijad Barlov, Meho Barlov, Sifet Čolo, Adem Čolo, Armin Pekaz, and Mujo Pekaz.[2502] According to forensic evidence, six of them were found in civilian clothing and one in clothing partly resembling military clothing.[2503]

606. **Witness RM-070** testified that among the Serb soldiers that day were Janko Janjić (a.k.a. 'Tuta'), Gojko Janković, Slavo Ivanović (a.k.a. 'Jazavac'), Radomir Kovač (a.k.a. 'Klamfa'), Dragan Zelenović (a.k.a. 'Zelja'), and Vicko Miletić, whom the witness was able to identify since she knew them all, except Kovač, from before the war.[2504] The witness assumed that Gojko Janković was leading the group since she overheard him giving orders on the radio and the soldiers referred to him as 'major'.[2505] She later learnt that Janko Janjić and Radomir Kovač also held superior positions.[2506]

[2496] Adjudicated Facts I, no. 562.
[2497] P2422 (Witness RM-070, witness statement, 18 November 1995), para. 12; P2423 (Witness RM-070, prior testimony), pp. 1378-1379, 1381; Witness RM-070, T. 17637.
[2498] Adjudicated Facts I, no. 562.
[2499] P2423 (Witness RM-070, prior testimony), p. 1381; Witness RM-070, T. 17637.
[2500] Adjudicated Facts I, no. 563.
[2501] Adjudicated Facts I, no. 563.
[2502] P2422 (Witness RM-070, witness statement, 18 November 1995), para. 22; P2423 (Witness RM-070, prior testimony), p. 1385; Witness RM-070, T. 17657; P2424 (Proof of death chart listing victims of the attack on Mješaja/Trošanj, 29 September 2013).
[2503] P5284 (Record of identification for Sifet Čolo, 30 July 2001); P5285 (Autopsy report for Sifet Čolo, 25 July 2001), p. 1; P5286 (Record of identification for Armin Pekaz, 30 July 2001); P5287 (Autopsy report for Armin Pekaz, 25 July 2001), p. 1; P5288 (Record of identification for Zijad Barlov, 30 July 2001); P5289 (Autopsy report for Zijad Barlov, 25 July 2001), p. 1; P5290 (Record of identification for Meho Barlov, 30 July 2001); P5291 (Autopsy report for Meho Barlov, 25 July 2001), p. 1; P5292 (Record of identification for Husein Barlov, 30 July 2001); P5293 (Autopsy report for Husein Barlov, 25 July 2001), p. 1; P5294 (Identification report for Adem Čolo, 30 July 2001); P5295 (Autopsy report for Adem Čolo, 25 July 2001), p. 1; P5296 (Record of identification for Mujo Pekaz, 30 July 2001); P5297 (Autopsy report for Mujo Pekaz, 25 July 2001), p. 1; P5299 (Record of identification for Selima Pekaz, 30 July 2001); P5300 (Autopsy report for Selima Pekaz, 25 July 2001), p. 1; P5301 (Record of identification for Izet Čolo, 26 March 2002).
[2504] P2422 (Witness RM-070, witness statement, 18 November 1995), paras 13-14; P2423 (Witness RM-070, prior testimony), pp. 1381-1383.
[2505] P2422 (Witness RM-070, witness statement, 18 November 1995), para. 14; P2423 (Witness RM-070, prior testimony), p. 1384; Witness RM-070, T. 17637-17638.
[2506] P2422 (Witness RM-070, witness statement, 18 November 1995), para. 14.

607. Based on the foregoing, the Trial Chamber finds that in early July 1992 local Serb soldiers, led by Gojko Janković and including Radomir Kovač a.k.a. Klamfa, Janko Janjić a.k.a. Tuta, Slavo Ivanović a.k.a. Jazavac, Dragan Zelenović a.k.a. Zelja, and Vicko Miletić attacked the Bosnian-Muslim village of Mješaja/Trošanj. There were no Bosnian-Muslim soldiers in the village and only one man had a weapon. Izet Čolo, who was dressed in civilian clothes and a member of the civilian protection, returned fire and was killed. Two female villagers were also killed during the attack. One of these women was carrying a three-year-old child when she was shot. A group of Bosnian-Muslim villagers fled into the woods and were forced towards a meadow while being beaten with rifle butts and tree branches, kicked and called '*Ustašas*' and '*Balijas*'. One of the Bosnian Muslims lost an eye as a result of the brutal beating. At the meadow, the local Serb soldiers separated the men from the women and chased the women down a hill towards the village of Trošanj. The soldiers then shot and killed seven Bosnian-Muslim men. Six wore civilian clothing. The Trial Chamber recalls its finding in chapter 3.1.2 that Gojko Janković and Janko Janjić, a.k.a. Tuta, headed their own sub-units under Marko Kovač, Commander of the Foča TG. Radomir Kovač a.k.a. Klamfa and Dragan Zelenović a.k.a. Zelja were subordinates to Janko Janjić and Brane Ćosović respectively. Brane Ćosović also headed a unit subordinated to Marko Kovač. The Trial Chamber will further consider the incident in relation to Counts 1 and 3-6 of the Indictment in chapter 8, below.

Schedule B.5.1

608. According to the Indictment, the Accused is responsible for the killing of over 200 Bosnian Croat and Bosnian Muslim detainees at KP Dom Foča between June and December 1992.[2507] The Defence argued, *inter alia*, that even if deaths occurred at KP Dom, no reliable evidence demonstrates a connection with the Accused.[2508] Scheduled Incident B.5.1 is limited to killings between June and December 1992 at KP Dom. The Indictment is, however, not limited to the Scheduled Incidents.[2509] Accordingly, the Trial Chamber has not disregarded evidence which might fall outside the scope of Scheduled Incident B.5.1, and has dealt below with all evidence of killings related to

[2507] Indictment, paras 39(a)(ii), 47, 53, 59(a)(ii), 62(b), Schedule B.5.1.
[2508] Defence Final Brief, para. 1539.
[2509] Further on this issue, *see* Appendix B.

KP Dom.[2510] The Trial Chamber took judicial notice of Adjudicated Facts in relation to these incidents. It also received evidence from **Witness RM-013**, **Witness RM-046**, **Witness RM-063**, **Witness RM-012**, and **Witness RM-086**, all Bosnian Muslims from Foča detained at KP Dom;[2511] as well as **Ewa Tabeau**, a demographer and statistician;[2512] and finds that this evidence does not rebut the Adjudicated Facts.[2513] The Trial Chamber also received evidence from **Witness RM-019**, a member of the 11th Herzegovina Light Infantry Brigade from May 1992,[2514] and **Maida Čedić**, a Muslim woman from Trnovača in Foča Municipality.[2515] A description of KP Dom, including the authorities in charge and alleged incidents other than the alleged killing incidents described below, appears in chapter 4.3.2 *Schedule C.6.1*.

609. During the months of June and July 1992, KP Dom guards went to the rooms of the detainees after the roll call and called out from a list the names of individuals to

[2510] Killings unrelated to KP Dom, e.g. those having taken place at other detention facilities, are dealt with in other sections in this chapter.
[2511] P982 (Witness RM-013, witness statement, 22 October 1995), p. 1, para. 1; P983 (Witness RM-013, witness statement, 20 May 1996), p. 1; P738 (Witness RM-046, witness statement, 20 April 1996), pp. 1-2; Witness RM-046, T. 7006-7007; P737 (Pseudonym sheet for Witness RM-046, 18 November 2012); P531 (Witness RM-063, witness statement, 10 February 1996), pp. 1-2; P532 (Witness RM-063, witness statement, 25 September 1998), p. 1; P3155 (Witness RM-012, witness statement, 19 April 1996), pp. 1-3; P3156 (Witness RM-012, witness statement, 13 June 1996), p. 1; P3157 (Witness RM-012, witness statement, 20 October 1998), p. 1; P2933 (Witness RM-086, witness statements), witness statement of 22 October 1995, pp. 1-2.
[2512] Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013)**.**
[2513] **Witness RM-013**: P982 (Witness RM-013, witness statement, 22 October 1995), paras 19, 35-45, 47; P983 (Witness RM-013, witness statement, 20 May 1996), paras 10, 13-15, 17-19; P984 (Corrections to witness statements of Witness RM-013), paras 3-4; Witness RM-013, T. 8901-8902, 8946-8955, 8963, 8968-8969; P986 (Photograph of Room 11 in KP Dom); P987 (Chart containing Witness RM-013's Comments Regarding Names from KP Dom, 18 February 2013), pp. 1-2. **Witness RM-046**: P738 (Witness RM-046, witness statement, 20 April 1996), pp. 6-8; P739 (Witness RM-046, witness statement, 20 October 1998), p. 4; Witness RM-046, T. 7015-7018; P741 (ICTY Information report of Witness RM-046, 19 December 2012), pp. 1, 3; P747 (Chart containing comments of Witness RM-046 regarding names related to KP Dom Foča, 18 January 2013), pp. 4, 7, 9, 15-16, 22, 31. **Witness RM-063**: P531 (Witness RM-063, witness statement, 10 February 1996), pp. 6-7; P532 (Witness RM-063, witness statement, 25 September 1998), p. 3; Witness RM-063, T. 5430-5431, 5434, 5442; P535 (List of names and Witness RM-063 comments, 19 November 2012), pp. 1-3; P536 (List of detainees at Foča KP Dom to be exchanged, signed by Milenko Vuković and approved by M. Kovač, 30 October 1992), p. 1. **Witness RM-012**: P3155 (Witness RM-012, witness statement, 19 April 1996), pp. 3-4; P3156 (Witness RM-012, witness statement, 13 June 1996), pp. 2-3. **Witness RM-086**: P2933 (Witness RM-086, witness statements), witness statement of 22 October 1995, pp. 9-10, 12-13; P2934 (Witness RM-086, *Krnojelac* transcript, 19 March 2001), pp. 4085-4086. **Ewa Tabeau**: P2791 (Ewa Tabeau, revised table of names to the proof of death expert report, 30 August 2013), pp. 3-4; P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 3, 23, 32-33; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 318-387; **Documentary evidence**: All forensic documentation relating to this scheduled incident admitted into evidence pursuant to the Trial Chamber's bar table decisions both dated 31 January 2014. The Trial Chamber considered minor inconsistencies between witness accounts or between evidence and the Adjudicated Facts in relation to when and where specific individuals died and finds that those inconsistencies do not affect the overall finding on the charge.
[2514] P572 (Witness RM-019, witness statement, 3 September 2003), p. 1, paras 4, 6-8; Witness RM-019, T. 5701-5706.

accompany them for interrogations.[2516] They were taken into one of the rooms near the staircase, or into a room which was situated in the left wing of the administration building, or the next room, where they were often beaten.[2517] The beatings lasted well into the evening and the sounds of the beatings and the screams of the victims could be heard by other detainees at KP Dom.[2518] When the beatings stopped, victims were sometimes taken to an isolation cell.[2519] In other instances, the sound of pistol shots was heard.[2520] During and after the beatings, guards of KP Dom were seen carrying blankets into the administration building and removing what appeared to be bodies in those blankets.[2521] Blood and bloodied instruments were seen in the rooms where the beatings occurred.[2522] The guards of KP Dom participated with the military in the killing of detainees at KP Dom.[2523]

610. Specifically, between 28 June and 5 July 1992, Serb guards murdered 36 Muslims from the Foča area at KP Dom.[2524] Some died as a result of the acts of members of the military coming from outside into KP Dom and of the guards of KP Dom.[2525] On one occasion, some detainees were called out of their rooms as a group and taken to the administration building and severely beaten by KP Dom guards including Milenko Burilo, Zoran Matović, Dragomir Obrenović, Rade Vuković, and Pedrag Stefanović.[2526] According to **Witness RM-013**, Dragan Masić was also among the guards who beat these detainees.[2527] According to **Witness RM-012**, the guard he believed to have been responsible that night for taking out the detainees was called Milić.[2528] When the sounds of the beatings died down, several detainees heard shots being fired and a person saw Matović leaving the administration building and coming

[2515] P2939 (Maida Čedić, witness statement, 16 February 1996), pp. 1-2.
[2516] Adjudicated Facts I, no. 683.
[2517] Adjudicated Facts I, no. 684.
[2518] Adjudicated Facts I, no. 685.
[2519] Adjudicated Facts I, no. 686.
[2520] Adjudicated Facts I, no. 686.
[2521] Adjudicated Facts I, no. 687.
[2522] Adjudicated Facts I, no. 688.
[2523] Adjudicated Facts I, no. 689.
[2524] Adjudicated Facts I, no. 707.
[2525] Adjudicated Facts I, no. 690. These were Alija Altoka, Hamid 'Salem' Bico, Abdurahman Čankušić, Refik Čankušić, Elvedin 'Enko' Cedić, Kemal Dželilović, Ramo Dženduši, Adil Granov, Mate Ivančić, Esad Kiselica, Halim Konjo, Adil Krajčin, Mustafa Kuloglija, Fuad Mandžo, Krunoslav Marinović, Nurko Nisić, Hamid Ramović, Husein Rikalo, Mithat Rikalo, Zaim Rikalo, Ševal Šoro, Kemal Tulek, Enes Uzunović, Džemal Vahida, Munib Veiz, and Zulfo Veiz.
[2526] Adjudicated Facts I, no. 691. These were Kemo or Kemal Dželilović, Halim Konjo, Mustafa Kuloglija, Mithat and Zaim Rikalo, and Munib Veiz.
[2527] P982 (Witness RM-013, witness statement, 22 October 1995), para. 39; P983 (Witness RM-013, witness statement, 20 May 1996), para. 18.

back carrying blankets. Shortly thereafter, this person heard a vehicle leaving KP Dom. When the vehicle came back 10 or 15 minutes later, he saw men in green-grey uniforms cleaning it with buckets and mops. None of the detainees ever returned, nor were they ever heard of again.[2529]

611. **Witness RM-046** testified that from approximately 23 April 1992 until 8 August 1992 several people were taken out of his room and killed.[2530] Specifically, from 13 to 30 June 1992, the witness counted 35 people being taken out of the detention rooms, all of whom went missing.[2531] In June or July 1992, brothers Halim and Halid Konjo were killed and a person called Ismet Čaušević was killed between May and August 1992.[2532] **Witness RM-063** saw Omer Mujezinović dying a few hours after he had been beaten severely by KP Dom guard Milenko 'Buši' Burilo.[2533] One detainee hanged himself and another detainee died after guards had beaten him.[2534]

612. Besides those mentioned above, **Witness RM-013** named the following guards as having been involved in killing incidents at the detention centre: Milenko Vladičić, Vlatko Pljevaljčić, Vitomir Mičević, Risto Matović, Nevenko Blagojević, Cvijetin Krunić, Jovo Savić, Rade Papović, Mićo Bogdanić a.k.a. Roko, Milomir Marić, Zoran Vuković, Momir Ristanović, Milivoje Milutinović, Milivoje Milić, Dragan Masić, Milovan Vuković, and Milenko Elčić a.k.a. Keli.[2535]

613. During the summer and fall of 1992, there were also several detainees taken out of KP Dom and never seen again.[2536] Many of the detainees alleged to have been

[2528] P3156 (Witness RM-012, witness statement, 13 June 1996), p. 3.
[2529] Adjudicated Facts I, no. 692.
[2530] P738 (Witness RM-046, witness statement, 20 April 1996), p. 5; P741 (ICTY Information report of Witness RM-046, 19 December 2012), p. 3; P747 (Chart containing comments of Witness RM-046 regarding names related to KP Dom Foča, 18 January 2013), pp. 1-3, 6.
[2531] P738 (Witness RM-046, witness statement, 20 April 1996), p. 6; P747 (Chart containing comments of Witness RM-046 regarding names related to KP Dom Foča, 18 January 2013), pp. 4, 6, 8-10, 12-14, 16, 19-20, 23-24, 44.
[2532] P741 (ICTY Information report of Witness RM-046, 19 December 2012), pp. 3-4; P744 (List of people who are taken for release from Foča KP Dom because of their health situations and their ages, 7 May 1992); P747 (Chart containing comments of Witness RM-046 regarding names related to KP Dom Foča, 18 January 2013), pp. 11-12.
[2533] P531 (Witness RM-063, witness statement, 10 February 1996), p. 6.
[2534] P531 (Witness RM-063, witness statement, 10 February 1996), p. 6; P532 (Witness RM-063, witness statement, 25 September 1998), p. 3.
[2535] P982 (Witness RM-013, witness statement, 22 October 1995), para. 44. With regard to Vitomir Mičević, see also P531 (Witness RM-063, witness statement, 10 February 1996), p. 6; P532 (Witness RM-063, witness statement, 25 September 1998), p. 3.
[2536] Adjudicated Facts I, nos 695-700. These included Mensud Pašović (summer), Ševal Šoro, Haso Selimović (June 1992), Neško Rikalo (late June or early July 1992), Rasim Kajgana (September 1992), and Azim Mesbur (September 1992).

murdered at KP Dom had been subject to earlier beatings or acts of torture. After their release, many other detainees made contact with the families of the victims. The families informed them that they had received no contact from those alleged to have been murdered, and they had been unable to trace the victims.[2537] Many detainees taken out of KP Dom for exchange simply disappeared.[2538]

614. The Trial Chamber will review the evidence and Adjudicated Facts of a number of such incidents in chronological order. During his detention, in June and July 1992, Adnan Granov was repeatedly beaten by unidentified individuals, KP Dom guards, and/or soldiers from outside KP Dom, including military policemen, on the ground floor of the administration building.[2539] He was accused of having travelled to Germany before the war to obtain weapons and of having illegally transmitted radio messages.[2540] Granov was eventually taken away and disappeared.[2541]

615. **Maida Čedić** stated that at 9:30 p.m. on 22 June 1992 all 15 adult men living in Trnovača were taken to KP Dom.[2542] She later learned from a statement by Esad Mujanović on Radio Sarajevo that all men except Mujanović, who had jumped in the river, had been taken to the bridge over the Drina River and killed.[2543]

616. **Witness RM-019** testified that he was told in July 1992, that a truck driver drove 40 detainees out of the Foča prison to a location at Kremenik, about 25 kilometres south of Foča.[2544] At this location, Milenko Živanović (known as Žuti), Dragan Zelenović (known as Zelja), Gojko Janković, Predrag Trivun, Miško Savić, Miško Rašković, Zoran Samardžić, and a person known as Sarajlija, executed around half of the detainees and buried them there.[2545] The truck driver knew most of the victims.[2546] A hunter later told the witness that the remaining detainees were executed on the road leading to Čelebići.[2547] According to the witness, Krnojelac, the Prison Director of Foča,

[2537] Adjudicated Facts I, no. 704.
[2538] Adjudicated Facts I, no. 705.
[2539] Adjudicated Facts I, no. 693.
[2540] Adjudicated Facts I, no. 693.
[2541] Adjudicated Facts I, no. 694.
[2542] P2939 (Maida Čedić, witness statement, 16 February 1996), p. 3.
[2543] P2939 (Maida Čedić, witness statement, 16 February 1996), p. 4.
[2544] P572 (Witness RM-019, witness statement, 3 September 2003), para. 36; Witness RM-019, T. 5711-5712, 5714. Based on the context, the Trial Chamber understood the term 'Foča prison' to be a reference to Foča KP Dom.
[2545] P572 (Witness RM-019, witness statement, 3 September 2003), para. 36; Witness RM-019, T. 5689, 5709, 5711-5712.
[2546] P572 (Witness RM-019, witness statement, 3 September 2003), paras 36-37.
[2547] Witness RM-019, T. 5689, 5709, 5717.

had these prisoners executed as revenge for a landmine incident in which his son was badly injured.[2548] The witness was told that Krnojelac was contacted after the incident and asked to cover the bodies with soil to help disguise the smell of decay.[2549] The witness was also told about the identity of the perpetrators and the burial of the victims.[2550] The witness overheard radio communications, two days after the incident, between Krnojelac and Kovač, during which Krnojelac told Kovač to get a machine to cover 'that dirt', and Kovač responded it would be done soon.[2551] A few days later, the witness was told that Neđo Samardžić had gone to the incident site to cover the bodies with a military bulldozer.[2552] Later, the witness was shown the location of the mass grave, which was marked by a *nišan* (a Muslim grave symbol).[2553] In 2003, an investigator told the witness that ten or eleven bodies had been exhumed from a Kremenik site.[2554]

617. According to **Witness RM-086**, one detainee, Edhem Gradišić, was a physically disabled man who also had epilepsy.[2555] On one occasion, Gradišić was beaten and taken into solitary confinement.[2556] In July or August 1992, Gradišić was taken to the gate and did not return.[2557] **Witness RM-046** remembered that on 2 August 1992 Adil Krajčin and the brothers Hajrudin and Elmedin Džanko were taken out of KP Dom; the remains of Krajčin were later exhumed from a mass grave, while the Džanko brothers were never seen again.[2558] On 29 or 30 August 1992, a group of 90 people was taken out and killed.[2559] Mehmed Sofradžija was taken out of KP Dom and killed in August or September 1992.[2560] During a weekend in August 1992, **Witness RM-063** saw some

[2548] P572 (Witness RM-019, witness statement, 3 September 2003), paras 26, 36.
[2549] P572 (Witness RM-019, witness statement, 3 September 2003), para. 36; Witness RM-019, T. 5712, 5760.
[2550] Witness RM-019, T. 5710-5712.
[2551] P572 (Witness RM-019, witness statement, 3 September 2003), paras 40-42.
[2552] P572 (Witness RM-019, witness statement, 3 September 2003), para. 43.
[2553] P572 (Witness RM-019, witness statement, 3 September 2003), para. 36; Witness RM-019, T. 5715, 5758.
[2554] Witness RM-019, T. 5716.
[2555] P2934 (Witness RM-086, *Krnojelac* transcript, 19 March 2001), pp. 4088-4089.
[2556] P2934 (Witness RM-086, *Krnojelac* transcript, 19 March 2001), pp. 4090, 4092.
[2557] P2934 (Witness RM-086, *Krnojelac* transcript, 19 March 2001), p. 4092.
[2558] P741 (ICTY Information report of Witness RM-046, 19 December 2012), p. 3; P742 (Prosecution Information report listing corrections to prior statements of Witness RM-046, 18 January 2013), p. 1; P747 (Chart containing comments of Witness RM-046 regarding names related to KP Dom Foča, 18 January 2013), pp. 12, 27.
[2559] P738 (Witness RM-046, witness statement, 20 April 1996), p. 7; P747 (Chart containing comments of Witness RM-046 regarding names related to KP Dom Foča, 18 January 2013), pp. 5, 17.
[2560] P747 (Chart containing comments of Witness RM-046 regarding names related to KP Dom Foča, 18 January 2013), p. 40.

200 detainees being taken away from KP Dom in groups and noted that they never returned.[2561]

618. On at least one occasion, detainees were taken across a national border. A group of approximately 55 men were taken for exchange in Montenegro around 30 August 1992, but Pero Elez, a Bosnian-Serb soldier, intercepted the bus on which they were being transported in Nikšić, Montenegro, sending the group back to KP Dom. The group was then divided in two with approximately 20 younger men being taken away, possibly to Goražde and never seen again. The remaining group of 35 men was taken to be exchanged in Rožaj in Montenegro.[2562] **Witness RM-086** also gave evidence about this incident. He stated that on 30 August 1992, Mitar Rasević and Obren Obrenović arrived at KP Dom and said that Karadžić had authorised the exchange of 55 of the men detained at KP Dom.[2563] Obrenović said '[y]ou are going home. You have been pardoned by Radovan Karadžić, and you are going to free territory'.[2564] The following day, two buses arrived and took one group for exchange to Rozaje, however many men from the second bus went missing.[2565] In the period between 30 August and 15 September 1992, several other groups were taken out for exchange, and 87 detainees went missing.[2566]

619. Around 17 or 18 September 1992, between 35 and 60 detainees were taken out of KP Dom in two groups, having been told that they were going to pick plums.[2567] Detainees were first asked to volunteer for plum-picking duty, but KP Dom guards eventually selected detainees according to a list.[2568] Those selected for the job were told by the guards not to take their belongings.[2569] Detainees who were taken away for plum picking did not return to KP Dom and were never seen again.[2570] The bodies of two of those detainees, Murat Crneta and Halid Konjo, were later discovered close to the Goražde frontline near Previla in Bosnia-Herzegovina in a mass grave.[2571] According to **Witness RM-086**, Vlatko Pljevaljčić was the one who had taken the men out and he

[2561] P531 (Witness RM-063, witness statement, 10 February 1996), p. 7.
[2562] Adjudicated Facts I, no. 706.
[2563] P2933 (Witness RM-086, witness statements), witness statement of 22 October 1995, p. 13.
[2564] P2934 (Witness RM-086, *Krnojelac* transcript, 19 March 2001), p. 4095.
[2565] P2933 (Witness RM-086, witness statements), witness statement of 22 October 1995, p. 13; P2934 (Witness RM-086, *Krnojelac* transcript, 19 March 2001), pp. 4095-4096.
[2566] P2933 (Witness RM-086, witness statements), witness statement of 22 October 1995, p. 13.
[2567] Adjudicated Facts I, no. 701.
[2568] Adjudicated Facts I, no. 701.
[2569] Adjudicated Facts I, no. 702.
[2570] Adjudicated Facts I, no. 702.

told them that they were supposed to do a 'very difficult job' and should not take any personal belongings.[2572] The witness was later told that the body of one of these men was found in Poljice village near Jeleč.[2573] **Witness RM-063** also learnt that the dead bodies of some of them were found in Poljice.[2574]

620. **Witness RM-019** provided evidence about one specific incident involving detainees from the KP Dom. In October 1992, he saw a large army truck at the Miljevina Motel guarded by four or five armed soldiers.[2575] Zoran Samardžić, the Commander of the Miljevina Military Police, ordered some soldiers to follow a convoy of about eight vehicles, including the truck, to the Miljevina coal mine.[2576] At the coal mine, a vehicle with Intervention Platoon soldiers arrived.[2577] The platoon was composed of volunteers from Serbia and Montenegro, formed part of the Miljevina Battalion, and was commanded by Predrag Trivun a.k.a. Pedo or Pedolino.[2578] Pero Elez, commander of the Miljevina Battalion, was Trivun's supervisor.[2579] The platoon soldiers then killed around 30 Muslim men with knives and shot one man in the leg first before Trivun killed him with a knife.[2580] Trivun killed one person with his knife by first cutting his throat. Zoran Samardžić advised him to cut one side of the jugular and let him bleed to death in a slow and painful way. Nikola Brčić killed a man by pushing a long piece of wooden fencing down the man's throat.[2581] In addition to Trivun and Brčić, the perpetrators included Neđo and Zoran Samardžić, Zdravko Ivanović, Miško Savić, Miško Rašković, and two men from Pljevlja in Montenegro, one of whom was nicknamed Aba.[2582] The witness recognised the Muslim men as being from Foča.[2583] Pero Elez had arrived alongside Predrag Trivun and passively observed the killing.[2584]

[2571] Adjudicated Facts I, no. 703.
[2572] P2933 (Witness RM-086, witness statements), witness statement of 22 October 1995, p. 12; P2934 (Witness RM-086, *Krnojelac* transcript, 19 March 2001), pp. 4085-4086.
[2573] P2933 (Witness RM-086, witness statements), witness statement of 22 October 1995, pp. 12-13.
[2574] P531 (Witness RM-063, witness statement, 10 February 1996), p. 7.
[2575] P572 (Witness RM-019, witness statement, 3 September 2003), para. 10.
[2576] P572 (Witness RM-019, witness statement, 3 September 2003), paras 11-12.
[2577] P572 (Witness RM-019, witness statement, 3 September 2003), paras 12-14.
[2578] P572 (Witness RM-019, witness statement, 3 September 2003), para. 13.
[2579] P572 (Witness RM-019, witness statement, 3 September 2003), para. 22; Witness RM-019, T. 5704.
[2580] P572 (Witness RM-019, witness statement, 3 September 2003), paras 12, 14-16, 20; Witness RM-019, T. 5709.
[2581] P572 (Witness RM-019, witness statement, 3 September 2003), para. 18.
[2582] P572 (Witness RM-019, witness statement, 3 September 2003), para. 14.
[2583] P572 (Witness RM-019, witness statement, 3 September 2003), paras 16-18; Witness RM-019, T. 5689.
[2584] P572 (Witness RM-019, witness statement, 3 September 2003), para. 22.

Pero Elez and Trivun then ordered four persons to put the bodies into the truck.[2585] The Muslim men had been tied up with wire.[2586] Then, Elez and Trivun ordered everyone but the execution team and Alija Hrbinić, a Muslim truck driver, to leave the site.[2587] The witness was later told that the bodies were moved 200 to 300 metres away from the site and buried in a shallow grave.[2588]

621. According to the witness, based on the perpetrators bragging in cafés afterwards, the following men were taken from Foča prison in 1992 and killed in Foča at different locations: Nedžib, a.k.a. Điban, killed by Dragan Zelenović 50 metres away from the witness's house in Foča; Halim Konjo, thrown into the Drina River from the iron bridge and killed by a prison guard called Burilo; Spona, killed by Dragan Zelenović and Zoran Vuković; Munir Mačak, taken out of the prison by Zoran Vuković, Dragan Zelenović, and Janko Janjić and later killed; and Adi, taken from the hospital, beaten, thrown into the Drina River and killed by one of Brane Ćosović's units.[2589] According to other persons who were working at the front line, Šujo was shot and killed after he had dug a hole on the front line.[2590]

622. **Witness RM-046** testified that on 8 December 1992, a group that mainly consisted of people from the witness's room was taken out of KP Dom and did not return.[2591] The witness was told that the group was going to be exchanged for a group of Serbs in Konjić.[2592] On 12 December 1992, a group of men was taken out of KP Dom to a mine field in Zebina Suma and **Witness RM-086** learned later that all of them had been killed.[2593]

623. **Witness RM-019** testified that in June 1993, Miško Savić, Predrag Trivun, Zoran Samardžić, and Miško Rašković took Aziz Torlak, a Muslim doctor, from the Foča prison to a house in the village of Varizi.[2594] They suspended him by his legs,

[2585] P572 (Witness RM-019, witness statement, 3 September 2003), para. 22.
[2586] P572 (Witness RM-019, witness statement, 3 September 2003), para. 14.
[2587] P572 (Witness RM-019, witness statement, 3 September 2003), paras 22, 24.
[2588] P572 (Witness RM-019, witness statement, 3 September 2003), para. 24.
[2589] P572 (Witness RM-019, witness statement, 3 September 2003), paras 4, 69-75.
[2590] P572 (Witness RM-019, witness statement, 3 September 2003), para. 71.
[2591] P738 (Witness RM-046, witness statement, 20 April 1996), p. 7; P747 (Chart containing comments of Witness RM-046 regarding names related to KP Dom Foča, 18 January 2013), pp. 26, 28, 32, 35-36, 45.
[2592] P738 (Witness RM-046, witness statement, 20 April 1996), p. 7.
[2593] P2934 (Witness RM-086, *Krnojelac* transcript, 19 March 2001), p. 4079.
[2594] P572 (Witness RM-019, witness statement, 3 September 2003), paras 59-60. With regard to the ethnicity of Aziz Torlak, see P2937 (Witness RM-071, witness statement, 5 July 1995), p. 10.

lighting a fire under his head, beat him, and swung him over the fire for four hours.[2595] Torlak died as a result.[2596]

624. Sixty-two bodies were found and exhumed from a mass grave on Maluša Mountain, Foča Municipality.[2597] The bodies were male, were clad in civilian clothes, and a number of them were identified as Muslims.[2598] The limbs of almost every body had been tied and the discovery of a large amount of spent infantry ammunition in the vicinity of the grave showed that the persons were killed at that location.[2599] The Muslim men had been detained at the time of their killing.[2600]

625. **Witness RM-046** testified that several mass graves contained the bodies of KP Dom detainees, including those in Jama Piljak, Paunci, Buk Bijela, Previla, Miljevina, the Buk Bijela tunnel, the Piljak pit, Dobro Polje, and the river Drina.[2601] **Witness RM-012** estimated that about 50 detainees disappeared from KP Dom by being taken away and killed.[2602]

626. Based on the above, the Trial Chamber finds that in June and July 1992, members of the military coming from outside into KP Dom and guards of KP Dom, MoJ employees and VRS members as found in chapters 3 and 4.3.2 *Schedule C.6.1*, killed 36 Bosnian-Muslim detainees inside KP Dom.

627. Further, in the second half of 1992, hundreds of detainees were taken out systematically of KP Dom, including avowedly for exchanges, disappeared. The families of detainees who disappeared never heard from the detainees again. Several mass graves contained the bodies of those that had been detained at KP Dom. The Trial Chamber recalls the conditions in which detainees were kept at KP Dom and the way the guards treated the detainees (*see* chapter 4.3.2 *Schedule C.6.1*). Under these circumstances, the Trial Chamber is satisfied that there is no reasonable alternative explanation to them having been killed upon having been taken out. Furthermore, Witness RM-019 personally witnessed some of the detainees being killed with knives, and in one instance with a piece of wooden fencing, after having been taken out. During

[2595] P572 (Witness RM-019, witness statement, 3 September 2003), paras 58-60, 62.
[2596] P572 (Witness RM-019, witness statement, 3 September 2003), paras 58-60, 62.
[2597] Adjudicated Facts I, no. 708.
[2598] Adjudicated Facts I, no. 709.
[2599] Adjudicated Facts I, no. 710.
[2600] Adjudicated Facts I, no. 711.
[2601] Witness RM-046, T. 7014-7015.
[2602] P3155 (Witness RM-012, witness statement, 19 April 1996), p. 4; P3156 (Witness RM-012, witness statement, 13 June 1996), pp. 3-4.

this killing incident, Zoran Samardžić advised Trivun to cut one side of the jugular of one of the detainees and let him bleed to death in a slow and painful way. Accordingly, the Trial Chamber finds that those taken out were killed by KP Dom guards, MoJ employees and VRS members as found in chapters 3 and 4.3.2 *Schedule C.6.1*, and in some instances by Milenko Živanović a.k.a. Žuti, Dragan Zelenović a.k.a. Zelja, Gojko Janković, Predrag Trivun a.k.a. Pedo or Pedolino, Miško Savić, Nikola Brčić, Miško Rašković, Janko Janjić, Zdravko Ivanović, Zoran and Neđo Samardžić, a man nicknamed Aba, Pero Elez, a man from Brane Ćosović's units, and a man known as Sarajlija. Considering that the detainees at KP Dom were exclusively non-Serbs and predominantly Bosnian Muslims, the Trial Chamber finds that those killed were mostly Bosnian Muslims.

628. In June 1993, Miško Savić, Predrag Trivun, Zoran Samardžić, and Miško Rašković took Aziz Torlak, a Bosnian-Muslim doctor, from KP Dom to a house in the village of Varizi, suspended him by his legs, lit a fire under his head, and beat him for four hours until he died.

629. The Trial Chamber finds that Zoran Samardžić, as Commander of the Miljevina Military Police, was subordinated to Pero Elez who was the Commander of the Miljevina Battallion. Predrag Trivun a.k.a. Pedo or Pedolino who commanded part of the Miljevina Battallion was also subordinated to Pero Elez. The Trial Chamber recalls its finding in chapter 3.1.2 that Gojko Janković, Pero Elez and Janko Janjić a.k.a. Tuta headed their own sub-units under Marko Kovač, Commander of the Foča Tactical Group. Zoran Vuković and Dragan Zelenović a.k.a. Zelja were subordinates to Janko Janjić and Brane Ćosović respectively. Brane Ćosović also headed a unit subordinated to Marko Kovač.

630. The Trial Chamber will further consider the above incidents in relation to Counts 1 and 3-6 in chapter 8, below.

Schedule C and unscheduled murder incidents – killing of three Muslim women

631. In addition to Scheduled Incidents A.2.1 and B.5.1 discussed above, the Indictment charges that the Accused is responsible for the killing of other Bosnian

Muslims and Bosnian Croats in Foča Municipality.[2603] In this respect, the Trial Chamber received evidence from **Witness RM-019**, a member of the 11th Herzegovina Light Infantry Brigade from May 1992.[2604] He testified that around early spring of 1993, during a reconnaissance mission in the area of Jeleč village in Foča Municipality, members of the 11th Herzegovina Light Infantry Brigade brought three old Muslim women from a hamlet near Jeleč village, which was burned and destroyed by the army in 1992, to Colonel Marko Kovač, Commander of the 11th Herzegovina Light Infantry Brigade.[2605] Kovač told the soldiers to 'kill the scum'.[2606] Neđo Samardžić used a Scorpion weapon and Nikola Brčić used a Kalasnikov rifle to shoot and kill the three women on the spot.[2607]

632. Based on the foregoing, the Trial Chamber finds that around early spring of 1993, Neđo Samardžić and Nikola Brčić, upon the order of Marko Kovač, shot and killed three elderly Bosnian-Muslim women in Foča Municipality in Kovač's presence. The Trial Chamber recalls its finding in chapter 3.1.2 that Marko Kovač was the Commander of the Foča Tactical Group. Prior to the killing, Kovač had told the soldiers to 'kill the scum'. The Trial Chamber will further consider this incident in relation to Counts 3-6 of the Indictment in chapter 8, below.

4.3.2 Unlawful detention and cruel or inhumane treatment in detention facilities

Schedule C.6.1

633. According to the Indictment, the Accused is responsible for unlawful detention, torture, beating, abuse, rape, other acts of sexual violence, and subjecting Bosnian Muslims and Bosnian Croats to inhumane living conditions in KP Dom Foča between at least 12 May and 31 December 1992.[2608] The Defence argued that the evidence fails to support the allegations and that the conditions of detention at KP Dom Foča were not inhumane.[2609] The Defence argued that that the alleged 'bad acts' were perpetrated by

[2603] Indictment, paras 39 (a), 47, 52, 59 (a), 62.
[2604] P572 (Witness RM-019, witness statement, 3 September 2003), p. 1, paras 4, 6-8; Witness RM-019, T. 5701-5706.
[2605] P572 (Witness RM-019, witness statement, 3 September 2003), paras 6, 33-34; Witness RM-019, T. 5695.
[2606] P572 (Witness RM-019, witness statement, 3 September 2003), paras 33-34.
[2607] P572 (Witness RM-019, witness statement, 3 September 2003), para. 34.
[2608] Indictment, paras 39(b)-(c), 47, 53, 59(b)-(d), (g), Schedule C.6.1.
[2609] Defence Final Brief, paras 1528-1529.

multiple unknown perpetrators around KP Dom.[2610] The Defence further argued that KP Dom Foča was under the control of the MoJ.[2611] The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this incident.[2612] It also received evidence from a number of persons detained in KP Dom, namely **Witness RM-012**, **Witness RM-046**, **Witness RM-071**, **Witness RM-086**, **Witness RM-063**, **Witness RM-013**, and **Witness RM-050**, all Bosnian Muslims from Foča;[2613] **Witness RM-019**, a member of the 11th Herzegovina Light Infantry Brigade from May 1992;[2614] **Božidar Krnojelac**, a Serb member of the 'village guards' in Foča who was present at the KP Dom facility daily from mid-April to mid-May 1992;[2615] **Veselinko Simović,** a marksman in the 5th Battalion from 15 April 1992 and later a member of the Dragan Nikolić Intervention Unit, both TO formations in Foča which later became part of the VRS;[2616] and **Radojica Mlađenović**, a Bosnian Serb who served as President of the Executive Committee of the Serbian Municipality of Foča and as Vice-President of the Crisis Staff of the Serbian Municipality of Foča;[2617] and documentary evidence, and finds that this evidence is consistent with the Adjudicated Facts.[2618] The Trial Chamber

[2610] Defence Final Brief, paras 1529-1538.
[2611] Defence Final Brief, para. 1539.
[2612] Adjudicated facts I, no. 693 is reviewed in chapter 4.3.1 *Schedule B.5.1*.
[2613] P3155 (Witness RM-012, witness statement, 19 April 1996), pp. 1-3; P3156 (Witness RM-012, witness statement, 13 June 1996), p. 1; P3157 (Witness RM-012, witness statement, 20 October 1998), p. 1. P738 (Witness RM-046, witness statement, 20 April 1996), pp. 1-2; Witness RM-046, T. 7006-7007; P737 (Pseudonym sheet for Witness RM-046, 18 November 2012). P2937 (Witness RM-071, witness statement, 5 July 1995), pp. 1-2. P2933 (Witness RM-086, witness statements), witness statement of 22 October 1995, pp. 1-2. P531 (Witness RM-063, witness statement, 10 February 1996), pp. 1-2; P532 (Witness RM-063, witness statement, 25 September 1998), p. 1. P982 (Witness RM-013, witness statement, 22 October 1995), p.1, para. 1; P983 (Witness RM-013, witness statement, 20 May 1996), p. 1. P2935 (Witness RM-050, witness statements), witness statement of 21 April 1996, pp. 1-2, witness statement of 21 October 1998, p. 1.
[2614] P572 (Witness RM-019, witness statement, 3 September 2003), p. 1, paras 4, 6-8; Witness RM-019, T. 5701-5706.
[2615] D650 (Božidar Krnojelac, witness statement, 8 March 2014), p. 1, paras 1, 9; Božidar Krnojelac, T. 25972.
[2616] D583 (Veselinko Simović**,** witness statement, 8 June 2014), p. 1, paras 1, 7; Veselinko Simović, T. 24372.
[2617] D697 (Radojica Mlađenović, witness statement, 8 June 2014), p. 1, paras 1, 3, 11-12; Radojica Mlađenović, T. 27034, 27037, 27060, 27072, 27084.
[2618] **Witness RM-012**: P3155 (Witness RM-012, witness statement, 19 April 1996), pp. 3-5; P3156 (Witness RM-012, witness statement, 13 June 1996), pp. 2-4; P3157 (Witness RM-012, witness statement, 20 October 1998), pp. 2, 4. **Witness RM-019**: P572 (Witness RM-019, witness statement, 3 September 2003), paras 25, 28, 33, 50-57; Witness RM-019, T. 5689, 5693; P573 (Sketch drawn by Witness RM-019, 3 September 2003). **Witness RM-046**: P738 (Witness RM-046, witness statement, 20 April 1996), pp. 4-5, 7-9; P739 (Witness RM-046, witness statement, 20 October 1998), pp. 2-4; P740 (Witness RM-046, *Krnojelac* transcript, 27 November 2000), p. 1283; P741 (ICTY information report of Witness RM-046, 19 December 2012), p. 2; P742 (Prosecution information report listing corrections to prior statements of Witness RM-046, 18 January 2013), p. 1; Witness RM-046, T. 7028, 7033, 7035-7036, 7039-7040; P745 (Annotated floor plan of KP Dom Foča); D133 (Decision signed by Minister of Justice Momčilo Mandić, appointing Milorad Krnojelac warden of Foča KP Dom, 17 July 1992). **Witness**

also received evidence from **Trivko Pljevaljčić**, a Bosnian Serb from Foča Municipality who was commander of the 3rd Company of the 5th Battalion of the Foča Tactical Group and who worked in KP Dom Foča in 1995.[2619]

634. Immediately after the Serb take-over of Foča Municipality, restrictions were imposed on the non-Serb inhabitants.[2620] Between 10 April 1992 and the beginning of June 1992, large-scale arrests of non-Serb civilian men, mostly of Muslim ethnicity, were carried out throughout the municipality.[2621] Muslim men were rounded up in the streets, separated from the women and children and from the Serb population.[2622] Others were arrested in their apartments or in the houses of friends and relatives, taken away from their workplaces, or dragged from their hospital beds.[2623] Serb soldiers referred to Muslims by the derogatory term 'balija', and cursed them during arrests.[2624] **Veselinko Simović** testified that if maltreatment of Serbs was reported, the Dragan Nikolić Intervention Unit would act in accordance with the law and take 'them'**,** regardless of their ethnicity or religious affiliation, to KP Dom.[2625] The unit would also sometimes capture enemy soldiers during combat operations.[2626] According to the witness, all units who took soldiers as 'POWs' were duty-bound to hand them over to the military police, who would take them to KP Dom or other institutions where 'POWs' were being

RM-071: P2937 (Witness RM-071, witness statement, 5 July 1995), pp. 7, 10, 12. **Witness RM-086**: P2933 (Witness RM-086, witness statements), witness statement of 22 October 1995, pp. 9-14; P2934 (Witness RM-086, *Krnojelac* transcript, 19 March 2001), pp. 4093-4094, 4104. **Witness RM-063**: P531 (Witness RM-063, witness statement, 10 February 1996), pp. 3-7; P532 (Witness RM-063, witness statement, 25 September 1998), pp. 2-3; Witness RM-063, T. 5424-5427, 5441-5442, 5447-5448; P534 (Drawing of the KP Dom in Foča marked by Witness RM-063). **Witness RM-013**: P982 (Witness RM-013, witness statement, 22 October 1995), paras 10-12, 20, 22-29, 34; P983 (Witness RM-013, witness statement, 20 May 1996), paras 3-5, 7-9, 22, 24, 27; P984 (Corrections to witness statements of Witness RM-013), para. 2; Witness RM-013, T. 8897, 8917, 8920, 8929-8930, 8966. **Božidar Krnojelac**: D650 (Božidar Krnojelac, witness statement, 8 March 2014), paras 9, 15; Božidar Krnojelac, T. 25957, 25961-25963, 25972, 25985-25986, 25997-25998; D651 (Letter by Milorad Krnojelac to the Foča Crisis Staff, 15 May 1992). **Witness RM-050**: P2935 (Witness RM-050, witness statements), witness statement of 21 April 1996, pp. 9-10, witness statement of 21 October 1998, pp. 2-3. **Veselinko Simović**: Veselinko Simović T. 24400-24402; P6685 (Handwritten list of war prisoners who were discharged from KP Dom Foča, 8 December 1992). **Radojica Mlađenovic**: D697 (Radojica Mlađenovic, witness statement, 8 June 2014), para. 20; Radojica Mlađenovic, T. 27079, 27081, 27083. P2826 (Letter confirming release of Enes Zuko by Foča Municipality Crisis Staff, 21 May 1992).

[2619] D706 (Trivko Pljevaljčić, witness statement, 10 July 2014), p. 1, paras 1, 4; Trivko Pljevaljčić, T. 27200, 27205, 27215-27216.

[2620] Adjudicated Facts I, no. 564.

[2621] Adjudicated Facts I, nos 565, 623, 682.

[2622] Adjudicated Facts I, no. 565.

[2623] Adjudicated Facts I, no. 566.

[2624] Adjudicated Facts I, no. 564.

[2625] Veselinko Simović, T. 24375.

[2626] Veselinko Simović, T. 24379-24380.

held.[2627] Subsequent to their arrest, the men were transferred to KP Dom.[2628] On 17 April 1992, all the male Muslim civilians detained at Livade were transferred to KP Dom, which had served as a prison prior to the conflict.[2629] At this time, soldiers from the Užice Corps in Serbia were running the facility, the control of which was transferred to local Serbs during the course of the following few weeks.[2630]

635. At its peak, in the summer of 1992, there were about 500 to 600 detainees at KP Dom. The number decreased from the autumn of 1992 until 1993 when about 200 to 300 detainees remained. Around October 1994, the last detainees, by then numbering less than 100, were released.[2631] Muslim civilian men were detained at KP Dom for periods lasting from four months to more than two and a half years.[2632] Some Serbs were also held there, having been convicted by courts of law prior to the outbreak of the conflict or having been detained for military offences during the conflict.[2633] By contrast, the non-Serbs were not detained on any legal ground.[2634] The legality of their detention was never reviewed by the Serb authorities.[2635] None of these detainees was ever actually charged, tried, or convicted for any crime before being detained or while detained at KP Dom.[2636] None of these detainees was ever advised of their procedural rights before or during their detention.[2637] These detained were not criminals under suspicion of having committed a crime or ever accused of having committed a crime under national or international law.[2638] They were, *inter alia*, doctors and medical health workers, journalists, former KP Dom employees, managers, police officers, and other persons of civilian status.[2639] In addition to the mainly civilian population at KP Dom, there were a small number of Muslim soldiers kept in isolation cells separately from the civilian Muslim detainees.[2640] Non-Serb men from Foča were detained because of their ethnicity. The overwhelming majority of those detained were Muslim. No consideration was given to age, state of health, or civilian status. The detainees ranged in age from 15

[2627] Veselinko Simović, T. 24400-24401.
[2628] Adjudicated Facts I, no. 623.
[2629] Adjudicated Facts I, no. 624.
[2630] Adjudicated Facts I, no. 624.
[2631] Adjudicated Facts I, no. 625.
[2632] Adjudicated Facts I, no. 626.
[2633] Adjudicated Facts I, no. 627.
[2634] Adjudicated Facts I, no. 627.
[2635] Adjudicated Facts I, nos 627-628.
[2636] Adjudicated Facts I, nos 629, 682.
[2637] Adjudicated Facts I, no. 630.
[2638] Adjudicated Facts I, no. 631.
[2639] Adjudicated Facts I, no. 631.
[2640] Adjudicated Facts I, no. 632.

years to almost 80 years.[2641] Apart from a short period at the beginning of their detention, Muslim detainees were denied any contact with the outside world or with their families, and (for a long time) with the Red Cross.[2642]

636. During the first two to four weeks after the start of the conflict, KP Dom was 'policed' by military units.[2643] Inside KP Dom, it was mainly members of the military who supervised the Muslim detainees during their first weeks of captivity.[2644] From about 18 or 19 April 1992 onwards, at around the same time that Krnojelac was appointed warden, former Serb guards from KP Dom returned to carry out their work assignments.[2645] As warden, Krnojelac was responsible to the MoJ, and to a certain extent to the Military Command.[2646]

637. On 8 May 1992, Commander Miro Stanić of the Foča Tactical Group requested the penal and correctional facility in Foča to allocate rooms within the compound for the accommodation of POWs.[2647] In May 1992, Krnojelac granted the request and allocated the premises of the Foča penal and correctional institution for the accommodation of POWs and detainees.[2648] One important ramification of the lease agreement, signed by Krnojelac as warden and leasing a part of KP Dom to the military for its own use, was that it was the Military Command and, in particular, Commander Kovač and not the MoJ who had power to make decisions concerning which non-Serb detainees would be detained in and released from KP Dom.[2649] In this respect, Krnojelac was obliged to forward requests for release of these detainees to the Crisis Staff or the Foča Tactical Group.[2650] The military did have an obligation to ensure that Krnojelac was kept informed about who it decided was to be detained and who was to be released, and Krnojelac did exercise some powers in this regard such as his proposal that detainees held at Bileca prison be transferred to KP Dom.[2651] The Military Command could also make decisions about which persons would be permitted to enter KP Dom, and it had some power over the appointment of persons to work assignments and the type of work

[2641] Adjudicated Facts I, no. 633.
[2642] Adjudicated Facts I, no. 628.
[2643] Adjudicated Facts I, no. 634.
[2644] Adjudicated Facts I, no. 635.
[2645] Adjudicated Facts I, no. 636.
[2646] Adjudicated Facts I, no. 637.
[2647] P574 (Request for allocation of premises, commander Miro Stanić, 8 May 1992).
[2648] P575 (Decision on allocation of premises, temporary warden Milorad Krnojelac, May 1992).
[2649] Adjudicated Facts I, no. 638.
[2650] Adjudicated Facts I, no. 638.
[2651] Adjudicated Facts I, no. 639.

to be completed by persons assigned to work.[2652] Members of the military would enter KP Dom, although they needed the prior permission of the military authorities.[2653] Krnojelac was able to ensure that such persons did not remove detainees from KP Dom without the appropriate authority from the Military Command.[2654] **Radojica Mlađenović** testified that on 9 June 1992, Milorad Krnojelac, the temporary warden of KP Dom, informed the Foča Municipality War Presidency that 470 individuals captured during war operations were then detained and guarded by 42 'conscripts' at KP Dom and that approximately 550 captured people had passed through the institution in the preceding month and a half.[2655]

638. **Witness RM-013** testified that Savo Todović was the deputy of Krnojelac at KP Dom.[2656] The witness knew Todović from school and saw him at the prison, selecting detainees for beatings.[2657] While Todović was replaced as deputy by Milutin Tijanić, he was still a powerful authority in the prison and some of the guards told the witness that it was in fact Todović who was running the camp. The witness often saw him coming from the administration building with lists before meeting with the guards, who would then call detainees out of their cells to be beaten. Todović commanded the guards, ordered the detainees, lined the detainees up in the yard, threatened them, and forced them to work.[2658]

639. Mitar Rašević was the head of Security at KP Dom.[2659] He introduced himself to the detainees as commander of the guards.[2660] Witness RM-013 knew Rašević held that same position before the war and other detainees told the witness that Rašević was present during their beatings and that he ordered the guards to do the beating.[2661] **Witness RM-012** stated that the guards at KP Dom used to wear blue police

[2652] Adjudicated Facts I, no. 640.
[2653] Adjudicated Facts I, no. 641.
[2654] Adjudicated Facts I, no. 641.
[2655] D697 (Radojica Mlađenovic, witness statement, 8 June 2014), para. 20; Radojica Mlađenovic, T. 27078; P6837 (Request from the KP Dom Foča temporary warden to the War Presidency of the Serbian Municipality of Foča, 9 June 1992), pp. 1-2.
[2656] P982 (Witness RM-013, witness statement, 22 October 1995), para. 30. *See* also P3157 (Witness RM-012, witness statement, 20 October 1998), p. 3; P738 (Witness RM-046, witness statement, 20 April 1996), p. 8.
[2657] P982 (Witness RM-013, witness statement, 22 October 1995), para. 30; P983 (Witness RM-013, witness statement, 20 May 1996), para. 25.
[2658] P983 (Witness RM-013, witness statement, 20 May 1996), para. 25.
[2659] P982 (Witness RM-013, witness statement, 22 October 1995), para. 31.
[2660] P983 (Witness RM-013, witness statement, 20 May 1996), para. 26. *See also* P3157 (Witness RM-012, witness statement, 20 October 1998), p. 4.
[2661] P982 (Witness RM-013, witness statement, 22 October 1995), para. 31.

uniforms.[2662] Two of the interrogators at the camp were Zoran Vladičić and Vojo Starović.[2663] According to **Witness RM-013**, they and Miodrag Koprivica were introduced to the detainees as inspectors and were in charge of conducting interrogations.[2664] Gojko Jokanović worked as a medic at KP Dom and the witness saw him once to receive painkillers.[2665] His superior was Milan Kovač, the commander of the Užice troops in the JNA, whom the witness knew from before the war.[2666] On 9 June 1992, Krnojelac requested the Foča Municipality War Presidency to upgrade the security of KP Dom by laying mines along the fences and replacing the available weaponry used to guard prisoners.[2667] According to the request, Krnojelac had made the same request to the Crisis Staff of the Serbian Municipality of Foča on 1 June 1992.[2668] **Witness RM-012** stated that Milun Miljanović was the deputy head of the Foča police and he saw him ordering soldiers to plant mines around KP Dom.[2669] Risto Ivanović, Slavko Koroman, Radovan Vuković, a person called Mičević, Milenko Vladičić, Milenko Burilo a.k.a. Busi, Vlatko Pljevaljčić, Vitomir Mičević, Zoran Matović, Risto Matović, Dragan Obrenović, Nevenko Blagojević, Cvijetin Krunić, Jovo Savić, Rade Papović, Mićo Bogdanić a.k.a. Roko, Milomir Marić, Zoran Vuković, Predrag Stefanović, Momir Ristanović, Milivoje Milutinović, Milivoje Milić, Dragan Masić, Milovan Vuković, and Milenko Elčić a.k.a. Keli were all guards at KP Dom.[2670] One of the soldiers said that he belonged to the JNA 'Uzicki Korpus' unit.[2671] According to **Witness RM-013**, Krnojelac was replaced by Zoran Simović in January 1993 and after he was replaced the conditions at KP Dom gradually started to improve.[2672]

640. **Božidar Krnojelac** testified that the White Eagles guarded the Bosnian-Muslim detainees in the inner compound of the facility until around 15 May 1992 and after that

[2662] P3155 (Witness RM-012, witness statement, 19 April 1996), p. 5.
[2663] P3155 (Witness RM-012, witness statement, 19 April 1996), p. 3.
[2664] P982 (Witness RM-013, witness statement, 22 October 1995), para. 32.
[2665] Witness RM-013, T. 8944.
[2666] P982 (Witness RM-013, witness statement, 22 October 1995), para. 3; P983 (Witness RM-013, witness statement, 20 May 1996), para. 28; Witness RM-013, T. 8898.
[2667] P6837 (Request from the KP Dom Foča temporary warden to the War Presidency of the Serbian Municipality of Foča, 9 June 1992), pp. 1-2.
[2668] P6837 (Request from the KP Dom Foča temporary warden to the War Presidency of the Serbian Municipality of Foča, 9 June 1992), p. 1.
[2669] P982 (Witness RM-013, witness statement, 22 October 1995), para. 4; Witness RM-013, T. 8967.
[2670] P3155 (Witness RM-012, witness statement, 19 April 1996), p. 5; P3156 (Witness RM-012, witness statement, 13 June 1996), p. 4; P3157 (Witness RM-012, witness statement, 20 October 1998), p. 2; P982 (Witness RM-013, witness statement, 22 October 1995), para. 33.
[2671] P2937 (Witness RM-071, witness statement, 5 July 1995), p. 10.
[2672] P982 (Witness RM-013, witness statement, 22 October 1995), para. 29; Witness RM-013, T. 8943.

the TO was in charge of KP Dom.[2673] The witness observed a total of about 100 members of the White Eagles at KP Dom and the 'Serb guards' in the town area, respectively.[2674] The members of the White Eagles wore camouflage uniforms, with white eagle insignia on the left sleeves, and the 'Serb guards' wore uniforms with the lettering 'Serb guards'.[2675] According to **Witness RM-063**, Mandić, the Deputy Minister of Interior in Sarajevo, was responsible for all these camps.[2676]

641. The non-Serb detainees were forced to endure brutal and inadequate living conditions while being detained at KP Dom, as a result of which numerous individuals suffered lasting physical and psychological problems.[2677] The non-Serb detainees were deliberately housed in cramped conditions.[2678] KP Dom had the capacity to house more than the maximum 500-700 non-Serbs detained, but the detainees were crowded into a small number of rooms.[2679] Solitary confinement cells designed to hold one person were packed with up to 18 people at a time.[2680] Non-Serbs were locked in their rooms or in solitary confinement at all times except for meals and work duty, and kept in overcrowded rooms even though the prison had not reached its capacity.[2681] Because of the overcrowding, not everyone had a bed or even a mattress, and there were insufficient blankets.[2682] Bedding was insufficient or non-existent, the only bed linen provided was that left over from former convicts, and these items were never washed or changed throughout 1992.[2683] Changes of clothes or facilities for washing clothes were not supplied.[2684] As a result of these conditions, chicken lice spread from the prison farm to the rooms of the detainees.[2685] In the harsh winter of 1992, heaters were deliberately not placed in the rooms in which the non-Serbs were held, windowpanes were left broken and clothes made from blankets to combat the cold were confiscated.[2686] Stoves and furnaces had been produced to heat the offices in the

[2673] Božidar Krnojelac, T. 25958, 25982-25984.
[2674] Božidar Krnojelac, T. 25959.
[2675] Božidar Krnojelac, T. 25957-25958.
[2676] P532 (Witness RM-063, witness statement, 25 September 1998), p. 3; Witness RM-063, T. 5445, 5448.
[2677] Adjudicated Facts I, no. 643.
[2678] Adjudicated Facts I, no. 645.
[2679] Adjudicated Facts I, no. 645.
[2680] Adjudicated Facts I, no. 646.
[2681] Adjudicated Facts I, no. 647.
[2682] Adjudicated Facts I, no. 647.
[2683] Adjudicated Facts I, no. 649.
[2684] Adjudicated Facts I, no. 650.
[2685] Adjudicated Facts I, no. 650.
[2686] Adjudicated Facts I, no. 651.

administration building, and there was sufficient raw material for such furnaces for the non-Serb detainees.[2687] However, it was not until October 1993 that furnaces were finally provided to the non-Serb detainees, and then it was by the ICRC.[2688]

642. Non-Serb detainees were fed rations leading to severe weight loss and other health problems.[2689] They were not allowed to receive visits after April 1992 and therefore could not supplement their food rations and hygienic supplies.[2690] **Witness RM-019** testified that Serb prisoners received better food than Bosnian-Muslim prisoners.[2691] Medicine was in very short supply. A basic medical service was provided but those in need of urgent medical attention were left unattended or given insufficient treatment. At least one detainee died as a result of the lack of or late medical care.[2692] Detainees who were kept in isolation cells and solitary confinement were denied all access to medical care.[2693] Non-Serb detainees who arrived at KP Dom with injuries sustained prior to or in the course of their arrest were not given access to medical treatment, nor were non-Serb detainees who were severely beaten during interrogations at KP Dom.[2694] According to **Witness RM-086**, only when British journalists announced their visit to KP Dom were detainees told to clean their rooms, given haircuts, shaved and washed.[2695]

643. Witness RM-086 stated that there were certain detainees, including carpenters, mechanics, masons, and lumbermen, who worked and were kept separate at KP Dom. There was also a group taken to Čelebići to dig holes for electrical poles, and a group, which dug trenches and built barracks in Zebina Šuma. Todović supervised the workers.[2696]

644. Many of the detainees were subjected to beatings and other forms of mistreatment, sometimes randomly, sometimes as punishment for minor breaches of the prison regulations or in order to obtain information or a confession from them.[2697] Essentially two categories of individuals were involved in the beating of non-Serb

[2687] Adjudicated Facts I, no. 652.
[2688] Adjudicated Facts I, no. 652.
[2689] Adjudicated Facts I, no. 654.
[2690] Adjudicated Facts I, no. 654.
[2691] P572 (Witness RM-019, witness statement, 3 September 2003), para. 55.
[2692] Adjudicated Facts I, no. 657.
[2693] Adjudicated Facts I, no. 658.
[2694] Adjudicated Facts I, no. 659.
[2695] P2933 (Witness RM-086, witness statements), witness statement of 22 October 1995, p. 9.
[2696] P2933 (Witness RM-086, witness statements), witness statement of 22 October 1995, p. 12.
[2697] Adjudicated Facts I, no. 642.

detainees: KP Dom guards and people coming from outside of KP Dom.[2698] In respect of the first group, many guards were involved in these beatings, including Dragomir Obrenović, Milenko Burilo, Milenko Elčić, Zoran Matović, Vlatko Pljevaljčić, Predrag Stefanović, Jovo Savić, Radovan Vuković, Milovan Vuković, Milivoj Milić, and Milenko Elčić.[2699] **Witness RM-063** was told by fellow detainees that the following guards were also involved in the beatings: Zoran Vuković, Dragan 'Zelja' Zelenović, Vitomir Miščević, Radovan Vuković, Pero Elez, Janko 'Tuta' Janjić, Dragan 'Žaga' Kunarac, and a person named Fundić.[2700] The guards called the detainees out of their room and took them to other rooms where they knew that they would be beaten and sometimes personally took part in the beatings themselves.[2701] Individuals or groups of armed soldiers were allowed into KP Dom compound during the first months of the non-Serb civilians' detention.[2702] It was not unusual for detainees to be beaten by guards of KP Dom or soldiers from outside KP Dom while lining up for lunch in the compound or while being taken back and forth through the compound.[2703] Sometime in October 1992, and while lining up, some detainees were approached by five armed policemen who began to beat them for about half an hour before ordering them to lie down on the ground.[2704] Mitar Rašević as well as the guards who had escorted them, stood by and watched without interfering.[2705] **Witness RM-012** stated that according to some detainees, the guard named Burilo hit people with a wooden bat and Zoran Matović carried a thick wire which he used for beating.[2706] Other detainees (Halim Dedović, Latif Hasanbegović, Aziz Hasković, and Halim Seljanci) told the witness that they had been chained to a wall and beaten up in this position.[2707] **Witness RM-063** testified that his wife, who was also detained at KP Dom, was raped there.[2708] **Witness RM-046**

[2698] Adjudicated Facts I, no. 660.
[2699] Adjudicated Facts I, no. 661.
[2700] P531 (Witness RM-063, witness statement, 10 February 1996), pp. 6, 8; P532 (Witness RM-063, witness statement, 25 September 1998), p. 3; P535 (List of names and Witness RM-063 comments, 19 November 2012), pp. 1-2.
[2701] Adjudicated Facts I, no. 661.
[2702] Adjudicated Facts I, no. 662.
[2703] Adjudicated Facts I, no. 664.
[2704] Adjudicated Facts I, no. 665.
[2705] Adjudicated Facts I, no. 665.
[2706] P3155 (Witness RM-012, witness statement, 19 April 1996), p. 5.
[2707] P3156 (Witness RM-012, witness statement, 13 June 1996), p. 4.
[2708] P531 (Witness RM-063, witness statement, 10 February 1996), p. 8; P532 (Witness RM-063, witness statement, 25 September 1998), p. 2; Witness RM-063, T. 5454.

testified that he was blindfolded, made to stand spread-eagled against a wall, and beaten with batons or sticks.[2709]

645. Detainees were regularly taken out of their rooms or from the isolation cells by guards of KP Dom, soldiers, or policemen for the purpose of interrogations.[2710] On several occasions, many detainees who had been taken out in that manner were in fact beaten or otherwise mistreated during the interviews for the purpose of obtaining information or a confession or in order to punish them for some minor violation of prison regulations.[2711] The screams and moans of those being beaten could be heard by other detainees, instilling fear among all detainees. Many were returned to their rooms with visible wounds and bruises resulting from the beating. Some were unable to walk or talk for days.[2712] Any attempts made by non-Serb detainees to improve their living conditions in the camp were punished with solitary confinement.[2713] Acts which resulted in beatings or periods in the isolation cells included efforts to get additional food, or access to warm water, and attempts to communicate with each other, the guards, or the outside world.[2714] From April 1992 until July 1992 beatings took place on a frequent and systematic basis.[2715] KP Dom guards used lists in order to select those detainees to be taken out to the administrative building and beaten there.[2716] Some of the detainees were taken out and beaten on several occasions.[2717]

646. In the course of the summer of 1992 prior to the month of July, Vahida Džemal, Enes Uzunović, Aziz Šahinović, and Elvedin Čedić were severely beaten by guards of KP Dom and military policemen, and they were then kept in solitary confinement for several days.[2718] Sometime between May and August 1992, Ramo Dženđusić and Nail Hodžić were beaten by KP Dom guards Milenko Burilo, Dragomir Obrenović and other unidentified individuals on the ground floor of the administration building. Sometime in June or July 1992, the two men were called out of their room, and were subsequently beaten. The moans of the victims were heard by other detainees.[2719] Also in June or July

[2709] P738 (Witness RM-046, witness statement, 20 April 1996), p. 7; Witness RM-046, T. 7035-7036.
[2710] Adjudicated Facts I, no. 666.
[2711] Adjudicated Facts I, no. 666.
[2712] Adjudicated Facts I, no. 667.
[2713] Adjudicated Facts I, no. 668.
[2714] Adjudicated Facts I, no. 669.
[2715] Adjudicated Facts I, no. 670.
[2716] Adjudicated Facts I, no. 670.
[2717] Adjudicated Facts I, no. 670.
[2718] Adjudicated Facts I, no. 671.
[2719] Adjudicated Facts I, no. 672.

1992, Emir Frašto and Husko or Husein Rikalo were taken as part of a group of detainees to the administration building where they were severely beaten.[2720] Frašto and Rikalo were taken together with Nurko Nisić and Esad Kiselica, and their beating lasted for about two hours.[2721] On one occasion in the summer of 1992, Latif Hasanbegović, Aziz Hasković, and Halim Seljanci were taken out together and severely beaten by two KP Dom guards, Zoran Matović and Milenko Burilo. They were beaten all over their bodies, including on the soles of their feet, and one of the guards used a baseball bat for that purpose. As a result, they were barely able to move or to stand on their feet when returned to their room.[2722]

647. Sometime in June 1992, Kemo or Kemal Isanović and a young man by the last name of Cedić were called out by a soldier from outside KP Dom, and a KP Dom guard, taken away and severely beaten.[2723] Their screams and moans were clearly heard by other detainees.[2724] They came back swollen and bruised.[2725] Sometime in mid-June 1992, Emir Mandžo was taken to the gate of KP Dom and brutally beaten.[2726] Mandžo was placed on a chair while KP Dom guards or soldiers from outside KP Dom took his shoes off and inserted his arms and legs through the frame of another chair.[2727] One of the principal offenders took a baton and beat Mandžo on the arms and legs. Zoran Vuković hit him with his soldier's boot on the jaw, and he fainted. Zoran Matović, also took part in the beating.[2728]

648. **Witness RM-013** testified that sometime in August 1992, a group of seven or eight policemen from Trebinje went to KP Dom.[2729] The policemen severely beat a group of detainees who were on their way back from the canteen.[2730] The prison guards at KP Dom did not interfere for about five minutes, until the policemen pointed their weapons at the detainees, at which point Rašević intervened and ordered them to stop.[2731]

[2720] Adjudicated Facts I, no. 673.
[2721] Adjudicated Facts I, no. 673.
[2722] Adjudicated Facts I, no. 674.
[2723] Adjudicated Facts I, no. 675.
[2724] Adjudicated Facts I, no. 675.
[2725] Adjudicated Facts I, no. 675.
[2726] Adjudicated Facts I, no. 676.
[2727] Adjudicated Facts I, no. 676.
[2728] Adjudicated Facts I, no. 677.
[2729] P982 (Witness RM-013, witness statement, 22 October 1995), para. 34.
[2730] P982 (Witness RM-013, witness statement, 22 October 1995), para. 34.
[2731] P982 (Witness RM-013, witness statement, 22 October 1995), para. 34; P983 (Witness RM-013, witness statement, 20 May 1996), para. 20.

649. Groups of detainees were transferred from KP Dom to other camps in Bosnia-Herzegovina, including the camps at Kula, Kalinovik, and Rudo.[2732] Detainees were taken out of KP Dom on exchanges that generally followed a similar pattern. A KP Dom guard or policeman would come from the gate to the detainees' rooms to call out the detainees for exchanges, according to a list provided by the prison administration. Those selected would then be taken out of KP Dom. On some occasions they would be beaten first, by KP Dom guards or military personnel.[2733] **Witness RM-086** stated that, during his detention in Kalinovik from 8 to 12 December 1992, one detainee was exchanged each day and he was himself exchanged on 12 December 1992.[2734]

650. The Red Cross visited KP Dom three or four times while **Witness RM-013** was detained there, sometime in the summer of 1992 and once on 10 October 1992.[2735] When the Red Cross visited, the witness and 24 other detainees were hidden.[2736] This group of 25 detainees was kept hidden until 1993, before the detainees were registered by the Red Cross.[2737] The witness testified that they were told they were being hidden because they were prominent citizens and that they were going to be exchanged for generals.[2738] The Red Cross was able to talk to some of the detainees during their visits, but only in the presence of the guards and KP Dom managers.[2739]

651. One witness provided a different account of the conditions of detention at KP Dom Foča. **Trivko Pljevaljčić** testified that some Bosnian-Muslim civilians in Foča were housed in a few collection centres when the conflict broke out for around ten days.[2740] Men were usually put up at the KP Dom, while others were housed in Partizan Hall, Čodor Mahala, and other smaller collection centres.[2741] According to the witness, the Bosnian-Muslim civilians were allowed to leave these centres.[2742] The Trial Chamber notes this evidence appears to be in stark contrast to the Adjudicated Facts and

[2732] Adjudicated Facts I, no. 679.
[2733] Adjudicated Facts I, no. 680.
[2734] P2933 (Witness RM-086, witness statements), witness statement of 22 October 1995, p. 14.
[2735] P982 (Witness RM-013, witness statement, 22 October 1995), para. 28; P983 (Witness RM-013, witness statement, 20 May 1996), para. 30; Witness RM-013, T. 8912.
[2736] Witness RM-013, T. 8912.
[2737] Witness RM-013, T. 8912, 8919-8920.
[2738] Witness RM-013, T. 8912.
[2739] Witness RM-013, T. 8912-8913; P989 (Regular combat report signed by Kovač, 10 October 1992), p. 2.
[2740] D706 (Trivko Pljevaljčić, witness statement, 10 July 2014), para. 14; Trivko Pljevaljčić, T. 27195, 27197.
[2741] D706 (Trivko Pljevaljčić, witness statement, 10 July 2014), para. 14; Trivko Pljevaljčić, T. 27195-27196.
[2742] Trivko Pljevaljčić, T. 27196-27197.

other evidence received. However, the witness testified that he never went inside KP Dom between 1992 and 1994, and that his basis for knowledge that Bosnian-Muslim civilians were allowed to leave was that he saw some Bosnian Muslims in Foča town.[2743] Further, the witness testified that he in fact did not know who was detained or taken care of at these centres.[2744] The Trial Chamber finds that for the foregoing reasons, Pljevaljčić's evidence is insufficiently reliable, and will not consider it further in this respect.

652. Based on the foregoing, the Trial Chamber finds that between 12 May 1992 and October 1994, non-Serb civilian men, mostly of Bosnian-Muslim ethnicity, were detained at KP Dom. Serb soldiers referred to Bosnian Muslims by the derogatory term 'balija', and cursed them during arrests. The detainees ranged in age from 15 years to almost 80 years. At its peak, in the summer of 1992, there were about 500 to 600 detainees. Bosnian-Muslim civilian men were detained at KP Dom for periods lasting from four months to more than two and a half years. Some Serbs were also held there, having been convicted by courts of law prior to the outbreak of the conflict or having been detained for military offences during the conflict. By contrast, the non-Serbs were not detained on any legal ground. The legality of their detention was never reviewed by the Serb authorities. None of these detainees was ever actually charged, tried, or convicted for any crime before being detained or while detained at KP Dom. None of these detainees was ever advised of their procedural rights before or during their detention. These detained were not criminals under suspicion of having committed a crime or ever accused of having committed a crime under national or international law. All of the non-Serb men from Foča were detained because of their ethnicity.

653. A small number of detainees were Bosnian-Muslim soldiers kept in isolation cells separately from the civilian Bosnian-Muslim detainees. The detainees were crowded into a small number of rooms at KP Dom. In the harsh winter of 1992, heaters were deliberately not placed in the rooms in which the non-Serbs were held, windowpanes were left broken, and clothes made from blankets to combat the cold were confiscated. Non-Serb detainees were fed rations leading to severe weight loss and other health problems. Serb detainees received better food than Bosnian-Muslim detainees. Medicine was in very short supply.

[2743] Trivko Pljevaljčić, T. 27198-27199, 27229-27230.
[2744] Trivko Pljevaljčić, T. 27198-27199.

654. In April 1992, Milorad Krnojelac was appointed warden of KP Dom. Krnojelac was responsible to the MoJ and to a certain extent to the Military Command. Part of KP Dom was leased to the military and as a result it was the Military Command and, in particular, Commander Marko Kovač and not the MoJ who had power to make decisions concerning which non-Serb detainees would be detained in and released from KP Dom. Accordingly, the Trial Chamber finds that the Military Command under Kovač was responsible for the detentions at KP Dom. The Trial Chamber recalls its finding in chapter 3.1.2 that Marko Kovač was the Commander of the Foča Tactical Group. The Trial Chamber further finds that Krnojelac and MoJ employees, were responsible for the camp's living conditions.

655. During their detention, many of the detainees were regularly beaten. Some detainees were blindfolded, made to stand spread-eagled against a wall, chained to a wall, and beaten with batons, a thick wire, or sticks. Others were beaten and stabbed. At least one female detainee was raped in the camp. The perpetrators included civilian and military police from outside KP Dom and KP Dom guards, including Pero Elez, Janko 'Tuta' Janjić, Dragomir Kunarac a.k.a. Žaga, Zoran Vuković, Dragan 'Zelja' Zelenović, and Jovo Savić. Jovo Savić was a member of the IBK.[2745] The Trial Chamber also recalls its finding in chapter 3.1.2 that Pero Elez and Dragomir Kunarac a.k.a. Žaga headed their own sub-units under Marko Kovač, Commander of the Foča Tactical Group. Janko Janjić a.k.a. Tuta led a sub-unit under Brane Ćosović who commanded the 'Dragan Nikolić' Intervention Unit, who in turn reported to Kovač. Zoran Vuković was under Janjić's command. Dragan Zelenović a.k.a. Zelja was a part-time member of and worked with the 'Dragan Nikolić' Intervention Unit.

656. The Chamber will further consider the above incidents, as far as they relate to the time period on or after 12 May 1992, in relation to Counts 1 and 3 in chapter 8, below.

Schedule C.6.2

657. According to the Indictment, the Accused is responsible for unlawful detention, torture, beating, abuse, rape, other acts of sexual violence, and subjecting Bosnian Muslims and Bosnian Croats to inhumane living conditions in Karaman's house in

[2745] *See* P4966 VRS Main Staff request by Mladić regarding deployment of officers to the IBK, 27 May 1992, pp. 1, 5.

Miljevina, Foča Municipality between at least August and October 1992.[2746] The Defence argued that there is no reliable evidence demonstrating Mladić's knowledge of Karaman's house and an association between the perpetrators of this incident and a group falling within Mladić's responsibility.[2747] The Trial Chamber will in this context also consider evidence concerning the alleged acts against detainees of Karaman's house, perpetrated elsewhere in Foča Municipality. The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to these incidents. It also received evidence from **Witness RM-070**, a Muslim woman from Foča Municipality,[2748] and finds that this evidence is consistent with the Adjudicated Facts.[2749] The Trial Chamber also received evidence from **Witness RM-048**, a Bosnian Muslim woman.[2750]

658. **Witness RM-070** testified that on 2 or 3 August 1992 she, together with some other women, was taken by Miško Savić from Partizan Hall to 'Karaman's house' which was located approximately one kilometre outside Miljevina.[2751] This house was used by Pero Elez and 'his soldiers' to meet and relax in the evenings, to eat, and to keep women to rape.[2752] Radovan Stanković was in charge at the house.[2753] During the day the women were forced to do household chores, wash uniforms, and cook for the soldiers.[2754] The witness and the other women were usually raped in the evenings and nights when the soldiers came to the house.[2755] Up to ten soldiers visited the house every night, out of whom the witness recalled the names of Radovan Stanković, Nikola Brčić (a.k.a. 'Rođo'), and two brothers Neđo and Zoran Samardžić.[2756] During her time at 'Karaman's house' several women were brought there, the youngest of whom was twelve years old.[2757] They had the key to lock themselves in and to prevent other

[2746] Indictment, paras 39(b)-(c), 47, 53, 59(b)-(d), (g), Schedule C.6.2.
[2747] Defence Final Brief, para. 1551.
[2748] P2422 (Witness RM-070, witness statement, 18 November 1995), p. 1, para. 1; P2421 (Pseudonym sheet for Witness RM-070).
[2749] P2422 (Witness RM-070, witness statement, 18 November 1995), paras 88-89, 94-95.
[2750] P979 (Witness RM-048, witness statement, 8 June 1999), p. 1, para. 1; Witness RM-048, T. 8815.
[2751] P2422 (Witness RM-070, witness statement, 18 November 1995), paras 79, 84-86; P2423 (Witness RM-070, prior testimony), p. 1487; Witness RM-070, T. 17651.
[2752] P2422 (Witness RM-070, witness statement, 18 November 1995), paras 82, 91-94, 96.
[2753] Adjudicated Facts I, no. 622.
[2754] P2422 (Witness RM-070, witness statement, 18 November 1995), paras 91, 93-94.
[2755] P2422 (Witness RM-070, witness statement, 18 November 1995), paras 93-94, 96-97.
[2756] P2422 (Witness RM-070, witness statement, 18 November 1995), paras 88-89, 94-95. *See also* P979 (Witness RM-048, witness statement, 8 June 1999), para. 48. While the evidence reflects slight differences in the spellings of Nedjo and Zoran Samardžić's names, the Trial Chamber finds in each instance that the same two people are being referred to.
[2757] P2422 (Witness RM-070, witness statement, 18 November 1995), paras 88, 90; Witness RM-070, T. 17647.

soldiers from entering the house.[2758] They were free to move around the garden but did not dare to leave as they were surrounded by soldiers.[2759] They were also provided with a lot of food and clothing.[2760]

659. Dragoljub Kunarac removed many Muslim girls from various detention centres and kept some of them for various periods of time for him or his soldiers to rape.[2761] On 3 August 1992, Kunarac went to the house in Ulica Osmana Đikića no. 16 where he took four women and drove them to Miljevina.[2762] There, the women were handed over to some men and brought to 'Karaman's house'.[2763] While kept in this house, the females were constantly raped.[2764]

660. **Witness RM-048** testified that Kunarac's soldiers took her and five or six other girls from an apartment in Foča, where she had been taken around 5 August 1992, to 'Karaman's house'.[2765] Upon their arrival, Pero Elez divided the girls among him and other soldiers: Radovan Stanković, Neđo Samardžić, and Zoran Samardžić.[2766] From the witness's observation during her 'detention' in Karaman's house, there were about 30 soldiers under Pero Elez's command.[2767] This was the place where Pero Elez provided his best or elite soldiers with sexual services.[2768] The witness was not raped during her stay in this house but, according to her, the other girls were forced to have sexual intercourse with the soldiers they were assigned to.[2769] The girls also had to cook and clean for the soldiers and according to the witness they could not leave.[2770] One day, one of Kunarac's men came to the house, took the witness to another house, and raped her.[2771] After seven to ten days, a member of Kunarac's unit took the witness to another apartment in the centre of Foča, owned by a Serb soldier, until she was released by the

[2758] P2422 (Witness RM-070, witness statement, 18 November 1995), para. 91.
[2759] P2422 (Witness RM-070, witness statement, 18 November 1995), para. 91.
[2760] P2422 (Witness RM-070, witness statement, 18 November 1995), para. 92.
[2761] Adjudicated Facts I, no. 598.
[2762] Adjudicated Facts I, no. 610.
[2763] Adjudicated Facts I, no. 610. According to the Adjudicated Fact, the women were handed over to the men of a person referred to as 'DP3' in *Prosecutor v. Kunarac et al.* (IT-96-23-T & IT-96-23/1-T).
[2764] Adjudicated Facts I, no. 610. According to the Adjudicated Fact, 'the girls were constantly raped'. However, considering the preceding sentence which states that women were handed over and brought to 'Karaman's house', the Trial Chamber adopts the more generic term of 'females' in order to cover all age groups involved.
[2765] P979 (Witness RM-048, witness statement, 8 June 1999), paras 3, 23-26, 42-46, 47, 51; Witness RM-048, T. 8820.
[2766] P979 (Witness RM-048, witness statement, 8 June 1999), para. 48.
[2767] Witness RM-048, T. 8820.
[2768] Witness RM-048, T. 8820-8821.
[2769] P979 (Witness RM-048, witness statement, 8 June 1999), paras 48, 50; Witness RM-048, T. 8820.
[2770] P979 (Witness RM-048, witness statement, 8 June 1999), para. 52.
[2771] P979 (Witness RM-048, witness statement, 8 June 1999), para. 53.

exchange commission in July 1993.[2772] During this period, she had to have sex with the Serb soldier on a regular basis.[2773] The Serb soldier allowed her to see two girls the witness knew from before and they told her that they were forced to have sexual intercourse with Gojko Janković and Kunarac, the men they had been assigned to.[2774] They were kept in a house in Trnovače which used to belong to a Muslim.[2775] On several occasions, while visiting the house, the witness saw Kunarac raping one of the girls.[2776] The witness also met Dragan Džurević in this house and, according to the witness, at some point Džurević took that girl to another house and kept her 'for himself'.[2777]

661. Sometime in either September or October 1992, in a room on the upper floor of 'Karaman's house', Kunarac forced a woman to have sexual intercourse.[2778] **Witness RM-070** testified that on 30 October 1992, Gojko Janković, Dragan Zelenović, and Janko Janjić removed her and other women from Karaman's house.[2779] After that and for the duration of four months, the witness was moved between numerous locations, including a flat in the Brena block, a house close to Hotel Zelengora and soldiers' individual apartments, where she was raped by among others Radomir Kovač, Jaguš Kostić, Milan Todović, and various 'Serb soldiers'.[2780]

662. With regard to the alleged beatings and other physical and psychological abuse, the Trial Chamber received the following evidence. **Witness RM-070** testified that the girls in Karaman's house were beaten if they refused to obey orders.[2781] During the time the witness was in Kovač's flat, she heard that he sold the 12-year-old girl, who was also in Karaman's house, to Dragan Stanković.[2782] He also beat one of the women on

[2772] P979 (Witness RM-048, witness statement, 8 June 1999), paras 52, 57-59, 86-90; P980 (Witness RM-048, table of clarifications); Witness RM-048, T. 8856-8862. The Trial Chamber refers to the confidential annex in Appendix D for the identity of the 'Serb soldier'.
[2773] P979 (Witness RM-048, witness statement, 8 June 1999), paras 62, 72.
[2774] P979 (Witness RM-048, witness statement, 8 June 1999), paras 76-77.
[2775] P979 (Witness RM-048, witness statement, 8 June 1999), para. 78.
[2776] P979 (Witness RM-048, witness statement, 8 June 1999), para. 78.
[2777] P979 (Witness RM-048, witness statement, 8 June 1999), para. 79; Witness RM-048, T. 8825.
[2778] Adjudicated Facts I, no. 621. According to the Adjudicated Fact, Kunarac forced a witness known as 'FWS-87' in *Prosecutor v. Kunarac et al.* (IT-96-23-T & IT-96-23/1-T) to have sexual intercourse in the knowledge that she did not consent.
[2779] P2422 (Witness RM-070, witness statement, 18 November 1995), paras 98-99; Witness RM-070, T. 17651.
[2780] P2422 (Witness RM-070, witness statement, 18 November 1995), paras 100-105,107, 109; Witness RM-070, T. 17647-17649.
[2781] P2422 (Witness RM-070, witness statement, 18 November 1995), para. 92.
[2782] P2422 (Witness RM-070, witness statement, 18 November 1995), para. 102.

the face after she refused to have sexual intercourse with Slavo Ivanović.[2783] Janjić later took the witness and another woman to his flat in the Brena block, after which Kovač came and wanted to take them back. He showed them a knife and said 'this is for you, a bullet is too expensive' and beat them very hard until the witness fell to the ground because they had 'left' him for Janjić. Upon their arrival to another flat, he forced them to take off their clothes and stand naked on the table for about one hour. He also threatened to kill them.[2784] While staying in Todović's flat, the witness was raped by different soldiers and beaten up by Todović, that she was constantly 'black and blue'.[2785] The flat was very cold and the witness hardly had anything to eat. One man also once beat her until she suffered a bone fracture below her left eye.[2786]

663. During these months, **Witness RM-070** was afraid for her life and felt like an object that was being continuously exchanged. She felt pain one the area around her left eye, stomach, thighs, and knees. Until the day she gave her statement, she still suffered from trauma and had terrible nightmares about the war.[2787] **Witness RM-048** testified that she could not feel any fear as she was indifferent about what would happen to her.[2788] She did not have any physical problems but is certain that she would need therapy sessions for the rest of her life.[2789]

664. Based on the foregoing, the Trial Chamber finds that from early August 1992, Dragoljub Kunarac and his soldiers as well as Miško Savić took several groups of Bosnian-Muslim women and girls from, *inter alia*, a house in Ulica Osmana Đikića no. 16 and Partizan Hall and brought them to 'Karaman's house', where Radovan Stanković was in charge. The youngest girl brought to the house was 12 years old. Pero Elez and his soldiers used the house to keep women and girls to rape. With regard to one group, Elez divided the women and girls among himself, Radovan Stanković, Neđo Samardžić, and Zoran Samardžić. The Trial Chamber recalls its finding in chapter 4.3.1 *Schedule B.5.1* that Zoran Samardžić, as Commander of the Miljevina Military Police, was subordinated to Pero Elez who was the Commander of the Miljevina Battallion. The Trial Chamber found in chapter 4.5.2 *Schedule C.9.1* that Neđo Samardžić was

[2783] P2422 (Witness RM-070, witness statement, 18 November 1995), para. 100.
[2784] P2422 (Witness RM-070, witness statement, 18 November 1995), para. 103.
[2785] P2422 (Witness RM-070, witness statement, 18 November 1995), para. 105.
[2786] P2422 (Witness RM-070, witness statement, 18 November 1995), para. 109.
[2787] P2422 (Witness RM-070, witness statement, 18 November 1995), para. 109.
[2788] P979 (Witness RM-048, witness statement, 8 June 1999), para. 93.
[2789] P979 (Witness RM-048, witness statement, 8 June 1999), para. 93; P980 (Witness RM-048, table of clarifications); Witness RM-048, T. 8839.

subordinated to Pero Elez. The Trial Chamber recalls its finding in chapter 3.1.2 that Radovan Stanković was a soldier subordinated to Pero Elez. The girls were forced to have sexual intercourse with the men they were assigned to. Up to ten 'soldiers', including the aforementioned people and Nikola Brčić, a.k.a. Rođo, came to the house every night and raped the women and girls there. Kunarac also raped a woman or a girl at the house. The women and girls were held in the house and were forced to cook, clean, and wash uniforms for the soldiers. They were beaten if they refused to obey orders.

665. Kunarac, Gojko Janković, Dragan Zelenović, and Janko Janjić also took Muslim women and girls from 'Karaman's house' to other locations, including a house in Trnovače which used to belong to a Muslim, a flat in the Brena block, a house close to Hotel Zelengora, and soldiers' individual apartments, where Kunarac, Janković, Dragan Džurević, Radomir Kovač, Jaguš Kostić, Milan Todović, and other 'Serb soldiers' raped the women and girls. Kovač once threatened to kill Witness RM-070, a Muslim from Foča, and another woman and forced them to stand naked on a table for one hour. A member of Kunarac's unit brought Witness RM-048, a Bosnian-Muslim woman, to the apartment of a Serb soldier[2790] in Foča, where she was detained from August 1992 until July 1993, and who raped her on a regular basis.

666. As a result, the aforementioned witnesses experienced lifetime trauma and psychological injuries. Additionally, Witness RM-070 suffered from physical wounds in several parts of her body. She was beaten on the face by Radomir Kovač, Todović, and Jaško Gazdić.

667. The Trial Chamber also recalls its finding in chapter 3.1.2 that Gojko Janković, Pero Elez, Dragomir Kunarac a.k.a. Žaga and Janko Janjić a.k.a. Tuta headed their own sub-units under Marko Kovač, Commander of the Foča Tactical Group. Radovan Kovač a.k.a. Klanfa and Dragan Zelenović a.k.a. Zelja were subordinates to Janko Janjić and Brane Ćosović respectively. Brane Ćosović also headed a unit subordinated to Marko Kovač. Brane Ćosović's deputy was Dragan Džurević.

668. The Trial Chamber will further consider the above in relation to Counts 1 and 3 of the Indictment in chapter 8, below.

[2790] The Trial Chamber refers to the confidential annex in Appendix D for the identity of the 'Serb soldier'.

Schedule C.6.3

669. According to the Indictment, the Accused is responsible for unlawful detention, torture, beating, abuse, rape, other acts of sexual violence, and subjecting Bosnian Muslims and Bosnian Croats to inhumane living conditions in the Worker's Huts at Buk Bijela/Bukovica Motel between June and July 1992.[2791] The Trial Chamber took judicial notice of a number of Adjudicated Facts relating to events in the Worker's Huts at Buk Bijela. It also heard evidence from **Witness RM-070**, a Muslim woman from Foča Municipality,[2792] and finds that this evidence is consistent with the Adjudicated Facts.[2793] The Trial Chamber further received evidence from **Maida Čedić**, a Muslim woman from Trnovača in Foča Municipality,[2794] relating to events in the Bukovica Motel.

Bukovica Motel

670. **Maida Čedić** stated that in the evening of 24 June 1992 at around 10 p.m., 'Chetniks' arrived at a neighbour's house, ordered the people in the house, including the witness, to get into a refrigerator truck and said that they were going to be exchanged. One of the other women recognised the men as local Serbs from Tjentište. They were taken to the Bukovica Motel, which was located three kilometres away.[2795] At the motel, the witness was placed in a room with her children and two other women, Barlov Suada and Bećković Tidža, who were soon taken out. Suada returned but was taken out again after which she did not return. Tidža was brought back and she said that she had not been raped. The witness's friend's daughter, Žiba, was also taken out that night but the witness did not know what happened to her.[2796] The witness was told by women from Trošanj who had been detained in Partizan Hall that women were taken from Partizan Hall to the Bukovica Motel and Buk Bijela 'for rape'.[2797] During the morning of 25 June 1992, Gojko Janković, Petko Gašević, and another man in police uniform arrived at the

[2791] Indictment, paras 39(b)-(c), 47, 53, 59(b)-(d), (g), Schedule C.6.3. The Trial Chamber understands the Indictment to refer to the period of time between 1 June and 31 July 1992.
[2792] P2422 (Witness RM-070, witness statement, 18 November 1995), p. 1, para. 1; P2421 (Pseudonym sheet for Witness RM-070).
[2793] P2422 (Witness RM-070, witness statement, 18 November 1995), paras 9, 14, 25-27, 32-33.
[2794] P2939 (Maida Čedić, witness statement, 16 February 1996), pp. 1-2.
[2795] P2939 (Maida Čedić, witness statement, 16 February 1996), p. 4.
[2796] P2939 (Maida Čedić, witness statement, 16 February 1996), p. 5.

Bukovica Motel and said that they would send the women out of Foča as they could not control 'the gangs'.[2798] On 26 June 1992, a bus and police cars with 'Chetniks' took the women out of Foča.[2799] The witness stayed in Novi Pazar until 16 October 1992 and arrived in Turkey on 17 October 1992.[2800]

671. Based on the foregoing, the Trial Chamber finds that on the evening of 24 June 1992 local Serbs from Tijentište took Maida Čedić, a Bosnian Muslim, as well as other women to the Bukovica Motel and detained them there for two days. The Trial Chamber further finds that Maida Čedić's testimony that she was told by others that women were taken from Partizan Hall to the Bukovica Motel for rape is vague and limited in its probative value. The Trial Chamber will further consider the above with regard to Maida Čedić and with the exception of the alleged rapes in the Bukovica Motel, in relation to Counts 1 and 3 of the Indictment in chapter 8, below.

Worker's Huts at Buk Bijela

672. In early July 1992, some Muslim women from the village of Mješaja/Trošanj were taken by Serb soldiers to a detention centre at the construction site Buk Bijela, where a local Serb soldier, Gojko Janković, was in charge.[2801] **Witness RM-070** testified that upon arrival one of the women was taken to a hut where she was questioned by Dragan Zelenović and Janković under threat of rape and death.[2802] Serb soldiers repeatedly raped Muslim women and girls, either at Buk Bijela or elsewhere.[2803] All this was done in full view, with complete knowledge and sometimes with the direct involvement of the local authorities, particularly the police forces.[2804] Witness RM-070 specified that on one occasion one of the women was raped, both vaginally and orally, in a hut at Buk Bijela by eleven soldiers.[2805]

673. Based on the foregoing, the Trial Chamber finds that in early July 1992 some Bosnian-Muslim women were taken to and detained at the worker's huts in Buk Bijela, where Gojko Janković was in charge. Janković and Dragan Zelenović questioned one

[2797] P2939 (Maida Čedić, witness statement, 16 February 1996), p. 4.
[2798] P2939 (Maida Čedić, witness statement, 16 February 1996), p. 5.
[2799] P2939 (Maida Čedić, witness statement, 16 February 1996), p. 5.
[2800] P2939 (Maida Čedić, witness statement, 16 February 1996), p. 6.
[2801] Adjudicated Facts I, no. 580.
[2802] P2422 (Witness RM-070, witness statement, 18 November 1995), paras 29-30.
[2803] Adjudicated Facts I, no. 581.
[2804] Adjudicated Facts I, no. 591.

woman under threat of rape. Soldiers repeatedly raped women at the worker's huts in Buk Bijela. The Trial Chamber recalls its finding in chapter 3.1.2 that Gojko Janković and Janko Janjić a.k.a. Tuta headed their own sub-units under Marko Kovač, Commander of the Foča Tactical Group. Dragan Zelenović a.k.a. Zelja was a subordinate to Janko Janjić.

674. The Trial Chamber will further consider the above in relation to Counts 1 and 3 of the Indictment in chapter 8, below.

Schedule C.6.4

675. According to the Indictment, the Accused is responsible for unlawful detention, torture, beating, abuse, rape, other acts of sexual violence, and subjecting Bosnian Muslims and Bosnian Croats to inhumane living conditions in Partizan Hall in Foča during 1992.[2806] As explained in Appendix B, the Trial Chamber will in this context also consider evidence concerning the alleged acts against detainees of Partizan Hall, perpetrated elsewhere in Foča Municipality. The Trial Chamber took judicial notice of a number of Adjudicated Facts relating to events at this detention centre. The Trial Chamber also received evidence from **Witness RM-070**, **Maida Čedić**, and **Witness RM-048**, three Muslim women,[2807] and finds that this evidence is consistent with the Adjudicated Facts.[2808] The Trial Chamber also received evidence from **Milutin Vujičić**, a Serb from Foča Municipality.[2809]

676. The Muslim civilians held at Partizan Hall were kept in unhygienic conditions and without hot water and were provided with insufficient food.[2810] There were also Muslim civilians held there without medical care.[2811] Their freedom of movement was curtailed; they were not allowed to go to any other territory or to go back to their

[2805] P2422 (Witness RM-070, witness statement, 18 November 1995), paras 32-33.
[2806] Indictment, paras 39(b)-(c), 47, 53, 59(b)-(d), (g), Schedule C.6.4.
[2807] P2422 (Witness RM-070, witness statement, 18 November 1995), p. 1, para. 1 ; P2421 (Pseudonym sheet for Witness RM-070). P2939 (Maida Čedić, witness statement, 16 February 1996), pp. 1-2; P979 (Witness RM-048, witness statement, 8 June 1999), p. 1, para. 1; Witness RM-048, T. 8815.
[2808] **Witness RM-070**: P2422 (Witness RM-070, witness statement, 18 November 1995), p. 1, paras 1, 63, 68-70, 71, 73-74. **Maida Čedić**: P2939 (Maida Čedić, witness statement, 16 February 1996), p. 4. **Witness RM-048**: P979 (Witness RM-048, witness statement, 8 June 1999), paras 23, 26, 32, 74; P980 (Witness RM-048, table of clarifications).
[2809] D579 (Milutin Vujičić, witness statement, 5 June 2014), p. 1, paras 1, 9.
[2810] Adjudicated Facts I, no. 613.
[2811] Adjudicated Facts I, no. 590.

houses.[2812] Most of their houses were burned down or ransacked.[2813] They were guarded and lived in an atmosphere of intimidation.[2814] All this was done in full view, in complete knowledge and sometimes with the direct involvement of the local authorities, particularly the police forces.[2815] The Partizan Hall was guarded by police officers.[2816]

677. Serb soldiers repeatedly raped Muslim women and girls, either at this location or elsewhere.[2817] The head of Foča police forces, Dragan Gagović, was one of the men who came to Partizan Hall to take women out and rape them.[2818] All this was done in full view, with complete knowledge and sometimes with the direct involvement of the local authorities, particularly the police forces.[2819]

678. Kunarac removed many Muslim girls from various detention centres and kept some of them for various periods of time for him or his soldiers to rape.[2820] The girls and women, who were selected by Kunarac or by his men, were systematically taken to the soldiers' base, a house located in Ulica Osmana Đikića.[2821] There, the girls and women, whom he knew were civilians, were raped by Kunarac's men or by Kunarac himself.[2822] **Witness RM-070**, who was one of the victims detained at the Partizan Hall as of mid or end of July 1992,[2823] described these events in great detail. She testified that several times during the day and night, soldiers in groups of three to four, wearing camouflage uniforms and speaking with a Montenegrin accent would remove women from Partizan Hall and rape them.[2824] According to her, Kunarac was in charge of the Montenegrin soldiers.[2825] The soldiers who raped women were: Kunarac a.k.a. 'Žaga', 'Konta', 'Gaga', 'Bane', 'Miga', 'Tolja', 'Puko', 'Šepo', Durko Dubljević, Ranko Radulović, and a 16-year-old boy named 'Zuca'.[2826] One woman was also raped by Janko Janjić a.k.a. 'Tuta' who took her several times from Partizan Hall.[2827]

[2812] Adjudicated Facts I, no. 613.
[2813] Adjudicated Facts I, no. 613.
[2814] Adjudicated Facts I, no. 613.
[2815] Adjudicated Facts I, no. 613.
[2816] Adjudicated Facts I, no. 592.
[2817] Adjudicated Facts I, no. 581.
[2818] Adjudicated Facts I, no. 614.
[2819] Adjudicated Facts I, no. 591.
[2820] Adjudicated Facts I, no. 598.
[2821] Adjudicated Facts I, no. 599.
[2822] Adjudicated Facts I, no. 599.
[2823] P2422 (Witness RM-070, witness statement, 18 November 1995), paras 46, 69, 74, 79, 90
[2824] P2422 (Witness RM-070, witness statement, 18 November 1995), para. 69.
[2825] P2422 (Witness RM-070, witness statement, 18 November 1995), paras 71-72.
[2826] P2422 (Witness RM-070, witness statement, 18 November 1995), para. 71.
[2827] P2422 (Witness RM-070, witness statement, 18 November 1995), para. 76.

679. On 2 August 1992, Kunarac went to Partizan Hall where he took out four women and drove them to the house in Ulica Osmana Đikića, where some women who had been taken out of the Kalinovik school had already arrived.[2828] Kunarac took these women to this house in the knowledge that they would be raped by soldiers during the night. Kunarac took one woman to one of the rooms of the house and forced her to have sexual intercourse. She was also raped by other soldiers that same night. Two of the other women were repeatedly raped by other soldiers on the same night.[2829] On the same day, Kunarac took three women out of Ulica Osmana Đikića no. 16, and, together with 'Gaga' and another soldier, took them to an abandoned house in Trnovače where Dragoljub Kunarac raped one of the women while another woman was raped by the other soldier.[2830] Dragoljub Kunarac also took a Muslim woman out of Partizan and drove her to Ulica Osmana Đikića no. 16 together with the man known as Gaga.[2831] She was raped there first by Gaga and two other men and then forced to have sexual intercourse with Kunarac because she had been threatened with death by Gaga.[2832] Kunarac had sexual intercourse with her in the full knowledge that she did not consent; he was also fully aware of the rapes inflicted upon her by the other soldiers.[2833] A Muslim woman was gang-raped in the house at Ulica Osmana Đikića no. 16, while another Muslim woman was being raped by three soldiers and Dragoljub Kunarac.[2834] The Muslim woman who was gang-raped in the house at Ulica Osmana Đikića was taken to a separate room by the man known as Gaga, who ordered her to have sex with a 16-year-old boy nicknamed 'Zuca'.[2835]

680. **Witness RM-048** testified that around 5 August 1992, soldiers from the paramilitary unit headed by Kunarac took her and six other girls to an apartment in Foča which was occupied by Žaga's soldiers.[2836] Because the apartment was abandoned, the

[2828] Adjudicated Facts I, no. 607.
[2829] Adjudicated Facts I, no. 608.
[2830] Adjudicated Facts I, no. 609.
[2831] Adjudicated Facts I, no. 611. According to the Adjudicated Fact it was a Muslim woman known as witness D.B. in *Prosecutor v. Kunarac et al*. (IT-96-23-T & IT-96-23/1-T).
[2832] Adjudicated Facts I, no. 611.
[2833] Adjudicated Facts I, no. 611.
[2834] Adjudicated Facts I, no. 612. According to the Ajudicated Fact, the first Muslim woman referred to was known as witness FWS-75 in *Prosecutor v. Kunarac et al*. (IT-96-23-T & IT-96-23/1-T) and the second Muslim woman referred to was known as witness D.B. in *Prosecutor v. Kunarac et al*. (IT-96-23-T & IT-96-23/1-T).
[2835] Adjudicated Facts I, no. 612.
[2836] P979 (Witness RM-048, witness statement, 8 June 1999), paras 3, 19, 23-24, 26; P980 (Witness RM-048, table of clarifications).

witness assumed it had been owned by a Muslim.[2837] A Serb soldier told the witness that women were detained in Partizan Sports Hall, and that he once took a woman he knew out of there, and 'kept her for some time'.[2838] In the course of her stay at the apartment, the witness saw several soldiers raping other girls, often in full view of each other.[2839] According to the witness, Žaga was often present in the apartment, watching the mass rapes.[2840] One of the soldiers took the witness to another house and raped her.[2841] The soldier told her that he was a volunteer from Montenegro under the command of Žaga.[2842] On another occasion a soldier held a knife to her throat, threatened her with a pistol, and beat and raped her.[2843]

681. **Milutin Vujičić** testified that in April 1992 the civilian authorities decided to establish a shelter for Muslim women from Foča Municipality at the 'Partizan sports club' in Foča.[2844] According to the witness, such 'reception centres' were established by the municipal authorities to provide safe accommodation to vulnerable Muslim populations, such as women, children, and the elderly.[2845] Between approximately 20 and 24 April 1992, the witness was one of several persons charged by the Crisis Staff and the 'security station' to guard the facility at night.[2846] The witness testified that at that time there were several women at the facility, who were free to move in and out of the reception centre.[2847] As an armed guard, the witness was tasked not to allow anyone into the facility at night, and to protect the persons inside the facility from unwanted consequences.[2848] He never saw the women, although he knew that they had a key and they locked themselves in from the inside of the facility at night.[2849] When Muslims

[2837] P979 (Witness RM-048, witness statement, 8 June 1999), para. 26.
[2838] P979 (Witness RM-048, witness statement, 8 June 1999), para. 74. The Trial Chamber refers to the confidential annex in Appendix D for the identity of the 'Serb soldier'.
[2839] P979 (Witness RM-048, witness statement, 8 June 1999), para. 37.
[2840] P979 (Witness RM-048, witness statement, 8 June 1999), para. 37.
[2841] P979 (Witness RM-048, witness statement, 8 June 1999), paras 29-31.
[2842] P979 (Witness RM-048, witness statement, 8 June 1999), para. 29.
[2843] P979 (Witness RM-048, witness statement, 8 June 1999), paras 39-41; P980 (Witness RM-048, table of clarifications).
[2844] D579 (Milutin Vujičić, witness statement, 5 June 2014), paras 2, 8; Milutin Vujičić, T. 24188-24189, 24231.
[2845] D579 (Milutin Vujičić, witness statement, 5 June 2014), para. 3; Milutin Vujičić, T. 24188-24189, 24231-24232, 24237.
[2846] D579 (Milutin Vujičić, witness statement, 5 June 2014), paras 4-5, 8; Milutin Vujičić, T. 24188-24189, 24249-24251.
[2847] D579 (Milutin Vujičić, witness statement, 5 June 2014), paras 4, 8; Milutin Vujičić, T. 24190-24191, 24249.
[2848] D579 (Milutin Vujičić, witness statement, 5 June 2014), paras 4-7; Milutin Vujičić, T. 24189.
[2849] D579 (Milutin Vujičić, witness statement, 5 June 2014), para. 2; Milutin Vujičić, T. 24190.

started to leave Foča, the persons in the facility went with them, and all the women had left the facility by no later than June 1992.[2850]

682. The Trial Chamber notes that the evidence of Vujičić appears to be in stark contrast to the Adjudicated Facts and other evidence received. However, his evidence concerning Partizan Hall relates exclusively to the period between April and June 1992. According to Vujičić, all 'the women' had left Partizan Hall no later than June 1992. Moreover, having considered the limited time Vujičić spent guarding the facility, the Chamber does not find his evidence concerning Partizan Hall to be reliable. For all of these reasons, the Chamber finds that Vujičić's evidence does not rebut the Adjudicated Facts and does not affect the evidence set out above relating to the time period of July and August 1992. Accordingly, the Trial Chamber will not further consider his evidence in this respect.

683. Based on the foregoing, the Trial Chamber finds that in July and August 1992 Bosnian-Muslim civilian detainees were kept at Partizan Hall. Their freedom of movement was curtailed; they were not allowed to go to any other territory or to go back to their houses. The conditions were unhygienic and the detainees did not have hot water and were provided with insufficient food. Further, they had no access to medical care. The detainees lived in an atmosphere of intimidation. They were guarded by policemen.

684. During July and August 1992, Serb soldiers repeatedly raped Bosnian-Muslim women and girls, detained at Partizan Hall, at various places, including: a house in Ulica Osmana Đikića, a Muslim house in the Alazda neighbourhood, and a flat in the Brena apartment complex. Sometimes the same women were raped numerous times on the same day and by many soldiers simultaneously and consecutively. The Serb soldiers included Dragoljub Kunarac a.k.a. 'Žaga', Montenegrin soldiers under his command, and Janko Janjić (a.k.a. 'Tuta'). The Trial Chamber recalls its finding in chapter 3.1.2 that Dragomir Kunarac a.k.a. Žaga and Janko Janjić a.k.a. Tuta headed their own sub-units under Marko Kovač, Commander of the Foča Tactical Group. The perpetrator of rape also included Dragan Gagović, a.k.a. 'Gaga', the head of the Foča police.

685. The Trial Chamber will further consider the above in relation to Counts 1 and 3 of the Indictment in chapter 8, below.

[2850] D579 (Milutin Vujičić, witness statement, 5 June 2014), para. 8; Milutin Vujičić, T. 24192, 24253,

Schedule C.6.5

686. According to the Indictment, the Accused is responsible for unlawful detention, torture, beating, abuse, rape, other acts of sexual violence, and subjecting Bosnian Muslims and Bosnian Croats to inhumane living conditions in the Foča high school during 1992.[2851] The Defence argued that the charge fails because the Indictment is geographically limited to Foča high school and the alleged sexual assaults did not take place at the school.[2852] It further argued that the guards outside the school tried to keep the soldiers from entering.[2853] Scheduled Incident C.6.5 is limited to unlawful detention, torture, beating, abuse, rape, other acts of sexual violence and subjecting Bosnian Muslims and Bosnian Croats to inhumane living conditions in the Foča high school. The Indictment is, however, not limited to the Scheduled Incidents.[2854] Accordingly, the Trial Chamber has not disregarded evidence which might fall outside the geographical scope of Scheduled Incident C.6.5. The Trial Chamber took judicial notice of a number of Adjudicated Facts relating to events in the school. It also received evidence from **Witness RM-070**, a Muslim woman from Foča Municipality,[2855] and finds that this evidence is consistent with the Adjudicated Facts.[2856]

687. The Muslim civilians held at the Foča high school were kept in unhygienic conditions and without hot water and were provided with insufficient food.[2857] There were also Muslim civilians held at the school without medical care.[2858] Their freedom of movement was curtailed; they were not allowed to go to any other territory or to go back to their houses. Most of their houses were burnt down or ransacked. They were guarded and lived in an atmosphere of intimidation. All this was done in full view, in complete knowledge and sometimes with the direct involvement of the local authorities, particularly the police forces.[2859] **Witness RM-070** specified that she and others were

24259.
[2851] Indictment, paras 39(b)-(c), 47, 53, 59(b)-(d), (g), Schedule C.6.5.
[2852] Defence Final Brief, para. 1566
[2853] Defence Final Brief, para. 1566
[2854] Further on this issue, *see* Appendix B.
[2855] P2422 (Witness RM-070, witness statement, 18 November 1995), p. 1, para. 1; P2421 (Pseudonym sheet for Witness RM-070).
[2856] P2422 (Witness RM-070, witness statement, 18 November 1995), paras 44-52, 55, 58, 60-61; Witness RM-070, T. 17642.
[2857] Adjudicated Facts I, no. 613.
[2858] Adjudicated Facts I, no. 590.
[2859] Adjudicated Facts I, no. 613.

brought to the school on 3 July 1992 where they slept on mattresses covered with military blankets, had a water basin to wash themselves and access to toilets.[2860] Policemen in blue uniforms guarded the detainees day and night.[2861] In June 1992, Mitar Šipčić, from the Serb crisis staff in Foča, was in charge of the guards at the school.[2862]

688. Serb soldiers repeatedly raped Muslim women and girls, either at the Foča high school or elsewhere.[2863] The head of Foča police forces, Dragan Gagović, was one of the men who came to the school to take women out and rape them.[2864] All this was done in full view, with complete knowledge and sometimes with the direct involvement of the local authorities, particularly the police forces.[2865] Dragoljub Kunarac removed many Muslim girls from various detention centers and kept some of them for various periods of time for him or his soldiers to rape.[2866] The girls and women, who were selected by Kunarac or by his men, were systematically taken to the soldiers' base, a house located in Ulica Osmana Đikića.[2867] There, the girls and women, whom he knew were civilians, were raped by Kunarac's men or by Kunarac himself.[2868] **Witness RM-070** testified that on her second or third night at the school, the witness and two other women were removed by Dragan Zelenović and three other soldiers to another classroom where they were raped. [2869] Sometimes, the women were raped in the presence of others.[2870] At times the police officers guarding the entrance to the school attempted to stop the soldiers, however nobody opposed the soldiers after Dragan Zelenović hit one of the police officers severely.[2871] Although **Witness RM-070** was never beaten herself, she learned from other women that they were burnt with cigarettes and severely beaten.[2872] The witness identified several soldiers from the Foča high school: Slavo Ivanović, Kovač a.k.a. Micko, Janko Janjić a.k.a. Tuta, Dragan Zelenović

[2860] P2422 (Witness RM-070, witness statement, 18 November 1995), paras 37, 39-40; Witness RM-070, T. 17642-17643.
[2861] P2422 (Witness RM-070, witness statement, 18 November 1995), para. 41; Witness RM-070, T.17642.
[2862] Adjudicated Facts I, no. 585.
[2863] Adjudicated Facts I, no. 581.
[2864] Adjudicated Facts I, no. 614.
[2865] Adjudicated Facts I, no. 591.
[2866] Adjudicated Facts I, no. 598.
[2867] Adjudicated Facts I, no. 599.
[2868] Adjudicated Facts I, no. 599.
[2869] P2422 (Witness RM-070, witness statement, 18 November 1995), paras 44-45.
[2870] P2422 (Witness RM-070, witness statement, 18 November 1995), para. 45
[2871] P2422 (Witness RM-070, witness statement, 18 November 1995), para. 47; Witness RM-070, T. 17642.
[2872] P2422 (Witness RM-070, witness statement, 18 November 1995), para. 52.

a.k.a. Zeljo, Miki Živanović, and a man called Saša.[2873] On around the tenth day of her detention, TV reporters from Belgrade and Pale came to the Foča high school to interview the detainees about the living conditions at the school.[2874] Mitar Šipčić had advised the detainees to tell the journalists that they were treated well.[2875] Nobody told the journalists about the rapes because they were advised not to do so and feared getting killed.[2876]

689. Based on the foregoing, the Trial Chamber finds that in June and July 1992, Bosnian-Muslim civilian detainees were kept at the Foča high school. Their freedom of movement was curtailed; they were not allowed to go to any other territory or to go back to their houses. The conditions were unhygienic and the detainees were without hot water and were provided with insufficient food. Further, they had no access to medical care. The detainees lived in an atmosphere of intimidation. The Foča high school was guarded by policemen and Mitar Šipčić, from the Serb crisis staff in Foča, was in charge of the policemen in June 1992.

690. In July 1992, Dragoljub Kunarac, Slavo Ivanović, Kovač a.k.a. Micko, Janko Janjić a.k.a. Tuta, Dragan Zelenović a.k.a. Zeljo, Miki Živanović, a man called Sasha, Dragan Gagović (the head of the Foča police), and others repeatedly raped Muslim women and girls, detained at the Foča high school, at the school and elsewhere in Foča. Some women were also severely beaten and burnt with cigarettes by the same persons. The Trial Chamber recalls its finding in chapter 3.1.2 that Dragoljub Kunarac a.k.a. Žaga and Janko Janjić a.k.a. Tuta headed their own sub-units under Marko Kovač, Commander of the Foča Tactical Group. Dragan Zelenović a.k.a. Zelja was subordinate to Janko Janjić.

691. The Trial Chamber will further consider this incident in relation to Counts 1 and 3 of the Indictment in chapter 8, below.

[2873] P2422 (Witness RM-070, witness statement, 18 November 1995), paras 46, 54.
[2874] P2422 (Witness RM-070, witness statement, 18 November 1995), para. 59; Witness RM-070, T. 17643.
[2875] P2422 (Witness RM-070, witness statement, 18 November 1995), paras 59-62; Witness RM-070, T. 17643.
[2876] P2422 (Witness RM-070, witness statement, 18 November 1995), para. 62.

4.3.3 Destruction of private and public property, including cultural monuments and sacred sites

692. According to the Indictment, the Accused is responsible for wanton acts of destruction of private property, including homes and business premises, and public property, including cultural monuments and sacred sites, listed in Scheduled Incident D.5, in Foča Municipality, between 12 May 1992 and 30 November 1995.[2877] In particular, the Indictment sets out that the Aladža mosque was destroyed at least between 12 May and August 1992.[2878] The Defence argued, relying on András Riedlmayer, that the evidence does not establish that the Aladža mosque was destroyed during the timeframe of the Indictment.[2879] It further argued that the evidence does not identify the perpetrators of the destruction.[2880] Scheduled Incident D.5 is limited to the destruction of the Aladža mosque. The Indictment, as far as the charge of destruction is concerned, is, however, not limited to the Scheduled Incidents.[2881] Accordingly, the Trial Chamber has not disregarded evidence falling outside the scope of Scheduled Incident D.5. The Trial Chamber took judicial notice of Adjudicated Facts 721 and 550-552 in relation to this charge. It also received evidence from **Witness RM-048**, a Bosnian Muslim from Bosnia-Herzegovina,[2882] **Witness RM-070**, a Muslim woman from Foča Municipality,[2883] **Witness RM-071**, a Bosnian Muslim from Foča,[2884] **Milutin Vujičić**, a Serb from Foča Municipality,[2885] **Trivko Pljevaljčić**, a Bosnian Serb from Foča Municipality who was commander of the 3rd Company of the 5th Battalion of the Foča Tactical Group and who worked in KP Dom Foča in 1995,[2886] and **András Riedlmayer**, bibliographer and art documentation specialist.[2887] Moreover, the Trial Chamber received a considerable amount of evidence on alleged destruction in Foča Town and Municipality prior to 12 May 1992, which falls outside the temporal scope of

[2877] Indictment, paras 47, 52, 59(j), Schedule D.5.
[2878] Indictment, Schedule D.5.
[2879] Defence Final Brief, paras 1569, 1572, 1574.
[2880] Defence Final Brief, paras 1570, 1572-1573, 1574.
[2881] Further on this issue, *see* Appendix B.
[2882] P979 (Witness RM-048, witness statement, 8 June 1999), p. 1, para. 1; Witness RM-048, T. 8815.
[2883] P2422 (Witness RM-070, witness statement, 18 November 1995), p. 1, para. 1; P2421 (Pseudonym sheet for Witness RM-070).
[2884] P2937 (RM-071, witness statement, 5 July 1995), pp. 1-2.
[2885] D579 (Milutin Vujičić, witness statement, 5 June 2014), p. 1 and paras 1, 9.
[2886] D706 (Trivko Pljevaljčić, witness statement, 10 July 2014), p. 1, paras 1, 4; Trivko Pljevaljčić, T. 27200, 27205, 27215-27216.
[2887] P2503 (Expert report of András Riedlmayer, December 2012), para. 75; András Riedlmayer, T. 17888; P2504 (*Curriculum vitae* of András Riedlmayer), p. 1.

the Indictment in relation to Count 3 and will therefore not be further considered in this section.

Destruction of the Aladža Mosque

693. In Foča Town and Municipality, the Aladža mosque dating from 1555 and under UNESCO protection was blown up, and the mosque in the Granovski Sokak neighbourhood was destroyed.[2888] The Trial Chamber heard evidence from a number of witnesses with regard to the Aladža mosque. **Witness RM-070** testified that the mosque was blown up on 2 August 1992 at around 11:40 p.m.[2889] **Witness RM-071** stated that from 24 April 1992 until about 26 June 1992 at night, Muslim homes in Foča Town were set on fire, and all the mosques in town, including the Aladža mosque, were destroyed.[2890]

694. **Milutin Vujičić** testified that the Aladža mosque was used to store weapons that were under the control of Muslim forces.[2891] According to him, a Serb civilian was killed by a Muslim shooter who was positioned in the mosque minaret, but the mosque was not damaged or destroyed in the first clashes that took place around 8 April 1992.[2892] It was barricaded with tape saying 'do not approach, danger'.[2893] It stayed like this until August 1992 when an unidentified individual, or group, broke into it and lit the explosives, blowing it up and damaging over 50 buildings in the close vicinity, some of which were owned by Muslims.[2894]

695. According to **András Riedlmayer**, 'Serb extremists' blew up the Aladža mosque in April-May 1992.[2895] Its ruins were razed and the site was levelled in August 1992.[2896] During his July 2002 site visit, he observed that the circular base of the

[2888] Adjudicated Facts IV, no. 721.
[2889] P2422 (Witness RM-070, witness statement, 18 November 1995), para. 75; Witness RM-070, T. 17666-17667.
[2890] P2937 (Witness RM-071, witness statement, 5 July 1995), pp. 10-11.
[2891] D579 (Milutin Vujičić, witness statement, 5 June 2014), para. 11; Milutin Vujičić, T. 24244.
[2892] D579 (Milutin Vujičić, witness statement, 5 June 2014), paras 12-13; Milutin Vujičić, T. 24201.
[2893] D579 (Milutin Vujičić, witness statement, 5 June 2014), para. 13.
[2894] D579 (Milutin Vujičić, witness statement, 5 June 2014), paras 13-14; Milutin Vujičić, T. 24248, 24250.
[2895] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 138-142; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report dated 30 September 2013), p. 2; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013); András Riedlmayer, T. 17955.
[2896] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 138-142; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report

mosque's ablution fountain, scattered stones from the destroyed building, and the outlines of the mosque's foundation remained.[2897] Riedlmayer classified the adjacent building as 'lightly damaged'.[2898] After the end of the war, sizeable fragments, identified as parts of the Aladža mosque, were found in the Ćehotina River and parts of a portico, a moulded cornice, fragments of columns, parts of the mihrab, the entrance portal and the minaret of the mosque were found buried on the Drina River bank in August 2004.[2899]

Destruction of other mosques, religious buildings and Muslim houses in Foča Town and Municipality

696. **Witness RM-048** testified that while kept at a house in Foča, she heard an explosion at night around 5 August 1992 and one of Kunarac's men told her that the mosque had been blown up.[2900] He said that it was 'Žaga again'.[2901] The witness also testified that while walking around in Foča she saw that the old part of the city and all mosques were destroyed.[2902] She also learned from Serb soldiers that most houses belonging to Muslims had been burned.[2903]

697. Outside Foča Town, Serb forces carried on their military campaign to take over or destroy Muslim villages in Foča Municipality.[2904] Villages in Foča Municipality sustained attacks until some time in early June 1992.[2905] Once towns and villages were securely in their hands, the Serb forces – the military, the police, the paramilitaries and, sometimes, even Serb villagers – applied the same pattern: Muslim houses and

dated 30 September 2013), p. 2; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013); András Riedlmayer, T. 17904-17905.

[2897] P2503 (Expert report of András Riedlmayer, December 2012), para. 50; P2510 (Formatted entries to expert report of András Riedlmayer), pp. 138-142; P2511 (Survey database for expert report of András Riedlmayer); P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013); András Riedlmayer, T. 17904-17906.

[2898] P2511 (Survey database for expert report of András Riedlmayer).

[2899] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 138-142; P2511 (Survey database for expert report of András Riedlmayer); P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).

[2900] P979 (Witness RM-048, witness statement, 8 June 1999), para. 29; Witness RM-048, T. 8862-8863.

[2901] Witness RM-048, T. 8862-8863.

[2902] P979 (Witness RM-048, witness statement, 8 June 1999), para. 64.

[2903] P979 (Witness RM-048, witness statement, 8 June 1999), para. 64; Witness RM-048, T. 8862.

[2904] Adjudicated Facts IV, no. 550.

[2905] Adjudicated Facts IV, no. 551.

apartments were systematically ransacked or burned down, Muslim villagers were rounded up or captured, and sometimes beaten or killed in the process.[2906]

698. **Trivko Pljevaljčić** testified that Muslim forces used their religious facilities, such as those in Donje Polje and Gornje Polje, for military purposes including training and storing weapons.[2907]

699. The Trial Chamber also received evidence from Riedlmayer on the destruction of mosques, mektebs and other religious buildings in Foča Town and Municipality throughout the spring and summer of 1992.[2908] For some of these actions, Riedlmayer identified 'Serb forces', 'Serb extremists' or 'irregulars' as the perpetrators.[2909] In Foča Town, only two Ottoman-era structures remained intact after the war: the Kukavica clock tower and the Great Han of Mehmed Pasha, both located across the Kukavica mosque and *medresa.*[2910]

700. The Trial Chamber notes that Riedlmayer obtained the evidence about time and perpetrators of the destruction of mosques and other religious buildings in Foča Town and Municipality during interviews in 2002 with Safet Jahić, secretary of the Medžlis of the Islamic Community of Foča and long-time Foča resident. However, Riedlmayer's report and its annexes, including the database, do not contain records of these interviews or provide information on Jahić's basis of knowledge concerning the destruction of mosques in Foča Town and Municipality. In particular, it is unclear whether Jahić obtained the information he provided through personal observation or through other sources, that is to say whether the evidence is based on 'first-hand' or 'second-hand' information or on even more distant hearsay. For these reasons, the Trial Chamber considers that it cannot rely on the evidence concerning the time of destruction and perpetrators. In the absence of further evidence, the Trial Chamber is unable to identify the timeframe and the perpetrators of the destruction of mosques, mektebs and other

[2906] Adjudicated Facts IV, no. 552.
[2907] D706 (Trivko Pljevaljčić, witness statement, 10 July 2014), paras 8, 15.
[2908] P2503 (Expert report of András Riedlmayer, December 2012), paras 37, 62-63; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report dated 30 September 2013), pp. 2-6; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013); András Riedlmayer, T. 17899-17902, 18003-18012.
[2909] P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report dated 30 September 2013), pp. 2-6; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[2910] P2503 (Expert report of András Riedlmayer, December 2012), para. 37; P2511 (Survey database for expert report of András Riedlmayer); P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).

religious buildings in Foča Town and Municipality and will not further consider these incidents in relation to Count 3 of the Indictment.

701. The Trial Chamber has received divergent evidence concerning the date of damage caused to the Aladža mosque in Foča Town. The Trial Chamber will not rely on Riedlmayer's evidence on the date of destruction, coming from Safet Jahić, secretary of the Medžlis of the Islamic Community of Foča and long-time Foča resident, as this source lacks a basis of knowledge in this instance. The Trial Chamber further notes that the broad timeframe of destruction provided by Witness RM-071 corresponds to the time the witness stayed in Foča Town and that her evidence refers to destruction taking place in the entire town. Witness RM-070, who was detained in a house approximately 20 metres away from the mosque at this time, testified that the mosque was blown up on 2 August 1992. This witness's evidence is corroborated by Milutin Vujičić's evidence that the mosque remained untouched until it was blown up in early August 1992. In light of the above, the Trial Chamber finds that the Aladža mosque in Foča Town was blown up and destroyed on 2 August 1992. With regard to the perpetrators of the destruction, the Trial Chamber will not rely on Riedlmayer's second-hand evidence on the perpetrators for the same reason as explained above with regard to the timeframe of the destruction. In the absence of further evidence on the identity or affiliation of the perpetrators, the Trial Chamber is unable to establish who blew up the Aladža mosque. Under these circumstances, the Trial Chamber will not further consider this incident in relation to Count 3 of the Indictment.

702. Based on Witness RM-048's evidence, the Trial Chamber finds, that one mosque in Foča Town was blown up at night time around 5 August 1992 by 'Žaga's men'. The Trial Chamber recalls its finding in chapter 3.1.2 that Dragomir Kunarac a.k.a. Žaga headed his own sub-units under Marko Kovač, Commander of the Foča Tactical Group. The Trial Chamber will further consider this incident in relation to Count 3 of the Indictment in chapter 8, below.

703. With regard to the destruction of other mosques located in Foča Town, the Trial Chamber received evidence from Witnesses RM-071 and RM-048. Based on this evidence, the Trial Chamber finds that between 24 April and approximately 26 June 1992 all other mosques in Foča Town were destroyed. In particular, the mosque in the Granovski Sokak neighbourhood was destroyed. The Trial Chamber has not received any evidence on the perpetrators of the aforementioned destructions and is therefore

unable to identify them. Therefore, the Trial Chamber will not further consider these incidents in relation to Count 3 of the Indictment.

704. Based on the above, the Trial Chamber further finds that villages of the municipality were attacked until early June 1992 and once secured, Serb forces – the military, the police, the paramilitaries, and sometimes Serb villagers – burned down Muslim houses and apartments. The Trial Chamber will further consider these incidents in relation to Count 3 of the Indictment in chapter 8, below.

4.3.4 Appropriation or plunder of property

705. The Trial Chamber finds that the Prosecution has presented insufficient evidence to prove this charge.

4.3.5 Forced labour and human shields

706. According to the Indictment, the Accused is responsible for subjecting Bosnian Muslims and Bosnian Croats in Foča Municipality to forced labour, including digging graves and trenches and other forms of forced labour at front lines, and using them as human shields between 12 May 1992 and 30 November 1995.[2911] The Trial Chamber received evidence from **Witness RM-013**, **Witness RM-046**, **Witness RM-070**, and **Witness RM-086**, Bosnian Muslims from Foča,[2912] in relation to allegations of forced labour in Foča Municipality.

707. **Witness RM-046** testified that detainees of KP Dom Foča, usually unqualified persons or craftsmen, including Salko Meandžo, were taken out for 'forced labour'.[2913] According to the witness, they had to work in a metal factory, a furniture factory, and carry out other labour such as farming, chopping wood in the winter, and cutting grass

[2911] Indictment, paras 39(c), 47, 59(h).
[2912] **Witness RM-013**: P982 (Witness RM-013, witness statement, 22 October 1995), p.1, para. 1; P983 (Witness RM-013, witness statement, 20 May 1996), p. 1. The evidence of Witness RM-013 is also reviewed in chapter 4.3.2 *Schedule C.6.1*; **Witness RM-046**: P738 (Witness RM-046, witness statement, 20 April 1996), pp. 1-2. ; Witness RM-046, T. 7006-7007, 7011; P737 (Pseudonym sheet for Witness RM-046, 18 November 2012). The evidence of Witness RM-046 is also reviewed in chapter 4.3.2 *Schedule C.6.1*; **Witness RM-070**: P2422 (Witness RM-070, witness statement, 18 November 1995), p. 1, para. 1; P2421 (Pseudonym sheet for Witness RM-070). The evidence of Witness RM-070 is also reviewed in chapter 4.3.2 *Schedule C.6.2*; **Witness RM-086**: P2933 (Witness RM-086, witness statements), witness statement of 22 October 1995, pp. 1-2. The evidence of Witness RM-086 is also reviewed in chapter 4.3.2 *Schedule C.6.1*.
[2913] P738 (Witness RM-046, witness statement, 20 April 1996), p. 8.

to collect hay.[2914] The director of the KP Dom, Milorad Krnojelac, took detainees out of the prison to fix his house and a café in front of it.[2915] **Witness RM-013** testified that he was not forced to work during 1992, but from February until December 1993 he had to work in the prison.[2916] From December 1993 for approximately four months, Savo Todović ordered the witness to work in the Miljevina mine along with 15 others.[2917] They were taken to the mine by a prison car and would work from 7 a.m. to 3 p.m.[2918] After two days of work in the mine, the witness felt pain in his hip, which had been dislocated before the war, and went to the doctor in the prison.[2919] The doctor put him on leave for a week, but after one day Todović ordered him back to work.[2920] The witness also had to work at the Brioni farm and on other work details at the camp.[2921]

708. Based on the foregoing, the Trial Chamber finds that between 12 May 1992 and early July 1993, a number of people detained at the KP Dom in Foča, guarded by MoJ employees and VRS members as found in chapters 3 and 4.3.2 *Schedule C.6.1*, were taken out, including by Milorad Krnojelac, to perform agricultural work, such as chopping wood in the winter, as well as construction, factory work, or to dig trenches. Working groups of carpenters, mechanics, masons, lumbermen, and farmers existed at KP Dom. The Trial Chamber recalls its finding in chapter 4.3.2 *Schedule C.6.1* that the detainees at KP Dom were non-Serb civilian men, mostly of Bosnian-Muslim ethnicity. In particular, the Trial Chamber finds that from December 1993 to March 1994, Savo Todović, head of workers at KP Dom, ordered a Bosnian-Muslim detainee, Witness RM-013, and 15 other detainees to work in the Miljevina mine and to perform agricultural work. The Chamber further finds that between 2 or 3 August 1992 and 30 October 1992, Radovan Stanković (*see* chapter 4.3.2 *Schedule C.6.2*) forced Bosnian-Muslim women and girls detained in Karaman's house to perform household chores for the soldiers, and in particular to wash uniforms and cook for them. With regard to these incidents, the Trial Chamber also recalls its finding in chapter 4.3.2 with regard to the

[2914] P738 (Witness RM-046, witness statement, 20 April 1996), p. 8; Witness RM-046, T. 7044.
[2915] P739 (Witness RM-046, witness statement, 20 October 1998), p. 3.
[2916] P983 (Witness RM-013, witness statement, 20 May 1996), para. 21.
[2917] P982 (Witness RM-013, witness statement, 22 October 1995), para. 28; P983 (Witness RM-013, witness statement, 20 May 1996), paras 21, 23.
[2918] P983 (Witness RM-013, witness statement, 20 May 1996), para. 21.
[2919] P983 (Witness RM-013, witness statement, 20 May 1996), para. 23.
[2920] P983 (Witness RM-013, witness statement, 20 May 1996), para. 23.
[2921] P982 (Witness RM-013, witness statement, 22 October 1995), para. 28; P983 (Witness RM-013, witness statement, 20 May 1996), para. 21.

conditions of detention. The Trial Chamber will further consider these incidents in relation to Count 3 of the Indictment in chapter 8, below.

4.3.6 Imposition and maintenance of restrictive and discriminatory measures

709. According to the Indictment, the Accused is responsible for imposition and maintenance of restrictive and discriminatory measures on Bosnian Muslims and/or Bosnian Croats in Foča Municipality between 12 May 1992 and 30 November 1995.[2922] The Prosecution argued that such measures included the dismissal of Bosnian Muslims from jobs or that they were prevented or discouraged from reporting to work.[2923] The Prosecution further argued that Bosnian Muslims were ordered to surrender their weapons, that the Bosnian-Serb military forces and police enforced restrictions on Muslim movement and association, that Bosnian-Muslim apartments were re-allocated to Bosnian Serbs, and that Bosnian-Muslim businesses were looted and burned.[2924] The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this charge. It also received evidence from **Witness RM-071**, a Bosnian Muslim from Foča,[2925] and finds that this evidence is consistent with the Adjudicated Facts.[2926]

710. In Foča Municipality, restrictions were placed on the movement of non-Serbs.[2927] In April and May 1992, Muslims stayed in apartments in Foča under virtual house arrest, either in hiding or at the order of Serb soldiers.[2928] A police car with a loudspeaker went through the town announcing that Muslims were not allowed to move about the town. A similar announcement was made over the radio. At the same time, the Serb population could move around freely, with the exception of a curfew from 8 p.m. to 6 a.m. imposed on all inhabitants.[2929] Muslims were forbidden to meet with each other.[2930] **Witness RM-071** testified that the restrictions on movement were in place during three months following her release on 24 April 1992 and 26 June 1992 and that they included that Muslims were not allowed to gather in large groups in the streets.[2931]

[2922] Indictment, paras 47, 59(k).
[2923] Prosecution Final Brief, Annex A, p. 33.
[2924] Prosecution Final Brief, Annex A, pp. 33-34.
[2925] P2937 (Witness RM-071, witness statement, 5 July 1995), pp. 1-2.
[2926] P2937 (Witness RM-071, witness statement, 5 July 1995), p. 11.
[2927] Adjudicated Facts I, no. 570.
[2928] Adjudicated Facts I, no. 572.
[2929] Adjudicated Facts I, no. 570.
[2930] Adjudicated Facts I, no. 571.
[2931] P2937 (Witness RM-071, witness statement, 5 July 1995), pp. 10-11.

Further, Muslims were not allowed to bury their dead in the graveyard or to publish funeral notices.[2932] Military checkpoints were established, controlling access in and out of Foča and its surrounding villages.[2933]

711. In relation to the Prosecution's argument that Bosnian Muslims in Foča Municipality were dismissed from their jobs or prevented or discouraged from reporting to work, the Trial Chamber considers that the evidence received is outside the temporal scope of the Indictment in relation to Count 3 and will therefore not further consider it.

712. Based on the foregoing, the Trial Chamber finds that from 12 May to July 1992, restrictions of movement were placed on Bosnian Muslims while Serbs could move freely, with the exception of a night curfew imposed on all inhabitants. For example, Bosnian Muslims were not allowed to visit each other, gather in larger groups in the streets, or bury their dead in the graveyard. These restrictions were imposed by Serb soldiers and the police. The Trial Chamber will further consider these incidents in relation to Count 3 in chapter 8, below.

4.3.7 Forcible transfer and deportation

713. According to the Indictment, the Accused is responsible for forcible transfer and deportation of Bosnian Muslims and Bosnian Croats from Foča Municipality between 12 May 1992 and 30 November 1995.[2934] The forcible transfers and deportations were implemented by the imposition of restrictive and discriminatory measures, arbitrary arrest and detention, harassment, torture, rape and other acts of sexual violence, killing, the destruction of houses, cultural monuments and sacred sites, and the threat of further such acts - all targeting Bosnian Muslims and Bosnian Croats. Others were physically driven out.[2935] The Defence argued that (i) a large part from the population of Foča left voluntarily and on their own; (ii) convicted prisoners at KP Dom were released into Foča and a radio broadcast stated that approximately 5,000 'Chetniks' were heading towards Foča, which caused fear in the region, irrespective of ethnicity; and (iii) no reliable evidence was presented that demonstrates any intent to 'permanently remove' by the Accused or nor that there was an association between any departures and the

[2932] P2937 (Witness RM-071, witness statement, 5 July 1995), pp. 10-11.
[2933] Adjudicated Facts I, no. 573.
[2934] Indictment, paras 47, 59(f), 67-68.
[2935] Indictment, para. 70.

Accused.[2936] The Trial Chamber took judicial notice of a number of Adjudicated Facts related to this charge.[2937] It also received evidence from **Witness RM-063** and **Witness RM-071**, Bosnian Muslims from Foča;[2938] **Božidar Krnojelac**, a Serb member of the 'village guards' in Foča who was present at the KP Dom facility daily from mid-April to mid-May 1992;[2939] and **Milutin Vujičić**, a Serb from Foča Municipality,[2940] and finds that this evidence is consistent with the Adjudicated Facts.[2941] The Trial Chamber further received evidence from **Witness RM-012**, a Bosnian Muslim from Foča who was detained in KP Dom from 26 May 1992 until 18 September 1992;[2942] **Witness RM-086** and **Witness RM-046**, Bosnian Muslims from Foča;[2943] **Maida Čedić**, a Muslim woman from Trnovača in Foča Municipality,[2944] **Witness GRM-277**, a Bosnian Serb who worked in Foča Municipality as of 1991;[2945] **Svetozar Petković**, a Montenegrin Serb and SDS member who lived in Foča during the war;[2946] and **Trivko Pljevaljčić**, a Bosnian Serb from Foča Municipality who was commander of the 3rd Company of the 5th Battalion of the Foča Tactical Group and who worked in KP Dom Foča in 1995,[2947] as well as documentary evidence.[2948]

[2936] Defence Final Brief, paras 1512-1516.
[2937] Adjudicated Facts 550-552 are reviewed in chapter 4.3.3 and Adjudicated Fact 706 is reviewed in chapter 4.3.1 *Schedule B.5.1*.
[2938] **Witness RM-063**: P531 (Witness RM-063, witness statement, 10 February 1996), pp. 1-2; P532 (Witness RM-063, witness statement, 25 September 1998), p. 1. **Witness RM-071**: P2937 (Witness RM-071, witness statement, 5 July 1995), pp. 1-2.
[2939] D650 (Božidar Krnojelac, witness statement, 8 March 2014), p. 1, paras 1, 9; Božidar Krnojelac, T. 25972.
[2940] D579 (Milutin Vujičić, witness statement, 5 June 2014), p. 1, paras 1, 9.
[2941] **Witness RM-063**: P531 (Witness RM-063, witness statement, 10 February 1996), p. 8; P532 (Witness RM-063, witness statement, 25 September 1998), p. 2. **Witness RM-071**: P2937 (Witness RM-071, witness statement, 5 July 1995), pp. 11-12; P2938 (Release papers), pp. 1-4. **Božidar Krnojelac**: Božidar Krnojelac, T. 25980. **Milutin Vujičić**: Milutin Vujičić, T. 24192, 24227, 24233..
[2942] P3155 (Witness RM-012, witness statement, 19 April 1996), pp. 1-3; P3156 (Witness RM-012, witness statement, 13 June 1996), p. 1; P3157 (Witness RM-012, witness statement, 20 October 1998), p. 1.
[2943] **Witness RM-086**: P2933 (Witness RM-086, witness statements), witness statement of 22 October 1995, pp. 1-2. **Witness RM-046**: P738 (Witness RM-046, witness statement, 20 April 1996), pp. 1-2; Witness RM-046, T. 7006-7007, 7011; P737 (Pseudonym sheet for Witness RM-046, 18 November 2012).
[2944] P2939 (Maida Čedić, witness statement, 16 February 1996), pp. 1-2. The evidence of Maida Čedić is reviewed in chapter 4.3.2 *Schedule C.6.2*.
[2945] D685 (Witness GRM-277, witness statement, 8 June 2014), p. 1, paras 1-2, 10; Witness GRM-277, T. 26711-26712.
[2946] D681 (Svetozar Petković, witness statement, 8 June 2014), p. 1, para. 1; Svetozar Petković, T. 26576.
[2947] D706 (Trivko Pljevaljčić, witness statement, 10 July 2014), p. 1, paras 1, 4; Trivko Pljevaljčić, T. 27200, 27205, 27215-27216.
[2948] Evidence of Witness RM-012 is also reviewed in chapter 4.5.2 and 4.5.7; evidence of Witness RM-086 is reviewed in chapter 4.3.2 *Schedule C.6.1*; the evidence of Maida Čedić is reviewed in chapter 4.3.2 *Schedule C.6.3*.

714. **Witness GRM-277** testified that Muslims and Serbs sent their children away in March 1992.[2949] **Svetozar Petković**, a Montenegrin Serb and SDS member who lived in Foča during the war,[2950] testified that a majority of Foča town's Muslim population left Foča around 8 and 9 April 1992 due to an inaccurate Radio Sarajevo broadcast from journalist Šemso Tucaković, which the witness heard, stating that 5,000 armed 'Chetniks' from Montenegro were approaching Foča.[2951] **Božidar Krnojelac** testified that throughout the fighting in Foča from 8 to 11 April 1992, several thousand Muslims (both armed and civilians) left Foča via an open road to Goražde.[2952] **Trivko Pljevaljčić**, a Bosnian Serb from Foča Municipality who was commander of the 3rd Company of the 5th Battalion of the Foča Tactical Group and who worked in KP Dom Foča in 1995,[2953] testified that some of Foča's Muslim inhabitants left the municipality before the conflict began.[2954] Between April and August 1992, after the fighting broke out in Foča, the civilian population started to leave town of their own accord during the night, and they were allowed to do so safely.[2955] Buses were provided to take them to Serbia or Macedonia 15 to -20 days after Foča's 'liberation'.[2956]

715. In May 1992, buses were organised to take civilians out of Foča, and, around 13 August 1992, the remaining Muslims in the town, mostly women and children, were taken away to Rožaje, Montenegro.[2957] **Witness RM-071** and her family left Foča and arrived in another country on 11 July 1992.[2958] On 23 October 1992, a group of women and children from the municipality, having been detained for a month at Partizan Sports Hall, were 'deported' by bus to Goražde.[2959] **Witness RM-012** was brought from KP Dom to the Kalinovik police station on 18 September 1992 with one other person. According to the witness, he heard the military commander of Kalinovik, Bundalo, giving orders to the police not to abuse the detainees and to give them food.[2960] As a result, the witness himself was not physically abused during the time of his detention in

[2949] D685 (Witness GRM-277, witness statement, 8 June 2014), para. 4.
[2950] D681 (Svetozar Petković, witness statement, 8 June 2014), p. 1, para. 1; Svetozar Petković, T. 26576.
[2951] D681 (Svetozar Petković, witness statement, 8 June 2014), para. 3; Svetozar Petković, T. 26565.
[2952] D650 (Božidar Krnojelac, witness statement, 8 March 2014), paras 6-7; Božidar Krnojelac, T. 25953-25954.
[2953] D706 (Trivko Pljevaljčić, witness statement, 10 July 2014), p. 1, paras 1, 4; Trivko Pljevaljčić, T. 27200, 27205, 27215-27216.
[2954] D706 (Trivko Pljevaljčić, witness statement, 10 July 2014), para. 12.
[2955] D706 (Trivko Pljevaljčić, witness statement, 10 July 2014), paras 12-13.
[2956] D706 (Trivko Pljevaljčić, witness statement, 10 July 2014), para. 12.
[2957] Adjudicated Facts I, no. 724.
[2958] P2937 (Witness RM-071, witness statement, 5 July 1995), p. 11.
[2959] Adjudicated Facts I, no. 725.
[2960] P3155 (Witness RM-012, witness statement, 19 April 1996), p. 5.

the police station.[2961] The witness was taken out of the police station on 21 March 1993 by 'Serb soldiers'.[2962] One of them, either Zoran Samardžić or Predrag a.k.a. Pedo Trifković/Trivun, threatened the witness by putting a knife to his throat and a rifle to his temple.[2963] The witness was asked to curse Alija and his daughter.[2964] The 'soldier' told him that he had only 15 minutes left to live, but finally let him go.[2965] The witness was exchanged on 24 March 1993 at the Sarajevo airport.[2966] **Witness RM-046** testified that he and some other detainees from KP Dom were transferred to Kula on 5 July 1993 and exchanged from there on 15 June 1994.[2967] By the end of the war in 1995, Foča had become an almost purely Serb town.[2968] Many Muslims left the municipality out of fear for their safety.[2969] In order to leave they had to arrange for certificates from the local police and sign a form transferring whatever property they had to the Bosnian-Serb Republic.[2970] On 17 September 1992 in a meeting held in Foča, Mladić was informed by Miroslav Stanić, Head of the Foča War Presidency, that before the war, 51 per cent of the population of Foča was Bosnian Muslim but that at the time of the meeting, Serbs represented 99 per cent of the population in Foča.[2971]

716. The Trial Chamber received further evidence concerning the reasons and circumstances surrounding the departure of the inhabitants of Foča Municipality. **Milutin Vujičić** testified that most Muslims left Foča with the withdrawal of the Green Berets and the Patriotic League towards Ustikolina and Goražde.[2972] During the summer of 1992, they lived as they wished and upon applying to leave they were told that there was no need to leave, that they were safe just like all the citizens in Foča, and that they could stay.[2973] When they left, they left on the pretext that they were reuniting with their families.[2974] The witness testified that both Muslim and Serb civilians left Foča, for the majority, before and at the time of the conflict, and that the Muslim inhabitants were not

[2961] P3155 (Witness RM-012, witness statement, 19 April 1996), p. 5.
[2962] P3155 (Witness RM-012, witness statement, 19 April 1996), p. 5.
[2963] P3155 (Witness RM-012, witness statement, 19 April 1996), p. 5.
[2964] P3155 (Witness RM-012, witness statement, 19 April 1996), p. 5.
[2965] P3155 (Witness RM-012, witness statement, 19 April 1996), pp. 5-6.
[2966] P3155 (Witness RM-012, witness statement, 19 April 1996), pp. 5-6.
[2967] P738 (Witness RM-046, witness statement, 20 April 1996), p. 5; P740 (Witness RM-046, *Krnojelac* transcript, 27 November 2000), p. 1283; Witness RM-046, T. 7014.
[2968] Adjudicated Facts I, no. 726.
[2969] Adjudicated Facts I, no. 727.
[2970] Adjudicated Facts I, no. 727.
[2971] P355 (Mladić notebook, 10-30 September 1992), pp. 60, 66.
[2972] Milutin Vujičić, T. 24192, 24226-24227, 24233.
[2973] Milutin Vujičić, T. 24192, 24227.
[2974] Milutin Vujičić, T. 24192, 24226.

expelled.[2975] **Witness RM-086** stated that on 6 April on his way home, he saw a 'war-like' situation in Foča and that Serbs were moving from their houses, loading things on their cars, and going in the direction of Čelebić and Montenegro.[2976] According to **Vujičić**, after the conflict Foča was majority Muslim, at least over 50 per cent.[2977] While the authorities were Serb, the population of Foča consisted of Serb, Croat, Montenegrin, Muslim, and other ethnic groups.[2978]

717. According to a letter from the Chairman of the Foča War Commission, Miroslav Stanić, dated 18 June 1992, Serbs and Muslims left Foča Municipality because of the war.[2979] The civilian and military authorities of the Serb municipality initially prevented both Serbs and Muslims from leaving the territory of the municipality.[2980] Following a discussion with a representative of the Bosnian-Serb Government, the Foča War Commission concluded that the civilian and military authorities shall allow all 'loyal' citizens who had not violated the laws of the Republic or done anything to endanger the safety of the Serb people in the area to leave.[2981] The executive committee was tasked to draw up a list of property which could not be transported and remained in the municipality.[2982] The civilian and military authorities were asked to arrange transportation and provide security.[2983]

718. With regard to the Defence submission that convicted prisoners at the KP Dom facility were released, causing fear and thereby compelling a majority of Bosnian Muslims and some Bosnian Serbs to leave, the Trial Chamber considers that Zoran Nikolić testified that the release of such prisoners happened prior to the inhabitants actually leaving Foča.[2984] The Trial Chamber will therefore not further consider this submission.

719. The Trial Chamber finds that Milutin Vujičić's evidence concerning the reasons for the departure of Muslims from Foča Municipality and on the ethnic composition of the municipality at the end of the conflict is vague, lacks a basis of knowledge, and

[2975] Milutin Vujičić, T. 24226-24227, 24229-24230, 24232.
[2976] P2933 (Witness RM-086, witness statements), witness statement of 22 October 1995, pp. 7-8.
[2977] Milutin Vujičić, T. 24227-24228.
[2978] Milutin Vujičić, T. 24230.
[2979] P2822 (Letter from the Chairman of the Foča War Commission, Miroslav Stanić, 18 June 1992), pp. 1-2.
[2980] P2822 (Letter from the Chairman of the Foča War Commission, Miroslav Stanić, 18 June 1992), p. 1.
[2981] P2822 (Letter from the Chairman of the Foča War Commission, Miroslav Stanić, 18 June 1992), p. 1.
[2982] P2822 (Letter from the Chairman of the Foča War Commission, Miroslav Stanić, 18 June 1992), p. 1.
[2983] P2822 (Letter from the Chairman of the Foča War Commission, Miroslav Stanić, 18 June 1992), p. 1.
[2984] Zoran Nikolić, T. 24327-24328.

amounts to unsubstantiated opinion. Moreover, the Trial Chamber finds that his evidence that people left on the pretext of reuniting with family or due to the war, even if it were reliable, does not exclude other reasons for departure and therefore does not contradict other evidence before the Trial Chamber. Similarly, the Trial Chamber finds that Trivko Pljevaljčić's evidence concerning the circumstances surrounding the departure of the civilian population from Foča between April and August 1992, namely that they did so on their own accord and were allowed to do so safely, is vague and lacks a basis of knowledge. Moreover, it finds that even if his evidence was reliable, it does not exclude the possibility that others left under different circumstances and therefore does not contract other evidence before the Trial Chamber.

720. Based on the foregoing, the Trial Chamber finds that some people, including part of the Bosnian-Muslim population, already left Foča Municipality in March and April 1992, thus falling outside the temporal scope of the Indictment in relation to counts 3 and 7-8. The Trial Chamber further finds that from July until 13 August 1992, Bosnian-Muslim civilians, including Witness RM-071 and her family, left Foča Municipality for other countries. With regard to the reason for civilians leaving, the Trial Chamber recalls its findings in chapter 4.3.2 that from 12 May 1992 onwards throughout the summer of 1992, non-Serb civilian men, mostly of Bosnian-Muslim ethnicity, and Bosnian-Muslim women and girls, were detained at several locations, such as KP Dom, Partizan Hall, Foča high school, 'Karaman's house', Bukovica Motel, and the worker's huts in Buk Bijela. It further recalls its findings in chapter 4.3.1 that in June and July 1992, members of the military and guards of KP Dom, MoJ employees and VRS members as found in chapters 3 and 4.3.2 *Schedule C.6.1*, killed 36 Bosnian-Muslim detainees inside KP Dom, and that after the attack in early July 1992 on the Bosnian-Muslim village of Mješaja/Trošanj, local Serb soldiers shot and killed seven Bosnian-Muslim men. In addition, it recalls its finding in chapter 4.3.3 that villages of the municipality were attacked until early June 1992 and once secured, the Serb forces - the military, the police, the paramilitaries and, sometimes, even Serb villagers – burned down Muslim houses and apartments. Finally, the Trial Chamber recalls its finding in chapter 4.3.6 that from 12 May to July 1992, restrictions of movement were placed on Bosnian-Muslims while Serbs could move freely, with the exception of a night curfew imposed on all inhabitants. The Trial Chamber further finds that civilian and military authorities of the Serb municipality had initially prevented Serbs and Muslims from

leaving the territory of the municipality but following a discussion with a representative of the Bosnian-Serb Government, allowed all 'loyal' citizens who had not violated the laws of the Republic or done anything to endanger the safety of the Serb people in the area to leave. Following a discussion with a representative of the Bosnian-Serb Government in mid-June 1992, the Foča War Commission tasked the civilian and military authorities to arrange transportation and provide security to individuals leaving the municipality. The Trial Chamber will further consider the above incidents in relation to Counts 3 and 7-8 of the Indictment.

721. The Trial Chamber also finds that on 26 June 1992, a bus and police cars with 'chetniks' took women detained at the Bukovica motel to Novi Pazar in Serbia. A day prior to their departure, Gojko Janković and Pedro Gašević had said that they would send the women out of Foča due to impossibility to control the 'gangs'. The Trial Chamber recalls its finding in chapter 4.3.2 *Schedule C.6.3* that one of the women was Bosnian Muslim. The Trial Chamber will further consider the above with regard to the Bosnian-Muslim woman in relation to Counts 3 and 7-8 of the Indictment.

722. The Trial Chamber further finds that on 10 November 1992, Witness RM-063, a Bosnian Muslim from Foča, was taken from KP Dom to Kalinovik where he was beaten by the military police of Konjić and by Serb soldiers called 'Gardisti', eventually taken by three policemen to Dobro Polje and ordered to walk towards Rogaj in ABiH-controlled territory. Witness RM-086, a Bosnian Muslim, was taken from KP Dom to Kalinovik by men wearing SMB uniforms and identified as 'chetniks' on 8 December 1992, beaten, and exchanged on 12 December 1992. The Trial Chamber will further consider the above incidents in relation to Counts 3 and 7-8 of the Indictment.

723. The Trial Chamber finds that on 18 September 1992, a Bosnian-Muslim KP Dom detainee from Foča, Witness RM-012, was taken from KP Dom to the Kalinovik police station. On 21 March 1993, 'Serb soldiers', including Zoran Samardžić or Predrag a.k.a. Pedo Trifković/Trivun, took him out of the police station, threatened him with a knife and a rifle, and told him he only had 15 minutes left to live before letting him go. On 24 March 1993, he was exchanged at the Sarajevo airport. The Trial Chamber will further consider this incident in relation to Counts 3 and 7-8 of the Indictment.

724. The Trial Chamber also finds that on 23 October 1992, a group of women and children from Foča Municipality, having been detained for a month at Partizan Sports

Hall, were taken by bus to Goražde The Trial Chamber recalls its finding in chapter 4.3.2 Schedule C.6.4 that the detainees at the Partizan hall were Bosnian Muslims. The Trial Chamber will further consider this incident in relation to Counts 3 and 7-8 of the Indictment.

725. Furthermore, the Trial Chamber finds that on 15 June 1994, Witness RM-046, a Bosnian Muslim from Foča Municipality was exchanged after detention at KP Dom until July 1993 and then at Kula prison. The Trial Chamber will further consider this incident in relation to Counts 3 and 7-8 of the Indictment.

4.4 Ilidža Municipality

4.4.1 Murder

726. Scheduled incident B.6.1 is not part of the Indictment, as a result of the decision pursuant to Rule 73*bis* (D) of 2 December 2011. Furthermore, the Prosecution has not presented evidence with regard to any other murder incidents in Ilidža Municipality. The Trial Chamber therefore finds that the murder charge in relation to this municipality has not been proven.

4.4.2 Unlawful detention and cruel or inhumane treatment in detention facilities

Schedule C.8.1

727. According to the Indictment, the Accused is responsible for unlawful detention, torture, beating, abuse, rape, other acts of sexual violence, and subjecting Bosnian Muslims and Bosnian Croats to inhumane living conditions taking place in the KP Dom Butmir (Kula prison) in Ilidža Municipality between at least 12 May 1992 and 28 October 1994.[2985] The Defence submitted that only combatants were permitted to be detained in the Kula prison, and that the prisons rulebook was in accordance to the Geneva Conventions.[2986] It further argued that detainees were not subjected to inhumane conditions, and that journalists and the ICRC visited the prison and concluded that it was well-run and there was no evidence of maltreatment.[2987] The Trial Chamber took judicial notice of a number of Adjudicated Facts relating to the Kula prison. It reviewed P4119 and finds that it is consistent with the Adjudicated Facts.[2988] It also received evidence from **Mehmed Musić**, a Bosnian Muslim from the exclusively Muslim village of Musići in the Hadžići Municipality of Sarajevo;[2989] **Safet Gagula**, a Bosnian Muslim from Knežina in the Sokolac Municipality;[2990] **Witness RM-046**, a Bosnian Muslim from Foča;[2991] **Edward Vulliamy**, a journalist for the Guardian who covered events in

[2985] Indictment, paras 47, 53, 59(b)-59(d), 59(g), Schedule C.8.1.
[2986] Defence Final Brief, para. 1324.
[2987] Defence Final Brief, paras 1325-1327.
[2988] P4119 (Telephone intercept of conversation between Branko Đerić and Mićo Stanišić, May 1992).
[2989] P2225 (Mehmed Musić, witness statement, 28 February 2011), p. 1, paras 5-6.
[2990] P2525 (Safet Gagula, witness statements), witness statement of 12 June 2001, pp. 1-2, Bosnia-Herzegovina statement of 20 August 1993, p. 1.
[2991] P738 (Witness RM-046, witness statement, 20 April 1996), pp. 1-2; Witness RM-046, T. 7006-7007, 7011; P737 (Pseudonym sheet for Witness RM-046, 18 November 2012).

Bosnia-Herzegovina in the period between 1992 and 1995;[2992] and **Aernout van Lynden**, a Sky News journalist covering the conflict in the former Yugoslavia from Sarajevo, Pale, and Central Bosnia from May 1992 until 1995;[2993] as well as documentary evidence.[2994]

728. From the outbreak of conflict until October 1992, Kula prison accommodated 10,000 Muslim civilians of all ages, for periods ranging from a few days to several months.[2995] In several cases, detainees were transferred to Kula from the Lukavica barracks.[2996] Between 12 and 20 May 1992, 118 unarmed persons, including 31 from Dobrinja, were detained by TO forces on various grounds at Kula.[2997] On 20 May 1992, Novi Grad SJB Chief Milenko Tepavčević emphasised the urgency in resolving the future status of the detainees at Kula and undertaking preventive measures concerning the health of detainees, as well as the inadequate conditions of accommodation, food, and hygiene.[2998] Kula was under the Serb MUP jurisdiction until the beginning of August 1992, when it was taken over by the MoJ.[2999] In Kula, detainees were regularly beaten.[3000]

729. Three witnesses testified about their experiences at Kula and complemented information provided through the Adjudicated Facts. **Mehmed Musić** stated that he was taken from a detention facility in Lukovica to the Kula prison on 23 June 1992.[3001] There, he saw Milenko Bjelica and Slobodan Avlijaš from Hadžići, the latter wearing a blue-brown camouflage uniform.[3002] At the prison, he was kept in a small room with about 100 people until 30 June 1992 when 75 'elderly' people were released from his and another room.[3003] The detainees had permission to use the toilet twice a day.[3004] They were handed a bucket which had a hole in it and therefore caused a terrible

[2992] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7899-7904, 7989-7990, 8035.
[2993] P66 (Aernout van Lynden, witness statement, 16 March 2010), paras 5, 10-11, 17, 27, 38, 40-43; Aernout van Lynden, T. 1343.
[2994] P4008 and P4146 are reviewed in chapter 4.2.2 *Schedule C.2.1*.
[2995] Adjudicated Facts I, no. 1213.
[2996] Adjudicated Facts I, no. 1218.
[2997] Adjudicated Facts I, no. 1214.
[2998] P3784 (Dispatch of Bosnian-Serb MUP concerning Kula prison, signed by Milenko Tepavčević, 20 May 1992), p. 2.
[2999] Adjudicated Facts I, no. 1215.
[3000] Adjudicated Facts I, no. 1216.
[3001] P2225 (Mehmed Musić, witness statement, 28 February 2011), paras 69-70, 92.
[3002] P2225 (Mehmed Musić, witness statement, 28 February 2011), paras 92-93.
[3003] P2225 (Mehmed Musić, witness statement, 28 February 2011), paras 94, 96.
[3004] P2225 (Mehmed Musić, witness statement, 28 February 2011), para. 94.

smell.[3005] On one occasion, he was interrogated by Predrag Čeranić and another middle-aged 'Chetnik' with black hair.[3006] After being moved to a different room, food rations and toilet opportunities improved, and the witness had a mattress and was treated fairly by the prison commander.[3007] In the prison, Musić also saw Momčilo Mandić several times.[3008] Musić recognised Mandić because he had seen him on television before.[3009] On 21 July 1992, Musić was taken to the MUP police station.[3010] **Safet Gagula**, along with other detainees from the Batković camp near Bijeljina, was transferred to Kula on 22 or 23 June 1993, where they were told they had been brought for exchange.[3011] The witness identified the warden as a man called Škiljević, a.k.a. 'Soniboj', and the commanders of the guard as Božo Radović and Neđo Pandurević.[3012] The prison chief was Ilija Sorak and the guards the witness remembered were men called Vuleta, Delibara, Samardžija, Četka, and two Mandićs.[3013] **Witness RM-046** testified that he was taken to Kula on 5 July 1993, from where he was exchanged on 15 June 1994.[3014] At the time of his arrival to Kula, there were approximately 80-100 detainees, all of them civilians; most of them were Bosniaks and two or three were Croats.[3015] Sixty-seven Croats from a military unit that surrendered at Grbavica were held separately.[3016] The prison was very damp with poor hygienic conditions, and detainees had little access to medical services.[3017]

730. On 3 August 1992, **Edward Vulliamy** was brought to Kula prison.[3018] The witness stated that the prison was a reasonably well-run place and the conditions at the prison were 'not that bad'.[3019] The witness further mentioned that the conditions were sad and 'not pleasant'.[3020] A couple of the people there spoke about beatings but the

[3005] P2225 (Mehmed Musić, witness statement, 28 February 2011), para. 94.
[3006] P2225 (Mehmed Musić, witness statement, 28 February 2011), para. 97.
[3007] P2225 (Mehmed Musić, witness statement, 28 February 2011), para. 98.
[3008] P2225 (Mehmed Musić, witness statement, 28 February 2011), para. 101.
[3009] P2225 (Mehmed Musić, witness statement, 28 February 2011), para. 101 (pp. 21-22).
[3010] P2225 (Mehmed Musić, witness statement, 28 February 2011), paras 102-105, 108.
[3011] P2525 (Safet Gagula, witness statements), ICTY witness statement of 12 June 2001, p. 6; Bosnia-Herzegovina statement of 20 August 1993, p. 3.
[3012] P2525 (Safet Gagula, witness statements), Bosnia-Herzegovina statement of 20 August 1993, p. 3.
[3013] P2525 (Safet Gagula, witness statements), Bosnia-Herzegovina statement of 20 August 1993, p. 3.
[3014] P738 (Witness RM-046, witness statement, 20 April 1996), pp. 5, 9; P740 (Witness RM-046, *Krnojelac* transcript, 27 November 2000), p. 1283; Witness RM-046, T. 7014.
[3015] P738 (Witness RM-046, witness statement, 20 April 1996), p. 9; P740 (Witness RM-046, *Krnojelac* transcript, 27 November 2000), pp. 1283-1284.
[3016] P740 (Witness RM-046, *Krnojelac* transcript, 27 November 2000), p. 1284.
[3017] Witness RM-046, T. 7047.
[3018] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7909-7910, 8061, 8063.
[3019] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7909-7910.
[3020] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7909.

witness did not see any evidence of this.[3021] **Aernout van Lynden** testified that during his September 1992 visit to Kula prison, detainees told him that they received meals twice a day.[3022] He talked to detainees about their detention, the widespread ill-treatment in the prison, and heard that many of them had to dig frontline trenches.[3023] At that time, the ICRC had not yet visited the detainees but with the help of detainees the witness compiled a list of detainees which was later passed on to the ICRC.[3024] Serb guards alleged that detainees were Muslim fighters while one of the detainees interviewed by the witness, a mechanic, claimed that he and his fellow detainees were not.[3025] Most of the prisoners had been captured in Hadžići.[3026] According to the witness, the 'Serb wardens' promised the detainees that they would be released if an exchange could be arranged.[3027]

731. With regard to the Defence submission that, according to visiting journalists and the ICRC, the Kula prison was a well-run facility and there was no evidence of beatings, the Trial Chamber notes that it received inconsistent evidence from van Lynden and Vulliamy in this respect. While van Lynden stated that during his visit to Kula in September 1992, detainees told him 'about widespread ill-treatment' in the prison, he also mentioned in an excerpt from a Sky news report concerning the same visit, that detainees described their treatment as 'correct'.[3028] Likewise, while Vulliamy testified that Kula was a reasonably well-run place and the conditions 'were not that bad', he also affirmed that the conditions were 'sad' and 'unpleasant'.[3029] Considering that the Trial Chamber received detailed evidence in relation to the conditions of detention at the Kula prison from witnesses who had been held at the prison, it will not rely its finding on these contradictory aspects of van Lynden and Vulliamy's evidence.

732. Based on the foregoing, the Trial Chamber finds that from 12 May until October 1992, the Kula prison accommodated 10,000 Bosnian-Muslim civilians of all ages, for periods ranging from a few days to several months. For one week, some detainees were

[3021] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7910.
[3022] P81 (Excerpt of a Sky News Report on Kula Prison, undated), p. 1.
[3023] P66 (Aernout van Lynden, witness statement, 16 March 2010), para. 63.
[3024] Aernout van Lynden, T. 1450-1451; P81 (Excerpt of a Sky News Report on Kula Prison, undated).
[3025] P81 (Excerpt of a Sky News Report on Kula Prison, undated), p. 1.
[3026] P66 (Aernout van Lynden, witness statement, 16 March 2010), para. 63; P81 (Excerpt of a Sky News Report on Kula Prison, undated), p. 1.
[3027] P81 (Excerpt of a Sky News Report on Kula Prison, undated), p. 2.
[3028] P66 (Aernout van Lynden, witness statement, 16 March 2010), para. 63; P81 (Excerpt of a Sky News Report on Kula Prison, undated), p. 1.
[3029] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7909-7910.

held in cramped conditions, with about 100 people in a small room. Access to medical care and food was limited. The Kula prison was under the jurisdiction of the Serb MUP until the beginning of August 1992, following which it was taken over by the MoJ. The Trial Chamber finds that during these periods the guards were MUP employees and MoJ employees, respectively. Detainees were regularly beaten and the Trial Chamber finds that these beatings were carried out by the guards.

733. Detainees were also held at Kula from 22 or 23 June 1993 until October 1994, with some detainees being held for almost one year. Most of the detainees were Bosnian-Muslim civilians and some were Bosnian Croats. In 1993 and 1994, there were also a number of Croat POWs held separately at Kula. The Trial Chamber finds that Kula was under the jurisdiction of the Bosnian-Serb MoJ in 1993 and 1994. Those working at the prison included a warden named 'Soniboj' Škiljević.

734. The Trial Chamber will further consider the above in relation to Count 3 of the Indictment in chapter 8 below.

Unscheduled detention incidents - MUP police station

735. In addition to Scheduled Incident C.8.1, discussed above, according to the Indictment, the Accused is responsible for unlawful detention, torture, beating, abuse, rape, other acts of sexual violence, and subjecting Bosnian Muslims and Bosnian Croats to inhumane living conditions taking place in other detention facilities in Ilidža Municipality between 12 May 1992 and 30 November 1995.[3030] In this respect, the Trial Chamber received evidence from **Mehmed Musić**, a Bosnian Muslim from the Muslim village of Musići, Hadžići Municipality, in Sarajevo,[3031] about his detention in the Ilidža police station which is reviewed in chapter 4.4.5.

736. Based on this evidence, the Trial Chamber finds that on 21 July 1992, two Bosnian-Muslim men, were brought from Kula prison to the Ilidža Police Station and detained there. During their detention at Ilidža Police Station, the prison commander was Vojo Ninković. These two Bosnian-Muslim detainees and six others were first kept in a cell without windows which was of such a size that conditions were crowded given the number of detainees, but by mid-August, the cell only accommodated two detainees.

[3030] Indictment, paras 39(b)-(c), 47, 53, 59(b)-(d), (g).
[3031] P2225 (Mehmed Musić, witness statement, 28 February 2011), paras 5-6.

One of the two Bosnian Muslims was transferred out of Ilidža Police Station on 23 October 1992. The Trial Chamber will further consider the above, with regard to the two Muslim men, in relation to Count 3 of the Indictment in Chapter 8, below.

4.4.3 Destruction of private and public property, including cultural monuments and sacred sites

737. The Trial Chamber finds that the Prosecution has presented insufficient evidence to prove this charge.

4.4.4 Appropriation or plunder of property

738. The Trial Chamber finds that the Prosecution has presented insufficient evidence to prove this charge.

4.4.5 Forced labour and human shields

739. According to the Indictment, the Accused is responsible for the subjecting of Bosnian Muslims and Bosnian Croats to forced labour including digging graves and trenches and other forms of forced labour at front lines in Ilidža Municipality between 12 May 1992 and 30 November 1995.[3032] The Trial Chamber took judicial notice of Adjudicated Fact number 1217 in relation to this charge. It also received evidence from **Mehmed Musić**, a Bosnian Muslim from the Muslim village of Musići, Hadžići Municipality, in Sarajevo;[3033] and **Safet Gagula**, a Bosnian Muslim from Knežina, in Sokolac Municipality;[3034] and finds that this evidence is consistent with the Adjudicated Fact.[3035] The Trial Chamber also received evidence from **Desimir Šarenac**, Chief of Security of the 1st Sarajevo Mechanised Brigade and Slaviša Vajner Čiča barracks commander in Lukavica from May 1992 to May 1995;[3036] and **Witness RM-147**, a

[3032] Indictment, paras 39(c), 47, 59(h).
[3033] P2225 (Mehmed Musić, witness statement, 28 February 2011), paras 5-6.
[3034] P2525 (Safet Gagula, witness statements), witness statement of 12 June 2001, pp. 1-2, Bosnia-Herzegovina statement of 20 August 1993, p. 1.
[3035] **Mehmed Musić:** P2225 (Mehmed Musić, witness statement, 28 February 2011), paras 99-100, 108. **Safet Gagula:** P2525 (Safet Gagula, witness statements), Bosnia-Herzegovina statement of 20 August 1993, p. 3.
[3036] D653 (Desimir Šarenac, witness statement, 27 July 2014), p. 1 and paras 1, 7-8; Desimir Šarenac, T. 26125, 26141, 26146.

member of the VRS from June 1992 onwards.[3037] The Adjudicated Fact and the evidence are limited to incidents at Kula and the Ilidža MUP police station.

740. In Kula, detainees were forced to perform manual labour such as digging trenches and graves.[3038] **Mehmed Musić** stated that he was detained in Kula from 23 June 1992 (see chapter 4.4.2 *Schedule C.8.1*) and on one occasion, he was taken to Ozrenska Street to carry material for barricades while bullets were fired at him from the 'Bosnian side', whizzing by but not hitting him.[3039] After about 3 July 1993, **Safet Gagula** and other detainees were taken to work on a farm in Dobrinj, where they were moving property from one apartment to another.[3040] **Desimir Šarenac** testified that prisoners from Kula prison were injured and killed by shelling and sniper fire while on work assignments near the confrontation line.[3041] On 31 December 1993, Drago Lackanović, a member of the 1st Sarajevo Mechanised Brigade tasked with guarding Muslim prisoners from Kula prison, shot at four such prisoners as they escaped from a worksite in the immediate vicinity of enemy trenches where they were subject to shelling.[3042] **Witness RM-147** testified that he once saw prisoners from Kula prison performing forced labour in Grbavica and cutting grass for local farmers.[3043] The witness asked them about the conditions of their detention and the detainees said that it was terrible in relation to the food.[3044] He saw the same prisoners in Ozrenska Street where they had to dig trenches between the confrontation lines.[3045] The detainees was aware of several cases in which prisoners were killed by snipers while performing their duties.[3046]

741. **Musić** provided evidence about forced labour carried out by him when detained at the Ilidža MUP police station. On 21 July 1992, he and a detainee called Raif Fejzović were taken by 'Chetnik' police from Kula to the police station into a one-and-

[3037] P107 (Witness RM-147, witness statement, 3 June 2012), p. 1, paras 3-4, 12.
[3038] Adjudicated Facts I, no. 1217.
[3039] P2225 (Mehmed Musić, witness statement, 28 February 2011), para. 100.
[3040] P2525 (Safet Gagula, witness statements), Bosnia-Herzegovina statement of 20 August 1993, p. 3.
[3041] Desimir Šarenac, T. 26150, 26152-26153, 26155; P6786 (Partial KP Dom Butmir duty notebook) pp. 2, 8-9, 17, 20.
[3042] Desimir Šarenac, T. 26131-26135; P6779 (Statement of Željko Barbarez), pp. 1-2; P6780 (Statement of Drago Lackanović, 5 January 1994); P6781 (Report of Aleksander Pandurević, 31 December 1993); P6785 (Report of 1st Sarajevo Mechanized Brigade, 10 April 1994) pp. 2-3.
[3043] P107 (Witness RM-147, witness statement, 3 June 2012), para. 79.
[3044] P107 (Witness RM-147, witness statement, 3 June 2012), para. 79.
[3045] P107 (Witness RM-147, witness statement, 3 June 2012), para. 80.
[3046] P107 (Witness RM-147, witness statement, 3 June 2012), para. 80.

a-half by two metre cell, without windows, containing six other people.[3047] The prison commander was Vojo Ninković.[3048] After 13 August 1992, Musić was allowed to go out and wash people's cars sometimes, which he did 'just to be able to move around'. He further cleaned kitchens, toilets, and sometimes moved ammunition. Together with some 'Chetnik' policemen he had to move property from apartments and storehouses in Ilidža.[3049] Sometime between 20 and 25 August 1992, he worked in a place called Vreoce, which was located behind a café called Bunker in Ilidža, loading pipes and radiators from a Serb house.[3050] On 23 October 1992, he was transferred from the MUP police station to another detention centre in Vogošća.[3051]

742. Based on the foregoing, the Trial Chamber finds that in Kula, detainees were forced to perform manual labour such as digging trenches and graves. As the Trial Chamber found in chapter 4.4.2 *Schedule C.8.1*, most of the detainees in Kula were Bosnian-Muslim civilians and some were Bosnian Croats. This included Mehmed Musić and Safet Gagula, both Bosnian-Muslim detainees. On one occasion between 23 June and 21 July 1992, Musić was taken to Ozrenska Street to carry material for barricades while being shot at. Based on its findings in chapter chapter 4.4.2 *Schedule C.8.1*, the Trial Chamber finds that members of the MUP took the detainees to perform labour on this occasion. Between about 3 July 1993 and 20 August 1993, Gagula and other detainees were taken out to work on a farm to move property in Dobrinj. On one occasion on 31 December 1993, other detainees from Kula prison were taken to perform labour at a worksite in the immediate vicinity of enemy trenches. Based on its findings in chapter 4.4.2 *Schedule C.8.1*, the Trial Chamber finds that MoJ employees took the detainees to perform labour on these occasions. In this respect, the Trial Chamber also recalls its findings in chapter 4.4.2 *Schedule C.8.1* concerning the conditions of detention. The Trial Chamber will further consider these incidents in relation to Count 3 of the Indictment in chapter 8, below.

743. The Trial Chamber finds that between 13 August and 23 October 1992, Mehmed Musić cleaned cars, kitchens, toilets, and moved ammunition while he was a detainee at the Ilidža Police Station. He, moreover, had to move property from apartments and storehouses in Ilidža together with Serb policemen. Sometime between 20 and 25

[3047] P2225 (Mehmed Musić, witness statement, 28 February 2011), paras 102-105, 108.
[3048] P2225 (Mehmed Musić, witness statement, 28 February 2011), para. 106.
[3049] P2225 (Mehmed Musić, witness statement, 28 February 2011), para. 108.
[3050] P2225 (Mehmed Musić, witness statement, 28 February 2011), para. 109.

August 1992, he worked in a place called Vreoce, in Ilidža, loading pipes and radiators from a Serb house. The Trial Chamber finds that Musić was in the custody of MUP police officers at the Ilidža Police Station at the time he performed manual labour. In this respect, the Trial Chamber also recalls its findings in chapter 4.4.2 concerning the conditions of detention. The Trial Chamber will further consider these incidents in relation to Count 3 of the Indictment in chapter 8, below.

4.4.6 Imposition and maintenance of restrictive and discriminatory measures

744. The Trial Chamber finds that the Prosecution has presented insufficient evidence to prove this charge.

4.4.7 Forcible transfer and deportation

745. According to the Indictment, the Accused is responsible for forcible transfer and deportation of Bosnian Muslims and Bosnian Croats from Ilidža Municipality between 12 May 1992 and 30 November 1995.[3052] The forcible transfers and deportations were implemented by the imposition of restrictive and discriminatory measures, arbitrary arrest and detention, harassment, torture, rape and other acts of sexual violence, killing, the destruction of houses and cultural monuments and sacred sites, and the threat of further such acts - all targeted at Bosnian Muslims and Bosnian Croats.[3053] Others were physically driven out.[3054] The Defence argued that at no stage was any person or any group, directly or indirectly, forcibly removed or transferred from the municipality of Ilidža.[3055] It further argued that those who left Ilidža did so voluntarily and without restriction.[3056] The Trial Chamber received evidence from **Witness RM-104**, a Bosnian Muslim from Ilidža Municipality;[3057] and **Slavko Mijanović**, President of the Commission for the Allocation of Flats for Temporary Use in Ilidža during the war;[3058] as well as documentary evidence.

[3051] P2225 (Mehmed Musić, witness statement, 28 February 2011), para. 123.
[3052] Indictment, paras 47, 59(f), 67-68, 70.
[3053] Indictment, para. 70.
[3054] Indictment, para. 70.
[3055] Defence Final Brief, para. 1308.
[3056] Defence Final Brief, para. 1309.
[3057] P381 (Witness RM-104, witness statements), 10 March 1997 statement, pp. 1-2.
[3058] D799 (Slavko Mijanović witness statement, 19 January 2013), paras 1, 6; Slavko Mijanović, T. 28816.

746. In a phone conversation on 23 May 1992, Neđeljko Prstojević, the President of the Ilidža Crisis Staff, commented on the policy relating to refugees from Sarajevo, stating that all Serbs would be accepted by Ilidža and accommodated and that no Muslims would be allowed to leave Sarajevo.[3059] **Mijanović** testified that Serb and non-Serb residents left Ilidža Municipality to escape the horrors of war, while at the same time Serb refugees arrived from Muslim-controlled parts of Sarajevo and Central Bosnia, making it necessary to place abandoned flats and accommodation under the control of the municipality.[3060] Between April and June 1992, migration of the non-Serb population from Ilidža Municipality was most intense but, according to the witness, the government of the Serb municipality of Ilidža and its organs did not expel non-Serbs.[3061] Some non-Serbs remained in Ilidža Municipality throughout the war.[3062] According to the witness, Ilidža was prepared to accept anyone, but Muslims had no reason to come to Serb-controlled Ilidža.[3063] Further, the Bosnian-Serb Government and the organs of the Bosnian-Serb Republic did not issue any instructions or orders to expel the Muslims or any other non-Serb inhabitants, to ethnically cleanse the territory of the municipality, or to limit or take away the rights and freedoms of non-Serbs.[3064]

747. **Witness RM-104** provided evidence about his own experience prior to leaving Ilidža Municipality. He stated that on 24 May 1992, five men in camouflage and hats with feathers arrived at the door of his home in the municipality. The witness was told that the men were with the White Eagles. The men asked the witness for his ID card and then took him to a kindergarten, near his house, and instructed him to see a Mr. Jovo. There the witness saw a man that he knew as Mirko, who was dressed in uniform and was armed. Mirko informed him that he must give a statement and should not worry. The witness entered a room, which contained 60 or 70 Muslim and Croat men, including some of his neighbours. The witness feared for his life and collapsed. He woke up in the toilets, after Mirko had given the witness one of his nitro-glycerine tablets. At around 3 p.m., Jovo arrived and the witness and the other men were told to line up next to the wall and wait to be interviewed. The witness went into a room and

[3059] Slavko Mijanović, T. 28812; P6945 (Intercepted telephone conversation between Neđeljko Prstojević and Milosav Gagović, 23 May 1992), pp. 2-3.
[3060] D799 (Slavko Mijanović, witness statement, 19 January 2013), para. 6; Slavko Mijanović, T. 28806.
[3061] D799 (Slavko Mijanović, witness statement, 19 January 2013), para. 6; Slavko Mijanović, T. 28827-28830.
[3062] D799 (Slavko Mijanović, witness statement, 19 January 2013), para. 6.
[3063] Slavko Mijanović, T. 28837, 28839, 28859.
[3064] D799 (Slavko Mijanović, witness statement, 19 January 2013), para. 6.

upon request he handed over his ID to the man in the room. The witness was asked about Travnik and Turbe and he was told that he had two choices; either he must leave the next day at 10 a.m. and go to Sarajevo or Kobiljača or take up arms and become loyal to the Serb authorities. The man told the witness that if he did not make a decision by the next day, his throat and his family's throats would be cut.[3065] The next morning, the witness saw two of his neighbours' families leaving. The witness told his wife that they had no choice but to leave, so, the witness, his wife, his daughter, and his mother-in-law left. His mother-in-law was unable to walk so they carried her in a blanket. A neighbour drove the witness and his family to the flyover where the checkpoint was. The neighbour told the soldiers that the witness had been interviewed and he had to leave. The soldiers at the checkpoint were armed and wore masks with only the mouth and eyes exposed. The witness travelled to Sarajevo and moved into an empty flat with his wife, his mother-in-law, and his daughter.[3066]

748. Based on the foregoing, the Trial Chamber finds that between 12 May 1992 and June 1992 many residents left Ilidža Municipality. Witness RM-104 provided evidence about the reasons for him and his family leaving the municipality and this will be dealt with below. The Trial Chamber has not received any other evidence indicating that residents were forcibly displaced. The Trial Chamber will not further consider these incidents in relation to any count of the Indictment.

749. The Trial Chamber finds that on 24 May 1992 five members of the White Eagles, took Witness RM-104, a Bosnian Muslim, to a kindergarten in Ilidža Municipality. The witness was held in a room with around 60 or 70 Muslim and Croat men and they were all told to line up against the wall and wait to be interviewed. A man interviewed Witness RM-104 and gave him the choice to either leave Ilidža or take up arms and become loyal to the Serb authorities. The man threatened Witness RM-104 that if he did not decide by 10 a.m. the following day, he and his family would have their throats cut. The Trial Chamber finds that this man was also a member of the White Eagles. The witness left the following day with his family. With regard to the 60 or 70 Muslim and Croat men, although they might have been similarly threatened and left as a result, based on the evidence before it the Trial Chamber is not convinced that this has

[3065] P381 (Witness RM-104, witness statements), 10 March 1997 statement, p. 2.
[3066] P381 (Witness RM-104, witness statements), 10 March 1997 statement, p. 3.

been proven. The Trial Chamber will further consider this incident in relation to Counts 3 and 7-8 of the Indictment in chapter 8, below.

4.5 Kalinovik Municipality

4.5.1 Murder

Schedule B.7.1

750. According to the Indictment, the Accused is responsible for the killing of at least 20 men in a stable in Ratine in Foča Municipality on or about 5 August 1992, .[3067] The Defence argued that (i) the evidence cannot lead to the sole conclusion that the perpetrators of these alleged killings were members of the VRS or under the effective control of the VRS; (ii) even if the Trial Chamber finds that VRS officers were involved, the Prosecution did not present any evidence that the Accused was ever informed about the killings or that anyone in the VRS chain of command ordered or condoned these acts; and (iii) a witness testified that the men were to be executed as a reprisal for the death of some Serbs, which indicated a spontaneous and personal revenge motive of which the Accused would not have been informed.[3068] The Trial Chamber took judicial notice of a number of Adjudicated Facts concerning this incident. In addition, it reviewed evidence of **Fejzija Hadžić**, a Bosnian Muslim from Kalinovik;[3069] **Ismet Poljak**, a Bosnian-Muslim Kalinovik police officer until April 1992,[3070] (who provided hearsay evidence originating from Hadžić); and **Ewa Tabeau**, a demographer and statistician,[3071] as well as forensic documentary evidence, and finds that this evidence does not rebut the Adjudicated Facts.[3072]

[3067] Indictment, paras 39(a)(ii), 59(a)(ii), 62(b), Schedule B.7.1.
[3068] Defence Final Brief, paras 1588-1590.
[3069] P138 (Fejzija Hadžić, witness statement, 31 January 1999), p. 1; P139 (Statement of Fejzija Hadžič, 20 October 1992), p. 1; Fejzija Hadžić, T. 1830.
[3070] P1425 (Ismet Poljak, witness statement, 25 January 1999), pp. 1-2, 4, 6.
[3071] Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).
[3072] **Fejzija Hadžić**: P138 (Fejzija Hadžić, witness statement, 31 January 1999), pp. 4-5; P139 (Statement of Fejzija Hadžič, 20 October 1992), pp. 3-5; Fejzija Hadžić, T. 1835-1836, 1840-1843, 1862-1863. **Ismet Poljak**: P1425 (Ismet Poljak, witness statement, 25 January 1999), pp. 6-7. **Ewa Tabeau and forensic documentary evidence**: P2791 (Ewa Tabeau, revised table of names to the proof of death expert report, 30 August 2013), p. 4; P2793 (Ewa Tabeau, table of corrections to proof of death expert report and annex, 7 November 2013), p. 11; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 388-396; P4724 (ICMP report pertaining to the DNA analysis of the remains of Hasan Hadžić, 25 January 2013); P4725 (Missing Persons Institute of Bosnia-Herzegovina certificate for Selim Hadžić, 4 April 2013); P6035 (Missing Persons Institute of Bosnia-Herzegovina certificate for Almir Čusto, 4 April 2013); P6036 (Missing Persons Institute of Bosnia-Herzegovina certificate for Abdurahman Filipović, 4 April 2013); P6037 (Missing Persons Institute of Bosnia-Herzegovina certificate for Esad Hadžić, 4 April 2013); P6038 (Missing Persons Institute of Bosnia-Herzegovina certificate for Hasan Hadžić, 4 April 2013); P6039 (Missing Persons Institute of Bosnia-Herzegovina certificate for Šabahudin Juković, 4 April 2013); P6040 (Missing Persons Institute of Bosnia-Herzegovina certificate for Ramo Kurtović, 4 April 2013); P6041 (ICMP report pertaining to the DNA analysis of the remains of Ramo Kurtović, 6 February 2013); P6042 (Missing Persons Institute of Bosnia-Herzegovina certificate for Adil Mulaomerović, 4 April 2013); P6043 (Missing Persons Institute of Bosnia-Herzegovina certificate for

751. On 5 August 1992, around 25 Muslim detainees from the ammunition warehouse in Jelašačko Polje were called out by Serb soldiers and transported under police escort to the village of Ratine near Jeleč, in Foča Municipality.[3073] The detainees were severely mistreated, their hands tied with wire, and their valuables taken away.[3074] **Fejzija Hadžić** specified that Pero Elez, Milenko (Neđo) Vuković, and a man named Vukadin, all wearing camouflage uniforms and headed by Elez, first called out 15 detainees from the warehouse and took them away.[3075] Later that day, Elez, Vuković, and Vukadin selected the witness and another 23 detainees and told them to prepare to go to the KP Dom for exchange.[3076] Hadžić recalled that they were going to be taken away to be executed as a reprisal for the death of some Serbs somewhere else.[3077] The guards at the warehouse then loaded them onto a military vehicle driven by men wearing military uniforms.[3078] According to Hadžić, the detainees were forced to sing 'Chetnik songs' on the way.[3079] At a stable in Ratine, the convoy stopped.[3080] **Hadžić** stated that the detainees were unloaded, lined up in a single file, and taken to a field near to a

Husnija Rogoj, 4 April 2013); P6044 (Missing Persons Institute of Bosnia-Herzegovina certificate for Refik Rogoj, 4 April 2013); P6045 (Missing Persons Institute of Bosnia-Herzegovina certificate for Avdija Škoro, 4 April 2013); P6046 (Missing Persons Institute of Bosnia-Herzegovina certificate for Ismet Smječanin, 4 April 2013); P6047 (ICMP report pertaining to the DNA analysis of the remains of Suvad Suljić, 26 February 2013); P6048 (Missing Persons Institute of Bosnia-Herzegovina certificate for Edin 'Medo' Suljić or Suvad Suljić, 4 April 2013); P6049 (Missing Persons Institute of Bosnia-Herzegovina certificate for Damir Suljić, 4 April 2013); P6050 (Missing Persons Institute of Bosnia-Herzegovina certificate for Elvir Suljić, 4 April 2013); P6051 (Missing Persons Institute of Bosnia-Herzegovina certificate for Emir Suljić, 4 April 2013); P6052 (Missing Persons Institute of Bosnia-Herzegovina certificate for Edin Suljić, 4 April 2013); P6053 (Missing Persons Institute of Bosnia-Herzegovina certificate for Mirsad Suljić, 4 April 2013); P6054 (Missing Persons Institute of Bosnia-Herzegovina certificate for Ramiz Suljić, 4 April 2013); P6055 (Missing Persons Institute of Bosnia-Herzegovina certificate for Sado Suljić, 4 April 2013); P6056 (Missing Persons Institute of Bosnia-Herzegovina certificate for Salko Vranović, 4 April 2013); P6057 (ICMP report pertaining to the DNA analysis of the remains of Enes Hadžić, 4 April 2013); P6058 (Missing Persons Institute of Bosnia-Herzegovina certificate for Enes Hadžić, 4 April 2013); P6059 (Sarajevo Court Records of Exhumations carried out in 1999, 13 January 1999), p. 5; P6060 (Missing Persons Institute of Bosnia-Herzegovina certificate for Mehmed Ahmethodžić, 4 April 2013). The Trial Chamber has not considered the evidence of Witness RM-032 in relation to this incident (P180 (Witness RM-032, witness statement, 20 October 1998), paras 15, 29, 39, 41; Witness RM-032, T. 2380-2381) as neither Witness RM-032 nor Dragan Kunarac were present (or at least sighted) at the scene of the incident, thereby affecting the weight to be attached to this part of her evidence. Furthermore, the Trial Chamber has not relied on Ismet Poljak's evidence concerning the date of the incident, since he only heard about the incident at a later stage.

[3073] Adjudicated Facts I, no. 745.

[3074] Adjudicated Facts I, no. 745.

[3075] P139 (Statement of Fejzija Hadžič, 20 October 1992), pp. 2-3, 5; Fejzija Hadžić, T. 1835-1836, 1840.

[3076] P138 (Fejzija Hadžić, witness statement, 31 January 1999), pp. 4-5; P139 (Statement of Fejzija Hadžič, 20 October 1992), p. 3; Fejzija Hadžić, T. 1835-1836, 1840.

[3077] P138 (Fejzija Hadžić, witness statement, 31 January 1999), p. 4.

[3078] P138 (Fejzija Hadžić, witness statement, 31 January 1999), p. 4; P139 (Statement of Fejzija Hadžić, 20 October 1992), p. 4; Fejzija Hadžić, T. 1840-1841.

[3079] P138 (Fejzija Hadžić, witness statement, 31 January 1999), p. 4; Fejzija Hadžić, T. 1863.

[3080] Adjudicated Facts I, no. 745.

stable.[3081] They were then told to walk to the stable.[3082] Five or six uniformed soldiers then shot at the detainees with automatic rifles.[3083] The witness was shot in his left leg and fell to the ground, pretending to be dead.[3084] The guards fired again at any movement, to ensure that all the detainees were dead.[3085] The witness did not know any of the men who were doing the shooting, but only Pero Elez who was with them.[3086] Four men were spared and ordered to place the dead bodies in the stable. Later on, they were shot as well. The soldiers poured petrol over the bodies, set the stable on fire and left.[3087] **Hadžić**, who was the sole survivor, recalled the names of the detainees who were killed.[3088] According to **Tabeau** nineteen of the victims were between the age of 19 and 50 in 1992. One of the victims was 16 years old in 1992. The date of birth of the remaining victims is unknown.[3089] **Ismet Poljak** stated that there were three lorries and that one group consisting of 15 detainees was shot dead at Mala Meka Brda and other detainees were shot on a bridge and thrown into the Drina river before reaching Foča town.[3090]

752. Based on the foregoing, the Trial Chamber finds that on 5 August 1992, Serb soldiers took out 24 detained Bosnian-Muslim men, among them Fejzija Hadžić, from the ammunition warehouse in Jalašačko Polje in Kalinovik. The soldiers brought them to a stable in Rantine, Foča Municipality. The detainees had their hands tied up, were severely beaten, and forced to sing 'Chetnik songs' on the way. Five to six Serb soldiers, commanded by Pero Elez, shot the men. Only Fejzija Hadžić, who was shot in the leg, survived. The Trial Chamber recalls its finding in chapter 3.1.2 that Pero Elez, as Commander of the Miljevina Battallion, headed his own sub-unit under Marko Kovač, Commander of the Foča TG. The soldiers set the bodies on fire and left. One of the victims was only 16 years old. Based on the foregoing, the Trial Chamber will

[3081] P138 (Fejzija Hadžić, witness statement, 31 January 1999), p. 5; P139 (Statement of Fejzija Hadžić, 20 October 1992), p. 4.
[3082] P138 (Fejzija Hadžić, witness statement, 31 January 1999), p. 5.
[3083] P138 (Fejzija Hadžić, witness statement, 31 January 1999), p. 5; P139 (Statement of Fejzija Hadžić, 20 October 1992), p. 4; Fejzija Hadžić, T. 1841, 1843, 1862-1863.
[3084] P138 (Fejzija Hadžić, witness statement, 31 January 1999), p. 5; P139 (Statement of Fejzija Hadžić, 20 October 1992), p. 4; Fejzija Hadžić, T. 1841.
[3085] P138 (Fejzija Hadžić, witness statement, 31 January 1999), p. 5.
[3086] Fejzija Hadžić, T. 1843.
[3087] Adjudicated Facts I, no. 745.
[3088] P139 (Statement of Fejzija Hadžič, 20 October 1992), pp. 3-4.
[3089] P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 388-396.
[3090] P1425 (Ismet Poljak, witness statement, 25 January 1999), pp. 6-7.

further consider this incident in relation to Counts 3-6 of the Indictment in chapter 8, below.

753. With regard to the 15 detainees who were taken out by the men headed by Elez prior to Fejzija Hadžić's group, the Trial Chamber has not received evidence as to what happened to them. It will therefore not further consider this incident in relation to any count of the Indictment.

Schedule C and unscheduled murder incidents

754. In addition to Scheduled Incident B.7.1, discussed above, according to the Indictment the Accused is responsible for the killing of other Bosnian Muslims and Bosnian Croats in Kalinovik Municipality.[3091]

Murders at the Kalinovik elementary school (Schedule C.9.1)

755. With regard to murders committed at the Kalinovik elementary school, the Trial Chamber has taken judicial notice of Adjudicated Facts and considered evidence from a number of witnesses. The Adjudicated Facts and evidence have been reviewed in chapter 4.5.2 *Schedule C.9.1*.

756. Based on the foregoing, the Trial Chamber finds that Boško Govedarica killed the Bosnian-Muslim detainee Sutko Hasanbegović in the Kalinovik elementary school in August 1992. Based on the evidence reviewed above and elsewhere in chapter 4.5, the Trial Chamber finds that Govedarica was the Chief of Police at Kalinovik SJB. The Trial Chamber will further consider this incident in relation to Counts 3-6 of the Indictment in chapter 8, below.

757. According to Adjudicated Facts 740 and 742, Muslim detainees were killed during their detention at the Kalinovik elementary school which started from at the latest 25 June 1992. In this regard, the Trial Chamber also received evidence on the killing of one detainee, a man from Kalinovik, who died after he had been beaten and drowned in a water container. The Trial Chamber received evidence on various groups present in the school, including Serb soldiers and policemen, guards from the local police and other guards in military uniforms, as well as various persons coming to the

school from outside. That evidence has been reviewed by the Trial Chamber in chapter 4.5.2 *Schedule C.9.1*. In light of the broad range of possible perpetrators for these killings, the Trial Chamber cannot establish who committed the killings in the camp, including the murder of the man from Kalinovik, and will therefore not further consider these incidents in relation to any count of the Indictment.

Murders at the ammunition warehouse in Jelašačko Polje

758. With regard to murders at the ammunition warehouse in Jelašačko Polje (beyond those dealt with as part of Scheduled incident B.7.1), the Trial Chamber received evidence from **Fejzija Hadžić**, a Bosnian Muslim from Kalinovik.[3092] He testified that on 2 August 1992, while detained at an ammunition warehouse between Jelaševac and Kalinovik, Djordjislav Aškraba ordered Osman Manda from Hadžići and a person called Jakup from Trnava to be taken away, and they did not return.[3093] The day after, Remiz Suljić from the village of Vihavic, Nezir Rogoj, Nasuf Bičo, and Zaim Čusto, all three from the village of Jelasac, were taken away in what Aškraba said was presumably a prisoner exchange, however the witness later heard that all four had been executed.[3094]

759. With regard to the above incident, the Trial Chamber notes that it has neither received evidence on what happened to the men after they were taken away, nor any evidence on the alleged perpetrators of the killings. Absent any such evidence, the Trial Chamber will not further consider this incident in relation to any count of the Indictment.

4.5.2 Unlawful detention and cruel or inhumane treatment in detention facilities

Schedule C.9.1

760. According to the Indictment, the Accused is responsible for unlawful detention, torture, beating, abuse, rape, other acts of sexual violence, and subjecting Bosnian Muslims and Bosnian Croats to inhumane living conditions in the Kalinovik elementary

[3091] Indictment, paras 39(a), 52, 59(a), 62(b).
[3092] P138 (Fejzija Hadžić, witness statement, 31 January 1999), p. 1; P139 (Statement of Fejzija Hadžič, 20 October 1992), p. 1; Fejzija Hadžić, T. 1830.
[3093] P139 (Statement of Fejzija Hadžić, 20 October 1992), p. 2.
[3094] P139 (Statement of Fejzija Hadžić, 20 October 1992), p. 3.

school (Miladin Radojević School) from 25 June 1992 until sometime in July 1992.[3095] The Defence argued that the police and civilian authorities controlled the events at Kalinovik elementary school, and that the abuses were committed by paramilitary groups who were not under the effective control of the VRS.[3096] Scheduled Incident C.9.1 is limited in its temporal scope to a few weeks in June and July 1992. The Indictment is, however, not limited to the Scheduled Incidents.[3097] The crime of persecution as charged *includes* those incidents further set out in the schedules to the Indictment.[3098] Accordingly, the Trial Chamber has not disregarded Adjudicated Facts or evidence falling outside the temporal scope of Scheduled Incident C.9.1. Below, the Trial Chamber will consider evidence relating to any unlawful detentions and cruel or inhumane treatment in the Kalinovik elementary school in 1992. The Trial Chamber took judicial notice of a number of Adjudicated Facts relating to events at the school. It additionally received evidence from **Witness RM-032**, **Witness RM-048**, and **Fejzija Hadžić**, all Bosnian Muslims,[3099] who were detained at the Kalinovik elementary school, as well as from **Zijo Hadžić** and **Ismet Poljak**, two Bosnian-Muslim Kalinovik police officers until April 1992,[3100] and finds that this evidence is consistent with the Adjudicated Facts.[3101]

761. On 25 June 1992, Muslim men were summoned by order of Neđo Banjanin, secretary of the Kalinovik Municipal Secretariat for National Defence, to the municipal assembly building to be given work assignments at the Zelengora wood-processing plant.[3102] **Ismet Poljak** stated that the orders came from Grujo Lalović, the President of

[3095] Indictment, paras 39(b)-(c), 47, 53, 59(b)-(d), (g), Schedule C.9.1.
[3096] Defence Final Brief, paras 1591-1594.
[3097] Further on this issue, *see* Appendix B.
[3098] Indictment, paras 59(b)-(d), (g) (emphasis added).
[3099] P180 (Witness RM-032, witness statement, 20 October 1998), p. 1, para. 1; P979 (Witness RM-048, witness statement, 8 June 1999), p. 1, para. 1; Witness RM-048, T. 8815; P138 (Fejzija Hadžić, witness statement, 31 January 1999), p. 1; P139 (Statement of Fejzija Hadžič, 20 October 1992), p. 1; Fejzija Hadžić, T. 1830.
[3100] P2800 (Zijo Hadžić, witness statements), witness statement of 30 January 1999, pp. 1-2, 5, witness statement of 19 February 2003, p. 1; P1425 (Ismet Poljak, witness statement, 25 January 1999), pp. 1-2, 6.
[3101] **Witness RM-032**: P180 (Witness RM-032, witness statement, 20 October 1998), paras 3-5, 7, 9, 11, 13-16, 22, 24-28, 45, 47; Witness RM-032, T. 2380, 2384, 2386-2387, 2389, 2393-2396, 2401, 2403. **Witness RM-048**: P979 (Witness RM-048, witness statement, 8 June 1999), paras 6, 8-9, 11-14, 17-18; Witness RM-048, T. 8865; P980 (Witness RM-048, table of clarifications). **Fejzija Hadžić**: P138 (Fejzija Hadžić, witness statement, 31 January 1999), p. 4; P139 (Statement of Fejzija Hadžić, 20 October 1992), p. 1; Fejzija Hadžić, T. 1847-1848. **Zijo Hadžić**: P2800 (Zijo Hadžić, witness statements), witness statement of 30 January 1999, p. 6. **Ismet Poljak**: P1425 (Ismet Poljak, witness statement, 25 January 1999), pp. 4, 6.
[3102] Adjudicated Facts I, no. 740.

Kalinovik Municipality, and Boško Govedarica, the local Chief of Police.[3103] Around 60 Muslim men responded, were arrested, and taken to the Kalinovik elementary school.[3104] **Fejzija Hadžić** specified that they were arrested by reserve and active-duty police officers, including Milan Perić and Sašo Doder.[3105] Aleksandar Cerovina, Predrag Terzić, and Duško Mandić, all police officers in Kalinovik, searched the witness at the entrance to the school.[3106] Those men who had failed to respond to the summons were later arrested and also brought to the school.[3107] Between 1 and 5 August 1992, Serbs rounded up, arrested, separated and imprisoned, or detained almost all remaining Muslim men and women from Kalinovik, and also approximately 190 women, children, and elderly persons from Gacko.[3108] All detainees were subsequently taken to the school.[3109]

762. **Fejzija Hadžić** testified that 10 or 15 armed Serb reserve police officers in olive-green-grey military uniforms detained people at the school.[3110] He recalled the following guards: Milan Lalović, Danilo Đorem, Dejan Đorem, Bele Stanković, Mića Mandić, and Ilija Đorem.[3111] **Witness RM-048** testified that the guards wore police and olive-colour uniforms.[3112] According to **Witness RM-032**, the detainees were guarded by individuals in regular blue uniforms and some wearing olive drab uniforms 'of the former army'.[3113] The guards worked in shifts.[3114] The guards called the detainees '*Ustašas*' and cursed their '*Ustaša* mothers'.[3115] Throughout her detention, Witness RM-032 saw soldiers in black, olive-green, and camouflage uniforms come to the school and harass the detainees.[3116] According to a Kalinovik SJB report of 18 August

[3103] P1425 (Ismet Poljak, witness statement, 25 January 1999), pp. 4, 6.
[3104] Adjudicated Facts I, no. 740.
[3105] P138 (Fejzija Hadžić, witness statement, 31 January 1999), p. 4; P139 (Statement of Fejzija Hadžić, 20 October 1992), p. 1; Fejzija Hadžić, T. 1847-1848.
[3106] P139 (Statement of Fejzija Hadžić, 20 October 1992), p. 2; Fejzija Hadžić, T. 1848-1849.
[3107] Adjudicated Facts I, no. 740.
[3108] Adjudicated Facts I, no. 741.
[3109] Adjudicated Facts I, no. 741.
[3110] P139 (Statement of Fejzija Hadžić, 20 October 1992), p. 2; Fejzija Hadžić, T. 1839, 1848-1849.
[3111] P139 (Statement of Fejzija Hadžić, 20 October 1992), p. 2.
[3112] P979 (Witness RM-048, witness statement, 8 June 1999), para. 16; Witness RM-048, T. 8866.
[3113] P180 (Witness RM-032, witness statement, 20 October 1998), para. 12; Witness RM-032, T. 2393.
[3114] P180 (Witness RM-032, witness statement, 20 October 1998), para. 12; Witness RM-032, T. 2392-2393.
[3115] P180 (Witness RM-032, witness statement, 20 October 1998), para. 14.
[3116] P180 (Witness RM-032, witness statement, 20 October 1998), paras 43, 45; Witness RM-032, T. 2403.

1992, police members had no official uniforms as the old ones were threadbare, and they were mostly dressed in olive drab uniforms without police insignia.[3117]

763. The Muslim civilians held at the Kalinovik school were kept in unhygienic conditions and without hot water and were provided with insufficient food.[3118] **Witness RM-032** specified that most people held at the school slept on the floor.[3119] Their freedom of movement was curtailed; they were not allowed to go to any other territory or to go back to their houses.[3120] Most of their houses were burnt down or ransacked.[3121] They were guarded and lived in an atmosphere of intimidation.[3122] All this was done in full view, with complete knowledge and sometimes with the direct involvement of the local authorities, particularly the police forces.[3123] However, **Fejzija Hadžić** testified that during the first three days the detainees were allowed to communicate with their families, and throughout their detention until 6 July 1992 they were treated 'fairly well'.[3124] According to the Kalinovik SJB report of 18 August 1992, on 6 July 1992 Bosnian-Muslim men who had been brought to Kalinovik elementary school by the Kalinovik SJB, pursuant to an order by the Kalinovik municipal and military authorities, were transferred, under the Kalinovik SJB's guard, to military prison where the Kalinovik Tactical Group's military command took charge of securing them.[3125]

764. During the detention at the school, some detainees were beaten and killed, and women were raped, for the sole reason of being of Muslim ethnicity.[3126] The head of the Foča police forces, Dragan Gagović, was one of the men who came there to take women out and rape them.[3127] **Zijo Hadžić** stated that as a member of a commission investigating events in Kalinovik, he interviewed 15 women and some men from the camp in the school, who told him that approximately 80 women had been raped there.[3128]

[3117] P4073 (Report on the work of the SJB Kalinovik for the period of April to August 1992, 18 August 1992), pp. 1, 5.
[3118] Adjudicated Facts I, no. 613.
[3119] P180 (Witness RM-032, witness statement, 20 October 1998), para. 11.
[3120] Adjudicated Facts I, no. 613.
[3121] Adjudicated Facts I, no. 613.
[3122] Adjudicated Facts I, no. 613.
[3123] Adjudicated Facts I, no. 613.
[3124] P139 (Statement of Fejzija Hadžić, 20 October 1992), p. 2.
[3125] P4073 (Report on the work of the SJB Kalinovik for the period of April to August 1992, 18 August 1992), pp. 1, 4.
[3126] Adjudicated Facts I, no. 742.
[3127] Adjudicated Facts I, no. 614.
[3128] P2800 (Zijo Hadžić, witness statements), witness statement of 30 January 1999, p. 6.

765. According to **Witness RM-048**, detention conditions severely deteriorated after the capture of Trnovo around 1 August 1992.[3129] They were not allowed to go to the toilet.[3130] Paramilitary formations also started to take out people for interrogations.[3131] The witness assumed that they were paramilitaries because of their long beards and camouflage uniforms which were different from the ones worn by the regular Serb soldiers.[3132] The witness heard screams from a floor above after people had been taken out.[3133] According to the Kalinovik SJB report of 18 August 1992 after the defeat of Serb forces at Trnovo on 31 August 1992 the military command asked the Foča military command for help, and approximately 100 men arrived.[3134] This group forcibly entered Kalinovik primary school, where Bosnian-Muslim women, children, and people over 60 years of age were put up, despite the opposition of the police securing the facility.[3135] They harassed these people by abducting younger women and girls, murdering and raping minors, and taking gold jewellery and money.[3136]

766. **Witness RM-032** testified that one day, Govedarica took the detainee Sutko Hasanbegović away, and Hasanbegović came back 'black and blue', saying he had been beaten by Govedarica.[3137] Another day, Govedarica came to the school with several men and took Hasanbegović upstairs, after which the witness heard two or three shots.[3138] Subsequently, Govedarica was seen by some female detainees coming downstairs with a bloody knife, and some soldiers who had arrived by car carried a body wrapped in a blanket downstairs.[3139] The witness assumed that it was the body of Hasanbegović.[3140] **Witness RM-048** testified that she saw Hasanbegović being taken out, heard screaming, and then saw a body, which appeared to be Hasanbegović's, being carried away.[3141] The witness further saw the body of another man from Kalinovik being removed and learned

[3129] P979 (Witness RM-048, witness statement, 8 June 1999), para. 17.
[3130] P979 (Witness RM-048, witness statement, 8 June 1999), para. 17.
[3131] P979 (Witness RM-048, witness statement, 8 June 1999), paras 17-18; Witness RM-048, T. 8815.
[3132] P979 (Witness RM-048, witness statement, 8 June 1999), para. 17.
[3133] P979 (Witness RM-048, witness statement, 8 June 1999), para. 18.
[3134] P4073 (Report on the work of the SJB Kalinovik for the period of April to August 1992, 18 August 1992), pp. 1, 3.
[3135] P4073 (Report on the work of the SJB Kalinovik for the period of April to August 1992, 18 August 1992), p. 3.
[3136] P4073 (Report on the work of the SJB Kalinovik for the period of April to August 1992, 18 August 1992), p. 3.
[3137] Witness RM-032, T. 2401.
[3138] P180 (Witness RM-032, witness statement, 20 October 1998), para. 46; Witness RM-032, T. 2401.
[3139] P180 (Witness RM-032, witness statement, 20 October 1998), para. 46; Witness RM-032, T. 2401-2402.
[3140] P180 (Witness RM-032, witness statement, 20 October 1998), para. 46.
[3141] P979 (Witness RM-048, witness statement, 8 June 1999), para. 18.

that he had been beaten and drowned in a water container.[3142] During the nights, the witness saw members of these paramilitary formations, including Pero Elez and his guards, Zoran and Neđo Samardžić, and Dragan Kunarac (Žaga)'s men, taking out women and returning them later.[3143] They also took valuables from the detainees and beat people who were reluctant to surrender them.[3144]

767. Two females were taken out of the school together by Dragoljub Kunarac and an individual known as 'Gaga', on 2 August 1992, driven by them to a house in the Aladža area and, from there, to a house in Trnovače.[3145] **Witness RM-032** believed that Gaga's real name was Dragan Gagović.[3146] Upon arrival at the house in the Aladža area, the women were told where to sleep. One of them was assigned to Kunarac. He ordered her to undress and tried to rape her while his bayonet was placed on the table.[3147] Kunarac did not entirely succeed in penetrating her because she was rigid with fear, although he succeeded the next day.[3148] Kunarac knew that she did not consent, and he rejoiced at the idea of being her 'first', thereby degrading her more.[3149] Also on 2 August 1992, Pero Elez arrived at the school dressed in a camouflage uniform with a pistol and a rifle, and took one of the detained girls out with him.[3150]

768. A few days later, Žaga and Gaga arrived at the Kalinovik school accompanied by several soldiers, including a female soldier named Jadranka, whom the others referred to as Jaca or Jasna.[3151] They cursed at the detainees and Jadranka threatened Witness RM-032 with a knife.[3152] When asked by the witness what would happen to the detainees, Žaga said that they would all be killed.[3153] Žaga later told the witness that he belonged

[3142] P979 (Witness RM-048, witness statement, 8 June 1999), para. 18.
[3143] P979 (Witness RM-048, witness statement, 8 June 1999), paras 19-20.
[3144] P979 (Witness RM-048, witness statement, 8 June 1999), paras 3, 21.
[3145] Adjudicated Facts I, no. 604.
[3146] Witness RM-032, T. 2389-2390.
[3147] Adjudicated Facts I, no. 605.
[3148] Adjudicated Facts I, no. 606.
[3149] Adjudicated Facts I, no. 606.
[3150] P180 (Witness RM-032, witness statement, 20 October 1998), paras 18, 20; Witness RM-032, T. 2380, 2395.
[3151] P180 (Witness RM-032, witness statement, 20 October 1998), para. 39; Witness RM-032, T. 2381-2382.
[3152] P180 (Witness RM-032, witness statement, 20 October 1998), paras 40-41.
[3153] P180 (Witness RM-032, witness statement, 20 October 1998), para. 41; Witness RM-032, T. 2380-2381.

to the White Eagles.[3154] Some of Žaga's men had insignia with an eagle and the letter 'S', some wore camouflage uniforms, and others were dressed in civilian clothes.[3155]

769. In August 1992, Marinko Bjelica, who wore a fuzzy Russian cap, came with several men dressed in multi-coloured clothes and green clothes of 'the former army', and took six or seven women and girls out to a farm located somewhere between Foča and Miljevina.[3156] The women returned after midnight and they were threatened with death if they talked to anybody about what had happened at the farm.[3157] Bjelica came again the next evening, but the guards did not let him take the women away again.[3158]

770. One day, Govedarica and another man with a long beard and a headband named Zeljaja, who introduced themselves as the chief of police and the commander of the police, came to the Kalinovik school looking for a volunteer to be a messenger between the front lines.[3159] Witness RM-032 volunteered and was blindfolded and taken to a hill.[3160] When her blindfold was removed, she was given a letter and a piece of white cloth on a stick, and sent to the Muslim frontline located on another hill.[3161] In the letter, the Serbs asked the Muslims to collect and exchange the bodies of eleven Serb soldiers for the detainees held at the Kalinovik school, who would otherwise be killed.[3162] The witness was sent back to the Serb side with a letter from the Bosnian Muslims, which she handed in.[3163] Govedarica and the chief of police from Ulog were present when she arrived.[3164]

771. The Trial Chamber finds that Fejzija Hadžić's testimony that the detainees were treated 'fairly well' is vague and lacks a factual description of the conditions. Furthermore, he was detained at the Kalinovik elementary school for a relatively short period of time. His evidence in this respect is therefore of limited probative value and does not rebut the Adjudicated Facts.

[3154] P180 (Witness RM-032, witness statement, 20 October 1998), paras 15, 22, 36, 38; Witness RM-032, T. 2380, 2395.
[3155] P180 (Witness RM-032, witness statement, 20 October 1998), para. 38.
[3156] P180 (Witness RM-032, witness statement, 20 October 1998), para. 47; Witness RM-032, T. 2396, 2399-2400.
[3157] P180 (Witness RM-032, witness statement, 20 October 1998), para. 47; Witness RM-032, T. 2396.
[3158] P180 (Witness RM-032, witness statement, 20 October 1998), para. 47; Witness RM-032, T. 2396.
[3159] P180 (Witness RM-032, witness statement, 20 October 1998), para. 51; Witness RM-032, T. 2405-2406.
[3160] P180 (Witness RM-032, witness statement, 20 October 1998), para. 51.
[3161] P180 (Witness RM-032, witness statement, 20 October 1998), para. 51.
[3162] P180 (Witness RM-032, witness statement, 20 October 1998), para. 52.
[3163] P180 (Witness RM-032, witness statement, 20 October 1998), para. 53.
[3164] P180 (Witness RM-032, witness statement, 20 October 1998), para. 53.

772. Based on the foregoing, the Trial Chamber finds that on 25 June 1992 around 60 Bosnian-Muslim civilian men answered a call for work assignments and were arrested by reserve and active-duty police officers, including Milan Perić and Sašo Doder, and detained at the Kalinovik elementary school. Other Bosnian-Muslim civilians were brought to the school later by Serb soldiers and policemen from the Kalinovik SJB. Between 1 and 5 August 1992, Serbs rounded up, arrested, separated and imprisoned, or detained almost all remaining Bosnian-Muslim men and women from Kalinovik, and also approximately 190 women, children, and elderly persons from Gacko. All these detainees were subsequently taken to the school. The detainee's freedom of movement was curtailed; they were not allowed to go to any other territory or to go back to their houses. They were guarded and lived in an atmosphere of intimidation.[3165] Most detainees had to sleep on the floor and food was insufficient. The conditions were unhygienic and there was no hot water. After 1 August 1992, there was a period when detainees were not allowed to go to the toilet. The detainees were guarded by the Kalinovik SJB. The guards kept the detainees in an intimidating atmosphere, called them '*Ustašas*', and cursed the detainees' '*Ustaša* mothers'.

773. Approximately 80 women were raped and detainees were beaten by persons coming to the school. The rapes occurred at the school as well as in other places the women were taken to. The beatings and rapes were committed because the victims were of Bosnian Muslim ethnicity. Those raping female detainees were Pero Elez, Dragan Kunarac a.k.a. Žaga and Dragan Gagović a.k.a. Gaga (the head of the Foča police), Marinko Bjelica, and Zoran and Neđo Samardžić. On one occasion, the guards refused entry to Bjelica when he wanted to take out female detainees. One of the soldiers accompanying Žaga and Gaga, a female called Jadranka a.k.a. Jaca/Jasna threatened Witness RM-032 with a knife. Boško Govedarica, the Chief of Police at Kalinovik SJB (see Trial Chamber's finding in chapter 4.5.1 *Schedule C.9.1*.), beat one detainee named Sutko Hasanbegović. Detainees who refused to hand over valuables were also beaten by Elez and his men, Zoran and Neđo Samardžić, and Žaga's men.

774. The Trial Chamber also recalls its finding in chapter 3.1.2 that Pero Elez and Dragomir Kunarac a.k.a. Žaga headed their own sub-units under Marko Kovač, Commander of the Foča Tactical Group. The Trial Chamber also recalls from chapter 4.3.1, *Schedule B.5.1* that Zoran Samardžić, as Commander of the Miljevina Military

[3165] Adjudicated Facts I, no. 613.

Police, was subordinated to Pero Elez who was the Commander of the Miljevina Battallion. Based on the evidence reviewed above, Neđo Samardžić was subordinated to Pero Elez.

775. The Trial Chamber will further consider the above in relation to Count 3 of the Indictment in chapter 8, below.

Schedule C.9.2

776. According to the Indictment, the Accused is responsible for unlawful detention, torture, beating, abuse, rape, other acts of sexual violence, and subjecting Bosnian Muslims and Bosnian Croats to inhumane living conditions in an ammunition warehouse in Jelšačko Polje from 6 July to 5 August 1992.[3166] The Defence argued that the responsibility cannot be imputed onto the VRS or the Accused, since the ammunition warehouse in Jelašačko Polje was under control and command of the police.[3167] The Trial Chamber took judicial notice of Adjudicated Facts number 743 and 744 relating to events at this place. It additionally received evidence from **Fejzija Hadžić**, a Bosnian Muslim from Kalinovik;[3168] **Witness RM-032**, a Bosnian-Muslim woman;[3169] as well as **Zijo Hadžić** and **Ismet Poljak**, two Bosnian-Muslim Kalinovik police officers until April 1992,[3170] and finds that this evidence is consistent with the Adjudicated Facts.[3171] The Trial Chamber also received documentary evidence.

777. On 6 July 1992, detainees from the Kalinovik elementary school were transferred to an ammunition warehouse in Jelašačko Polje.[3172] **Ismet Poljak** specified that in total 120 Muslims at the school were transferred to the warehouse.[3173] **Fejzija Hadžić**, who was among the detainees, testified that Serb reserve police officers escorted him and the rest of the group to the warehouse, where they were received by uniformed police

[3166] Indictment, paras 39(b)-(c), 47, 53, 59(b)-(d), (g), Schedule C.9.2.
[3167] Defence Final Brief, paras 1595-1597.
[3168] P138 (Fejzija Hadžić, witness statement, 31 January 1999), p. 1; P139 (Statement of Fejzija Hadžič, 20 October 1992), p. 1; Fejzija Hadžić, T. 1830.
[3169] P180 (Witness RM-032, witness statement, 20 October 1998), p. 1, para. 1.
[3170] P2800 (Zijo Hadžić, witness statements), witness statement of 30 January 1999, pp. 1-2, 5, witness statement of 19 February 2003, p. 1; P1425 (Ismet Poljak, witness statement, 25 January 1999), pp. 1-2, 6.
[3171] **Witness RM-032**: Witness RM-032, T. 2380. **Fejzija Hadžić**: P139 (Statement of Fejzija Hadžić, 20 October 1992), p. 2; Fejzija Hadžić, T. 1849, 1851. **Zijo Hadžić**: P2800 (Zijo Hadžić, witness statements), witness statement of 30 January 1999, pp. 5-6. **Ismet Poljak**: P1425 (Ismet Poljak, witness statement, 25 January 1999), pp. 4, 6-7.
[3172] Adjudicated Facts I, no. 743.

officers from Kalinovik.[3174] The detention facility was controlled by a retired policeman called Đorđislav Aškraba who wore a military uniform.[3175] The witness recalled the names of the following guards: Milan Lalović, Vojin Puhalo, Ranko Miljanović, Zoran Puhalo, Rade Lalović, Neđo Vuković, a person with the last name Elez,[3176] a person with the last name Vujičić, and two sons of Čedo Vukadin.[3177] Aškraba had been appointed by Boško Govedarica, the local chief of police, and Grujo Lalović, the president of Kalinovik municipality.[3178] According to a document by the Kalinovik SJB, from 7 July to 7 August 1992, Đorđislav Aškraba, a MUP employee, was seconded to the VRS to carry out the duties and tasks of commander of the detail providing security for Muslim detainees.[3179] Many detainees were severely beaten at the warehouse.[3180] There were no sanitary facilities, the detainees had to sleep on the concrete floor, and received little food and water.[3181] By the beginning of August 1992, some 85 Muslim men were still held at the warehouse.[3182]

778. Based on the foregoing, the Trial Chamber finds that between 6 July and the beginning of August 1992, around 100 Bosnian-Muslim men were detained at an ammunition warehouse in Jelašačko Polje. There were no sanitary facilities, the detainees had to sleep on the floor, and food and water was limited.

779. The detention facility was run by Đorđislav Aškraba, who had been appointed commander of the facility by Boško Govedarica, the Chief of Police at Kalinovik SJB, and Grujo Lalović, the president of Kalinovik municipality. During this time, Aškraba was seconded to the VRS. The Trial Chamber therefore finds that the guards at the warehouse were subordinated to the VRS.

780. Many detainees at the warehouse were severely beaten. The Trial Chamber finds that they were beaten by the guards at the school.

[3173] P1425 (Ismet Poljak, witness statement, 25 January 1999), pp. 4, 6.
[3174] P139 (Statement of Fejzija Hadžić, 20 October 1992), p. 2; Fejzija Hadžić, T. 1849.
[3175] P139 (Statement of Fejzija Hadžić, 20 October 1992), p. 2. *See also*, P1425 (Ismet Poljak, witness statement, 25 January 1999), p. 7.
[3176] The Trial Chamber understands this to refer to Pero Elez.
[3177] P139 (Statement of Fejzija Hadžić, 20 October 1992), p. 2.
[3178] P1425 (Ismet Poljak, witness statement, 25 January 1999), pp. 4, 6-7.
[3179] P7748 (Certification of the secondment of Đorđislav Aškraba from the Bosnian-Serb MUP to the VRS, 8 April 1993), p. 2.
[3180] Adjudicated Facts I, no. 743.
[3181] Adjudicated Facts I, no. 744.
[3182] Adjudicated Facts I, no. 743.

781. The Trial Chamber will further consider the above in relation to Count 3 of the Indictment in chapter 8 below.

Unscheduled incidents – Kalinovik police station

782. In addition to Scheduled Incidents C.9.1 and C.9.2, discussed above, the Indictment further includes that the Accused is responsible for unlawful detention, torture, beating, abuse, rape, other acts of sexual violence, and subjecting Bosnian Muslims and Bosnian Croats to inhumane living conditions in other detention facilities in Kalinovik Municipality.[3183] In this respect, the Trial Chamber received evidence from **Witness RM-063** and **Witness RM-012** (reviewed in chapter 4.5.5 and 4.3.7), two Bosnian Muslims from Foča,[3184] about their detention at the Kalinovik police station.

783. **Witness RM-063** stated that on 31 October 1992, four people, including himself, were taken to the Kalinovik MUP where Serb soldiers, referred to as 'Gardisti', beat them.[3185] The witness was heavily beaten and sustained three broken ribs which made him 'practically paralyzed' and unable to move.[3186] He was kept in a solitary cell for about ten days without any medical aid.[3187] On 10 November 1992, three policemen asked him to get ready to be exchanged, he was blindfolded, put into a police car and driven to the Jažići camp where he was joined by two other detainees and driven to Dobro Polje.[3188] They were given a stick with a white cloth and ordered to walk towards Rogaj where they met the ABiH.[3189]

784. Based on the foregoing, the Trial Chamber finds that from at least 18 September 1992 until 21 March 1993, several people, including at least two Bosnian-Muslim men who gave evidence before this Trial Chamber as Witnesses RM-012 and RM-063, were detained in the Kalinovik police station which was under the control of Boško Govedarica, the Chief of Police at Kalinovik SJB (*see* Trial Chamber's finding in

[3183] Indictment, paras 39(b)-(c), 47, 53, 59(b)-(d), (g).
[3184] **Witness RM-063**: P531 (Witness RM-063, witness statement, 10 February 1996), pp. 1-2; P532 (Witness RM-063, witness statement, 25 September 1998), p. 1. **Witness RM-012**: P3155 (Witness RM-012, witness statement, 19 April 1996), pp. 1-3; P3156 (Witness RM-012, witness statement, 13 June 1996), p. 1; P3157 (Witness RM-012, witness statement, 20 October 1998), p. 1.
[3185] P531 (Witness RM-063, witness statement, 10 February 1996), pp. 7-8; P532 (Witness RM-063, witness statement, 25 September 1998), pp. 2-3; Witness RM-063, T. 5449.
[3186] P531 (Witness RM-063, witness statement, 10 February 1996), pp. 7-8; P532 (Witness RM-063, witness statement, 25 September 1998), pp. 2-3; Witness RM-063, T. 5449.
[3187] P531 (Witness RM-063, witness statement, 10 February 1996), p. 8.
[3188] P531 (Witness RM-063, witness statement, 10 February 1996), p. 8; Witness RM-063, T. 5433.
[3189] P531 (Witness RM-063, witness statement, 10 February 1996), p. 8.

chapter 4.5.1 *Schedule C.9.1*), and Neđelko Zeljaja. Based on the evidence reviewed above and elsewhere in chapter 4.5, the Trial Chamber finds that Zeljaja was the Police Commander at Kalinovik SJB. The two men had been transferred to the police station from KP Dom. After Serb soldiers, referred to as 'Gardisti', administered a severe beating on 31 October 1992, Witness RM-063 was kept in solitary confinement for about ten days without medical aid despite his sustained injuries. On 21 March 1993, Witness RM-012 was taken out of police station by 'Serb soldiers', including Zoran Samardžić or Predrag a.k.a. Pedo Trifković/Trivun. One of them threatened the witness's life by putting a knife to his throat and a rifle to his temple and the witness had to curse 'Alija' and his daughter. The Trial Chamber recalls its finding in chapter 4.3.1, *Schedule B.5.1* that Zoran Samardžić, as Commander of the Miljevina Military Police, was subordinated to Pero Elez who was the Commander of the Miljevina Battallion. Predrag Trivun a.k.a. Pedo or Pedolino who commanded part of the Miljevina Battallion was also subordinated to Pero Elez. The Trial Chamber recalls its finding in chapter 3.1.2 that Pero Elez headed his own sub-unit, the Miljevina Battallion, under Marko Kovač, Commander of the Foča Tactical Group. The Trial Chamber will further consider the above, with regard to Witness RM-012 and Witness RM-063, in relation to Count 3 of the Indictment in chapter 8, below.

4.5.3 Destruction of private and public property, including cultural monuments and sacred sites

785. According to the Indictment, the Accused is responsible for wanton acts of destruction of private property, including homes and business premises, and public property, including cultural monuments and sacred sites, listed in Schedule D.6, in Kalinovik Municipality between 12 May 1992 and 30 November 1995.[3190] In particular, the Indictment sets out that the Ulog mosque, the Hotovlje mosque, the Jesalica mosque, and the Kutina mosque were destroyed after July 1992.[3191] The Prosecution clarified that it was only seeking a conviction with regard to the destruction of two mosques in Kalinovik: the Ulog mosque and another one known as 'the Hotovlje/Kutina mosque'.[3192] The Trial Chamber understands this clarification to amount to a

[3190] Indictment, paras 47, 52, 59(j), Schedule D.6.
[3191] Indictment, Schedule D.6.
[3192] Prosecution Final Brief, Annex B; T. 44849.

withdrawal of part of the destruction charge concerning Kalinovik Municipality and will not consider further for the purpose of this Scheduled Incident the evidence concerning the alleged destruction of the Jesalica mosque. The Trial Chamber took judicial notice of Adjudicated Fact number 746 relating to the destruction of religious monuments. It also received evidence from expert witness **András Riedlmayer**, bibliographer and art documentation specialist,[3193] and finds that his evidence concerning the specifics of the destruction of the Ulog and Hotovlje mosques is consistent with the Adjudicated Fact.[3194] Furthermore, it received evidence from **Fejzija Hadžić**, a Bosnian Muslim from Kalinovik.[3195]

786. At the end of July and beginning of August 1992, the mosques of Kalinovik Municipality, namely in Ulog, Hotolje, Kutina, and Jeslica were destroyed.[3196] According to **Fejzija Hadžić**, 'the Serb army' torched three mosques in Kalinovik and blew up the minarets.[3197] **András Riedlmayer** testified that there was no mosque in the Muslim village of Kutine before the war and the Kutine residents were included in the congregation of the mosque of Hotovlje, a neighbouring village.[3198]

787. Based on the evidence of András Riedlmayer, the Trial Chamber finds that Adjudicated Fact number 746 is rebutted as far as the date of destruction of the Kutine mosques is concerned. The Trial Chamber is satisfied that there was no mosque in the village of Kutine during the 1992-1995 war. Accordingly, it will not further consider the alleged destruction of the Kutine mosque as a separate incident in relation to Count 3 of the Indictment. However, the Trial Chamber understands that the alleged destruction of the Hotovlje/Kutina mosque refers to the alleged destruction of the Hotovlje mosque whose congregation included villagers from Kutina and has considered evidence in this regard below.

[3193] P2503 (Expert report of András Riedlmayer, December 2012), para. 75; András Riedlmayer, T. 17888; P2504 (*Curriculum vitae* of András Riedlmayer), p. 1.
[3194] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 143-149; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 6; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[3195] P138 (Fejzija Hadžić, witness statement, 31 January 1999), p. 1; P139 (Statement of Fejzija Hadžič, 20 October 1992), p. 1; Fejzija Hadžić, T. 1830.
[3196] Adjudicated Facts I, no. 746. Despite differences in spelling, the Trial Chamber considers that the villages mentioned in this chapter are the ones referred to in the Indictment, Schedule D.6.
[3197] Fejzija Hadžić, T. 1838-1839.
[3198] P2503 (Expert report of András Riedlmayer, December 2012), paras 32-33; P2510 (Formatted entries to expert report of András Riedlmayer), pp. 147-148; P2511 (Survey database for expert report of András Riedlmayer).

788. **András Riedlmayer** further testified that the Ulog mosque was blown up.[3199] According to records of the Centre for Islamic Architecture of the Islamic Community of Bosnia-Herzegovina, 'Serbs' were responsible for the destruction.[3200] The Hotovlje mosque was damaged by shelling and burned down.[3201]

789. Based on the foregoing, the Trial Chamber finds that at the end of July and beginning of August 1992, the Ulog mosque was blown up and the Hotovlje/Kutina mosque was damaged by shelling and burned down. The evidence concerning the alleged perpetrators of the destruction of the Ulog mosque comes from records of the Centere for Islamic Architecture of the Islamic Community of Bosnia-Herzegovina, which does not identify the original source or that source's basis of knowledge. The Trial Chamber will therefore not further consider Riedlmayer's evidence in this respect. Furthermore, the Trial Chamber finds that the evidence of Fejzija Hadžić concerning the perpetrators of the destruction of the Ulog and Hotovlje/Kutina mosques lacks a clear basis of knowledge. In this respect, the Trial Chamber notes that the witness was not an eye-witness to these incidents. Therefore, it considers that the evidence cannot be relied on to identify the perpetrators. Accordingly, the Trial Chamber is unable to identify the perpetrators of the destructions and will not further consider these incidents in relation to Count 3 of the Indictment.

4.5.4 Appropriation or plunder of property

790. According to the Indictment, the Accused is responsible for appropriation or plunder of property during and after take-overs, during arrests and detentions, and during or after deportations or forcible transfers of Bosnian Muslims and Bosnian Croats in Kalinovik Municipality between 12 May 1992 and 30 November 1995.[3202] The Trial Chamber received evidence in relation to two specific incidents of alleged plunder: one in relation to detainees at the Kalinovik elementary school and the other in relation to detainees in the ammunition warehouse in Jelašačko Polje. There are also

[3199] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 143-146; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 6; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[3200] P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 6.
[3201] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 147-149; P2511 (Survey database for expert report of András Riedlmayer); P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[3202] Indictment, paras 47, 59(i).

other crimes charged in relation to both of these detention centres. The Trial Chamber has specifically considered the Adjudicated Facts, evidence, and factual findings in relation to these other charges, as set out in chapters 4.5.2 *Schedule C.9.1* and 4.5.1 *Schedule B.7.1*. In addition to this, **Witness RM-032**, a Bosnian-Muslim woman,[3203] testified that at some point during her detention at the Kalinovik elementary school in July and August 1992, a group of soldiers robbed her of her valuables.[3204] 'Žaga' told her that these soldiers were Ćosa's men.[3205]

791. Based on the above, the Trial Chamber finds that on 5 August 1992, Serb soldiers headed by Pero Elez took valuables away from around 25 Bosnian-Muslim detainees at the ammunition warehouse in Jelašačko Polje. At the Kalinovik elementary school in July or August 1992, Ćosa's men, Pero Elez's men, Zoran and Neđo Samardžić, and Dragan Kunarac's men took the valuables of the Bosnian-Muslim detainees. The Trial Chamber recalls its finding in chapter 3.1.2 that Brane Ćosović a.k.a Ćosa, Pero Elez and Dragomir Kunarac a.k.a. Žaga headed their own sub-units under Marko Kovač, Commander of the Foča Tactical Group. Brane Ćosović headed the 'Dragan Nikolić' Intervention Unit and Pero Elez the Miljevina Battallion. The Trial Chamber recalls from chapter 4.3.1, *Schedule B.5.1* that Zoran Samardžić, as Commander of the Miljevina Military Police, was subordinated to Pero Elez. The Trial Chamber found in chapter 4.5.2 *Schedule C.9.1* that Neđo Samardžić was subordinated to Pero Elez. The Trial Chamber will further consider these incidents in relation to Count 3 of the Indictment in chapter 8, below.

4.5.5 Forced labour and human shields

792. According to the Indictment, the Accused is responsible for subjecting Bosnian Muslims and Bosnian Croats in Kalinovik municipality to forced labour and using them as human shields between 12 May 1992 and 30 November 1995.[3206] The Trial Chamber took judicial notice of Adjudicated Fact number 678 which relates to this charge. It also received evidence from **Witness RM-012,** a Bosnian Muslim from Foča who was

[3203] P180 (Witness RM-032, witness statement, 20 October 1998), p. 1, para. 1.
[3204] P180 (Witness RM-032, witness statement, 20 October 1998), paras 3-5, 7, 9, 37, 50, 54; Witness RM-032, T. 2384, 2386-2387, 2389.
[3205] P180 (Witness RM-032, witness statement, 20 October 1998), para. 42.
[3206] Indictment, paras 39(c), 47, 59(h).

detained in KP Dom from 26 May 1995 until 18 September 1992,[3207] and finds that this evidence is consistent with the Adjudicated Fact.[3208]

793. Two detainees at the KP Dom were taken by troops to Kalinovik in an army truck and were then separated from twelve other detainees and taken to the police station.[3209] **Witness RM-012**, who was one of the two detainees, stated that this happened on 18 September 1992.[3210] Boško Govedarica was the chief of the police station and Neđelko Zeljaja was the police commander.[3211] The two detainees were kept in the police station and at least one of them was required to drive vehicles for the detection of landmines.[3212] Govedarica told the detainees that they had requested some drivers for this purpose but the decision that these two should be the drivers had been made 'in Foča'.[3213] The witness was taken out about eight times to drive ahead of 'Serb' cars and vehicles to detect mines.[3214] While the two detainees never hit a mine, on one occasion a car behind them hit a mine causing one death.[3215] The witness was later exchanged as further detailed in chapter 4.3.7.

794. Based on the above, the Trial Chamber finds that sometime after 18 September 1992 and before 24 March 1993, Boško Govedarica, the Chief of Police at Kalinovik SJB (*see* Trial Chamber's finding in chapter 4.5.1 *Schedule C.9.1*), and Neđelko Zeljaja, the Police Commander at Kalinovik SJB (*see* Trial Chamber's finding in chapter 4.5.2 *Unscheduled incidents – Kalinovik police station*), or their subordinates, took the Bosnian-Muslim Witness RM-012 and one other person out of the police station and made them drive a number of times in front of other cars in order to detect mines. While the vehicle(s) they drove never hit a mine, on one occasion a car behind them hit a mine killing someone. In this respect, the Trial Chamber also recalls its findings in chapter 4.5.2 concerning the conditions of detention. The Trial Chamber will further consider

[3207] P3155 (Witness RM-012, witness statement, 19 April 1996), pp. 1-3; P3156 (Witness RM-012, witness statement, 13 June 1996), p. 1; P3157 (Witness RM-012, witness statement, 20 October 1998), p. 1.
[3208] P3155 (Witness RM-012, witness statement, 19 April 1996), p. 5; P3157 (Witness RM-012, witness statement, 20 October 1998), p. 4.
[3209] Adjudicated Facts I, no. 678.
[3210] P3155 (Witness RM-012, witness statement, 19 April 1996), p. 5; P3157 (Witness RM-012, witness statement, 20 October 1998), p. 4.
[3211] P3155 (Witness RM-012, witness statement, 19 April 1996), p. 5; P3157 (Witness RM-012, witness statement, 20 October 1998), p. 4.
[3212] Adjudicated Facts I, no. 678.
[3213] P3157 (Witness RM-012, witness statement, 20 October 1998), p. 4.
[3214] P3155 (Witness RM-012, witness statement, 19 April 1996), p. 5.
[3215] P3155 (Witness RM-012, witness statement, 19 April 1996), p. 5.

these incidents, insofar as they relate to Witness RM-012, in relation to Count 3 of the Indictment in chapter 8, below.

4.5.6 Imposition and maintenance of restrictive and discriminatory measures

795. According to the Indictment, the Accused is responsible for imposition and maintenance of restrictive and discriminatory measures on Bosnian Muslims and/or Bosnian Croats in Kalinovik Municipality between 12 May 1992 and 30 November 1995.[3216] The Trial Chamber took judicial notice of a number of Adjudicated Facts related to the alleged imposition and maintenance of restrictive and discriminatory measures in the municipality.

796. Based entirely on Adjudicated Facts numbers 735 through 738, the Trial Chamber finds that in May 1992, Bosnian Muslims in the municipality were required to carry a permit issued by the crisis staff in order to move around. On 17 May 1992, the SDS crisis staff issued an order to all military-aged Bosnian-Muslim men to report to the municipal secretariat for national defence and to the police twice a week. By 11 June 1992, the movement of the Bosnian-Muslim population was further restricted. The Trial Chamber will further consider these incidents in relation to Count 3 in chapter 8, below.

4.5.7 Forcible transfer and deportation

797. According to the Indictment, the Accused is responsible for the forcible transfer and deportation of Bosnian Muslims and Bosnian Croats from Kalinovik Municipality between March 1992 and 30 November 1995.[3217] Restrictive and discriminatory measures, arbitrary arrest and detention, harassment, torture, rape and other acts of sexual violence, killing, the destruction of houses and cultural monuments and sacred sites, and the threat of further such acts - all targeted at Bosnian Muslims and Bosnian Croats - caused Bosnian Muslims and Bosnian Croats to flee in fear. Others were physically driven out.[3218] The Defence argued that (i) residents wanted to leave Kalinovik as a result of activities of paramilitary formations that were escalating; (ii) the reasons for changes in the ethnic composition of Kalinovik Municipality as set out in a

[3216] Indictment, paras 47, 59(k).
[3217] Indictment, paras 47, 59(f), 67-68, 70.
[3218] Indictment, para. 70.

report by Ewa Tabeau were unclear and therefore a reasonable inference could be made that it was due to naturally occurring circumstances of a chaotic conflict; and (iv) the safety of residents was a continuing concern for the community once the war began and that the Municipal Assembly implemented measures to ensure all residents were protected, thus demonstrating that there was no plan to permanently remove non-Serbs from Kalinovik.[3219] With regard to the defence's argument concerning Ewa Tabeau's report, the Trial Chamber refers to its conclusion in Appendix B. The Trial Chamber received evidence from **Fejzija Hadžić**, a Bosnian Muslim from Kalinovik,[3220] in relation to one incident of alleged forcible transfer and deportation from the municipality.

798. The Trial Chamber reviewed the evidence of Fejzija Hadžić in relation to scheduled killing incident B.7.1 in chapter 4.5.1. Hadžić managed to escape from the scene of the killing on 5 August 1992.[3221] He then walked all day to join other refugees in Huse, where he was given first aid.[3222] Over the course of many days, the witness made his way to the free territory in Zenica, arriving there on 20 September 1992.[3223]

799. Based on the foregoing, the Trial Chamber finds that Fejzija Hadžić, a Bosnian Muslim from Kalinovik, having survived the killings at a stable in Ratine on 5 August 1992 (*see* chapter 4.5.1 *Schedule B.7.1*), left Ratine, arriving in Zenica in Muslim-controlled territory on 20 September 1992. The Chamber will further consider this incident in relation to Counts 3 and 7-8 of the Indictment in chapter 8, below.

[3219] Defence Final Brief, paras 1581-1587.
[3220] P138 (Fejzija Hadžić, witness statement, 31 January 1999), p. 1; P139 (Statement of Fejzija Hadžič, 20 October 1992), p. 1; Fejzija Hadžić, T. 1830.
[3221] P138 (Fejzija Hadžić, witness statement, 31 January 1999), p. 5; P139 (Statement of Fejzija Hadžić, 20 October 1992), p. 4; Fejzija Hadžić, T. 1842.
[3222] P138 (Fejzija Hadžić, witness statement, 31 January 1999), p. 5; Fejzija Hadžić, T. 1842.
[3223] P138 (Fejzija Hadžić, witness statement, 31 January 1999), p. 5; P139 (Statement of Fejzija Hadžić, 20 October 1992), p. 4; Fejzija Hadžić, T. 1842.

4.6 Ključ Municipality

4.6.1 Murder

Schedule A.3.3

800. According to the Indictment, the Accused is responsible for the killing of at least 144 people in Biljani on or about 10 July 1992.[3224] The Defence argued that: (i) the killings at Biljani School were individual and unplanned actions of reservist soldiers, members of the military police, and/or members of the special police forces of SJB Ključ and could not be attributed to the VRS and the Accused as evidence of a genocidal act;[3225] (ii) a battalion of the 17th Light Infantry Brigade led by Samardžija, which was tasked with the mopping-up of Biljani, was ill-disciplined and untrained and that Samardžija had a revenge motive;[3226] (iii) the arrest of individuals in Biljani was consistent with a legitimate operation to process suspected combatants;[3227] and (iv) the Prosecution did not identify any individuals responsible for the alleged killing on the bus and did not establish that the Accused was informed about this incident or that anyone in the VRS chain of command ordered or condoned these acts.[3228] The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this incident. It also received evidence from **Witness RM-021** and **Dževad Džaferagić**, both Bosnian-Muslims from Ključ Municipality,[3229] as well as **Witness RM-010**, a resident of Ključ Municipality,[3230] and finds that this evidence is consistent with the Adjudicated Facts.[3231] The Trial Chamber also received evidence from **Birte Weiss**, a journalist and former Danish Parliamentarian and minister;[3232] **Ewa Tabeau**, a demographer and statistician;[3233] **Atif Džafić**, the Bosnian-Muslim police commander of

[3224] Indictment, paras 39(a)(i), 59(a)(i), 62(a), Schedule A.3.3.
[3225] Defence Final Brief, paras 59, 125, 1257.
[3226] Defence Final Brief, paras 59, 123, 1258, 1263-1264.
[3227] Defence Final Brief, paras 1258-1259, 1261. The Defence pointed to Witness RM-010's evidence that military police members were putting on uniforms in front of Biljani School when he arrived, Defence Final Brief, para. 1260.
[3228] Defence Final Brief, paras 75, 113, 1265-1266.
[3229] **Witness RM-021**: P2057 (Witness RM-021, witness statement, 18 February 2001), pp. 1-2; Witness RM-021, T. 15951-15952; P2056 (Pseudonym sheet for Witness RM-021). **Dževad Džaferagić**: P1894 (Dževad Džaferagić, witness statement, 5 June 2001), pp. 1-2.
[3230] **Witness RM-010**: Witness RM-010, T. 1871; P140 (Pseudonym sheet of Witness RM-010).
[3231] **Witness RM-010**: Witness RM-010, T. 1878, 1881, 1888-1890, 1895, 1906-1907. **Dževad Džaferagić:** P1894 (Dževad Džaferagić, witness statement, 5 June 2001), pp. 1-2. **Witness RM-021**: P2057 (Witness RM-021, witness statement, 18 February 2001), pp. 5-7; Witness RM-021, T. 15962, 15983.
[3232] Birte Weiss, T. 5279-5280.
[3233] Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).

the Ključ SJB from 1991 to 21 or 22 May 1992;[3234] **Grujo Borić**, Commander of the 2KK from July 1992 to December 1994;[3235] **Rajko Kalabić**, a member of the Ključ Crisis Staff;[3236] and **Nicolas Sébire**, investigator for the Prosecution,[3237] as well as documentary evidence.

Rounding up of Bosnian Muslims on 10 July 1992

801. In the village of Biljani, the hamlets of Brkići, Džaferagići, Botonići, and Jakubovac were exclusively inhabited by Bosnian Muslims.[3238] On 10 July 1992, in accordance with an order issued by the commander of the local battalion, Bosnian-Muslim men, aged 18 to 60, and women from the Biljani hamlets were rounded up by VRS soldiers and Bosnian-Serb police near Biljani primary school.[3239] **Witness RM-010** testified that they were first told to go to a meadow near the village and await further instructions.[3240] At the meadow, there were around 30 Serb soldiers, most wearing olive-drab uniforms and some in camouflage.[3241] Some of the soldiers wore an insignia of a two-headed eagle on their right shoulder and some had four S's on their hats.[3242] While he could not remember the precise detail of the insignia, Witness RM-010 testified that the soldiers were VRS reservists.[3243] He recognised many of the soldiers in the meadow, including Marko Smardžić, the company commander, and his deputy Mladko Tešić.[3244] The witness testified that along the way to the school he saw an increasing number of soldiers from the 'reserve force'. [3245] The witness also saw Milan Tomić who was the commander of the Sanica police, and his deputy Petar Mihić.[3246]

[3234] P3394 (Atif Džafić, witness statement, 28 September 2011), p. 1, paras 1, 4, 6; P3395 (Atif Džafić, *Karadžić* transcript, 30 September 2011), p. 19657.
[3235] Grujo Borić, T. 34580-34581, 34586, 34599-34600, 34608.
[3236] Rajko Kalabić, T. 30198, 30208.
[3237] P3280 (*Stakić* transcript, 3 and 27 September 2002), p. 7330; P3281 (Brđanin transcript, 30 May 2003), p. 16670.
[3238] Adjudicated Facts I, no. 766.
[3239] Adjudicated Facts I, nos 767-768.
[3240] Witness RM-010, T. 1878.
[3241] Witness RM-010, T. 1878-1881.
[3242] Witness RM-010, T. 1879.
[3243] Witness RM-010, T. 1879-1880.
[3244] Witness RM-010, T. 1880-1881, 1905, 1941-1942. The Trial Chamber understands that the person referred to by the witness as Marko Smardžić is in fact Marko Samardžija.
[3245] Witness RM-010, T. 1882.
[3246] Witness RM-010, T. 1882, 1886, 1942.

802. Two other witnesses provided evidence about the soldiers in Biljani that day. **Witness RM-021** testified that he saw 30 to 40 Serb soldiers near the school.[3247] He described some of them as being dressed as 'Chetniks' and clarified that they were wearing camouflage uniforms with cockades on their hats and wore black face masks or had paint on their faces.[3248] The witness testified that there was no defence force in Biljani and that men with weapons had handed them over to the authorities.[3249] Đuro Bjelobrk, a local armed Serb soldier in an old JNA uniform, told the witness to go to the school and register himself, which he did.[3250] **Dževad Džaferagić** stated that on that day he awoke at his house in Biljani at about 5:30 a.m. to the sound of extensive automatic gunfire.[3251] From his house, he saw at a distance of approximately 30 metres, a convoy of 50 to 60 men in civilian clothes being led away with their hands behind their heads.[3252] He also saw men being taken away by a Serb soldier whom he knew to be Mile Pešević who was his neighbour, and two to three unidentified Serbs.[3253] When one of the men asked Pešević whether he could take his insulin shots, Pešević replied: 'Ya, take it, but you won't need it, we will use it for our army.'[3254]

Detention and killings at Biljani School

803. **Witness RM-010** and **Witness RM-021** were both brought to Biljani School on 10 July 1992. Between 120 and 150 men were confined in two classrooms.[3255] **Witness RM-010** testified that when he arrived in front of the school, he saw military police members getting dressed and putting their white belts and gloves on.[3256] The company commander, Marko Smardžić, was present at the school and greeted some of the members of the military police.[3257] One of the military police members saw the detainees and shouted 'Look at these good soldiers', and another one cursed them and said 'Why are your hands behind your backs? Put your hands on your head and bow

[3247] P2057 (Witness RM-021, witness statement, 18 February 2001), p. 5.
[3248] P2057 (Witness RM-021, witness statement, 18 February 2001), p. 5; Witness RM-021, T. 15981.
[3249] P2057 (Witness RM-021, witness statement, 18 February 2001), p. 5; P2059 (Witness RM-021, *Brđanin* transcript, 27 August 2002), pp. 9088-9089; Witness RM-021, T. 15958, 15961, 15979.
[3250] P2057 (Witness RM-021, witness statement, 18 February 2001), pp. 5-6; Witness RM-021, T. 15962.
[3251] P1894 (Dževad Džaferagić, witness statement, 5 June 2001), pp. 1-2.
[3252] P1894 (Dževad Džaferagić, witness statement, 5 June 2001), pp. 2, 8.
[3253] P1894 (Dževad Džaferagić, witness statement, 5 June 2001), p. 2.
[3254] P1894 (Dževad Džaferagić, witness statement, 5 June 2001), p. 2.
[3255] Adjudicated Facts I, no. 767.
[3256] Witness RM-010, T. 1882, 1941-1942.
[3257] Witness RM-010, T. 1880-1882, 1905, 1941-1942.

your heads.'[3258] **Witness RM-021** testified that several armed Serb soldiers, some wearing JNA uniforms, guarded the school.[3259]

804. **Witness RM-010** testified that after entering the school, the detainees were searched in the corridor and then taken to a classroom.[3260] **Witness RM-021** explained that a soldier searched him and took his belongings and documents before ordering him into a classroom.[3261] **Witness RM-010** estimated that there were between 150 and 170 detainees in the school and about 80 in the classroom in which he was detained.[3262] **Witness RM-021** estimated that more than 100 Muslim men and boys were kept in the Biljani school classrooms.[3263] In the classroom, the witness saw 60 'civilians', all from the hamlets of Biljani.[3264]

805. **Witness RM-021** testified that the deputy commander of the Sanica police sub-station, Petar Mihić, armed and dressed in olive-drab uniform, and two armed 'Serb soldiers' wrote down the names and details of the detainees for approximately one hour.[3265] **Witness RM-010** described Mihić as a reserve policeman and testified that he was wearing a blue uniform.[3266] Shortly afterwards, a soldier wearing a camouflage uniform entered the room in which the witness was detained and read out about ten names from the list. Once those ten individuals had identified themselves, the soldier left. Five or ten minutes later, a solider entered, read out one name, and took that man way. This continued in the same manner every three or four minutes.[3267] One of the men who had been taken away had forgotten his jacket as he was leaving the classroom.[3268] When he told a policeman that he needed it, the policeman responded 'You will no longer need that jacket. Go out.'[3269] The witness never saw that man again.[3270] During his detention in the classroom the witness heard people being beaten and crying out as well as shooting.[3271] **Witness RM-021** testified that he heard the sound of automatic

[3258] Witness RM-010, T. 1882.
[3259] P2057 (Witness RM-021, witness statement, 18 February 2001), pp. 5-6; Witness RM-021, T. 15983.
[3260] Witness RM-010, T. 1882.
[3261] P2057 (Witness RM-021, witness statement, 18 February 2001), p. 6.
[3262] Witness RM-010, T. 1883.
[3263] P2057 (Witness RM-021, witness statement, 18 February 2001), pp. 6-7.
[3264] P2057 (Witness RM-021, witness statement, 18 February 2001), p. 6; Witness RM-021, T. 15962.
[3265] P2057 (Witness RM-021, witness statement, 18 February 2001), p. 6.
[3266] Witness RM-010, T. 1883-1885; P141 (Handwritten list of 75 persons, undated); P142 (Handwritten list of 125 persons taken prisoner at Biljani elementary school, 10 July 1992).
[3267] Witness RM-010, T. 1883.
[3268] Witness RM-010, T. 1888.
[3269] Witness RM-010, T. 1887-1888.
[3270] Witness RM-010, T. 1888.
[3271] Witness RM-010, T. 1896.

gunfire around the school and at 10 a.m. he heard buses arriving in the school courtyard.[3272]

806. Mihić ordered that the people file out of the classroom in groups of five to ten.[3273] The witness saw the Serb soldiers beat the detainees as they filed out and heard screams of pain.[3274] As a group left the school the witness heard an increase in automatic gunfire.[3275] **Witness RM-010** saw one of the soldiers take five men outside the school and returned without them.[3276] A member of his family who was taken out of the classroom was exhumed from a mass grave in 1996.[3277]

807. **Witness RM-021** saw Braco Marić and Nedeljko Šikman, who were armed and wearing camouflage uniforms, escorting approximately 30 elderly Muslim men through the school.[3278] Marić and Šikman were kicking and punching the men and striking them with their machine-gun butts.[3279] He heard Šikman say 'Muslims, today is Friday, so today you are going to bow in the Mosque.'[3280] The men were taken to a nearby house after which the witness heard automatic machine-gun and rifle fire.[3281] Several days later, the witness returned to the site where the men were taken and he saw several bullet holes in the wall of the stable near the house, as well as grass stained with blood.[3282]

808. While still in the classroom, Witness RM-021 identified four Serb 'soldiers', including Čedomir Malbaša, Steven Karać, and Vlado Lazičić, all arriving from Ključ for what appeared to be an inspection.[3283] Milan Tomić informed the soldiers that 'things are fine, and according to the plan'.[3284] Tomić told the soldiers that there was no place on the bus for the people in the classroom.[3285] One of the soldiers then said to

[3272] P2057 (Witness RM-021, witness statement, 18 February 2001), p. 6.
[3273] P2057 (Witness RM-021, witness statement, 18 February 2001), p. 7; Witness RM-021, T. 15984
[3274] P2057 (Witness RM-021, witness statement, 18 February 2001), p. 7.
[3275] P2057 (Witness RM-021, witness statement, 18 February 2001), p. 7.
[3276] Witness RM-010, T. 1896-1897.
[3277] Witness RM-010, T. 1890-1891.
[3278] P2057 (Witness RM-021, witness statement, 18 February 2001), p. 7; P2059 (Witness RM-021, *Brđanin* transcript, 27 August 2002), p. 9075.
[3279] P2057 (Witness RM-021, witness statement, 18 February 2001), p. 7.
[3280] P2057 (Witness RM-021, witness statement, 18 February 2001), p. 7.
[3281] P2057 (Witness RM-021, witness statement, 18 February 2001), p. 7; P2059 (Witness RM-021, *Brđanin* transcript, 27 August 2002), p. 9075.
[3282] P2057 (Witness RM-021, witness statement, 18 February 2001), p. 7.
[3283] P2057 (Witness RM-021, witness statement, 18 February 2001), p. 7.
[3284] P2057 (Witness RM-021, witness statement, 18 February 2001), pp. 4, 7; P2059 (Witness RM-021, *Brđanin* transcript, 27 August 2002), p. 9073.
[3285] P2057 (Witness RM-021, witness statement, 18 February 2001), pp. 7-8; P2059 (Witness RM-021, *Brđanin* transcript, 27 August 2002), p. 9073.

Tomić 'take them away and kill them' and was told to put them in a van.[3286] Two Serb soldiers escorted the witness and other detainees and took them to the hamlet of Brkići[3287] When they arrived at the house of Huso Botonjić in Brkići, the detainees were ordered to get out and run.[3288] As they ran, one of the soldiers shot in their direction although it appeared to be in the air.[3289] Later the same day, the men fled and hid in the woods outside the hamlet.[3290]

809. **Witness RM-010** identified some people he knew personally who were detained in the school from two handwritten lists of names of 200 people written by the reserve police.[3291] According to the witness, all the people on the list of 75 names were killed and five or six people on the list of 125 people were sent home.[3292] The witness estimated that approximately 150 people were killed around the school on that day and around 70 were taken away on buses.[3293]

Transfer from Biljani School to the buses and killings

810. As described above, after a number of men were executed at the school on 10 July 1992, the remaining people were taken out, beaten, and loaded into a bus.[3294] When the bus filled up, those still waiting to board were taken aside and shot.[3295] At least 144 men were killed in Biljani that day.[3296] **Witness RM-010** testified that a policeman said that the detainees were to go to the bus which they did in groups of five.[3297] While the detainees were going to the buses, one of the soldiers and the policeman beat and cursed one of the detainees.[3298] The witness was punched and kicked in the stomach and beaten all the way to the bus.[3299] Once in the bus, the witness saw that 45 of the 50 seats were

[3286] P2057 (Witness RM-021, witness statement, 18 February 2001), p. 8; P2059 (Witness RM-021, *Brđanin* transcript, 27 August 2002), p. 9073.
[3287] P2057 (Witness RM-021, witness statement, 18 February 2001), p. 8.
[3288] P2057 (Witness RM-021, witness statement, 18 February 2001), p. 8.
[3289] P2057 (Witness RM-021, witness statement, 18 February 2001), p. 8; P2059 (Witness RM-021, *Brđanin* transcript, 27 August 2002), p. 9077-9078.
[3290] P2057 (Witness RM-021, witness statement, 18 February 2001), p. 8; P2059 (Witness RM-021, *Brđanin* transcript, 27 August 2002), pp. 9077-9078.
[3291] Witness RM-010, T. 1883, 1887-1892; P141 (Handwritten list of 75 persons, undated); P142 (Handwritten list of 125 persons taken prisoner at Biljani elementary school, 10 July 1992).
[3292] Witness RM-010, T. 1888-1890.
[3293] Witness RM-010, T. 1906-1907.
[3294] Adjudicated Facts I, no. 769.
[3295] Adjudicated Facts I, no. 769.
[3296] Adjudicated Facts I, no. 767.
[3297] Witness RM-010, T. 1895.
[3298] Witness RM-010, T. 1897.
[3299] Witness RM-010, T. 1898.

already taken and about 20 people were sitting on the floor.[3300] After driving about 10 to 15 metres into the schoolyard, the bus driver stopped and two military policemen, wearing white belts, boarded and asked for four 'strong, big' men to be taken off the bus.[3301] Ten or 15 minutes later, the witness saw the dead bodies of two of these men near a house where he was taken.[3302] The bus departed and stopped again after another 100 metres.[3303] Another five people, including the witness were selected and taken off the bus at gunpoint.[3304] Two members of a special police unit from Ključ, wearing camouflage uniforms with white belts took them behind a nearby house, cursed their 'Balija mothers', and told them to go ahead.[3305] After seeing four bodies on the grass, the witness and the other four detainees ran away in different directions.[3306] The policemen started shooting at them and repeated their curses.[3307] One of the witness's neighbours fell in front of the witness and had two big holes in his back.[3308] The witness was not injured but laid for an hour or so pretending to be dead because he could still hear soldiers' voices and gun fire in the area.[3309] Soldiers would pass by and say, 'I've had enough for one day.'[3310] **Witness RM-010** testified that many of the killed people were subsequently identified in the exhumation of graves located at Crvena Zemlja and Lanište; the witness personally attended two of these exhumations.[3311]

811. **Dževad Džaferagić**, who was hiding in Biljani at the time and observed everything from his hiding-place, stated that at approximately 10 a.m., groups of Serb soldiers wearing JNA uniforms or camouflage uniforms brought seven to eight Muslim men to a stable.[3312] The witness saw and heard a soldier stop the first group of men on the side of the stable, and fire an automatic rifle at these men, who fell to the ground.[3313] The witness overheard one soldier say to another: 'What to do with this one', another

[3300] Witness RM-010, T. 1899.
[3301] Witness RM-010, T. 1900.
[3302] Witness RM-010, T. 1900.
[3303] Witness RM-010, T. 1901-1903.
[3304] Witness RM-010, T. 1901-1903.
[3305] Witness RM-010, T. 1902-1903.
[3306] Witness RM-010, T. 1903.
[3307] Witness RM-010, T. 1903.
[3308] Witness RM-010, T. 1904.
[3309] Witness RM-010, T. 1904, 1916.
[3310] Witness RM-010, T. 1904.
[3311] Witness RM-010, T. 1907-1913; P142 (List of 125 persons taken prisoner in Biljani elementary school, 10 July 1992); P143 (Video showing the exhumation of mass grave Lanište I, undated); P144 (Video showing the exhumation of mass grave Lanište I, undated). *See also* P2057 (Witness RM-021, witness statement, 18 February 2001), p. 7; Witness RM-021, T. 15965-15970; P2059 (Witness RM-021, *Brđanin* transcript, 27 August 2002), pp. 9083, 9088.
[3312] P1894 (Dževad Džaferagić, witness statement, 5 June 2001), pp. 3, 8.

replying 'him too', and then more shooting.[3314] After approximately half an hour, he saw another group of seven to eight Muslim men escorted to the same stable and shot to death by one soldier.[3315] The same process happened another one or two times.[3316]

Burial

812. **Witness RM-021** testified that in the evening of 10 July 1992, he heard construction machinery and heavy trucks coming from the area of Biljani School and the direction of the hamlet in Džaferagići. He went in the direction of a building in Biljani where there was a heavy presence of soldiers. Around 300 metres from this building, the witness saw a yellow backhoe that belonged to a factory in Sanica.[3317] The backhoe was 'scooping up dead bodies' from the field and dumping them into a lorry.[3318] The witness heard one of the men working at the site say 'what are we going to do with this small baby, three and a half months old?', to which another man replied 'wrap it up in a blanket and load it onto the truck'.[3319] After he witnessed the bodies being loaded into the lorry, he returned to the woods until the following day.[3320] **Džaferagić** testified that at approximately 6 p.m. he saw a yellow excavator and a lorry arrive at the stable.[3321] Over a period of approximately 40 minutes, several unidentified Serb soldiers loaded the bodies from the stable onto the excavator, the excavator then drove to the lorry, and the bodies were dumped in the lorry.[3322] The witness heard one of the soldiers say, 'Yes man, that is the way of the true Serb.'[3323] He later found out that the people killed on the other side of the stable included Šemso's wife (Besima), father (Mehmed), brother (Nail), sister (Lejla), niece (Azra), and two children (Almir and Amila).[3324] Their bodies were exhumed and identified from Lanište I in 1996.[3325] The witness remained hidden until approximately 10 p.m. and heard automatic rifle fire

[3313] P1894 (Dževad Džaferagić, witness statement, 5 June 2001), pp. 3, 8.
[3314] P1894 (Dževad Džaferagić, witness statement, 5 June 2001), p. 3.
[3315] P1894 (Dževad Džaferagić, witness statement, 5 June 2001), pp. 3-4. 8.
[3316] P1894 (Dževad Džaferagić, witness statement, 5 June 2001), p. 4.
[3317] P2057 (Witness RM-021, witness statement, 18 February 2001), p. 9.
[3318] P2057 (Witness RM-021, witness statement, 18 February 2001), p. 9; P2059 (Witness RM-021, *Brđanin* transcript, 27 August 2002), p. 9081.
[3319] P2059 (Witness RM-021, *Brđanin* transcript, 27 August 2002), p. 9081.
[3320] P2057 (Witness RM-021, witness statement, 18 February 2001), p. 9.
[3321] P1894 (Dževad Džaferagić, witness statement, 5 June 2001), pp. 4, 8.
[3322] P1894 (Dževad Džaferagić, witness statement, 5 June 2001), pp. 4, 8.
[3323] P1894 (Dževad Džaferagić, witness statement, 5 June 2001), p. 4.
[3324] P1894 (Dževad Džaferagić, witness statement, 5 June 2001), pp. 4, 8.
[3325] P1894 (Dževad Džaferagić, witness statement, 5 June 2001), p. 4.

from the direction of Biljani School over a period of approximately two to three hours.[3326]

813. **Witness RM-021** testified that on 11 July 1992, he left the woods and went to the building in Biljani where he had seen the yellow backhoe operating.[3327] The building was now completely destroyed and no traces of the bodies remained.[3328] According to the witness, the bodies included those of Mehmed Džaferagić, Nail Džaferagić, Besima Džaferagić, Amila Džaferagić, Almir Džaferagić, Lejla Sinanović, Azra Sinanović, and of 30 elderly men he had seen being led outside of Biljani School.[3329] The witness identified the blanket in which the baby was wrapped up during the exhumations in 1997.[3330]

Units present in the Biljani area

814. The Trial Chamber received evidence concerning military and police formations present in the Biljani area at the time of this incident. **Grujo Borić** testified that Colonel Drago Samardžija was the Commander of the 17th Ključ Light Infantry Brigade.[3331] On 9 July 1992, Drago Samardžija issued an order assigning the 2nd Battalion of the 17th Light Infantry Brigade, reinforced with a reconnaissance platoon, a military police squad, and a police platoon, to block, search, and mop-up the sectors of Donji Biljani, Domazeti, Botonjići, Jabukovac, Osmanovići, and Brkići.[3332] The order further tasked the Sanica police platoon to establish a checkpoint in the sector of the Donji Biljani School, for processing 'suspicious persons' and ordered that 'extreme cases' be sent to the Ključ SJB for further processing.[3333] In the order, Drago Samardžija, forbade the torching and destruction of houses, except when necessary during combat operations.[3334] According to **Borić**, Drago Samardžija received a task from him and then formulated his own order on 9 July 1992.[3335] **Birte Weiss** testified that in July 1999,

[3326] P1894 (Dževad Džaferagić, witness statement, 5 June 2001), p. 4.
[3327] P2057 (Witness RM-021, witness statement, 18 February 2001), p. 9.
[3328] P2057 (Witness RM-021, witness statement, 18 February 2001), p. 9.
[3329] P2057 (Witness RM-021, witness statement, 18 February 2001), p. 9; P2059 (Witness RM-021, *Brđanin* transcript, 27 August 2002), pp. 9080-9081.
[3330] P2057 (Witness RM-021, witness statement, 18 February 2001), p. 9.
[3331] Grujo Borić, T. 34682.
[3332] P520 (Order for further operations issued by Drago Samardžija, 9 July 1992).
[3333] P520 (Order for further operations issued by Drago Samardžija, 9 July 1992).
[3334] P520 (Order for further operations issued by Drago Samardžija, 9 July 1992), p. 2.
[3335] P7331(Excerpts from transcript of Prosecution interview of Grujo Borić, 21-23 April 2004), pp. 20-24.

Marko Samardžija, a Serb schoolteacher from Sanica in Ključ Municipality, told her that on 9 July 1992, he had attended a meeting of leading officers of the VRS, including Drago Samardžija, in Sanica.[3336] After the meeting, an order was issued that the most 'extreme national fascists of Muslim nationality' be sent to Manjača near Banja Luka Municipality.[3337] Marko Samardžija explained that 'extremists' were persons who were a danger to the Serb population and included young men from families that had participated in the 1941 massacre of Serbs in that area.[3338] He added that there were lists of citizens who were to be brought in to Biljani School to be registered and that these lists contained names of more than just the 14 people that he identified as 'extremists'.[3339]

815. **Borić** testified that during the operation, the Ključ SJB was placed under Samardžija's command.[3340] The operation was monitored by Colonel Mićo Vlaisavljević, the Chief of Staff of the 2KK.[3341] On 10 July 1992, Vlaisavljević was present at the barracks in Lanište and could communicate with Borić, if necessary.[3342] On the same day Borić was informed that Samardžija's operation had been carried out and the territory had been liberated.[3343] The witness later testified that he was not aware of the operation in Ključ on 10 July 1992.[3344]

816. An official note of the Ključ SJB compiled by the Sanica Reserve Police Station dated 10 July 1992 provides information on the mopping-up action in Sanica by military organs. In the evening of 9 July 1992, the Commander of the Sanica Reserve Police Station was informed by the commander of the battalion quartered in Sanica that on 10 July 1992, his units would undertake a mopping-up operation in the areas of Gornji Biljani and Donji Biljani. He was further informed that it was necessary that members of the reserve police station joined the action. The Commander of the Sanica Reserve Police Station indicated that he had personally informed his superior officer about these issues and received the task for the reserve police station to organize the take-over of

[3336] Birte Weiss, T. 5286-5287, 5289, 5298-5299, 5302, 5323, 5326-5327; P521 (Video of Birte Weiss's interview with Marko Samardžija, July 1999).
[3337] P521 (Video of Birte Weiss's interview with Marko Samardžija, July 1999), 00:00:27-00:00:43; 00:01:11-00:01:20.
[3338] Birte Weiss, T. 5301-5302, 5310, 5312, 5325-5326.
[3339] P521 (Video of Birte Weiss's interview with Marko Samardžija, July 1999), 00:00:44-00:00:55.
[3340] P7331(Excerpts from transcript of Prosecution interview of Grujo Borić, 21-23 April 2004), p. 23.
[3341] P7331(Excerpts from transcript of Prosecution interview of Grujo Borić, 21-23 April 2004), pp. 24-25.
[3342] P7331(Excerpts from transcript of Prosecution interview of Grujo Borić, 21-23 April 2004), p. 25.
[3343] P7331(Excerpts from transcript of Prosecution interview of Grujo Borić, 21-23 April 2004), p. 26.

any military 'prisoners' who would be captured in the locality. In the early morning hours of 10 July 1992, the military units began 'clearing out' Gornji Biljani, Donji Biljani, and the hamlets of Jabukovac, Botonjići, Brkići, Osmanovići, Mešani, and Domazeti. It was planned to put the military 'prisoners' in a school in Biljani with the help of a unit of the Ključ SJB. According to the note, the Commander of the Sanica Reserve Police Station was in constant communication with organs of the military authorities. At the end of their action, it was agreed that they would send two buses from Ključ to take the 'prisoners' back to Ključ.[3345]

817. According to an SJB Ključ report dated 28 September 1992, after the breaking out of the 'armed rebellion' on 27 May 1992, there was an increase in criminal offences committed in the municipality.[3346] The following crimes were reported: 36 murders, 106 torchings and explosions, 92 aggravated thefts and thefts, and 140 break-ins predominately of premises in Ključ and Sanica.[3347] The start of war activities were characterized by break-ins and illegal entry into Muslim owned premises by military personnel.[3348] This was followed by a practice of pressuring persons of Muslim 'nationality' [sic] to move out by burning their houses, throwing explosive devices, or firing at their houses.[3349] Serious crimes, such as murder, commenced immediately after the war operations had been carried out.[3350] This often involved the taking of members from a household and killing them in front of other members of the household.[3351] There were acts of revenge in reaction to soldiers being killed at the front.[3352] The report provides that information was obtained that the perpetrators were persons in uniform and that the military security organs only seldomly discovered perpetrators and sanctioned them by sending them to the front line.[3353] No charges were initiated because 'if all these crimes should be made public given the current political situation, the pressure from the international community and how advisable this is at this particular moment'.[3354]

[3344] Grujo Borić, T. 34682-34687.
[3345] P2064 (Official note of SJB Ključ, 10 July 1992).
[3346] P2063 (Report of SJB Ključ, 28 September 1992), p. 1.
[3347] P2063 (Report of SJB Ključ, 28 September 1992), p. 1.
[3348] P2063 (Report of SJB Ključ, 28 September 1992), p. 1.
[3349] P2063 (Report of SJB Ključ, 28 September 1992), p. 1.
[3350] P2063 (Report of SJB Ključ, 28 September 1992), p. 1.
[3351] P2063 (Report of SJB Ključ, 28 September 1992), p. 1.
[3352] P2063 (Report of SJB Ključ, 28 September 1992), p. 2.
[3353] P2063 (Report of SJB Ključ, 28 September 1992), p. 2.
[3354] P2063 (Report of SJB Ključ, 28 September 1992), p. 2.

Exhumation

818. **Atif Džafić** stated that he attended the exhumation of the bodies of victims killed at the Biljani School, from the Lanište 1 and 2 mass graves.[3355] To his knowledge, those who were killed were Muslim civilians.[3356] **Rajko Kalabić** testified that Lanište was in Ključ Municipality.[3357]

819. According to a report by **Nicolas Sébire**, in October and November 1996, 189 bodies were exhumed from the mass gravesite Lanište 1, which is situated in a pit on Grmeč Mountain. One hundred and eighty-five were found to be males and four females. One hundred and fifty-nine bodies were identified. One hundred and seventy-nine died as a result of gunshot injuries. The cause of death was not ascertained for ten bodies. Sixty-eight bodies had gunshot injuries to the chest, and 61 had gunshot injuries to the head. Most of the bodies were aged between 16 and 60 years. One was the body of a baby aged approximately six months and 34 were older than 60 years old.[3358] Two male bodies, one aged 63 years and the other 37 years, were exhumed from a field in Biljani referred to as 'Biljani 2'.[3359] They died from gunshot wounds to the head. The bodies of a 38-year-old man and a 27-year-old man were exhumed from two graves referred to as 'Biljani 3' and 'Biljani 4'. They died from gunshot wounds to the head.[3360] Three bodies were exhumed from another grave located in the area of Biljani, referred to as 'Biljani 5': a 48-year-old male, a 57-year-old male and a 69-year-old female.[3361] The two men died from gunshot injuries, and the female's death was most probably caused by strangling.[3362] In a grave referred to as 'Biljani 6', the body of a 54-year-old man was exhumed.[3363] He died from gunshot wounds to his spine.[3364] In

[3355] P3394 (Atif Džafić, witness statement, 28 September 2011), para. 141.
[3356] P3394 (Atif Džafić, witness statement, 28 September 2011), para. 142.
[3357] Rajko Kalabić, T. 30236.
[3358] P3284 (Addendum to Exhumations and Proof of Death 'Autonomous Region of Krajina', Nicolas Sébire, 16 May 2003), p. 63.
[3359] P3284 (Addendum to Exhumations and Proof of Death 'Autonomous Region of Krajina', Nicolas Sébire, 16 May 2003), pp. 64-65.
[3360] P3284 (Addendum to Exhumations and Proof of Death 'Autonomous Region of Krajina', Nicolas Sébire, 16 May 2003), pp. 65-66.
[3361] P3284 (Addendum to Exhumations and Proof of Death 'Autonomous Region of Krajina', Nicolas Sébire, 16 May 2003), p. 66.
[3362] P3284 (Addendum to Exhumations and Proof of Death 'Autonomous Region of Krajina', Nicolas Sébire, 16 May 2003), p. 66.
[3363] P3284 (Addendum to Exhumations and Proof of Death 'Autonomous Region of Krajina', Nicolas Sébire, 16 May 2003), pp. 66-67.

'Biljani 7', five bodies of males, four aged between 30 and 60 years old and one aged 74 years were exhumed; they all died from gunshot injuries.[3365] The bodies of one 85-year–old male and one 59-year–old male were exhumed respectively from the 'Biljani 8' and 'Biljani 9' graves respectively.[3366] The cause of death for the 85-year-old male was not ascertained while the cause of death of the 59-year–old male was a gunshot wound to the head.[3367] Finally, one 16–year-old male was exhumed from a grave at Crvena Zemlja.[3368] He died from gunshot injuries.[3369] The Trial Chamber received additional evidence on the number of alleged victims of this incident contained *inter alia* in court reports, forensic documentation, and provided by **Ewa Tabeau**.[3370]

[3364] P3284 (Addendum to Exhumations and Proof of Death 'Autonomous Region of Krajina', Nicolas Sébire, 16 May 2003), pp. 66-67.
[3365] P3284 (Addendum to Exhumations and Proof of Death 'Autonomous Region of Krajina', Nicolas Sébire, 16 May 2003), p. 67.
[3366] P3284 (Addendum to Exhumations and Proof of Death 'Autonomous Region of Krajina', Nicolas Sébire, 16 May 2003), pp. 67-68.
[3367] P3284 (Addendum to Exhumations and Proof of Death 'Autonomous Region of Krajina', Nicolas Sébire, 16 May 2003), pp. 67-68.
[3368] P3284 (Addendum to Exhumations and Proof of Death 'Autonomous Region of Krajina', Nicolas Sébire, 16 May 2003), p. 69.
[3369] P3284 (Addendum to Exhumations and Proof of Death 'Autonomous Region of Krajina', Nicolas Sébire, 16 May 2003), p. 69.
[3370] P3299 (Official Report on exhumation in Sanski Most and Ključ, 22 October 1996); P2068 (Complete court record of exhumation on mass grave and individual graves in Biljani); P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), p. 10; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 8-51; P2066 (Report on mass grave at Lanište I); P2069 (Autopsy reports, Lanište I); P2067 (Court record, Red Earth Mass Grave), pp. 8, 10, 12-25; P2069 (Autopsy reports, Lanište I); P2791 (Ewa Tabeau, revised table of names to the proof of death expert report, 30 August 2013), p. 1; P5304 (Identification record, Amir Balagić); P5305 (Identification record, Alma Avdić); P5306 (Identification record, Alija Avdić); P5307 (Identification record, Safet Avdić); P5308 (Certificate of death for Safet Avdić); P5309 (Autopsy report, Safet Avdić); P5310 (Identification record, Elvir Avdić); P5311 (Identification record, Ferid Avdić); P5312 (Identification Report, Hamdija Avdić); P5313 (Identification report, Osman Avdić); P5314 (Identification report, Tahir Avdić); P5315 (Identification report, Esad Botonjić); P5316 (Identification report, Hakija Botonjić); P5317 (Identification report, Rufad Botonjić); P5318 (Identification report, Derviš Balagić); P5319 (Identification report, Hasib Jašarević); P5320 (Identification report, Ismet Jašarević); P5321 (Identification report, Senad Jašarević); P5322 (Identification report, Ismet Kazić); P5323 (Identification report, Hilmo Mujezinović); P5324 (Identification report, Adil Mulahmetović); P5325 (Identification report, Esad Omanović); P5326 (Death certificate, Esad Omanović); P5327 (Identification report, Muhamed Talić); P4643 (Identification report, Hajrudin Domazet); P5328 (Identification report, Ismet Avdić); P5329 (Identification report, Šemso Cajić); P5330 (Identification report, Mehmed Balgić); P5331 (Identification report, Fahrudin Avdić); P5332 (Identification report, Mujo Domazet); P5333 (Identification report, Mujo Ajkić); P5334 (Identification report, Smajo Čajić).

The Trial Chamber's findings

820. Based on the above, the Trial Chamber finds that on 10 July 1992, VRS soldiers including military police, and reserve police members[3371] killed at least 189[3372] Bosnian-Muslim detainees, including women, older men, and one baby in Biljani, in Ključ Municipality. Some of these killings took place in and around Biljani School, and others took place after the detainees were transported away from the school in buses. These killings took place in the context of a mopping-up operation conducted pursuant to an order from Drago Samardžija, Commander of the VRS 17th Light Infantry Brigade. Prior to the executions, Mile Pešević, a Serb soldier, replied to a Bosnian-Muslim man who asked whether he could take his insulin shots: 'Ya, take it, but you won't need it, we will use it for our army'. Also prior to the executions, one of the Bosnian-Muslim men who had been taken away from a classroom in Biljani School asked a policeman to get his jacket to which he responded 'You will no longer need that jacket. Go out'. Still prior to the executions, military policemen cursed detainees transported out of the school in buses referring to their 'Balija mothers'. Further, during the execution of a group of seven to eight Bosnian Muslims near a stable, one soldier said to another: 'What to do with this one', another replying 'Him too' The Trial Chamber will further consider this incident in relation to Counts 1 and 3-6 of the Indictment in chapter 8 below.

Schedule B.8.1

821. According to the Indictment, the Accused is responsible for the killing of at least 77 men at a school in Velagići in Ključ Municipality on or about 1 June 1992.[3373] The Trial Chamber understands Scheduled Incident B.8.1 as referring to the alleged killing of at least 77 men in and around Velagići School. The Defence argued that: (i) the men brought to Velagići School admitted to have been shooting until they ran out of

[3371] The Trial Chamber notes that exhibit P2068 mentions 'Serb paramilitary units' as perpetrators. However, this report focuses primarily on the exhumations of mass and individual graves. Further, the section of the report that identifies the perpetrators of the incident does not contain any information regarding the source of this information. Thus, the Trial Chamber does not consider this evidence to be reliable in this regard and will not consider it further.
[3372] The Trial Chamber received evidence on ranges of victims, some higher than the approximate number provided in the Adjudicated Fact. However, the Trial Chamber considers Sébire's evidence on the number of victims, which identifies the number of bodies exhumed from Lanište 1, to be the most reliable and relied on his evidence to establish the number of victims of this scheduled incident.
[3373] Indictment, paras 39(a)(ii), 47, 51-52, 59(a)(ii), 62(b), Schedule B.8.1.

ammunitions and thrown their weapons away prior to their capture; and (ii) the alleged killings were perpetrated by reservist soldiers and were not ordered nor condoned by the VRS.[3374] The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this Scheduled Incident. The Trial Chamber further received evidence from **Witness RM-018**, a Bosnian Muslim from Ključ Municipality;[3375] **Witness RM-016**, a Bosnian Serb from Banja Luka;[3376] **Rajko Kalabić**, a member of the Ključ Crisis Staff;[3377] **Nikola Vraćar**, a Serb from Donji Ribnik, Ključ Municipality, who was assigned to the reserve police force at the Ključ SJB in April 1992;[3378] **Ewa Tabeau**, a demographer and statistician;[3379] as well as documentary evidence and finds that this evidence is consistent with the Adjudicated Facts.[3380] With respect to the Banja Luka military court file, composed, *inter alia*, of criminal reports, suspect interviews, and rulings, in evidence as exhibit P3528, the Trial Chamber finds that it is partially consistent with the Adjudicated Facts.[3381] The Trial Chamber will more particularly deal with Adjudicated Fact 772 and specific parts of the Banja Luka military court file, below.[3382]

822. During the evening of 1 June 1992, Bosnian-Serb police from the Velagići checkpoint sent a man to the predominantly Bosnian-Muslim hamlets of Vojići, Nežići,

[3374] Defence Final Brief, paras 1267, 1270, 1274.
[3375] P146 (Witness RM-018, witness statement, 28 July 1999), p. 1, para. 1; P147 (Witness RM-018, witness statement, 27 August 2002), p.1, para. 1; Witness RM-018, T. 1962-1963; P145 (Pseudonym sheet for Witness RM-018).
[3376] P2375 (Witness RM-016, witness statement, 5 August 2013), p. 1, paras 4, 11, 16; Witness RM-016, T. 17398.
[3377] Rajko Kalabić, T. 30198, 30208.
[3378] D789 (Nikola Vraćar, witness statement, 4 July 2014), p. 1, paras 1, 3; Nikola Vraćar, T. 28616.
[3379] Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).
[3380] **Witness RM-018**: P146 (Witness RM-018, witness statement, 28 July 1999), paras 39-43, 48-50, 53-55, 60, 67; P147 (Witness RM-018, witness statement, 27 August 2002), paras 6-7, 9; Witness RM-018, T. 1964, 1974-1979, 1982, 1985-1986, 1996, 2013-2015; P152 (Table of names of persons killed at Velagići school).**Witness RM-016**: P2375 (Witness RM-016, witness statement, 5 August 2013), paras 122-123. **Rajko Kalabić**: Rajko Kalabić, T. 30205-30206, 30259-30260. **Nikola Vraćar:** D789 (Nikola Vraćar, witness statement, 4 July 2014), para. 35. **Documentary evidence**: P153 (Court ruling and records of the on-site investigation and exhumation of the Lanište II mass grave), pp. 4-5, 8-40; P3544 (List of cases in which proceedings are being brought for crimes against humanity and international law, undated), pp. 1-2, 4; P4683 (Report on exhumation and identification of bodies from mass graves in the municipalities of Sanski Most and Ključ, 22 October 1996), pp. 3, 10-12. **Ewa Tabeau**; P2791 (Ewa Tabeau, revised table of names to the proof of death expert report, 30 August 2013), p. 4; P2793 (Ewa Tabeau, table of corrections to proof of death expert report and annex, 7 November 2013), p.5; P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 3, 24, 32-33; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 397-418; **Documentary evidence**: All forensic documentation relating to this scheduled incident admitted into evidence pursuant to the Trial Chamber's bar table decisions both dated 31 January 2014.
[3381] P3528 (Banja Luka military court file against Goran Amidžić and others, 3 June 1992-20 December 1996), pp. 5-12, 23, 26-27, 31, 37-39, 41-43, 45-46, 48, 51, 53, 55-57, 59-63.
[3382] For the Trial Chamber's approach on Adjudicated Facts, *see* Appendix B.

Hačići, Častovići, and Hadžići.[3383] He informed the local population that they were obliged to come to Velagići.[3384] According to the Banja Luka military court file, on this day, members of a military police platoon and members of the intervention platoon with the engineering unit based in Lanište near Ključ, all serving at the military post 4630 in Ključ, had been tasked with gathering 'civilians' and 'prisoners' who had surrendered and transporting them to the collection centre in Ključ.[3385] **Witness RM-018** specified that the instruction to come to Velagići was directed at all men between the ages of 18 and 60.[3386] He, and approximately 30 other Muslim men, lined up in pairs and holding a white sheet on a stick, walked to the checkpoint where there were already around 70 Muslim males from the villages of Častovići and Vojići.[3387] The checkpoint was manned by police and soldiers.[3388] The men were ordered to line up and throw their valuables on the ground.[3389] The witness threw his ID card, some documents, and some money on the ground.[3390] These articles were immediately collected and taken to a police command nearby.[3391] Ramiz Zukić was singled out, forced to take off all of his clothes and lay face down on the asphalt following which the soldiers stomped on his body.[3392] Željo Radojčić, a member of the Bosnian-Serb police,[3393] made derogatory and threatening anti-Muslim remarks, attempted to hit the witness in the chest with the butt of his rifle, and made humiliating remarks about the witness after which he singled out Husein Fazlić, took him to the command post, and returned alone.[3394] One soldier asked, 'who do we shoot?', and Radojčić replied, 'shoot anyone, they all want to make *dzamahirija* here'.[3395] According to the witness, *džamahirija* was a derogatory term referring to a fundamentalist Islamic country.[3396]

[3383] Adjudicated Facts I, no. 770.
[3384] Adjudicated Facts I, no. 770.
[3385] P3528 (Banja Luka military court file against Goran Amidžić and others, 3 June 1992-20 December 1996), pp. 7-10, 17, 19, 21, 23, 26-27, 29-31, 33, 35, 37, 41-42, 48, 50, 53, 56-57.
[3386] P146 (Witness RM-018, witness statement, 28 July 1999), paras 39-41; Witness RM-018, T. 1964, 1974-1977, 1996.
[3387] P146 (Witness RM-018, witness statement, 28 July 1999), paras 42-43, 48; Witness RM-018, T. 1976.
[3388] P146 (Witness RM-018, witness statement, 28 July 1999), para. 43.
[3389] P146 (Witness RM-018, witness statement, 28 July 1999), para. 45; Witness RM-018, T. 1978.
[3390] P146 (Witness RM-018, witness statement, 28 July 1999), para. 45.
[3391] P146 (Witness RM-018, witness statement, 28 July 1999), para. 45.
[3392] P146 (Witness RM-018, witness statement, 28 July 1999), para. 44; Witness RM-018, T. 1979.
[3393] Although Witness RM-018 uses the term 'Serb police', the Trial Chamber understands it to be a reference to the Bosnian-Serb police.
[3394] P146 (Witness RM-018, witness statement, 28 July 1999), paras 47-48; Witness RM-018, T. 1978-1979.
[3395] P146 (Witness RM-018, witness statement, 28 July 1999), paras 47-48.
[3396] P146 (Witness RM-018, witness statement, 28 July 1999), para. 47.

823. The captured were surrounded by soldiers wearing olive-grey JNA uniforms who escorted them, except Zukić and Husein Bajrić, to an elementary school 50 metres away.[3397] Afterwards they were taken to a room on the second floor.[3398] In the school, around 100 residents from the hamlets of Vojići, Nežići, Hačići, Častovići, and Hadžići were confined.[3399] The detainees, all men, were placed in the same room, without windows, which was so crowded that they almost had to sit on one another.[3400] Both Bosnian-Serb policemen and soldiers were present.[3401] While in the room, soldiers identified, searched, and threatened the men.[3402] Around 9:30 p.m., Witness RM-018 heard Zukić, Bajrić, and Fazlić being beaten in front of the school.[3403] After 10 or 15 minutes, he heard gunshots.[3404] At 11:30 p.m., two soldiers came into the room, saying 'May Alija fuck your mothers' and beating them, and ordered them all to exit the school and line up.[3405] Two other soldiers were squatting on the left side of the road with their weapons pointing at the detainees.[3406] Once all the men were out of the school, the soldiers escorting them moved away and ordered them to face the squatting soldiers.[3407] After one of the two soldiers who had escorted the detainees said 'fire', the two soldiers positioned on the left side of the road started shooting at the detainees.[3408] The soldiers, who were Bosnian Serbs and armed with automatic rifles, killed at least 77 civilians.[3409] According to the Banja Luka military court file, soldiers, who had escorted the detainees, opened fire in conditions of poor visibility when the detainees tried to escape, killing them at the entrance of the school.[3410]

[3397] P146 (Witness RM-018, witness statement, 28 July 1999), paras 48-51; Witness RM-018, T. 1978-1979.
[3398] P146 (Witness RM-018, witness statement, 28 July 1999), paras 48-50; Witness RM-018, T. 1978-1979.
[3399] Adjudicated Facts I, nos 770-771.
[3400] P146 (Witness RM-018, witness statement, 28 July 1999), para. 50; Witness RM-018, T. 1979-1980; P3528 (Banja Luka military court file against Goran Amidžić and others, 3 June 1992-20 December 1996), pp. 10, 23, 26-27, 31, 37-39, 48, 51, 53, 57.
[3401] Adjudicated Facts I, no. 771.
[3402] P146 (Witness RM-018, witness statement, 28 July 1999), para. 51; P3528 (Banja Luka military court file against Goran Amidžić and others, 3 June 1992-20 December 1996), pp. 10, 23, 27, 33, 35, 37.
[3403] P146 (Witness RM-018, witness statement, 28 July 1999), para. 52; Witness RM-018, T. 1979.
[3404] P146 (Witness RM-018, witness statement, 28 July 1999), para. 52; Witness RM-018, T. 1979.
[3405] P146 (Witness RM-018, witness statement, 28 July 1999), paras 53-54; Witness RM-018, T.1980, 2014-2015.
[3406] P146 (Witness RM-018, witness statement, 28 July 1999), para. 54.
[3407] P146 (Witness RM-018, witness statement, 28 July 1999), para. 54.
[3408] P146 (Witness RM-018, witness statement, 28 July 1999), paras 54-55; Witness RM-018, T. 1980, 2013-2014.
[3409] Adjudicated Facts I, no. 772.
[3410] P3528 (Banja Luka military court file against Goran Amidžić and others, 3 June 1992-20 December 1996), pp. 11, 17, 19-27, 29-30, 32, 35-37, 39, 42, 48, 51, 53, 57.

824. As soon as Witness RM-018 heard gunfire he fell to the ground and hid under the bodies.[3411] When the shooting stopped, he saw soldiers walking on the bodies and heard them, including a man named 'Šipo', shooting people who appeared to be alive.[3412] The witness heard Ismet Jukić, a Muslim man, asking the soldiers to shoot him to ease his suffering.[3413] The witness also heard Fadil Draganović and Enes Keranović talking.[3414] By his voice, the witness identified one of the soldiers present during the shooting as Dragan Vulin.[3415] The witness managed to escape at around 2:30 a.m. and left for the forest.[3416]

825. Serb police and military authorities, who arrived at the school building after the shooting, made arrangements to transfer the bodies to a mass grave site in the woods outside Lanište.[3417] According to the Banja Luka military court file, Colonel Vukašević ordered an engineering unit to transport the bodies.[3418] A total of 77 bodies were exhumed from the mass grave on Mount Grmeč, Lanište II, Ključ Municipality.[3419] All the people whose bodies were found at the site were male Muslim civilians who were identified as residents of Velagići village killed by Serb paramilitary forces outside Velagići primary school on 1 June 1992.[3420]

826. The Trial Chamber received additional evidence concerning the alleged perpetrators of the killings. According to a forensic report, 'Serbian and Montenegrin aggressors' killed 'Bosniak civilians' from the Velagići area outside of the Velagići school.[3421] According to a document by the High Court in Bihać, Serbian paramilitary formations killed 'Bosniak civilians' in the area of Velagići in the summer of 1992.[3422]

827. **Rajko Kalabić** testified that when Colonel Galić heard about the killing on 1 June 1992, he swore, and ordered the arrest of the people who had guarded the

[3411] P146 (Witness RM-018, witness statement, 28 July 1999), para. 56; Witness RM-018, T. 1980-1981.
[3412] P146 (Witness RM-018, witness statement, 28 July 1999), paras 56-57.
[3413] P146 (Witness RM-018, witness statement, 28 July 1999), para. 57; Witness RM-018, T. 1981.
[3414] P146 (Witness RM-018, witness statement, 28 July 1999), para. 63; Witness RM-018, T. 1981.
[3415] P146 (Witness RM-018, witness statement, 28 July 1999), paras 58-59.
[3416] P146 (Witness RM-018, witness statement, 28 July 1999), paras 63, 68; Witness RM-018, T. 1981.
[3417] Adjudicated Facts I, no. 773.
[3418] P3528 (Banja Luka military court file against Goran Amidžić and others, 3 June 1992-20 December 1996), pp. 12, 17-18, 20, 22, 24, 32, 37.
[3419] Adjudicated Facts I, no. 773.
[3420] Adjudicated Facts I, no. 774.
[3421] P4683 (Report on exhumation and identification of bodies from mass graves in the municipalities of Sanski Most and Ključ, 22 October 1996), p. 3.
[3422] P153 (Court ruling and records of the on-site investigation and exhumation of the Lanište II mass grave), pp. 4-5.

school.[3423] Following the incident, an investigating judge was sent to the school to make a record of the crime and several VRS soldiers were arrested in connection with the killings.[3424] The suspects were transferred to Mali Logor, in Banja Luka.[3425] **Witness RM-016** testified that charges of war crimes were brought against Lieutenant Amidžić and 11 other suspects.[3426] They were kept for a short time, before being released to their units in Ključ, without being tried for their participation in the killings.[3427] According to **Witness RM-016**, they were released, after having sent a complaint to General Talić.[3428]

828. The Military Prosecutor reported that on 8 March 1993 proceedings were reopened against the 12 members of the VRS.[3429] Two suspects were placed in custody on 20 July 1993.[3430] On 29 July 1993, the Banja Luka Military Prosecutor proposed to the Investigating Judge of the Banja Luka Military Court to halt the investigative proceedings against the soldiers for two reasons: (i) most suspects were inaccessible to the prosecuting organs and therefore could not be brought into custody; and (ii) the stance of the Bosnian-Serb Deputy Prime Minister and of the Chairman of the Executive Committee of Ključ Municipality.[3431] On the same day, the Investigating Judge accepted this proposal and ordered the termination of the detention without providing further explanation.[3432] According to Witness RM-016 the two soldiers who had been placed in custody were released by the Military Court, with the consent of the President of the Supreme Military Court and of officers of the VRS Main Staff, following a blackmail operation of members of the Ključ Brigade who were also not sanctioned for breach of discipline.[3433] An investigation was reopened in 1996 and the

[3423] Rajko Kalabić, T. 30205-30206, 30252, 30259.
[3424] Adjudicated Facts I, no. 774.
[3425] Adjudicated Facts I, no. 774.
[3426] P2375 (Witness RM-016, witness statement, 5 August 2013), para. 128.
[3427] Adjudicated Facts I, no. 774.
[3428] P2375 (Witness RM-016, witness statement, 5 August 2013), para. 123.
[3429] P2375 (Witness RM-016, witness statement, 5 August 2013), paras 124-125; Witness RM-016, T. 17374-17379, 17448; P3544 (List of cases in which proceedings are being brought for crimes against humanity and international law, undated), pp. 1-2, 4.
[3430] P3528 (Banja Luka military court file against Goran Amidžić and others, 3 June 1992-20 December 1996), pp. 45-46, 55-56.
[3431] P3528 (Banja Luka military court file against Goran Amidžić and others, 3 June 1992-20 December 1996), p. 58.
[3432] P3528 (Banja Luka military court file against Goran Amidžić and others, 3 June 1992-20 December 1996), pp. 59-63.
[3433] P2375 (Witness RM-016, witness statement, 5 August 2013), paras 124-125; Witness RM-016, T. 17374-17379, 17448.

suspects were placed in custody at the military court.[3434] This investigation concerned ten of the soldiers.[3435]

829. Concerning the course of events at the school, the Trial Chamber notes that there are certain inconsistencies between the Adjudicated Facts and the Banja Luka military court file.[3436] While Adjudicated Fact 772 indicates that the detainees were taken out of the school and ordered to line up in front of the building, before being killed, the court file states that the detainees were killed when they tried to escape. The information contained in the court file is based on the statements of a number of soldiers who were present at the scene. The Trial Chamber finds that Adjudicated Fact 772 has been rebutted in this respect. The Trial Chamber will therefore consider the evidence it received concerning the course of events at the school, including the evidence of Witness RM-018. In that regard, the Trial Chamber notes further discrepancies in the court file concerning the timing of the shooting, the total number of shooting incidents, and the participation of the suspects in these incidents. Even where the Trial Chamber cannot rely on the exact account of the events provided in this document, it can rely on its content in so far as it confirms the participation of the suspects in the killings of detainees at the school.[3437] The Trial Chamber notes that the Banja Luka military court file contains discrepancies, does not provide a clear picture of events, and that there a serious risk of the information provided being implausible and self-serving. Therefore, considering that Witness RM-018 testified before the Trial Chamber and that the cross-examination by the Defence did not reveal any inconsistencies in his statement with respect to his account of the alleged killings at the school, the Trial Chamber finds Witness RM-018 reliable. Thus, the Trial Chamber will rely primarily on his account of the events in this respect.

[3434] Witness RM-016, T. 17471.
[3435] P3528 (Banja Luka military court file against Goran Amidžić and others, 3 June 1992-20 December 1996), pp. 64-68.
[3436] P3528 (Banja Luka military court file against Goran Amidžić and others, 3 June 1992-20 December 1996).
[3437] According to the Banja Luka military court file, the military court was seized of the investigation related to the killings discussed in this chapter. Although the court file contains information about the affiliation of the perpetrators, the Trial Chamber notes that it only provides some information about their unit without any explicit reference to the VRS. Considering that the events took place in June 1992, at a time when the VRS had been set up, and that the criminal report contained in the court file and dated 5 June 1992 bears the stamp of the Military Prosecutor's Office at the First Krajina Corps Command, the Trial Chamber finds that the perpetrators were part of the VRS. In this respect, the Trial Chamber further considered Adjudicated Fact 774 which indicated that the suspects arrested in connection to the killings were members of the VRS.

830. With regard to the identification of perpetrators, the Trial Chamber understands that Adjudicated Fact 774 pertains first and foremost to the issue of the identification of the victims. Therefore, the Trial Chamber finds that this Adjudicated Fact does not identify the perpetrators of the killings. The Trial Chamber took judicial notice of Adjudicated Fact 772, addressing specifically this issue, and has received specific evidence on the affiliation of the perpetrators of the alleged killings at the Velagići school from Witness RM-018, Witness RM-016, as well as from exhibits P4683 and P153.

831. With regard to the above-mentioned documentary evidence, and in particular the evidence contained in a report from the Bosnia-Herzegovina MUP on the forensic and operative measures taken during the exhumation and identification of the bodies from mass graves in Ključ Municipality,[3438] the Trial Chamber notes that the report does not provide a basis of knowledge with regard to the identification of the perpetrators as being 'Serbian and Montenegrin aggressors'. Furthermore, evidence from the ruling of the investigating judge from the Bihać High Court ordering the exhumation of the Lanište II mass grave[3439] has not been considered as the information on the basis of which the judge triggered the investigation with regard to the perpetrators he identifies, is unclear. In addition, the ruling refers to killings which took place in the area of Velagići and does not link the incident to the one alleged to have taken place at the Velagići school. Therefore, based on the above, the Trial Chamber will not further consider the evidence on the perpetrators of the alleged killings contained in these two documents.

832. Considering the foregoing, the Trial Chamber finds that on 1 June 1992, at least 77 Bosnian-Muslim civilian men, who had been detained at the Velagići school, were lined up in front of the building and then shot and killed by members of the VRS. Prior to the men being transported to the school, one soldier asked, 'who do we shoot?', and another replied, 'shoot anyone, they all want to make *džamahirija* here'. Furthermore, prior to the killing, two soldiers threatened the detainees and ordered them out of the school saying 'May Alija fuck your mothers'. The Trial Chamber further recalls its finding in 4.6.2 *Schedule C.10.3* with respect to the circumstances in which the

[3438] *See* P4683 (Report on exhumation and identification of bodies from mass graves in the municipalities of Sanski Most and Ključ, 22 October 1996), p. 3.
[3439] *See* P153 (Court ruling and records of the on-site investigation and exhumation of the Lanište II mass grave), pp. 4-5.

detainees were brought to the Velagići school and the conditions in which they were kept. The Trial Chamber will further consider this incident in relation to Counts 1 and 3-6 of the Indictment in chapter 8 below.

4.6.2 Unlawful detention and cruel or inhumane treatment in detention facilities

Schedule C.10.3

833. According to the Indictment, the Accused is responsible for unlawful detention, torture, beating, abuse, rape, other acts of sexual violence, and subjecting Bosnian Muslims and Bosnian Croats to inhumane living conditions in Velagići School in Ključ Municipality at least between 30 May and 1 June 1992.[3440] The Defence argued that the Prosecution did not lead evidence to prove beyond reasonable doubt that the school was a detention facility.[3441] It further argued that the facilities belonged to civilian authorities and were not under military jurisdiction.[3442] The Trial Chamber took judicial notice of two Adjudicated Facts in relation to this incident.[3443] It also received evidence from **Witness RM-018**, a Bosnian Muslim from Ključ Municipality,[3444] as well as documentary evidence and finds that this evidence is consistent with the Adjudicated Facts.[3445] The Adjudicated Facts and the evidence are reviewed in chapter 4.6.1 *Schedule B.8.1*.

834. Based on the foregoing, the Trial Chamber finds that on 1 June 1992, members of a military police platoon and members of the intervention platoon with the engineering unit, serving at the military post 4630 in Ključ, surrounded a group of about 100 Bosnian-Muslim men between 18 and 60 years of age from the villages of Vojići, Nežići, Hačići, Častovići, and Hadžići who had gathered at a checkpoint in Velagići. All but three of these Muslim men were escorted to the Velagići Elementary School. Upon arrival, two members of the military police, Mile Petrović and Ratko Samac, searched

[3440] Indictment, paras 39(b)-(c), 47, 53, 59(b)-(d), (g), Schedule C.10.3.
[3441] Defence Final Brief, para. 64.
[3442] Defence Final Brief, para. 1280.
[3443] Adjudicated Facts I, nos 770-771.
[3444] P146 (Witness RM-018, witness statement, 28 July 1999), p. 1, para. 1; P147 (Witness RM-018, witness statement, 27 August 2002), p.1, para. 1; Witness RM-018, T. 1962-1963; P145 (Pseudonym sheet for Witness RM-018).
[3445] P146 (Witness RM-018, witness statement, 28 July 1999), paras 39, 49; Witness RM-018, T. 1975-1979, 1996; P3528 (Banja Luka military court file against Goran Amidžić and others, 3 June 1992-20 December 1996), pp. 7-10, 19, 23, 26-27, 29-31, 33, 35, 37-39, 41-42, 48, 50-51, 53, 56-57; P3544 (List of cases in which proceedings are being brought for crimes against humanity and international law, undated), pp. 1-2, 4.

and assaulted the men. The men were then detained in a room without windows on the second floor of the school where soldiers threatened and harassed them. The three Muslim men who had not been escorted to the school with the group of Muslim men were beaten outside of the school. Later, soldiers beat the Muslim men who were being detained inside the room on the second floor of the school and insulted them saying 'May Alija fuck your mothers'. Based on its finding with regard to Scheduled Incident B.8.1, in chapter 4.6.2, the Trial Chamber finds that those detaining and ill-treating the men at the school were members of the VRS. The Trial Chamber will further consider this incident in relation to Counts 1 and 3 of the Indictment in chapter 8 below.

Sanica school and Sitnica school

835. In addition to Scheduled Incident C.10.3, discussed above, the Accused is alleged to be responsible for detention, torture, beating, abuse, rape, other acts of sexual violence, and subjecting Bosnian Muslims and Bosnian Croats to inhumane living conditions in other detention centres in Ključ Municipality.[3446] In this respect, the Trial Chamber received evidence from **Atif Džafić**, the Bosnian-Muslim police commander of the Ključ SJB from 1991 to 21 or 22 May 1992,[3447] about detentions at the gym of the Sanica school and, subsequently, at the Sitnica school. This witness, who was detained at both locations, stated that on 1 June 1992, Serb soldiers in JNA uniforms gathered men in Sanica and took them to the gym of the Sanica school.[3448] About 400 people, all non-Serbs, were detained in the gym and were guarded by reserve police officers.[3449] The commander of the Sanica police, Milan Tomić, explained to the detainees that they had to wait for inspectors who were to arrive from Ključ.[3450] The detainees were kept in the gym for a night, were not fed, and were escorted at gunpoint to go to the bathroom.[3451] The next day, the detainees, escorted by the reserve police officers, were taken to another location in Ključ.[3452] On 3 June 1992, the witness was

[3446] Indictment, paras 39(b)-(c), 47, 53, 59(b), (g).
[3447] P3394 (Atif Džafić, witness statement, 28 September 2011), p. 1, paras 1, 4, 6; P3395 (Atif Džafić, *Karadžić* transcript, 30 September 2011), p. 19657. Atif Džafić's evidence has also been reviewed in chapter 4.1.2 *Schedule C.1.2*.
[3448] P3394 (Atif Džafić, witness statement, 28 September 2011), paras 84-85, 95.
[3449] P3394 (Atif Džafić, witness statement, 28 September 2011), paras 84-85.
[3450] P3394 (Atif Džafić, witness statement, 28 September 2011), para. 85.
[3451] P3394 (Atif Džafić, witness statement, 28 September 2011), para. 87.
[3452] P3394 (Atif Džafić, witness statement, 28 September 2011), para. 87.

brought to a school in Sitnica by bus.[3453] He estimated that about three to four buses with 200-250 men in total arrived.[3454] About five Muslim former policemen were detained at the school.[3455] Upon arrival, the detainees were listed and then beaten and interrogated by policemen from Ključ, amongst the policemen was Duško Pavlović. The Serb chief of police in Jajce, Milorad Rakita a.k.a. Taško, was present during the interrogations. The detainees were not fed on the day of their arrival and only received only a small sandwich on the fourth day of their detention.[3456]

836. The Trial Chamber has considered the evidence of Atif Džafić, who was detained at the gym of the Sanica school and at the Sitnica school, where the victims of that incident were also held. He provided a detailed account of what happened in both detention centres and, in particular, about the conditions of detention, With regard to these incidents, the Trial Chamber has not identified any inconsistencies in Džafić's evidence and finds him reliable.

837. Based on the foregoing, the Trial Chamber finds that from 1 June 1992 until 2 June 1992, 400 non-Serbs, almost all, if not all, of whom were Bosnian Muslim and Bosnian Croats,[3457] were detained in the gym of the Sanica school. Milan Tomić was in charge of the detainees at the Sanica school and reserve police officers guarded the detainees. Based on evidence above and in chapter 4.6.1 *Schedule A.3.3*, the Trial Chamber finds that Tomić was the commander of the Sanica police. During their detention, the detainees were not fed and were escorted at gunpoint to the bathroom by the reserve police officers.

838. The Trial Chamber further finds that from 3 until about 7 June 1992, between 200 and 250 civilian men, including non-Serbs, almost all of whom were Bosnian Muslim and Bosnian Croats, previously detained in the gym of the Sanica school, villagers from Sanica, and about five Bosnian-Muslim former policemen, were detained at the Sitnica school. Police forces from Ključ and Jajce controlled the school. The detainees were not fed on the day of their arrival and only received a small sandwich on the fourth day of their detention. Policemen from Ključ, including Duško Pavlović,

[3453] P3394 (Atif Džafić, witness statement, 28 September 2011), para. 95.
[3454] P3394 (Atif Džafić, witness statement, 28 September 2011), para. 95.
[3455] P3394 (Atif Džafić, witness statement, 28 September 2011), paras 96, 99.
[3456] P3394 (Atif Džafić, witness statement, 28 September 2011), para. 95.
[3457] Džafić described the detainees as non-Serbs. According to Adjudicated Fact number 747, close to 95 per cent of the non-Serbs in Ključ Municipality were Bosnian Muslims and Bosnian Croats. On this basis,

interrogated and beat the detainees in the presence of the Serb chief of police in Jajce, Milorad Rakita, a.k.a. Taško.

839. The Trial Chamber will further consider these incidents in relation to Counts 1 and 3 of the Indictment in chapter 8 below.

4.6.3 Destruction of private and public property, including cultural monuments and sacred sites

840. According to the Indictment, the Accused is responsible for wanton acts of destruction of private property, including homes and business premises, and public property, including cultural monuments and sacred sites, listed in Scheduled Incident D.7, in Ključ Municipality, between 12 May 1992 and 30 November 1995.[3458] In particular, the Indictment sets out that the Ključ town, Biljani-Džaferagići, Pudin Han-Velagići, Donji Budelj, Humići, Krasulje, Sanica, and Tićevići mosques, and the Ključ Catholic church were destroyed between 12 May and August 1992.[3459] Scheduled Incident D.7 is limited to the destruction of the aforementioned buildings. The Indictment, as far as the charge of destruction is concerned, is, however, not limited to the scheduled incidents.[3460] Accordingly, the Trial Chamber has not disregarded evidence falling outside the scope of Scheduled Incident D.7. The Defence argued that the Prosecution failed to provide sufficient evidence (i) to establish the perpetrators of the alleged destruction; and (ii) to demonstrate the existence of any policy/plan by the Accused or VRS to destroy cultural property in the municipality.[3461] The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to destruction in Ključ Municipality.[3462] Further, it received evidence from **Dževad Džaferagić**, a Bosnian Muslim from Biljani in Ključ Municipality;[3463] **Witness RM-021** and **Witness RM-018**, Bosnian Muslims from Ključ Municipality;[3464] **Asim Egrlić**, a Bosnian Muslim

the Trial Chamber concludes that if not all, almost all of the 400 detainees were Bosnian Muslims and Bosnian Croats.

[3458] Indictment, paras 47, 52, 59(j), Schedule D.7.

[3459] Indictment, Schedule D.7.

[3460] Further on this issue, *see* Appendix B.

[3461] Defence Final Brief, paras 1293-1295, 1298.

[3462] Adjudicated Facts I, no. 776 is reviewed in chapter 4.6.4.

[3463] P1894 (Dževad Džaferagić, witness statement, 5 June 2001), pp. 1-2.

[3464] P2057 (Witness RM-021, witness statement, 18 February 2001), p. 1-2; Witness RM-021, T. 15951-15952; P2056 (Pseudonym sheet for Witness RM-021); P146 (Witness RM-018, witness statement, 28 July 1999), p. 1, para. 1; P147 (Witness RM-018, witness statement, 27 August 2002), p.1, para. 1; Witness RM-018, T. 1962-1963; P145 (Pseudonym sheet for Witness RM-018).

from Ključ who was detained at Manjača camp between 12 June and 13 December 1992 and then at Batković camp;[3465] **Rajko Kalabić**, a member of the Ključ Crisis Staff;[3466] **Atif Džafić**, the Bosnian-Muslim police commander of the Ključ SJB from 1991 to 21 or 22 May 1992,[3467] and **András Riedlmayer**, bibliographer and art documentation specialist,[3468] and finds that their evidence is consistent with the Adjudicated Facts.[3469] Furthermore, the Trial Chamber received evidence from **Birte Weiss**, a journalist and former Danish Parliamentarian and minister.[3470]

841. Following a Ključ crisis staff's order of 28 May 1992 to surrender weapons, one Catholic church, 3,500 Muslim-owned houses, and at least four Muslim monuments in Ključ Municipality, including the Atik mosque in the town of Ključ, were either completely destroyed or heavily damaged by fire and explosive set by Serb forces during 1992.[3471] According to **Witness RM-018**, on 27 May 1992 the JNA Knin Corps from Lanište and local Serbs began shelling the Muslim houses Pudin Han.[3472] From 28 May to around 31 May 1992, a VRS battalion, together with other units, carried out operations, entering or attacking a number of villages across the municipality, including Hadžići and the hamlet of Pudin Han.[3473] The population of Hadžići was almost exclusively Muslim.[3474] Following the mentioned order, houses were looted and destroyed, a village mosque in Pudin Han was levelled, and village residents were

[3465] P3402 (Asim Egrlić, witness statement, 23 May 1997), pp. 1-2, 5; P3403 (Asim Egrlić, *Brđanin* transcript, 10 October 2002), p. 10607.
[3466] Rajko Kalabić, T. 30198, 30208.
[3467] P3394 (Atif Džafić, witness statement, 28 September 2011), p. 1, paras 1, 4, 6; P3395 (Atif Džafić, *Karadžić* transcript, 30 September 2011), p. 19657.
[3468] András Riedlmayer, T. 17888; P2503 (Expert report of András Riedlmayer, December 2012), para. 75; P2504 (*Curriculum vitae* of András Riedlmayer), p. 1.
[3469] **Dževad Džaferagić**: P1894 (Dževad Džaferagić, witness statement, 5 June 2001), pp. 2-3. **Witness RM-021**: P2057 (Witness RM-021, witness statement, 18 February 2001), p. 9. **Witness RM-018**: Witness RM-018, T. 1973, 1975; P151 (1KK regular combat report 44/1-155 signed by Talić, 31 May 1992), para. 5(b). **Asim Egrlić**: P3403 (Asim Egrlić, *Brđanin* transcript, 10 October 2002), p. 10621. **Rajko Kalabić**: D867 (Rajko Kalabić, witness statement, 21 March 2014), para. 29. **Atif Džafić**: P3394 (Atif Džafić, witness statement, 28 September 2011), para. 82. **András Riedlmayer**: P2510 (Formatted entries to expert report of András Riedlmayer), pp. 159-161; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p.6; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[3470] Birte Weiss, T. 5279-5280.
[3471] Adjudicated Facts I, nos 756, 760.
[3472] P146 (Witness RM-018, witness statement, 28 July 1999), paras 10, 28; Witness RM-018, T. 1971.
[3473] Adjudicated Facts I, nos 761, 777.
[3474] Adjudicated Facts I, no. 762.

forced to leave.[3475] According to **Witness RM-018** local Serbs and the regular army blew up the mosque in Pudin Han.[3476]

842. On 25 June 1992, the command of the VRS 17th Light Infantry Brigade issued an order pursuant to which the brigade units, jointly with the 6th Infantry Brigade and police squads, were to carry out 'a complete blockade, search and mopping up of the terrain' in the areas of Rarnići, Krasulje, Hripavci, Ošljak, and Velagići.[3477] The order specifically forbade 'the torching and destruction of houses except during combat operations if necessary'.[3478]

843. In mid-1992, many villages in Ključ Municipality predominantly inhabited by Bosnian Muslims and by Bosnian Croats were shelled and houses and cars were set on fire and destroyed by Bosnian-Serb forces.[3479] The villages included Krasulje, Gornja and Donja Sanica, Crljeni, the hamlet of Dragonvići, Velagići, Biljani and its surrounding Bosnian-Muslim hamlets, and Prhovo.[3480] **Atif Džafić** specified that between 23 and 31 May 1992 he saw five or six houses set ablaze in Sanica village during the night.[3481] **Witness RM-018** testified that on or about 28 May 1992, he saw local Serbs and the regular army blow up mosques in Krasulje and torch the mosque in Tićevići.[3482] In the period June to mid-July 1992, Serb forces entered several villages and deliberately destroyed religious monuments and around 3,500 houses owned by Muslims in the municipality.[3483] In particular, in the morning of 10 July 1992, the Biljani mosque was set on fire when the village was attacked by Bosnian-Serb forces.[3484] **Dževad Džaferagić** stated that he had seen Dušan Lazić, a Serb soldier he knew, in the village carrying a flame-thrower earlier in the day.[3485] Furthermore, in August 1992 the Ključ town mosque and its minaret were destroyed.[3486] **Asim Egrlić** stated that, by late September 1995, all of the mosques and facilities used to house religious officials in Ključ Municipality and the Catholic church in Ključ Town were

[3475] Adjudicated Facts I, no. 762.
[3476] P146 (Witness RM-018, witness statement, 28 July 1999), paras 14-15, 27-28; Witness RM-018, T. 1972.
[3477] Adjudicated Facts I, no. 765.
[3478] Adjudicated Facts I, no. 765.
[3479] Adjudicated Facts I, no. 777.
[3480] Adjudicated Facts I, no. 777.
[3481] P3394 (Atif Džafić, witness statement, 28 September 2011), paras. 82, 84.
[3482] P146 (Witness RM-018, witness statement, 28 July 1999), paras 14-15, 27-28; Witness RM-018, T. 1972.
[3483] Adjudicated Facts I, no. 775.
[3484] Adjudicated Facts I, no. 782.
[3485] P1894 (Dževad Džaferagić, witness statement, 5 June 2001), p. 3.

destroyed.[3487] **Birte Weiss** testified that in November 1996, she saw several villages in Ključ Municipality in which the vast majority of the houses had been damaged or destroyed.[3488] She also saw the ruins of 12-13 destroyed mosques.[3489] She was told that 6,387 buildings had been destroyed in the area.[3490]

844. According to **András Riedlmayer**, in July 1992, Serb forces destroyed the New Town mosque in the Luka Mahala neighbourhood of Ključ Town.[3491] Specific damage caused to this building included fissures indicating signs of blast damage on the base of the minaret of the New Town mosque.[3492] During his 2002 July site visit, the expert witness observed that the foundations of the New Town mosque and the weathered stump of the destroyed minaret remained.[3493] The New Town mosque's building materials were removed and the mosque's cellar hole was used as a rubbish tip during the war.[3494] According to the expert witness, the buildings adjacent to the New town mosque were in good condition.[3495] Further, in July and August 1992, Serb forces burned down the archive and library of the Medžlis of the Islamic community of Ključ.[3496] The content of the archive and library of the Medžlis of the Islamic community of Ključ were also destroyed as well as the Vakuf building and its content.[3497] The expert witness classified the buildings adjacent to the archive and library of the Medžlis of the Islamic community of Ključ as being in good condition.[3498] In 1992, Serb forces destroyed the Alijina Turbe located in the Šarića Brdo

[3486] Adjudicated Facts I, no. 781.
[3487] P3403 (Asim Egrlić, *Brđanin* transcript, 10 October 2002), p. 10621.
[3488] Birte Weiss, T. 5281-5282.
[3489] Birte Weiss, T. 5282.
[3490] Birte Weiss, T. 5282.
[3491] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 155-158; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), pp. 6-7; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[3492] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 155-157; P2511 (Survey database for expert report of András Riedlmayer).
[3493] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 155-157; P2511 (Survey database for expert report of András Riedlmayer).
[3494] P2503 (Expert report of András Riedlmayer, December 2012), para. 49; P2510 (Formatted entries to expert report of András Riedlmayer), p. 155; P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 6.
[3495] P2510 (Formatted entries to expert report of András Riedlmayer), p. 155; P2511 (Survey database for expert report of András Riedlmayer).
[3496] P2503 (Expert report of András Riedlmayer, December 2012), para. 63; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), pp. 7; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[3497] P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 7.

neighbourhood of Ključ Town.[3499] The expert witness classified the buildings adjacent to the Alijina turbe as being in good condition.[3500] Furthermore, the Martyr's turbe, located in the Hajir-Bašča neighbourhood of Ključ Town, was looted and desecrated during the war.[3501] The interior of the shrine was wrecked, its roof destroyed, its walls damaged by shelling.[3502] Serb forces burned down the Ključ Catholic church around the New Year of 1993 and destroyed its ruins with explosives on 11 February 1993.[3503] During his 2002 July site visit, the expert witness observed that the ruins of the Ključ Catholic church were razed and its site cleared.[3504] According to the expert witness, the buildings adjacent to the Ključ Catholic church were in good condition.[3505]

845. Riedlmayer also testified about the destruction of other religious buildings in Ključ Municipality. According to him, Serb forces destroyed the Velečevo mosque and the Balijevići mosque and mekteb in 1992.[3506] At the time of the Balijevići mosque's destruction, Serb forces also destroyed most of the houses in the village of Balijevići.[3507] The Velečevo mosque was burned out and its roof and minaret were gone. The Balijevići mosque was burned out and its roof and minaret gone. The Balijevići mekteb was destroyed down to its foundation walls and the adjacent Imam's house was burned out and heavily damaged. The expert witness classified the buildings adjacent to the Velečevo mosque as lightly damaged.[3508]

[3498] P2511 (Survey database for expert report of András Riedlmayer).
[3499] P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 7; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[3500] P2511 (Survey database for expert report of András Riedlmayer).
[3501] P2511 (Survey database for expert report of András Riedlmayer); P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[3502] P2511 (Survey database for expert report of András Riedlmayer).
[3503] P2510 (Formatted entries to expert report of András Riedlmayer), p. 180; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 6; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[3504] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 180-182; P2511 (Survey database for expert report of András Riedlmayer).
[3505] P2510 (Formatted entries to expert report of András Riedlmayer), p. 180; P2511 (Survey database for expert report of András Riedlmayer).
[3506] P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), pp. 9-10; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[3507] P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 9.
[3508] P2511 (Survey database for expert report of András Riedlmayer).

846. On 31 May_1992, Serb forces destroyed the Krasulje mosque.[3509] The mosque's ruins were levelled, all building materials had been removed, the foundations as well as the stump of the minaret remained, and the Imam's house had burned.[3510] The expert witness classified the buildings adjacent to the Krasulje mosque as heavily damaged.[3511]

847. In July 1992, Serb forces destroyed the Pudin Han-Velagići mosque with explosives.[3512] Its minaret collapsed and the adjacent Imam's house was wrecked.[3513] During his 2002 July site visit, the expert witness observed that the small dome of the Pudin Han-Velagići mosque remained.[3514]

848. Furthermore, Serb forces burned down eight mosques located in villages of the municipality: the Tićevići mosque, as well as the Imam's house and mekteb on 29 May 1992; the Donji Budelj mosque in June 1992; the Husići and Donja Sanica mosques in June 1992; the Sanica mosque on 26 June 1992; the Biljani – Džaferagići mosque on 10 July 1992; the Humići mosque on 4 August 1992; and the Dubočani mosque in 1992.[3515] Serb forces subsequently destroyed the ruins of the Biljani – Džaferagići mosque with explosives.[3516] The minaret of the Sanica mosque was blown up on 1 August 1992.[3517] All sacral objects inside the Sanica mosque, including many copies of

[3509] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 171; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 10; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[3510] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 171-172; P2511 (Survey database for expert report of András Riedlmayer).
[3511] P2510 (Formatted entries to expert report of András Riedlmayer), p. 171; P2511 (Survey database for expert report of András Riedlmayer).
[3512] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 162-165; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), pp. 10-11; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[3513] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 162-165; P2511 (Survey database for expert report of András Riedlmayer).
[3514] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 162; P2511 (Survey database for expert report of András Riedlmayer).
[3515] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 159-161, 166-170, 173-179; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), pp. 7-8, 10-11; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[3516] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 159-161; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 8; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[3517] P2510 (Formatted entries to expert report of András Riedlmayer), p. 173; P2511 (Survey database for expert report of András Riedlmayer).

the Holy Qur'an, prayer carpets, and kilims were looted and burned.[3518] During his 2002 July site visit, the expert witness observed damage inflicted to some of these buildings: the interiors of the Humići and Tićevići mosques were gutted, parts of their perimeter walls, albeit damaged, were still standing and revealed embedded charred timbers and wooden elements, as indication of destruction by fire; the stump of the Sanica mosque's minaret was still standing; fragments of the foundation walls of the Biljani-Džaferagići mosque were still standing and the metal cap from the top of the minaret was lying on top of rubble.[3519] The Donji Budelj mosque was gutted, its roof and minaret were gone, but part of the perimeter walls and Muslim gravestones remained; the Sanica mosque was gutted, its roof and minaret were gone, but part of the perimeter walls remained standing as well as the stump of the minaret which showed signs of blast damage; the shattered shaft of the Biljani-Džaferagići mosque's minaret was on the ground and only some rubble remained; the roof and minaret of the Husići mosque were gone, its interior gutted and open to the sky, its walls showed signs of blast damage and were partially collapsed and only one perimeter wall stood up to the roofline; the roof and minaret of the Dubočani mosque were gone, its interior gutted and open to the sky, its perimeter walls were damaged but stood up to the roofline, and charred timbers embedded in the stone walls indicating destruction by fire could be observed; the roof and minaret of the Donja Sanica mosque were destroyed, its interior gutted and open to the sky, its stone perimeter walls were damaged but stood up to the roofline, and charred wooden elements embedded in the stone walls indicating destruction by fire could be observed.[3520] According to the expert witness, the buildings adjacent to the Biljani-Džaferagići mosque were under reconstruction, those adjacent to the Husići mosque as being in good condition, and those adjacent to the Tićevići, Dubočani, and Humići mosques were heavily damaged.[3521]

[3518] P2510 (Formatted entries to expert report of András Riedlmayer), p. 173; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 8.
[3519] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 159-160, 168-170, 173, 176-179; P2511 (Survey database for expert report of András Riedlmayer).
[3520] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 159-161, 166-167, 173-175; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 8.
[3521] P2511 (Survey database for expert report of András Riedlmayer).

849. Moreover, Serb forces blew up the Ramići mosque in 1992 and Serb extremists blew up the minaret of the Kamičak mosque in the spring of 1992.[3522] As a result of the blast, the Kamičak mosque's minaret fell on top of the mosque and destroyed its roof.[3523] The only remaining structural features of the Ramići mosque were some shattered concrete columns, rubble, and the stump of the toppled minaret; the Kamičak mosque's roof was destroyed and the mosque's interior was gutted and open to the sky.[3524] Serb extremists looted and desecrated the Kamičak mosque: the prayer carpets were all stolen and the remaining roof tiles were taken away.[3525]

850. The Trial Chamber has not relied on Riedlmayer's second-hand evidence concerning the alleged date and perpetrators of the destruction of the Biljani-Džaferagići mosque as the information comes from the Biljani Imam and his basis of knowledge is unclear. Furthermore, the Trial Chamber has not relied on Riedlmayer's second-hand evidence concerning the perpetrators and dates of the destruction of the Ključ Catholic church, the Krasulje and Pudin Han-Velagići mosques and of the Tićevići mosque, Imam's house, and mekteb as the evidence comes from the Medžlis of the Islamic Community of Ključ whose basis of knowledge is unclear. Further, the Trial Chamber has not relied on Asim Erglić's evidence on the destruction of the mosques and facilities used to house religious officials in Ključ Municipality as it lacks a basis of knowledge or Birte Weiss's evidence regarding the number of mosques and buildings that were destroyed in Ključ Municipality as the source of knowledge of the information is unclear and she did not provide evidence on the dates of destruction to which she refers.

851. Based on the foregoing, the Trial Chamber finds that, following the Ključ crisis staff's order of 28 May 1992 to surrender weapons, Serb forces destroyed with explosives the Ključ Catholic church and the Atik mosque in Ključ Town during 1992. The Trial Chamber further finds that on or about 28 May 1992, local Serbs and the VRS blew up the Krasulje mosque and burned the Tićevići mosque, Imam's house, and

[3522] P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), pp. 9-10; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[3523] P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 9.
[3524] P2511 (Survey database for expert report of András Riedlmayer); P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[3525] P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 9.

mekteb. During the attack on Pudin-Han and the exclusively Muslim village of Hadžići by a VRS battalion and other units between 28 and 31 May 1992, all houses of Gornji Hadžići were destroyed and local Serbs and the VRS blew up the Pudin Han-Velagići mosque. Members of the JNA Knin Corps from Lanište and local Serbs shelled Muslim houses in the area of Pudin Han shortly before the attack on Pudin-Han. In mid-1992, Bosnian-Serb forces shelled many non-Serb villages of the municipality and attacked Krasulje, Crljeni, the hamlet of Dragonvići, and Prhovo. Between June to mid-July 1992, Serb forces either completely destroyed or heavily damaged around 3,500 Muslim-owned houses in Ključ Municipality. On or around the morning of 10 July 1992, Bosnian-Serb forces shelled the village of Biljani and its surrounding Bosnian-Muslim hamlets. They set houses on fire and burned the Biljani-Džaferagići mosque and then razed its ruins with explosives. In this respect, the Trial Chamber recalls its finding in chapter 4.6.1 *Schedule A.3.3* that on 10 July 1992 VRS soldiers including the military police and reserve police members killed at least 189 Bosnian-Muslims in Biljani, and that these killings took place in the context of a mopping-up operation conducted pursuant to an order from Drago Samardžija, Commander of the VRS 17th Light Infantry Brigade. The Trial Chamber therefore finds that the same perpetrators who participated in the killings and mopping-up operation also destroyed the houses and the mosque in Bijlani on that same day, 10 July 1992. The Trial Chamber will consider these incidents further in relation to Count 3 of the Indictment in chapter 8 below.

852. The Trial Chamber finds that in August 1992 the Ključ New Town mosque was destroyed with explosives. The archive and library of the Medžlis of the Islamic community of Ključ were burned down and the Alijina and the Martyr's turbe were destroyed. The Trial Chamber will not rely, in this instance, on Riedlmayer's second-hand evidence concerning the alleged perpetrators of the destruction of the Ključ New Town mosque, the date and alleged perpetrators of the destruction of the Alijina turbe, and on the date of destruction of the Martyr's Turbe as the information comes from the Medžlis of the Islamic Community of Ključ whose basis of knowledge is unclear. The Trial Chamber has not received evidence on the alleged perpetrator of the destruction of the Martyr's Turbe. Furthermore, the Trial Chamber will not further consider Riedlmayer's evidence on the date and perpetrators of the destruction of the archive and library, which comes from the chief Imam of Ključ as his source of knowledge is unknown. Accordingly, the Trial Chamber is unable to identify the perpetrators of the

destruction of the Ključ New Town mosque as well as the date and perpetrator of the destruction of the other aforementioned buildings and will not further consider these incidents in relation to Count 3 of the Indictment.

853. The Trial Chamber further finds that the Ramići and the Kamičak mosques were blown up. The Husići, the Donja Sanica, the Sanica, the Dubočani, the Donji Budelj, and the Humići mosques were burned down and that the Velečevo mosque, as well as the Balijevići mosque, mekteb, and most of the houses in the village were destroyed. Furthermore, between 23 and 31 May 1992, several houses in Sanica village were set ablaze during the night. The Trial Chamber will not rely, in this instance, on Riedlmayer's second-hand evidence concerning the alleged perpetrators and dates of the destruction of these sites as the evidence comes from the Medžlis of the Islamic Community of Ključ whose basis of knowledge is unclear. Accordingly, the Trial Chamber is unable to identify the dates or perpetrators of the destruction of the aforementioned buildings. With respect to the destruction of houses in Sanica, the Trial Chamber has not received any evidence on the perpetrators of this destruction. Based on the above, the Trial Chamber will not consider these incidents further in relation to Count 3 of the Indictment in chapter 8 below.

4.6.4 Appropriation or plunder of property

854. According to the Indictment, the Accused is responsible for appropriation or plunder of property during and after take-overs, during arrests and detentions, and during or after deportations or forcible transfers of the Bosnian Muslims and Bosnian Croats in the Ključ Municipality between 12 May 1992 and 30 November 1995.[3526] The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this charge.[3527] It also received evidence from **Witness RM-018**, a Bosnian Muslim from Ključ Municipality,[3528] and **Muhamed Filipović**, a Bosnian Muslim from Ključ Municipality;[3529] and finds that this evidence is consistent with the Adjudicated

[3526] Indictment, paras 47, 59(i).
[3527] Adjudicated Fact nos 757, 762, och 777 is reviewed in chapter 4.6.3.
[3528] P146 (Witness RM-018, witness statement, 28 July 1999), p. 1, para. 1; P147 (Witness RM-018, witness statement, 27 August 2002), p.1, para. 1; Witness RM-018, T. 1962-1963; P145 (Pseudonym sheet for Witness RM-018). Witness RM-018's evidence is also reviewed in chapter 4.6.1 *Schedule B.8.1*.
[3529] P3133 (Muhamed Filipović, witness statements), witness statement of 24 May 1997, pp. 1-2, witness statement, of 13 March 2001, p. 1.

Facts.[3530] The Trial Chamber further received evidence related to alleged plunder incidents in Ključ Municipality from **Dževad Džaferagić**, a Bosnian Muslim from Biljani in Ključ Municipality,[3531] and **András Riedlmayer**, bibliographer and art documentation specialist.[3532]

855. In mid-1992, Bosnian-Serb attacks upon Pudin Han, Prhovo, and Crljeni were accompanied by the looting of valuables, including electronic devices, vehicles, furniture, money, and jewellery.[3533] Bosnian-Serb soldiers, Bosnian-Serb civilians, and the Bosnian-Serb police participated in this looting.[3534] In May 1992, the houses belonging to Bosnian Muslims in the town of Ključ were first looted then set on fire by Bosnian-Serb soldiers.[3535] **Muhamed Filipović** stated that on 28 May 1992, members of the 'Serb Army' searched his and his brother's houses in Ključ and stole some of their belongings, including a TV, a VCR, and money.[3536] His wife, who had been at home at the time, told him afterwards that the soldiers said that they were from Kragujevac in Serbia.[3537] They were accompanied by a local policeman named Ćirić.[3538] According to a report on the work and activities of the Ključ SJB, dated July 1992, a large number of cars, tractors, and lorries were stolen during the combat operations in Ključ Municipality, which began on 27 May 1992.[3539] The report mentions that members of the units who participated in combat activities and mopping up of the terrain in the municipality, namely SJB units in cooperation with the command of the 30th Division, were prone to looting houses.[3540]

856. **Dževad Džaferagić** stated that on 10 July 1992 he saw Dušan Lazić, a Serb soldier he knew, in front of the house of Rifet Avdić in Biljani.[3541] He heard Lazić demand fuel from Avdić's wife Haba, and another soldier demand the keys to Avdić's

[3530] **Witness RM-018:** P146 (Witness RM-018, witness statement, 28 July 1999), paras 4, 28, 31; **Muhamed Filipović:** P3133 (Muhamed Filipović, witness statements), witness statement of 24 May 1997, pp. 3-4.
[3531] P1894 (Dževad Džaferagić, witness statement, 5 June 2001), pp. 1-2.
[3532] P2503 (Expert report of András Riedlmayer, December 2012), para. 75; András Riedlmayer, T. 17888; P2504 (Curriculum vitae of András Riedlmayer), p. 1. András Riedlmayer's evidence is also reviewed in chapter 4.6.3.
[3533] Adjudicated Facts I, no. 778.
[3534] Adjudicated Facts I, no. 778.
[3535] Adjudicated Facts I, no. 776.
[3536] P3133 (Muhamed Filipović, witness statements), witness statement of 24 May 1997, pp. 3-4.
[3537] P3133 (Muhamed Filipović, witness statements), witness statement of 24 May 1997, p. 4.
[3538] P3133 (Muhamed Filipović, witness statements), witness statement of 24 May 1997, p. 4.
[3539] D358 (SJB Ključ report, July 1992), pp. 6, 11.
[3540] D358 (SJB Ključ report, July 1992), p. 8.
[3541] P1894 (Dževad Džaferagić, witness statement, 5 June 2001), pp. 2-3.

tractor.[3542] He then saw Haba fall to the ground after the soldier hit her in the face with a club.[3543] When she regained consciousness, she gave them the tractor keys, and the soldiers drove away in the tractor.[3544] As the tractor was leaving, about 20 metres away, three houses were all set on fire.[3545]

857. Based on the above, the Trial Chamber finds that during the attacks on the predominantly Bosnian-Muslim or Bosnian-Croat villages of Pudin Han, Prhovo, and Crljeni in mid-1992, Bosnian-Serb soldiers, Bosnian-Serb civilians, and the Bosnian-Serb police looted valuables, including electronic devices, vehicles, furniture, money, and jewellery, from the villagers. With respect to Pudin Han, the Trial Chamber recalls its finding in chapter 4.6.3 that during the attack on Pudin Han by a VRS battalion and other units between 28 and 31 May 1992, local Serbs and the VRS blew up the Pudin Han-Velagići mosque. The Trial Chamber finds that the same perpetrators who destroyed the mosque also looted the houses in Pudin Han. With respect to Prhovo and Crljeni, the Trial Chamber recalls its finding in chapter 4.6.3 that in mid-1992, Bosnian-Serb forces shelled many non-Serb villages of the municipality and attacked *inter alia* Crljeni and Prhovo.

858. The Trial Chamber further finds that on 1 June 1992, a military police platoon and members of the intervention platoon with the engineering unit took away items, including valuables and money, from approximately 100 Bosnian-Muslim civilian men at the Velagići checkpoint.

859. Concerning the alleged plunder incidents in Ključ Town, the Trial Chamber finds that in late May 1992, Bosnian-Serb soldiers looted houses belonging to Bosnian Muslims in Ključ Town and took money, a VCR, and a TV. The soldiers who looted two of the houses on 28 May 1992 were from Kragujevac in Serbia. The Trial Chamber will further consider these incidents in relation to count 3 of the Indictment in chapter 8 below.

860. In Biljani on 10 July 1992, Dušan Lazić, a Serb soldier, together with another Serb soldier, demanded fuel and the keys to Rifet Avdić's tractor from his wife. She gave them the keys after the Serb soldier hit her in the face with a club. The soldiers drove away with the tractor. The Trial Chamber has not received any evidence about the

[3542] P1894 (Dževad Džaferagić, witness statement, 5 June 2001), p. 3.
[3543] P1894 (Dževad Džaferagić, witness statement, 5 June 2001), p. 3.
[3544] P1894 (Dževad Džaferagić, witness statement, 5 June 2001), p. 3.

ethnicity of the victim of this incident and will therefore not further consider it. The Trial Chamber also finds that the Sanica and Kamičak mosques and the Martyr's turbe, located in the Hahir-Bašća area of Ključ Town, were looted. As explained in Appendix B, the Trial Chamber will not rely on Riedlmayer's second-hand evidence on alleged perpetrators and dates. Consequently, the Trial Chamber is unable to identify the date and alleged perpetrators of the looting of the Kamičak and Sanica mosques and of the Martyr's turbe. Therefore, it will not further consider these incidents in relation to any count of the Indictment.

4.6.5 Forced labour and human shields

861. The Trial Chamber finds that the Prosecution has presented insufficient evidence to prove this charge.

4.6.6 Imposition and maintenance of restrictive and discriminatory measures

862. According to the Indictment, the Accused is responsible for imposition and maintenance of restrictive and discriminatory measures on Bosnian Muslims and/or Bosnian Croats in Ključ Municipality between 12 May 1992 and 30 November 1995.[3546] The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this charge, including Adjudicated Fact 747, reviewed in chapter 4.6.7. It also received evidence from **Witness RM-010**, a Bosnian Muslim from Ključ Municipality;[3547] **Witness RM-018**, a Bosnian Muslim from Ključ Municipality;[3548] **Witness RM-021**, a Bosnian Muslim from Ključ Municipality;[3549] **Asim Egrlić**, a Bosnian Muslim from Ključ who was detained at Manjača camp between 12 June and 13 December 1992 and then at Batković camp;[3550] **Muhamed Filipović**, a Bosnian

[3545] P1894 (Dževad Džaferagić, witness statement, 5 June 2001), p. 3.
[3546] Indictment, paras 47, 59(k).
[3547] Witness RM-010, T. 1871; P140 (Pseudonym sheet of Witness RM-010).
[3548] P146 (Witness RM-018, witness statement, 28 July 1999), p. 1, paras 1-4, 8-9; P147 (Witness RM-018, witness statement, 27 August 2002), p. 1, para. 1; Witness RM-018, T. 1962-1963; P145 (Pseudonym sheet for Witness RM-018).
[3549] P2057 (Witness RM-021, witness statement, 18 February 2001), pp. 1-2; Witness RM-021, T. 15951-15952; P2056 (Pseudonym sheet for Witness RM-021).
[3550] P3402 (Asim Egrlić, witness statement, 23 May 1997), pp. 1-2, 5; P3403 (Asim Egrlić, *Brđanin* transcript, 10 October 2002), p. 10607.

Muslim from Ključ Municipality;[3551] and **Atif Džafić**, the Bosnian-Muslim police commander of the Ključ SJB from 1991 to 21 or 22 May 1992,[3552] as well as documentary evidence and finds that this evidence is consistent with the Adjudicated Facts.[3553] The Trial Chamber further received evidence from **Rajko Kalabić**, a member of the Ključ Crisis Staff.[3554]

863. In May 1992, Muslims and Croats, who had failed to sign a pledge of loyalty to the new state, as well as one Serb married to a Muslim, were fired from posts in public bodies and companies.[3555] On 7 May 1992, active and reserve police officers were asked to pledge loyalty to the ARK and were issued uniforms with ARK insignia.[3556] Muslim and Croat police officers were then given another chance to sign the pledge on 21 and 22 May 1992, and those who refused to sign were relieved of their duties.[3557] According to **Witness RM-010**, around that time the flag of the Bosnian-Serb Republic was hoisted on the police station in Sanica.[3558] On 26 May 1992, about 300 workers at a Sanica factory were sent home and, upon their arrival by bus at the Sanica checkpoint which was manned solely by Serb policemen, all Muslims were taken off the buses and made to proceed on foot.[3559] They were told not to return to work or Sanica village.[3560] **Muhamed Filipović** stated that on 27 May 1992, the Serb authorities ordered the dismissal of all Muslims and Croats from their positions in Ključ.[3561] He had heard from others that announcements were broadcast on the local radio telling Muslims and Croats

[3551] P3133 (Muhamed Filipović, witness statements), witness statement of 24 May 1997, pp. 1-2, witness statement, of 13 March 2001, p. 1. The evidence of Muhamed Filipović is reviewed in chapter 4.1.2 *Schedule C.1.2*.
[3552] P3394 (Atif Džafić, witness statement, 28 September 2011), p. 1, paras 1, 4, 6; P3395 (Atif Džafić, *Karadžić* transcript, 30 September 2011), p. 19657.
[3553] **Witness RM-010:** Witness RM-010, T. 1873-1877. **Witness RM-018:** P146 (Witness RM-018, witness statement, 28 July 1999), paras 8-10. **Witness RM-021:** P2057 (Witness RM-021, witness statement, 18 February 2001), pp. 4-5. **Asim Egrlić:** P3402 (Asim Egrlić, witness statement, 23 May 1997), pp. 4-5. **Muhamed Filipović;** P3133 (Muhamed Filipović, witness statements), witness statement of 24 May 1997, p. 3, witness statement of 13 March 2001, p. 3. **Atif Džafić:** P3394 (Atif Džafić, witness statement, 28 September 2011), paras 74-76, 78; P3395 (Atif Džafić, *Karadžić* transcript, 30 September 2011), p. 19657. **Documentary evidence:** P4020 (Public announcement of the Ključ Municipal Crisis Staff, undated), p. 1.
[3554] Rajko Kalabić, T. 30198, 30208.
[3555] Adjudicated Facts I, nos 753-754.
[3556] Adjudicated Facts I, no. 752.
[3557] Adjudicated Facts I, no. 752.
[3558] Witness RM-010, T. 1874.
[3559] Witness RM-010, T. 1875-1876.
[3560] Witness RM-010, T. 1876.
[3561] P3133 (Muhamed Filipović, witness statements), witness statement of 24 May 1997, p. 3, witness statement of 13 March 2001, p. 3.

not to go to work.[3562] The witness saw a notice on the hospital saying that all Muslims and Croats should go on leave.[3563]

864. On 25 May 1992, after disarming Muslim police officers, the Serb police established a checkpoint between the predominantly Muslim villages of Biljani and Sanica.[3564] On 27 May 1992, the Ključ Crisis Staff issued an order, signed by President Jovo Banjac, prohibiting citizens from moving within the municipality without special permission from the Ključ SJB.[3565] **Asim Egrlić** and **Filipović** stated that in May 1992, Serb checkpoints were set up in and around Ključ Town.[3566] Egrlić added that all Bosniaks were registered.[3567] Freedom of movement for Muslims was severely restricted.[3568]

865. On 21 July 1992, the war presidency of Ključ Municipality issued a decision stating that all central positions in public institutions and companies were to be filled only by Serbs loyal to the Bosnian-Serb Republic.[3569] Following this decision, the war presidency ordered the dismissal of several non-Serbs from municipal positions, including the positions of president and vice-president of the executive board of the municipality.[3570]

866. **Rajko Kalabić** testified that attacks on Serbs on 26 and 27 May 1992, sparked a revolt among the Serb population and brought the atmosphere to a boiling point, making it difficult to control anyone, especially armed men.[3571] Until then all Muslim employees came to work and performed their tasks and duties without interference, but after that Muslim workers left their jobs of their own free will, not under duress.[3572] Muslim police officers stopped coming to work only because they were not prepared to defend the Bosnian-Serb Republic, and were then dismissed in accordance with the law for failing to turn up for work for more than three days.[3573] One non-Serb, a Croat,

[3562] P3133 (Muhamed Filipović, witness statements), witness statement of 13 March 2001, p. 3.
[3563] P3133 (Muhamed Filipović, witness statements), witness statement of 13 March 2001, p. 3.
[3564] Adjudicated Facts I, no. 757.
[3565] P2061 (Ključ Crisis Staff Order prohibiting movement within the Municipality without SJB approval, 27 May 1992).
[3566] P3402 (Asim Egrlić, witness statement, 23 May 1997), p. 5; P3133 (Muhamed Filipović, witness statements), witness statement of 24 May 1997, p. 3.
[3567] P3402 (Asim Egrlić, witness statement, 23 May 1997), p. 5.
[3568] Adjudicated Facts I, no. 757.
[3569] Adjudicated Facts I, no. 755.
[3570] Adjudicated Facts I, no. 755.
[3571] D867 (Rajko Kalabić, witness statement, 21 March 2014), paras 6-15; Rajko Kalabić, T. 30194.
[3572] D867 (Rajko Kalabić, witness statement, 21 March 2014), para. 16.
[3573] D867 (Rajko Kalabić, witness statement, 21 March 2014), para. 22.

remained in the police force in Ključ Municipality until the end of the war, and another Croat, the secretary of 'SIK Ključ',[3574] stayed in his position but retired during the war.[3575] Several Muslims remained in their non-prominent positions in 'SIK Ključ', at the post office, and in various companies.[3576]

867. The Trial Chamber finds Kalabić's evidence that Muslim workers left their jobs of their own free will, not under duress, unreliable in light of his own statement that their departure was linked to a revolt among the Serb population, in which it was difficult to control armed men and after which Muslim workers were unable to perform their duties without interference and Filipović's credible evidence that announcements were broadcast on the local radio telling Muslims and Croats not to go to work. The Trial Chamber also notes that on 27 May 1992, the Ključ Crisis Staff issued an order, signed by President Jovo Banjac, prohibiting citizens from moving within the municipality without special permission from the Ključ SJB.

868. Based on the foregoing, the Trial Chamber finds that in late May 1992, Serb authorities dismissed Bosnian Muslims and Bosnian Croats, who had failed to sign a pledge of loyalty to the Bosnian-Serb state, as well as one Serb married to a Bosnian Muslim, from posts in companies, including the Sanica factory, and public bodies, including the police. The Trial Chamber further finds that the war presidency of Ključ Municipality issued a decision on 21 July 1992 stating that all central positions in public institutions and companies were to be filled only by Serbs loyal to the Bosnian-Serb Republic. Following this decision, the war presidency ordered the dismissal of several Bosnian Muslims from municipal positions.[3577] In May 1992, the Ključ crisis staff and Serb police severely restricted freedom of movement for Bosnian Muslims in the municipality. The Trial Chamber will further consider these incidents in relation to Count 3 of the Indictment in chapter 8 below.

[3574] The Trial Chamber understands 'SIK Ključ' to be a reference to a forest and timbering process factory in Ključ.
[3575] Rajko Kalabić, T. 30201-30203.
[3576] Rajko Kalabić, T. 30201-30202.
[3577] Adjudicated Fact I number 755 refers to non-Serbs. Considering that Ključ Municipality consisted almost exclusively of Bosnian Serbs and Bosnian Muslims (*see* Adjudicated Facts I, no. 747), the Trial Chamber concludes that non-Serbs in this context refers to Bosnian Muslims.

4.6.7 Forcible transfer and deportation

869. According to the Indictment, the Accused is responsible for forcible transfer and deportation of Bosnian Muslims and Bosnian Croats from Ključ Municipality between 12 May 1992 and 30 November 1995.[3578] The forcible transfers and deportations were implemented through the imposition of restrictive and discriminatory measures, arbitrary arrest and detention, harassment, torture, rape and other acts of sexual violence, killing, the destruction of houses, cultural monuments and sacred sites, and the threat of further such acts – all targeting Bosnian Muslims and Bosnian Croats.[3579] Others were physically driven out.[3580] The Defence argued that the evidence does not prove beyond all reasonable doubt that the authorities intended to remove Bosnian Croats and Bosnian Muslims from the municipality.[3581] In support of this, the Defence submits that authorities, including the ARK Crisis Staff, acknowledged that there were tensions, but implored that there was no reason for any ethnicity to leave the territory of the ARK and did not forcibly transfer.[3582] Although political rhetoric became intemperate and controversial as the conflict intensified, this rhetoric was contrary to the position of the ARK Crisis Staff and no one acted on it.[3583] The Ključ SJB considered the belief among citizens that there was no co-existence between the ethnicities as a problem, not a triumph.[3584] There was no plan to seize Bosnian-Muslim or Bosnian-Croat property.[3585] As a result of the conflict, Bosnian Croats and Bosnian Muslims left between 1992 and 1995, but approximately 20,000 Bosnian Serbs fled the municipality at the end of the conflict.[3586]

870. The Trial Chamber took judicial notice of a number of Adjudicated Facts related to this charge.[3587] Further, it received documentary evidence as well as evidence from **Atif Džafić**, the Bosnian-Muslim police commander of the Ključ SJB from 1991 to 21 or 22 May 1992;[3588] **Witness RM-010**, a Bosnian Muslim from Ključ Municipality;[3589]

[3578] Indictment, paras 47, 59(f), 67-69.
[3579] Indictment, para. 70.
[3580] Indictment, para. 70.
[3581] Defence Final Brief, para. 1281.
[3582] Defence Final Brief, paras 1282-1283.
[3583] Defence Final Brief, para. 1285.
[3584] Defence Final Brief, para. 1286.
[3585] Defence Final Brief, para. 1289.
[3586] Defence Final Brief, paras 1284, 1287.
[3587] Adjudicated Facts I, no. 762 is reviewed in chapter 4.6.3.
[3588] P3394 (Atif Džafić, witness statement, 28 September 2011), p. 1, paras 1, 4, 6; P3395 (Atif Džafić, *Karadžić* transcript, 30 September 2011), p. 19657.
[3589] Witness RM-010, T. 1871-1873, 1876; P140 (Pseudonym sheet of Witness RM-010).

Dževad Džaferagić, a Bosnian Muslim from Biljani in Ključ Municipality;[3590] **Witness RM-021**, a Bosnian Muslim from Ključ Municipality;[3591] **Witness GRM-014**, a Serb from Ključ Municipality;[3592] **Birte Weiss**, journalist and former Danish Parliamentarian and minister;[3593] **Charles Kirudja**, a UN civil affairs officer in Croatia between April 1992 and March 1994 (reviewed in chapter 4.1.7);[3594] **Velimir Kevac**, a Bosnian Serb who from the end of May 1992 until 7 October 1993 served as Assistant Chief of Staff at the Command of the VRS 30th Division in Mrkonjić Grad;[3595] **Nikola Vraćar**, a Serb from Donji Ribnik, Ključ Municipality, who was assigned to the reserve police force at the Ključ SJB in April 1992;[3596] and **Rajko Kalabić**, a member of the Ključ Crisis Staff;[3597] as well as documentary evidence. The Trial Chamber finds this evidence consistent with the Adjudicated Facts.[3598] The Trial Chamber further received evidence from **Asim Egrlić**, a Bosnian Muslim from Ključ who was detained at Manjača camp between 12 June and 13 December 1992 and then at Batković camp,[3599] as well as documentary evidence in relation to this charge.[3600]

871. According to the 1991 census in Bosnia-Herzegovina, the ethnic composition of Ključ Municipality was 18,506 (49 per cent) Serbs, 17,696 (47 per cent) Muslims, 330

[3590] P1894 (Dževad Džaferagić, witness statement, 5 June 2001), pp. 1-2.
[3591] P2057 (Witness RM-021, witness statement, 18 February 2001), p. 1-2; Witness RM-021, T. 15951-15952; P2056 (Pseudonym sheet for Witness RM-021).
[3592] D869 (Witness GRM-014, witness statement, 17 June 2014), p. 1, paras 1-2; Witness GRM-014, T. 30331; D868 (Pseudonym sheet for Witness GRM-014).
[3593] Birte Weiss, T. 5279-5280.
[3594] P3587 (Charles Kirudja, witness statement, 17 November 2010), para. 2.
[3595] D871 (Velimir Kevac, witness statement, 31 July 2014), p. 1, paras 1, 4, 21.
[3596] D789 (Nikola Vraćar, witness statement, 4 July 2014), p. 1, paras 1, 3; Nikola Vraćar, T. 28616.
[3597] Rajko Kalabić, T. 30198, 30208.
[3598] **Dževad Džaferagić**: P1894 (Dževad Džaferagić, witness statement, 5 June 2001), p. 4. **Atif Džafić**: P3394 (Atif Džafić, witness statement, 28 September 2011), para. 7. **Rajko Kalabić:** Rajko Kalabić, T. 30286-30287. **Velimir Kevac**: D871 (Velimir Kevac, witness statement, 31 July 2014), paras 17, 19; Velimir Kevac, T. 30445, 30534. **Charles Kirudja**: P3587 (Charles Kirudja, witness statement, 17 November 2010), para. 120. **Nikola Vraćar**: D789 (Nikola Vraćar, witness statement, 4 July 2014), paras 20, 23-24, 27; Nikola Vraćar, T. 28672. **Birte Weiss**: Birte Weiss, T. 5282, 5304-5305. **Witness GRM-014**: D869 (Witness GRM-014, witness statement, 17 June 2014), paras 18-19; Witness GRM-014, T. 30326, 30366, 30386, 30397-30398, 30429-30430. **Witness RM-010**: Witness RM-010, T. 1904-1905, 1948-1949. **Witness RM-021**: P2057 (Witness RM-021, witness statement, 18 February 2001), pp. 9-10; P2058 (Witness RM-021, chart of corrections to witness statement dated 18 February 2001, 27 August 2013); P2059 (Witness RM-021, *Brđanin* transcript, 27 August 2002), pp. 9081-9082; Witness RM-021, T. 15987-15988. **Documentary evidence**: P522 (Naila Botonjić's declaration of permanent and voluntary departure, 17 August 1992); P3398 (Ethnic map of Ključ municipality); P3599 (Chart by Charles Kirudja regarding evacuations through sector north, undated); P4071 (Ključ SJB report to Security Services Centre, Banja Luka, 24 October 1992), p. 1; P7046 (Information from Banja Luka CSB, undated); D430 (Ključ municipal assembly war presidency decision regarding criteria for leaving Ključ Municipality), pp. 1-2.
[3599] P3402 (Asim Egrlić, witness statement, 23 May 1997), pp. 1-2, 5; P3403 (Asim Egrlić, *Brđanin* transcript, 10 October 2002), p. 10607.
[3600] D422 and D423 are reviewed in chapter 4.1.7.

(1 per cent) Croats, 579 Yugoslavs, and 280 persons of other or unknown ethnicity.[3601] By February 1992, Red Berets, White Eagles, and a number of JNA units had entered the territory of Ključ municipality and a Serb TO had been organized.[3602] On 5 May 1992, Jovo Banjac, in his capacity as president of the Council for National Defence, imposed a curfew in the municipality pursuant to a decision of the ARK government.[3603] Banjac told Asim Egrlić, president of Ključ Municipality's executive board that Serbs would have to leave some territories of Bosnia-Herzegovina, while Muslims and Croats would have to leave others, so that their respective presence as minorities would amount to no more than five or six per cent.[3604] Banjac was later president of the Ključ War Presidency.[3605] **Asim Egrlić** stated that on 7 May 1992, Serbs occupied Ključ City Hall, positioned troops around the city, gave new uniforms to police officers, and placed Serb flags on all important buildings.[3606] On 27 May 1992, armed clashes broke out in the village of Krasulje between local Muslims and the Serb police.[3607] All residents of Ključ Municipality who were members of armed units, including White Eagles, were ordered to place themselves under the command of the Ključ defence operative force.[3608]

872. An agency for the reception and removal of refugees was established on 27 May 1992 by the Ključ Crisis Staff.[3609] Persons who wished to move out of the municipality had to obtain a permit issued by the municipal authorities.[3610] On 6 June 1992, during a session of the Ključ Municipal Assembly Crisis Staff it was noted that the organised removal of the Muslims should be resolved.[3611] On 7 June 1992, political representatives from seven municipalities in the ARK, including Ključ, Prijedor and Sanski Most municipalities, agreed that Bosnian Croats and Bosnian Muslims should be moved from their municipalities until Serb authority could be implemented and maintained in their municipalities.[3612] For this purpose, they asked the ARK Crisis Staff to provide a corridor for the resettlement of Bosnian Croats and Bosnian Muslims in

[3601] Adjudicated Facts I, no. 747.
[3602] Adjudicated Facts I, no. 748.
[3603] Adjudicated Facts I, no. 749.
[3604] Adjudicated Facts I, no. 750.
[3605] D430 (Ključ municipal assembly war presidency decision regarding criteria for leaving Ključ Municipality, 30 July 1992), p. 1.
[3606] P3402 (Asim Egrlić, witness statement, 23 May 1997), p. 5.
[3607] Adjudicated Facts I, no. 758.
[3608] Adjudicated Facts I, no. 759.
[3609] Adjudicated Facts I, no. 789.
[3610] Adjudicated Facts I, no. 789.
[3611] P3758 (Compilation of minutes from the sessions of the Ključ Municipal Assembly Crisis Staff, 27-30 May, 1-6 June, 9 June, 16-18 June, 24 June, 30 June, 10 July), pp. 13-14.
[3612] P3753 (Conclusions from a sub-regional meeting, 7 June 1992), pp. 1-2.

Central Bosnia and 'Alija's independent state'.[3613] They threatened that if the ARK leadership failed to resolve this issue, they would take all Bosnian Croats and Bosnian Muslims under military escort to the centre of Banja Luka.[3614] On 9 June 1992, Veljko Kondić, informed the Ključ Crisis Staff of the conclusions reached by the ARK Crisis Staff, including that the question of population resettlement should be solved and that a team should be formed to work on this issue.[3615] In July 1992, the Ključ SJB bemoaned that misinformation, rumours, frequent arson and fear were making it more difficult to continue living in the municipality, and that citizens frequently believed that it was impossible to co-exist, that ethnically pure areas should be established.[3616] The Ključ SJB reported that it was concerned with ensuring 'minimal safety' for all citizens, but these beliefs placed them in 'a difficult position and one of temptation as regards the professionalism of the service'.[3617]

873. In accordance with a Ključ Crisis Staff decision of 30 July 1992, those who wished to leave the municipality had to submit a statement saying that they were leaving permanently, and were to exchange their property or surrender it to the municipality.[3618] The SNO and SJB were in charge of issuing the relevant documents.[3619] The statement also had to include that the departure was voluntary.[3620] The exchange of property had to be carried out in advance of, or at the latest three months after moving out; otherwise any real estate was to be taken over by Ključ Municipality.[3621] The sale of movable property and real estate was prohibited.[3622] The taking of all movable property from the territory of the municipality was allowed; however, those moving away had to make an inventory of the same which had to be verified by the Secretariat for General

[3613] P3753 (Conclusions from a sub-regional meeting, 7 June 1992), p. 2.
[3614] P3753 (Conclusions from a sub-regional meeting, 7 June 1992), p. 2.
[3615] P3758 (Compilation of minutes from the sessions of the Ključ Municipal Assembly Crisis Staff, 27-30 May, 1-6 June, 9 June, 16-18 June, 24 June, 30 June, 10 July), pp. 14-15.
[3616] D358 (SJB Ključ report, July 1992), pp. 1, 12.
[3617] D358 (SJB Ključ report, July 1992), p. 12.
[3618] Adjudicated Facts I, no. 790.
[3619] Adjudicated Facts I, no. 790.
[3620] D430 (Ključ municipal assembly war presidency decision regarding criteria for leaving Ključ Municipality, 30 July 1992), p. 2. *See also* Birte Weiss, T. 5304-5305; P522 (Naila Botonjić's declaration of permanent and voluntary departure, 17 August 1992); P3403 (Asim Egrlić, *Brđanin* transcript, 10 October 2002), pp. 10618-10619; P3406 (Record of resettlement for Sabiha Erglić, 3 August 1992), pp. 1-2.
[3621] D430 (Ključ municipal assembly war presidency decision regarding criteria for leaving Ključ Municipality, 30 July 1992), p. 1.
[3622] D430 (Ključ municipal assembly war presidency decision regarding criteria for leaving Ključ Municipality, 30 July 1992), p. 1.

Administration and Social Services or the SJB.[3623] Those individuals whose movable property had been taken for the need of the VRS were prohibited to dispose of the same without the agreement and approval of the military authorities.[3624] In accordance with an ARK decision of 4 August 1992, individuals leaving the ARK could take with them no more than 300 DEM.[3625] This information was passed on by Radio Ključ.[3626] Radio Ključ further informed that the SJB would carry out checks and, in cases of non-compliance with the decision, confiscate money or valuables and take appropriate legal measures against the people concerned.[3627]

874. In late July, a convoy of approximately 1,000 people, which was composed of a majority of Bosnian-Muslim women and children, left Ključ for Travnik. It was one of a number of convoys organised in Ključ Municipality. People had to obtain the necessary documentation, and very few able-bodied men left in this convoy.[3628] Convoys for Bosnian Muslims and Bosnian Croats leaving Ključ for Travnik were organised by the police, who issued the relevant documents.[3629] On 11 September 1992, approximately 500 Bosnian Muslims were transported to Travnik.[3630] At least two other Travnik-bound convoys left in September, including one over-crowded convoy which transported 1,000 Bosnian Muslims and Bosnian Croats, whose names were called prior to their boarding from a list of people who had paid a fare.[3631] **Witness RM-021** testified that he saw several convoys transporting civilians out of Ključ.[3632]

875. Approximately 2,500 Bosnian Muslims and Bosnian Croats, the majority of whom were women, children, and elderly, were also transported from Ključ towards Travnik on 1 October 1992. Bosnian-Serb local police and the Bosnian-Serb army were at the departure point with a list of those who had paid what was asked of them and signed over their property. Bosnian Serbs escorted the convoy to a location 25

[3623] D430 (Ključ municipal assembly war presidency decision regarding criteria for leaving Ključ Municipality, 30 July 1992), p. 1.
[3624] D430 (Ključ municipal assembly war presidency decision regarding criteria for leaving Ključ Municipality, 30 July 1992), p. 2.
[3625] Adjudicated Facts I, no. 791.
[3626] Witness GRM-014, T. 30366; P7046 (Information from Banja Luka CSB, undated).
[3627] P7046 (Information from Banja Luka CSB, undated).
[3628] Adjudicated Facts I, no. 785.
[3629] Adjudicated Facts I, no. 786.
[3630] Adjudicated Facts I, no. 787.
[3631] Adjudicated Facts I, no. 787.
[3632] P2057 (Witness RM-021, witness statement, 18 February 2001), pp. 9-10.

kilometres away from Travnik, whereupon they demanded money and valuables from the passengers, who then walked to Travnik.[3633]

876. Out of the approximately 17,000 Muslims who had been living in the Ključ area, only around 600 remained there by the summer of 1992.[3634] Most of the Muslims moved out of the municipality in the summer of 1992 due to unbearable circumstances and out of fear.[3635]

877. **Velimir Kevac** testified that there were no combat activities after the surrender of Ključ Municipality and that all ethnicities were fearful.[3636] The Serbs began to self-organize as they feared that they would experience the atrocities of 1941 again.[3637] All residents of Ključ started leaving Ključ in an organized manner.[3638] According to the witness, the non-Serb population in the division's zone of responsibility was protected, especially in the areas with mixed populations such as Donji Vakuf, Šipovo, and Mrkonjić Grad. In these areas, the Muslim population was not expelled, but they could leave if they wanted to. If they wanted to stay, they stayed in these areas without any problems.[3639] As the military had no jurisdiction over the population unless incidents took place on the confrontation line between the ABiH and the VRS, the civilian police force was responsible for protecting the population.[3640] Some of the TO members from Ključ who did not surrender their weapons fled to the territory of Bihać.[3641]

878. **Nikola Vraćar** testified that there were Muslims and Croats in Ključ Municipality who did not fight against the Serb forces and stayed in their homes during the entire war.[3642] According to the witness, there were instructions not to compel or encourage people to leave.[3643] He was never ordered, and he never witnessed or heard of any official orders, to expel people from his town.[3644] That people moved out was a consequence of the war and of the lack of everything needed for living.[3645] After the

[3633] Adjudicated Facts I, no. 788.
[3634] Adjudicated Facts I, no. 792.
[3635] Adjudicated Facts I, no. 793.
[3636] D871 (Velimir Kevac, witness statement, 31 July 2014), paras 13-15, 17; Velimir Kevac, T. 30445, 30461.
[3637] D871 (Velimir Kevac, witness statement, 31 July 2014), para. 15.
[3638] D871 (Velimir Kevac, witness statement, 31 July 2014), para. 19.
[3639] D871 (Velimir Kevac, witness statement, 31 July 2014), para. 16.
[3640] Velimir Kevac, T. 30460.
[3641] Velimir Kevac, T. 30462-30463.
[3642] D789 (Nikola Vraćar, witness statement, 4 July 2014), paras 22-23.
[3643] Nikola Vraćar, T. 28651.
[3644] Nikola Vraćar, T. 28672-28673.
[3645] D789 (Nikola Vraćar, witness statement, 4 July 2014), paras 20, 24, 27; Nikola Vraćar, T. 28672.

conflict, approximately 20,000 Bosnian Serbs left the municipality.[3646] **Rajko Kalabić** stated that after 4 June 1992 transports of Ključ residents were organized by the Civilian Protection Department of the Ključ Municipal Assembly, and for security reasons and safety of the citizens the police escorted these convoys to territory under the control of Muslims and Croats.[3647] Anyone who wanted to leave Ključ was allowed to leave as long as they were not suspected of having committed a criminal offence or misdemeanour.[3648] The Ključ municipal staff did not intend for the Muslims to leave permanently and around 1,000 Muslims stayed in Ključ for the duration of the conflict.[3649] When leaving the municipality, all citizens were allowed to sell their property, give it to others or leave it to their fellow residents to look after.[3650]

879. According to a Bosnia-Herzegovina municipality census, in 1991 the villages Crljeni, Dubočani, Sanica, Velečevo, and Zgon had majority Muslim populations.[3651] **Witness GRM-014** testified that no actions or combat activities were ever taken, nor was any other pressure exerted, against the inhabitants in these villages; they lived in peace until the start of the war in May.[3652] Whoever wanted to stay could do so; no Muslims were expelled and nobody had the objective of driving people away permanently from the municipality.[3653] According to the witness, civilians were only moved out of areas where their lives would be in danger, and he never saw or heard that the army ordered civilians to move out of the territory.[3654] Bosnian Muslims wanting to leave the municipality of Ključ moved voluntarily without interference or pressure.[3655] However, in the period leading up to the war and after the war started, fear and panic was spread among the people, partly due to misinformation and the state of war itself,

[3646] Nikola Vraćar, T. 28678-28679.
[3647] D867 (Rajko Kalabić, witness statement, 21 March 2014), paras 25-26; Rajko Kalabić, T. 30280, 30287; P7034 (Statement of the Ključ Crisis Staff on assistance to citizens who wish to leave the municipality, 4 June 1992).
[3648] D867 (Rajko Kalabić, witness statement, 21 March 2014), para. 25.
[3649] Rajko Kalabić, T. 30283; P7034 (Statement of the Ključ Crisis Staff on assistance to citizens who wish to leave the municipality, 4 June 1992).
[3650] D867 (Rajko Kalabić, witness statement, 21 March 2014), para. 28.
[3651] P7037 (Excerpt of Census data by Municipalities in Bosnia-Herzegovina, 1995), pp. 2-5.
[3652] D869 (Witness GRM-014, witness statement, 17 June 2014), paras 10-11; Witness GRM-014, T. 30318, 30326-30329. The Trial Chamber understands the witness to refer to the start of the war in May 1992.
[3653] D869 (Witness GRM-014, witness statement, 17 June 2014), paras 12-13; Witness GRM-014, T. 30324-30325, 30379.
[3654] D869 (Witness GRM-014, witness statement, 17 June 2014), paras 13-14.
[3655] D869 (Witness GRM-014, witness statement, 17 June 2014), paras 12-13; Witness GRM-014, T. 30324-30326.

influencing Bosnian Muslims to leave in large numbers.[3656] Those who wanted to return were able to do so.[3657] There were threats, provocations, looting, thefts, shooting, torching of property, and killings and people left due to such incidents.[3658] The army tried to prevent looting but could only do so in relation to military personnel and soldiers.[3659] Some civilians left Ključ following, what the witness described as, the army of the people to which they belonged.[3660]

880. By 12 June 1992, a Residence Commission registered those who wanted to leave the municipality and their property, and placed the property under the protection of the municipality.[3661] The Residence Commission also issued temporary papers for Serb and Croat refugees from Novi Travnik, Zenica, and Bugojno in order for them to move into apartments and houses abandoned by Muslims.[3662] On 19 June 1992, the ARK Crisis Staff issued a decision that 'the proper municipal organs of administration shall be informed of all abandoned property, which shall then be proclaimed property of the state and placed at the disposal of the municipal assemblies'.[3663] In June 1992, the Ključ Crisis Staff issued a decision that those who wanted to leave the territory had to turn in their property.[3664] In accordance with a Crisis Staff decision, the Ključ authorities claimed temporary ownership of the property that had belonged to Muslims, Croats or Serbs, in order to protect it from being looted or to prevent its decline until the owners returned.[3665] This decision was made in accordance with guidelines received from military and civilian authorities.[3666] People were not forced to move and there was no plunder.[3667] On 10 July 1992, the Ključ Municipal War Presidency was formed out of the Crisis Staff.[3668] The same day, the Ključ War Presidency appointed a commission to retrieve 'war booty' – the movable property of Muslims who had left Ključ, for example

[3656] D869 (Witness GRM-014, witness statement, 17 June 2014), paras 18-19; Witness GRM-014, T. 30326, 30386, 30397-30398, 30429-30430.
[3657] D869 (Witness GRM-014, witness statement, 17 June 2014), para. 16.
[3658] Witness GRM-014, T. 30326, 30386-30387, 30398.
[3659] D869 (Witness GRM-014, witness statement, 17 June 2014), para. 17.
[3660] D869 (Witness GRM-014, witness statement, 17 June 2014), para. 19.
[3661] Witness GRM-014, T. 30372; P7038 (Notes of SDS meetings including events in Ključ area, February-July 1992), p. 28.
[3662] Witness GRM-014, T. 30372; P7038 (Notes of SDS meetings including events in Ključ area, February-July 1992), p. 28.
[3663] P7049 (Official Gazette of the ARK, 23 June 1992), pp. 2-3.
[3664] D869 (Witness GRM-014, witness statement, 17 June 2014), paras 12, 15.
[3665] D869 (Witness GRM-014, witness statement, 17 June 2014), paras 15-16; Witness GRM-014, T. 30369, 30418-30419.
[3666] D869 (Witness GRM-014, witness statement, 17 June 2014), para. 16.
[3667] Witness GRM-014, T. 30428.

appliances and washing machines – which had earlier been appropriated by Serbs.[3669] The commission was comprised of Milivoj Janković, Vaso Stojaković, and Dragan Lekić.[3670] The witness testified that the property was to be returned after the war and that abandoned Muslim and Croat apartments were used temporarily to accommodate refugees.[3671]

881. **Witness RM-021** testified that by September 1992 he knew that the villages of Pudin Han, Velagići, Hrustovo in Sanski Most Municipality, Ramići, and Biljani were completely cleansed of their civilian populations.[3672] A report from the VRS 17th Ključ Light Infantry Brigade command of the 2KK, dated 16 February 1993, detailed the numbers of people who had left Muslim villages and communes in Ključ Municipality between May 1992 and January 1993: 4,154 of the 4,200 residents of Sanica; 3,429 of the 3,649 residents of Velagići (lists indicating the desired destinations for the remaining 220 residents had been drafted); 2,655 of the 2,815 residents of Peći; 1,250 of the 1,732 residents of Humići; all of the 778 residents of Sokolovo; and all 24 residents of Gornji Ribnik.[3673] A May 1993 MUP report indicated that between 14,000 and 15,000 Muslims, 200 Croats, and 1,000 Serbs had left the municipality of Ključ; replaced by 2,000 to 3,000 Serbs.[3674]

882. In light of the Trial Chamber's earlier findings that aspects of Kalabić's evidence are unreliable, the Trial Chamber also finds his evidence that all citizens were allowed to sell their property, give it to others or leave it to their fellow citizens, similarly unreliable. Kalabić's evidence is undermined by other credible evidence, including a decision of the Ključ Crisis Staff on 30 July 1992. That decision prohibited the sale of property for those departing the municipality. It required those departing to exchange their property instead. Witness GRM-014 also testified about the existence of this decision.

883. Based on the above, the Trial Chamber finds that between 27 May 1992 and May 1993, at least 14,000 to 15,000 Bosnian Muslims, 200 Bosnian Croats, and 1,000

[3668] P7038 (Notes of SDS meetings including events in Ključ area, February-July 1992), p. 33; P7047 (Minutes of Ključ War Presidency session, 10 July 1992), p. 1.
[3669] Witness GRM-014, T. 30372-30375; P7047 (Minutes of Ključ War Presidency session, 10 July 1992), p. 1.
[3670] P7047 (Minutes of Ključ War Presidency session, 10 July 1992), p. 1.
[3671] Witness GRM-014, T. 30376.
[3672] P2057 (Witness RM-021, witness statement, 18 February 2001), p. 10.
[3673] Adjudicated Facts I, no. 794.
[3674] Adjudicated Facts I, no. 795.

Bosnian Serbs left Ključ Municipality. Most Muslims left by the summer of 1992. Several convoys of Bosnian Muslim and Bosnian Croat civilians left the municipality, including at least four convoys that went to Travnik between July and September 1992. Those four convoys totalled well over 2,500 Bosnian Muslims and Bosnian Croats, including a convoy of 1,000 composed of mainly Bosnian Muslim women and children. Also, on 1 October 1992, a convoy of approximately 2,500 Bosnian Muslims and Bosnian Croats departed for Travnik. The majority on that convoy were women, children and elderly. The Trial Chamber finds that most of those who left did so because of fear and unbearable circumstances, such as threats, provocations, looting, thefts, shooting, torching of property, and killings.

884. The Trial Chamber further finds that the convoys were organized by both the Civilian Protection Department of the Ključ Municipal Assembly and the police, and generally escorted by the police to territory under the control of Muslims and Croats. The convoy that left on 1 October 1992 was escorted by Bosnian Serbs, but the Trial Chamber could not determine their affiliation. At the departure point for that convoy, Bosnian-Serb local police and the VRS checked a list of who had paid what was asked of them and had signed over their property.

885. The events described above occurred in circumstances where in early May 1992 the president of the SNO, Jovo Banjac, told Asim Egrlić, president of the Ključ Municipality's executive board, that Serbs, Muslims and Croats that constitute a minority in any territory would need to move so that minorities would amount to no more than five or six per cent. Then, on 30 July 1992, the Ključ Crisis Staff decided that those leaving the municipality were required to declare that they were leaving permanently and voluntarily and to exchange their property or surrender it to the municipality. The SNO and SJB issued the relevant documents pursuant to the decision. In addition, the ARK decided that those leaving could take no more than 300 DEM. Compliance with the ARK decision in Ključ Municipality was checked by the SJB. The Trial Chamber recalls its finding in chapter 4.1.7 that on 20 May 1992, the ARK Crisis Staff concluded that there was no reason for anyone to move out of the ARK territory and decided to broadcast this conclusion on the radio over the following days. On 29 May 1992, the ARK Crisis Staff decided that it would permit Muslims and Croats to leave ARK territory on the condition that Serbs were allowed to move into the ARK and the Bosnian-Serb Republic. It also decided to oppose and prevent all attempts to

pressure or force the population to move. That same day, the ARK Crisis Staff adopted a ‘family for family’ principle allowing Bosnian Muslims and Bosnian Croats to move out of the ARK on the condition that Serbs from outside ‘Serbian autonomous districts and regions’ were allowed to move into the ARK and the Bosnian-Serb Republic.. The Trial Chamber also recalls its findings in chapters 4.6.1, 4.6.2, 4.6.3, 4.6.4, and 4.6.6.

886. The Trial Chamber will further consider these incidents in relation to Counts 3 and 7-8 in chapter 8 below.

4.7 Kotor Varoš Municipality

4.7.1 Murder

Schedule A.4.4

887. According to the Indictment, the Accused is responsible for the killing of a number of men in or around the school in Grabovica in Kotor Varoš Municipality on or about 3 November 1992.[3675] The Defence argued that: (i) the VRS did not perpetrate the alleged killings in or around Grabovica School and that civilians engaged in violence against Muslims at the school; (ii) the evidence on the alleged killings is minimal and includes unsubstantiated, unclear, and hearsay evidence; (iii)_there is no direct evidence supporting that approximately 150 men were killed.[3676] The Trial Chamber took judicial notice of Adjudicated Facts numbers 806 and 807 in relation to this Scheduled Incident.[3677] The Trial Chamber further received evidence from **Vojislav Kršić**, a Bosnian Serb from Kotor Varoš and Assistant Chief of Staff for Operational and Educational Affairs in the VRS 1st Kotor Varoš Brigade from 28 August 1992;[3678] **Witness RM-802**, a VRS officer;[3679] **Witness RM-009**, a Bosnian Serb from Kotor Varoš;[3680] and **Ewa Tabeau**, a demographer and statistician;[3681] as well as documentary evidence and finds that this evidence does not rebut the Adjudicated Facts.[3682]

[3675] Indictment, paras 39(a)i, 47, 59(a)i, 62(a), Schedule A.4.4.
[3676] Defence Final Brief, paras 1133-1134, 1142-1143.
[3677] Adjudicated Fact I no. 807 is reviewed in chapter 9.2.10.
[3678] D844 (Vojislav Kršić, witness statement, 8 February 2014), p. 1, paras 1-2, 4; P6977 (Appointment of Vojislav Kršić as assistant chief of staff in Kotor Varoš Light Infantry Brigade, 27 August 1992).
[3679] P439 (Witness RM-802, witness statement, 25 April 2012), pp. 1-2, 33; P438 (Witness RM-802, pseudonym sheet).
[3680] P843 (Witness RM-009, witness statement, 23 January 2003), paras 39-40; Witness RM-009, T. 7957-7958; P846 (Certificate dated 5 February 1993, signed by Duško Kerezović).
[3681] Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).
[3682] **Vojislav Kršić**: D844 (Vojislav Kršić, witness statement, 8 February 2014), para. 22; Vojislav Kršić, T. 29291. **Witness RM-802**: P439 (Witness RM-802, witness statement, 25 April 2012), paras 66, 69; Witness RM-802, T. 4632-4634, 4636, 4638. **Witness RM-009**: P843 (Witness RM-009, witness statement, 23 January 2003), paras 158, 167-168; Witness RM-009, T. 7972-7973. Vojislav Kršić's evidence has also been reviewed in chapter 4.7.2, Witness RM-009's evidence has also been reviewed in chapter 9.2.10, and Witness RM-802's evidence has also been reviewed in chapter 9.2.8. **Ewa Tabeau**: P2793 (Ewa Tabeau, table of corrections to proof of death expert report and annex, 7 November 2013), p.1; P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 3, 14, 32-33; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 52-93; **Documentary evidence**: All forensic documentation relating to this scheduled incident admitted into evidence pursuant to the Trial Chamber's bar table decision dated 31 January 2014.

888. On 4 November 1992, approximately 150 men from Večići held at Grabovica School were killed.[3683]

889. **Vojislav Kršić** testified that after he left Grabovica at 10 a.m. around 4 or 5 November 1992, he was told by some soldiers that there was chaos in Grabovica and that Major Mirko Bosić, the Assistant for Security of the Commander of the Brigade, had told him that 'the population in Grabovica fucked up the situation and people were killed'.[3684] In execution of a request from the command of the 1KK, Kršić wrote a statement of what happened in Grabovica while he was present.[3685] Kršić stated that at the time of the killings, Novaković was in charge of the detainees.[3686]

890. **Witness RM-802** testified that in the evening of 3 November 1992, he was told by a VRS officer that 'the idiots have killed all who surrendered'.[3687] The VRS officer stated that his units were not involved, but that Novaković and the politicians from Kotor Varoš had been present.[3688] The VRS officer further said that the Muslims had surrendered in a field near Grabovica School, where they were searched and their money, valuables, and pistols were placed in a bag which was then put into the trunk of Nedeljko Đekanović's car, after which Đekanović, Komljenović, and Novaković left together.[3689] Approximately 15 to 20 minutes after they had left, three to four uniformed VRS soldiers from the 2nd Battalion of the 22nd Brigade and the Kotor Varoš Brigade opened fire on the detainees and 'just mowed them all down'.[3690] The VRS officer told the witness that the municipal leadership would take measures to remove the detainees' bodies.[3691] Personnel from the Cesting Company then arrived with machinery to bury the bodies.[3692] The village of Grabovica was in the area of responsibility of the Commander of the Kotor Varoš Brigade.[3693]

[3683] Adjudicated Facts I, nos 803, 806. The Trial Chamber understands the reference to 'of these men' in Adjudicated Fact I, no. 806, to be a reference to the 'armed men from Večići', mentioned in Adjudicated Fact I no. 803.
[3684] D844 (Vojislav Kršić, witness statement, 8 February 2014), para. 22; Vojislav Kršić, T. 29291.
[3685] Vojislav Kršić, T. 29291-29292.
[3686] Vojislav Kršić, T. 29369.
[3687] P439 (Witness RM-802, witness statement, 25 April 2012), para. 66; Witness RM-802, T. 4531-4532, 4632-4634.
[3688] P439 (Witness RM-802, witness statement, 25 April 2012), para. 66.
[3689] P439 (Witness RM-802, witness statement, 25 April 2012), para. 67; Witness RM-802, T. 4531.
[3690] P439 (Witness RM-802, witness statement, 25 April 2012), para. 67; Witness RM-802, T. 4535, 4636.
[3691] Witness RM-802, T. 4536.
[3692] P439 (Witness RM-802, witness statement, 25 April 2012), para. 67.
[3693] Witness RM-802, T. 4637.

891. Concerning Witness RM-802's account of the sequence of events related to the alleged killings of a number of non-Serb men at Grabovica School, the Trial Chamber notes that this sequence was communicated by a VRS officer to the witness. However, the Trial Chamber did not receive evidence of the VRS officers's presence at the school at the time of the alleged killings or about the source of the information provided by the VRS officer. Therefore, the Trial Chamber will not rely on the sequence of events related to the alleged killings as reported by the witness.

892. Based on the above, the Trial Chamber finds that on 4 November 1992, members of the VRS 1st Kotor Varoš Brigade and the 2nd Battalion of the 22nd Brigade[3694] killed approximately 150 unarmed Bosnian-Muslim men[3695], detained at Grabovica School. Of those 150 men, approximately 120 to 130, later found in civilian clothes, had been loaded onto trucks and killed at a field in Duboka and in Maljava while approximately 25 were killed in the school's sports hall. With regard to the status of the killed men, the Trial Chamber recalls its finding in chapter 4.7.1 *Schedule A.4.4* The next day, as the bodies of the victims were gathered, Pero Zarić shot and killed a wounded Bosnian-Muslim detainee who had survived the killings at Grabovica School and was asking for water. The Trial Chamber will further consider this incident in relation to Counts 1 and 3-6 of the Indictment in chapter 8, below.

893. With regard to Vojislav Kršić's evidence on the alleged killing of a Muslim man detained at Grabovica School, the Trial Chamber notes that the witness testified that the incident took place after a mob had seized the man and started beating him. While some soldiers tried to diffuse the situation, an unidentified person killed the man. The Trial Chamber has not received any evidence on the identity or affiliation of the perpetrator of this killing. Considering this and given the circumstances of this specific killing, the

[3694] Concerning Vojislav Kršić's evidence on the role of the local population in Grabovica with respect to the alleged killings of detainees on 4 November 1992, the Trial Chamber finds that Kršić's evidence does not specifically identify the perpetrators of the alleged killings but refers to troubles caused by the local population in Grabovica. Therefore, the Trial Chamber rejects the Defence's argument concerning the role of civilians in the killings.

[3695] Whereas Witness RM-009 testified that approximately 165 bodies were retrieved from Grabovica School and its vicinity, the Trial Chamber notes that the witness more particularly specified that approximately 145 to 155 bodies were collected from the three locations. Under these circumstances, the Trial Chamber has not considered the higher figure provided by Witness RM-009 and relied on the data corresponding to the collection of the bodies. The Trial Chamber further notes that it took notice of Adjudicated Facts 803 and 806 pertaining to the number of victims of this Scheduled Incident. The Trial Chamber has found the evidence of Witness RM-009 to be consistent with these Adjudicated Facts and rejects the Defence's argument concerning the number of alleged victims.

Trial Chamber will not further consider this killing in relation to any counts of the Indictment

Schedule C and unscheduled murder incidents

894. In addition to Scheduled Incident A.4.4, discussed above, the Indictment alleges that the Accused is responsible for the killing of other Bosnian Muslims and Bosnian Croats in Kotor Varoš Municipality.[3696] With regard to the Defence's general argument on evidence of unscheduled incidents,[3697] the Trial Chamber refers to its Appendix B. The Trial Chamber received evidence concerning many alleged murders in Kotor Varoš Municipality in mid-1992. With regard to these alleged murder incidents, the Trial Chamber received evidence from **Witness RM-009**, a Bosnian Serb from Kotor Varoš;[3698] **Predrag Radulović**, head of an intelligence team known as the Miloš group in the CSB Banja Luka from mid-1991 to 1994;[3699] **Elvedin Pašić**, a Bosnian Muslim from the village of Hrvačani near the town of Kotor Varoš who was approximately 14 years old in 1992;[3700] and **Witness RM-014**, a Bosnian Muslim from Kotor Varoš Municipality.[3701]

895. Further, the Trial Chamber received evidence concerning an alleged murder incident in the Večići area. With regard to this incident, the Trial Chamber took judicial notice of Adjudicated Fact number 803.[3702] The Trial Chamber also received evidence from **Witness RM-089**, a Bosnian Muslim from Kukavice in Kotor Varoš Municipality,[3703] and from **Elvedin Pašić** and finds the evidence to be consistent with the Adjudicated Fact.[3704]

896. **Witness RM-009** provided evidence about the collection of bodies by the Sanitation Unit in Kotor Varoš Municipality between approximately 18 June and

[3696] Indictment, paras 39(a), 47, 52, 59(a), 62(a).
[3697] Defence Final Brief, paras 18-23.
[3698] P843 (Witness RM-009, witness statement, 23 January 2003), paras 39-40; Witness RM-009, T. 7957-7958; P846 (Certificate dated 5 February 1993, signed by Duško Kerezović).
[3699] P3207 (Predrag Radulović, witness statement, 5 December 2009), p. 1, paras 4-5.
[3700] Elvedin Pašić, T. 538-540. The evidence of Elvedin Pašić is reviewed in chapter 4.7.7.
[3701] P2446 (Witness RM-014, witness statement, 25 May 1997), pp. 1-2. The evidence of Witness RM-014 is reviewed in chapter 4.7.7.
[3702] Adjudicated Fact no. 803 is reviewed in chapter 4.7.2.
[3703] P2451 (Witness RM-089, witness statement, 16 April 2000), pp. 1-2.
[3704] **Witness RM-089**: P2451 (Witness RM-089, witness statement, 16 April 2000), pp. 6-7; **Elvedin Pašić**: Elvedin Pašić, T. 589, 630. The evidence of Witness RM-089 is also reviewed in chapter 4.7.2.

December 1992.[3705] In all but two cases, the bodies of non-Serbs had gunshot injuries, usually to the head.[3706] All the bodies of non-Serbs collected had civilian clothing.[3707] Members of the Sanitation Unit took part in the burial of approximately 250-300 individuals in Kotor Varoš between June and December 1992, but not all burials were done by the unit because military personnel would sometimes bury their victims, and the relatives or survivors of massacres would sometimes bury their dead after an attack.[3708] The mass graves at Gornja Plitska were subsequently exhumed, leaving behind only a few human remains.[3709] The graves of people buried by members of the Sanitation Unit in the Muslim cemetery of Vrbanjci were also subject to the same fate.[3710] Shortly after the Dayton agreement, the bodies from the Mali Harem graves were transferred to another location by the police and the Cesting Company, which provided the necessary equipment.[3711] The Trial Chamber also considered additional evidence of Witness RM-009 which has been placed in the confidential annex in Appendix D.

Killing of about 30 people in Vrbanjci

897. Witness RM-009 heard from multiple sources that on 2 July 1992, military forces under the command of Slobodan Župljanin and Saša Petrović attacked Vrbanjci in retaliation for an ambush by armed Muslims that had killed Milan Stevilović, a member of the security organ of the 1KK and others.[3712] The bodies of the deceased were taken to Donji Vrbanjci while around 20 Muslim survivors were locked in the Alagić cafe. Fifteen of these men were selected to bury the bodies; once the task was partially complete, they were also killed by the military forces. The witness was told that in total 35 people were killed.[3713] On 3 July 1992, Kerezović ordered the Sanitation Unit to go to Vrbanjci to finish the burial of bodies and said that on the orders of Sretko Majstorović, the Minister of War for Kotor Varoš, they were not to bring any non-Serbs

[3705] P843 (Witness RM-009, witness statement, 23 January 2003), paras 30, 36, 39-40, 76.
[3706] P843 (Witness RM-009, witness statement, 23 January 2003), para. 76.
[3707] P843 (Witness RM-009, witness statement, 23 January 2003), para. 76.
[3708] P843 (Witness RM-009, witness statement, 23 January 2003), para. 74.
[3709] P843 (Witness RM-009, witness statement, 23 January 2003), para. 185; P853 (Photographs of exhumation at Gorna Plitska), pp. 1-9.
[3710] P843 (Witness RM-009, witness statement, 23 January 2003), para. 186.
[3711] P843 (Witness RM-009, witness statement, 23 January 2003), paras 119-121, 188.
[3712] P843 (Witness RM-009, witness statement, 23 January 2003), paras 123-124, 130; Witness RM-009, T. 8018-8019.
[3713] P843 (Witness RM-009, witness statement, 23 January 2003), para. 124.

with them.[3714] Members of the unit were ordered to report to the military commanders Miroslav Janičijević and Saša Petrović on arrival.[3715] More than 30 bodies were partially buried in a grave in the Muslim cemetery of Vrbanjci.[3716]

898. Further, with regard to this incident, **Predrag Radulović** stated that during the summer of 1992 non-Serbs were killed in the village of Vrbanjci in retaliation for combat actions of Bosniak armed formations against Serb villages in Kotor Varoš.[3717] These non-Serbs were mostly 'civilians'.[3718] The Miloš group received information about the involvement of the Banja Luka CSB Special Police Detachment in the Vrbanjci killings.[3719] Župljanin told the witness that SJB Chief Tepić and the National Security Service operative Pejić confirmed the detachment's participation in the killings.[3720]

Killing of Drago Anušić

899. Witness RM-009 knew of a man named Drago Anušić who was detained at the *Pilana* company and killed by members of the Special Unit who threw his body in the river.[3721]

Killing of five villagers in Hrvaćani

900. With regard to the alleged murder incident in Hrvaćani, the evidence of Witness RM-014 and Elvedin Pašić has been reviewed in chapter 4.7.7.

The Trial Chamber's findings

901. Based on the foregoing, the Trial Chamber finds that around 13 June 1992, Serb military forces attacked and shelled the Bosnian-Muslim village of Hrvaćani, and killed

[3714] P843 (Witness RM-009, witness statement, 23 January 2003), paras 125-126; Witness RM-009, T. 8003-8004, 8029-8030.
[3715] P843 (Witness RM-009, witness statement, 23 January 2003), para. 126.
[3716] P843 (Witness RM-009, witness statement, 23 January 2003), paras 127, 129.
[3717] P3207 (Predrag Radulović, witness statement, 5 December 2009), para. 73.
[3718] P3207 (Predrag Radulović, witness statement, 5 December 2009), para. 73.
[3719] P3207 (Predrag Radulović, witness statement, 5 December 2009), para. 75.
[3720] P3207 (Predrag Radulović, witness statement, 5 December 2009), para. 75.
[3721] P843 (Witness RM-009, witness statement, 23 January 2003), paras 33, 79.

five elderly Bosnian-Muslim inhabitants, who remained in the town and were unable to leave prior to the attack, by shooting or burning them.

902. The Trial Chamber further finds that on 2 July 1992, military forces under the command of Slobodan Župljanin and Saša Petrović, or members of the Banja Luka CSB Special Police Detachment, killed at least 30 Bosnian Muslims, including 15 Bosnian-Muslims who were detained in Alagić café, during the attack on Vrbanjci in retaliation for an ambush of VRS forces by armed Muslims. Based on the evidence reviewed above and elsewhere in chapter 3.1.2 and 4.7, the Trial Chamber finds that Slobodan Župljanin was the 2nd Infantry Battalion Commander of the VRS 22nd Brigade.

903. The Trial Chamber will further consider the aforementioned incidents in relation to Counts 1 and 3-6 of the Indictment in chapter 8, below.

904. Concerning the evidence on the alleged killings of a number of other people, including non-Serbs, in the municipality between at least June and November 1992 the Trial Chamber did not receive any evidence about the perpetrators. In other cases, the Trial Chamber received hearsay evidence from Witness RM-009 about the perpetrators but the witness did not specify his sources or, in two cases, his source's basis of knowledge. Thus, the Trial Chamber will not further consider these incidents in relation to any counts of the Indictment.

4.7.2 Unlawful detention and cruel or inhumane treatment in detention facilities

Unscheduled detention incidents – Grabovica School

905. According to the Indictment, the Accused is responsible for unlawful detention, torture, beating, abuse, rape, other acts of sexual violence, and subjecting Bosnian Muslims and Bosnian Croats to inhumane living conditions in detention facilities in Kotor Varoš Municipality between 12 May 1992 and 30 November 1995.[3722] The Defence argued that the VRS did not take part in beatings in or around Grabovica School and that civilians engaged in violence against Muslims at the school.[3723] The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to events that took place at Grabovica School. It also received evidence from **Witness RM-089** and **Elvedin Pašić**, both Bosnian Muslims who were detained at Grabovica

[3722] Indictment, paras 39(b)-(c), 47, 53, 59(b)-(d), (g).
[3723] Defence Final Brief, para. 1133.

School;[3724] **Witness RM-802**, a VRS officer;[3725] **Witness RM-009**, a Bosnian Serb from Kotor Varoš;[3726] and **Vojislav Kršić**, a Bosnian Serb from Kotor Varoš and Assistant Chief of Staff for Operational and Educational Affairs in the VRS 1st Kotor Varoš Brigade from 28 August 1992;[3727] and finds that this evidence does not rebut the Adjudicated Facts.[3728] In this respect, the Trial Chamber will discuss Adjudicated Fact 803 and the evidence received from Witness RM-089 and Elvedin Pašić below. The Trial Chamber will review the evidence of a number of witnesses related to the capture and detention of a number of people at the school in this chapter, even though much of it is also of relevance to Scheduled Incident A.4.4 and the charges of deportation and forcible transfer in Kotor Varoš Municipality.

906. By early October 1992, a small pocket surrounding the predominantly Muslim village of Večići was the only area of Kotor Varoš Municipality not under the control of the VRS 1KK.[3729] According to **Vojislav Kršić**, this village was in the area of responsibility of the 22nd Infantry Brigade.[3730] **Witness RM-009** testified that Večići was the only village where Muslim resistance was well organized, and that it had been attacked many times by the 1st Light Brigade of Kotor Varoš, the military forces and the special police unit of CSB Banja Luka, as well as various police forces from Kotor Varoš and Banja Luka.[3731] The local Muslim and Croat population had armed and defended Večići through the summer months in 1992, and the area had seen combat action including the ambushing and killing of Serb soldiers.[3732] By the autumn, however, the population of Večići had been surrounded by Serb forces and negotiations began for the surrender of the population.[3733] Due to the unwillingness of some of the

[3724] P2451 (Witness RM-089, witness statement, 16 April 2000), pp. 1-2; Elvedin Pašić, T. 538-540.
[3725] P439 (Witness RM-802, witness statement, 25 April 2012), pp. 1-2, 33; P438 (Witness RM-802, pseudonym sheet).
[3726] P843 (Witness RM-009, witness statement, 23 January 2003), paras 39-40; Witness RM-009, T. 7957-7958; P846 (Certificate dated 5 February 1993, signed by Duško Kerezović).
[3727] D844 (Vojislav Kršić, witness statement, 8 February 2014), p. 1, paras 1-2, 4; P6977 (Appointment of Vojislav Kršić as assistant chief of staff in Kotor Varoš light infantry brigade, 27 August 1992).
[3728] **Witness RM-089**: P2451 (Witness RM-089, witness statement, 16 April 2000), pp. 7-8. **Elvedin Pašić**: Elvedin Pašić, T. 560, 562-567. **Witness RM-802**: P439 (Witness RM-802, witness statement, 25 April 2012), para. 65; Witness RM-802, T. 4634. **Witness RM-009**: P843 (Witness RM-009, witness statement, 23 January 2003), paras 142, 152, 154-155; Witness RM-009, T. 8020-8022; P852 (Extract from the minutes of the 116th Meeting of the Kotor Varoš War Presidency, 4 November 1992), p. 1. **Vojislav Kršić**: Vojislav Kršić, T. 29285, 29287, 29303, 29347-29348. Parts of the evidence of Vojislav Kršić and Witness RM-089 is reviewed in chapter 4.7.1 *Schedule A.4.4*.
[3729] Adjudicated Facts I, no. 800.
[3730] Vojislav Kršić, T. 29285, 29303, 29347.
[3731] P843 (Witness RM-009, witness statement, 23 January 2003), para. 142.
[3732] Adjudicated Facts I, no. 800.
[3733] Adjudicated Facts I, no. 801.

Muslim and Croat population to disarm, there were discussions within the Serb authorities on whether to let the people go before they were disarmed.[3734] During the night of 2 and 3 November 1992, armed men from Večići attempted to escape towards Travnik while the women and children decided to surrender.[3735] According to the minutes of the 115th meeting of the War Presidency on 3 November 1992, also attended by Slobodan Župljanin, Zdravko Pejić and Čedo Đukić, the soldiers and the population from Večići had abandoned the village.[3736] The Serb military was informed about this and, as the armed men from Večići fled, they were ambushed and captured by the VRS.[3737] Some were brought to Grabovica School.[3738]

907. **Witness RM-089** and **Elvedin Pašić** provided further details about the composition of the group who left the village and the subsequent capture of some of the villagers. Although the details might differ, the Trial Chamber considers that their accounts of the events are largely consistent. **Witness RM-089** stated that she left Večići on 3 November 1992 with her husband and the other able-bodied men from her village, as well as around 50 women and young boys, in a large column while most of the other women, children, and elderly left towards Vrbanjci.[3739] **Pašić** testified that he was in a group who was attempting to reach Travnik, when during their trek through the woods, they came under fire.[3740]

908. **Pašić** testified that when the firing stopped, he saw a group of 15 to 20 men, whom he believed to be Serbs, waving at them from the other side of the hill and heard them shout out '*[b]alijas*, surrender. If you surrender, you'll live. And if you don't, you all are going to die'.[3741] A member of their group, Fadil Zec, went to talk to the 15 to 20 men and came back informing the group that the Serbs agreed not to harm them and to transport them to Travnik in exchange for their surrender.[3742] The group decided to

[3734] Adjudicated Facts I, no. 801.
[3735] Adjudicated Facts I, no. 803.
[3736] P3743 (Extract from the Minutes of the 115th Meeting of the War Presidency of Kotor Varoš Municipality, 3 November 1992).
[3737] Adjudicated Facts I, no. 803.
[3738] Adjudicated Facts I, no. 803.
[3739] P2451 (Witness RM-089, witness statement, 16 April 2000), p. 6. *See also* P439 (Witness RM-802, witness statement, 25 April 2012), para. 65; P843 (Witness RM-009, witness statement, 23 January 2003), para. 155; Witness RM-009, T. 8021.
[3740] Elvedin Pašić, T. 560, 562-568.
[3741] Elvedin Pašić, T. 568-569.
[3742] Elvedin Pašić, T. 569-570.

surrender.[3743] Zec put a piece of his white shirt on a stick and the group walked towards Grabovica.[3744] Serb soldiers in camouflage uniforms disarmed the members of the group, stripped them of their valuables, and ordered them to lay on the ground face-down.[3745] The group, comprised of about ten women, ten girls and about five or six boys including the witness who was then aged 14, were ordered to get up and started walking towards Grabovica, escorted by soldiers wearing camouflage uniforms.[3746] According to **Witness RM-089**, this happened shortly after the commander, Marko Đekanović, arrived.[3747]

909. **Kršić** testified that, around 3 or 4 November 1992, soldiers of the Grabovac Company escorted around 150 Muslims, including women, men, and children, from a location called Duboka, in the village of Večići, to Grabovica.[3748] The witness initially testified that the group surrendered to their units before explaining that he did not know about the circumstances of the encounter between the group and the soldiers.[3749] At the Kotor Varoš command, Dušan Novaković, the Commander of the First Kotor Varoš Brigade, had ordered Kršić to head to Grabovica in order to assist with the reception of the Muslim column and to seize weapons in the possession of the Muslims.[3750] Once the column arrived in Grabovica, they were taken to the football field.[3751] Kršić, assisted by Boško Đurić, a platoon commander from the Grabovica Company, collected 35 to 40 weapons of different calibre.[3752] Novaković arrived 15 to 20 minutes after Kršić.[3753]

910. The armed men were held separately in Grabovica School and the women, the elderly, and the children were sent on buses provided by the crisis staff to join the rest of the population.[3754] The War Presidency decided to organise the departure of a convoy

[3743] Elvedin Pašić, T. 570. *See also* P439 (Witness RM-802, witness statement, 25 April 2012), para. 65. Witness RM-802, T. 4634; P843 (Witness RM-009, witness statement, 23 January 2003), para. 155; Witness RM-009, T. 8021; P852 (Extract from the minutes of the 116th Meeting of the Kotor Varoš War Presidency, 4 November 1992), p. 1..
[3744] Elvedin Pašić, T. 570; P2451 (Witness RM-089, witness statement, 16 April 2000), p. 7.
[3745] Elvedin Pašić, T. 570-573. *See also* P2451 (Witness RM-089, witness statement, 16 April 2000), p. 7.
[3746] Elvedin Pašić, T. 574-576.
[3747] P2451 (Witness RM-089, witness statement, 16 April 2000), p. 7.
[3748] D844 (Vojislav Kršić, witness statement, 8 February 2014), para. 7; Vojislav Kršić, T. 29286, 29345-29348, 29375.
[3749] Vojislav Kršić, T. 29285, 29346-29347, 29351.
[3750] D844 (Vojislav Kršić, witness statement, 8 February 2014), paras 7-8; Vojislav Kršić, T. 29344.
[3751] D844 (Vojislav Kršić, witness statement, 8 February 2014), para. 8; Vojislav Kršić, T. 29286, 29346-29347.
[3752] D844 (Vojislav Kršić, witness statement, 8 February 2014), para. 8; Vojislav Kršić, T. 29350-29351.
[3753] Vojislav Kršić, T. 29348.
[3754] Adjudicated Facts I, no. 804.

as soon as possible.[3755] It also decided that Pejić, Slobodan Župljanin, Balaban, and Lieutenant Colonel Novaković should be responsible for the captured soldiers.[3756] **Kršić** provided further details in this respect. He testified that Novaković ordered the separation of the women and children from the able-bodied men on the football field and, in particular, ordered the former to be accommodated in a classroom on the ground floor of the school and the latter, to be accommodated in classrooms on the upper floor.[3757] People were taken to the school in groups.[3758] Novaković also ordered Kršić to stay in Grabovica and to make a list of the people.[3759] There were 30 to 40 women and children held on the ground floor since they were kept in a classroom that could seat between 30 to 40 pupils.[3760] When writing down the list of men, all of whom were non-Serbs, in a separate room in the presence of two policemen, Kršić asked them for their first name, last name, date of birth, and origin or place of residence.[3761] He gave the list to Novaković the next morning.[3762] The detainees were kept at the school overnight and slept on the floor in the classrooms without mattresses.[3763]

911. According to **Witness RM-009**, the Grabovica Battalion of the Kotor Varoš Light Brigade was stationed at the school.[3764] **Kršić** testified that he organised security in the school by creating five guard posts, two inside the school and three outside the school.[3765] Slobodan Jošić, commander of the Military Police Platoon of the brigade, was in charge of security and commanded a team comprised of eight members of the Military Police Platoon and seven men from the Intervention Platoon and the Grabovica Company.[3766] Kršić gave a strict order to Jošić that no one was to be hurt, and threatened to shoot Jošić if there were any lapses in security.[3767] Local civilians, women in black clothes and a civilian named Milovan Tovilović, whose son had recently been

[3755] Adjudicated Facts I, no. 805.
[3756] Adjudicated Facts I, no. 805.
[3757] D844 (Vojislav Kršić, witness statement, 8 February 2014), paras 8, 12; Vojislav Kršić, T. 29286-29287, 29348-29349. *See also* P2451 (Witness RM-089, witness statement, 16 April 2000), p. 7.
[3758] Vojislav Kršić, T. 29287.
[3759] D844 (Vojislav Kršić, witness statement, 8 February 2014), para. 8.
[3760] D844 (Vojislav Kršić, witness statement, 8 February 2014), para. 8; Vojislav Kršić, T. 29287-29288.
[3761] Vojislav Kršić, T. 29365-29366, 29288.
[3762] Vojislav Kršić, T. 29366.
[3763] Vojislav Kršić, T. 29300.
[3764] P843 (Witness RM-009, witness statement, 23 January 2003), paras 157, 169; P844 (Chart of clarifications to Witness RM-009's witness statement), p. 1.
[3765] D844 (Vojislav Kršić, witness statement, 8 February 2014), para. 8.
[3766] D844 (Vojislav Kršić, witness statement, 8 February 2014), paras 8-9.
[3767] D844 (Vojislav Kršić, witness statement, 8 February 2014), para. 10.

killed, gathered and threatened the Muslims verbally.[3768] The locals left following Kršić's request and because it was already late at night.[3769]

912. Other witnesses gave evidence about the conditions at the school. **Pašić** testified that in Grabovica, they were ordered to line up in a courtyard across the school.[3770] A man, who according to the witness, appeared to be in charge, arrived and told the group that nothing would happen to them but that their men would pay for it.[3771] The women and children were then taken to a classroom on the lower floor of Grabovica School where they were placed under the supervision of two armed guards.[3772] The detainees were soaking wet from the rain, very cold, had to ask for permission to use the toilet, and could only use the toilet if they were escorted by guards.[3773] Later that evening, the witness saw from a classroom window, military trucks and a group of unarmed men walking slowly with their heads down and their hands tied behind their backs in front of military trucks.[3774] Pašić recognised them as the men that were separated from his group following their capture earlier that day.[3775] The men were taken to the second floor of the school and the soldiers asked Pašić's group, which included women and children, whether they wanted to see 'their men'.[3776] Out of fear, Pašić did not go to see his father but he recalled a woman named Hajrija Dugonjić who went upstairs to see her husband, Sead Rahmanović.[3777] Dugonjić returned to the group in tears and said that she found her husband 'all blue' and that he had confirmed that all the men were there.[3778]

913. **Kršić** testified that the next morning, Novaković arrived and told him that Neđo Đekanović, the President of Kotor Varoš Municipality, would come soon and bring buses to transfer the people to Travnik. During that morning, Kršić saw that the local civilians and the women in black clothes had gathered around the school in a larger group than the day before and that some of them were armed. Tovilović had an M-48 rifle.[3779] Kršić suggested that tea be made for the Muslims before the buses arrived, the tea was prepared, but the women in mourning attire grabbed the tea cans, spilt their

[3768] D844 (Vojislav Kršić, witness statement, 8 February 2014), para. 11.
[3769] D844 (Vojislav Kršić, witness statement, 8 February 2014), para. 11.
[3770] Elvedin Pašić, T. 576-577.
[3771] Elvedin Pašić, T. 577.
[3772] Elvedin Pašić, T. 577.
[3773] Elvedin Pašić, T. 577, 579.
[3774] Elvedin Pašić, T. 578, 637.
[3775] Elvedin Pašić, T. 578, 637.
[3776] Elvedin Pašić, T. 578, 637.
[3777] Elvedin Pašić, T. 578.
[3778] Elvedin Pašić, T. 578-579.

content, and uttered curses.[3780] Đekanović arrived with one bus and it was agreed that women and children would be transported first.[3781] Novaković ordered two rows to be made by the soldiers and officers present to allow the Muslim women and children to get to the bus.[3782]

914. The women in black clothes assaulted the soldiers who were present and the Muslim women, and started throwing stones at the Serb soldiers, one of which hit Novaković.[3783] Novaković ordered Kršić to return to the Brigade Command Post in Kotor Varoš and, before he left, Kršić asked Novaković to do everything to ensure the safety of the men in the school and to contact the 1KK Command regarding the assault on the detainees and soldiers.[3784] During this conversation, a courier arrived and informed Kršić and Novaković that the villagers took out one Muslim man from the column and beat him.[3785] The women in black clothes beat the Muslim man with their hands. Tovilović and another man in civilian clothing used rifle butts to beat him. While Kršić and Captain Stanić attempted to restrain Tovilović and the other man from wielding the rifle, someone from behind ran into the mob and killed the Muslim.[3786] The killing of the Muslim man was the only killing Kršić saw at the school in Grabovica.[3787] According to Kršić, the locals were reacting to the actions of the non-Serb forces in the territory of the municipality.[3788] After the event, Kršić went to the command of the Company, informed Novaković, and wrote a statement about what had happened in Grabovica.[3789]

915. Witness RM-089 and Elvedin Pašić provided evidence on the composition of the group of Muslims who fled Večići for Travnik during the night of 2 November 1992. In particular, both witnesses, who were also part of that group, specified that some women and children joined the group of armed men. In addition, they provided detailed accounts of the journey of the group until their capture and surrender to the Serbs.

[3779] D844 (Vojislav Kršić, witness statement, 8 February 2014), para. 13.
[3780] D844 (Vojislav Kršić, witness statement, 8 February 2014), para. 14.
[3781] D844 (Vojislav Kršić, witness statement, 8 February 2014), para. 14.
[3782] D844 (Vojislav Kršić, witness statement, 8 February 2014), para. 15.
[3783] D844 (Vojislav Kršić, witness statement, 8 February 2014), para. 15.
[3784] D844 (Vojislav Kršić, witness statement, 8 February 2014), para. 16.
[3785] D844 (Vojislav Kršić, witness statement, 8 February 2014), para. 17.
[3786] D844 (Vojislav Kršić, witness statement, 8 February 2014), para. 18.
[3787] D844 (Vojislav Kršić, witness statement, 8 February 2014), para. 19.
[3788] D844 (Vojislav Kršić, witness statement, 8 February 2014). The Trial Chamber notes that the evidence hereby referred to is contained in an unnumbered paragraph inserted between paragraphs 19 and 20.

Adjudicated Fact 803 states that around that date, able-bodied men escaped towards Travnik while women and children surrendered. The Trial Chamber considers that the evidence of Witness RM-089 and Elvedin Pašić introduces an additional level of precision concerning the exact composition of the group who fled the village, and that this does not amount to a rebuttal of Adjudicated Fact 803.

916. Based on the foregoing, the Trial Chamber finds that during the night of 2 November 1992, a group of Bosnian-Muslim men, some of whom were armed, as well as around 50 women and a number of children, attempted to escape Večići towards Travnik. The Serbs asked the group to surrender and some of them were disarmed. They threatened to kill the '*balijas*' if they did not comply. About 150 of the Muslims, mostly men as well as women and children, surrendered to the VRS and were brought to and held at Grabovica School overnight.

917. With regard to the conditions of detention, the detainees spent the night in a classroom and slept on the floor. The detainees were soaking wet from the rain and very cold, and had to ask for permission and were escorted when wanting to use the toilet. Local civilians gathered near the school and threatened the Muslims verbally but left at Kršić's request. The next morning, Kršić suggested tea be made for the detainees. A group of women dressed in black grabbed the tea, cursed at the detainees, and assaulted the soldiers and the Muslim women and children while they made their way to the buses, despite orders from Kršić to Jošić that the detainees were not to be hurt.

918. The Trial Chamber finds that the First Kotor Varoš Brigade, under the command of Dušan Novaković, was in charge of the people detained at the school. Novaković ordered the separation of the women and children from the able-bodied men at the school. The Military Police Platoon of the First Kotor Varoš Brigade, under the command of Slobodan Jošić, was in charge of the security at the school. His team was composed of members of the Military Police Platoon as well as members of the Intervention Platoon and the Grabovica Company.

919. The Trial Chamber will further consider this incident in relation to Counts 1 and 3 of the Indictment in chapter 8, below.

[3789] D844 (Vojislav Kršić, witness statement, 8 February 2014), para. 20; Vojislav Kršić, T. 29307, 29367.

4.7.3 Destruction of private and public property, including cultural monuments and sacred sites

920. According to the Indictment, the Accused is responsible for wanton acts of destruction of private property, including homes and business premises, and public property, including cultural monuments and sacred sites, listed in Scheduled Incident D.8, in Kotor Varoš Municipality between 12 May 1992 and 30 November 1995.[3790] In particular, the Indictment sets out that the Hanifići mosque, the Vrbanjci mosque, the Hrvaćani mosque, the old and new mosques in Večići, the Vranić mosque, the Ravne mosque, the Donji Varoš mosque, the Hadrovci mosque, and the Roman Catholic church in the town of Kotor Varoš were destroyed between June and December 1992.[3791] The Defence argued that the evidence establishes that the VRS did not take part in the destruction of religious buildings in the municipality.[3792] Scheduled Incident D.8 is limited to the destruction of the aforementioned sacred sites. The charge of destruction, however, is not limited to the Scheduled Incidents.[3793] Accordingly, the Trial Chamber has not disregarded evidence falling outside the scope of Scheduled Incident D.8. The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this charge. It also received evidence from **Elvedin Pašić**, a Bosnian Muslim from the village of Hrvačani near the town of Kotor Varoš who was approximately 14 years old in 1992;[3794] and from **András Riedlmayer**, bibliographer and art documentation specialist;[3795] and finds that this evidence is consistent with the Adjudicated Facts.[3796] The Trial Chamber further received evidence from **Vojin**

[3790] Indictment, paras 47, 52, 59(j), Schedule D.8.
[3791] Indictment, Schedule D.8.
[3792] Defence Final Brief, paras 1156-1160, 11621163.
[3793] Further on this issue, *see* Appendix B.
[3794] Elvedin Pašić, T. 538-540.
[3795] P2503 (Expert report of András Riedlmayer, December 2012), para. 75; András Riedlmayer, T. 17888; P2504 (*Curriculum vitae* of András Riedlmayer), p. 1.
[3796] **Elvedin Pašić**: Elvedin Pašić, T. 542-546, 551-554, 603, 605-606, 620. **András Riedlmayer**: P2503 (Expert report of András Riedlmayer, December 2012), paras 46-47, 50, 59; P2510 (Formatted entries to expert report of András Riedlmayer), pp. 183-185, 189-212; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), pp. 11-14; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013); András Riedlmayer, T. 17922-17923. Evidence of Elvedin Pašić has also been reviewed in chapter 4.7.7. With regard to the Trial Chamber's approach concerning Riedlmayer's evidence, *see* Appendix B.

Ubiparip, a member of the VRS 22nd Brigade since 25 August 1992,[3797] and **Witness RM-009**, a Bosnian Serb from Kotor Varoš.[3798]

921. Towns and villages in Kotor Varoš Municipality were shelled by Bosnian-Serb forces who then looted and set the houses on fire.[3799] Kotor Varoš Town and the village of Vrbanjci were attacked by the Bosnian-Serb army in June 1992.[3800] According to **Witness RM-009**, 80 per cent of the non-Serb houses in Kotor Varoš had been set on fire, sometimes at the command of the police, while not a single Serb house was set on fire.[3801] In the village of Dabovci, Bosnian-Serb forces frequently looted Bosnian-Muslim homes.[3802] Bosnian-Serb forces also destroyed the village of Večići by heavy artillery shelling and an air raid.[3803] In mid-1992 they attacked the villages of Hanifići, Plitska, and Kotor and set them on fire.[3804] During the attack, houses were either shelled or burned down.[3805] Furniture and other valuables inside the houses were looted by the Bosnian-Serb forces.[3806] In early June 1992, when **Elvedin Pašić** returned to Hrvaćani, he found that most of the houses had been destroyed.[3807]

922. A total of fourteen Muslim and Catholic monuments in Kotor Varoš Municipality were heavily damaged or completely destroyed in 1992, most of them in July and August, by fire, explosives, or shelling, or by a combination of the three.[3808] The monuments included mosques in Hanifići, Kotor Varoš Town, Hrvaćani, Ravni, Vranić, Donja Varoš, and Večići.[3809] According to **András Riedlmayer**, 'Serb extremists' destroyed the Donja Varoš mosque and Serb forces burned the Vranić mosque.[3810] The Hrvaćani mosque as well as the old and new mosques in Večići were

[3797] D891 (Vojin Ubiparip, witness statement, 22 July 2014), paras 2-4; Vojin Ubiparip, T. 31182-31183.
[3798] P843 (Witness RM-009, witness statement, 23 January 2003), paras 39-40; Witness RM-009, T. 7957-7958; P846 (Certificate dated 5 February 1993, signed by Duško Kerezović). Evidence of Witness RM-009 has also been reviewed in chapter 4.7.2.
[3799] Adjudicated Facts I, no. 811.
[3800] Adjudicated Facts I, no. 812.
[3801] Witness RM-009, T. 7985-7986.
[3802] Adjudicated Facts I, no. 813.
[3803] Adjudicated Facts I, no. 814.
[3804] Adjudicated Facts I, no. 815.
[3805] Adjudicated Facts I, no. 816.
[3806] Adjudicated Facts I, no. 816.
[3807] Elvedin Pašić, T. 542, 551-552.
[3808] Adjudicated Facts I, no. 819.
[3809] Adjudicated Facts I, no. 819.
[3810] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 205-207, 210-212; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), pp. 11, 13-14; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).

all shelled by Serb forces.[3811] According to the Adjudicated Facts, the new mosque suffered minor shelling damage in August 1992.[3812] **Witness RM-009** specified that a tank, positioned in Vrbanjci, fired at least ten shells in the direction of Večići, targeting and hitting the closest mosque five times.[3813] According to **Riedlmayer**, in 1992, Serb forces also blew up the Shrine of the Three Brothers in Večići Town.[3814] During Bosnian-Serb forces' attacks on villages in the municipality in June and July 1992, the mosques in the villages of Vrbanjci and Hanifići were set on fire and mined.[3815] **Riedlmayer** testified that Serb forces burned the Hanifići mosque.[3816] In the summer of 1992, Serb forces shelled the Roman Catholic church of St Francis of Assisi in Vrbanjci.[3817] The church was damaged by projectile impacts, its roof was smashed in, the top of its steeple was destroyed, and its interior was damaged.[3818] Riedlmayer classified the church as heavily damaged.[3819] In Kotor Varoš Town, the Roman Catholic church was also set on fire in the summer months of 1992.[3820] According to Riedlmayer, Serb forces set it on fire.[3821] According to a regular combat report signed by Zdravko Đurić, sent by the 1KK Command to the VRS Main Staff on 6 September 1992, units of the 1st Krajina Corps opened mortar and tank fire on Muslim groups in villages of the Kotor Varoš area, such as Duratovac, Zagrađe, Ravno, and Sokoline.[3822]

923. **Vojin Ubiparip** testified that during his time as commander he was informed by Mujko Zuhrić, communication officer in the corps command, that the mosque in the

[3811] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 195-204; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), pp. 12-13; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[3812] Adjudicated Facts I, no. 820.
[3813] P843 (Witness RM-009, witness statement, 23 January 2003), paras 144-145.
[3814] P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 12; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[3815] Adjudicated Facts I, nos 817, 819.
[3816] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 183-185; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 13; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[3817] P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 13; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[3818] P2511 (Survey database for expert report of András Riedlmayer).
[3819] P2511 (Survey database for expert report of András Riedlmayer).
[3820] Adjudicated Facts I, no. 818.
[3821] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 191-194; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 11; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).

village of Šiprage had been destroyed by the paramilitaries in July or August 1993.[3823] The civilian police investigated the destruction.[3824] At that time, the mosque in Šiprage was the only one in Kotor Varoš that had not been destroyed.[3825]

924. **Witness RM-009** testified that all of the mosques and Catholic churches in Kotor Varoš were destroyed in 1992 and 1993, except for the Catholic church in Vrbanjci.[3826] The witness had heard that Željko Kršić, the head of a special VRS unit called 'Željko's Brigade', which used a blue truck, was one of those in charge of destroying religious facilities.[3827] Each time the witness saw Kršić and his unit in Kotor Varoš, a religious object would be destroyed that night.[3828]

925. The Trial Chamber received evidence from **András Riedlmayer** on the destruction of other religious buildings in Kotor Varoš Municipality, namely of the mosques in Hadrovći, the Čaršija mosque in Čepak, as well as Roman Catholic churches in Bilice, Sokoline, Jakotina, Zabrđe, and Plitska.[3829] With regard to that evidence, Riedlmayer identified the perpetrators of some of the destruction, referring to them as 'Serb forces'. The Trial Chamber notes that Riedlmayer obtained his evidence on the dates and perpetrators of destruction from Hamrit Bajrić, President of the Medžlis of the Islamic Community of Kotor Varoš, and from the Ordinariate of the Roman Catholic Diocese of Banja Luka. However, Riedlmayer's report and its annexes, including the database, do not contain information on how Bajrić and the Ordinariate obtained the information on dates and perpetrators and whether there was a solid basis for the conclusions presented to Riedlmayer. For these reasons, the Trial Chamber has not relied on the above evidence concerning the time of destruction and perpetrators.

926. With regard to Witness RM-009's evidence concerning the involvement of Željko Kršić's brigade in the destruction of religious buildings in Kotor Varoš

[3822] P3821 (Regular Combat Report from 1KK Command, 6 September 1992), pp. 1, 3.
[3823] D891 (Vojin Ubiparip, witness statement, 22 July 2014), para. 11; Vojin Ubiparip, T. 31195-31197, 31199.
[3824] Vojin Ubiparip, T. 31196.
[3825] Vojin Ubiparip, T. 31196.
[3826] P843 (Witness RM-009, witness statement, 23 January 2003), para. 63.
[3827] P843 (Witness RM-009, witness statement, 23 January 2003), para. 63; P844 (Chart of clarifications to Witness RM-009's witness statement).
[3828] P843 (Witness RM-009, witness statement, 23 January 2003), para. 63.
[3829] P2503 (Expert report of András Riedlmayer, December 2012), paras 51, 57-58; P2510 (Formatted entries to expert report of András Riedlmayer), pp. 186-188; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 11; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).

Municipality, the Trial Chamber finds that the mere fact that the witness testified that each time he saw Kršić, a building was destroyed is insufficient to establish the brigade's role in the destruction. With regard to the witness's evidence on the timeframe of the destruction, the Trial Chamber finds that the timeframe provided lacks precision and that the basis of his knowledge is unclear. Accordingly, the Trial Chamber considers that it cannot rely on Witness RM-009's evidence in this respect.

927. Based on the foregoing, the Trial Chamber finds that starting mid-1992, Bosnian-Serb forces, including the police and, for Večići, the 1st Light Brigade of Kotor Varoš, attacked, shelled, and set on fire many non-Serb houses in towns and villages in Kotor Varoš Municipality, such as Večići, Hrvaćani, Hanifići, Plitska and the Kotor neighbourhood of Kotor Varoš Town. No Serb houses were set on fire.

928. The Trial Chamber further finds that during these attacks, Bosnian-Serb forces set fire to and mined the Hanifići mosque. Furthermore, in May or June 1992, Serb forces shelled the Hrvaćani mosque. In 1992, the 1st Light Brigade of Kotor Varoš and the special police unit of CSB Banja Luka, as well as various police forces from Kotor Varoš and Banja Luka, shelled the old and new mosques in Večići and blew up the Shrine of the Three Brothers in Večići. One of the Večići mosques was targeted and hit five times. In June 1992, the VRS attacked Kotor Varoš Town and Vrbanjci, set fire to Kotor Varoš Catholic church, shelled and heavily damaged the Vrbanjci Catholic church, and set fire to and mined the Vrbanjci mosque. The Trial Chamber further finds that in July or August 1993, paramilitaries destroyed the Šiprage mosque.

929. The Trial Chamber will consider these incidents further in relation to Count 3 of the Indictment in chapter 8, below.

930. Other Muslim and Catholic monuments in the municipality were heavily damaged or destroyed in 1992, mostly in July and August, by fire, explosives, shelling or a combination of the three. These include mosques in Ravni, Vranić, Donja Varoš, Hadrovći, the Čaršija mosque in Čepak, as well as Roman Catholic churches in Bilice, Sokoline, Jakotina, Zabrđe, and Plitska. The Trial Chamber will not rely on Riedlmayer's evidence with regard to the perpetrators of these incidents of destruction. Thus, in the absence of additional evidence on perpetrators, the Trial Chamber will not consider these incidents further in relation to any Counts in the Indictment.

4.7.4 Appropriation or plunder of property

931. According to the Indictment, the Accused is responsible for appropriation or plunder of property during and after take-overs, during arrests and detentions, and during or after deportations or forcible transfers of Bosnian Muslims and Bosnian Croats in Kotor Varoš Municipality between 12 May 1992 and 30 November 1995.[3830] The Defence argued that while the appropriation of property and looting allegedly occurred, these acts were perpetrated by individuals acting on their own and that no reliable evidence proves that the Accused ordered the appropriation of property or looking or that he knew or had reasons to know that these acts had or were about to be committed.[3831] Further the Defence argued that the acts of appropriation of property and plunder were committed without regard to ethnicity and therefore cannot be found to be part of a plan to permanently remove any groups.[3832] The Trial Chamber took judicial notice of a number of Adjudicated Facts concerning this charge. It also received evidence from **Witness RM-009**, a Bosnian Serb from Kotor Varoš;[3833] **Witness RM-802**, a VRS officer;[3834] and **András Riedlmayer**, bibliographer and art documentation specialist.[3835] The Adjudicated Facts and the evidence of Witness RM-802, dealing with a specific incident in November 1992, is reviewed in chapters 4.7.1 *Schedule A.4.4* and 4.7.3.

932. **Witness RM-009** testified that members of the special unit from the CSB Banja Luka, which was led by VRS Captain Slobodan Dubočanin, stole televisions, videocassette recorders, and whatever gold they could find in the houses of non-Serbs in towns and villages of Kotor Varoš Municipality.[3836] During the month of June 1992, the municipality was effectively ruled by the red berets and the special unit.[3837] After this, the special unit left Kotor Varoš.[3838] Members of the Sanitation Unit would follow behind the special unit and whatever property they would find left behind would be

[3830] Indictment, paras 47, 59(i).
[3831] Defence Final Brief, para. 1154.
[3832] Defence Final Brief, para. 1154.
[3833] P843 (Witness RM-009, witness statement, 23 January 2003), paras 39-40; Witness RM-009, T. 7957-7958; P846 (Certificate dated 5 February 1993, signed by Duško Kerezović).
[3834] P439 (Witness RM-802, witness statement, 25 April 2012), pp. 1-2, 33; P438 (Witness RM-802, pseudonym sheet).
[3835] P2503 (Expert report of András Riedlmayer, December 2012), para. 75; András Riedlmayer, T. 17888; P2504 (*Curriculum vitae* of András Riedlmayer), p. 1.
[3836] P843 (Witness RM-009, witness statement, 23 January 2003), paras 56-57; Witness RM-009, T. 8005-8006, 8018.
[3837] P843 (Witness RM-009, witness statement, 23 January 2003), paras 22, 30, 56; Witness RM-009, T. 8004-8006, 8009.

handed over to the 'old people's home,' where some items were then taken by others.[3839] Despite discussions in the Kotor Varoš War Presidency about the issue of property being returned to people who were resettled, there was no property returned to anyone during the war because the 'special forces' had arrived first and looted everything.[3840] According to **András Riedlmayer**, during the war, the Roman Catholic church of St. Antony of Padua in Šibovi, still under construction when the war started, had parts of its building materials stripped and stolen.[3841]

933. Based on the above, the Trial Chamber finds that in June and July 1992, the special unit from CSB Banja Luka, which was led by VRS Captain Slobodan Dubočanin, took furniture, televisions, videocassette recorders, and gold from the houses of Bosnian Muslims and Bosnian Croats in towns and villages in Kotor Varoš Municipality.[3842] The Trial Chamber will further consider these incidents in relation to Count 3 of the Indictment in chapter 8, below.

934. The Trial Chamber also finds that on 3 November 1992, VRS members searched Bosnian-Muslim detainees in a field near Grabovica, confiscated their money and valuables. This incident has also been dealt with in chapter 4.7.1 *Schedule A.4.4*. The Trial Chamber will further consider this incident in relation to Count 3 of the Indictment in chapter 8, below.

935. Absent any evidence on who may have taken away parts of the building materials of the Roman Catholic Church of St Anton of Padua in Šibovi, the Trial Chamber will not further consider this incident in relation to Count 3 of the Indictment.

4.7.5 Forced labour and human shields

936. The Trial Chamber finds that the Prosecution has presented insufficient evidence to prove this charge.

[3838] P843 (Witness RM-009, witness statement, 23 January 2003), para. 56.
[3839] Witness RM-009, T. 8006.
[3840] Witness RM-009, T. 7963-7964; P848 (Minutes of the 37th session of the Kotor Varoš War Presidency, 26 July 1992), p. 2.
[3841] P2511 (Survey database for expert report of András Riedlmayer); P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[3842] The Trial Chamber notes that the evidence refers to non-Serbs. Considering that the population of Kotor Varoš Municipality was predominantly Bosnian Serb, Bosnian Muslim, and Bosnian Croat (*see* P2788 (Ewa Tabeau, Demography report, Annex B), p. 25), the Trial Chamber understands that non-Serbs for the purposes for Kotor Varoš Municipality refers to Bosnian Muslims and Bosnian Croats.

4.7.6 Imposition and maintenance of restrictive and discriminatory measures

937. According to the Indictment, the Accused is responsible for imposition and maintenance of restrictive and discriminatory measures on Bosnian Muslims and/or Bosnian Croats in Kotor Varoš Municipality between 12 May 1992 and 30 November 1995.[3843] Such measures included, but were not limited to, the denial of freedom of movement, the removal from positions of authority in local government institutions and the police, the general dismissal from employment, the invasion of privacy through arbitrary searches of homes, unlawful arrest and/or the denial of the right to judicial process, and the denial of equal access to public services.[3844] The Defence argued that non-Serbs continued to work for the municipality and that no plan existed to dismiss non-Serbs from their administrative duties.[3845] It further argued that Serb forces did not arrest non-Serbs.[3846] The Trial Chamber received evidence from **Witness RM-089**, a Bosnian Muslim from Kukavice in Kotor Varoš Municipality;[3847] **Witness RM-009**, a Bosnian Serb from Kotor Varoš;[3848] **Obrad Bubić**, Commander of the Serb TO platoon in Bregovi, Kotor Varoš, from 10 June 1992 and Commander of the Logistics Platoon in the First Kotor Varoš Brigade from late summer 1992 until the end of the war;[3849] **Witness RM-802**, a VRS officer;[3850] and **Vojin Ubiparip**, a member of the VRS 22nd Brigade since 25 August 1992,[3851] in relation to this charge.

938. **Witness RM-089** stated that around May 1992 all Muslims in Kotor Varoš Town were required to have special permits to travel to Banja Luka. The witness travelled daily from Kotor Varoš to Banja Luka by bus and recalled that there were around three or four checkpoints that the buses had to pass through over a distance of 32 kilometres. The special travel permits that Muslims needed were issued at the Kotor

[3843] Indictment, paras 47, 59(k).
[3844] Indictment, para. 59(k).
[3845] Defence Final Brief, para. 1112.
[3846] Defence Final Brief, para. 1112.
[3847] P2451 (Witness RM-089, witness statement, 16 April 2000), pp. 1-2.
[3848] P843 (Witness RM-009, witness statement, 23 January 2003), paras 39-40; Witness RM-009, T. 7957-7958; P846 (Certificate dated 5 February 1993, signed by Duško Kerezović).
[3849] D674 (Obrad Bubić, witness statement, 14 February 2014), paras 3, 15, 17.
[3850] P439 (Witness RM-802, witness statement, 25 April 2012), pp. 1-2, 33; P438 (Witness RM-802, pseudonym sheet). Witness RM-802's evidence is reviewed in chapter 4.7.7.
[3851] D891 (Vojin Ubiparip, witness statement, 22 July 2014), paras 2-4; Vojin Ubiparip, T. 31182-31183.

Varoš MUP; however, only males could obtain such permits there. The witness saw one person being removed from a bus for having the wrong travel permit.[3852]

939. **Witness RM-009** testified that on 11 June 1992, Kotor Varoš was taken over by 200 members of the Special Police Unit of the CSB Banja Luka who wore camouflage uniforms and were commanded by Slobodan Dubočanin.[3853] **Bubić** testified that on that day, the Crisis Staff had called a meeting of the Municipal Assembly and, with the help of police forces from Banja Luka, placed the municipality under its control.[3854] According to him, Muslim and Croat municipal personnel were dismissed from their jobs due to their involvement in arming the Croat and Muslim population and the planning and organising of the liquidation of prominent Serbs.[3855] Also according to **Bubić**, the VRS neither took part in these events nor arrested non-Serbs.[3856] According to **Witness RM-009**, on the same day, all the telephone lines were cut off, and, in the course of the following week, only Serbs were given back their connections while non-Serbs remained cut off from the telephone network.[3857]

940. On 12 June 1992, the Kotor Varoš Crisis Staff issued an order to impose a curfew with immediate effect, banning movement in the municipality from 8 p.m. to 6 a.m.[3858] The SJB and units of the VRS were responsible for the implementation of the order.[3859] On 15 June 1992, the crisis staff adopted a decision permitting citizens freedom of movement in the town from 9 a.m. to 11 a.m.[3860]

941. **Witness RM-009** could not leave his apartment for approximately seven days following the take-over.[3861] According to the witness, non-Serbs were not allowed free movement within the municipality, were not allowed into shops, could not go to their mosque or church to pray, were fired from their jobs, and were not given access to

[3852] P2451 (Witness RM-089, witness statement, 16 April 2000), p. 2.
[3853] P843 (Witness RM-009, witness statement, 23 January 2003), paras 30, 71-72; P844 (Chart of clarifications to Witness RM-009 witness statement); Witness RM-009, T. 8004-8006.
[3854] D674 (Obrad Bubić, witness statement, 14 February 2014), para. 5; Obrad Bubić, T. 26443-26444.
[3855] D674 (Obrad Bubić, witness statement, 14 February 2014), para. 5.
[3856] D674 (Obrad Bubić, witness statement, 14 February 2014), paras 5-6; Obrad Bubić, T. 26443.
[3857] P843 (Witness RM-009, witness statement, 23 January 2003), para. 35; Witness RM-009, T. 8001-8002.
[3858] P3713 (Kotor Varoš Crisis Staff Order imposing a curfew in the municipality, 12 June 1992), p. 2.
[3859] P3713 (Kotor Varoš Crisis Staff Order imposing a curfew in the municipality, 12 June 1992), p. 2.
[3860] P3702 (Kotor Varoš Crisis Staff Decision permitting citizens freedom of movement in the town, 15 June 1992), p. 2.
[3861] P843 (Witness RM-009, witness statement, 23 January 2003), para. 36.

medical care in Kotor Varoš Town.[3862] According to the witness, the civilian authorities unofficially imposed restrictions on non-Serbs to create conditions in which they would decide to leave.[3863] **Vojin Ubiparip** testified that he organised a field hospital in Šiprage, where wounded soldiers, Serbs, as well as Muslims, were treated.[3864] Even pregnant women, Serbs, Muslims and Croats alike, were brought to the hospital to deliver their babies.[3865]

942. **Bubić** testified that the Logistics Platoon of the First Kotor Varoš Brigade was tasked with keeping people inside buildings in Kotor Varoš.[3866] The witness was told by his superior, the company commander, that people were kept in the buildings for their own safety because 'extremists' were firing from all sides.[3867] The witness also saw people being taken out of their houses by the civilian and military police but not by soldiers.[3868]

943. Based on the foregoing, the Trial Chamber finds that from 12 May 1992 onwards, local authorities in Kotor Varoš Municipality, including the Kotor Varoš MUP and the Kotor Varoš Crisis Staff, imposed restrictions on Bosnian Muslims' and Bosnian Croats' freedom of movement in Kotor Varoš Municipality, which were implemented by the VRS, and the local authorities imposed restrictions on access to medical care in Kotor Varoš Town.

944. The Trial Chamber will further consider the above incidents in relation to Count 3 in chapter 8, below.

945. The Trial Chamber also finds that from June 1992, the civilian authorities, including the Kotor Varoš Crisis Staff, dismissed Bosnian Muslims and Bosnian Croats from employment.[3869] The Trial Chamber finds that Bubić's evidence that Muslim and Croat municipal personnel were dismissed for reasons related to security is vague and

[3862] P843 (Witness RM-009, witness statement, 23 January 2003), para. 61; Witness RM-009, T. 8010-8013.
[3863] P843 (Witness RM-009, witness statement, 23 January 2003), paras 61-62.
[3864] D891 (Vojin Ubiparip, witness statement, 22 July 2014), para. 13.
[3865] D891 (Vojin Ubiparip, witness statement, 22 July 2014), para. 13.
[3866] Obrad Bubić, T. 26457-26458.
[3867] Obrad Bubić, T. 26458.
[3868] Obrad Bubić, T. 26468.
[3869] The Trial Chamber notes that the evidence refers to non-Serbs. Considering that the population of Kotor Varoš Municipality was predominantly Bosnian Serb, Bosnian Muslim, and Bosnian Croat (*see* P2788 (Ewa Tabeau, Demography report, Annex B), p. 25), the Trial Chamber understands that non-Serbs for the purposes for Kotor Varoš Municipality refers to Bosnian Muslims and Bosnian Croats.

therefore does not find this aspect of his evidence to be reliable and will not consider it further in relation to any count of the Indictment.

946. The Trial Chamber further finds that on 11 June 1992, the telephone lines in Kotor Varoš Town were cut, and, in the course of the following week, only Serbs were given back their connections while non-Serbs remained cut off from the telephone network. Absent any details regarding perpetrators the Trial Chamber will not further consider this incident in relation to any count of the Indictment.

4.7.7 Forcible transfer and deportation

947. According to the Indictment, the Accused is responsible for forcible transfer and deportation of Bosnian Muslims and Bosnian Croats from Kotor Varoš Municipality between 12 May 1992 and 30 November 1995.[3870] The forcible transfers and deportations were implemented by the imposition of restrictive and discriminatory measures, arbitrary arrest and detention; harassment; torture; rape and other acts of sexual violence; killing; the destruction of houses, cultural monuments, and sacred sites; and the threat of further such acts - all aimed at Bosnian Muslims and Bosnian Croats. Others were physically driven out.[3871] The Trial Chamber took judicial notice of a number of Adjudicated Facts related to this charge. It also received evidence from **Witness RM-009**, a Bosnian Serb from Kotor Varoš,[3872] and **Munevera Avdić**, a Bosnian Muslim resident of Kotor Varoš until the summer of 1992,[3873] and finds that this evidence is consistent with the Adjudicated Facts.[3874] The Trial Chamber further received evidence from **Elvedin Pašić**, a Bosnian Muslim from the village of Hrvaćani near the town of Kotor Varoš who was approximately 14 years old in 1992;[3875] **Witness RM-014**, a Bosnian Muslim from Kotor Varoš Municipality,[3876] **Witness RM-802**, a VRS officer;[3877] **Vojislav Kršić,** a Bosnian Serb from Kotor Varoš and Assistant Chief

[3870] Indictment, paras 47, 59(f), 67-68, 70.
[3871] Indictment, para. 70.
[3872] P843 (Witness RM-009, witness statement, 23 January 2003), paras 39-40; Witness RM-009, T. 7957-7958; P846 (Certificate dated 5 February 1993, signed by Duško Kerezović). Witness RM-009's evidence is also reviewed in chapter 4.7.2.
[3873] P3303 (Munevera Avdić, witness statement, 14 May 2013), p. 1, paras 1-2.
[3874] **Witness RM-009**: P843 (Witness RM-009, witness statement, 23 January 2003), para. 60. **Munevera Avdić**: P3303 (Munevera Avdić, witness statement, 14 May 2013), paras 2-3.
[3875] Elvedin Pašić, T. 538.
[3876] P2446 (Witness RM-014, witness statement, 25 May 1997), pp. 1-2.
[3877] P439 (Witness RM-802, witness statement, 25 April 2012), pp. 1-2, 33; P438 (Witness RM-802, pseudonym sheet).

of Staff for Operational and Educational Affairs in the VRS 1st Kotor Varoš Brigade from 28 August 1992;[3878] and **Witness RM-089**, a Bosnian Muslim from Kukavice in Kotor Varoš Municipality[3879] as well as documentary evidence.[3880]

948. According to the 1991 census in Bosnia-Herzegovina, the ethnic composition of Kotor Varoš Municipality was 14,056 (38 per cent) Serbs, 11,090 (30 per cent) Muslims, 10,695 (29 per cent) Croats, 745 Yugoslavs, and 267 persons of other or unknown ethnicity.[3881] In the municipality, the take-over of power by the SDS was achieved in June 1992 through attacks by Bosnian-Serb armed forces on the town of Kotor Varoš and villages of Večići, Hrvaćani, Ravne, Hanifići, and other villages, all of which were inhabited by Muslims or Croats. During these attacks, a number of people were killed. Most inhabitants of these villages eventually fled to neighbouring areas.[3882] Specifically, on 11 and 12 June 1992, Serb soldiers in green camouflage uniforms attacked the town of Kotor Varoš, causing many Muslims and Croats to flee into the woods.[3883] After a week, the Muslims and Croats surrendered their weapons and returned to the town.[3884]

949. **Elvedin Pašić** provided further detailed evidence about the events in Hrvaćani and some other villages. He testified that sometime between May and June 1992 and, in particular, on the second day of the Muslim festival of Bajram, Hrvaćani was attacked by its 'neighbours'.[3885] Hrvaćani had approximately 100 houses and was exclusively inhabited by Muslims.[3886] To the north of Hrvaćani was the Serb village of Tepići, to the east the Serb village of Savići, and three kilometres to the west the Croat village of Plitska.[3887] Further south was the village of Dabovići, exclusively inhabited by Muslims, and at Novakovo Brdo were a few houses inhabited by Serbs.[3888] That night, Pašić and his family took refuge in a cellar, together with five other families, in order to

[3878] D844 (Vojislav Kršić, witness statement, 8 February 2014), p. 1, paras 1-2, 4; P6977 (Appointment of Vojislav Kršić as assistant chief of staff in Kotor Varoš light infantry brigade, 27 August 1992). Vojislav Kršić evidence is also reviewed in chapter 4.7.2.
[3879] P2451 (Witness RM-089, witness statement, 16 April 2000), pp. 1-2. Witness RM-089's evidence has been reviewed in chapter 4.7.2.
[3880] P441 is reviewed in chapter 9.2.10.
[3881] Adjudicated Facts I, no. 796.
[3882] Adjudicated Facts I, no. 799.
[3883] Adjudicated Facts I, no. 822.
[3884] Adjudicated Facts I, no. 822.
[3885] Elvedin Pašić, T. 542-544.
[3886] Elvedin Pašić, T. 538.
[3887] Elvedin Pašić, T. 541.
[3888] Elvedin Pašić, T. 541.

escape the heavy shelling and bombing.[3889] During the attack, Pašić heard an announcement from the Serbs over a megaphone calling the 'Balijas', referring in particular to two well-known brothers Muho and Murat Dugonjić, and warning, that the Serbs were coming.[3890] Pašić's father, who had left the house earlier that evening, returned the following morning and said that the village was attacked from the north, that the Serbs were shooting from the Novakovo Brdo bridge and from Tepići, and that all the inhabitants of Hrvaćani were fleeing to Plitska.[3891] Pašić's family then left for Plitska.[3892] Five elderly people remained in Hrvaćani either because they were physically unable to leave or, in the case of Ibro Dugonjić, because he wanted to remain in his house.[3893] Shortly afterwards, Plitska was attacked by the Serbs and Pašić's group fled to the Muslim village of Čirkino Brdo.[3894] Pašić's group was given shelter by Hasan Cirkić until he was told by Serb soldiers that if he was hiding civilians from Hrvaćani they would all be killed.[3895] While Pašić was in Čirkino Brdo, he saw air-strikes on Večići.[3896]

950. **Witness RM-014** stated that on 13 June 1992, around 1 a.m. he saw the village of Hrvaćani in flames and heard explosions and small arms fire from that direction. He saw that the shelling came from three positions: Ravni Stol, Uzlonac and Novakova Brdo. By 7 a.m. all inhabitants had left Hrvačani, except for a few elderly people who, according to persons who visited the village, were killed and burned in their homes.[3897]

951. In June or July 1992 in Kotor Varoš, Bosnian-Serb soldiers expelled Bosnian-Muslim men, women, and children from Lihovići to Čejavani, after which soldiers separated the women and children from the men.[3898] Bosnian-Muslim women and children from the villages of Šipure and Medare were brought by Bosnian-Serb soldiers to join the group of women and children already gathered in Čejavani.[3899] A truck then took the two groups to a sawmill in Kotor Varoš, where they were joined by a third group of Bosnian-Muslim women and children from the villages of Hanifići and Čirkino

[3889] Elvedin Pašić, T. 544, 547, 603.
[3890] Elvedin Pašić, T. 544, 603.
[3891] Elvedin Pašić, T. 545-547, 603.
[3892] Elvedin Pašić, T. 546-547, 604.
[3893] Elvedin Pašić, T. 547.
[3894] Elvedin Pašić, T. 547-548, 595-596, 605.
[3895] Elvedin Pašić, T. 548-549, 595.
[3896] Elvedin Pašić, T. 620.
[3897] P2446 (Witness RM-014, witness statement, 25 May 1997), p. 8.
[3898] Adjudicated Facts I, no. 821.
[3899] Adjudicated Facts I, no. 823.

Brdo.[3900] There were approximately 150 to 200 children gathered in the sawmill, and soldiers ordered those whose names had been called out to board one of three buses that left towards Travnik.[3901] Šipure, Medare, Hanifići, and Čirkino Brdo are located in Kotor Varoš Municipality.[3902]

952. **Pašić** and others, after witnessing crimes at the Hanifići mosque, fled to the Croat village of Bilice where Pašić's group remained for approximately a month.[3903] After further shelling, some people from Hrvaćani left Bilice for Večići.[3904] A group of approximately 50 to 70 mainly civilians, including Pašić, returned to Hrvaćani on route to Garići.[3905] On their way to Hrvaćani, they encountered two Serb soldiers, one of whom was wearing a camouflage uniform.[3906] The soldiers cursed them and told them that there was nothing left for them in Hrvaćani and that they should go to Turkey.[3907] When they arrived in Hrvaćani, the village was destroyed, houses had been stripped, animals killed, and the elderly who had remained were either shot or burnt.[3908] The group was then approached by a tractor-trailer coming from Tepići carrying 15 to 20 armed Serb soldiers, including one man identified as 'Boro'.[3909] Approximately 15 of them wore masks, and the others wore olive-green camouflage JNA uniforms with the Serbian cross with the four S's.[3910] The soldiers asked the group where they were heading and told them they should go to Turkey.[3911] Six families remained in Hrvaćani and the rest, including Pašić, headed to Garići via the Serb village of Savići where civilians cursed and spat at them.[3912] Pašić's group remained in Garići for approximately one month.[3913] During this period, he visited Dabovići to see his sister who told him that the people of Dabovići had signed a truce and declared their loyalty to

[3900] Adjudicated Facts I, no. 824.
[3901] Adjudicated Facts I, no. 824.
[3902] P178 (Municipalities Court Binder), pp. 20-21. *See also* Elvedin Pašić, T. 605-606.
[3903] Elvedin Pašić, T. 548-550, 596, 606-607.
[3904] Elvedin Pašić, T. 607, 620.
[3905] Elvedin Pašić, T. 550, 607.
[3906] Elvedin Pašić, T. 550-551, 608-609.
[3907] Elvedin Pašić, T. 551, 609.
[3908] Elvedin Pašić, T. 553.
[3909] Elvedin Pašić, T. 554, 609.
[3910] Elvedin Pašić, T. 554, 609.
[3911] Elvedin Pašić, T. 554-555.
[3912] Elvedin Pašić, T. 555-556.
[3913] Elvedin Pašić, T. 556, 596.

the Serbs.[3914] However, despite the truce, their houses were set on fire and the people were taken away to Vrbanjci and Kozara.[3915]

953. Already on 29 June 1992, the Kotor Varoš Crisis Staff had decided to establish an agency to oversee the resettlement of persons; all buses in the municipality were to be made available for that purpose.[3916] The Crisis Staff decided that all those who wanted to move out of Kotor Varoš had to submit written requests to the basic court in Kotor Varoš and to fill in certain forms declaring their assets and stating that they were 'leaving them in custody' of the political and social community.[3917] The persons moving out of the municipality were to be informed that they were allowed to take with them only 300 DEM.[3918] Persons who wished to leave were to surrender their immovable property to the municipality and declare that they were leaving voluntarily.[3919] At a session on 26 July 1992, the Kotor Varoš War Presidency discussed a report on population resettlement, submitted by Ljuboje Gavrić.[3920] Based on the report, the War Presidency concluded that a detailed work plan of the Population Resettlement Service should be prepared the day after and appointed persons to be engaged in 'resolving the status of people being resettled and of their property, as well as that of abandoned property'.[3921] According to **Witness RM-009**, Muslim and Croat women and children were leaving in July 1992.[3922] Several convoys, comprising at least 50 buses, were organised by the War Presidency for Muslims and Croats to leave the municipality.[3923]

954. A number of convoys left for Travnik, including one that left Kotor Varoš Municipality on 25 August 1992 and another that left the town of Kotor Varoš at the end of October 1992.[3924] A convoy of civilians, mostly Bosnian-Muslim women and children, left the village of Grabovica in approximately mid to late October 1992.[3925] The convoy first travelled to Vrbanjci, and with 13 other buses transporting mostly Bosnian-Muslim women and children from Večići and surrounding villages, then left

[3914] Elvedin Pašić, T. 635.
[3915] Elvedin Pašić, T. 636.
[3916] Adjudicated Facts I, no. 827.
[3917] Adjudicated Facts I, no. 828.
[3918] Adjudicated Facts I, no. 829.
[3919] Adjudicated Facts I, no. 830.
[3920] P848 (Minutes of the 37th session of the Kotor Varoš War Presidency, 26 July 1992), p. 1.
[3921] P848 (Minutes of the 37th session of the Kotor Varoš War Presidency, 26 July 1992), pp. 1-2.
[3922] Witness RM-009, T. 7963.
[3923] P843 (Witness RM-009, witness statement, 23 January 2003), para. 61; Witness RM-009, T. 7965, 7987; P849 (Minutes of the 60th session of the Kotor Varoš War Presidency, 22 August 1992).
[3924] Adjudicated Facts I, no. 825.
[3925] Adjudicated Facts I, no. 826.

Kotor Varoš Municipality for Travnik.[3926] Grabovica, Vrbanjci, and Večići are located in Kotor Varoš Municipality.[3927] **Pašić** provided further details with regard to the travel to Travnik, via Vrbanjci and Večići. He testified that on an unspecified date while they were still in Garići, two Serb soldiers in camouflage uniforms informed the people of Hrvaćani that they had to go to Vrbanjci to obtain travel documentation following which they were instructed to proceed to Večići.[3928] On 1 November 1992, Pašić's family, together with other civilians, went to Vrbanjci where they noticed that the new school had been converted into military barracks and was occupied by soldiers.[3929] Pašić's mother and Razija Dugonjić proceeded into the school to obtain travel documentation while the rest of the group remained outside where the soldiers cursed them and called them 'balijas'.[3930] The group left Vrbanjci and after walking for 20 to 30 minutes, arrived in Večići.[3931] In the morning of one of the following days, the women and children were advised that they would be transported to Travnik in two buses.[3932] In order to board the buses, parked approximately 200 metres away, they had to walk through an angry crowd whose members carried sticks and axes.[3933] They were told by the soldiers to walk slowly and that if they ran, they would be killed.[3934] Before reaching the bus, Pašić was grabbed by an old woman who put a knife to his neck, and threatened to kill him as retribution for the death of her two sons in Večići.[3935] A guard pushed the woman aside and allowed Pašić to board the bus.[3936] The crowd shook the bus, threw stones, and spat at it, until it departed.[3937] Pašić testified that in Vrbanjci his bus was joined by approximately 13 other buses carrying civilians from Večići.[3938]

955. Large parts of the non-Serb population moved out of Kotor Varoš Municipality in 1992 due to the circumstances in the municipality; some villages like Večići, Sokoline, Viševice, Ravan, and Bilice, were completely abandoned by their Muslim population.[3939] **Witness RM-009** testified that Muslims and Croats did not have the

[3926] Adjudicated Facts I, no. 826.
[3927] P178 (Municipalities Court Binder), pp. 20-21.
[3928] Elvedin Pašić, T. 556-557.
[3929] Elvedin Pašić, T. 557, 559, 560-561.
[3930] Elvedin Pašić, T. 557-558.
[3931] Elvedin Pašić, T. 560.
[3932] Elvedin Pašić, T. 579-580.
[3933] Elvedin Pašić, T. 580, 626.
[3934] Elvedin Pašić, T. 580.
[3935] Elvedin Pašić, T. 580-581.
[3936] Elvedin Pašić, T. 581.
[3937] Elvedin Pašić, T. 581.
[3938] Elvedin Pašić, T. 582, 631-632.
[3939] Adjudicated Facts I, no. 834.

right to free movement within the municipality, all were fired from their positions, they did not have access to any medical assistance, some of them were put under work obligation, they did not get any financial compensation for their work, they were not allowed into shops and could not go to mosque or the catholic church to pray.[3940] Muslims and Croats, once they had the opportunity, decided to leave the municipality because it was impossible to live there anymore and due to the fear of being killed and the crimes that were being perpetrated against them.[3941] **Munevera Avdić** stated that at the end of June 1992, almost all the Croats and Bosniaks left Kotor Varoš because it was impossible 'to survive' there.[3942] According to a 6 December 1992 report from the Kotor Varoš Light Brigade to the 1KK Commander, many Muslims had been submitting requests to return to their villages, a certain number of whom took part in combat on the side of the ABiH.[3943] According to **Witness RM-009**, such requests would have been submitted to and approved by the War Presidency, but these people never returned.[3944] By 1993, with the exception of Zabrđe there were almost no Muslims or Croats remaining in Kotor Varoš Municipality and none were able to return after the war for fear of being killed and because 80 percent of the houses had been set on fire and they had nothing to return to.[3945] Approximately 10.000 Croats remained in Zabrđe in Kotor Varoš Municipality after surrendering their weapons and their houses were not torched.[3946]

956. With regard to the events in Večići in November 1992, the Trial Chamber took judicial notice of Adjudicated Facts numbers 803-805, reviewed in chapter 4.7.2.

957. **Witness RM-802** testified that around 20 October 1992, General Talić, commander of the 1KK, ordered Janko Trivić to assume command of the 22nd Brigade from Colonel Peulić as well as command of the Vlašić Operational Group.[3947] This order included instructions to establish order and discipline over the operational group, as well as to disarm in a period of three days the Muslims in Večići, a small enclave and Bosniak village in Kotor Varoš where approximately 300 to 450 armed Muslim fighters

[3940] P843 (Witness RM-009, witness statement, 23 January 2003), para. 61.
[3941] P843 (Witness RM-009, witness statement, 23 January 2003), paras 61-62; Witness RM-009, T. 7965-7966, 7987.
[3942] P3303 (Munevera Avdić, witness statement, 14 May 2013), paras 2-3.
[3943] P854 (Report from the Kotor Varoš Light Brigade dated 6 December 1992), p. 5.
[3944] Witness RM-009, T. 8030-8031.
[3945] P843 (Witness RM-009, witness statement, 23 January 2003), para. 182; Witness RM-009, T. 7966-7967, 7984-7985.
[3946] Witness RM-009, T. 7967.
[3947] P439 (Witness RM-802, witness statement, 25 April 2012), paras 48, 57.

had gathered from nearby villages.[3948] Previous attempts to negotiate the disarming or to disarm the Muslims defending Večići had failed and it was reported that since at least July 1992, the Muslims had been conducting ambushes on the VRS, killing Colonel Stevilović and wounding Captain Župljanin, as well as attacking Serb villages and killing Serb civilians.[3949] On 30 October 1992, the commander of the Kotor Varoš Light Infantry Brigade, Colonel Novaković, ordered that his brigade as well as forces from the 2nd Battalion of the 22nd Brigade, and the Kneževo Light Brigade, were to be used in the operation against Večići.[3950]

958. On 2 November 1992, Novaković met in Kotor Varoš with officers from the VRS, MUP, and various municipal leaders, including the Commander of the 2nd Battalion of the 22nd Brigade, Janko Trivić; the Chief of the MUP in Kotor Varoš, Savo Tepić; a Captain of the 2nd Battalion of the 22nd Brigade, Slobodan Župljanin; the President of the Executive Committee for the municipality of Kotor Varoš, Momčilo Komljenović; General Talić's security officer Captain Nenad Balaban; Balaban's superior Colonel, Stevan Bogojević; the Corps Security Officer for the 1KK responsible for the zone, Captain Dubravko Prstojević; and Municipal President, Nedeljko Đekanović.[3951] During this meeting, Bogojević informed all present that he had received explicit orders from Mladić that no one was to be allowed to leave Večići until the unconditional surrender of weapons was completed.[3952] Later that day, Trivić told three members of the Muslim Večići Crisis Staff of the order to disarm their military units and said that if they did not hand over their weapons voluntarily, this could only be achieved by attacking Večići, in which case innocent people including women and children would be killed.[3953] The next day, 3 November 1992, the Muslim representatives reported that they would not hand over their weapons and that they had

[3948] P439 (Witness RM-802, witness statement, 25 April 2012), para. 48; Witness RM-802, T. 4610, 4612, 4615, 4652-4653; P440 (Order from Command of the Kotor Varoš 1st Light Infantry Brigade, 30 October 1992), p. 1.
[3949] P439 (Witness RM-802, witness statement, 25 April 2012), paras 53-54; Witness RM-802, T. 4610-4612, 4614-4615, 4620-4621; P440 (Order from Command of the Kotor Varoš 1st Light Infantry Brigade, 30 October 1992).
[3950] P439 (Witness RM-802, witness statement, 25 April 2012), para. 57. *See also* P440 (Order from Command of the Kotor Varoš 1st Light Infantry Brigade, dated 30 October 1992), p. 1.
[3951] P439 (Witness RM-802, witness statement, 25 April 2012), paras 58-59, 67; P443 (Record of the extraordinary session of the War Presidency, Kotor Varoš Municipality, 2 November 1992).
[3952] P443 (Record of the extraordinary session of the War Presidency, Kotor Varoš Municipality, 2 November 1992).
[3953] P439 (Witness RM-802, witness statement, 25 April 2012), paras 60, 64; Witness RM-802, T. 4627-4628; P443 (Record of the extraordinary session of the War Presidency, Kotor Varoš Municipality, 2 November 1992).

requested buses from municipality officials so that women, children, and elderly could be removed from Večići.[3954] They also stated that an attack was not necessary because those who were armed had already left in an attempt to break through to ABiH-controlled territory.[3955] According to **Witness RM-802**, the VRS and political authorities by this time had begun making preparations to take care of the civilian population by providing buses to transport the women, children, and elderly out of Večići.[3956] The civilian population of Večići was allowed to leave.[3957] Most of the civilian population of Večići wanted to go to Travnik.[3958] However, some of the civilians decided to stay.[3959]

959. According to **Witness RM-802**, of the 120,000 non-Serbs who walked past the VRS command post in Vitovlje, some were physically forced to leave, while others registered to leave because conditions were unbearable for them to stay.[3960] Some were forcibly removed from their houses, and others were pressured into leaving by hearing only Serb songs on the radio, having only Serb stamps on documents, and managers being dismissed and sent to do cleaning jobs.[3961]

960. Based on the foregoing, the Trial Chamber finds that between June and November 1992, large parts of the Muslim and Croat population, including women and children, moved out of Kotor Varoš Municipality in convoys by the forces attacking the municipality. Some were made to leave and others registered to leave because of the living conditions. These forces consisted of VRS units, police, and the special police unit of CSB Banja Luka. Several convoys were organized by the War Presidency in order for Muslims and Croats to leave the municipality. On 29 June 1992, the Kotor Varoš Crisis Staff decided to establish an agency to oversee the resettlement of persons and all the buses in the municipality were to be made available for that purpose. With regard to the conditions in the municipality, the Trial Chamber recalls its findings in chapters 4.7.1-4.7.4 and 4.7.6. A number of Muslims were cursed and called 'balijas' by Serb soldiers as they tried to obtain travel documents. A group of 50 to 70 Muslims on

[3954] P439 (Witness RM-802, witness statement, 25 April 2012), para. 64; Witness RM-802, T. 4532.
[3955] P439 (Witness RM-802, witness statement, 25 April 2012), para. 64.
[3956] P439 (Witness RM-802, witness statement, 25 April 2012), para. 64; Witness RM-802, T. 4617-4618.
[3957] Witness RM-802, T. 4615-4622; P440 (Order from Command of the Kotor Varoš 1st Light Infantry Brigade, 30 October 1992), p. 1. *See also* P2451 (Witness RM-089, witness statement, 16 April 2000), p. 6.
[3958] Witness RM-802, T. 4616, 4621, 4626.
[3959] Witness RM-802, T. 4618.
[3960] P439 (Witness RM-802, witness statement, 25 April 2012), para. 32.
[3961] P439 (Witness RM-802, witness statement, 25 April 2012), para. 32.

their way to Hrvaćani were cursed by Serb soldiers and told that there was nothing left for them in Hrvaćani and that they should go to Turkey. The Chamber will further consider the above incidents in relation to Counts 3 and 7-8 of the Indictment in chapter 8, below.

4.8 Novi Grad Municipality

4.8.1 Murder

Schedule B.10.1

961. According to the Indictment, the Accused is responsible of the killing of a number of men taken from the cisterns near the Rajlovac barracks in Novi Grad Municipality between 1 and 14 June 1992.[3962] The Defence argued that the Accused cannot be held responsible for these killings as the acts were committed by paramilitaries and individuals acting on their own accord and not under the control or command of the VRS and the Accused.[3963] Furthermore, the Defence argued that there was never any order or plan for the VRS to detain civilians or combatants in the two cisterns near the Rajlovic army barracks, nor was the Accused ever informed of these detentions.[3964] The Trial Chamber will deal with one specific incident on or about 14 June 1992 separately, as Scheduled Incident B.10.2. The Trial Chamber took judicial notice of four Adjudicated Facts in relation to Scheduled Incident B.10.1. The Trial Chamber received evidence from **Elvir Jahić** and **Witness RM-145**, Bosnian Muslims from Ahatovići in Novi Grad Municipality,[3965] as well as **Ewa Tabeau**, a demographer and statistician,[3966] and documentary evidence.

962. On 2 June 1992, after the attack on Ahatovići (*see* further on the attack in chapter 4.8.7), Muslims from the village were taken to the Rajlovac army barracks where other Muslims were already being detained.[3967] On the way to the barracks, the Serbs cursed Alija Izetbegović and 'balija mothers'.[3968] **Elvir Jahić** confirmed that four or five days after the attack on 28 May 1992, a group of Muslim men who escaped the village ran into an ambush and were captured by Serb soldiers on their way to Visoko at Ranovača hill.[3969] Thirty men from the group, ten of whom were wounded, survived the ambush.[3970] The men were taken by bus to the Rajlovac barracks where they were

[3962] Indictment, paras 39(a)(ii), 47, 59(a)(ii), 62(b), Schedule B.10.1.
[3963] Defence Final Brief, para. 1364.
[3964] Defence Final Brief, para. 1371.
[3965] P255 (Witness RM-145, witness statement, 14 February 2011), p. 1, paras 4, 19-21, 31, 49-50; Witness RM-145, T. 3049-3050; P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), p. 1, para. 5.
[3966] Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).
[3967] Adjudicated Facts I, no. 1225.
[3968] Adjudicated Facts I, no. 1225.
[3969] P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), paras 8, 22-25.
[3970] P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), para. 22.

forced into a big oil cistern that had a door.[3971] There were two oil cisterns and the witness stated there were a total of 80 to 90 detainees in the cistern where he was held, most of them being already there when he arrived, and that he and the group of men from Ahatovići stayed in this cistern until 14 June 1992.[3972]

963. At the detention centre, which was under the command of Mile Stojanović, detainees received no food and little water.[3973] Further, members of a special unit, under the command of Nikola Stanišić, severely beat the detainees and unleashed dogs on them.[3974] While **Jahić** was detained at the oil cisterns, a young man from Bratunac whose first name was Mustafa was taken away together with a group of four or five detainees from Bratunac and 12 detainees from Bioča on the 7th or 8th day of detention.[3975] Another detainee, Hajro Delić, was taken from the oil cistern and when he was brought back, heavily injured, he told his son Sead that he had been beaten up by a man referred to as 'Šok' and a man named Nikola Stanišić who was from the village of Dobroševići.[3976] The witness first saw 'Šok' on the bus to the Rajlovac barracks and he identified him as Žarko Krsman in 2002 when shown a photo spread at the Bosnia-Herzegovina Agency for Investigation and Documentation.[3977] Hajro Delić died the next day of his injuries. Another detainee, Enver Čelik, also died as a result of his maltreatment. According to the witness, 'Šok' and Nikola Stanišić killed him.[3978]

964. **Witness RM-145** provided further evidence about Hajro Delić. He testified that, on or about 4 June 1992, Hajro Delić from Dobroševići was detained in the fuel reservoir together with himself.[3979] The witness was detained in a reservoir along with about 85 to 90 Muslim detainees. Croats and about 130 Muslims were detained in another reservoir nearby.[3980] During his detention, the witness heard Jovan Tintor on the radio ordering Serb soldiers to detain the prisoners and, later, to 'move' them.[3981] On the fifth day of Delić's captivity, at about 10 a.m., the witness saw him being taken away

[3971] P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), paras 25-31.
[3972] P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), paras 31-33.
[3973] Adjudicated Facts I, nos 1226-1227.
[3974] Adjudicated Facts I, no. 1228.
[3975] P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), paras 8, 22, 24, 31, 36.
[3976] P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), para. 36.
[3977] P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), para. 28.
[3978] P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), para. 36.
[3979] P255 (Witness RM-145, witness statement, 14 February 2011), paras 31, 39-40; Witness RM-145, T. 3049; P256 (Photograph of fuel reservoirs).
[3980] P255 (Witness RM-145, witness statement, 14 February 2011), para. 31.
[3981] P255 (Witness RM-145, witness statement, 14 February 2011), paras 31, 41.

for questioning, and then brought back at 10 p.m. heavily beaten up.[3982] The witness heard Delić tell the other detainees that he had been abused by 'Šok', a guard who wore a blue uniform, similar to a police uniform, with a Yugoslav flag sewn on his shirt and cap, on orders from Nikola Stanišić.[3983] Then, the witness saw a woman arrive who said that she was a doctor. He saw her give Delić two injections, but he died five minutes later.[3984]

965. On 9 or 10 June 1992, a tall man nicknamed 'Žuti', the driver of Tintor, came in a red van with four armed men and took out ten people. The detainees were made to lie down in the van and were taken away. The following day, 'Žuti' came back and called out from a list another 15-16 men from Garnja Bioče whom he took away, allegedly to be exchanged. None of the detainees who were taken away were seen after that and the remains of some of them were found in Vlahovo cemetery in Blažuj in Ilidža Municipality.[3985] On 14 June 1992, the witness saw detainee Hamo Karić, whose injury was festering, taken away separately, allegedly to be exchanged. On the same day, the witness also saw Ramiz Peljito, a former JNA officer, taken out of the container by two of his former colleagues, never to be seen again.[3986]

966. **Elvir Jahić** provided further evidence about the removal of detainees from the centre. He testified that in early June 1992, a red van parked outside the oil cisterns and a Serb guard called out the names of 21 detainees: 12 persons from Bratunac and Srebrenica and nine persons from Ahatovići. These detainees were taken away and the witness later learned that they had been killed. Their bodies were exhumed in Vlakovo, Ilidža Municipality, and the witness attended their reburials.[3987] According to expert witness **Ewa Tabeau** and forensic evidence, the remains of seven bodies were exhumed from Vlakovo town Cemetery in Ilidža Municipality between 9 and 18 June 1997, and subsequently identified.[3988] One victim was 81 years old in 1992.[3989]

[3982] P255 (Witness RM-145, witness statement, 14 February 2011), para. 40.
[3983] P255 (Witness RM-145, witness statement, 14 February 2011), paras 23, 34, 40; Witness RM-145, T. 3080.
[3984] P255 (Witness RM-145, witness statement, 14 February 2011), para. 40.
[3985] P255 (Witness RM-145, witness statement, 14 February 2011), paras 41-44; Witness RM-145, T. 3050.
[3986] P255 (Witness RM-145, witness statement, 14 February 2011), para. 49.
[3987] P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), para. 38.
[3988] P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 10, 24-25, 33; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 419-421; P6064 (Court report on exhumations, 9 March 1998), p. 3; P6065 (MUP official note on exhumations, 28 July 1997), pp. 6-7; P6066 (Death certificate for Edin Brajlović, 1 July 1997); P6067 (Death certificate for Zajko Brajlović, 1 July 1997); P6068 (Death certificate for Zijad Brajlović, 1 July 1997). The following persons were

967. Based on the above, the Trial Chamber finds that between 6 and 14 June 1992, at least 26 detainees from the cisterns[3990] were taken away by armed men, including a man called 'Žuti', and never returned. Six bodies were found and later exhumed from Vlakovo town Cemetery while others were found in Vlahovo Cemetery in Blažuj. The Trial Chamber has only received forensic evidence about the six bodies exhumed from Vlakovo Cemetery. With regard to these victims, the Trial Chamber finds that the evidence it has received as to the date of their death or disappearance is not sufficiently reliable for the Trial Chamber to conclude that any of the victims were killed in connection with their removal from the cisterns.[3991] With regard to the remaining victims, the Trial Chamber has not received any evidence as to when they died. Accordingly, the Trial Chamber will not further consider this incident in relation to Counts 3-6 of the Indictment.

968. The Trial Chamber finds that in early June 1992, Žarko Krsman, known as 'Šok', and Nikola Stanišić, the commander of a special unit, beat two men detained at the cisterns, Hajro Delić, an 81-year-old Muslim from Dobroševići, and Enver Čelik, a Muslim. Both detainees died as a result of their injuries. The Trial Chamber will further consider this incident in relation to Counts 3-6 of the Indictment in chapter 8, below.

Schedule B.10.2

969. According to the Indictment, the Accused is responsible for the killing of at least 47 men taken from the cisterns near the Rajlovac barracks on or about 14 June 1992.[3992] The Trial Chamber took judicial notice of Adjudicated Fact 1229 in relation to this incident. It also received evidence from **Elvir Jahić** and **Witness RM-145**, Bosnian Muslims from Ahatovići in Novi Grad Municipality,[3993] as well as **Ewa Tabeau**, a

identified at Vlakovo: Edin Brajlović (1963), Zajko Brajlović (1939), Zijad Brajlović (1962), Hajro Delić (1911), Džemal Efendić (1958), Rusmir Pasić (1969), and Kadrija Ramadani (1933).

[3989] P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), p. 10; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), p. 420.

[3990] The Trial Chamber notes that the witnesses use different terms to describe this place of detention, but it understands them to all refer to the same location.

[3991] In this respect, the Trial Chamber refers to its analysis in Appendix B of the evidence provided by Ewa Tabeau and documentary forensic evidence, with regard to, *inter alia*, dates of death.

[3992] Indictment, paras 39(a)(ii), 47, 59(a)(ii), 62(b), Schedule B.10.2.

[3993] P255 (Witness RM-145, witness statement, 14 February 2011), p. 1, paras 4, 19-21, 31, 49-50; Witness RM-145, T. 3049-3050; P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), p. 1, para. 5.

demographer and statistician,[3994] and forensic documentary evidence, and finds that the evidence does not rebut the Adjudicated Facts.[3995]

970. On 14 June 1992, a Serb man called Žuti, and some other guards took about 52 detainees from the Rajlovac barracks, by bus to Sokolina, near Srednje, in Ilijaš municipality.[3996] **Elvir Jahić** specified that while he was detained at the oil cisterns, a Serb guard told all detainees from his cistern to get ready because they were going to be exchanged. The detainees were forced to run out of the cistern with their hands behind their head, passing through a gauntlet of Serb guards who beat them. The witness recognised Mile Stojanović, the camp commander, who was wearing blue air-force overalls and was armed.[3997] The witness also recognized 'Šok', who was wearing a blue two-part air force uniform and a green beret with the Yugoslav tricolour.[3998] **Witness RM-145** testified that armed 'Serbian police special forces' were present and ordered the detainees to board a bus.[3999] He also saw Žuti, the driver of Jovan Tintor, and

[3994] Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).
[3995] **Elvir Jahić:** P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), paras 43-45. **Witness RM-145:** P255 (Witness RM-145, witness statement, 14 February 2011), paras 50-53, 58-59; Witness RM-145, T. 3046, 3050-3051, 3053, 3062, 3065, 3080-3081; P257 (Video of a destroyed bus, 15 June 1992). **Ewa Tabeau:** P2790 (Ewa Tabeau, addendum to annex to proof of death expert report, 5 November 2013), p. 1; P2791 (Ewa Tabeau, revised table of names to the proof of death expert report, 30 August 2013), p. 2; P2793 (Ewa Tabeau, table of corrections to proof of death expert report and annex, 7 November 2013), p. 5; P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 2-3, 12, 25, 32-33; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 422-435; P4728 (Court record of exhumations in Ravne Village), pp. 2-4. **Documentary evidence:** P4727 (Death certificate for Edmir Mujkić), pp. 1-2; P4729 (Death certificate for Ahmilo Bečković), pp. 1-2; P4730 (Autopsy report for bodies exhumed in Ravne Village, 12 July 1996) pp. 1-9; P6069 (Death certificates for Ćazim Gačanović and Šućrija Bešić), pp. 1-2; P6070 (Death certificate for Edin Bešić), pp. 1-2; P6071 (Death certificate for Salem Bećić), pp. 1-2; P6072 (Death certificate for Alija Gačanović), pp. 1-2; P6073 (Death certificate for Mufid Gačanović), pp. 1-2; P6074 (Death certificate for Mujo Gačanović), pp. 1-2; P6075 (Death certificate for Mustafa Gačanović), pp. 1-2; P6076 (Death certificate for Nedžib Gačanović), pp. 1-2; P6077 (Death certificate for Samir Hrustanović), pp. 1-2; P6078 (Death certificate for Ejub Kalkan), pp. 1-2; P6079 (Death certificate for Midhat Muharemović), pp. 1-2; P6080 (Death certificate for Šaćir Mujkić), pp. 1-2; P6081 (Death certificate for Armin Mujkić), pp. 1-2; P6082 (Death certificate for Mirsad Mujkić), pp. 1-2; P6083 (Death certificate for Muhamed Mujkić), pp. 1-2; P6084 (Death certificate for Refik Mujkić), pp. 1-2; P6085 (Death certificate for Salem Mujkić), pp. 1-2; P6086 (Death certificate for Uzeir Mujkić), pp. 1-2; P6087 (Death certificate for Zijad Mujkić), pp. 1-2; P6088 (Death certificate for Ramiz Novalija), pp. 1-2; P6089 (Death certificate for Ismet Rizvanović), pp. 1-2; P6090 (Death certificate for Nedžad Rizvanović), pp. 1-2; P6091 (Death certificate for Sulejman Rizvanović), pp. 1-2; P6092 (Death certificate for Enes Suljić), pp. 1-2; P6093 (Death certificate for Enver Suljić), pp. 1-2; P6094 (Death certificate for Muhamed Suljić), pp. 1-2; P6095 (Death certificate for Suad Suljić), pp. 1-2; P6096 (Death certificate for Fikret Mujkić), pp. 1-2; P6097 (Death certificate for Salih Suljić), pp. 1-2.
[3996] Adjudicated Facts I, no. 1229.
[3997] P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), para. 43.
[3998] P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), paras 28, 43.
[3999] P255 (Witness RM-145, witness statement, 14 February 2011), paras 50-51; Witness RM-145, T. 3049-3051; P256 (Photograph of fuel reservoirs); P257 (Video of a destroyed bus, 15 June 1992).

another seven men in camouflage uniforms.[4000] **Elvir Jahić** stated that the detainees were put in a bus of the Sarajevo Gras Company and the witness saw four vehicles escorting them: a red Golf 2 with an SDS sticker in the right top corner, a blue Golf 2, an ivory-coloured Zastava 101, and a green all-terrain vehicle.[4001] When the witness looked at the driver in the red Golf, the driver signalled him that he should turn around and made a sign with his hand under his throat, which the witness understood to mean that the driver would kill him.[4002] The detainees were told they were going for an exchange in Kobilja Glava near Sarajevo.[4003] **Witness RM-145** noticed that two Serb guards were inside, while Žuti drove the bus.[4004] **Jahić** stated that at some point, the detainees were told to lie face down and would be killed if they raised their heads. The witness, who raised his head once, described two persons on the bus as armed members of the 'Serb army-police forces'.[4005]

971. **Witness RM-145** heard the sounds of the escorting cars until Srednje, where the bus stopped. The witness then heard Žuti asking the people at the barricades how many kilometres remained to Sokolina and he was told that it was between six and eight kilometres.[4006] Žuti drove on and the witness could not hear the escorting cars any more.[4007] Some time after they had left Srednje, the bus was stopped under the pretext that the motor was boiling over and all the Serb guards as well as the driver left the bus.[4008] The guards and the driver then attacked it with grenades and automatic weapons.[4009] According to **Elvir Jahić**, also 'zoljas' were used.[4010] The shots continued for more than 15 minutes.[4011] One of the grenades detonated close to the witness, who felt a blow on his spine paralyzing his legs so that he could no longer walk.[4012]

[4000] P255 (Witness RM-145, witness statement, 14 February 2011), para. 50.
[4001] P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), para. 43; P255 (Witness RM-145, witness statement, 14 February 2011), para. 51; Witness RM-145, T. 3051, 3066.
[4002] P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), para. 43.
[4003] P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), para. 44; P255 (Witness RM-145, witness statement, 14 February 2011), para. 50.
[4004] P255 (Witness RM-145, witness statement, 14 February 2011), para. 51; Witness RM-145, T. 3046, 3051.
[4005] P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), para. 44.
[4006] P255 (Witness RM-145, witness statement, 14 February 2011), para. 52; Witness RM-145, T. 3066.
[4007] P255 (Witness RM-145, witness statement, 14 February 2011), para. 52; Witness RM-145, T. 3066, 3081.
[4008] P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), para. 44; P255 (Witness RM-145, witness statement, 14 February 2011), para. 53, Witness RM-145, T. 3065.
[4009] Adjudicated Facts I, no. 1229.
[4010] P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), para. 45.
[4011] P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), para. 45; P255 (Witness RM-145, witness statement, 14 February 2011), para. 53.
[4012] P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), paras 45-46.

Eventually, the witness saw a military jeep passing the bus, heading in the direction of Pale. In the bus, the witness saw people who had been blown up as well as some people who had survived and one of them, Asim Gačanović, was holding his son who had died in his arms.[4013] Because the witness could not walk, he crawled out through a window and fell on the ground, which aggravated his wounds, and then dragged himself into a nearby stream. The witness, who was about three to four metres away from the bus, then saw the ivory-coloured Zastava 101 that had escorted the bus earlier that day, approaching from the direction of Pale. When the car reached the bus it stopped, the driver stepped out, entered the bus and started firing at the bodies and any survivors remaining in the bus with an automatic rifle. He then threw two hand grenades into the bus and left, after which he took his car in the direction of Srednje.[4014] The witness, who heard screaming coming from the bus, was able to crawl back inside but lost consciousness.[4015] The witness remained inside the bus from around 8 p.m. until dawn the next day, when he was found by people from the villages of Ravne and Vukasović who helped him receive medical aid.[4016] The witness then spent nine months in the hospital recovering from his injuries.[4017]

972. **Witness RM-145** was injured in his left arm but remained lying inside the bus.[4018] After the shooting ceased, the witness heard cars driving by, their doors opening and one man telling another to go and see if there were any survivors in the bus. The second man answered that the other could go and see for himself, if he was so interested.[4019] Then they left without entering the bus.[4020] Later, the witness noticed that his neighbours Asim Gačanović, Džemal Mujkić, and a person called Džemko had also survived. The four of them took two more seriously wounded persons, Nedžib Gačanović and Safet Rizvanović, and tried to carry them but they died due to injuries.[4021] The four of them walked all night through the woods and came to the village of Vukasovići which was under the control of the TO.[4022] The next morning, a person called Ibrahim, a photographer from Vogošća, made a video of the destroyed

[4013] P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), para. 45.
[4014] P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), para. 46.
[4015] P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), para. 47.
[4016] P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), para. 47.
[4017] P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), para. 48.
[4018] P255 (Witness RM-145, witness statement, 14 February 2011), para. 53.
[4019] P255 (Witness RM-145, witness statement, 14 February 2011), para. 54.
[4020] P255 (Witness RM-145, witness statement, 14 February 2011), para. 54; Witness RM-145, T.3065.
[4021] P255 (Witness RM-145, witness statement, 14 February 2011), para. 55.

bus.[4023] On the same morning, when the villagers, including Džafer Herić, went to the place of the incident to recover the bodies of the deceased, they encountered a Serb patrol led by Dragan Ikanović.[4024] Herić told the witness that Ikanović had said that he had not seen anything on the bus when the bus had passed them and that he did not know what had happened there.[4025] According to what Herić told the witness, Ikanović had also said that the main organisers of the incident were Boro Radić from Vogošća and Ratko Adžić from Ilijaš.[4026] The inhabitants of Vukasovići told the witness that also Elvir Jahić, Osman Novalija, and Zaim Rizvanović, a.k.a. Rizvan, from Ahatovići, as well as Muhamed Usto from Dobroševići had survived the attack.[4027] The inhabitants of the villages Vukasovići and Ravne informed the witness that they had found remainders of the ammunition from rocket launchers M-79, two hand-held rocket launchers, machine guns, automatic guns, and four bombs at the scene of the incident.[4028]

973. A total of 47 detainees were killed during this incident.[4029] According to Expert witness **Ewa Tabeau** and forensic evidence, the remains of 38 bodies were exhumed from a mass grave in Ravne Village in Sarajevo Ilijaš Municipality between 24 and 26 June 1996,[4030] and subsequently identified.[4031] According to forensic evidence, no information with regard to clothing was provided for 12 of the identified victims, while

[4022] P255 (Witness RM-145, witness statement, 14 February 2011), para. 55; Witness RM-145, T. 3053-3054.
[4023] P255 (Witness RM-145, witness statement, 14 February 2011), paras 55, 60; Witness RM-145, T. 3050-3061, 3064; P257 (Video of a destroyed bus, 15 June 1992).
[4024] P255 (Witness RM-145, witness statement, 14 February 2011), paras 50, 55, 61; Witness RM-145, T. 3054.
[4025] Witness RM-145, T. 3054, 3086-3087.
[4026] P255 (Witness RM-145, witness statement, 14 February 2011), para. 61; Witness RM-145, T. 3087.
[4027] P255 (Witness RM-145, witness statement, 14 February 2011), para. 56.
[4028] P255 (Witness RM-145, witness statement, 14 February 2011), para. 57.
[4029] Adjudicated Facts I, no. 1229.
[4030] P2790 (Ewa Tabeau, addendum to annex to proof of death expert report, 5 November 2013), p. 1; P2791 (Ewa Tabeau, revised table of names to the proof of death expert report, 30 August 2013), p. 2; P2793 (Ewa Tabeau, table of corrections to proof of death expert report and annex, 7 November 2013), p. 5; P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 2-3, 12, 25, 32-33; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 422-435; P4728 (Court record of exhumations in Ravne Village), pp. 2-4; P4730 (Autopsy report for bodies exhumed in Ravne Village, 12 July 1996).
[4031] The following persons were identified at a mass grave in Ravne Village: Salem Bećić (1945), Ahmilo Bečković (1967), Fadil Bečković (1968), Edin Bešić (1971), Šućrija Bešić (1949), Amir Duraković (1960), Alija Gačanović (1949), Ćazim Gačanović (1955), Mufid Gačanović (1968), Mujo Gačanović (1929), Mustafa Gačanović (1959), Nedžib Gačanović (1952), Samir Hrustanović (1966), Ejub Kalkan (1935), Midhat Muharemović (1958), Emina Mujaković (1953), Armin Mujkić (1968), Edmir Mujkić (1973), Eldin Mujkić (1974), Fikret Mujkić (1956), Hemed Mujkić (1936), Mirsad Mujkić (1958), Muhamed Mujkić (1949), Nazif Mujkić (1966), Refik Mujkić (1952), Šačir Mujkić (1963), Salem Mujkić (1952), Uzeir Mujkić (1935), Zijad Mujkić (1973), Ramiz Novalija (1946), Ismet Rizvanović (1958), Nedžad Rizvanović (1972), Sulejman Rizvanović (1945), Enes Suljić (1950), Enver Suljić (1952), Muhamed Suljić (1936), Salih Suljić (1934), and Suad Suljić (1972).

26 of the identified victims were found in civilian clothing.[4032] One victim was a woman and one victim was 63 years old in 1992.[4033]

974. The Trial Chamber has carefully considered Elvir Jahić's detailed evidence about the incident and considers that his account of the sequence of events is generally credible and reliable. Based on the foregoing, the Trial Chamber finds that on 14 June 1992, at least 52 detainees from the oil cisterns[4034] near the Rajlovac barracks were forced onto a bus, driven by a Serb named Žuti, who was Jovan Tintor's driver. There were two persons stationed on the bus as guards, and the Trial Chamber understands from Elvir Jahić's evidence, describing them as members of the 'Serb army-police forces', that they were members of VRS military police. The bus was escorted by four vehicles. Žuti stopped the bus near the village of Sokolina, near Srednje, and he and the two military policemen exited the bus. Immediately after, they attacked the bus with automatic weapons, hand grenades, and 'zoljas', and the detainees who tried to escape were shot and killed. After the shooting, some detainees were still alive. A few minutes later, one of the vehicles that had escorted the bus, approached. The driver stepped out, entered the bus, and started firing at the bodies and survivors with an automatic rifle. He threw two hand grenades and left. In all, at least 47 of the detainees were killed, 38 of whom were found in a mass grave. Of them, 26 were found in civilian clothes. Based on the evidence of Witness RM-145, reviewed in chapter 4.8.1 *Schedule B.10.1*, the Trial Chamber finds that all 52 detainees were Bosnian Muslims. Based on the foregoing, the

[4032] P4730 (Autopsy report for bodies exhumed in Ravne Village, 12 July 1996), pp. 1-9.
[4033] P2790 (Ewa Tabeau, addendum to annex to proof of death expert report, 5 November 2013), p. 1; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 422-435; P4727 (Death certificate for Edmir Mujkić), p. 1; P4729 (Death certificate for Ahmilo Bečković), p. 1; P6069 (Death certificates for Ćazim Gačanović and Šućrija Bešić), p. 1; P6070 (Death certificate for Edin Bešić), p. 1; P6071 (Death certificate for Salem Bećić) , p. 1; P6072 (Death certificate for Alija Gačanović), p. 1; P6073 (Death certificate for Mufid Gačanović), p. 1; P6074 (Death certificate for Mujo Gačanović), p. 1; P6075 (Death certificate for Mustafa Gačanović), p. 1; P6076 (Death certificate for Nedžib Gačanović), p. 1; P6077 (Death certificate for Samir Hrustanović), p. 1; P6078 (Death certificate for Ejub Kalkan), p. 1; P6079 (Death certificate for Midhat Muharemović), p. 1; P6080 (Death certificate for Šaćir Mujkić), p. 1; P6081 (Death certificate for Armin Mujkić), p. 1; P6082 (Death certificate for Mirsad Mujkić), p. 1; P6083 (Death certificate for Muhamed Mujkić), p. 1; P6084 (Death certificate for Refik Mujkić), p. 1; P6085 (Death certificate for Salem Mujkić), p. 1; P6086 (Death certificate for Uzeir Mujkić), p. 1; P6087 (Death certificate for Zijad Mujkić); P6088 (Death certificate for Ramiz Novalija), p. 1; P6089 (Death certificate for Ismet Rizvanović), p. 1; P6090 (Death certificate for Nedžad Rizvanović), p. 1; P6091 (Death certificate for Sulejman Rizvanović), p. 1; P6092 (Death certificate for Enes Suljić), p. 1; P6093 (Death certificate for Enver Suljić), p. 1; P6094 (Death certificate for Muhamed Suljić), p. 1; P6095 (Death certificate for Suad Suljić), p. 1; P6096 (Death certificate for Fikret Mujkić), p. 1; P6097 (Death certificate for Salih Suljić), p. 1.
[4034] The Trial Chamber notes that the witnesses use different terms to describe this place of detention, but it understands them to all refer to the same location.

Trial Chamber will further consider this incident in relation to Counts 3-6 of the Indictment in chapter 8, below.

4.8.2 Unlawful detention and cruel or inhumane treatment in detention facilities

975. Scheduled incident C.12.1 is not part of the Indictment, as a result of the decision pursuant to Rule 73*bis* (D) of 2 December 2011. Furthermore, the Prosecution has not presented evidence on any other charge set out in paragraph 59 (b), (c), (d), and (g), with respect to Novi Grad Municipality. The Trial Chamber therefore finds that these charges have not been proven.

4.8.3 Destruction of private and public property, including cultural monuments and sacred sites

976. According to the Indictment, the Accused is responsible for wanton acts of destruction of private property, including homes and business premises, and public property, including cultural monuments and sacred sites, listed in Scheduled Incident D.9, in Novi Grad Municipality between 12 May 1992 and 30 November 1995.[4035] In particular, the Indictment sets out that the Ahatovići mosque was destroyed on or about 4 June 1992.[4036] The Defence argued that the evidence does not identify the perpetrators of the destruction of the Ahatovići mosque.[4037] The Trial Chamber took judicial notice of a number of Adjudicated Facts relating to the destruction in Novi Grad Municipality. It also received evidence from **Witness RM-145** and **Elvir Jahić**, Bosnian Muslims from Ahatovići in Novi Grad,[4038] and **András Riedlmayer**, bibliographer and art documentation specialist,[4039] and finds that the received evidence is consistent with the Adjudicated Facts.[4040] Some of this evidence has been reviewed in chapter 4.8.7. The

[4035] Indictment, paras 47, 52, 59(j), Schedule D.9.
[4036] Indictment, Schedule D.9.
[4037] Defence Final Brief, para. 1379.
[4038] P255 (Witness RM-145, amalgamated witness statement, 14 February 2011), p. 1, para. 4; Witness RM-145, T. 3047; P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), p. 1, para. 5.
[4039] P2503 (Expert report of András Riedlmayer, December 2012), para. 75; András Riedlmayer, T. 17888; P2504 (*Curriculum vitae* of András Riedlmayer), p. 1.
[4040] **András Riedlmayer:** P2510 (Formatted entries to expert report of András Riedlmayer), pp. 213-216; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 15; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013); András Riedlmayer, T. 17924. **Witness RM-145:** P255 (Witness RM-145, amalgamated witness statement, 14 February 2011), paras 4, 23, 63. **Elvir Jahić:** P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), paras 8, 17-18.

Trial Chamber also received evidence from **Stojan Džino**, a member of the Rajlovac brigade as of May 1992 and the Assistant Commander of the 4th Battalion of the 3rd Sarajevo Brigade from early 1994.[4041]

977. Almost all 130 houses in Ahatovići were damaged or destroyed during the attack on the village in May 1992.[4042] **Witness RM-145** specified that 'Serb forces' burned down houses of Muslims during the attack.[4043] According to a CSB report, Ahatovići was liberated around 3 June 1992 and placed under the control of the 'Serb army', which destroyed the buildings and houses from where fire had come from.[4044] A few days after the attack, the village mosque was blown up.[4045] **Stojan Džino** testified that TO units blew up the Ahatovići mosque on 4 June 1992 when they entered the village of Ahatovići.[4046] The witness was stationed at least 500 metres away but saw the explosion.[4047] According to the witness, this happened during combat in the village.[4048] According to **András Riedlmayer**, 'Bosnian Serb troops' or 'Serb troops' burned and blew up the Ahatovići mosque.[4049] Riedlmayer classified buildings adjacent to the mosque as 'heavily damaged'.[4050]

978. The Sokolje mosque, located in the village of Rajlovac, was destroyed by shelling in the spring of 1992.[4051] Photographs taken after the war reveal that the mosque's minaret was destroyed by a blast, the roof was gone, the interior gutted, and the perimeter walls standing.[4052] 'Serb troops' who identified themselves as members of the 'Independent Chetnik Formation' occupied the Theological Seminary in Nedžarići on 8 June 1992. The Franciscan Monastery and Theological Seminary were damaged by

[4041] D643 (Stojan Džino, witness statement, 4 November 2012), paras 3-4; Stojan Džino, T. 25700.
[4042] Adjudicated Facts I, no. 1230.
[4043] P255 (Witness RM-145, witness statement, 14 February 2011), para. 23.
[4044] P3793 (Daily report from the Romanija-Birčani CSB, 3 June 1992).
[4045] Adjudicated Facts I, no. 1231.
[4046] Stojan Džino, T. 25708-25710, 25713.
[4047] Stojan Džino, T. 25710.
[4048] Stojan Džino, T. 25710.
[4049] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 213-217; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 15; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013); András Riedlmayer, T. 17924.
[4050] P2510 (Formatted entries to expert report of András Riedlmayer), p. 213; P2511 (Survey database for expert report of András Riedlmayer); P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[4051] P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 15; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).

projectile impact, and their interiors were vandalized and partially burned.[4053] Riedlmayer classified the adjacent buildings as 'lightly damaged'.[4054] The monastery and seminary's contents, including old and valuable books and manuscripts, archives, and religious works of art, as well as building fixtures were destroyed after the occupation of the buildings by Serb troops.[4055]

979. Based on the foregoing, the Trial Chamber finds that almost all houses belonging to Muslims in the village of Ahatovići were damaged or destroyed during the attack on the village on or about 27 May 1992. The Trial Chamber recalls its finding in chapter 4.8.7 that the forces attacking the village consisted of the White Eagles and others in JNA uniforms. The Trial Chamber finds that these forces damaged or destroyed the houses. Under these circumstances, the Trial Chamber will further consider this incident in relation to Count 3 of the Indictment in chapter 8 below.

980. The Trial Chamber further finds that on 4 June 1992, TO units burned and blew up the Ahatovići mosque. The Trial Chamber will further consider this incident in relation to Count 3 of the Indictment in chapter 8 below.

981. The Trial Chamber finds that on 8 June 1992, 'Serb troops' who identified themselves as members of the 'Independent Chetnik Formation', occupied the Franciscan Monastery and Theological Seminary in Nedžarići and later damaged and partially burned these buildings. With regard to perpetrators, the Trial Chamber has relied on Riedlmayer's hearsay evidence from a person who was present when these troops took over the buildings. Under these circumstances, the Trial Chamber will further consider these incidents in relation to Count 3 of the Indictment in chapter 8 below.

982. The Trial Chamber also finds that the Sokolje mosque, located in the village of Rajlovac, was destroyed by shelling. The Trial Chamber will not rely on András

[4052] P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 15; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[4053] P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 14; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[4054] P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[4055] P2503 (Expert report of András Riedlmayer, December 2012), para. 64; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 14; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).

Riedlmayer's hearsay evidence on the date of destruction of the mosque as his sources do not provide information about their bases of knowledge. The Trial Chamber further notes that it has not received any evidence about the perpetrator(s). Consequently, the Trial Chamber is unable to identify the perpetrators of the destruction and will not further consider this incident in relation to Count 3 of the Indictment.

4.8.4 Appropriation or plunder of property

983. The Trial Chamber finds that the Prosecution has presented insufficient evidence to prove this charge.

4.8.5 Forced labour and human shields

984. The Trial Chamber finds that the Prosecution has presented insufficient evidence to prove this charge.

4.8.6 Imposition and maintenance of restrictive and discriminatory measures

985. The Trial Chamber finds that the Prosecution has presented insufficient evidence to prove this charge.

4.8.7 Forcible transfer and deportation

986. According to the Indictment, the Accused is responsible for forcible transfer and deportation of Bosnian Muslims and Bosnian Croats from Novi Grad Municipality between 12 May 1992 and 30 November 1995.[4056] The forcible transfers and deportations were implemented by the imposition of restrictive and discriminatory measures, arbitrary arrest and detention, harassment, torture, rape and other acts of sexual violence, killing, the destruction of houses and cultural monuments and sacred sites, and the threat of further such acts - all targeting Bosnian Muslims and Bosnian Croats. Others were physically driven out.[4057] The Defence argued that the charge fails because there was no policy that was ever designed or enacted to forcibly transfer the

[4056] Indictment, paras 47, 59(f), 67-69.
[4057] Indictment, para. 70.

Bosnian-Muslim civilians.[4058] It further argued that Bosnian-Muslim civilians were allowed to leave the municipality after being interviewed and were offered UNPROFOR assistance.[4059] Finally, it argued that many Bosnian-Muslims and Croats decided to leave because the area was unsettled.[4060] The Trial Chamber took judicial notice of a number of Adjudicated Facts related to this charge. It received evidence from **Elvir Jahić** and **Witness RM-145**, Bosnian Muslims from Ahatovići in Novi Grad Municipality,[4061] and finds that this evidence is consistent with the Adjudicated Facts.[4062]

987. On or about 22 February 1992, a Serb municipality was established in Rajlovac, comprised of mixed population villages including the predominantly Muslim village of Ahatovići.[4063] **Elvir Jahić** stated that in 1992 there were about 120 families living in the village.[4064] Three of the settlements surrounding Ahatovići had JNA barracks: one was in Bojnik and was called 'Butile', another one was in Rajlovac, and one was in Ilijaš.[4065] **Witness RM-145** testified that 'Orao', the aircraft academy of the former JNA in Rajlovac, and the uniforms and weapons stored there, were handed over to a Serb paramilitary unit.[4066] The paramilitary unit consisted of Serb inhabitants from the surrounding villages, who were members of the SDS party.[4067] The members of the paramilitary unit were dressed in the uniforms of former JNA with insignia bearing the four 'S's in Cyrillic.[4068] Some of them also wore caps with insignia bearing the eagle and four 'S's known as 'kokarda'.[4069] Some wore hats with cockades and ribbons around their arms and others wore red berets.[4070] In February or March 1992, **Jahić** saw lines of vehicles leaving the JNA barracks and the witness's Serb neighbours started

[4058] Defence Final Brief, para. 1352.
[4059] Defence Final Brief, para. 1361.
[4060] Defence Final Brief, para. 1362.
[4061] P255 (Witness RM-145, witness statement, 14 February 2011), p. 1, paras 4, 19-21, 31, 49-50; Witness RM-145, T. 3049-3050; P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), p. 1, para. 5.
[4062] **Elvir Jahić**: P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), paras 5, 8, 12-14, 17-19. **Witness RM-145**: P255 (Witness RM-145, witness statement, 14 February 2011), paras 4, 6, 11-12, 15-16, 19; Witness RM-145, T. 3071-3072.
[4063] Adjudicated Facts I, no. 1219.
[4064] P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), para. 5.
[4065] P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), para. 6.
[4066] P255 (Witness RM-145, witness statement, 14 February 2011), para. 4; Witness RM-145, T. 3068-3069.
[4067] P255 (Witness RM-145, witness statement, 14 February 2011), para. 4; Witness RM-145, T. 3068-3069.
[4068] P255 (Witness RM-145, witness statement, 14 February 2011), para. 4.
[4069] P255 (Witness RM-145, witness statement, 14 February 2011), para. 4.
[4070] Witness RM-145, T. 3069.

joining the reserves.[4071] In March 1992, he heard Hasan Mujkić, the representative of the village of Ahatovići who attended negotiations between the SDA and the SDS, inform the villagers that the Serbs said they would attack unless the Muslims vacated Ahatovići.[4072]

988. In April 1992, Serbs set up barricades in the municipality.[4073] One barricade was set up at the bridge across the Bosna River in the Reljevo settlement where only Serbs could pass through.[4074] According to **Jahić**, the barricades were set up by Serbs in his neighbourhood and reserve soldiers, in green JNA uniforms or blue Air Defence Institute uniforms of the Rajlovac barracks.[4075] Non-Serbs who did not sign loyalty oaths recognizing the Serb republic were not allowed to cross.[4076] At the barricade checkpoints, **Witness RM-145** saw Serbs stopping and searching buses, as well as checking identity cards against a list of names.[4077] On one occasion Ranko Torbica and Nikola Stanišić came to the barricades where they threatened the Muslims and mentioned that 'Šešeljevci', 'Arkanovci', and 'Beli Orlovi' (White Eagles), had come to the area to assist the local Serbs in taking over Ahatovići.[4078] By May 1992, the witness noticed that the Serb families living in the surrounding villages of Dobroševići, Bojnik, Mihaljevići, and Brod had left their houses to live closer to the army barracks in Rajlovac and Bojnik.[4079] On 24 or 25 May 1992, women, children, and the elderly attempted to leave Ahatovići for the nearby municipality of Visoko, but were prevented from doing so by Serb soldiers who fired at them.[4080]

989. On or about 27 May 1992, Serb tanks and armoured vehicles took up positions in the hills around Ahatovići.[4081] **Witness RM-145** observed that the Serbs were dressed in former JNA uniforms and camouflage uniforms.[4082] Using megaphones, the Serbs urged the villagers to surrender. They threatened: 'Balijas, surrender, or we [will] kill your

[4071] P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), para. 8.
[4072] P255 (Witness RM-145, witness statement, 14 February 2011), para. 5.
[4073] Adjudicated Facts I, no. 1220.
[4074] Adjudicated Facts I, no. 1220.
[4075] P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), para. 13.
[4076] P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), para. 13.
[4077] P255 (Witness RM-145, witness statement, 14 February 2011), para. 7.
[4078] P255 (Witness RM-145, witness statement, 14 February 2011), paras 6, 9.
[4079] P255 (Witness RM-145, witness statement, 14 February 2011), para. 8; Witness RM-145, T. 3069-3070.
[4080] P255 (Witness RM-145, witness statement, 14 February 2011), para. 12.
[4081] Adjudicated Facts I, no. 1222.
[4082] P255 (Witness RM-145, witness statement, 14 February 2011), para. 15.

children.'[4083] When they refused, Serb infantry launched an attack but they were repelled by the Muslims, who only had 50 small arms.[4084] The Serb forces proceeded to shell the village from the hills, then Serb former JNA soldiers and White Eagles entered the village with APCs and tanks.[4085] **Jahić** and a group of 120-150 Muslim soldiers tried to defend the village for about four or five days against some 1,200-2,000 Serb soldiers before the village was captured.[4086] The Serb forces also cut off the village's water supply and electricity.[4087] According to **Witness RM-145**, the shelling came from the directions of the barracks and Railway Depot of Rajlovac, Butile, Pladište, Rakovica, the mountain Paljevo, and Lukavica.[4088] In May 1992 following the attack on Ahatovići, all the surviving Muslims in the village were either arrested or expelled, together with some Serbs and Croats who were married to Muslims.[4089] **Jahić** stated that on 29 May 1992 he and about 50 Muslim men escaped Ahatovići, whereas at least 150 women, children, elderly and weak who hid in a shelter in Ahatovići, including the witness's father, his sister-in-law, and her child, were captured.[4090] **Witness RM-145** testified that about 30 men, including him, attempted to escape but were detained by the Serb forces.[4091] The attack on the village was led by Jovan Tintor and the witness recognized him as well as Dragan Koprivica, Stevo Petričević, Braco Mirković, Davor Arnautović, and Pero Koprivica among the attackers.[4092] In addition, the witness also saw other persons who wore uniforms of the former JNA and white bands around their heads and left arms, identified by the witness as Beli Orlovi, also known as White Eagles.[4093]

990. Based on the foregoing, the Trial Chamber finds that on or about 27 May 1992, tanks took up positions in the hills around the predominately Muslim village of Ahatovići in Novi Grad Municipality. Using megaphones, the villagers were threatened: 'Balijas, surrender, or we kill your children'. When the villagers did not surrender, forces attacked and entered the village. The forces consisted of the White Eagles and others in JNA uniforms. Following the attacks on Ahatovići and Dobroševići, all the

[4083] Adjudicated Facts I, no. 1222.
[4084] Adjudicated Facts I, no. 1223.
[4085] Adjudicated Facts I, no. 1224.
[4086] P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), paras 8, 18-19.
[4087] P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), para. 18.
[4088] P255 (Witness RM-145, witness statement, 14 February 2011), para. 17.
[4089] Adjudicated Facts I, no. 1232.
[4090] P3122 (Elvir Jahić, amalgamated witness statement, 14 July 2013), paras 18-20.
[4091] P255 (Witness RM-145, witness statement, 14 February 2011), paras 19-21.
[4092] P255 (Witness RM-145, witness statement, 14 February 2011), paras 16, 23; Witness RM-145, T. 3072-3073.
[4093] P255 (Witness RM-145, witness statement, 14 February 2011), para. 23.

surviving Muslims in Ahatovići were either arrested or expelled together with some Serbs and Croats who were married to Muslims. The Trial Chamber finds that the forces which attacked the village also expelled the Muslims as well as the Serbs and Croats married to Muslims. The Trial Chamber will further consider these incidents in relation to Counts 3 and 7-8 in chapter 8, below.

4.9 Pale Municipality

4.9.1 Murder

991. Scheduled Incident B.12.1 is not part of the Indictment, as a result of the decision pursuant to Rule 73*bis* (D) of 2 December 2011. Furthermore, the Prosecution has not presented evidence with regard to any other murder incident in Pale Municipality. The Trial Chamber therefore finds that the murder charge in relation to this municipality has not been proven.

4.9.2 Unlawful detention and cruel or inhumane treatment in detention facilities

992. Scheduled Incidents C.14.1 and C.14.2 are not part of the Indictment, as a result of the decision pursuant to Rule 73*bis* (D) of 2 December 2011. The Prosecution has not presented evidence with regard to any detention centres in Pale Municipality. The Trial Chamber therefore finds that the charges in relation to detention in this municipality have not been proven.

4.9.3 Destruction of private and public property, including cultural monuments and sacred sites

993. According to the Indictment, the Accused is responsible for wanton acts of destruction of private property, including homes and business premises, and public property, including cultural monuments and sacred sites, listed in Scheduled Incident D.10, in Pale Municipality between 12 May 1992 and 30 November 1995.[4094] Scheduled Incident D.10 is limited to the destruction of the Prača, Podvitez, and Bogovići mosques. As far as the charge of destruction is concerned, the Indictment is, however, not limited to the Scheduled Incident.[4095] Accordingly, the Trial Chamber has not disregarded evidence falling outside the scope of Scheduled Incident D.10. There are no Adjudicated Facts in connection with these alleged acts of destruction. The Chamber heard evidence from **Sulejman Crnčalo**, a Bosnian Muslim from Radačići in Pale Municipality,[4096] **Zdravko Čvoro**, Serb President of the Executive Board of Pale

[4094] Indictment, paras 47, 52, 59(j), Schedule D.10.
[4095] Further on this issue, *see* Appendix B.
[4096] P260 (Sulejman Crnčalo, witness statement, 1 November 2009), p. 1, para. 3; Sulejman Crnčalo, T. 3229.

Municipality from 1 January to 31 August 1992 and President of the Serb Pale Crisis Staff in April and May 1992,[4097] and **András Riedlmayer**, bibliographer and art documentation specialist.[4098]

994. **Sulejman Crnčalo** testified that after the war, he learned that between July and September 1992, the 'Serb forces' destroyed three mosques in Prača, Podvitez, and Bogovići.[4099] According to the witness, the mosques in Prača and Podvitez were mined, and the mosque in Bogovići was burnt down.[4100] **Zdravko Čvoro** testified that during this period, Pale was under the control of the SDS.[4101] At the beginning of the war, there were three mosques in the municipality, which were destroyed after the Muslim residents had left the municipality.[4102] **András Riedlmayer** specified that the Prača mosque was blown up on 10 October 1992, resulting in the destruction of the building and its minaret. Photographs taken after the war reveal that its ruins were razed and the site was levelled.[4103] The mosque's turbe, located ten metres from the mosque, was broken into and vandalized during the war but did not suffer structural damage. Riedlmayer classified the adjacent building as 'lightly damaged'.[4104] The Podvitez mosque was blown up and destroyed by 'Bosnian Serbs' in 1992.[4105] The Bogovići mosque and its minaret were blown up and destroyed in 1992. Photographs taken after the war reveal that only a mound of rubble remained at the site.[4106]

995. Riedlmayer also testified that the Pale Catholic church was broken into and vandalized during the war. The votive statues of saints on the main and side altars were

[4097] D492 (Zdravko Čvoro, witness statement, 10 May 2014), p. 1, paras 1-2; Zdravko Čvoro, T. 21920-21921, 29132, 22135-22136, 22186; P3972 (Report from Pale SJB on moving out of Muslims and Croats, 6 July 1992); D497 (Conclusion adopted by Pale Executive Committee on establishment of revision commission to protect the property of citizens who had left Pale, 14 July 1992).
[4098] P2503 (Expert report of András Riedlmayer, December 2012), para. 75; András Riedlmayer, T. 17888; P2504 (Curriculum vitae of András Riedlmayer), p. 1.
[4099] P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 79; Sulejman Crnčalo, T. 3238, 3245.
[4100] Sulejman Crnčalo, T. 3245.
[4101] Zdravko Čvoro, T. 3238-3239.
[4102] Zdravko Čvoro, T. 22185.
[4103] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 8-10; P2511 (Survey database for expert report of András Riedlmayer); P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[4104] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 8-9; P2511 (Survey database for expert report of András Riedlmayer); P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[4105] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 11-13; P2511 (Survey database for expert report of András Riedlmayer); P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).

smashed but no structural damage was inflicted on the church. The adjacent Catholic parish house was broken into, looted, and its interior and porch were damaged during the war.[4107]

996. Based on the foregoing evidence, the Trial Chamber finds that the Podvitez, Bogovići, and Prača mosques were destroyed. The Trial Chamber further finds that the Pale Catholic church was vandalized and its adjacent Catholic parish house was damaged. The Trial Chamber will not rely on András Rieldmayer's second-hand evidence on the date of the destruction of the three mosques as the information comes from the Centre for Islamic Architecture of the Islamic Community of Bosnia-Herzegovina.[4108] The Trial Chamber will not further consider Riedlmayer's hearsay evidence concerning the alleged perpetrators of the Podvitez mosque as the original source of knowledge is unclear. Further, the Trial Chamber will not consider the hearsay evidence of Sulejman Crnčalo concerning the date of destruction and the alleged perpetrators of the destruction of the Prača, Podvitez, and Bogovići mosques as it lacks a source of knowledge. The Trial Chamber will not further consider the evidence of Zdravko Čvoro concerning the date of destruction of mosques in the municipality, since the timeframe provided by him is vague and open-ended. In addition, the witness does not provide a basis for his knowledge. Consequently, the Trial Chamber is unable to identify the date of destruction and the perpetrators of the destruction of the Prača, Podvitez, and Bogovići mosques. Concerning the damage inflicted to the Pale Catholic church and its parish, the Trial Chamber is unable to precisely date the damage and received no evidence about the perpetrators and is, therefore, unable to identify them. Under these circumstances, it will not further consider these incidents in relation to Count 3 of the Indictment.

4.9.4 Appropriation or plunder of property

997. According to the Indictment, the Accused is responsible for appropriation or plunder of property during and after take-overs, during arrests and detentions, and during or after deportations or forcible transfers of Bosnian Muslims and Bosnian

[4106] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 14-15; P2511 (Survey database for expert report of András Riedlmayer); P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[4107] P2511 (Survey database for expert report of András Riedlmayer); P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).

Croats in Pale Municipality between 12 May 1992 and 30 November 1995.[4109] Although the Prosecution informed the Trial Chamber that it would not be presenting evidence on this alleged crime,[4110] it did not withdraw the charge in this respect and, furthermore, did present such evidence.

998. **Sulejman Crnčalo**, a Bosnian Muslim from Radačići in Pale Municipality,[4111] testified that in May and June 1992, he noticed an increased concentration of military equipment and military presence in the Pale area.[4112] Young men in partial uniforms, with red ribbons as armbands and headbands and armed with rifles and knives, drove around Pale, and when they saw a nice car, they took it away from the owners without paying any compensation.[4113] Because of their behaviour and how they were dressed, Crnčalo believed that they were paramilitaries and estimated that there were over 1,000 of them present in Pale.[4114] Some of these men who were dressed in camouflage uniforms conducted searches of Muslim-owned shops and take goods without paying.[4115] They stole the jewellery of Agan Kadaric and his wife, but were later caught by the local police who then returned the jewellery to the owners.[4116] The Trial Chamber also considered the witness's testimony reviewed in chapter 9.2.5. The Trial Chamber has further considered evidence by **András Riedlmayer**, bibliographer and art documentation specialist,[4117] reviewed in chapter 4.9.3.

999. Based on the above, the Trial Chamber finds that from 12 May through June 1992, partially-uniformed men, wearing red ribbons as armbands and headbands and armed with rifles and knives, drove around Pale and took away cars without paying for them. From the description of these men the Trial Chamber is not able to identify their affiliation. The Trial Chamber has also considered the evidence regarding which armed forces were present in Pale Municipality at the time. This evidence has been reviewed in chapter 4.9.7 and indicates that besides the SJB and 'the Red Berets from Knin', there

[4108] The Trial Chamber refers to Appendix B for its approach to Riedlmayer's evidence in this respect.
[4109] Indictment, paras 47, 59(i).
[4110] Prosecution Witness List, 10 February 2012, p. 74, footnote 11.
[4111] P260 (Sulejman Crnčalo, witness statement, 1 November 2009), p. 1, para. 3; Sulejman Crnčalo, T. 3229.
[4112] P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 52.
[4113] P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 52; P261 (Sulejman Crnčalo, Clarifications to the ICTY statement, September 2012).
[4114] P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 54.
[4115] P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 32.
[4116] Sulejman Crnčalo, T. 3290.
[4117] P2503 (Expert report of András Riedlmayer, December 2012), para. 75; András Riedlmayer, T. 17888; P2504 (Curriculum vitae of András Riedlmayer), p. 1.

were also other unspecified units present in the municipality. Therefore, the Trial Chamber is unable to conclude which group the men belonged to or were affiliated with. The Trial Chamber will not further consider these incidents in relation to Count 3 of the Indictment.

1000. In relation to the evidence received on the looting of the parish house adjacent to the Pale Catholic church, the Trial Chamber is unable to identify the date of the looting and received no evidence about the perpetrators and is, therefore, unable to identify them. Under these circumstances, it will not further consider this incident in relation to Count 3 of the Indictment.

4.9.5 Forced labour and human shields

1001. The Trial Chamber finds that the Prosecution has presented insufficient evidence to prove this charge.

4.9.6 Imposition and maintenance of restrictive and discriminatory measures

1002. The Trial Chamber finds that the Prosecution has presented insufficient evidence to prove this charge.

4.9.7 Forcible transfer and deportation

1003. According to the Indictment, the Accused is responsible for forcible transfer and deportation of Bosnian Muslims and Bosnian Croats from Pale Municipality between 12 May 1992 and 30 November 1995.[4118] The forcible transfers and deportations were implemented by the imposition of restrictive and discriminatory measures, arbitrary arrest and detention, harassment, torture, rape and other acts of sexual violence, killing, the destruction of houses and cultural monuments and sacred sites, and the threat of further such acts - all targeting Bosnian Muslims and Bosnian Croats.[4119] Others were physically driven out.[4120] The Defence argued that Bosnian Muslims and Bosnian Croats requested to leave the municipality by their own free will, out of fear of

[4118] Indictment, paras 47, 59(f), 67-70.
[4119] Indictment, para. 70.
[4120] Indictment, para. 70.

retribution following a number of attacks on local Serb population and the JNA.[4121] Instances of pressures from some individuals to Bosnian Muslims and Bosnian Croats were due to misinterpretation of the Pale SDS's decision.[4122] The Prosecution argued that the forceful expulsion was an official policy, reflected by the involvement of Pale's civilian and MUP authorities in compelling, formalising, and then implementing it.[4123] The claim that the transfer was voluntarily is contradicted by the evidence of widespread persecution, harassment, killings, unlawful arrests, and other abuse by the Serbs.[4124] Although the Prosecution informed the Trial Chamber that it would not be presenting evidence on this alleged crime,[4125] it did not withdraw the charge in this respect and, furthermore, did present such evidence. The Defence has also presented evidence in relation to this charge. The Trial Chamber received evidence from **Zdravko Čvoro**, Serb President of the Executive Board of Pale Municipality from 1 January to 31 August 1992 and President of the Serb Pale Crisis Staff in April and May 1992;[4126] **Sulejman Crnčalo**, a Bosnian Muslim from Radačići in Pale Municipality;[4127] and **Nedžib Đozo**, a Bosnian Muslim former JNA mortar platoon commander and civilian police investigator.[4128]

1004. **Zdravko Čvoro** testified that Muslims and Croats constituted about 28 per cent of the population of Pale Municipality in January 1991 and up until January 1992.[4129] Twenty-seven per cent of the population was Muslim and 1 percent Croat.[4130] During the war many of the Croats stayed in Pale but most of the Muslims left.[4131] According to **Sulejman Crnčalo**, as of May 1992, refugees from surrounding villages and from Sarajevo arrived in Pale.[4132] This large wave of refugees, which comprised

[4121] Defence Final Brief, para. 1386.
[4122] Defence Final Brief, para. 1388.
[4123] Prosecution Final Brief, Annex A, p.103.
[4124] Prosecution Final Brief, Annex A, p. 104.
[4125] Prosecution Witness List, 10 February 2012, p. 74, footnote 11.
[4126] D492 (Zdravko Čvoro, witness statement, 10 May 2014), p. 1, paras 1-2; Zdravko Čvoro, T. 21920-21921, 29132, 22135-22136, 22186; P3972 (Report from Pale SJB on moving out of Muslims and Croats, 6 July 1992); D497 (Conclusion adopted by Pale Executive Committee on establishment of revision commission to protect the property of citizens who had left Pale, 14 July 1992).
[4127] P260 (Sulejman Crnčalo, witness statement, 1 November 2009), p. 1, para. 3; Sulejman Crnčalo, T. 3229.
[4128] P544 (Nedžib Đozo, witness statement, 7 December 2010), paras 4-7; Nedžib Đozo, T. 5539, 5563-5564.
[4129] Zdravko Čvoro, T. 22121-22122; P6559 (Excerpt from Census data by municipalities in 1991, 1995), p. 3.
[4130] Zdravko Čvoro, T. 22121-22122; P6559 (Excerpt from Census data by municipalities in 1991, 1995), p. 3.
[4131] Zdravko Čvoro, T. 21926, 22171, 22191.
[4132] Sulejman Crnčalo, T. 3286.

approximately 15,000 people, contributed to the rise in tensions in Pale.[4133] **Čvoro** added that these refugees were Serb and that following the killing of Serbs, including police officers, by Muslims in Pale and Sarajevo around mid to end May 1992, the Muslim population of Pale began submitting applications to leave Pale for Sarajevo fearing retaliation and feeling unsafe.[4134]

1005. **Crnčalo** testified that in May 1992, a Muslim delegation from Pale, including him, met with Koroman, the chief of the SJB, and Nikola Koljević to discuss the issue of Serbs forcing the Muslims out of the municipality.[4135] When the delegation asked for guarantees that the Muslims could stay in the municipality, Koljević replied that it did not matter what the Muslims wanted, because the Serbs did not want to continue living there with the Muslims.[4136] According to the witness, Koljević was speaking on behalf of the Serb authorities.[4137] Koroman further said that Red Berets from Knin and other units had come to Pale to 'do their job', and that he could not guarantee safety to the Muslims.[4138] The witness knew from Bosnian-Serb television that the Red Berets had burnt houses and killed Croat Catholics in Knin and Gospić.[4139]

1006. In a letter dated 24 May 1992 to the 'Boksit' Company in Milići, Branko Đerić stated that the Pale Crisis Staff had asked the Bosnian-Serb Government to help them procure the fuel necessary to transport 'refugees'. He pointed out that Pale Municipality was the area with the largest number of 'refugees' and asked the company to deliver one cistern of fuel to 'Romanijaprevoz' from Pale in order to transport them. He then stated that the pro forma invoice for the delivered fuel shall be submitted to the budget of the Bosnian-Serb Republic.[4140]

1007. **Čvoro** testified that on 12 June 1992, the President of the Pale Municipal Assembly, Radislav Starčević, sent a letter to the Pale SDS urgently requesting the party to adopt a general position on the moving out of the non-Serb population from Pale

[4133] Sulejman Crnčalo, T. 3286-3287.
[4134] D492 (Zdravko Čvoro, witness statement, 10 May 2014), paras 3, 10; Zdravko Čvoro, T. 22206.
[4135] P260 (Sulejman Crnčalo, witness statement, 1 November 2009), paras 36-38; Sulejman Crnčalo, T. 3244; P264 (Decision of the Pale MUP SJB Chief allowing the Muslims and Croats to leave the centre of Pale, signed for the SJB Chief Malko Koroman, 2 July 1992).
[4136] P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 38; Sulejman Crnčalo, T. 3235.
[4137] Sulejman Crnčalo, T. 3236.
[4138] P260 (Sulejman Crnčalo, witness statement, 1 November 2009), paras 39-40.
[4139] P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 39.
[4140] P6564 (Letter signed by Branko Đerić addressed to Boksit company, 24 May 1992).

Municipality.[4141] On 18 June 1992, the Pale Municipal Assembly established a working group tasked with formulating a decision on the organised moving out of Muslims and Croats on a voluntary basis.[4142] On 19 June 1992, the Pale Municipal Assembly issued the decision stating that: (i) citizens of Muslim and Croat ethnicity who wished to change their residence could do so with the permission of the Pale SJB; (ii) citizens were to come to the SJB and personally apply for a change of residence; (iii) the SJB was in charge of compiling a list of all persons wishing to change their residence and the property they owned. The decision also stated that the SJB 'shall guarantee safety of passage to the agreed destination'. This decision was issued pursuant to 'requests of the Muslim and Croatian citizens'.[4143] According to **Čvoro**, the decision confirmed the constitutional right of Muslims and Croats of freedom of movement.[4144]

1008. **Čvoro** also testified that prior to the adoption of the decision, some members of the SJB exercised pressure on Muslims to leave their houses.[4145] Afterwards, some Serbs continued to exert pressure on Muslims to leave their houses as they misinterpreted and abused the decision, and some Muslims interpreted the decision as meaning that they had to leave Pale Municipality.[4146] **Crnčalo** testified that the pressure from some members of the SJB began as early as March 1992.[4147]

1009. At the end of June or beginning of July 1992, the majority of Muslims and Croats living in Pale Municipality submitted requests to change their place of residence, which were received by the SJB, and started leaving for Sarajevo.[4148] **Crnčalo** testified that in late June and early July 1992, the Serb authorities in Pale organised convoys to remove Muslims from the area.[4149] A notice, put up on an electricity pylon in the

[4141] Zdravko Čvoro, T. 21926-21927; D494 (Letter from President of Pale Municipal Assembly, Radislav Starčević, to Pale SDS requesting adoption of general position on moving out of non-Serb population from Pale, 12 June 1992).
[4142] D492 (Zdravko Čvoro, witness statement, 10 May 2014), para. 11; Zdravko Čvoro, T. 22195-22196, 22205; P3972 (Minutes from the 14th Pale Municipal Assembly session, 18 June 1992), item 2, pp. 4-5.
[4143] P3973 (Decision of the Pale Municipal Assembly, 19 June 1992), p. 1.
[4144] D492 (Zdravko Čvoro, witness statement, 10 May 2014), para. 11; Zdravko Čvoro, T. 22195-22196, 22205.
[4145] Zdravko Čvoro, T. 22186-22187; P3972 (Minutes from the 14th Pale Municipal Assembly session, 18 June 1992), item 2, pp. 4-5.
[4146] Zdravko Čvoro, T. 22186-22187, 22208, 22211-22212; P3972 (Minutes from the 14th Pale Municipal Assembly session, 18 June 1992), item 2, pp. 4-5; P6572 (Report of Pale Executive Committee addressed to Pale War Commission regarding problems encountered by the Executive Committee in its work, 7 July 1992), p. 1.
[4147] P260 (Sulejman Crnčalo, witness statement, 1 November 2009), paras 23, 33.
[4148] Zdravko Čvoro, T. 21927-21928, 21930-21931, 22188-22189, 22207; D495 (Request by Muslim residents for temporary resettlement from Pale, 22 June 1992), p. 1.
[4149] P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 64.

neighbourhood, specified the date and time when the Muslims were supposed to board the organised buses.[4150] **Čvoro** testified that the buses were escorted by police officers of the Pale SJB.[4151] Occasionally, they left in private vehicles.[4152]

1010. According to **Crnčalo**, the first convoy, consisting of seven buses packed full of people, left on 28 or 29 June 1992; the second convoy had six buses; the third convoy had five buses.[4153] There were approximately 90 people on each bus.[4154] After the departure of the first convoy, the witness and other Muslims went to Starčević to enquire why these Muslims were being forced to leave.[4155] Starčević told them that these people must have done something unlawful.[4156] On 30 June 1992, 88 Muslims were transferred from Pale Municipality to the territory of Stari Grad in Sarajevo in two buses, escorted by police officers of the Pale SJB.[4157] On 1 July 1992, 220 citizens were transferred in four buses and 324 citizens in five buses.[4158]

1011. On 2 July 1992, the Pale SJB granted the request made by Muslims and Croats living in the Pale centre to be allowed to move out of Pale of their own free will, unobstructed and under the escort of police officers, to Stari Grad, Sarajevo Municipality.[4159] On this day, Crnčalo was informed by a Serb woman, Dragica Subotić, that she wanted to move into the house that he co-owned with his brother and, in exchange, the witness could move into her house in Sarajevo.[4160] Crnčalo's brother discussed the exchange of property with Subotić a few hours before Crnčalo found out about the whole exchange.[4161] At the Pale municipal building, Crnčalo and his brother signed a pre-drafted contract stating that their house was to be 'looked after and used' by Dragica Subotić in exchange for her house in Sarajevo, and that this use of property

[4150] P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 65.
[4151] Zdravko Čvoro, T. 22187-22188, 22197-22198, 22241; P3800 (Report of the Pale SJB on the moving out of Muslims and Croats to the territory of Stari Grad Sarajevo, 6 July 1992).
[4152] Zdravko Čvoro, T. 22197-22198, 22239, 22241; P3800 (Report of the Pale SJB on the moving out of Muslims and Croats to the territory of Stari Grad Sarajevo, 6 July 1992).
[4153] P260 (Sulejman Crnčalo, witness statement, 1 November 2009), paras 66, 71.
[4154] P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 71.
[4155] P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 67.
[4156] P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 67.
[4157] P3800 (Report of the Pale SJB on the moving out of Muslims and Croats to the territory of Stari Grad Sarajevo, 6 July 1992).
[4158] P3800 (Report of the Pale SJB on the moving out of Muslims and Croats to the territory of Stari Grad Sarajevo, 6 July 1992).
[4159] P264 (Decision of the Pale MUP SJB Chief allowing the Muslims and Croats to leave the centre of Pale, signed for the SJB Chief Malko Koroman, 2 July 1992).
[4160] P260 (Sulejman Crnčalo, witness statement, 1 November 2009), paras 61-62; Sulejman Crnčalo, T. 3291-3292.
[4161] Sulejman Crnčalo, T. 3295-3297.

under the contract was temporary.[4162] Crnčalo testified that he had not given up his house voluntarily and he had to leave his car and belongings behind, barring two plastic bags which he could take with him.[4163] Everyone was allowed to take with them as much as they could carry.[4164] Crnčalo identified a number of Muslims, such as Mustafa Pajić, Selmo Smajić, and Salih Ramić, whose names and signatures appear on the Pale SUP list of contracts registered on 2 July 1992, and testified that none of these persons who were all 'expelled' from Pale surrendered their houses willingly.[4165] Around an hour after signing the 'exchange contract', the witness, his wife, and two children boarded one of the five buses in the third convoy from Pale to Sarajevo.[4166] There were women, men, and children on the buses.[4167] The witness and other Muslims were taken to Hreša, a hamlet near Sarajevo, from where they had to walk to the city.[4168] When Crnčalo reached Sarajevo, he found that Dragica Subotić's property, where he was supposed to stay, had been partially destroyed by a shell and thus was uninhabitable.[4169]

1012. The Stari Grad SJB's logbook recorded that on 2 July 1992, 400 Bosnian Muslims arrived in the Sarajevo neighbourhood of Vratnik from Pale.[4170] In relation to this entry, **Nedžib Đozo** testified that members of the VRS had informed his superiors at the Stari Grad police station that a large number of Bosnian Muslims had arrived in Vratnik after having been expelled from Pale.[4171] According to a newspaper article from *Oslobođenje* dated 3 July 1992, 400 Muslims and Croats from Pale, who were 'forced' by the occupying authorities to leave their homes arrived in Sarajevo on 2 July 1992 with only the most essential personal belongings.[4172] They were in possession of decisions, signed by a court of the Bosnian-Serb Republic, to exchange their apartments with Serbs from Sarajevo.[4173] Upon arrival they were billeted in the homes of Sarajevo

[4162] P260 (Sulejman Crnčalo, witness statement, 1 November 2009), paras 61-62; Sulejman Crnčalo T. 3291-3293, 3295-3297; D54 (Property exchange contract between Sulejman and Taib Crnčalo and Dragica Subotić, July 1992).
[4163] P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 62; Sulejman Crnčalo, T. 3291-3293, 3298-3301.
[4164] P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 71.
[4165] P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 62; P265 (List of contracts concluded on 2 July 1992).
[4166] P260 (Sulejman Crnčalo, witness statement, 1 November 2009), paras 62, 66, 69, 71; Sulejman Crnčalo, T. 3293.
[4167] P260 (Sulejman Crnčalo, witness statement, 1 November 2009), paras 71, 77.
[4168] P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 77.
[4169] P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 61; Sulejman Crnčalo, T. 3306.
[4170] P549 (Stari Grad police station notebooks, April 1992), p. 104.
[4171] Nedžib Đozo, T. 5548; P549 (Stari Grad police station notebooks, April 1992), p. 104.
[4172] Zdravko Čvoro, T. 22191; P6571 (Newspaper article published in Oslobodenje, 3 July 1992).
[4173] P6571 (Newspaper article, 3 July 1992).

inhabitants.[4174] On 3 July 1992, another 410 citizens were transferred from Pale in seven buses.[4175]

1013. On 6 July 1992, the Pale SJB granted another request made by Croats and Muslims living in the inner part of Pale to be allowed to move out of Pale municipality of their own free will, unobstructed and under the escort of police officers to Stari Grad, Sarajevo Municipality.[4176] The 6 July 1992 decision specified that the convoy would comprise 420 civilians of Muslim and Croat ethnicities travelling in eight buses.[4177] Also on 6 July 1992, the Executive Committee of Pale Municipality requested that the Pale police take the necessary measures to protect the property of non-Serbs who had moved out, until the property is taken over by an authorised institution.[4178]

1014. On 7 July 1992, the Pale Executive Committee reported to the Wartime Board of Commissioners of Pale Municipality, personally to Biljana Plavšić, that the Pale Municipal Assembly's decision dated 19 June 1992 was misinterpreted and had led to forced and unauthorised expulsion of the Muslim population which created a series of problems including the commission of a large number of illegal and criminal activities.[4179] The report states that the cause of these problems was the lack of coordination between police stations and 'SO' executive committees.[4180] **Čvoro** testified that the Executive Committee informed Biljana Plavšić, the commissioner for Pale Municipality, about the situation on the ground almost on a daily basis.[4181] She told the executive to do everything they could to stop these incidents.[4182] The Executive Committee went in the field and talked to the Muslims concerned by these incidents, informing them that they did not have to leave but could do so if they wanted to.[4183] The

[4174] P6571 (Newspaper article, 3 July 1992).
[4175] P3800 (Report of the Pale SJB on the moving out of Muslims and Croats to the territory of Stari Grad Sarajevo, 6 July 1992).
[4176] P266 (Decision of the Pale MUP SJB Chief allowing the Muslims and Croats to leave the inner part of Pale, signed for the Chief of the SJB, Malko Koroman, 6 July 1992).
[4177] P266 (Decision of the Pale MUP SJB Chief allowing the Muslims and Croats to leave the inner part of Pale, signed for the Chief of the SJB, Malko Koroman, 6 July 1992).
[4178] P267 (Conclusions of the Executive Committee of Pale Municipal Assembly and Pale Municipal Staff of Civilian Protection, signed by Ždravko Čvoro, Chairman of the Executive, and Momir Blagojević, Commander of the Civilian Protection Staff, 6 July 1992).
[4179] P6572 (Report of Pale Executive Committee addressed to Pale War Commission regarding problems encountered by the Executive Committee in its work, 7 July 1992), p. 1.
[4180] P6572 (Report of Pale Executive Committee addressed to Pale War Commission regarding problems encountered by the Executive Committee in its work, 7 July 1992), p. 1.
[4181] Zdravko Čvoro, T. 22231-22236; P3972 (Minutes from the 14th Pale Municipal Assembly session, 18 June 1992), item 2, pp. 4-5.
[4182] Zdravko Čvoro, T. 22234.
[4183] Zdravko Čvoro, T. 22212-22213, 22234-22235.

witness did not know what the police did in this respect.[4184] According to the witness, these attempts to have people move out by force eventually stopped completely.[4185]

1015. According to a 19 July 1992 memorandum addressed to a number of municipalities, including Pale, Karadžić requested that an inventory be made of all the vacant housing facilities 'following the voluntary departure of Muslims', so that they could temporarily be used to house the Serbs from Sarajevo.[4186] **Crnčalo** testified that the assertion that the transfers of the Muslims and Croats were carried out at their request was false.[4187] Neither he nor other Muslims left Pale voluntarily, but they were forced to do so in order to protect their families.[4188] In 2002, with the help of the Commission for Real Property Claims of Displaced Persons and Refugees, the witness recovered the possession of his house where, until that time, two sons of Dragica Subotić had been living.[4189] There was no furniture or floor boards in the house.[4190] Crnčalo's car was never returned to him.[4191]

1016. Based on the foregoing, the Trial Chamber finds that between late June and early July 1992, over 2,000 Bosnian-Muslim and Bosnian-Croat residents left Pale for Sarajevo in convoys escorted by the Pale SJB. The Trial Chamber finds that some members of the SJB exercised pressure on Muslims to leave the municipality as early as March 1992. Further, the Trial Chamber finds that in May 1992, a Muslim delegation met with the Chief of the Pale SJB and Nikola Koljević who, when asked about guarantees that Muslims could stay in the municipality, responded that it did not matter what the Muslims wanted, because Serbs did not want to continue living there with the Muslims and Koroman said that he could not guarantee their safety. The Trial Chamber further finds that already around mid to late May 1992, the Muslim population of Pale began submitting applications to leave Pale for Sarajevo. With regard to the reasons for leaving the municipality, the Trial Chamber further notes that Crnčalo testified that neither he nor other Muslims left Pale voluntarily, but that they were forced to do so in

[4184] Zdravko Čvoro, T. 22235-22236.
[4185] Zdravko Čvoro, T. 22236.
[4186] P263 (Memorandum of Radovan Karadžić sent to the Serb Municipalities of Novo Sarajevo, Pale, Ilidža, Hadžići, Rajlovac, Sokolac, and Han Pijesak, 19 July 1992).
[4187] P260 (Sulejman Crnčalo, witness statement, 1 November 2009), paras 70, 72, 74; P264 (Decision of the Pale MUP allowing the Muslims and Croats to leave the centre of Pale, signed for the Chief of the SJB, Malko Koroman, 2 July 1992); P266 (Decision of the Pale MUP allowing the Muslims and Croats to leave the inner part of Pale, signed for the Chief of the SJB, Malko Koroman, 6 July 1992).
[4188] P260 (Sulejman Crnčalo, witness statement, 1 November 2009), paras 70, 72-74, 76.
[4189] Sulejman Crnčalo, T. 3302.
[4190] Sulejman Crnčalo, T. 3298.

order to protect their families. The Trial Chamber will further consider these incidents in relation to Counts 3 and 7-8 in chapter 8 below.

[4191] Sulejman Crnčalo, T. 3304.

UNITED NATIONS	International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991	Case No.	IT-09-92-T
		Date:	22 November 2017
		Original:	English

IN TRIAL CHAMBER I

Before: **Judge Alphons Orie, Presiding**
Judge Bakone Justice Moloto
Judge Christoph Flügge

Registrar: **Mr John Hocking**

Judgment of: **22 November 2017**

PROSECUTOR

v.

RATKO MLADIĆ

PUBLIC WITH CONFIDENTIAL ANNEX

JUDGMENT

VOLUME II OF V

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Table of contents

General abbreviations 13

1. Introduction 17

2. Administration of the Bosnian-Serb Republic 22

2.1 Republic political structures 22

2.1.1 Bosnian-Serb Presidency and President 22

2.1.2 Bosnian-Serb Assembly 29

2.1.3 Bosnian-Serb Government 32

2.2 Regional and municipal political structures 38

2.2.1 Regional political structures 38

2.2.2 Municipal political structures 45

3. Bosnian-Serb military and police structures 57

3.1 VRS 57

3.1.1 Establishment and structure 57

3.1.2 VRS's corps 66

3.1.3 Main Staff 129

3.1.4 Position of Ratko Mladić 141

3.2 JNA/VJ 144

3.3 Territorial Defence 152

3.4 Ministry of Interior 160

3.5 Paramilitary formations 175

4. Take-over of power and crimes in the municipalities 176

4.1 Banja Luka Municipality 176

4.1.1 Murder 176

4.1.2 Unlawful detention and cruel or inhumane treatment in detention facilities 194

4.1.3 Destruction of private and public property, including cultural monuments and sacred sites 241

4.1.4 Appropriation or plunder of property 244

4.1.5 Forced labour and human shields 244

4.1.6 Imposition and maintenance of restrictive and discriminatory measures 248

4.1.7 Forcible transfer and deportation 251

4.2 Bijeljina Municipality 262

4.2.1 Murder 262

4.2.2 Unlawful detention and cruel or inhumane treatment in detention facilities 270
4.2.3 Destruction of private and public property, including cultural monuments and sacred sites 296
4.2.4 Appropriation or plunder of property 299
4.2.5 Forced labour and human shields 301
4.2.6 Imposition and maintenance of restrictive and discriminatory measures 304
4.2.7 Forcible transfer and deportation 304
4.3 Foča Municipality 312
4.3.1 Murder 312
4.3.2 Unlawful detention and cruel or inhumane treatment in detention facilities 326
4.3.3 Destruction of private and public property, including cultural monuments and sacred sites 356
4.3.4 Appropriation or plunder of property 361
4.3.5 Forced labour and human shields 361
4.3.6 Imposition and maintenance of restrictive and discriminatory measures 363
4.3.7 Forcible transfer and deportation 364
4.4 Ilidža Municipality 372
4.4.1 Murder 372
4.4.2 Unlawful detention and cruel or inhumane treatment in detention facilities 372
4.4.3 Destruction of private and public property, including cultural monuments and sacred sites 377
4.4.4 Appropriation or plunder of property 377
4.4.5 Forced labour and human shields 377
4.4.6 Imposition and maintenance of restrictive and discriminatory measures 380
4.4.7 Forcible transfer and deportation 380
4.5 Kalinovik Municipality 384
4.5.1 Murder 384
4.5.2 Unlawful detention and cruel or inhumane treatment in detention facilities388
4.5.3 Destruction of private and public property, including cultural monuments and sacred sites 399
4.5.4 Appropriation or plunder of property 401
4.5.5 Forced labour and human shields 402
4.5.6 Imposition and maintenance of restrictive and discriminatory measures 404
4.5.7 Forcible transfer and deportation 404
4.6 Ključ Municipality 406
4.6.1 Murder 406

4.6.2 Unlawful detention and cruel or inhumane treatment in detention facilities 427
4.6.3 Destruction of private and public property, including cultural monuments and sacred sites 430
4.6.4 Appropriation or plunder of property 439
4.6.5 Forced labour and human shields 442
4.6.6 Imposition and maintenance of restrictive and discriminatory measures 442
4.6.7 Forcible transfer and deportation 446
4.7 Kotor Varoš Municipality 457
4.7.1 Murder 457
4.7.2 Unlawful detention and cruel or inhumane treatment in detention facilities 463
4.7.3 Destruction of private and public property, including cultural monuments and sacred sites 471
4.7.4 Appropriation or plunder of property 476
4.7.5 Forced labour and human shields 477
4.7.6 Imposition and maintenance of restrictive and discriminatory measures 478
4.7.7 Forcible transfer and deportation 481
4.8 Novi Grad Municipality 491
4.8.1 Murder 491
4.8.2 Unlawful detention and cruel or inhumane treatment in detention facilities 500
4.8.3 Destruction of private and public property, including cultural monuments and sacred sites 500
4.8.4 Appropriation or plunder of property 503
4.8.5 Forced labour and human shields 503
4.8.6 Imposition and maintenance of restrictive and discriminatory measures 503
4.8.7 Forcible transfer and deportation 503
4.9 Pale Municipality 508
4.9.1 Murder 508
4.9.2 Unlawful detention and cruel or inhumane treatment in detention facilities 508
4.9.3 Destruction of private and public property, including cultural monuments and sacred sites 508
4.9.4 Appropriation or plunder of property 510
4.9.5 Forced labour and human shields 512
4.9.6 Imposition and maintenance of restrictive and discriminatory measures 512
4.9.7 Forcible transfer and deportation 512
4.10 Prijedor Municipality 533
4.10.1 Murder 533

4.10.2 Unlawful detention and cruel or inhumane treatment in detention facilities 617
4.10.3 Destruction of private and public property, including cultural monuments and sacred sites 700
4.10.4 Appropriation or plunder of property 724
4.10.5 Forced labour and human shields 733
4.10.6 Imposition and maintenance of restrictive and discriminatory measures 736
4.10.7 Forcible transfer and deportation 741
4.11 Rogatica Municipality 753
4.11.1 Murder 753
4.11.2 Unlawful detention and cruel or inhumane treatment in detention facilities 765
4.11.3 Destruction of private and public property, including cultural monuments and sacred sites 786
4.11.4 Appropriation or plunder of property 791
4.11.5 Forced labour and human shields 793
4.11.6 Imposition and maintenance of restrictive and discriminatory measures 798
4.11.7 Forcible transfer and deportation 799
4.12 Sanski Most Municipality 817
4.12.1 Murder 817
4.12.2 Unlawful detention and cruel or inhumane treatment in detention facilities 842
4.12.3 Destruction of private and public property, including cultural monuments and sacred sites 842
4.12.4 Appropriation or plunder of property 861
4.12.5 Forced labour and human shields 863
4.12.6 Imposition and maintenance of restrictive and discriminatory measures 864
4.12.7 Forcible transfer and deportation 868
4.13 Sokolac Municipality 891
4.13.1 Murder 891
4.13.2 Unlawful detention and cruel or inhumane treatment in detention facilities 893
4.13.3 Destruction of private and public property, including cultural monuments and sacred sites 893
4.13.4 Appropriation or plunder of property 895
4.13.5 Forced labour and human shields 895
4.13.6 Imposition and maintenance of restrictive and discriminatory measures 895
4.13.7 Forcible transfer and deportation 896
4.14 Vlasenica Municipality 900
4.14.1 Murder 900

4.14.2 Unlawful detention and cruel or inhumane treatment in detention facilities 910
4.14.3 Destruction of private and public property, including cultural monuments and sacred sites 928
4.14.4 Appropriation or plunder of property 930
4.14.5 Forced labour and human shields 931
4.14.6 Imposition and maintenance of restrictive and discriminatory measures 933
4.14.7 Forcible transfer and deportation 936
5. Sarajevo 949
5.1 Introduction 949
5.1.1 Conditions in Sarajevo 949
5.1.2 Modified air bombs 973
5.2 Sniping incidents 985
5.2.1 Schedule F.1 985
5.2.2 Schedule F.3 989
5.2.3 Schedule F.4 991
5.2.4 Schedule F.5 994
5.2.5 Schedule F.9 997
5.2.6 Schedule F.11 1000
5.2.7 Schedule F.12 1005
5.2.8 Schedule F.13 1008
5.2.9 Schedule F.15 1011
5.2.10 Schedule F.16 1014
5.2.11 Other sniping incidents 1016
5.3 Shelling incidents 1035
5.3.1 Schedule G.1 1035
5.3.2 Schedule G.2 1041
5.3.3 Schedule G.4 1047
5.3.4 Schedule G.6 1052
5.3.5 Schedule G.7 1058
5.3.6 Schedule G.8 1062
5.3.7 Schedule G.10 1086
5.3.8 Schedule G.13 1091
5.3.9 Schedule G.15 1095
5.3.10 Schedule G.18 1097
5.3.11 Other shelling incidents 1114

6. Taking of hostages **1150**
6.1 Introduction 1150
6.2 Detention of UNMOs stationed in Pale and in the Sarajevo area 1156
6.3 Detention of Ukrainian UNPROFOR soldiers in Banja Luka 1176
6.4 Detention of UNPROFOR soldiers in Sarajevo 1179
6.5 Detention of UNPROFOR soldiers in Goražde 1191
6.6 Release of UN hostages 1196
6.7 The Trial Chamber's findings 1207
7. Srebrenica **1210**
7.1 The take-over of the Srebrenica enclave 1210
7.1.1 1992 - July 1995 1210
7.1.2 Directives no. 7 and no. 7/1 1233
7.1.3 The fall of Srebrenica and the gathering of people in Potočari 1243
7.1.4 The Hotel Fontana meetings 1277
7.1.5 Transportation from Potočari 1288
7.1.6 The column 1334
7.2 Jadar River (Schedule E.1.1) 1383
7.3 Cerska Valley (Schedule E.2.1) 1392
7.4 Kravica Warehouse (Schedule E.3.1) 1397
7.5 Sandići Meadow (Schedule E.4.1) 1414
7.6 Luke School near Tišća (Schedule E.5.1) 1424
7.7 School in Orahovac and nearby field (Schedule E.6.1 and E.6.2) 1429
7.8 Petkovci (Schedule E.7) 1457
7.8.1 School in Petkovci (Schedule E.7.1) 1457
7.8.2 Dam near Petkovci (Schedule E.7.2) 1463
7.9 Roćević School and Kozluk (Schedule E.8.1 and E.8.2) 1473
7.10 Kula School (Schedule E.9.1), Branjevo Military Farm (Schedule E.9.2), and Pilica Cultural Centre (Schedule E.10.1) 1496
7.11 Bišina (Schedule E.12.1) 1518
7.12 Trnovo (Schedule E.13.1) 1526
7.13 Potočari (Schedule E.14) 1530
7.13.1 Near the UN Compound (Schedule E.14.1) 1530
7.13.2 Near the 'White House' (Schedule E.14.2) 1532
7.14 Bratunac Town (Schedule E.15) 1536
7.14.1 In and around the Vuk Karadžić elementary school (Schedule E.15.1) 1536

7.14.2 In front of the Vuk Karadžić elementary school (Schedule E.15.3) 1549
7.15 Other incidents of killings 1551
7.16 Incidents of ill-treatment 1558
7.17 Forcible transfer and deportation 1567
7.18 Burial operations 1574
8. Legal findings on crimes 1584
8.1 Violations of the laws or customs of war: general elements and jurisdictional requirements 1584
8.1.1 Applicable law 1584
8.1.2 Findings on armed conflict 1587
8.2 Crimes against humanity: general elements and jurisdictional requirement 1589
8.2.1 Applicable law 1589
8.2.2 Legal findings 1591
8.3 Murder 1601
8.3.1 Applicable law 1601
8.3.2 Legal findings 1601
8.4 Extermination 1617
8.4.1 Applicable law 1617
8.4.2 Legal findings 1618
8.5 Deportation and forcible transfer 1632
8.5.1 Applicable law 1632
8.5.2 Legal findings 1633
8.6 Acts of violence the primary purpose of which is to spread terror among the civilian population 1663
8.6.1 Applicable law 1663
8.6.2 Legal findings 1664
8.7 Unlawful attacks on civilians 1674
8.7.1 Applicable law 1674
8.7.2 Legal findings 1674
8.8 Taking of hostages 1676
8.8.1 Applicable law 1676
8.8.2 Legal findings 1677
8.9 Persecution 1679
8.9.1 Applicable law 1679
8.9.2 Legal findings 1690
8.10 Genocide 1755

8.10.1 Applicable law 1755
8.10.2 Legal findings 1757
9. The liability of the Accused 1821
9.1 Applicable law 1821
9.1.1 Joint criminal enterprise 1821
9.1.2 Planning, instigating, ordering, and aiding and abetting 1825
9.1.3 Superior responsibility 1827
9.2 First (overarching) joint criminal enterprise 1830
9.2.1 Overview of the charges 1830
9.2.2 Political developments and the role of the SDS in the lead-up to the conflict in 1991 and 1992 1831
9.2.3 The Variant A/B Instructions 1869
9.2.4 The Six Strategic Objectives 1877
9.2.5 Speeches, statements, and utterances by members of the Bosnian-Serb political leadership 1884
9.2.6 The role of the VJ 1895
9.2.7 The role of the MUP 1915
9.2.8 The role of paramilitary formations 1934
9.2.9 The role of the regional and municipal leadership 1969
9.2.10 Attempts to cover up crimes 1992
9.2.11 Tomašica 2028
9.2.12 Investigation and prosecution of crimes 2039
9.2.13 Revenge and related arguments 2075
9.2.14 Conclusion 2083
9.3 Ratko Mladić's alleged contribution to the first (overarching) joint criminal enterprise 2092
9.3.1 Introduction 2092
9.3.2 Participating in the establishment, organization and/or maintenance of the VRS 2092
9.3.3 Commanding and controlling the VRS 2107
9.3.4 Commanding and controlling elements of the Serb Forces integrated into, or subordinated to, the VRS 2137
9.3.5 Directing, monitoring and/or authorizing the VRS's cooperation and coordination with other elements of Serb Forces and with Bosnian-Serb Political and Governmental Organs 2142
9.3.6 Participating in procuring material and military assistance from the VJ 2147
9.3.7 Participating in the development of Bosnian-Serb governmental policies 2161

9.3.8 Disseminating, encouraging and/or facilitating the dissemination of propaganda to Bosnian Serbs intended to engender in Bosnian Serbs fear and hatred of Bosnian Muslims and Bosnian Croats or to otherwise win support for and participation in achieving the objective of the joint criminal enterprise 2173

9.3.9 Engaging in, supporting and/or facilitating efforts to deny or to provide misleading information about crimes against Bosnian Muslims and Bosnian Croats and about the role that Serb Forces had played in those crimes to representatives of the international community, non-governmental organizations, the media and the public, thereby facilitating the commission of crimes 2183

9.3.10 Facilitating and/or encouraging the commission by members of the VRS, and other elements of Serb Forces under his effective control, of crimes that furthered the objective of the joint criminal enterprise by failing, while under a duty stemming from his position, to take adequate steps to prevent and/or investigate such crimes, and/or arrest and/or punish the perpetrators of such crimes 2187

9.3.11 Directing, implementing and/or authorizing the restriction of humanitarian aid to Bosnian-Muslim and/or Bosnian-Croat enclaves located in territory controlled by the VRS, the TO, the MUP, and Bosnian-Serb paramilitary forces and volunteer units and/or Bosnian-Serb Political and Governmental Organs in an effort to create unbearable living conditions for these inhabitants 2202

9.3.12 Legal findings 2228

9.3.13 Mens rea 2230

9.4 Second joint criminal enterprise (Sarajevo) 2257

9.4.1 Overview of the charges 2257

9.4.2 Existence of and membership in the joint criminal enterprise 2258

9.4.3 The Trial Chamber's findings 2276

9.5 Ratko Mladić's alleged contribution to the second joint criminal enterprise (Sarajevo) 2281

9.5.1 Introduction 2281

9.5.2 Participating in the establishment, organization and/or maintenance of the VRS 2281

9.5.3 Commanding and controlling the VRS 2282

9.5.4 Participating in procuring material and military assistance from the VJ 2304

9.5.5 Participating in the development of Bosnian-Serb governmental policies 2309

9.5.6 Disseminating, encouraging and/or facilitating the dissemination of propaganda to Bosnian Serbs intended to engender in Bosnian Serbs fear and hatred of Bosnian Muslims and Bosnian Croats or to otherwise win support for and participation in achieving the objective of the joint criminal enterprise 2314

9.5.7 Engaging in, supporting and/or facilitating efforts to deny or to provide misleading information about crimes against Bosnian Muslims and Bosnian Croats and about the role that Serb Forces had played in those crimes to representatives of the international community, non-governmental organizations, the media and the public, thereby facilitating the commission of crimes 2315

9.5.8 Facilitating and/or encouraging the commission by members of the VRS, and other elements of Serb Forces under his effective control, of crimes that furthered the objective of the joint criminal enterprise by failing, while under a duty stemming from his position, to take adequate steps to prevent and/or investigate such crimes, and/or arrest and/or punish the perpetrators of such crimes 2317

9.5.9 Directing, implementing and/or authorizing the restriction of humanitarian aid to Bosnian-Muslim and/or Bosnian-Croat enclaves located in territory controlled by the VRS, the TO, the MUP, and Bosnian-Serb paramilitary forces and volunteer units and/or Bosnian-Serb Political and Governmental Organs in an effort to create unbearable living conditions for these inhabitants 2320

9.5.10 Legal findings 2345

9.5.11 Mens rea 2346

9.6 Third joint criminal enterprise (Srebrenica) 2359

9.6.1 Overview of the charges 2359

9.6.2 Contemporaneous statements and meetings 2360

9.6.3 Attempts to cover up and the non-investigation of crimes 2374

9.6.4 Conclusion 2379

9.7 Ratko Mladić's alleged contribution to the third joint criminal enterprise (Srebrenica) 2386

9.7.1 Introduction 2386

9.7.2 Commanding and controlling the VRS 2386

9.7.3 Commanding and controlling elements of the Serb Forces integrated into, or subordinated to, the VRS 2412

9.7.4 Engaging in, supporting and/or facilitating efforts to deny or to provide misleading information about crimes against Bosnian Muslims and about the role that Serb Forces had played in those crimes to representatives of the international community, non-governmental organizations, the media and the public, thereby facilitating the commission of crimes 2418

9.7.5 Facilitating and/or encouraging the commission by members of the VRS, and other elements of Serb Forces under his effective control, of crimes that furthered the objective of the joint criminal enterprise by failing, while under a duty stemming from his position, to take adequate steps to prevent and/or investigate such crimes, and/or arrest and/or punish the perpetrators of such crimes 2424

9.7.6 Legal findings 2428

9.7.7 Mens rea 2429

9.8 Fourth joint criminal enterprise (Hostages) 2443

9.8.1 Overview of the charges 2443

9.8.2 Common objective 2444

9.8.3 Conclusion 2446

9.9 Ratko Mladić's alleged contribution to the fourth joint criminal enterprise (Hostages) 2448
9.9.1 Overview of charges 2448
9.9.2 The Accused's alleged contribution 2449
9.9.3 Mens rea 2451
9.10 Other modes of liability 2454
10. Cumulative convictions 2456
11. Sentencing 2461
11.1 Law on sentencing 2461
11.2 Purpose of sentencing 2462
11.3 Sentencing factors 2463
11.3.1 Gravity of the offences and the totality of the culpable conduct 2463
11.3.2 Individual circumstances of Ratko Mladić 2466
11.3.3 General practice regarding the prison sentences in the courts of the former Yugoslavia 2470
11.3.4 Comparison with other cases 2472
11.3.5 Credit for the time served in custody 2472
11.4 Determination of sentences 2473
12. Disposition 2474
13. Partially dissenting opinion by Judge Alphons Orie 2476

Appendices

A. Procedural history 2478
B. Sources and use of evidence 2491
C. Table of cases with abbreviations 2521
D. Confidential Annex 2527

4.10 Prijedor Municipality

4.10.1 Murder

Schedule A.6.1

1017. According to the Indictment, the Accused is responsible for the killing of a number of people in Kozarac and the surrounding area between 24 May and June 1992.[4192] The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to this incident.[4193] Additionally, it received evidence from **Mevludin Sejmenović**, the Vice-President of the SDA in Prijedor from 1990 to 1992;[4194] **Azra Blažević**, a Bosnian Muslim from Kozarac detained in Trnopolje camp from 26 May to August 1992;[4195] **Witness RM-065**, a Bosnian Muslim from Prijedor;[4196] **Nusret Sivac**, a Bosnian-Muslim journalist for TV Sarajevo who covered events in Prijedor and surrounding municipalities;[4197] **Witness RM-017**, a Bosnian Muslim from Kozarac in Prijedor Municipality;[4198] **Idriz Merdžanić**, a Bosnian Muslim doctor from Kreševo, Sarajevo Municipality;[4199] **Ivo Atlija**, a Croat from the Croat village of Briševo in Prijedor Municipality;[4200] **Jusuf Arifagić**, a Bosnian Muslim from Kozarac in Prijedor Municipality;[4201] **Ostoja Javorić**, a Serb from Prijedor who worked at the Banja Luka Garrison as the Commander of the Armoured Battalion from 1991 until after the war;[4202] **Boško Kelečević**, Chief of Staff of the 1KK from 12 May 1992 until the end of the war;[4203] **Draško Vujić**, a VRS battalion commander from Prijedor;[4204] **Osman Selak**, a Bosnian-Muslim Colonel in the JNA, and later the VRS, who retired in July

[4192] Indictment, paras 39, 59, 62, Schedule A.6.1.
[4193] Adjudicated Fact I, nos 874 and 876 have been reviewed in chapter 4.10.6 and Adjudicated Facts I, nos 867-871 have been reviewed in chapter 4.10.7.
[4194] P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 4.
[4195] P3617 (Azra Blažević, witness statement, 10 November 1994), pp. 1, 10, 27; P3618 (Azra Blažević, *Tadić* transcript, 12-13 June 1996), p. 2539.
[4196] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 1-2, witness statement of 28 August 2000, p. 2; P3274 (Pseudonym sheet for Witness RM-065). *See also* P3279 (Table of Concordance).
[4197] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6561-6562; Nusret Sivac, T. 4839.
[4198] P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 1-2.
[4199] P269 (Idriz Merdžanić, witness statement, 28 August 2000), p. 1, paras 1-3; Idriz Merdžanić, T.3321.
[4200] P168 (Ivo Atlija, witness statement, 20 October 2000), p. 1, para. 9; P169 (Statement by Ivo Atlija to Croatian authorities, 30 January 1993), para. 44; Ivo Atlija, T. 2301; P174 (Map of Prijedor municipality).
[4201] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 1-2.
[4202] D1277 (Ostoja Javorić, witness statement, 17 March 2014), p. 1, paras 1-2.
[4203] D1110 (Boško Kelečević, witness statement, 26 June 2014), p. 1, paras 1, 9; Boško Kelečević, T. 37131.
[4204] D1041 (Draško Vujić, witness statement, 24 January 2014), paras 1, 7.

1992,[4205] as well as documentary evidence and finds that this evidence is consistent with the Adjudicated Facts.[4206] In addition, the Trial Chamber received evidence from **Kerim Mešanović**, a Bosnian Muslim from Prijedor.[4207]

Ultimatum to surrender weapons and resistance in Kozarac

1018. The Trial Chamber took judicial notice of several Adjudicated Facts in relation to this incident.[4208]. They refer, *inter alia*, to initially mixed checkpoints, which were later replaced by Serb checkpoints and erected in various locations throughout the Kozarac area, as well as unofficial guard posts established by armed Muslim citizens. Or to an ultimatum which was addressed to the TO in Kozarac to, *inter alia*, surrender all weapons. As well as to the inability of the Bosnian-Croat and Bosnian-Muslim population of Prijedor Municipality to set up an efficient resistance to the armed attacks by the Bosnian-Serb army acting jointly with the police and paramilitary groups.

1019. **Mevludin Sejmenović** testified that he and other SDA officials attended a meeting around May 1992 with Simo Mišković, Colonel Arsić, Major Radmilo Zeljaja, and Slobodan Kuzurović at the SDS premises.[4209] Major Zeljaja told the SDA leaders that within 48 hours, they had to surrender several thousand pieces of weaponry or he

[4205] P244 (Osman Selak, witness statement, 13 July 2000), p. 1; Osman Selak, T. 2965-2966, 3182.
[4206] **Mevludin Sejmenović**: P283 (Mevludin Sejmenović, witness statement, 13 August 2012), paras 35-36; Mevludin Sejmenović, T. 3541. **Azra Blažević**: P3617 (Azra Blažević witness statement, 10 November 1994), pp. 2, 6; P3618 (Azra Blažević, *Tadić* transcript, 12-13 June 1996), pp. 2422, 2446-2448. **Witness RM-065**: P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 21; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), p. 1262. **Nusret Sivac**: P480 (Nusret Sivac, transcripts from prior cases), *Stanišić and Župljanin* transcript, 16-17 August 2010, pp. 13275-13276. **Witness RM-017**: P3228 (Witness RM-017, witness statement, 1 September 1994), p. 8; P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), pp. 3329-3330, 3342-3344. **Ostoja Javorić**: D1277 (Ostoja Javorić, witness statement, 17 March 2014), paras 6-7, 11. **Boško Kelečević**: D1110 (Boško Kelečević, witness statement, 26 June 2014), para. 15. **Jusuf Arifagić**: P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 5-7. **Ivo Atlija**: P168 (Ivo Atlija, witness statement, 20 October 2000), para. 24; Ivo Atlija, T. 2354. **Idriz Merdžanić**: P269 (Idriz Merdžanić, witness statement, 28 August 2000), paras 21, 23; P270 (Corrections and clarifications to witness statement of Idriz Merdžanić), p. 1; Idriz Merdžanić, T. 3359-3360. **Osman Selak**: Osman Selak, T. 2988-2989, 2999, 3134; P253 (Excerpts from Osman Selak's Diary), p. 1; P247 (1KK report to VRS Main Staff on elimination of Green Berets in the wider area of Kozarac, 27 May 1992. **Documentary evidence**: P4148 (1st Krajina Corps combat report, 26 May 1992), pp. 1-3. P7475 (Intercept relating to Prijedor negotiations, 25 May 1992), p. 1. P4131 (Interview with Milomir Stakić), pp. 6-7. P4136 (Dispatches video excerpt), p. 4.
[4207] P3414 (Kerim Mešanović, witness statement, 18 March 2013), p. 1, para. 3.
[4208] Adjudicated Facts I, nos 874 and 876 have been reviewed in chapter 4.10.6; Adjudicated Facts I, no. 871 has been reviewed in chapter 4.10.7.
[4209] P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 24; Mevludin Sejmenović, T. 3461-3463, 3466.

would 'raze Kozarac to the ground'.[4210] The SDA leaders pleaded that they did not have that much weaponry, to which Zeljaja responded that this was their problem.[4211] According to the witness, Kozarac had no proper army but only a poorly armed TO.[4212] For a short time after the ultimatum they tried to expand and reinforce the TO in order to prevent a massacre but they were unable to achieve this due to the lack of personnel, funds, material, communications or fuel.[4213] In fact, most of the people who volunteered to join were either too old or too young, possessed no weapons themselves or only possessed old weapons from World War II.[4214]

1020. **Boško Kelečević** testified that in 1992 he was aware of the situation in Kozarac and that several thousand Muslims were armed in the village.[4215] The Muslim units from Kozarac committed provocations on a daily basis.[4216] During an undated interview about Kozarac, Milomir Stakić stated that the Serbs found lists of 3,791 members of the 'illegal' Muslim TO and the weapons issued to them.[4217] According to a report from the Prijedor SJB sent by Simo Drljača, Chief of the Prijedor SJB on 25 May 1992 to the Banja Luka CSB, the Prijedor SJB formed a plan for confiscating illegally held weapons.[4218] In cooperation with the military, 500 firearms had already been confiscated, but the plan had not yet been fully implemented because of the outbreak of conflict in the municipality.[4219]

1021. According to a 1KK logbook, towards the end of the afternoon of 24 May 1992, an armed conflict broke out in the general area of Kozarac after Muslim extremists erected a barricade and opened fire from it.[4220] The same logbook noted that Zeljaja captured 100 Green Berets out of a total of around 1,000 armed Green Berets present in the area.[4221] According to a combat report from the 1KK Command to the VRS Main Staff dated 25 May 1992 and signed by Momir Talić, on 24 May 1992 an armed attack

[4210] P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 25; Mevludin Sejmenović, T. 3463-3465.
[4211] P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 25; Mevludin Sejmenović, T. 3464-3465.
[4212] P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 27.
[4213] P283 (Mevludin Sejmenović, witness statement, 13 August 2012), paras 29-30; Mevludin Sejmenović, T. 3527-3530.
[4214] P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 30.
[4215] D1110 (Boško Kelečević, witness statement, 26 June 2014), para. 15.
[4216] D1110 (Boško Kelečević, witness statement, 26 June 2014), para. 15.
[4217] P4131 (Interview with Milomir Stakić), p. 6.
[4218] P4061 (Prijedor SJB report to Banja Luka CSB, 25 May 1992), p. 1.
[4219] P4061 (Prijedor SJB report to Banja Luka CSB, 25 May 1992), p. 1.
[4220] P3946 (Logbook of the 1KK Command, 1991-1992), p. 140.
[4221] P3946 (Logbook of the 1KK Command, 1991-1992), p. 140.

by the Green Berets, with the likely assistance of members of the Croatian Defence Forces, took place on the Banja Luka – Prijedor axis in the villages of Kozarac, Kozaruša, and Kevljani, starting an armed conflict that was still ongoing in the afternoon of 25 May 1992.[4222] Talić estimated that there were between 1,200 and 1,500 armed members of the Green Berets in Kozarac.[4223] Talić reported to the VRS Main Staff that 'our forces have sealed off the entire area'.[4224]

1022. According to a 1KK Command report on the political and security situation in Bosnian Krajina dated 26 May 1992, the corps's forces inflicted severe casualities on the Green Beret members in the village of Kozarac and captured about 300 members of enemy formations in the process.[4225] Another 1KK Command combat report dated 27 May and addressed to the Main Staff mentioned that 'mopping up is in progress in the village of Kozarac' and that the disarming of the Green Berets was entering its final phase.[4226]

1023. In an undated interview, Milomir Stakić, President of the Prijedor Municipal Crisis Staff, stated that the entire municipality of Prijedor was under their control after the takeover of Kozarac and added that 'in Kozarac itself, the operation 'cleaning', as the military call it, was still ongoing because those who had stayed behind were 'the most extreme ones and the professionals'.[4227]

1024. **Osman Selak** testified that on 27 May 1992, he attended a meeting at the JNA 5th Corps Command in which the Kozarac attack was discussed.[4228] There were approximately 10-12 people in attendance at this meeting including General Talić and his assistants as well as Colonel Dragan Marčetić, the Assistant Commander for Operations and Education and Head of the Management Team, and Colonel Busko Jelecević, the Chief of the Operations and Education and Talić's deputy.[4229] Marčetić, as Head of the management team on that day, briefed the commander about what happened during his absence, and more particularly the operation on Kozarac.[4230] He

[4222] P3727 (1KK Command combat report sent to VRS Main Staff, 25 May 1992), pp. 1-3, 5.
[4223] P3727 (1KK Command combat report sent to VRS Main Staff, 25 May 1992), p. 2.
[4224] P3727 (1KK Command combat report sent to VRS Main Staff, 25 May 1992), pp. 2-3, 5.
[4225] P3443 (1st Krajna Corps Command report, 26 May 1992), p. 1.
[4226] P3445 (1st Krajna Corps Command combat report to the VRS Main Staff, 27 May 1992), p. 1.
[4227] P280 (Excerpt from video interview with Milomir Stakić), pp. 1-2.
[4228] Osman Selak, T. 2984-2986; P244 (Osman Selak, Witness statement, 13 July 2000), paras 86-87; P253 (Excerpts from Osman Selak's Diary), pp 1-2.
[4229] Osman Selak, T. 2984-2986.
[4230] Osman Selak, T. 2986-2989, 2999; P253 (Excerpts from Osman Selak's Diary), p. 1.

reported that 800 people had been killed and 1,200 captured.[4231] As he did this, Talić looked in Selak's direction, the only Muslim in the room, and then looked back at Marčetić and said: 'Dragan, you must mean 80 people, and this is what you want to report to the Main Staff', and that was what was reported to the Main Staff.[4232] Selak testified that the original figure that Marčetić produced of 800 dead was, in fact, an already reduced figure from the figure of 2,000 that Selak believed died in Kozarac and the wider area.[4233] Many people were killed in Kozarac.[4234] Selak testified that at this meeting Talić also expressed that he was not happy with the conflict to be resolved by armed force and referred to the 800 already killed.[4235] He indicated that he would prefer an alternative option to armed force but that he was carrying out the orders of his superior command.[4236] The 1KK subsequently reported to the VRS Main Staff on 27 May 1992 that: the armed conflict in Kozarac commenced on 25 May 1992 and ended on 27 May 1992; five members of the military column, who were members of the 23rd Motorised Brigade based in Prijedor, were killed and 20 wounded; and 80 to 100 'Green Berets' were killed and approximately 1,500 captured.[4237]

Attack on Kozarac

1025. The Trial Chamber took judicial notice of several Adjudicated Facts in relation to attacks on various villages in Prijedor Municipality, including on Kozarac, committed by the VRS acting jointly with the police and paramilitary units.[4238]

1026. On 24 May 1992, Kozarac was attacked by Bosnian-Serb forces with an artillery bombardment which lasted until 26 May 1992 and extended to surrounding Muslim villages.[4239] The attack began with heavy shelling, followed by the advance of tanks and infantry.[4240] **Jusuf Arifagić** specified that around 25 May 1992, locals from Lamovita and Omarska and units of the Banja Luka Corps attacked Kozarusa and Jakupovići, near

[4231] Osman Selak, T. 2988; P253 (Excerpts from Osman Selak's Diary), p. 1.
[4232] Osman Selak, T. 2988; P253 (Excerpts from Osman Selak's Diary), p. 2.
[4233] Osman Selak, T. 2990-2992; P253 (Excerpts from Osman Selak's Diary), p. 1.
[4234] Osman Selak, T. 3134.
[4235] Osman Selak, T. 3005; P253 (Excerpts from Osman Selak's Diary) p. 2.
[4236] Osman Selak, T. 3005; P253 (Excerpts from Osman Selak's Diary) p. 2.
[4237] P247 (1KK report to VRS Main Staff on elimination of Green Berets in the wider area of Kozarac, 27 May 1992); Osman Selak, T. 3134-3136.
[4238] Adjudicated Facts I, nos 867-870 have been reviewed in chapter 4.10.7.
[4239] Adjudicated Facts I, no. 877.
[4240] Adjudicated Facts I, no. 878.

Kozarac, with anti-aircraft missiles or with infantry and artillery.[4241] A few hours after the beginning of the attack, a cease fire was implemented for about half a day, after which Kozarac was shelled from all directions. On 26 May 1992, the 'Serbs' withdrew but eventually the villages of Kozarac fell one by one and the women and children had to retreat to the next safest village. Around noon on 26 May, about ten thousand people from Kozarac surrendered to the 'Serbs'.[4242]According to a combat report from the 1KK Command to the VRS Main Staff dated 26 May 1992, Talić ordered that the 'mopping-up' in Kozarac and the surrounding settlements was to continue.[4243] On 27 May 1992, Arifagić and around 550 men hid on Kozara Mountain and during their first night they watched Kozarac burn.[4244]

1027. After the shelling, the Serb infantry entered Kozarac Town and began setting houses on fire one after another.[4245] The Prijedor paramilitary units took part in the attack on Kozarac, Hambarine and other areas in Prijedor as part of the VRS in May 1992.[4246] On 17 May 1992, Vladmir Arsić, Commander of the 343rd Motorised Brigade, had placed under his command all existing formations, including TO units, volunteer units, and armed Serb formations.[4247] **Witness RM-017** specified that the troops under the command of the commander of the 'Prijedor army', nicknamed 'Zeljaja', entered the village.[4248] **Sivac** testified that Andžić's paramilitaries, the 5th Kozarac Brigade, and the Serb police from Prijedor, headed by Simo Drljača, participated in the attack on Kozarac.[4249] In addition, the 6th Krajina Brigade headed by Colonel Branko Basara, including a platoon under the command of Macola, as well as the *Crni Đorde* intervention platoon, a scouts platoon and a police platoon, together with the Prijedor Brigade, were involved in the attack.[4250] Colonel Vladimir Arsić, Commander of the 43rd Motorized Brigade later got praised by Talić for his leadership during the operation in Kozarac and was promoted to the position of commander of the

[4241] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 5-6.
[4242] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 6.
[4243] P4148 (1KK combat report, 26 May 1992), p. 2.
[4244] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 7.
[4245] Adjudicated Facts I, no. 878.
[4246] Adjudicated Facts I, no. 318.
[4247] P7122 (Order on replenishment and unification of 343rd Motorised Brigade, 17 May 1992). The Trial Chamber is mindful of the name change during 1992 in relation to the 343rd Motorised Brigade. *See also* chapter 3.1.2.
[4248] P3228 (Witness RM-017, witness statement, 1 September 1994), p. 7.
[4249] P480 (Nusret Sivac, transcripts from prior cases), *Stanišić and Župljanin* transcript, 16-17 August 2010, p. 13275.
[4250] P2365 (History of the 6th Krajina Brigade signed by Colonel Basara, estimated date end of 1992), para. 7; P3851 (Excerpt of document on VRS interventions between 1991 and 1992), p. 5.

Doboj operations group.[4251] As a result of the shelling, many dwellings were destroyed, over 800 inhabitants were killed, and the remainder, including those from surrounding Muslim villages, were expelled, the town and its vicinity being then occupied by Bosnian-Serb forces.[4252] Survivors of the attack on Kozarac recalled their experiences during an undated interviewed, stating that after having been overpowered by the Serbs, the local Muslim population, comprised of mainly women, children, and elderly, was forced to surrender.[4253] One survivor recalled that civilians were taken to a house where they had their throats slit.[4254] And another eyewitness stated that she saw the Serbs shoot a 17-year-old from behind.[4255] **Idriz Merdžanić** testified that a Muslim woman named Šahurić told him that during the attack on Kozarac she had been hiding in her basement together with nine other Muslims and that when they were found a Serb soldier fired a rocket into the basement, killing the nine people.[4256]

1028. **Nusret Sivac** testified that two ambulance drivers who drove people wounded in the attack to the Prijedor hospital told him that they were made to abandon their ambulances near the Serb IKM, that their vehicles were destroyed, and that the wounded people were killed on the spot.[4257] Patients at the medical centre in Kozarac died as a result of shelling wounds and other injuries when the centre was shelled.[4258] **Merdžanić** testified that a police car near the medical centre was equipped with a radio with a military frequency and used for the negotiations on the terms of surrender of Kozarac. When he used this radio to negotiate the safe passage to the Prijedor hospital of a seven-year-old boy whose upper thigh was completely shattered to the bone, the response he got was '[D]ie *Balijas*, we will kill you all anyway'. He could then hear laughing in the background of the radio. Merdžanić learned that the boy died a couple of days later.[4259] **Azra Blažević** stated that a twelve-year-old boy died from his injuries.[4260]

[4251] D1110 (Boško Kelečević, witness statement, 26 June 2014), para. 14; Boško Kelečević, T. 37249-37252, 37179, 37284; P7466 (Request by the 5th Corps to the Partisan Division and Prijedor area command, 28 April 1992); P7474 (Official Assessment of Colonel Vladimir Arsić, signed by Momir Talić, 20 July 1993); P7478 (Reassignment of Vladimir Arsić, signed by Momir Talić, 27 May 1993).
[4252] Adjudicated Facts I, no. 879.
[4253] P4136 (Dispatches video excerpt), pp. 4-5.
[4254] P4136 (Dispatches video excerpt), pp. 5-6.
[4255] P4136 (Dispatches video excerpt), pp. 6-7.
[4256] P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 20.
[4257] Nusret Sivac, T. 4847-4848.
[4258] Adjudicated Facts I, no. 880.
[4259] P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 18.
[4260] P3617 (Azra Blažević witness statement, 10 November 1994), p. 6.

1029. At least 80 Bosnian-Muslim civilians were killed when Bosnian-Serb soldiers and police entered the villages in the Kozarac area, together with a number of Bosnian-Muslim employees of the Kozarac police station.[4261] Between 24 and 27 May 1992, Duško Tadić participated in the attack on Kozarac and the surrounding areas and in the collection and forced transfer of civilians to detention centres.[4262] The Muslim men who were not killed were taken to 'makeshift prison camps', including Keraterm and Omarska, while the women and children were taken to the village hall at Trnopolje, where several thousand people were held with no food or medicine, and little clothing.[4263] During the collection and forced transfer of civilians from Kozarac, Tadić participated in the beating and killing of Muslims.[4264]

1030. On 27 May 1992, senior military officers met to be briefed on the attack on Kozarac.[4265] Lieutenant-General Talić, as Commander of the Banja Luka Corps, the 5th Corps of the old JNA, was informed that 800 people had been killed in the attack on Kozarac and an additional 1,200 had been captured.[4266] The casualties on the part of the units of the Corps were four soldiers killed, and fifteen injured.[4267] In command of the 343rd Motirised Brigade, the unit extensively involved in that attack (and which later became the 43rd Brigade) was Colonel Vladimir Arsić and, in direct control of the attack, was Major Radmilo Zeljaja, both former JNA officers.[4268] That attack on Kozarac, as with all active combat activities, would necessarily have had to be approved, in accordance with military command procedures, by the Corps Commander, Lieutenant-General Talić who alone could order the commitment of units to combat.[4269] **Kerim Mešanović** stated that already in February or March 1992, he had heard Zeljaja say that he was going to level Kozarac, because they were preparing a defence.[4270]

1031. In this respect, the Trial Chamber recalls the evidence of Draško Vujić reviewed in chapter 4.10.2 *Schedule C.15.3* that in the week before 30 May 1992, his brigade

[4261] Adjudicated Facts I, nos 881-882.
[4262] Adjudicated Facts I, no. 883.
[4263] P4136 (Dispatches video excerpt), pp. 6-7.
[4264] Adjudicated Facts I, no. 884.
[4265] Adjudicated Facts I, no. 890. The Trial Chamber understands this meeting to have been a debriefing.
[4266] Adjudicated Facts I, no. 890. The Trial Chamber notes that words appear to be missing from this sentence of Adjudicated Fact 890. The Prosecution sought judicial notice only of these partial sentences.
[4267] Adjudicated Facts I, no. 890. The Trial Chamber notes that words appear to be missing from this sentence of Adjudicated Fact 890. The Prosecution sought judicial notice only of these partial sentences.
[4268] Adjudicated Facts I, no. 891. *See also* Adjudicated Facts I, no. 889.
[4269] Adjudicated Facts I, no. 892.
[4270] P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 12.

carried out operations in Hambarine and Kozarac. Many non-Serbs were arrested and taken by the VRS to camps, including Keraterm.

1032. According to **Atlija**, throughout the attacks, Radio Prijedor, on behalf of the Prijedor Crisis Staff, played Serb nationalist songs and broadcast announcements celebrating the successes of the Serb army whereby hundreds of 'fundamentalists' were killed or adding that 'Rizvanovići was cleansed'.[4271]

Killings at Benkovac

1033. When the fighting broke out in Kozarac, a group of approximately 100 Bosnian Muslims and Bosnian Croats from the Kevljani area tried to escape on foot across the Kozara mountain range. After a night in the woods, the group was arrested by armed Bosnian Serbs wearing different kinds of uniforms. One man was shot dead after a Croatian passport was found on him.[4272] After their arrest, the group of 100 Bosnian Muslims and Bosnian Croats from the Kevljani area was brought to the Benkovac training grounds,[4273] which, prior to the conflict, was used for military purposes.[4274] These grounds had been turned into a detention camp run by the military.[4275] At the Benkovac training grounds, the detained group was ordered to line up in front of a building, and a Bosnian-Serb soldier with the last name of Romanić singled out four persons. They were taken to one of the rooms inside the building and shot dead, apparently in retaliation for Romanić's brother who had been killed in Croatia. A religious leader known as the '*Hodža*' was beaten to death by the soldiers. In the course of the day, 60 individuals were taken to the woods in groups, from where one could hear bursts of gunfire. These persons were killed.[4276]

Killings of Kozarac police officers

1034. **Sivac** testified a group of police officers from Kozarac and their commander, Osmo Didović, who surrendered to the Serb army after the shelling of Kozarac, were

[4271] P168 (Ivo Atlija, witness statement, 20 October 2000), para. 25.
[4272] Adjudicated Facts I, no. 886.
[4273] The Trial Chamber understands that the Benkovac training grounds were located in Prijedor Municipality.
[4274] Adjudicated Facts I, no. 887.
[4275] Adjudicated Facts I, no. 887.
[4276] Adjudicated Facts I, no. 888.

shot dead close to where they had surrendered.[4277] The witness saw the bodies in blue uniforms near a bridge, when he was transported in a police van.[4278] Tomo Stojaković told the witness that these men were former colleagues from Kozarac.[4279] The witness heard Stojaković using a radio to inform SUP Prijedor duty services to get in touch with the municipal services to collect the bodies.[4280] **Witness RM-017** stated that when he and his family left Kozarac on 26 May 1992, he saw ten or eleven Muslim men in police uniforms lying face down on a parking lot a few hundred metres from the intersection on the road to Trnopolje.[4281] The witness learned that they had been executed about an hour before.[4282] He was able to recognize one of the men as Sajidik or Sanidik Klipić, a Muslim police officer, whose body was slightly lying to the side, enabling the witness to see his face.[4283]

The Trial Chamber's findings

1035. The Trial Chamber took judicial notice of Adjudicated Fact 871 which states that the Bosnian-Muslim and the Bosnian-Croat population of Prijedor Municipality was not able to set up any efficient resistance to attacks launched by the VRS, police, and paramilitary units. It further states that they were not adequately organised and did not have sufficient weapons with which they could oppose the Bosnian-Serb forces. The Trial Chamber notes that it received evidence on the presence of armed Bosnian-Muslim forces in Kozarac in May 1992 engaged in conflict with the Bosnian-Serb forces. Although the evidence establishes that the armed Bosnian-Muslim forces were present in large numbers in Kozarac in May 1992, the Trial Chamber finds that this evidence is not sufficient to determine their level of organization and their aptitude to

[4277] P480 (Nusret Sivac, transcripts from prior cases), *Stanišić and Župljanin* transcript, 16-17 August 2010, pp. 13275-13276.
[4278] P480 (Nusret Sivac, transcripts from prior cases), *Stanišić and Župljanin* transcript, 16-17 August 2010, p. 13276.
[4279] P480 (Nusret Sivac, transcripts from prior cases), *Stanišić and Župljanin* transcript, 16-17 August 2010, p. 13276.
[4280] P480 (Nusret Sivac, transcripts from prior cases), *Stanišić and Župljanin* transcript, 16-17 August 2010, p. 13276.
[4281] P3228 (Witness RM-017, witness statement, 1 September 1994), p. 8; P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), pp. 3329-3330, 3342-3344.
[4282] P3228 (Witness RM-017, witness statement, 1 September 1994), p. 8; P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), pp. 3342-3343.
[4283] P3228 (Witness RM-017, witness statement, 1 September 1994), p. 8; P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), pp. 3342-3343.

engage in combat. Therefore, the Trial Chamber considers that this evidence does not contradict Adjudicated Fact 871.

1036. Based on the foregoing, the Trial Chamber finds that from 24 until around 26 May 1992, VRS units of the Banja Luka Corps, commanded by Talić, including the 343rd Mechanised Brigade, later known as the 43rd Motorized Brigade commanded by Vladimir Arsić together with Radmilo Zeljaja, described as the commander of the 'Prijedor army', attacked the predominantly Bosnian-Muslim town of Kozarac and its surrounding Bosnian-Muslim villages through shelling and infantry advances.[4284] In addition, Duško Tadić, Andžić's paramilitaries, members of the 5th Kozara Brigade, the 6th Krajina Brigade commanded by Branko Basara including a platoon under the command of Macola, as well as the *Crni Đorde* intervention platoon, a scouts platoon and a police platoon and the Serb police from Prijedor, headed by Simo Drljača, participated in the attack. All Prijedor paramilitary units which took part in the attack on Kozarac were placed under the command of the VRS in May 1992 for the purpose of this attack.

1037. The resistance set up was not efficient and inadequately organized with insufficient weapons. As a result of the shelling on Kozarac, over 800 inhabitants were killed, including a twelve-year-old boy. After the shelling, when the forces entered the town, at least 80 Bosnian-Muslim civilians and between ten and fourteen Bosnian-Muslim policemen, who had surrendered, were killed. Some civilians were taken out of their houses and had their throats slit and a 17-year-old was shot from behind. Nine Muslims were killed by a Serb soldiers who found them hiding in the basement and fired a rocket into them. The Trial Chamber finds that members of the groups participating in the attack on Kozarac killed these people. Furthermore, Duško Tadić participated in the killing of Bosnian Muslims during the attack.

1038. The Trial Chamber further finds that in February or March 1992, a witness heard Major Radmilo Zeljaja say that 'he was going to level Kozarac because they were preparing a defence'. Similarly, during a meeting with SDA leaders in May 1992, Zeljaja threatened to 'raze Kozarac to the ground' if they would not surrender several thousand pieces of weaponry within 48 hours. When the SDA leaders pleaded that there was not much weaponry to surrender, Zeljaja responded that this was their problem.

[4284] The Trial Chamber considers the discrepancy in the starting date of the conflict as reflected in P247 to be minimal and therefore does not consider this to rebut Adjudicated Fact 877.

Such attacks mostly followed the same pattern in that, after the expiry of a deadline for non-Serbs to surrender their weapons, they were conducted by intensive shelling with heavy army weaponry, thereby indiscriminately targeting Bosnian-Muslim neighbourhoods and causing civilian casualties. When the Bosnian-Muslim doctor Idriz Merdžanić tried to negotiate the evacuation of a severely injured boy to the Prijedor hospital, he was told over the radio '[D]ie, *Balijas*, we will kill you anyway.', which was followed by laughter.

1039. The Trial Chamber will further consider these incidents in relation to Counts 1 and 3-6 of the Indictment in chapter 8, below.

1040. The Trial Chamber further finds that one day after the attack, armed Bosnian Serbs, wearing different kinds of uniforms, arrested a group of about 100 Bosnian Muslims and Bosnian Croats from the Kevljani area and brought them to the Benkovac training grounds in Prijedor Municipality, which was run by the military. Before the transfer, one of the Bosnian Serbs shot dead one of the group who had a Croatian passport on him. After arriving at the training grounds, a man named Romanić singled out four others who were taken inside a building and shot dead, apparently in retaliation for Romanić's brother who had been killed in Croatia. Another non-Serb, a religious leader known as the '*Hodža*', was beaten to death by the soldiers. In the course of the day, 60 people were taken to the woods in groups and killed. Based on the close geographical and temporal proximity of the incidents in Kevljani and Kozarac, the Trial Chamber concludes that the same units that attacked Kozarac from 24 until around 26 May 1992 were also responsible for the killings at the nearby village of Kevljani. The Trial Chamber will further consider this incident in relation to Counts 1 and 3-6 of the Indictment in chapter 8, below.

1041. The Trial Chamber also received evidence on wounded people abandoned from an ambulance and killed near a Serb IKM. In the absence of further details about the perpetrators of the killings the Trial Chamber will not further consider this evidence in relation to any counts of the Indictment.

Schedule A.6.2

1042. According to the Indictment, the Accused is responsible for the killing of a number of people in the Hambarine and Ljubija area between 23 May and 1 July

1992.[4285] In its final brief, the Defence argued that the deaths in the Hambarine and Ljubija area were the result of legitimate combat.[4286] The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to this incident,[4287] and received evidence from **Boško Mandić**, a member of the Prijedor Crisis Staff from 30 May 1992 onwards.[4288] The Trial Chamber finds that the evidence received from Mandić is consistent with the Adjudicated Facts.[4289] The Trial Chamber also received evidence from **Witness RM-023**, a Muslim residing in Prijedor Municipality in 1991 and 1992;[4290] **Witness RM-026**, a Muslim from Prijedor Municipality;[4291] **Rade Javorić**, Commander of the Prijedor TO staff from 16 September 1991;[4292] **Ivo Atlija**, a Croat from the Croat village of Briševo in Prijedor Municipality;[4293] and **Ewa Tabeau**, a demographer and statistician;[4294] as well as documentary evidence.

1043. A shooting incident at a Muslim checkpoint located at the village of Hambarine on 22 May 1992 provided a pretext for the attack by Serb forces on that outlying area.[4295] Following the incident, the Prijedor Crisis Staff issued an ultimatum on Radio Prijedor for the residents of Hambarine and the surrounding villages to surrender to the Prijedor authorities the men who had manned the checkpoint as well as all weapons. The ultimatum warned that failure to do so by noon the following day would result in an attack on Hambarine. The Hambarine authorities decided not to comply with the terms of the ultimatum and, following its expiration, Hambarine was attacked.[4296]

1044. On 23 May 1992 at noon, the indiscriminate shelling of Hambarine started.[4297] Tanks fired at the village, and a large number of Bosnian-Serb soldiers participated in the attack.[4298] After several hours of shelling by artillery, armed Serb forces entered the

[4285] Indictment, paras 39, 59, 62, Schedule A.6.2.
[4286] Defence Final Brief, paras 927-931.
[4287] Adjudicated Facts I, nos 867-871 have been reviewed in chapter 4.10.7; Adjudicated Facts I, no. 1096 is reviewed in chapter 4.10.3; Adjudicated Facts I, nos 816-818 have been reviewed in chapter 9.2.8.
[4288] D826 (Boško Mandić, witness statement, 25 June 2014), p. 1, paras 1, 4, 7; Boško Mandić, T. 28943-28944.
[4289] D826 (Boško Mandić, witness statement, 25 June 2014), paras 10-13; Boško Mandić, T. 28902-28903.
[4290] P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 4-5, 8, 24.
[4291] P2585 (Witness RM-026, witness statement, 23 September 1994), pp. 1-2.
[4292] D895 (Rade Javorić, witness statement, 26 June 2014), paras 2, 6; Rade Javorić, T. 31424.
[4293] P168 (Ivo Atlija, witness statement, 20 October 2000), p. 1, para. 9; P169 (Statement by Ivo Atlija to Croatian authorities, 30 January 1993), para. 44; Ivo Atlija, T. 2301; P174 (Map of Prijedor Municipality).
[4294] P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013); Ewa Tabeau, T. 19307-19308.
[4295] Adjudicated Facts I, no. 893.
[4296] Adjudicated Facts I, no. 893.
[4297] Adjudicated Facts I, no. 894.
[4298] Adjudicated Facts I, no. 894.

area supported by tanks and other weaponry, and after a brief period of intermittent fighting, local leaders collected and surrendered most of the weapons.[4299] **Ivo Atlija** testified that the day after the ultimatum was issued, he went to high ground overlooking Hambarine and watched the military operation against Hambarine for three or four hours.[4300] The witness estimated that around four to five tanks and 1,000 to 1,500 soldiers, some of whom appeared to be wearing olive-grey coloured former-JNA uniforms, were involved in the attack.[4301] The shelling, which came from 12 to 13 mortars, lasted for 15 minutes at a time with breaks of two to three minutes.[4302] The witness saw Serb tanks firing at houses and destroying them.[4303] He heard single shots and some automatic fire coming from Hambarine, aimed at the Serbs.[4304] During the onslaught on Hambarine, at least three civilians died.[4305] The following day, the neighbouring villages of Čarakovo and Rizvanovići were attacked.[4306] The witness heard detonations and saw smoke from burning houses.[4307]

1045. **Witness RM-023** saw two dead women on 25 May 1992 while running from Hambarine to the Kurevo woods.[4308] The first woman, the witness's neighbour named Hasnija, was lying on the threshold between her house and her front yard, and her head had been almost severed from her body.[4309] The witness had heard that before the attack, 'the Serbs' had visited the first woman and had asked her for money.[4310] The witness saw the second woman named Mevla**,** lying face down with one arm outstretched, surrounded by blood, while the witness was running north along the road towards the woods.[4311] It took about two hours to arrive at the woods and, according to the witness, almost the entire population of the village of Hambarine was in the woods, except those who had been killed. The tanks followed them to the woods, and fired shells into the woods for two days. The witness heard that some people were killed in

[4299] Adjudicated Facts I, no. 895.
[4300] P168 (Ivo Atlija, witness statement, 20 October 2000), paras 18-19; Ivo Atlija, T. 2350.
[4301] P168 (Ivo Atlija, witness statement, 20 October 2000), para. 19; Ivo Atlija, T. 2350, 2352.
[4302] P168 (Ivo Atlija, witness statement, 20 October 2000), para. 21.
[4303] P168 (Ivo Atlija, witness statement, 20 October 2000), para. 22.
[4304] P168 (Ivo Atlija, witness statement, 20 October 2000), para. 22.
[4305] Adjudicated Facts I, no. 894.
[4306] P168 (Ivo Atlija, witness statement, 20 October 2000), para. 23; Ivo Atlija, T. 2353.
[4307] P168 (Ivo Atlija, witness statement, 20 October 2000), para. 23; Ivo Atlija, T. 2353.
[4308] P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 7-8, 24.
[4309] P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 8, 24.
[4310] P3234 (Witness RM-023, witness statement, 25 August 2000), p. 8.
[4311] P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 8, 24.

the woods. After two nights in Kurevo, the witness and the witness's family went to an abandoned house in Ljubija village, where they stayed for about 15 days.[4312]

1046. **Witness RM-026** testified that on 11 June 1992 a truck with five 'Chetniks' arrived at a house and shop in Hambarine, which they set on fire, and from a nearby basement the witness and other villagers heard more 'Chetniks' approaching and shooting.[4313] The witness and others moved to a garage where he left them before heading towards the woods with two other men. A minute or two after leaving the garage they heard gunfire. The witness later learned from villagers who had stayed in the garage that shortly after he left, four Serb police officers arrived, including Jevo Maseldžija who proceeded to kill Džemal Ejupović by shooting him in the head with a pistol and then in the chest with automatic fire after he had fallen to the ground. Ejupović was unarmed and wearing a tracksuit and slippers when he was killed. The witness learned from another eyewitness that one of the Serb police offers present during the killing of Ejupović was Mlado Jurusić.[4314] On 1 July 1992 from the woods in Behlići, the witness saw a group of four 'Chetniks' including Mićo Jurusić and Mlado Jurusić, shoot four people, at least one of whom, Aziz Behlić, died.[4315] At least three of the victims, including Aziz Behlić, were shot by Mićo Jurusić.[4316]

1047. According to expert witness **Ewa Tabeau** and forensic evidence, the remains of 24 bodies allegedly associated with Scheduled Incident A.6.2 were exhumed from ten sites in Prijedor Municipality, and subsequently identified.[4317] No exhumation details

[4312] P3234 (Witness RM-023, witness statement, 25 August 2000), p. 8.
[4313] P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 7; P2586 (Witness RM-026, *Stakić* transcript, 26 April and 1 May 2001), p. 2326.
[4314] P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 7; P2586 (Witness RM-026, *Stakić* transcript, 26 April and 1 May 2001), pp. 2325-2326.
[4315] P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 8.
[4316] P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 8.
[4317] P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), p. 15; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 123-131; P4658 (Record of Bihać Cantonal Court, 6 August 1998); P5588 (ICMP notice of DNA report, 15 November 2007) part one; P5604 (Record of identification of body and record of informing family of DNA analysis results for Nedžad Cerić, 28 February 2007); P5605 (Certificate of Death for Nedžad Cerić, 19 May 2007); P5606 (Autopsy report for Nedžad Cerić, 19 May 2007); P5607 (Record of identification of body for Husein Hodžić, 6 August 1998); P5608 (Certificate of Death for Husein Hodžić, 10 August 2009); P5609 (Autopsy report for Husein Hodžić, 14 August 1998); P5610 (Record of identification of body for Mersid Pađan, 10 August 1998); P5611 (Autopsy report for Mersid Padjan, 14 August 1998); P5612 (Record of identification of body for Adem Selimović, 26 October 1998); P5613 (Ruling of Sanski Most Municipal Court regarding Husein Hodžić, 6 August 1999); P5614 (Autopsy report for Senad Muhić, 14 August 1998); P5615 (Decision of Sanski Most Municipal Court regarding Senad Muhić, 22 January 2001); P5616 (Autopsy report for Ahmet Mujdžić, 14 August 1998); P5617 (Record of Sanski Most Municipal Court regarding Ramiz and Ahmet Mujdžić, 5 December 2000); P5618 (Autopsy report for Hasan Fikić, 14 August 1998); P5619 (Ruling of Sanski Most Municipal Court regarding Hasan Fikić, 9 November 2000); P5620

were available for four persons identified by Tabeau as victims of this incident.[4318] For one of the victims, no proof of death material was found.[4319] The victims were reported to have died between 15 May and 24 July 1992 in Hambarine, Hegići, and Čarakovo in Prijedor Municipality.[4320] One of the victims disappeared on 20 July 1992 in

(Autopsy report for Suljo Habibović, 14 August 1998); P5621 (Ruling of Sanski Most Municipal Court regarding Suljo Habibović, 22 April 1998); P5623 (Decision of Sanski Most Municipal Court regarding Mersid Pađan, 16 June 1997); P5624 (Ruling of Sanski Most Municipal Court regarding Adem Selimović, 24 November 1999); P5626 (Ruling of Sanski Most Municipal Court regarding Emir Zahirović, 23 June 1997); P5627 (Autopsy report for unidentified woman, 20 May 2000); P5628 (Record of identification of body for Mevla Čaušević, 1 June 2000); P5629 (Handwritten document about discovery and identification of Mevla Čaušević's body, 3 March 2000); P5632 (Decision of Sanski Most Municipal Court regarding Almir Habibović, 22 April 1998); P5633 (List of exhumed and identified people, 29 October 2002); P5634 (Autopsy reports for Mujo Mujdžić, Mehmed Muhić, Mehmed Mujdžić, Ramiz Mujdžić and Hasan Medić, 14 August 1998); P5635 (Decision of Sanski Most Municipal Court regarding Mehmed Muhić, 15 September 1999); P5636 (Ruling of Sanski Most Municipal Court regarding Ramiz Mujdžić, 5 December 2000); P5637 (Autopsy reports for Ermin Behlić and Muharem Osmanović, 12 October 1998); P5638 (Autopsy report for Emir Zahirović, 16 November 1998 and others); P5771 (Record of identification of body for Ekrem Duratović, 12 September, no year); P5772 (Death certificate for Ekrem Duratović, 4 February 2011).
The following people were identified at Hambarine-Siljak: Suljo Habibović (1949), Ahmet Mujdžić (1941), Rasim Padjen (1952), Hasan Mujdžić (1957), Mersid Pađan (1967), and Ahmet Mujdžić (1953). The following people were identified at Hambarine-Lušćani: Mujo Mujdžić (1931), Mehmed Muhić (1959), Mehmed Mujdžić (1933), Ramiz Mujdžić (1969), and Hasan Medić (1930). The following people were identified at Hambarine-Siljak I: Hasan Fikić (1946), Tahir Fikić (1930), Husein Hodžić (1924), and Hasnija Hodžić. The following people were identified at Brđani Greblje: Adem Selimović (1952), Emir Zahirović (1966), and Mirzet Musić. The following person was identified at Hambarine-Brđani: Mevla Čaušević (1912). The following person was identified at Hambarine-Muhići: Senad Muhić (1965). The following person was identified at Čarakovo: Almir Habibović (1975). The following person was identified at Čarakovo-Gornja Mahala: Muharem Osmanović (1974). The following person was identified at Ljubija-Jakarina Kosa: Nedžad Cerić (1965). The following person was identified at Ljubija-Redak: Ekrem Duratović (1949).

[4318] P4652 (Missing person certificate for Zekir Hopovac, 4 April 2013); P4653 (Ruling of Sanski Most Municipal Court regarding Zekir Hopovac, 16 February 1999); P5622 (Ruling of Sanski Most Municipal Court regarding Zikrija Habibović; 7 March 1998); P5625 (Ruling of Sanski Most Municipal Court regarding Mufid Čaušević, 10 June 1999).

[4319] P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 2-3, 12, 15; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), p. 125.

[4320] P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 123-131, 180; P4652 (Missing person certificate for Zekir Hopovac, 4 April 2013), p. 1; P4653 (Ruling of Sanski Most Municipal Court regarding Zekir Hopovac, 16 February 1999), pp. 1-2; P4658 (Record of Bihać Cantonal Court, 6 August 1998), p. 5; P5604 (Record of identification of body and record of informing family of DNA analysis results for Nedžad Cerić, 28 February 2007), pp. 1-2; P5605 (Certificate of Death for Nedžad Cerić, 19 May 2007), p. 1; P5606 (Autopsy report for Nedžad Cerić, 19 May 2007), p. 1; P5607 (Record of identification of body for Husein Hodžić, 6 August 1998), p. 1; P5608 (Certificate of Death for Husein Hodžić, 10 August 2009), p. 1; P5609 (Autopsy report for Husein Hodžić, 14 August 1998), p. 1; P5611 (Autopsy report for Mersid Padjan, 14 August 1998), p. 1; P5613 (Ruling of Sanski Most Municipal Court regarding Husein Hodžić, 6 August 1999), pp. 1-2; P5615 (Decision of Sanski Most Municipal Court regarding Senad Muhić, 22 January 2001), p. 1; P5617 (Record of Sanski Most Municipal Court regarding Ramiz and Ahmet Mujdžić, 5 December 2000), pp. 1-2; P5618 (Autopsy report for Hasan Fikić, 14 August 1998), p. 1; P5619 (Ruling of Sanski Most Municipal Court regarding Hasan Fikić, 9 November 2000), pp. 1-2; P5620 (Autopsy report for Suljo Habibović, 14 August 1998), p. 1; P5621 (Ruling of Sanski Most Municipal Court regarding Suljo Habibović, 22 April 1998), pp. 1-2; P5622 (Ruling of Sanski Most Municipal Court regarding Zikrija Habibović, 7 March 1998), pp. 1-2; P5623 (Decision of Sanski Most Municipal Court regarding Mersid Pađan, 16 June 1997), pp. 1-2; P5624 (Ruling of Sanski Most Municipal Court regarding Adem Selimović, 24 November 1999), pp. 1-2; P5625 (Ruling of Sanski Most Municipal Court regarding Mufid Čaušević, 10 June 1999), pp. 1-2; P5626

Hambarine.[4321] In 20 of the cases in which the cause of death could be established, it was found to be gunshot injuries.[4322] In two others, it was found to be penetrating wounds.[4323] In another, it was found to be burning to death.[4324] In another, it was found to be being struck with a blunt instrument.[4325] No clothing was found for one of the victims, while 21 victims were found in civilian clothing, and another was found with indistinctive clothing.[4326] Two of the 29 identified victims were women and five victims were under the age of 18 or older than 60 at the time of their deaths.[4327]

(Ruling of Sanski Most Municipal Court regarding Emir Zahirović, 23 June 1997), pp. 1-2; P5627 (Autopsy report for unidentified woman, 20 May 2000), pp. 1-2; P5629 (Handwritten document about discovery and identification of Mevla Čaušević's body, 3 March 2000), p. 1; P5632 (Decision of Sanski Most Municipal Court regarding Almir Habibović, 22 April 1998), p. 1; P5634 (Autopsy reports for Mujo Mujdžić, Mehmed Muhić, Mehmed Mujdžić, Ramiz Mujdžić and Hasan Medić, 14 August 1998), pp. 3, 5, 7, 9; P5635 (Decision of Sanski Most Municipal Court regarding Mehmed Muhić, 15 September 1999), pp. 1-2; P5636 (Ruling of Sanski Most Municipal Court regarding Ramiz Mujdžić, 5 December 2000), pp. 1-2; P5637 (Autopsy reports for Ermin Behlić and Muharem Osmanović, 12 October 1998), pp. 3-4; P5638 (Autopsy report for Emir Zahirović, 16 November 1998 and others), pp. 1, 3; P5772 (Death certificate for Ekrem Duratović, 4 February 2011), p. 1.

[4321] P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), p. 542.

[4322] P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 123, 131; P4658 (Record of Bihać Cantonal Court, 6 August 1998), pp. 35-38, 58-65; P5605 (Certificate of Death for Nedžad Cerić, 19 May 2007), p. 2; P5606 (Autopsy report for Nedžad Cerić, 19 May 2007), p. 2; P5609 (Autopsy report for Husein Hodžić, 14 August 1998), p. 2; P5611 (Autopsy report for Mersid Padjan, 14 August 1998), p. 2; P5612 (Record of identification of body for Adem Selimović, 26 October 1998), p. 1; P5614 (Autopsy report for Senad Muhić, 14 August 1998), p. 2; P5615 (Decision of Sanski Most Municipal Court regarding Senad Muhić, 22 January 2001), p. 1; P5616 (Autopsy report for Ahmet Mujdžić, 14 August 1998), p. 2; P5617 (Record of Sanski Most Municipal Court regarding Ramiz and Ahmet Mujdžić, 5 December 2000), p. 1-2; P5618 (Autopsy report for Hasan Fikić, 14 August 1998), p. 2; P5619 (Ruling of Sanski Most Municipal Court regarding Hasan Fikić, 9 November 2000), p. 2; P5620 (Autopsy report for Suljo Habibović, 14 August 1998); p. 2; P5621 (Ruling of Sanski Most Municipal Court regarding Suljo Habibović, 22 April 1998), pp. 1-2; P5623 (Decision of Sanski Most Municipal Court regarding Mersid Pađan, 16 June 1997), p. 1; P5624 (Ruling of Sanski Most Municipal Court regarding Adem Selimović, 24 November 1999), pp. 1-2; P5626 (Ruling of Sanski Most Municipal Court regarding Emir Zahirović, 23 June 1997), p. 1; P5634 (Autopsy reports for Mujo Mujdžić, Mehmed Muhić, Mehmed Mujdžić, Ramiz Mujdžić and Hasan Medić, 14 August 1998), pp. 2-4, 8, 10; P5635 (Decision of Sanski Most Municipal Court regarding Mehmed Muhić, 15 September 1999), pp. 1-2; P5636 (Ruling of Sanski Most Municipal Court regarding Ramiz Mujdžić, 5 December 2000), p. 2; P5638 (Autopsy report for Emir Zahirović, 16 November 1998 and others), pp. 1-4.

[4323] P5627 (Autopsy report for unidentified woman, 20 May 2000), p. 2; P5637 (Autopsy reports for Ermin Behlić and Muharem Osmanović, 12 October 1998), p. 4.

[4324] P5625 (Ruling of Sanski Most Municipal Court regarding Mufid Čaušević, 10 June 1999), p. 2.

[4325] P5634 (Autopsy reports for Mujo Mujdžić, Mehmed Muhić, Mehmed Mujdžić, Ramiz Mujdžić and Hasan Medić, 14 August 1998), p. 6; P4658 (Record of Bihać Cantonal Court, 6 August 1998), p. 36.

[4326] P4658 (Record of Bihać Cantonal Court, 6 August 1998), pp. 35-38, 58-65; P5606 (Autopsy report for Nedžad Cerić, 19 May 2007), p. 1; P5609 (Autopsy report for Husein Hodžić, 14 August 1998), p. 1; P5610 (Record of identification of body for Mersid Pađan, 10 August 1998), p. 1; P5611 (Autopsy report for Mersid Padjan, 14 August 1998), p. 1; P5612 (Record of identification of body for Adem Selimović, 26 October 1998), p. 1; P5614 (Autopsy report for Senad Muhić, 14 August 1998), p. 1; P5616 (Autopsy report for Ahmet Mujdžić, 14 August 1998), p. 1; P5618 (Autopsy report for Hasan Fikić, 14 August 1998), p. 1; P5620 (Autopsy report for Suljo Habibović, 14 August 1998), p. 1; P5627 (Autopsy report for unidentified woman, 20 May 2000), p. 1; P5628 (Record of identification of body for Mevla Čaušević, 1 June 2000), p. 1; P5634 (Autopsy reports for Mujo Mujdžić, Mehmed Muhić, Mehmed Mujdžić, Ramiz Mujdžić and Hasan Medić, 14 August 1998), pp. 1, 3, 5, 7, 9; P5637 (Autopsy reports for Ermin Behlić and Muharem Osmanović, 12 October 1998), p. 3; P5638 (Autopsy report for Emir

1048. Based on the foregoing, the Trial Chamber finds that on 23 May 1992, at least three civilians died during the attack on Hambarine.[4328] However, considering the evidence of combat taking place during the attack (*see also* chapter 4.10.3) and the lack of evidence about the circumstances surrounding the deaths of those alleged to have been killed, the Trial Chamber is unable to make a finding beyond a reasonable doubt on the cause of their deaths and will, therefore, not consider these deaths further.

1049. The Trial Chamber also finds that on 11 June 1992, a Serb police officer named Jevo Maseldžija shot and killed Džemal Ejupović a Bosnian-Muslim, who was unarmed and dressed in civilian clothes at the time. Maseldžija killed Ejupović. The Trial Chamber also finds that on 1 July 1992, a group of four men referred to by Witness RM-026 as 'Chetniks', including a Serb police officer called Mlado Jurusić, shot at least four people in Behlići, at least one of whom, Aziz Behlić, died. Behlići was a settlement of the Bosnian-Muslim village of Čarakovo and the Trial Chamber therefore concludes that the victim was a Bosnian Muslim. The Trial Chamber will further consider the killings of Džemal Ejupović and Aziz Behlić in relation to Counts 1 and 3-6 of the Indictment in chapter 8, below.

Schedule A.6.3

1050. According to the Indictment, the Accused is responsible for the killing of a number of people in Kamičani on or about 26 May 1992.[4329] The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to this incident. Additionally, it received evidence from **Witness RM-047**, a Bosnian Muslim from the predominantly Bosnian-Muslim village of Kamičani in Prijedor municipality,[4330] **Ewa**

Zahirović, 16 November 1998 and others), pp. 1, 3; P5771 (Record of identification of body for Ekrem Duratović, 12 September), p. 1.

[4327] P4658 (Record of Bihać Cantonal Court, 6 August 1998), pp. 35, 37, 64-65; P5608 (Certificate of Death for Husein Hodžić, 10 August 2009), p. 1; P5609 (Autopsy report for Husein Hodžić, 14 August 1998), p. 1; P5613 (Ruling of Sanski Most Municipal Court regarding Husein Hodžić, 6 August 1999), p. 1; P5627 (Autopsy report for unidentified woman, 20 May 2000), p. 1-2; P5628 (Record of identification of body for Mevla Čaušević, 1 June 2000), p. 1; P5629 (Handwritten document about discovery and identification of Mevla Čaušević's body, 3 March 2000), p. 1; P5632 (Decision of Sanski Most Municipal Court regarding Almir Habibović, 22 April 1998), p. 1; P5633 (List of exhumed and identified people, 29 October 2002), p. 4; P5634 (Autopsy reports for Mujo Mujdžić, Mehmed Muhić, Mehmed Mujdžić, Ramiz Mujdžić and Hasan Medić, 14 August 1998), pp. 1, 9.

[4328] For a discussion of the Trial Chamber's findings on this attack, *see* chapter 4.10.3.

[4329] Indictment, paras 39, 59, 62, Schedule A.6.3.

[4330] P2594 (Witness RM-047, witness statement, 14 March 2000), pp. 1-2; P2595 (Witness RM-047, *Stakić* transcript, 22 July 2002), p. 6204.

Tabeau, a demographer and statistician,[4331] as well as documentary evidence and finds that the evidence does not rebut the Adjudicated Facts.[4332]

1051. The village of Kamičani was predominantly inhabited by Bosnian Muslims.[4333] Kamičani is located near the village of Kozarac.[4334] From 24 to 26 May 1992, the village of Kamičani was attacked by the Bosnian-Serb army.[4335] At least eight Bosnian Muslims who were hiding during that period in the basement of Mehmed Šahorić's house were shot dead by Bosnian-Serb soldiers after their place of refuge was discovered.[4336] Their bodies were retrieved and identified.[4337] **Witness RM-047** testified that Jusuf Forić, a Bosnian Muslim, who was not in the basement during the incident, was killed later at the entrance of Šahorić's house by another group of soldiers.[4338] According to **Ewa Tabeau**, and forensic evidence, eight victims were found in civilian clothing while one was found without any clothing.[4339] Six of the victims were over the age of 60 at the time of their deaths and the remaining three were between 50 and 60 years old.[4340]

1052. The Trial Chamber recalls its finding in chapter 4.10.1 *Schedule A.6.1* that from 24 until around 26 May 1992, VRS units of the Banja Luka Corps, commanded by Talić, including the 343rd Mechanised Brigade, later known as the 43rd Motorised Brigade, commanded by Vladimir Arsić and Radmilo Zeljaja, as well as the 5th Kozara

[4331] Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau).
[4332] **Witness RM-047**: P2594 (Witness RM-047, witness statement, 14 March 2000), pp. 3-4; P2595 (Witness RM-047, *Stakić* transcript, 22 July 2002), pp. 6245-6246. **Ewa Tabeau**: Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau); P2791 (Ewa Tabeau, revised table of names to the proof of death expert report, 30 August 2013), p. 1; P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), p. 15; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 132-135. **Documentary evidence**: P5639 (Identification report for Lutvija Forić, 30 July 1998); P5640 (Lower Court death certificate for Lutvija Forić); P5641 (Autopsy reports for Jusuf Forić, Lutvija Forić, Teufik Forić, Atif Jakupović, Đemila Mujanović, Ibrahim Mujkanović, Šerifa Šahurić, Mehmed Šahurić and Arif Zenkić); P5642 (Lower Court death certificate for Teufik Forić); P5643 (Lower Court death certificate for Mehmed Šahurić). The following persons were identified: Jusuf Forić (1928), Lutvija Forić (1913), Teufik Forić (1940), Atif Jakupović (1914), Đemila Mujanović (1920), Ibrahim Mujkanović (1928), Šerifa Šahurić (1936), Mehmed Šahurić (1923), and Arif Zenkić (1934).
[4333] Adjudicated Facts I, no. 896.
[4334] P178 (Municipalities court binder), p. 22.
[4335] Adjudicated Facts I, nos. 867, 896. The Trial Chamber notes that while Adjudicated Fact 896 states that the village of Kamičani was attacked by Bosnian-Serb military, Adjudicated Fact 867 specifies that the village was attacked by the Bosnian-Serb army between May and July 1992. The Trial Chamber will therefore read the Adjudicated Facts in conjunction with one another.
[4336] Adjudicated Facts I, no. 896.
[4337] Adjudicated Facts I, no. 896.
[4338] P2595 (Witness RM-047, *Stakić* transcript, 22 July 2002), pp. 6245-6246.
[4339] P5641 (Autopsy reports for Jusuf Forić, Lutvija Forić, Teufik Forić, Atif Jakupović, Đemila Mujanović, Ibrahim Mujkanović, Šerifa Šahurić, Mehmed Šahurić and Arif Zenkić).
[4340] P5641 (Autopsy reports for Jusuf Forić, Lutvija Forić, Teufik Forić, Atif Jakupović, Đemila Mujanović, Ibrahim Mujkanović, Šerifa Šahurić, Mehmed Šahurić and Arif Zenkić).

Brigade, and the 6th Krajina Brigade, commanded by Branko Basara, attacked the predominantly Muslim town of Kozarac and its surrounding Muslim villages through shelling and infantry advances.[4341] In light of the proximity of Kamičani to Kozarac, the Trial Chamber concludes that the same units that attacked Kozarac in late May 1992 attacked the nearby village of Kamičani around 26 May 1992.

1053. Based on the foregoing, the Trial Chamber finds that around 26 May 1992, VRS units of the Banja Luka Corps, commanded by Talić, including the 343rd Mechanised Brigade, later known as the 43rd Motorised Brigade, commanded by Vladimir Arsić and Radmilo Zeljaja, as well as the 5th Kozara Brigade, and the 6th Krajina Brigade, commanded by Branko Basara, attacked the predominantly Bosnian-Muslim village of Kamičani and entered the basement of Mehmed Šahorić's house, where they killed eight Bosnian-Muslims who were hiding. Jusuf Forić, a Bosnian Muslim, was killed at the entrance of the house some time later by another group of soldiers. Eight of the victims were found in civilian clothing. Six of the victims were over the age of 60. The Trial Chamber will consider this incident in relation to Counts 1 and 3-6 of the Indictment in chapter 8, below.

Schedule A.6.4

1054. According to the Indictment, the Accused is responsible for the killing of a number of men in the village of Jaskići on or about 14 June 1992.[4342] The Defence submitted that the killings in Jaskići were committed by individuals who were not related to or controlled by the VRS.[4343] It further submitted that there was no live witness called to testify on this incident and that the Prosecution presented contradictory evidence.[4344] The Trial Chamber has taken judicial notice of Adjudicated Fact 897 which states that 'At least eight Bosnian Muslim men were shot and killed when on 14

[4341] The Trial Chamber recalls its finding in Schedule A.6.1 that Duško Tadić, Andžić's paramilitaries, and the Serb police from Prijedor were also involved in the attacks on the village of Kozarac. However, given the specificity of the Adjudicated Facts regarding the attack on Kamičani ('Bosnian-Serb Army' and 'Bosnian-Serb Military'), the Trial Chamber did not enter a finding that these forces also attacked the village of Kamičani.
[4342] Indictment, para. 39, 47, 62, Schedule A.7.5.
[4343] Defence Final Brief, paras 75, 932.
[4344] Defence Final Brief, para. 463 and footnote 2091. The Trial Chamber notes that the Defence did not provide a basis for its submission that the evidence presented by the Prosecution was contradictory. Instead, it referenced a paragraph of the *Martić* Appeal Judgement (para. 20) which provides: '[s]ubmissions will be dismissed without detailed reasoning where an appellant makes factual claims or

June 1992, Bosnian-Serb soldiers entered the village of Jaskići'. While the evidence before the Trial Chamber is consistent with this Adjudicated Fact,[4345] it provides further details in relation to the number of victims of this incident as well as the specific course of events on 14 June 1992. In this regard, the Trial Chamber has considered the evidence of **Senija Elkasović**, a Bosnian Muslim from the Muslim hamlet of Jaskići, Prijedor Municipality;[4346] **Ewa Tabeau**, a demographer and statistician;[4347] as well as documentary evidence.

1055. According to a combat report by General Momir Talić of 14 June 1992 to the VRS Main Staff, the Prijedor Operations and Tactical Group including the VRS 2nd Motorised Brigade, the 343rd Motorised Brigade, the 6th Brigade of the 10th infantry division, volunteers, and police had been instructed to 'deal with the remaining enemy troops in the areas of Kozarac village, Prijedor and Sanski Most'.[4348]

1056. **Senija Elkasović** stated that 'soldiers' came to Jaskići on 14 June 1992, entered her house and separated the women and children from the three men who were present, namely, her husband Ilijaz Elkasović, her brother Senad Majdanac, and her brother-in-law Fehim Turkanović.[4349] The witness was escorted by one of the soldiers in uniform and red cap to the kitchen, and through the window she saw Duško Tadić, who was turned towards the house awaiting the soldiers in her yard and whom she knew from before, dressed in a uniform.[4350] The witness saw the three separated men and a soldier accompanying the men pass Tadić.[4351] Meanwhile, in the kitchen, the witness lay down on the floor with the other women and children when she heard some noise and a soldier yelling 'don't lift your head', after which she heard shots and her mother, who was looking out the window, said 'They are killing them'.[4352] In the meantime, the soldier who escorted the witness to the kitchen was also searching the house looking for money

presents arguments that the Trial Chamber should have reached a particular conclusion without advancing any evidence in support. […]' (footnote omitted).

[4345] P2588 (Senija Elkasović, Tadić transcript, 1 August 1996), pp. 4597-4600, 4603-4610, 4623-4626; P2592 (Photograph of Duško Tadić and Emir Karabašić); P2593 (Senija Elkasović, table of concordance to Tadić transcript of 1 August 1996).

[4346] P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), pp. 4597, 4601.

[4347] Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau).

[4348] P3697 (VRS regular combat report by Momir Talić, 14 June 1992), pp. 2-3, 5; *see* P3946 (1KK war diary), p. 51 (in relation to the abbreviation 6/10 pd).

[4349] P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), pp. 4602, 4604-4605, 4623.

[4350] P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), pp. 4597-4599, 4605-4609, 4623, 4625-4626; P2592 (Photograph of Duško Tadić and Emir Karabašić); P2593 (Senija Elkasović, table of concordance to *Tadić* transcript of 1 August 1996).

[4351] P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), pp. 4606, 4624-4626.

[4352] P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), pp. 4605, 4610, 4623-4624.

and jewellery, shouting to the witness and her family that they 'were to be off to Turkey' and threatened to slit the throat of anyone that would look at him.[4353] When the soldier had left the house, the witness looked outside the window to see what was going on and saw that people from her village were being led away by soldiers in the direction of the nearby village of Kozarac.[4354] After some time had passed, the witness went outside and saw the bodies of five other Bosnian Muslim men who had been shot in the back of the head.[4355] In addition to the names of the three men taken from her house, Senija Elkasović gave the names of eleven Bosnian Muslims who were also taken away by soldiers from Jaskići that day.[4356] The witness had not seen or heard since from any of the 14 men taken from Jaskići that day.[4357]

1057. After the soldiers had left the village, only three old men remained in Jaskići.[4358] The witness stated that together with two of these old men she went to Trnopolje Camp to request the permission from Kuruzović, who the witness stated was 'some chief in the Trnopolje Camp', to bury the bodies of the five men who had been shot outside her house.[4359] After having obtained Kuruzović's oral permission, they were stopped by a group of 'military men' at the entrance of Sivci.[4360] The soldiers ordered them to uncover the bodies and said 'Why are you digging this? We killed those. They are stink' after which one solder took a pistol and put it at Huse Jaskić's temple while another soldier shot Zijad Elkasović between the legs.[4361] Afterwards, the witness and the two old men dug a common grave and buried the bodies.[4362]

1058. According to **Ewa Tabeau** and forensic evidence the remains of nine bodies were exhumed from a site in Kevljani-Sivci, in Prijedor Municipality, the remains of 14 bodies, which had all been identified by witness Senija Elkasović as being taken away

[4353] P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), pp. 4608, 4610.
[4354] P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), pp. 4598-4501, 4608, 4611-4612. *See also* P178 (Municipalities Court Binder), p. 22.
[4355] P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), pp. 4610, 4612-4614, 4626; P2589 (List of men killed or taken from the village of Jaskići on 14 June 1992); P2593 (Senija Elkasović, table of concordance to *Tadić* transcript of 1 August 1996).
[4356] P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), pp. 4605, 4611-4615; P2589 (List of men killed or taken from the village of Jaskići on 14.6.92); P2593 (Senija Elkasović, table of concordance to *Tadić* transcript of 1 August 1996).
[4357] P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), pp. 4614-4515, 4622.
[4358] P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), p. 4613.
[4359] P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), pp. 4615-4616.
[4360] P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), pp. 4616-4617.
[4361] P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), p. 4617.
[4362] P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), p. 4617.

from Jaskići on 14 June 1992 were exhumed from the same Mass grave in Jakarina.[4363] In the 12 cases in which the cause of death could be established, it was found to be from gunshot wounds.[4364] No clothing was found for 15 victims, while nine victims were found in civilian clothing.[4365] One of the men was 70 years old in 1992, while the other men were between 18 and 60 years old.[4366]

1059. Based on the foregoing, the Chamber finds that uniformed soldiers who were with Duško Tadić came to the village of Jaskići on 14 June 1992 and shot and killed five Bosnian Muslim men outside Senija Elkasović's house.[4367] Their remains were exhumed from sites in Kevljani-Sivci and Kevljani-Jaskići, Prijedor Municipality, all of them wore civilian clothes, and the cause of death was gunshot injuries. The soldier searching Senija Elkasović's house looking for money and jewellery, who threatened to slit the throat of anyone that would look at him, shouted to the witness and her family that they 'were to be off to Turkey'.[4368]

1060. The Trial Chamber further finds that three Bosnian Muslim men were taken by Duško Tadić and uniformed soldiers from Senija Elkasović's house on 14 June 1992. In addition, a group of 11 Bosnian Muslim men were taken from the village of Jaskići that day by a group of soldiers. The 14 Bosnian Muslim men were subsequently killed. In light of the fact that the three men from Senija Elkasović's house, as well as the group of 11 Muslim men from Jaskići, were taken by soldiers from Jaskići and all 14 men were buried together in the same mass grave in Jakarina Kosa, Prijedor Municipality,

[4363] P2588 (Senija Elkasović, Tadić transcript, 1 August 1996), pp. 4614-4615; P2589 (List of men killed or taken from the village of Jaskići on 14 June 1992); P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 136-143; P5573 (Collection of records of identification pertaining to bodies exhumed from the Jakarina Kosa mass grave), pp. 19, 25, 30, 34, 36, 48, 59; P5588 (ICMP notice of DNA report), part one, pp.45-46, 64, 130-131, 229, 234, 289, 360, 414, 483; P5638 (Collection of autopsy reports pertaining to bodies exhumed in the area of Prijedor), pp. 7-24; P5644 (Sanski Most court ruling on death for Alija Forić, 18 June 1997); P5645 (Sanski Most court ruling for Smail Forić, 9 June 1999).
[4364] P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 141, 143; P2793 (Ewa Tabeau, table of corrections to proof of death expert report and annex, 7 November 2013), p. 2; P5638 (Collection of autopsy reports pertaining to bodies exhumed in the area of Prijedor), pp. 8, 10, 12, 14, 16, 18, 20, 22, 24.
[4365] P5638 (Collection of autopsy reports pertaining to bodies exhumed in the area of Prijedor), pp. 7, 9, 11, 13, 15, 17, 19, 21, 23.
[4366] P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 136-144; P5573 (Collection of records of identification pertaining to bodies exhumed from the Jakarina Kosa mass grave), pp. 19, 25, 30, 34, 36, 48, 59; P5638 (Collection of autopsy reports pertaining to bodies exhumed in the area of Prijedor), pp. 8, 10, 12, 14, 16, 18, 20, 22, 24.
[4367] The Trial Chamber observes that while the report of Ewa Tabeau states two of the victims died on 15 June 1992, the Chamber accepts the evidence of Senija Elkasović that they were killed just outside her house on 14 June 1992, and that she later personally helped bury them in a common grave near Sivci.
[4368] P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), pp. 4608, 4610.

the Trial Chamber considers that the only reasonable inference from the evidence received is that Duško Tadić and the uniformed soldiers who were with him killed the 14 Bosnian Muslim men after they took them from the hamlet of Jaskići on 14 June 1992.

1061. The Trial Chamber recalls its finding in chapter 4.10.1 *Schedule A.6.1* that from 24 until around 26 May 1992, VRS units of the Banja Luka Corps, commanded by Talić, including the JNA 343rd Mechanised Brigade, later known as the VRS 43rd Motorized Brigade, commanded by Vladimir Arsić and Radmilo Zeljaja attacked the predominantly Muslim town of Kozarac and its surrounding Muslim villages through shelling and infantry. It further recalls that Duško Tadić, Andžić's paramilitaries, members of the 5th Kozara Brigade, the 6th Krajina Brigade commanded by Branko Basara together with various platoons, and the Serb police from Prijedor, headed by Simo Drljača, participated in the attack. The Chamber further recalls that Jaskići is located close to the village of Kozarac.

1062. In light of the combat report by Momir Talić of 14 June 1992, the Trial Chamber finds that the VRS attacked the areas of Kozarac village, Prijedor, and Sanski Most on 14 June using the same forces that participated in the attack on Kozarac in late May 1992. In light of the proximity of Jaskići to Kozarac village, the Trial Chamber finds that the attack on Jaskići formed part of this 14 June VRS attack. In sum, the Trial Chamber concludes that the soldiers in Jaskići were members of the same forces that participated in the attack on Kozarac in late May 1992 and that they perpetrated the killings described above.

1063. The Trial Chamber will further consider these incidents in relation to Counts 1 and 3-6 of the Indictment in chapter 8, below.

Schedule A.6.5

1064. According to the Indictment, the Accused is responsible for the killing of a number of people in the villages of the Brdo area between 1 and 23 July 1992.[4369] The Defence submitted that the incidents taking place in the Brdo area at this time were either the result of legitimate combat, individual actions by VRS soldiers, or non-VRS

[4369] Indictment paras 39, 59, 62, Schedule A.6.5.

related groups.[4370] The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this incident. It also received evidence from **Witness RM-038**, a Bosnian Muslim from Prijedor Municipality;[4371] **Witness RM-074**, a Bosnian Muslim from Prijedor Municipality;[4372] **Witness RM-383**, a Serb truck driver who lived in Prijedor;[4373] **Witness RM-384**, a driver mobilised into the JNA on 5 May 1992;[4374] **Witness RM-704**, a man from the Muslim hamlet of Ćemernica, Jugovci Village, Prijedor Municipality;[4375] as well as **Ewa Tabeau**, a demographer and statistician;[4376] and finds that this evidence does not rebut the Adjudicated Facts.[4377] The Trial Chamber further received evidence from **Witness RM-060**, a Muslim from Bišćani;[4378] **Elvedin Nasić,** a Bosnian Muslim from Hambarine, Prijedor Municipality;[4379] **Sead Sušić**, a Bosnian Muslim from Čarakovo, Prijedor Municipality;[4380] **Witness RM-023**, a Muslim

[4370] Defence Final Brief, paras 933-941.
[4371] P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5874, 5878-5879.
[4372] P3431 (Witness RM-074, witness statements), witness statement of 2 December 2000, pp. 1-2, witness statement of 12 December 2012, p. 1, witness statement of 8 July 2013, p. 1.
[4373] P7416 (Witness RM-383, witness statement, 28 January 2014), p. 1, paras 1-2.
[4374] P7313 (Witness RM-384, witness statement, 30 January 2014), p.1, para. 2.
[4375] P2602 (Witness RM-704, witness statement, 12 October 2001), pp. 1-2.
[4376] Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).
[4377] **Witness RM-038**: P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5915-5921, 5924, 5927, 5930-5934, 5936-5939, 5942-5952, 5959-5961, 5965-5969, 5971-5972, 6002; P2947 (Map of Bišćani area); P2948 (Index to map of Bišćani area), pp. 1-5; P2949 (Index to photographs marked by witness), pp. 1-2; P2950 (List of victims from Brdo), pp. 1-5, 7-12, 14; P2964 (Photograph of vicinity where Salih Hegić's body was found marked by witness); P2969 (Photograph of clay pit marked by witness); P2971 (Photograph of 'Diskont store' in Bijela Zemlja marked by witness); P2972 (Photograph of T-Junction of Prijedor-Bišćani-Volar and Bišćani-Ravine road); P2973 (Photograph of orchard in Bišćani where bodies have been found); P2974 (Photograph of wooded area near Duratović's house marked by witness); P2975 (Photograph of 'Diskont store' in Bijela Zemlja); P2976 (Photograph of field near Sredićko Polje); P2977 (Photograph of Mehmed Duratović's house); P2978 (Index to photographs used during Witness RM-038's testimony); P2978 (Index to photographs used during Witness RM-038's testimony); Witness RM-038, T. 19905, 19915-19916, 19919, 19922, 19932, 19939, 19953, 19955. **Witness RM-074**: P3431 (Witness RM-074, witness statements), witness statement of 2 December 2000, p. 4. **Witness RM-383**: P7416 (Witness RM-383, witness statement, 28 January 2014), paras 6-7, 13, 15-29, 32; Witness RM-383, T. 36115, 36117, 36124-36127, 36128, 36132, 36141, 36144-36145, 36157. **Witness RM-384**: P7313 (Witness RM-384, witness statement, 30 January 2014), paras 2, 8-9, 11. **Witness RM-704**: P2602 (Witness RM-704, witness statement, 12 October 2001), pp. 5-6. **Ewa Tabeau**: P2791 (Ewa Tabeau, revised table of names to the proof of death expert report, 30 August 2013), p. 1; P2793 (Ewa Tabeau, table of corrections to proof of death expert report and annex, 7 November 2013), p. 2; P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 3, 16, 32-33; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 144-178; **Documentary evidence**: All forensic documentation relating to this scheduled incident admitted into evidence pursuant to the Trial Chamber's bar table decisions both dated 31 January 2014.
[4378] P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), pp. 6850-6851, 6853; P2597 (Witness RM-060, pseudonym sheet from *Prosecutor v. Stakić*, Case No. IT-97-24-T); P2599 (Witness RM-060, table of concordance to *Stakić* transcript, 7 March 2013), p. 1.
[4379] P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, pp. 1-2, witness statement of 15 March 2000, pp. 1, 6.
[4380] P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, p. 1, paras 1, 5, witness statement of 1 December 2014, p. 1.

residing in Prijedor Municipality in 1991 and 1992;[4381] and **Nermin Karagić**, a Bosnian Muslim from the predominantly Muslim village of Rizvanovići in Prijedor Municipality;[4382] whose evidence is reviewed in 4.10.1 *Schedule C and unscheduled murder incidents*.

1065. Brdo comprises the villages of Bišćani, Rizvanovići, Rakovčani, Hambarine, Čarakovo, and Zecovi.[4383] Prior to 1992, almost the entire population of the village of Čarakovo were Bosnian Muslim.[4384] On 1 July 1992, in Čarakovo, several men wearing police uniforms killed three men at the Behlići settlement with automatic rifles.[4385] On 23 July 1992, Bosnian-Serb tanks attacked Čarakovo, after several demands that residents should hand in weapons had been issued.[4386] During the raid, at least 16 civilians were killed, among whom three were shot dead in front of their houses.[4387] A number of witnesses provided further details about the events in Čarakovo on this day. **Witness RM-074** specified that, besides two Croat families, all the inhabitants of Čarakovo were Muslims.[4388] During May 1992, the witness heard on Radio Prijedor that Mirza Mujadžić and Hilmija Hopovac had to turn themselves in or they would be killed and that all people with the last name Mujadžić or Hopovac should surrender.[4389] According to the witness, on 23 July 1992 the village was full of masked Serb soldiers. From a cornfield where she was hiding she could see Serbs rounding up women and children from the village and forcing them onto buses. She later heard that these buses took the women and children to Trnopolje and that the men of Čarakovo were taken to Omarska and Keraterm. She heard shooting from approximately 8 a.m. until around 5 p.m.[4390] On that day, she saw the dead body of about 65-year-old Adem Hopovac, whom she had seen alive earlier that day, behind his barn with a bullet wound in his back.[4391] She also saw the body of Hilmija Hopovac's brother who, according to the witness, was killed by the Serbs in Ljubija and whose dead body had a spike stuck through his chest with a note attached saying '[w]ho behaves like Hopovac will die like

[4381] P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 1-2.
[4382] P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5203-5204, 5209-5210.
[4383] Adjudicated Facts I, no. 898.
[4384] Adjudicated Facts I, no. 899.
[4385] Adjudicated Facts I, no. 900.
[4386] Adjudicated Facts I, no. 902.
[4387] Adjudicated Facts I, no. 902.
[4388] P3431 (Witness RM-074, witness statements), witness statement of 2 December 2000, p. 2.
[4389] P3431 (Witness RM-074, witness statements), witness statement of 2 December 2000, p. 3, witness statement of 12 December 2002, p. 2.
[4390] P3431 (Witness RM-074, witness statements), witness statement of 2 December 2000, p. 4.
[4391] P3431 (Witness RM-074, witness statements), witness statement of 2 December 2000, pp. 3-4.

this'.[4392] She heard the wives of Husein and Jasmin Sijačić telling each other that their husbands had been killed during the attack.[4393]

1066. Later that day, the witness went towards Zecovi and passed close to a swamp area where she saw nine dead bodies including the ones of Huse and Suad Hopovac who were father and son; Fadil Malovčić and his nephew; Nijaz Hopovac and one of his brothers; as well as Nizad Redžić and Asim Redžić.[4394] She noticed that Asim Redžić had been shot in the forehead and in the back but she was not able to examine the other bodies. Husein Malovčić later told her that these people had been arrested by the Serbs and killed at the swamp area. She stayed for some days in the village of Čarakovo and saw the dead bodies of Huse Salihović and Ermin Sijerčić. She later heard that Ešef, his wife Naila, their three other children Sabahudin (aged 17), Vahid (aged 8) and Namir (aged 3), and Naila's parents Vejsil and Azema Đenanović had been killed at the house of Vejsil Đenanović in Čarakovo by Dragan Tintar and other Serbs. As she learned later, their bodies were buried in the Pašinac Cemetery in Prijedor and exhumed in 2000.[4395] On 25 July 1992, she heard from Besim Musić that his wife was killed on 23 July 1992.[4396]

1067. The witness listed 68 people from Čarakovo, in particular the hamlet of Brdani, who are either deceased or still missing and who, according to the witness, had never been part of any Muslim resistance, Green Berets, or any army, and who had handed in their weapons when ordered to do so.[4397]

1068. **Sead Sušić** stated that he was at home in Čarakovo with his family in the early morning of 23 July 1992 when Serbs attacked and surrounded his village.[4398] Some of the Serbs wore military uniforms and some wore civilian clothes.[4399] Among them was Velimir Đurić a.k.a. Velja, whom the witness knew, Zoran Babić a.k.a. Babin and Goran Gruban, whom he had seen before and whose names he had learned from others.[4400] He later also learned of the identity of another attacker, Dragomir Soldat

[4392] P3431 (Witness RM-074, witness statements), witness statement of 2 December 2000, p. 3.
[4393] P3431 (Witness RM-074, witness statements), witness statement of 2 December 2000, p. 4.
[4394] P3431 (Witness RM-074, witness statements), witness statement of 2 December 2000, pp. 4-5.
[4395] P3431 (Witness RM-074, witness statements), witness statement of 2 December 2000, p. 5.
[4396] P3431 (Witness RM-074, witness statements), witness statement of 2 December 2000, pp. 4-5.
[4397] P3431 (Witness RM-074, witness statements), witness statement of 12 December 2002, pp. 2-3.
[4398] P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, paras 16-17.
[4399] P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, para. 16.
[4400] P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, para. 18.

a.k.a. Čiča.[4401] When the Serb soldiers came to his house, Soldat ordered all the men to go outside.[4402] Soldat started swearing saying 'let Alija fuck [y]our balija mothers'.[4403] The group of men was then escorted to the village's mosque, some 50 metres away.[4404] There, they were lined up and shot.[4405] Gruban shot one man who tried to escape.[4406] Then Babić and Đurić started shooting at the others with automatic weapons.[4407] The witness was shot and fainted.[4408] Nine people died in front of the mosque that day.[4409] After the execution, while hiding in a cornfield, the witness 'heard lots of shooting, and houses being set on fire,' and also saw the Serbs take Nizam Karupović, a postman, to the opposite side of the cornfield, and heard shooting.[4410]

1069. On the same day, Bosnian-Serb soldiers took Bosnian-Muslim and Bosnian-Croat civilians from Čarakovo to the Žeger bridge on the Sana River, where a number of them were shot dead before their bodies were thrown into the river.[4411] **Witness RM-023** testified that some of the same Serb soldiers who had attacked Čarakovo, wearing black caps and multicoloured camouflage uniforms, killed the people on or around the bridge.[4412] The soldiers played Serbian folk songs from a stereo as they were killing people.[4413] They forced men to jump off the bridge and shot at them with automatic weapons from the bridge, while jumping or once they had hit the river.[4414] The river was full of corpses.[4415] The soldiers ordered a young man who had previously been beaten up and was covered in blood, to wash himself in the river and then shot him in the back

[4401] P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, para. 17.
[4402] P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, para. 19.
[4403] P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, para. 20.
[4404] P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, para. 21.
[4405] P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, paras 21, 23.
[4406] P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, para. 23.
[4407] P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, para. 23.
[4408] P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, paras 23-24.
[4409] P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, paras 24, 28.
[4410] P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, paras 25-27.
[4411] Adjudicated Facts I, no. 903.
[4412] P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 8, 23; P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), pp. 3947, 3949, 3954-3956; P3236 (Witness RM-023, *Stanišić and Župljanin* transcript, 18 October 2010), pp. 16134-16136.
[4413] P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 8, 23; P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), p. 3947; P3236 (Witness RM-023, *Stanišić and Župljanin* transcript, 18 October 2010), pp. 16134-16135.
[4414] P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 8, 23; P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), p. 3948; P3236 (Witness RM-023, *Stanišić and Župljanin* transcript, 18 October 2010), p. 16135.
[4415] P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), pp. 3948, 3954; P3236 (Witness RM-023, *Stanišić and Župljanin* transcript, 18 October 2010), p. 16135.

while he was bending down.[4416] Some Serb soldiers who participated in the killings did not have a mask and the witness recognized, *inter alios*, a man called Stakić and a man nicknamed 'Kojo', both in 'olive JNA uniforms'.[4417] The witness also saw three men of Serb ethnicity from the area: Mico Jurusić and Vinko Panić, who were wearing camouflage uniforms; and Mirko Kos, who was a police officer, wearing a police uniform.[4418]

1070. A large number of killings of Bosnian Muslims and Bosnian Croats occurred in the Brdo area around 20 July 1992 as a result of the campaign conducted by Bosnian-Serb forces.[4419] **Witness RM-704** specified that some of his close family members were killed in the Rizvanovići, Rakovčani, and Hambarine area.[4420] The villages in the Brdo area were all almost completely Muslim in composition.[4421] **Witness RM-060** stated that on 20 July 1992, along the way from Bišćani to Prijedor, he saw a lot of dead people lining the road.[4422] **Elvedin Nasić** stated that his brother told him that on 21 July 1992, during a Serb operation in the village of Bišćani, an armed soldier shot and killed their father.[4423] He also heard that on 22 July 1992, four men who were hiding with the witness in the Kurevo forest, near the village of Hambarine, went to get water but were killed.[4424]

1071. After the cleansing of the Brdo area in July 1992, a number of Bosnian-Muslim men were ordered to assist the Bosnian-Serb forces in collecting the dead bodies.[4425] According to **Witness RM-038** members of the Serb army wearing camouflage uniforms ordered the people to collect bodies.[4426] The people were also accompanied by two elderly armed guards named Dusan Stevanić and Mirko Savić, who wore olive-grey

[4416] P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 8, 23; P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), p. 3947.
[4417] P3234 (Witness RM-023, witness statement, 25 August 2000), p. 8; P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), pp. 3948-3949, 3955-3956.
[4418] P3234 (Witness RM-023, witness statement, 25 August 2000), p. 8; P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), pp. 3948-3949, 3954-3956.
[4419] Adjudicated Facts I, no. 901.
[4420] P2602 (Witness RM-704, witness statement, 12 October 2001), p. 6.
[4421] P2602 (Witness RM-704, witness statement, 12 October 2001), p. 2.
[4422] P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), pp. 6865-6866.
[4423] P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 2; P2601 (Elvedin Nasić, *Brđanin* transcript, 12 December 2002), p. 12715.
[4424] P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 3, witness statement of 15 March 2000, p. 2.
[4425] Adjudicated Facts I, no. 904.
[4426] P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5913-5915, 5917, 5930-5931; Witness RM-038, T. 19916, 19919, 19922.

military uniforms.[4427] They loaded between 300 and 350 bodies on trucks with their own hands.[4428] **Witness RM-038** estimated that this was done in two days and all of the bodies found were unarmed, of Muslim ethnicity, and wore civilian clothes.[4429] The witness found a 'trip order' in one of the trucks, which mentioned the Žarko Zgonjanin barracks as a starting point, going to Brdo with Tomašica as final destination.[4430] **Witness RM-704** stated that none of the bodies he saw were in military clothing, nor had they any weapons on them. The witness stated that all victims appeared to be Muslim. Among the dead there were two women: Husnija Duratović's wife, Đula, wearing a traditional Muslim skirt; and Husnija Duratović's daughter-in-law.[4431] It appeared to the witness that many of the injuries were caused by gunshots.[4432] **Witness RM-384** stated that an officer from the Žarko Zgonjanin barracks told him to take part in the job.[4433] He also saw bodies and recognized the shoes on one of the bodies as belonging to Zlatan Duratović.[4434] The witness drove a truck loaded with corpses to a checkpoint in Tukovi which was manned by VRS military police.[4435] A person wearing an 'SMB' uniform took the witness's truck, which was returned empty two hours later.[4436] The witness made three more such trips to the Bišćani area.[4437] The witness later heard stories from the villagers in the direction of Tomašica who noticed the smell coming from the truck.[4438] **Witness RM-383**, who had been mobilised on 5 May 1992 into what became the Logistics Battalion's 43rd Motorised Brigade, testified that in June or July 1992, he was given the task to collect bodies in Bišćani and clean the area by VRS member Stojan Aleksić.[4439] The bodies were unloaded into a pit at Tomašica.[4440]

[4427] P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5916, 6002; Witness RM-038, T. 19939.
[4428] Adjudicated Facts I, no. 904.
[4429] P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5966-5969; Witness RM-038, T. 19905.
[4430] P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5934-5935; Witness RM-038, T. 19917-19918, 19923-19924.
[4431] P2602 (Witness RM-704, witness statement, 12 October 2001), p. 7.
[4432] P2602 (Witness RM-704, witness statement, 12 October 2001), pp. 6-7.
[4433] P7313 (Witness RM-384, witness statement, 30 January 2014), paras 2, 8.
[4434] P7313 (Witness RM-384, witness statement, 30 January 2014), paras 11-12.
[4435] P7313 (Witness RM-384, witness statement, 30 January 2014), paras 13-14.
[4436] P7313 (Witness RM-384, witness statement, 30 January 2014), para. 15.
[4437] P7313 (Witness RM-384, witness statement, 30 January 2014), paras 16-20.
[4438] P7313 (Witness RM-384, witness statement, 30 January 2014), para. 22.
[4439] P7416 (Witness RM-383, witness statement, 28 January 2014), paras 13, 15-17; Witness RM-383, T. 36115, 36126, 36128, 36132, 36144, 36156-36157.
[4440] P7416 (Witness RM-383, witness statement, 28 January 2014), paras 19-29; Witness RM-383, T. 36145.

1072. Based on the foregoing, the Trial Chamber finds that between 1 and 23 July 1992, including during and immediately after they had attacked the Brdo area, members of the Bosnian-Serb military and police, including Mico Jurusić, Velimir Đurić a.k.a. Velja, Zoran Babić a.k.a. Babin, Dragomir Soldat a.k.a. Čiča, Goran Gruban, and Vinko Panić, shot and killed at least 21 unarmed Bosnian-Muslim and Bosnian-Croat civilians in Čarakovo. The Trial Chamber recalls its finding in chapter 3.1.2 that Goran Gruban was a member of the VRS 43rd Motorised Brigade and finds therefore that the perpetrators of the killings included VRS soldiers. During the attack on the village and immediately prior to some of the killings, Soldat swore at the victims saying 'let Alija fuck [y]our balija mothers,' and the forces involved played Serbian folk songs on a stereo during some of the killings.

1073. The Trial Chamber's finding that at least 21 people were killed in relation to this incident is based on the 19 victims specified in Adjudicated Facts 900 and 902, in addition to the victims killed on or around the Žeger Bridge for whom detailed eye-witness testimony was adduced. Although evidence of other killings and the collection of hundreds of corpses in the dates and locations relevant to this allegation suggest that the number of victims was much higher, the evidence has not established beyond reasonable doubt either an approximate number of these victims, the circumstances surrounding their deaths, or the identities of the alleged perpetrators. For these reasons, the Trial Chamber must confine its factual finding to the conservative minimum number of 21.

1074. The Trial Chamber also notes that there is a considerable amount of overlap between Schedule A.6.5, the killing of a number of people in the villages of the Brdo area between 1 and 23 July 1992; and Schedule A.6.6, the killing of a number of men in the village of Bišćani and surrounding hamlets on 20 July 1992. The Trial Chamber considers Schedule A.6.6 to be narrower in geographical and temporal scope than Schedule A.6.5, and has organized its consideration of the evidence on this basis.

1075. The Trial Chamber will further consider this incident in relation to Counts 1 and 3 to 6 of the Indictment in chapter 8, below.

Schedule A.6.6

1076. According to the Indictment, the Accused is responsible for the killing of a number of men in the village of Bišćani and the surrounding hamlets of Hegići, Mrkalji, Ravine, Duratovići, Kadići, Lagići, and Čemernica on or about 20 July 1992.[4441] The Defence submitted that the incidents taking place in Biščani and its hamlets were the result of legitimate combat or spontaneous individual actions by VRS soldiers, or non-VRS related groups.[4442] The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this incident. It also received evidence from **Witness RM-704**, a man from the Muslim hamlet of Ćemernica, Jugovci Village, Prijedor Municipality;[4443] **Witness RM-060**, a Muslim from Bišćani, Prijedor Municipality;[4444] **Witness RM-038**, a Bosnian Muslim from Prijedor Municipality;[4445] as well as **Ewa Tabeau**, a demographer and statistician;[4446] and finds that this evidence does not rebut the Adjudicated Facts.[4447] The Trial Chamber also received evidence from **Azra Blažević**, a Bosnian Muslim from Kozarac detained in Trnopolje camp from 26 May to August 1992;[4448] and **Witness RM-026**, a Muslim from Prijedor Municipality.[4449]

1077. On 20 July 1992, Bosnian-Serb forces conducted an onslaught on the entire Brdo area, of which Bišćani, a village comprising the hamlets of Mrkalji, Hegići, Ravine,

[4441] Indictment paras 39, 59, 62, Schedule A.6.6.
[4442] Defence Final Brief, paras 942-947.
[4443] P2602 (Witness RM-704, witness statement, 12 October 2001), pp. 1-2.
[4444] P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), pp. 6850-6851, 6853; P2597 (Witness RM-060, pseudonym sheet from *Prosecutor v. Stakić*, Case No. IT-97-24-T); P2599 (Witness RM-060, table of concordance to *Stakić* transcript, 7 March 2013), p. 1.
[4445] P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5874, 5878-5879.
[4446] Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).
[4447] **Witness RM-704**: P2602 (Witness RM-704, witness statement, 12 October 2001), pp. 2-3. **Witness RM-060**: P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), pp. 6858-6859, 6861-6863. **Witness RM-038**: P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5882-5883, 5885, 5889, 5891-5892, 5922-5923, 5926; Witness RM-038, T. 19930-19931, 19936, 19938; P2963 (Photograph of orchard in Hegići); P2947 (Map of Bišćani area); P2948 (Index to map of Bišćani area), p. 1 (referring to nos. 1 and 2); P2949 (Index to photographs marked by witness), pp. 1-2; P2950 (List of victims from Brdo), pp. 3, 8-9, 12-14; P2966 (Photograph of road from Prijedor to Bišćani); P2967 (Photograph of Smajil Mrkalji's house); P2968 (Photograph of area between Hegići and Bišćani marked by witness); P2969 (Photograph of clay pit marked by witness); P2970 (Photograph of Mrkalji from Hegići); P2978 (Index to photographs used during Witness RM038's testimony). **Ewa Tabeau**: P2791 (Ewa Tabeau, revised table of names to the proof of death expert report, 30 August 2013), p. 2; P2793 (Ewa Tabeau, table of corrections to proof of death expert report and annex, 7 November 2013), p. 2; P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 3, 16, 32-33; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 179-217; **Documentary evidence**: All forensic documentation relating to this scheduled incident admitted into evidence pursuant to the Trial Chamber's bar table decisions both dated 31 January 2014.
[4448] P3617 (Azra Blažević, witness statement, 10 November 1994), pp. 1, 10, 27; P3618 (Azra Blažević, *Tadić* transcript, 12-13 June 1996), p. 2539.
[4449] P2585 (Witness RM-026, witness statements), statement of 23 September 1994, pp. 1-2.

Sredići, and Duratovići, forms part.[4450] While detained in Trnopolje camp, **Azra Blažević** heard from Slobodan Cumba of the Prijedor Crisis Committee, who visited the camp on several occasions, that a policy of 'cleansing' had been 'done', and that Kozarac had suffered because it was allegedly full of armed extremists, whereas Bišćani near Hambarine had handed over their weapons, although their destiny was going to be the same.[4451] Bišćani was 'cleansed' seven days after the witness learned this information.[4452] **Witness RM-038** testified that before the attack all civilian weapons, such as hunting rifles, private pistols, and small arms were handed over, and the weapons were collected in the villages and transported to the Zarko Zgonjanin barracks.[4453] The Serbian forces consisted of military and police and were wearing different kinds of uniforms.[4454] On that day, the Bosnian-Muslim population of Bišćani was told to gather at various collection points throughout the village, among which one was a coffee bar in Bišćani where five unarmed men were shot dead by Bosnian-Serb soldiers.[4455] **Witness RM-060** stated that on that day, being 20 July 1992, one of the men was killed by a person called Zolka.[4456] The commander of the collection point at the coffee bar divided the group of men gathered there into two, and sent the first group, including the witness, to a bus.[4457] This bus took the first group to Trnopolje camp and that evening after the second part of the group arrived on another bus, the two groups mixed and the witness heard what had happened to the men from the second group.[4458] The second group had also been put on a bus and near Prijedor Skoplje, the commander who had divided the group earlier lined up ten men from the bus and shot them.[4459] When the second bus arrived at Trnopolje, those who were still on the bus were lined up outside the bus.[4460] The same commander called out the names of 12 or 13 people, and sent them back to the bus, and then the bus left.[4461] The witness later heard from one family that they saw the dead bodies of some of these 12 or 13 people who were put back on the bus in an area called Kratalj, being a pit off the road, a bit closer to

[4450] Adjudicated Facts I, nos 905-906.
[4451] P3617 (Azra Blažević, witness statement, 10 November 1994), p.14; P3618 (Azra Blažević, *Tadić* transcript, 12-13 June 1996), p. 2491.
[4452] P3618 (Azra Blažević, *Tadić* transcript, 12-13 June 1996), p. 2491.
[4453] Witness RM-038, T. 19914.
[4454] Adjudicated Facts I, no. 906.
[4455] Adjudicated Facts I, no. 907.
[4456] P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), pp. 6858, 6862-6863, 6880.
[4457] P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), pp. 6864-6865, 6868.
[4458] P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), pp. 6865-6868.
[4459] P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), pp. 6868-6870.
[4460] P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), pp. 6868, 6870.

Prijedor.[4462] There were two survivors, Fikret Sabanović and Nenad Kekić, and Kekić later confirmed to the witness that these men had been ordered to get off the bus, lined up, and executed with automatic rifles.[4463]

1078. On the same day, Bosnian-Serb soldiers lined up between 30 and 40 Bosnian-Muslim residents of Mrkalji, none of whom wore a uniform, at a nearby clay pit.[4464] There were military vehicles, including an APC, and more than 20 soldiers in camouflage uniforms.[4465] **Witness RM-038** testified that some of the soldiers wore blue uniforms.[4466] All of the Bosnian-Muslim residents of Mrkalji at the clay pit were executed with rifles by the Bosnian-Serb soldiers present.[4467] The witness further specified that the residents, who were mostly men and some children, were shot by the soldiers as they ran away towards the forest.[4468]

1079. **Witness RM-026** provided evidence about another incident in Mrkalji. He heard from an eyewitness that on 20 July 1992, Irfan and Nedzad Ejupović, both Bosnian-Muslim men, were killed there.[4469] 'Chetniks' took them out of the basement of a house where women, children, and elderly people had sought refuge, brought them to a yard 15 metres away, and killed them, along with other men, with automatic rifles.[4470] Irfan and Nedzad Ejupović were wearing civilian clothes and were unarmed.[4471] By the use of the term 'Chetniks', the witness clarified that this term encompassed members of the former JNA, members of the police forces, and paramilitaries.[4472]

[4461] P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), pp. 6868, 6870.
[4462] P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), p. 6871.
[4463] P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), pp. 6871-6873.
[4464] Adjudicated Facts I, no. 908.
[4465] Adjudicated Facts I, no. 908.
[4466] P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5882, 5885, 5889, 5891, 5926; Witness RM-038, T. 19930-19931, 19936; P2949 (Index to photographs marked by witness), p. 2; P2966 (Photograph of road from Prijedor to Bišćani); P2978 (Index to photographs used during Witness RM-038's testimony).
[4467] Adjudicated Facts I, no. 908.
[4468] P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5882-5883, 5885, 5887, 5890-5893; Witness RM-038, T. 19930, 19938; P2947 (Map of Bišćani area); P2948 (Index to map of Bišćani area), p. 1 (referring to no. 2); P2949 (Index to photographs marked by witness), pp. 1-2; P2967 (Photograph of Smajil Mrkalji's house); P2968 (Photograph of area between Hegići and Bišćani marked by witness); P2969 (Photograph of clay pit marked by witness); P2970 (Photograph of Mrkalji from Hegići); P2978 (Index to photographs used during Witness RM038's testimony).
[4469] P2585 (Witness RM-026, witness statements), statement of 23 September 1994, pp. 2-3, 10; P2586 (Witness RM-026, *Stakić* transcript, 26 April and 1 May 2001), pp. 2343-2345.
[4470] P2586 (Witness RM-026, *Stakić* transcript, 26 April and 1 May 2001), pp. 2343-2345.
[4471] P2586 (Witness RM-026, *Stakić* transcript, 26 April and 1 May 2001), p. 2345.
[4472] P2586 (Witness RM-026, *Stakić* transcript, 26 April and 1 May 2001), pp. 2390, 2392.

1080. Around 20 July 1992, in an orchard in Hegići, 12 people were lined up and shot dead with rifles by Bosnian-Serb forces.[4473] **Witness RM-704** stated that Hegići was the last and most western of Bišćani's hamlets, and that Čemernica was the last predominantly Muslim settlement on the Prijedor/Tukovi-Volar road, and the first to come after Hegići.[4474] On the same day, around 20 people were killed at a bus stop between Alagići and Čemernica.[4475]

1081. **Witness RM-704** and **Witness RM-038** provided evidence about a specific incident in Čemernica. **Witness RM-704** stated that around 5 or 6 p.m. on 20 July 1992, he saw an APC and two trucks drive into Čemernica with Serb soldiers. These men were mostly wearing olive-grey colour uniforms. The witness thought that they were part of the 'Prijedorska Brigada', which he believes was called '140 Motorised Brigade'.[4476] The main reason he believed this was because he recognised their accents as common to Prijedor.[4477] Another reason for this was that he recognised their commander, Rade Bilbija, a local man.[4478] **Witness RM-038** testified that shortly after his arrival in Čemernica on 20 July 1992, he saw soldiers wearing blue uniforms followed by military vehicles, including APCs, entering the village.[4479] The witness and about 35-40 people in civilian clothes were taken out of houses and lined up close to the cemetery.[4480] One of the men in blue uniform, whose last name the witness later learned was Gligić, asked Muhamed Hadžić his name, which he gave. Gligić then asked him if he was a 'pejgamber', raised his rifle, and shot him.[4481] 'Pejgamber', the witness clarified, is a Muslim word related to God.[4482] **Witness RM-704** learned from others that the shooter's last name was Gligić.[4483] **Witness RM-038** also recognised Rade Bilbija, who appeared to be leading the group of soldiers, as well as Batan Stupar, Miodrag Glusac a.k.a. Tosa, and Kana among the soldiers, all of whom wore camouflage uniforms.[4484] The witness saw two pennants, with a moon and a star on the

[4473] Adjudicated Facts I, no. 909.
[4474] P2602 (Witness RM-704, witness statement, 12 October 2001), pp. 2-4..
[4475] Adjudicated Facts I, no. 910.
[4476] P2602 (Witness RM-704, witness statement, 12 October 2001), p. 2.
[4477] P2602 (Witness RM-704, witness statement, 12 October 2001), p. 3.
[4478] P2602 (Witness RM-704, witness statement, 12 October 2001), p. 3.
[4479] P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5897, 5906.
[4480] P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), p. 5906.
[4481] P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5906-5907; Witness RM-038, T. 19931, 19948; P2950 (List of victims from Brdo), p. 5. *See also* P2602 (Witness RM-704, witness statement, 12 October 2001), p. 3.
[4482] P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), p. 5907.
[4483] P2602 (Witness RM-704, witness statement, 12 October 2001), p. 3.
[4484] P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5907-5910.

ammunition truck.[4485] According to **Witness RM-704**, the Serb soldiers then lined up all the men in an orchard along the road near Čemernica's cemetery.[4486] The witness saw the soldiers taking firing positions.[4487] Then, Rade Bilbija ordered the soldiers to stop, stating 'Stop the action! Enough for today', after which the soldiers left and the villagers returned to their houses.[4488]

1082. Based on the foregoing, the Trial Chamber finds that on 20 July 1992, Bosnian-Serb forces consisting of military and police, attacked the Brdo area, including the village of Bišćani which comprises the hamlets of Mrkalji, Hegići, Ravine, Sredići, and Duratovići. The inhabitants of Bišćani had handed over their weapons before the attack took place. The Bosnian-Muslim population of Bišćani was told to gather at various collection points throughout the village. At a collection point at a coffee bar, five unarmed men were shot dead by Bosnian-Serb soldiers. Based on the fact that the Bosnian-Muslim population were told to gather at these collection points, and the five unarmed men were shot dead by Bosnian-Serb soldiers, the Trial Chamber finds that the only reasonable inference is that the unarmed men were Bosnian Muslims. The group of Bosnian-Muslim men who were gathered at the collection point were then divided and put on buses by a commander. Near Prijedor Skoplje, the commander shot and killed ten Bosnian-Muslim men from the second bus. Later, at an area called Kratalj on the side of the road, a bit closer to Prijedor, at least ten Bosnian-Muslim men were shot and killed, after having been ordered to get back on the bus at Trnopolje by the same commander.

1083. The Trial Chamber finds that in Mrkalji, on 20 July 1992, approximately 25 Bosnian-Serb soldiers took 30-40 Bosnian-Muslim residents of Mrkalji, mostly men, none of whom were in uniform, and also some children, to a close-by clay pit, where they were lined up. As they ran away, the soldiers shot and killed them. The Bosnian-Serb soldiers were wearing camouflage and blue uniforms and were accompanied by military vehicles and an APC.

1084. The Trial Chamber further finds that in Mrkalji, on 20 July 1992, members of the former JNA, members of the police forces, or paramilitaries took two unarmed Bosnian-Muslim men, who were wearing civilian clothing, from the basement of a house where they had sought refuge with others, and killed them nearby with automatic rifles.

[4485] P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), p. 5908.
[4486] P2602 (Witness RM-704, witness statement, 12 October 2001), pp. 3-4.
[4487] P2602 (Witness RM-704, witness statement, 12 October 2001), p. 3.
[4488] P2602 (Witness RM-704, witness statement, 12 October 2001), pp. 3-4.

1085. The Trial Chamber finds that around 20 July 1992, 12 people were lined up and killed by Bosnian-Serb soldiers in an orchard in Hegići. Although the Trial Chamber has not received evidence as to the ethnicity of the victims, it is satisfied that the hamlet of Hegići was predominantly Bosnian Muslim, and that the victims were Bosnian Muslims.

1086. With regard to the perpetrators of these killings, the Trial Chamber recalls its finding in chapter 4.10.3 that on 20 July 1992, the VRS, acting jointly with the police and paramilitary groups, attacked Bišćani. The Trial Chamber therefore finds that the perpetrators were members of the VRS, the police, or unnamed paramilitary groups. The Trial Chamber will further consider these incidents in relation to Counts 1 and 3-6 of the Indictment in chapter 8, below.

1087. The Trial Chamber further finds that in the predominantly Bosnian-Muslim hamlet of Čemernica on 20 July 1992, a man in civilian clothes was shot in the head by a soldier named Gligić after he told Gligić that his name was Muhamed Hadžić and after Gligić had asked him if he was a 'pejgamber', this being a Muslim word related to God. Gligić belonged to a group which was commanded by Rade Bilbija. The Trial Chamber recalls its finding in chapter 3.1.2 that Rade Bilbija was a battalion commander of the VRS 43rd Motorised Brigade. Based on this, the Trial Chamber finds that the perpetrator of the killing was a VRS soldier. The Trial Chamber finds that given the ethnic composition of Čemernica, and the facts surrounding this killing, the only reasonable inference is that Muhamed Hadžić was a Bosnian Muslim. The Trial Chamber will further consider this incident in relation to Counts 1 and 3-6 of the Indictment in chapter 8, below.

1088. The Trial Chamber further finds that around 20 individuals were killed at a bus stop between Alegići and Čemernica. However, it has not received evidence as to where these people originated from, and therefore is unable to determine their ethnicity. In addition, the Trial Chamber received no evidence as to the alleged perpetrators, of this incident. Similarly, the Trial Chamber did not receive evidence as to perpetrators of the alleged killing incidents in Ravine, Duratovići, Kadići, and Lagići. The Trial Chamber will therefore not consider this incident further.

Schedule A.6.7

1089. According to the Indictment, the Accused is responsible for the killing of a number of men in the Ljubija iron ore mine Kipe in Prijedor Municipality on or about 25 July 1992.[4489] The Defence argued that the individuals present at Kipe were members of a police unit not related to the VRS, and that the uniforms they were wearing, dark blue and black, were not worn by the VRS.[4490] The Trial Chamber took judicial notice of a number of Adjudicated facts in relation to this incident. It also received evidence from **Elvedin Nasić**, a Bosnian Muslim from Hambarine, Prijedor Municipality,[4491] **Nermin Karagić**, a Bosnian Muslim from the predominantly Muslim village of Rizvanovići in Prijedor Municipality;[4492] and **Ewa Tabeau**, a demographer and statistician,[4493] as well as forensic documentary evidence, and finds that this evidence does not rebut the Adjudicated Facts.[4494] Part of Karagić's evidence is reviewed in chapter 4.10.1 *Schedule A.6.8*.

[4489] Indictment, paras 39, 59, 62, Schedule A.6.7.
[4490] Defence Final Brief, para. 949.
[4491] P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, pp. 1-2, witness statement of 15 March 2000, pp. 1, 6.
[4492] P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5203-5204, 5209-5210.
[4493] Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau).
[4494] **Elvedin Nasić**: P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, pp. 3-5, witness statement of 15 March 2000, p. 3, witness statement of 10 January 2002, pp. 1-2; P2601 (Elvedin Nasić, *Brđanin* transcript, 12 December 2002), pp. 12706-12707. **Nermin Karagić**: P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5239, 5242-5247, 5249-5250, 5255, 5257; P1000 (Map with photographs titled Ljubija-Briševo overview), photographs 4 and 6; Nermin Karagić, T. 9140-9141, 9149. **Ewa Tabeau and documents**: P2271 (Autopsy report for Edin Hadziosmanagić, 12 July2007); P2309 (Autopsy report for Nurudin Kekić, 25 July 2000); P2310 (Autopsy report for Edin Fatimić, 27 July 2000); P2311 (Autopsy report for Senad Kekić, 19 July 2000); P2312 (Autopsy report for Besim Hegić, 27 July 2000); P2313 (Autopsy report for Samir Dedić, 21 April 1992); P2314 (Autopsy report for Amir Crljenković, 14 July 2000); P2315 (Autopsy report for Hilmija Kadirić, 27 July 2000); P2316 (Autopsy report for Hasan Jujić, 21 July 2000); P2318 (Autopsy report for Vahidin Kadić, 27 July 2000); P2319 (Autopsy report for Ramo Kekić, 25 July 2000); P2320 (Autopsy report for Zenil Kadić, 27 July 2000); P2321 (Autopsy report for Esad Kekić, 14 July 2000); P2322 (Autopsy report for Suad Kekić, 27 July 2000); P2324 (Autopsy report for Sabahudin Kadirić, 26 July 2000); P2325 (Autopsy report for Emsud Dedić, 25 July 2000); P2327 (Autopsy report for Armin Kadić, 25 July 2000); P2328 (Autopsy report for Islam Hopovac, 13 July 2000); P2329 (Autopsy report for Edin Siječić, 14 July 2000); P2330 (Autopsy report for Jasmir Kekić, 26 July 2000); P2331 (Autopsy report for Ferid Karagić, 17 July 2000); P2332 (Autopsy report for Suvad Čančar, 31 July 2000); P2334 (Autopsy report for Elvis Kadić, 12 July 2000); P2793 (Ewa Tabeau, table of corrections to proof of death expert report and annex, 7 November 2013), p. 3; P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 1, 12; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 198, 218-220, 224-225; P4668 (Identification record for Amir Crljenković, 21 September 2000); P4669 (Identification record for Abdulah Muhić, 5 June 2006), pp. 1, 3; P4670 (Autopsy report for Abdulah Muhić, 10 June 2006) p. 1; P5588 (ICMP notice of DNA report), pp. 79, 91, 118, 183, 192, 236, 242-243, 338; P5589 (Collection of autopsy reports pertaining to bodies exhumed from various gravesites in the area of Prijedor pertaining to Hasan Rizvanović), p. 48; P5848 (Death Certificate for Hasan Rizvanović, 18 August 2011), p. 1; P5865 (Identification record for Emsud Dedić, 20 September 2000); P5866 (Death certificate for Emsud Dedić, 26 march 1999); P5867 (Identification report for Samir Dedić, 10 October 2000); P5868 (Identification report for Edin Fatimić); P5871 (Identification report for Islam Hopovac, 22 September 2000); P5872

1090. In July 1992, around 50 detainees from the Ljubija football stadium were put on a bus provided by the local public transport company and taken to an iron ore mine south-west of Ljubija, locally referred to as 'Kipe'.[4495] **Elvedin Nasić** specified that this happened around 25 July 1992 and that the group consisted of 90 detainees.[4496] **Nermin Karagić** testified that when he and others got on the bus, the guards were shouting things like 'You're going to Kurevo. Now you'll get your independent Bosnia', and referred to them as '*Ustaša*'.[4497] **Nasić** stated that soldiers on the bus made the detainees sing 'Chetnik' songs.[4498] Persons were called out from the bus and executed by Bosnian-Serb soldiers in groups of three.[4499] **Karagić** heard a man saying 'here's your independent Bosnia' followed by shooting.[4500] Elvedin Našić and Nermin Karagić managed to escape, while all other persons travelling on that bus were killed.[4501] The bodies were thrown into a depression in the ground.[4502] **Nasić** moved towards a hole in the ground which was about two or three metres deep and which contained the bodies of the detainees who had been shot. He then descended into this hole and lay on top of the bodies. He noticed that some of the men were still alive as they were moaning and screaming.[4503] The witness lay in the hole until one of the soldiers came back. The soldier looked for those who had escaped. The soldier then fired five shots with his

(Death certificate for Islam Hopovac); P5873 (Sanski Most court ruling on death for Islam Hopovac, 4 September 1998) p. 1; P5874 (Identification record for Armin Kadić, 24 October 2000); P5875 (Sanski Most court ruling on death for Armin Kadić, 19 May 1997), p. 1; P5876 (Identification report for Elvis Kadić, 27 July 2000); P5877 (Identification record for Vahidin Kadić, 12 September 2000); P5878 (Sanski Most court ruling on death for Vahidin Kadić, 3 November 1998), p. 1; P5879 (Identification record for Zenil Kadić, 29 September 2000); P5880 (Identification record for Sabahudin Kadirić, 25 September 2000); P5881 (Death certificate for Sabahudin Kadirić, 18 August 2011); P5882 (Identification record for Ferid Karagić, 18 September 2000); P5883 (Sanski Most court ruling for death for Ferid Karagić, 21 December 1998); P5884 (Identification report for Esad Kekić); P5885 (Sanski most court ruling on death for Esad Kekić, 4 November 1998), p. 1; P5886 (Death certificate for Esad Kekić, 29 September 2000) p. 1; P5887 (Identification record for Jasmir Kekić, 23 October 2000); P5888 (Identification record for Jasmir Kekić, 21 July 2000); P5889 (Identification record for Nurudin Kekić, 26 September 2000); P5890 (Identification record for Ramo Kekić, 26 September 2000); P5891 (Sanski Most court ruling for Ramo Kekić, 18 February 1999) pp. 1-3; P5892 (Death certificate for Ramo Kekić, 1999), p. 1; P5893 (Identification record for Senad Kekić, 18 September 2000); P5894 (Death certificate for Senad Kekić, 19 February 2001); P5895 (Identification record for Suad Kekić, 18 September 2000); P5896 (Death certificate for Suad Kekić, 19 February 2001), pp. 1-2; P5897 (Sanski Most court ruling on death for Suad Mulalić, 18 October 2000); P5900 (Identification record for Edin Siječić, 18 September 2000).

[4495] Adjudicated Facts I, no. 915.
[4496] P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, pp. 3-4.
[4497] P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), p. 5239.
[4498] P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 4.
[4499] Adjudicated Facts I, no. 916.
[4500] P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5245-5246.
[4501] Adjudicated Facts I, no. 917.
[4502] Adjudicated Facts I, no. 918.
[4503] P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 4.

machine gun into the hole without managing to hit the witness. At this point, the soldier was joined by another soldier and they discussed going into the hole in order to kill those who may still be alive. After singing 'Chetnik' songs, the soldiers, who had been drinking, got on the bus and drove off.[4504]

1091. Based on the above, the Trial Chamber finds that around 25 July 1992, Bosnian-Serb soldiers transported more than 50 detainees from the Ljubija football stadium to an iron-ore mine called Kipe and then killed all but two of the detainees upon arrival. The detainees all wore civilian clothes. With regard to ethnicity, the Trial Chamber recalls its finding in chapter 4.10.2 *Schedule C.15.5* and finds that the detainees were predominantly Bosnian Muslims and Bosnian Croats. During the killings, one perpetrator said 'here's your independent Bosnia'. On the bus, the detainees had been referred to as '*Ustaša*' by the guards and, during the transport to the mine, the detainees were forced to sing 'Chetnik' songs. The Trial Chamber will further consider this incident in relation to Counts 1 and 3-6 of the Indictment in chapter 8, below.

Schedule A.6.8

1092. According to the Indictment, the Accused is responsible for the killing of a number of men at the Ljubija football stadium and the surrounding areas on or about 25 July 1992.[4505] The Defence argued that detainees at the Ljubija football stadium were secured by Bosnian-Serb policemen and members of the MUP Intervention Platoon and not by military personnel, as soldiers were not present at the stadium.[4506] The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this incident.[4507] It also received evidence from **Witness RM-023**, a Muslim residing in the Prijedor Municipality in 1991 and 1992;[4508] **Nermin Karagić**, a Bosnian Muslim from the predominantly Muslim village of Rizvanovići in Prijedor Municipality;[4509] **Elvedin Nasić**, a Bosnian Muslim from Hambarine, Prijedor Municipality;[4510] and **Ewa Tabeau**,

[4504] P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 5.
[4505] Indictment, paras 39, 59, 62, Schedule A.6.8.
[4506] Defence Final Brief, paras 482-483.
[4507] Adjudicated Fact nos 1079-1082 are reviewed in chapter 4.10.2 *Schedule C.15.5*.
[4508] P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 1-2.
[4509] P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5203-5204, 5209-5210.
[4510] P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, pp. 1-2, witness statement of 15 March 2000, pp. 1, 6.

a demographer and statistician,[4511] as well as forensic documentary evidence, and finds that this evidence does not rebut the Adjudicated Facts.[4512]

1093. Between May and July 1992, the predominantly Bosnian-Muslim and Bosnian-Croat inhabited areas and villages of Hambarine, Kozarac, Kamičani, Bišćani, Čarakovo, Briševo, and Ljubija were attacked by the VRS acting jointly with the police and paramilitary groups.[4513] **Witness RM-023** stated that in July 1992, at the time of Ljubija's shelling, Serb soldiers wearing camouflage uniforms with Serb insignias rounded up people and separated the women and children from the men.[4514] The soldiers arrived at the house where the witness and 38 other Muslims, including women, men, and children, had sought refuge, saying, 'oh, look at the nest of Green b[e]rets'.[4515] The soldiers forced the children, aged between 2 and 13 years old, out of the house at gunpoint. The witness heard a Serb soldier say they would 'assemble a "Jasenovac"'. The soldiers escorted almost all of the Muslim men in Ljubija to the Ljubija stadium with their hands tied behind their heads.[4516]

1094. **Elvedin Nasić** stated that around 25 July 1992, at 3 p.m., he and 110 men who had been detained by 'Serb soldiers' in a small café near the Command Post in the village of Miška Glava, in Prijedor Municipality, were put on two buses and driven to Ljubija, Prijedor Municipality.[4517] In Ljubija, a policeman named 'Simo' was waiting

[4511] Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).
[4512] **Elvedin Nasić**: P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 4, witness statement of 15 March 2000, pp. 2-3, witness statement of 10 January 2002, p. 1. **Witness RM-023**: P3234 (Witness RM-023, witness statement, 25 August 2000), p. 6. **Nermin Karagić**: P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), 5234, 5236-5237; P1003 (Chart of names with comments by Nermin Karagić), pp. 1-3, 5-7. **Ewa Tabeau and forensic documentary evidence**: P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), p. 17; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 224, 226-228; P1004 (Death certificate for Mustafa Karagić, 4 February 2011); P2326 (Autopsy report for Muho Musić, 27 July 2000); P2333 (Autopsy report for Muharem Petrovac, 17 July 2000); P4674 (Identification report for Fadil Kekić, 25 April 2007), pp. 1-3; P4675 (Autopsy report for Fadil Kekić, 19 May 2007), p. 1; P5899 (Sanski Most court ruling on death for Muho Musić, 4 May 1999); P5901 (Death certificate for Ismet Avdić, 4 February 2011); P5902 (Sanski Most court ruling on death for Fikret Duratović, 30 January 2001), p. 1; P5903 (Sanski Most court ruling on death for Mustafa Karagić, 28 December 1998), p. 1; P5904 (Identification report for Sakib Ejupović, 3 July 2006), pp. 1, 3; P5905 (Re-autopsy report for Sakib Ejupović, 11 June 2006), pp. 1-2; P5906 (Death certificate for Sakib Ejupović, 10 June 2006), p. 1.
[4513] Adjudicated Facts I, no. 867.
[4514] P3234 (Witness RM-023, witness statement, 25 August 2000), p. 6.
[4515] P3234 (Witness RM-023, witness statement, 25 August 2000), p. 6; P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), pp. 3991-3993.
[4516] P3234 (Witness RM-023, witness statement, 25 August 2000), p. 6.
[4517] P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 3, witness statement of 15 March 2000, p. 2; P2601 (Elvedin Nasić, *Brđanin* transcript, 12 December 2002), pp. 12690-12691.

for them.[4518] A number of 'Special Forces' soldiers, wearing dark blue and black camouflage uniforms, boarded the buses and beat the detainees.[4519] During these beatings, the Special Forces soldiers supported themselves physically in order to kick the detainees harder.[4520] The Commander of the 'Special Forces' soldiers, who went by the name 'Major', told the witness that his unit was from the Bosnian-Serb Republic and was called 'Interventni Vod'.[4521] The buses then drove for five minutes to the Ljubija football stadium.[4522] At the stadium, the detainees were ordered out of the vehicles after which soldiers and policemen began beating them with 'metal and wooden sticks and batons'.[4523] The witness saw a 'captain' whom he assumed to be in command of the soldiers and the policemen as he issued orders to everyone except for the 'Special Forces' soldiers.[4524]

1095. **Karagić** testified that buses transporting the detainees from Miška Glava Dom stopped at the stadium and the detainees were made to run into the stadium.[4525] All the guards wore uniforms apart from one who wore civilian clothes and whom the other guards referred to as 'Vojvoda'.[4526] He also recalled a military police officer with a white belt.[4527] The detainees, who were all wearing civilian clothes, were made to line up against a brick wall which ran the length of the stadium.[4528] They were made to stand against the wall and then bend forward from the waist.[4529] The guards then started to kick the detainees.[4530] After that, the guards brought in a man whom they had caught in the woods and made him identify detainees who had been with him in the woods.[4531] Those identified were separated and taken to the fence next to the brick wall.[4532] Although the group standing against the wall were ordered to face the wall, the witness

[4518] P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 3.
[4519] P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 3, witness statement of 15 March 2000, p. 2.
[4520] P2600 (Elvedin Nasić, witness statements), witness statement of 15 March 2000, p. 2.
[4521] P2600 (Elvedin Nasić, witness statements), witness statements of 15 January 1995, p. 4, witness statement of 15 March 2000, p. 2.
[4522] P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 3.
[4523] P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 4.
[4524] P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 4.
[4525] P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5227-5228; Nermin Karagić, T. 9124-9125; P1000 (Map with photographs titled Ljubija-Briševo overview), photograph 2.
[4526] P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), p. 5231; Nermin Karagić, T. 9127.
[4527] P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5231, 5235; Nermin Karagić, T. 9105, 9112, 9127.
[4528] P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5228, 5230; Nermin Karagić, T. 9105, 9126-9127; P1000 (Map with photographs titled Ljubija-Briševo overview), photograph 2.
[4529] P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5232-5233.
[4530] P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), p. 5233.
[4531] P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), p. 5233; Nermin Karagić, T. 9132.

glanced at the group that had been taken to the fence and saw the man with the white belt shooting a man three times.[4533] 'Vojvoda' told him not to shoot as it would disturb the neighbourhood.[4534] Detainees younger than the witness, who was 17 years old at the time, were separated and taken towards the dressing room.[4535] One man was separated from the group and was also taken to the dressing room when he told the guards that his mother was a Serb.[4536] According to the witness, this man survived.[4537] The detainees were then made to stand against the wall with their fingers on top of the wall and a man walked over their fingers whilst they were forced to sing songs about 'Greater Serbia'.[4538] All the time the detainees were being hit from behind.[4539] The witness saw the man next to him, 'Hare' Crljenković, being killed with a bayonet.[4540] The beatings continued for several hours and a lot of people died.[4541] A police officer known as 'Stiven' executed Irfan Našić with a pistol from a close distance, and another Bosnian-Muslim detainee, Muharem Petrovac, was split into two when a guard nicknamed 'Duča' fired a gun at him.[4542] Two men were singled out and taken to the other side of the stadium, where they were killed.[4543] Detainees were then ordered to remove the dead bodies and put them in a bus.[4544] The witness estimated that there were approximately 15 or 20 bodies on the bus already when he loaded one of the bodies.[4545] One of the bodies did not have a head, while another body had an eye hanging out and the head smashed in.[4546] At a minimum, 15 detainees were killed in the stadium.[4547]

[4532] P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5233-5234.
[4533] P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), p. 5234.
[4534] P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), p. 5234.
[4535] P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5203, 5227-5228, 5234; Nermin Karagić, T. 9112; P1000 (Map with photographs titled Ljubija-Briševo overview), photograph 2. *See also* P5899 (Sanski Most court ruling on death for Muho Musić, 4 May 1999), pp. 1-2.
[4536] P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), p. 5236.
[4537] P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), p. 5236.
[4538] P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5235, 5241-5242. *See also* P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 4.
[4539] P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5235-5236.
[4540] P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), p. 5236; Nermin Karagić, T. 9108-9109; P1003 (Chart of names with comments by Nermin Karagić), p. 1.
[4541] P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), p. 5236.
[4542] Adjudicated Facts I, no. 911.
[4543] Adjudicated Facts I, no. 912.
[4544] Adjudicated Facts I, no. 913.
[4545] P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), p. 5237.
[4546] P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), p. 5237.
[4547] Adjudicated Facts I, no. 914.

1096. According to **Nasić**, Stiven shot two other detainees, including Muharem Petrovac.[4548] During these killings, the commander of the 'Special Forces', referred to as 'Major', and Predrag Vasiljević were present and stood next to the soldiers who beat and killed the detainees.[4549] According to **Witness RM-023**, only 'Serbian regular soldiers' in uniform were present and the man in charge was addressed as 'Comrade Commander'.[4550] Some of the detainees were shot and killed at the stadium, some were beaten and taken away by bus to 'the camps', and some were released.[4551]

1097. According to **Ewa Tabeau** and forensic evidence, the remains of eleven bodies were exhumed from five sites: five from the Redak mass grave in Ljubija, one from the Volarić II grave, two from the Donja Ljubija Ijeskare 2 grave, one from a site in Budimlić Japra, and two from an unknown site, and subsequently identified.[4552] No clothing was found for seven of the victims, while four victims were found in civilian clothing.[4553] All men were between the age of 18 and 43 in 1992.[4554]

[4548] P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 4, witness statement of 15 March 2000, pp. 2-3.
[4549] P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 4.
[4550] P3234 (Witness RM-023, witness statement, 25 August 2000), p. 6.
[4551] P3234 (Witness RM-023, witness statement, 25 August 2000), p. 6.
[4552] P1004 (Death certificate for Mustafa Karagić, 4 February 2011); P2326 (Autopsy report for Muho Musić, 27 July 2000); P2333 (Autopsy report for Muharem Petrovac, 17 July 2000); P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 224, 226-228; P4672 (Identification report for Senad Porcić, 21 August 2004), p. 2; P4673 (Missing person register for Senad Porcić), p. 1; P4674 (Identification report for Fadil Kekić, 25 April 2007), pp. 1, 3; P4675 (Autopsy report for Fadil Kekić, 19 May 2007), p. 1; P5898 (Identification record for Muho Musić, 9 October 2000); P5899 (Sanski Most court ruling on death for Muho Musić, 4 May 1999); P5901 (Death certificate for Ismet Avdić, 4 February 2011); P5902 (Sanski Most court ruling on death for Fikret Duratović, 30 January 2001), p. 1; P5903 (Sanski Most court ruling on death for Mustafa Karagić, 28 December 1998), p. 1; P5904 (Identification report for Sakib Ejupović, 3 July 2006), pp. 1, 3; P5905 (Re-autopsy report for Sakib Ejupović, 11 June 2006), p. 1; P5906 (Death certificate for Sakib Ejupović, 10 June 2006), p. 1; P5588 (ICMP notice of DNA report), part one, pp. 34, 167, 243, 256, 384, 390. The following persons were identified: Ismet Avdić (1966), Fikret Duratović (1959), Mustafa Karagić (1966), Muho Musić (1954), Irfan Nasić (1967), Muharem Petrovac (1962), Sakib Ejupović (1953), Ismet Hamulić (1971), Jasmin Kadirić (1973), Fadil Kekić (1964), and Senad Porcić (1969).
[4553] P2326 (Autopsy report for Muho Musić, 27 July 2000), pp. 1-2; P2333 (Autopsy report for Muharem Petrovac, 17 July 2000), p. 2; P4674 (Identification report for Fadil Kekić, 25 April 2007), pp. 1-2; P4675 (Autopsy report for Fadil Kekić, 19 May 2007), p. 1; P5898 (Identification record for Muho Musić, 9 October 2000); P5904 (Identification report for Sakib Ejupović, 3 July 2006), p. 1.
[4554] P1004 (Death certificate for Mustafa Karagić, 4 February 2011); P2326 (Autopsy report for Muho Musić, 27 July 2000), pp. 1-2; P2333 (Autopsy report for Muharem Petrovac, 17 July 2000), pp. 1-2; P2793 (Ewa Tabeau, table of corrections to proof of death expert report and annex, 7 November 2013), p. 3; P2797 (Ewa Tabeau, annex to proof of death expert report), pp. 224, 226-228; P4672 (Identification Report for Senad Porcić, 21 August 2004), p. 2; P4673 (Missing person register for Senad Porcić), p. 1; P4674 (Identification report for Fadil Kekić, 25 April 2007), pp. 1, 3; P4675 (Autopsy report for Fadil Kekić, 19 May 2007), p. 1; P5898 (Identification record for Muho Musić, 9 October 2000); P5899 (Sanski Most court ruling on death for Muho Musić, 4 May 1999), p. 1; P5902 (Sanski Most court ruling on death for Fikret Duratović, 30 January 2001), p. 1; P5903 (Sanski Most court ruling on death for Mustafa Karagić, 28 December 1998), p. 1; P5904 (Identification report for Sakib Ejupović, 3 July 2006), pp. 1, 3; P5906 (Death certificate for Sakib Ejupović, 10 June 2006), p. 1.

1098. With respect to the Defence submission that detainees at the Ljubija football stadium were secured by Bosnian-Serb policemen and members of the MUP Intervention Platoon and not by military personnel, the Trial Chamber notes that this contention rests on a finding made in the *Brđanin* Trial Judgement and the evidence of Karagić.[4555] The Defence's reliance on the *Brđanin* Trial Judgement is improper, as the Trial Chamber may only make factual findings based on the evidence before it and the Adjudicated Facts. The evidence on which the relevant *Brđanin* Trial Judgment finding is based has not been admitted into evidence in this case and is not an Adjudicated Fact.[4556]

1099. With respect to the evidence of Karagić, he testified that there were many soldiers in the streets of Ljubija and that 'some' of those soldiers were chased away when they tried to enter the stadium.[4557] The Trial Chamber notes that Karagić further testified that, while he was detained at Ljubija football stadium, a military police officer was present and appeared to be in charge.[4558] Karagić could identify this man with a white belt as a military police officer because Karagić had served in the military.[4559] As Karagić thus testified that military personnel did secure detainees at Ljubija football stadium, his evidence does not support the Defence contention to the contrary.

1100. Based on the foregoing, the Trial Chamber finds that around 25 July 1992 the following people killed 15 men detained at the Ljubija football stadium: soldiers and policemen, including a VRS military police officer and a MUP police officer known as 'Stiven'. Some of them were shot and killed and others died as a result of beatings. Two of the victims were Irfan Našić and Muharem Petrovac, both Bosnian Muslims.[4560] With regard to ethnicity, the Trial Chamber recalls its finding in chapter 4.10.2 *Schedule*

[4555] *See* Defence Final Brief, fns 2136, 2139.
[4556] The relevant *Brđanin* Trial Judgment finding was made based on the testimony of Nasić (*see Brđanin* Trial Judgment, fn. 1019). While portions of Nasić's testimony in the *Brđanin* case have been admitted into evidence as exhibit P2601, the specific testimony relied upon in the *Brđanin* Trial Judgment is not in evidence in this case and the Trial Chamber has not taken judicial notice of it as an Adjudicated Fact.
[4557] Nermin Karagić, T. 9104-9105.
[4558] P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5228, 5231, 5235; Nermin Karagić, T. 9105, 9112, 9127.
[4559] P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), p. 5235; Nermin Karagić, T. 9112.
[4560] The Trial Chamber notes that according to Adjudicated Fact no. 911, Muharem Petrovac was killed by a guard nicknamed 'Duča' whereas the evidence of Elvedin Nasić indicates that Petrovac was shot by a police officer called 'Stiven'. The Trial Chamber considers the evidence of Nasić reliable, as he was present at the scene. While the evidence of Nasić and the forensic evidence is consistent with the fact that Muharem Petrovac died at the Ljubija Football Stadium on 25 July 1992, the Trial Chamber considers that Adjudicated Fact no. 911 has been rebutted in relation to the perpetrator of this killing, *i.e.* a guard nicknamed 'Duča'. It has therefore not entered a finding that 'Duča' was present at the Ljubija stadium at the time of the incident.

C.15.5 and finds that the detainees were predominantly Bosnian Muslims and Bosnian Croats. The detainees were all wearing civilian clothes. During the beatings, the detainees were forced to sing songs about 'Greater Serbia'. One detainee, who told the guards that his mother was a Serb, was separated from the group, taken to the dressing room, and survived. The Trial Chamber understands that the detainees in the dressing rooms were not beaten. The Trial Chamber will further consider the incident in relation to Counts 1 and 3-6 of the Indictment in chapter 8, below.

Schedule A.6.9

1101. According to the Indictment, the Accused is responsible for the killing of at least 68 people in Briševo Village in Prijedor Municipality between 23 and 26 July 1992.[4561] The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this incident. It further received evidence from **Ivo Atlija**, a Croat from the predominantly Croat village of Briševo in Prijedor Municipality,[4562] **Ewa Tabeau**, a demographer and statistician,[4563] and documentary evidence, and finds that this evidence does not rebut the Adjudicated Facts.[4564] The Trial Chamber also received evidence from **Vojo Kuprešanin**, President of the ARK Assembly as of mid-1991.[4565]

1102. On 27 May 1992, Briševo was shelled with mortars coming from the direction of Rasavci and Oštra Luka, two predominantly Bosnian-Serb villages east of Briševo.[4566] Briševo was a village belonging to the local commune of Ljubija that prior to the conflict was inhabited mainly by Bosnian Croats. Before the shelling, Bosnian-Serb

[4561] Indictment, paras 39(a)(i), 59(a), 62(a), Schedule A.6.9.
[4562] P168 (Ivo Atlija, witness statement, 20 October 2000), p. 1, para. 9; P169 (Statement by Ivo Atlija to Croatian authorities, 30 January 1993), para. 44; Ivo Atlija, T. 2301; P174 (Map of Prijedor municipality).
[4563] Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).
[4564] **Ivo Atlija**: P168 (Ivo Atlija, witness statement, 20 October 2000), paras 43-47, 49, 51, 53, 56, 64; P169 (Statement by Ivo Atlija to Croatian authorities, 30 January 1993), paras 40-41; Ivo Atlija, T. 2312, 2323, 2360; P172 (Drawing of location where Pero Dimač was killed); P173 (Map depicting Serb attack on Briševo); P177 (Excerpt from a list of persons killed from the Banja Luka bishopric), pp. 4-5; **Ewa Tabeau**: P2791 (Ewa Tabeau, revised table of names to the proof of death expert report, 30 August 2013), p. 2; P2793 (Ewa Tabeau, table of corrections to proof of death expert report and annex, 7 November 2013), p. 3; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 229-242; P4676 (Record of on-site investigation), pp. 4-12, 16-20, 22; P4677 (Missing person certificate for Milka Marijan, 15 May 2013), p. 1; P5910 (Autopsy report), pp. 2-9; P5911 (Bihać Cantonal Court Exhumation Report, 16 June 1997), pp. 2-18; P5912 (Autopsy reports), pp. 2-7; P5913 (Exhumation site worksheet), p. 1; P5914 (Autopsy reports collection), pp. 3-18.
[4565] D852 (Vojo Kuprešanin, witness statement, 18 June 2014), para. 1; D1139 (Decision on election of the President of the Assembly of the Community of Bosnian Krajina municipalities, 26 April 1991).
[4566] Adjudicated Facts I, nos 919-920.

authorities in the area had requested that all weapons in the village be surrendered.[4567] Weapons were handed over to the Bosnian Serbs in Rasavci, despite there only being legally-owned hunting rifles and pistols.[4568] In the early morning hours of 24 July 1992, the Bosnian-Serb military launched an attack on Briševo. Mortar shells landed on the houses, and the residents hid in cellars. The shelling continued throughout the day. The next day, infantry fire joined the artillery.[4569] On the evening of 25 July 1992, Bosnian-Serb infantry entered the village.[4570] The soldiers wore JNA uniforms with red ribbons around their arms or helmets, and some of them had 'Četnik' insignia and 'Šubara' hats.[4571] During the attack on Briševo on 24 and 25 July 1992, at least 68 persons were killed, 14 of whom were women.[4572]

1103. One witness provided additional details about the attack on the village. **Ivo Atlija** testified that the village was attacked from the direction of Oštra Luka, Batkovci, Redak, and Rasavci.[4573] The explosions were frequent and high-calibre weapons created large craters in the village.[4574] The witness, who was hiding in a basement, heard from Jerko Ivandić that Lucija Ivandić was killed by an explosion.[4575] By noon on 24 July 1992, the shelling intensified and the witness was unable to leave the basement until the evening of 25 July 1992, when he saw houses burning and heard people screaming.[4576] Between 4 and 5 p.m. on that day, Serb infantry consisting of members of the VRS 6th Krajina and 5th Kozara Brigades entered the village from two directions.[4577] On their way through Briševo, the soldiers tortured, mutilated, and killed a number of villagers.[4578]

1104. Later that day, 10 to 12 armed Serb soldiers wearing olive-grey JNA uniforms appeared at the house in which the witness and other people had taken shelter and

[4567] Adjudicated Facts I, no. 920.
[4568] Adjudicated Facts I, no. 920.
[4569] Adjudicated Facts I, no. 921.
[4570] Adjudicated Facts I, no. 922.
[4571] Adjudicated Facts I, no. 922.
[4572] Adjudicated Facts I, no. 924.
[4573] P168 (Ivo Atlija, witness statement, 20 October 2000), para. 43; P169 (Statement by Ivo Atlija to Croatian authorities, 30 January 1993), para. 40.
[4574] P168 (Ivo Atlija, witness statement, 20 October 2000), para. 43.
[4575] P168 (Ivo Atlija, witness statement, 20 October 2000), paras 43-45.
[4576] P168 (Ivo Atlija, witness statement, 20 October 2000), paras 43, 46-47; P169 (Statement by Ivo Atlija to Croatian authorities, 30 January 1993), para. 41.
[4577] P168 (Ivo Atlija, witness statement, 20 October 2000), para. 47; P169 (Statement by Ivo Atlija to Croatian authorities, 30 January 1993), para. 41; P173 (Map depicting Serb attack on Briševo).
[4578] P169 (Statement by Ivo Atlija to Croatian authorities, 30 January 1993), para. 41.

instructed everyone to return to their respective homes.[4579] On his way to a neighbour's house, the witness saw 'Četniks' in camouflage uniforms with insignia on their sleeves, which were not regular JNA insignia.[4580] He met his mother who told him that his father was dead and that he should flee to save himself.[4581] When a group of approximately 100 to 150 'Četniks' and soldiers started shooting at Atlija, he ran across the stream and into the woods some 15 to 20 metres away from his mother to hide.[4582]

1105. Pero Dimač, an elderly Bosnian Croat, was forced to take off his clothes, was hit with a bible, and was eventually shot in the head by Bosnian-Serb soldiers.[4583] **Atlija** observed this from the woods; he saw around 15 to 20 'Četniks' kicking, beating with riffle butts, and slapping Dimač, while calling him an 'Ustaša'.[4584] They ordered him to undress, kneel down, and pray from a bible, as they continued to beat him.[4585] Dimač's house was set on fire.[4586] One 'Četnik' asked, '[w]hy doesn't this Catholic God help you now', and another one said, '[g]od is Serb anyway.'[4587] The 'Četniks' then ordered Dimač to run towards the woods and shot him in the head killing him instantly.[4588]

1106. From his hide-out the witness overheard the officers giving orders over the radio for the 2nd, 7th, and 9th battalions to meet at the Catholic Church in the evening.[4589] The witness could see groups of soldiers moving in the direction of the hills and the Catholic Church in response to these orders.[4590] From his own military knowledge he knew that the 6th Krajina Brigade was located in the region and he concluded that the battalions were from this brigade, and that the brigade was responsible for most of the victims' deaths in Briševo.[4591] Atlija was later told by Vojo Kuprešanin that the incidents of killings were carried out by a group of 6th Krajina Brigade members who

[4579] P168 (Ivo Atlija, witness statement, 20 October 2000), paras 47-49.
[4580] P168 (Ivo Atlija, witness statement, 20 October 2000), para. 49.
[4581] P168 (Ivo Atlija, witness statement, 20 October 2000), para. 51.
[4582] P168 (Ivo Atlija, witness statement, 20 October 2000), paras 51-52.
[4583] Adjudicated Facts I, no. 923.
[4584] P168 (Ivo Atlija, witness statement, 20 October 2000), paras 49, 53.
[4585] P168 (Ivo Atlija, witness statement, 20 October 2000), paras 49, 53.
[4586] P168 (Ivo Atlija, witness statement, 20 October 2000), para. 53.
[4587] P168 (Ivo Atlija, witness statement, 20 October 2000), para. 53.
[4588] P168 (Ivo Atlija, witness statement, 20 October 2000), para. 53; Ivo Atlija, T. 2360; P172 (Drawing of location where Pero Dimač was killed).
[4589] P168 (Ivo Atlija, witness statement, 20 October 2000), paras 57-58.
[4590] P168 (Ivo Atlija, witness statement, 20 October 2000), para. 57.
[4591] P168 (Ivo Atlija, witness statement, 20 October 2000), para. 58; P169 (Statement by Ivo Atlija to Croatian authorities, 30 January 1993), paras 34-35.

had escaped control.[4592] When Atlija asked Kuprešanin how a whole brigade could escape control, Kuprešanin told him not to talk too much.[4593]

1107. The 6th Krajina Brigade was led by Colonel Basara with Veljko Brajić serving as chief of security.[4594] The witness further stated that the 5th Kozara Brigade was also involved in the attack, that this was later confirmed by Kuprešanin, and that the witness was later told the same while negotiating with the Ljubija authorities.[4595] The large majority of the soldiers present in Briševo left in the evening of 25 July 1992.[4596]

1108. The first victims of the attack on Briševo were buried that same evening.[4597] On 26 July 1992, the witness, together with 12 other villagers, went through the village to see what had happened.[4598] Corpses were buried on the spot, but on several occasions 'Četniks' came to the village and fired at the villagers, forcing them to flee and delaying the burial of certain victims for approximately two months.[4599] The witness participated in the burial of many of the victims by carrying the bodies, some of whom were burnt, mutilated, or appeared to have gunshot wounds.[4600] Atlija saw the other victims buried but was not present at their burial.[4601] Among the victims were two boys under the age of 16 and four invalids.[4602]

1109. After the attack on Briševo, the witness met with Vojo Kuprešanin on several occasions about the crimes the witness believed the Serb forces had committed.[4603] On one occasion, Kuprešanin offered the remaining Croat inhabitants of Briševo to move to the villages of Mataruško Brdo (Bisćani, Razvanovići, and Hambarine), but they turned down the offer, because they knew what the Serbs had done to the Muslims who used to live in these villages.[4604] Kuprešanin also told the witness that he would try to intercede with General Talić and he organized a meeting with Stakić, the mayor of the Serb

[4592] P168 (Ivo Atlija, witness statement, 20 October 2000), para. 106.
[4593] P168 (Ivo Atlija, witness statement, 20 October 2000), para. 106.
[4594] P168 (Ivo Atlija, witness statement, 20 October 2000), paras 57-58, 109(3); P169 (Statement by Ivo Atlija to Croatian authorities, 30 January 1993), paras 34-35.
[4595] P168 (Ivo Atlija, witness statement, 20 October 2000), para. 58, 109(5); P169 (Statement by Ivo Atlija to Croatian authorities, 30 January 1993), para. 35.
[4596] P168 (Ivo Atlija, witness statement, 20 October 2000), para. 62.
[4597] P168 (Ivo Atlija, witness statement, 20 October 2000), para. 67.
[4598] P168 (Ivo Atlija, witness statement, 20 October 2000), para. 62.
[4599] P168 (Ivo Atlija, witness statement, 20 October 2000), para. 68.
[4600] P168 (Ivo Atlija, witness statement, 20 October 2000), paras 67-70, 73-78, 80-81, 84-87.
[4601] P168 (Ivo Atlija, witness statement, 20 October 2000), paras. 69-70.
[4602] P168 (Ivo Atlija, witness statement, 20 October 2000), para. 64; Ivo Atlija, T. 2312, 2323; P177 (Excerpt from a list of persons killed from the Banja Luka bishopric), pp. 4-5.
[4603] P168 (Ivo Atlija, witness statement, 20 October 2000), paras 103-107; P169 (Statement by Ivo Atlija to Croatian authorities, 30 January 1993), para. 49; Ivo Atlija, T. 2316-2317.

Prijedor Municipality at the time, where the witness was offered housing in the predominantly Muslim village of Bišćani, which he declined.[4605] In this regard, Atlija testified that the Serb leaders told him that they had been accused of ethnic cleansing and that if they allowed the remaining villagers to move away, it would be 'an additional argument to accuse us of the same thing'.[4606]

1110. **Vojo Kuprešanin** testified that he went to Briševo with Bishop Komarica and two VRS officers from the 1st Kraijna Corps in 1992 after the massacre had occurred and met with the Croat wives of those killed.[4607] In Kuprešanin's words, 'they said that the Army of Republika Srpska – actually not the Army of Republika Srpska but that somebody entered the village and killed a number of people'.[4608] In his testimony in the Karadžić case, the witness testified that he did not know which military formations attacked the village but confirmed that Briševo was an unarmed village without any combat activity.[4609] In an interview with the Prosecution, however, the witness said explicitly that the women from Briševo told him that it was the VRS who attacked the village.[4610] He also said that he reported on the 'crimes' committed to minister of defence Subotić and Krajišnik.[4611] In the same interview with the Prosecution, Kuprešanin said that it did not occur to him that he should inform Talić, but that he probably informed Mladić, but could not remember.[4612] During his testimony, Kuprešanin testified that he informed Talić, not Mladić, and that he did not remember informing Krajišnik.[4613]

1111. According to **Ewa Tabeau** and forensic evidence, the remains of 49 bodies associated with this incident were exhumed from a number of grave sites and identified.[4614] One victim disappeared from Briševo, but there is no forensic evidence

[4604] P169 (Statement by Ivo Atlija to Croatian authorities, 30 January 1993), para. 49.
[4605] P168 (Ivo Atlija, witness statement, 20 October 2000), para. 106; P169 (Statement by Ivo Atlija to Croatian authorities, 30 January 1993), para. 49; Ivo Atlija, T. 2316-2317.
[4606] Ivo Atlija, T. 2317.
[4607] Vojo Kuprešanin, T. 29804; P6994 (Prosecution interview of Vojo Kuprešanin, 16 July 2001), pp. 8-9.
[4608] Vojo Kuprešanin, T. 29804; P6994 (Prosecution interview of Vojo Kuprešanin, 16 July 2001), p. 9.
[4609] Vojo Kuprešanin, T. 29819-29820; P7010 (Vojo Kuprešanin, *Karadžić* transcript, 14 November 2013), p. 43575.
[4610] P6994 (Prosecution interview of Vojo Kuprešanin, 16 July 2001), p. 10.
[4611] Vojo Kuprešanin, T. 29810-29813, 29867-29868; P6994 (Prosecution interview of Vojo Kuprešanin, 16 July 2001), pp. 9-10.
[4612] P6994 (Prosecution interview of Vojo Kuprešanin, 16 July 2001), p. 10.
[4613] Vojo Kuprešanin, T. 29810, 29813.
[4614] P2791 (Ewa Tabeau, revised table of names to the proof of death expert report, 30 August 2013), p. 2; P2793 (Ewa Tabeau, table of corrections to proof of death expert report and annex, 7 November 2013), p. 3; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 229-242; P4676 (Record

about her mortal remains having been exhumed or identified.[4615] For seven other scheduled victims, no proof of death material was found.[4616] One of the victims died in July 1992.[4617] Two of the victims died in June 1992.[4618] For two of the victims, limited clothing was found.[4619] Eighteen of the victims were found in civilian clothing.[4620] One of the victims was found in clothing possibly resembling civilian clothing.[4621] Five of the victims were under the age of 18.[4622] Thirteen of the victims were over the age of 60.[4623]

of on-site investigation), pp. 4-12, 16-20, 22; P5910 (Autopsy report), pp. 2-9; P5911 (Bihać Cantonal Court Exhumation Report, 16 June 1997), pp. 2-18; P5912 (Autopsy reports), pp. 2-7; P5913 (Exhumation site worksheet), p. 1; P5914 (Autopsy reports collection), pp. 3-18. The following persons were identified from individual graves at Briševo kuca: Ilija Atlija (1929), Petar Dimač (1927), and Jozo Lovrić (1957). The following persons were identified in individual graves at Stara Rjeka: Joso Atlija (1935) and Marijan Atlija (1944). The following persons were identified at Grosica cemetery: Katarina Bujadilović (1943), Marko Bujadilović (1941), Mara (Marija) Buzuk (1929), Mato Buzuk (1930), and Anto Lovrić (1943). The following person was identified in an individual grave at Grosica: Luka Došen (1920). The following persons were identified in a mass grave at Grosica cemetery: Ante Matanović (1935), Ervin Matanović (1976), Fabijan Matanović (1952), Goran Matanović (1973), Johan Matanović (1974), Mladen Matanović (1937), Predrag Maranović (1974), Zdravko Matanović (1962), and Zoran Matanović (1975). The following person was identified in an individual grave at Briševo kuca cengija jele: Marko Buzuk (1936). The following persons were identified in a common grave at Briševo kuca: Milan Buzuk (1963), Danica Ivandić (1936), Darko Ivandić (1972), Miro Ivandić (1967), and Srećko Ivandić (1936). The following persons were identified in a common grave at Briševo Jezerce: Miroslav Buzuk (1960), Srećko Buzuk (1947), and Vlatko Buzuk (1965). The following persons were identified in a common grave at Briševo Mlinari: Stipan Dimać (1911), Franjo Marijan (1927), and Mara Marijan (1936). The following persons were identified in a mass grave at Briševo kuca mlinar ivice: Jerko Ivandić (1957), Milan Ivandić (1953), Pejo Ivandić (1954), Stipo Ivandić (1959), and Ivo Mlinar (1930). The following person was identified at Briševo kuca ivandic srecka pojedinacne: Mara Ivandić (1933). The following person was identified in an individual grave at Briševo Jakara Joze: Jozo Jakara (1927). The following persons were identified in a mass grave at Briševo kuca zunic ive: Ante Komljen (1956), Ivan Komljen (1954), Kaja Komljen (1960), Kaja Komljen (1930), Luka Komljen (1926), and Zvonko Marijan (1952).The following person was identified in an individual grave in Briševo raljas: Luka Mlinar (1976). The following person was identified in an individual grave in Briševo kuce Mlinara: Mara Mlinar (1916). The following person was identified in Briševo: Mirsad Švraka (1975). The following person was identified in an unknown site: Ivo Lovrić (1934).

[4615] P4677 (Missing person certificate for Milka Marijan, 15 May 2013), p. 1.

[4616] P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), p. 230-231, 235-237; P4676 (Record of on-site investigation), p. 6.

[4617] P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), p. 236.

[4618] P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 238, 240-241; P5907 (Autopsy report for Mirsad Švraka, 18 October 1999), p. 1.

[4619] P4676 (Record of on-site investigation), pp. 18, 20.

[4620] P4676 (Record of on-site investigation), pp. 11-12, 19, 21-22; P5910 (Autopsy report), pp. 2-9; P5911 (Bihać Cantonal Court Exhumation Report, 16 June 1997), pp. 5-18; P5912 (Autopsy reports), pp. 2, 6; P5914 (Autopsy reports collection), pp. 3, 5, 7-8, 10, 12, 14, 16-17.

[4621] P5907 (Autopsy report for Mirsad Švraka, 18 October 1999), p. 1.

[4622] P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 238-241; P4644 (Record of exhumation, autopsy and identification, 16 December 1999), p. 16; P4676 (Record of on-site investigation), pp. 7, 19; P5911 (Bihać Cantonal Court Exhumation Report, 16 June 1997), pp. 6, 9; P5914 (Autopsy reports collection), pp. 7, 12.

[4623] P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 229-232, 235, 237, 240; P4676 (Record of on-site investigation), pp. 5, 7, 10-11, 17-18; P5910 (Autopsy report), pp. 2, 4; P5911 (Bihać Cantonal Court Exhumation Report, 16 June 1997), pp. 13, 17; P5912 (Autopsy reports), p. 6.

1112. Based on the above, the Trial Chamber finds that in the early morning of 24 July 1992, the VRS attacked the mainly Bosnian-Croat village of Briševo. The village was intensely shelled with high-calibre weapons. During the shelling, some villagers died due to explosions. On the evening of 25 July 1992, the VRS, comprising members of the 6th Krajina Brigade under the command of Colonel Basara and the 5th Kozara Brigade, entered the village, shooting and killing many of the inhabitants. At least 68 people were killed by these forces during the attack. Of the victims, 14 were women and four were invalids. Of the 57 victims analyzed by Tabeau, five were under 18 years of age and 13 were over the age of 60. Of the same group of victims, 18 were found in civilian clothing. In particular, 15 to 20 'Četniks' kicked, beat with rifle butts, slapped, and called 'Ustaša' Pero Dimač, an elderly Bosnian-Croat man, whom they then shot in the head, killing him. Briševo was an unarmed village and there was no combat activity at the time. The Trial Chamber will further consider this incident in relation to Counts 1 and 3-6 of the Indictment in chapter 8, below.

Schedule B.13.1

1113. According to the Indictment the Accused is responsible for the killing of approximately 150 people in Room 3 at Keraterm Camp in Prijedor Municipality on or about 24 and 25 July 1992.[4624] The Defence argued that the Accused cannot be held responsible for these killings because the VRS was not in control of the facility and the killings were committed by members of the MUP in response to an escape attempt.[4625] The Trial Chamber took judicial notice of a number of Adjudicated Facts concerning this incident. Further, it received evidence from three Bosnian-Muslim witnesses from Prijedor Municipality: **Witness RM-008**;[4626] **Safet Tači**;[4627] and **Jusuf Arifagić**;[4628] **Ewa Tabeau**, a demographer and statistician,[4629] as well as documentary evidence, and finds that this evidence does not rebut the Adjudicated Facts.[4630] Additionally, it

[4624] Indictment, paras 39, 59, 62, Schedule B.13.1.
[4625] Defence Final Brief, paras 981-988.
[4626] P3224 (Witness RM-008, witness statement, 16 May 2013), p. 1, para. 3.
[4627] P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 1; P159 (Safet Tači, witness statement, 20 September 2000), p. 1; Safet Tači, T. 2092.
[4628] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 1-2.
[4629] Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).
[4630] **Witness RM-008**: P3224 (Witness RM-008, witness statement, 16 May 2013), para. 47. **Safet Tači**: P158 (Safet Tači, proffer of testimony, 4 May 1998), paras 60, 62, 68. **Jusuf Arifagić**: P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 20. **Ewa Tabeau**: P2791 (Ewa Tabeau, revised table of names to the proof of death expert report, 30 August 2013) pp. 4-5; P2796 (Ewa Tabeau, proof of death

received evidence from **Azra Blažević**, a Bosnian Muslim from Kozarac detained in Trnopolje camp from 26 May to August 1992;[4631] **Witness RM-023**, a Muslim residing in Prijedor Municipality in 1991 and 1992;[4632] **Witness RM-016**, a Bosnian Serb from Banja Luka;[4633] and **Witness RM-385**, a Serb from Prijedor;[4634] **Edward Vulliamy**, a journalist for the Guardian who covered events in Bosnia-Herzegovina in the period between 1992 and 1995;[4635] as well as documentary evidence. A detailed discussion of Keraterm camp, the authorities in charge, and the alleged incidents other than the alleged killing incident discussed below, appears in chapter 4.10.2 *Schedule C.15.3*.

1114. On 20 or 21 July 1992, camp inmates from Room 3 at the Keraterm camp were relocated to other rooms in the camp.[4636] Room 3 was subsequently filled with approximately 200 persons from the recently cleansed Brdo area.[4637] On one of the following days, detainees were ordered to go into their rooms, face the wall, and stay calm.[4638] **Witness RM-008** stated that on 25 July 1992, more guards and vehicles than the previous day arrived as the overall noise increased.[4639] After dark, Bosnian-Serb Army personnel entered the camp and a machine-gun was placed on a table outside Room 3.[4640] **Safet Tači** testified that it was seven metres from and aimed at the door.[4641] He had noticed more soldiers than usual, as well as men in civilian clothing, placing tables and pulling out cables near the room.[4642] A portable spotlight was also directed towards the room.[4643] At around 11 p.m., **Witness RM-008** heard a sound like pebbles on the roof and people talking and laughing.[4644] He then noticed gas and toxic fumes

expert report, 24 July 2013), pp. 3, 25-26, 32-33; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 436-487. **Documentary evidence**: All forensic documentation relating to this scheduled incident admitted into evidence pursuant to the Trial Chamber's two bar table decisions both dated 31 January 2014.

[4631] P3617 (Azra Blažević witness statement, 10 November 1994), pp. 1, 10, 27; P3618 (Azra Blažević, *Tadić* transcript, 12-13 June 1996), p. 2539.

[4632] P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 1-2.

[4633] P2375 (Witness RM-016, witness statement, 5 August 2013), p. 1, paras 4, 11, 16; Witness RM-016, T. 17398.

[4634] P7314 (Witness RM-385, witness statement, 5 April 2014), p. 1, paras 2, 4, 8-10.

[4635] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7899-7904, 7989-7990, 8035.

[4636] Adjudicated Facts I, no. 1050.

[4637] Adjudicated Facts I, no. 1050.

[4638] Adjudicated Facts I, no. 1051.

[4639] P3224 (Witness RM-008, witness statement, 16 May 2013), paras 12-13, 19, 38-40. The Chamber notes that the witness's statement contains some minor discrepancies with respect to his date of arrival at the camp. Having considered the statement as a whole, however, the Chamber finds that the witness arrived on 23 July 1992, which would make his third day of detention there 25 July 1992.

[4640] Adjudicated Facts I, no. 1052.

[4641] P158 (Safet Tači, proffer of testimony, 4 May 1998), paras 60-61.

[4642] P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 57.

[4643] P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 58.

[4644] P3224 (Witness RM-008, witness statement, 16 May 2013), para. 40.

inside the room.[4645] Panic erupted.[4646] The detainees started tearing off their clothes.[4647] **Tači** heard the detainees shouting words to the effect of '[k]ill us, rather, but let us out' and the 'Serbian' replied, '[h]alt. Don't run'.[4648] When they tried to get fresh air, the door broke and a blast of machine gun and infantry fire immediately killed those nearest to the door.[4649] Gunshots from light and heavy weaponry could be heard, as well as the sound of breaking metal, shattered glass, and human cries.[4650] **Tači** heard machinegun fire after the door of Room 3 had opened and people streamed out.[4651] The reflector lights were turned on when the shooting started.[4652] **Witness RM-008** heard people outside yelling to hold people inside the room.[4653] The men streaming out of the room were running in different directions while fire was opened upon them.[4654] The shooting stopped after about five minutes, at which point the lights were turned off again.[4655] Wounded detainees cried out and there were bodies lying on the ground.[4656] The machine gun and table were removed immediately.[4657]

1115. **Witness RM-008** was in a corner of the room on the left side, out of the direct line of fire, hidden behind the timber wall, which separated Room 3 from the toilets, and about ten metres away from the door.[4658] He stated that, when the shooting started, he was in a state of shock and lost consciousness. When he regained consciousness, he noticed lots of dead bodies and people crying and moaning. The timber wall was now ruptured. 'Serbs' shot into the toilets, as some men had tried to hide there. One of them

[4645] P3224 (Witness RM-008, witness statement, 16 May 2013), para. 40. *See also* Safet Tači, T. 2105, 2128; and P3234 (Witness RM-023, witness statement, 25 August 2000), p. 10; P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), p. 3973.
[4646] P3224 (Witness RM-008, witness statement, 16 May 2013), para. 40. *See also* P3234 (Witness RM-023, witness statement, 25 August 2000), p. 10; P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), p. 3973.
[4647] P3224 (Witness RM-008, witness statement, 16 May 2013), para. 40.
[4648] Safet Tači, T. 2105.
[4649] P3224 (Witness RM-008, witness statement, 16 May 2013), para. 40. *See also* P3234 (Witness RM-023, witness statement, 25 August 2000), p. 10.
[4650] Adjudicated Facts I, no. 1052.
[4651] P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 63; P159 (Safet Tači, witness statement, 20 September 2000), para. 6. *See also* P7314 (Witness RM-385, witness statement, 5 April 2014), para. 13.
[4652] P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 63; P159 (Safet Tači, witness statement, 20 September 2000), para. 6. *See also* P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 19; and P7314 (Witness RM-385, witness statement, 5 April 2014), para. 13.
[4653] P3224 (Witness RM-008, witness statement, 16 May 2013), para. 40.
[4654] P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 63; P159 (Safet Tači, witness statement, 20 September 2000), para 6; Safet Tači, T. 2127-2128.
[4655] P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 63.
[4656] P158 (Safet Tači, proffer of testimony, 4 May 1998), paras 63-65.
[4657] P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 63.

crawled back into the room, grabbed the witness's feet and tried to talk to him, but died; he had been shot in his neck.[4659] The witness stated that there were three bursts of machine gun fire altogether.[4660] During the approximately five-minute breaks, the witness heard screaming and singing outside.[4661] **Jusuf Arifagić** stated that from Room 2, he heard gunfire that lasted for 30 minutes.[4662] About 30 minutes later, the shooting started again and lasted 15-20 minutes.[4663] He also heard a guard asking what to do with those who were still alive.[4664] **Witness RM-008** testified that for the rest of the night he heard the soldiers singing as if a party was going on.[4665] Having been counted the night before, the witness estimated that there had been about 570 people inside Room 3 during the shootings; and although people had been taken away before, approximately the same number of people had arrived.[4666] **Arifagić** concluded that it was Kole's shift at the time, as he saw a number of guards who were on this shift, including one nicknamed Grujo.[4667]

1116. The next morning, bodies were piled outside Room 3, and the entire area was covered with blood.[4668] **Tači** testified that the majority of bodies were lying either in front of the door or inside Room 3, with some bodies lying on the concrete floor spread in different directions.[4669] **Witness RM-008** estimated that there were more than 200 bodies.[4670] At a minimum, 190 persons were killed.[4671] **Tači** learned that only three men had survived.[4672] **Witness RM-023** stated that Husein Džolić was killed on that day, struck by shots in his back, and that Fikret Medić also was killed.[4673] The witness also learned that Razim Hamulić, a doctor at the Prijedor hospital, was killed.[4674] Redžep

[4658] P3224 (Witness RM-008, witness statement, 16 May 2013), para. 44; P3225 (Sketch drawn by Witness RM-008).
[4659] P3224 (Witness RM-008, witness statement, 16 May 2013), para. 41.
[4660] P3224 (Witness RM-008, witness statement, 16 May 2013), para. 42.
[4661] P3224 (Witness RM-008, witness statement, 16 May 2013), para. 42.
[4662] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 19-20.
[4663] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 20.
[4664] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 20.
[4665] P3224 (Witness RM-008, witness statement, 16 May 2013), para. 43.
[4666] P3224 (Witness RM-008, witness statement, 16 May 2013), paras 26, 45.
[4667] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 14, 20.
[4668] Adjudicated Facts I, no. 1053.
[4669] P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 68.
[4670] P3224 (Witness RM-008, witness statement, 16 May 2013), para. 47.
[4671] Adjudicated Facts I, no. 1054.
[4672] P158 (Safet Tači, proffer of testimony, 4 May 1998), paras 69, 73-74.
[4673] P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 2, 9-10; P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), pp. 3973-3974.
[4674] P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 3-4.

Karupović was present but survived.[4675] Asim Hamulić was wounded and fell unconscious.[4676] The surviving men were told to leave the room and to lie face-down on the grass outside, and were threatened with being shot if they refused.[4677]

1117. A truck arrived to carry away the bodies.[4678] **Tači** testified that the truck arrived in the morning.[4679] **Arifagić** stated that guards from Kole's shift came to Room 2 and asked for volunteers 'who were not afraid of dead bodies'.[4680] Except for one person who volunteered, no one was allowed to leave the room until late afternoon when Room 3 and the area had been cleaned.[4681] From Room 2, Arifagić could see bodies being placed onto a truck and Jasim Causević, one of the detainees who loaded bodies, later told him that the detainees had loaded 99 bodies onto the truck and that many injured had also been loaded on the truck.[4682] **Tači** testified that a soldier ordered him and five or six other men from Room 2 to join other detainees from other rooms loading the dead and wounded onto the truck, and that he never saw those wounded again.[4683] When it left, blood could be seen dripping from the truck.[4684] **Witness RM-023** heard from Hamulić that the wounded were also placed on the truck even though they were asking for help, and that Hamulić had counted 220 dead bodies on the truck. [4685] A fire engine cleaned Room 3 and the surrounding area of the traces of the massacre.[4686] **Arifagić** stated that the water hose was used by the detainees to clean the area.[4687]

1118. The Trial Chamber also received evidence from Witness RM-385, which has been placed in the confidential annex in Appendix D.

[4675] P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), p. 3974.
[4676] P3234 (Witness RM-023, witness statement, 25 August 2000), p. 10; P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), pp. 3973-3974.
[4677] P3224 (Witness RM-008, witness statement, 16 May 2013), para. 48.
[4678] Adjudicated Facts I, no. 1053.
[4679] P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 66.
[4680] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 20.
[4681] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 20-21.
[4682] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 20-21; P3389 (Jusuf Arifagić, *Stakić* transcript, 28 August 2002), T. 7091, 7099.
[4683] P158 (Safet Tači, proffer of testimony, 4 May 1998), paras 67, 70; Safet Tači, T. 2105-2106 *See also* P3234 (Witness RM-023, witness statement, 25 August 2000), p. 10; P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), p. 3974.
[4684] Adjudicated Facts I, no. 1053.
[4685] P3234 (Witness RM-023, witness statement, 25 August 2000), p. 10.
[4686] Adjudicated Facts I, no. 1054.
[4687] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 20. The Trial Chamber notes that Arifagić refers to what appears to be a second killing incident the following night (P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 14, 21; P3389 (Jusuf Arifagić, *Stakić* transcript, 28 August 2002), T. 7099-7100). However, neither Witness RM-008, who survived the shooting at Room 3 and was detained in the room the following night; nor eyewitness Safet Tači refers to a second incident. The

1119. **Azra Blažević** stated that two soldiers in Trnopolje, Dragan Skrbić and Stojan Madzar, told her about a massacre at the Keraterm camp.[4688] The soldiers had shot at detainees there because 'those fools were trying to escape'.[4689] From their story, the witness understood that many people were killed during this incident.[4690] Blažević also heard from two Keraterm detainees that the soldiers had fired through the wall of a particular room there, and that the day after, the dead and wounded were loaded on a truck.[4691] According to a 25 July 1992 report from the 1KK Command to the VRS Main Staff, 50 detainees were killed while attempting a mass escape from Keraterm.[4692] According to another report by the 1KK to the VRS Main Staff, dated 26 July 1992, the previous night there had been 'new attempts to escape from the Keraterm camp in Prijedor, but they were prevented in time'.[4693] **Witness RM-008** stated that it seemed to him as if the escapes referred to in exhibit P161 were made up because no one tried to escape from Room 3 until the gas was thrown into the room.[4694] **Tači** testified that the information in exhibit P161 was 'totally incorrect' because people did not try to escape and the number killed was approximately 200.[4695] **Witness RM-016** testified that no proceedings were instituted before the military court in relation to the 'murders' in Room 3.[4696]

1120. On 5 August 1995, **Edward Vulliamy** was told by one of the men behind the barbed wire fence in Trnopolje camp that there had been a massacre at Keraterm camp during which 200 people were killed in one night.[4697] The man who told him this had been asked to join a dispatch to clean up the bodies.[4698] Vulliamy was told that this massacre had occurred in one of the hangars in the camp, which he later found was called 'number 3'.[4699]

Chamber is therefore unable to conclude beyond a reasonable doubt that a second shooting incident occurred.

[4688] P3617 (Azra Blažević, witness statement, 10 November 1994), pp. 17-18.
[4689] P3617 (Azra Blažević, witness statement, 10 November 1994), pp. 17-18.
[4690] P3617 (Azra Blažević, witness statement, 10 November 1994), p. 18.
[4691] P3617 (Azra Blažević, witness statement, 10 November 1994), p. 18.
[4692] P161 (Report from 1KK Command, 25 July 1992), p. 1.
[4693] P248 (1KK regular combat report, 26 July 1992), p. 1.
[4694] P3224 (Witness RM-008, witness statement, 16 May 2013), para. 46.
[4695] Safet Tači, T. 2092
[4696] P2375 (Witness RM-016, witness statement, 5 August 2013), para. 78.
[4697] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7947; Edward Vulliamy, T. 2599, 2667-2668. *See also* P204 (Article authored by the witness published in the Guardian on 7 August 1992), p. 4.
[4698] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7947.
[4699] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7947.

1121. Based on the foregoing, the Trial Chamber finds that on or around 25 July 1992, members of the SJB and VRS, as found in chapter 4.10.2 *Schedule C.15.3*, placed a machine-gun on a table approximately seven metres from and aimed at the entrance of Room 3 at Keraterm camp. Some days earlier, the room had been filled by approximately 200 detainees from the recently cleansed Brdo area.[4700] In the night, the soldiers and guards threw some form of chemical gas into the room, causing the detainees to panic and some of them to try to exit. Spotlights were shone on the room and the soldiers and guards shot detainees as they began to stream out of the room, killing many of them. The soldiers and guards proceeded to shoot detainees inside the room, including some who were trying to hide in the toilets. The VRS soldiers and guards killed between 190 and 220 detainees that night. There was intermittent singing by the Serb guards while the shooting occurred as well as singing long into the night following the killings. Considering that the detainees at Keraterm were primarily Bosnian Muslims and Bosnian Croats, with only a small number of Albanians and at least one Bosnian Serb, the Trial Chamber finds that those killed were all or almost all Bosnian Muslims or Bosnian Croats. The Trial Chamber recalls its findings in chapter 4.10.2 *Schedule C.15.3* with respect to the conditions in which the detainees were kept.

1122. In light of all the evidence received on this incident, including of specific preparations that took place at the camp hours before the killings, the fact that a chemical agent was thrown into the room which forced some of the detainees outside, and the fact that many of the detainees were killed while still inside the room, the Trial Chamber finds the record of this incident in reports from the 1KK, and as told to Azra Blažević by Serb soldiers at Trnopolje who characterised it as a spontaneous response to an attempted 'mass escape', to be unconvincing.

1123. The Trial Chamber will further consider this incident in relation to Counts 1 and 3-6 of the Indictment in chapter 8, below.

Schedule B.13.2

1124. According to the Indictment, between 27 May and 21 August 1992, the Accused is responsible for the killing of a number of people at Omarska camp and at various

[4700] The Trial Chamber notes that although there are some differences in the evidence with regard to the number of detainees who were in Room 3 prior to when the shooting began, it considers that this number is inconsequential to the finding on the number of detainees killed.

places in Prijedor Municipality after they were taken from the camp.[4701] The Defence argued that the VRS was not responsible for these killings.[4702] The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to these incidents. Additionally, it received evidence from **Nusret Sivac**, a Bosnian-Muslim journalist for TV Sarajevo who covered events in Prijedor and surrounding municipalities;[4703] **Witness RM-054**, a Bosnian Muslim TO member from Kozarac, Prijedor Municipality;[4704] **Slobodan Radulj**, a Serb, who acted as municipal public attorney in Prijedor from 20 May 1992 and as a Deputy Prosecutor at the Military Prosecutor's Office in Banja Luka between 20 October 1993 and August 1997;[4705] **Idriz Merdžanić**, a Bosnian-Muslim doctor from Kreševo, Sarajevo Municipality;[4706] **Witness RM-026**, **Witness RM-065**, **Witness RM-033**, **Kerim Mešanović**, and **Witness RM-017**, Bosnian Muslims from Prijedor Municipality;[4707] as well as **Ewa Tabeau**, a demographer and statistician;[4708] and finds that this evidence does not rebut the Adjudicated Facts.[4709] The Trial Chamber further received evidence from **Witness RM-**

[4701] Indictment, paras 39(a)(ii), 59(a)(ii), and 62(b), Schedule B.13.2.
[4702] Defence Final Brief, paras 965, 967.
[4703] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6561-6562; Nusret Sivac, T. 4839.
[4704] P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2610-2611, 2618, 2758.
[4705] Slobodan Radulj, T. 35481, 35509, 35533.
[4706] P269 (Idriz Merdžanić, witness statement, 28 August 2000), p. 1.
[4707] P2585 (Witness RM-026, witness statements), statement of 23 September 1994, pp. 1-2; P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 1-2, witness statement of 28 August 2000, p. 2; P3274 (Pseudonym sheet for Witness RM-065). *See also* P3279 (Table of Concordance); P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), p. 6189; P3414 (Kerim Mešanović, witness statement, 18 March 2013), p. 1, para. 3; P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 1-2.
[4708] Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).
[4709] **Nusret Sivac**: P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6629-6630, 6632-6634, 6637, 6680, 6685-6686; P488 (List of names read to Nusret Sivac on 6 November 2012); Nusret Sivac, T. 4825-4827. **Witness RM-054**: P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2638, 2743-2744. **Witness RM-026**: P2585 (Witness RM-026, witness statements), statement of 23 September 1994, pp. 3, 9. **Witness RM-065**: P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 2, 8, 34. **Witness RM-033**: P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), pp. 6231-6232. **Kerim Mešanović**: P3414 (Kerim Mešanović, witness statement, 18 March 2013), paras 24, 27, 35-36, 48-49, 58, 59, 60, 72. **Witness RM-017**: P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), pp. 3358, 3366-3367; P3228 (Witness, RM-017, witness statement, 1 September 1994), pp. 15, 18, 19. **Idriz Merdžanić**: Idriz Merdžanić, T. 3396. **Slobodan Radulj**: Slobodan Radulj, T. 35557. Part of the evidence of Nusret Sivac, Witness RM-033, Kerim Mešanović, Witness RM-017, and Witness RM-054 as well as evidence in P3928 is reviewed in chapter 4.10.2 *Schedule C.15.2*. **Ewa Tabeau**: P2791 (Ewa Tabeau, revised table of names to the proof of death expert report, 30 August 2013), p. 5; P2793 (Ewa Tabeau, table of corrections to proof of death expert report and annex, 7 November 2013), pp. 6-8; P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 3, 26, 32-33; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 488-538; **Documentary evidence**: All forensic documentation relating to this scheduled incident admitted into evidence pursuant to the Trial Chamber's bar table decisions both dated 31 January 2014.

023, **Jusuf Arifagić**, Bosnian Muslims from Prijedor Municipality;[4710] and **Predrag Radulović**, head of an intelligence team, known as the Miloš group, in the CSB Banja Luka from mid-1991 to 1994,[4711] as well as documentary evidence.[4712] A detailed description of Omarska camp, including of the authorities in charge and of alleged incidents other than the alleged killing incidents described below, appears in chapter 4.10.2 *Schedule C.15.2*.

Killing incident in a garage at the camp

1125. The Trial Chamber took judicial notice of Adjudicated Fact number 1007 describing the transfer of detainees from the Benkovac military barracks to Omarska camp around 29 May 1992.[4713] Upon arrival, around 120 people were crammed into a garage for several days, during which two young men suffocated to death as a result of the conditions inside the garage.[4714]

Killing incidents related to beatings

1126. The Trial Chamber took judicial notice of other Adjudicated Facts and received evidence pertaining to the alleged killings of detainees following beatings at Omarska camp.

1127. The calling-out of prisoners was not only for the purposes of interrogation; in the evening, groups from outside the camp would appear, would call out particular prisoners from their rooms and attack them with a variety of sticks, iron bars or lengths of heavy electric cable.[4715] Sometimes these weapons would have nails embedded in them so as to pierce the skin and on occasion knives would be used to slash a prisoner's body.[4716] Frequently prisoners who were called out failed to return and witnesses who were their close relatives gave evidence that they had never been seen since, and were

[4710] P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 1-2; P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 1-2.
[4711] P3207 (Predrag Radulović, witness statement, 5 December 2009), p. 1, paras 4-5.
[4712] P3878 (New York Times article on the 'Conflict in the Balkans', 9 August 1992); P3928 (Newsday article, 2 August 1992).
[4713] Adjudicated Facts I, no. 1007.
[4714] Adjudicated Facts I, no. 1007.
[4715] Adjudicated Facts I, no. 1008.
[4716] Adjudicated Facts I, no. 1008.

assumed to have been murdered.[4717] **Nusret Sivac** provided further details about such incidents and testified that every day, apart from Saturdays and Sundays, detainees were taken for interrogation, and many returned bearing signs of torture, beatings, and other things that had been done to them. Many returned wrapped in blankets. One day a guard asked for four strong detainees. The witness knew that they were called to take the body of one of their friends, a fellow detainee, out of the administration building, where he had been killed during his interrogation.[4718] Many of the elderly detainees, including Safet Ramadanović, the witness's neighbour, and Meho Habibović, died after being tortured, beaten, and due to the conditions in the camp.[4719] On one occasion, during daylight, **Witness RM-033** saw from a distance of 15 metres, through a window, guards beating a Muslim called Suljić to death, using various objects.[4720]

1128. **Witness RM-017** estimated that between ten and fifteen men died nightly in Omarska camp, usually as a result of having been beaten to death.[4721] Often their bodies were lying outside the hedge the next morning.[4722] Guards also killed some of the men detained in Room 1 by hitting them with a fire extinguisher, large hydraulic pipes, or thick electric cables.[4723] One day during the witness's stay in the camp, he heard from other detainees that two detainees were forced to bite off each others' sexual organs and that their bodies were then transported out of the building. The witness heard the beatings and screams and later learned from other detainees in the camp, who saw it happen, that Dule Tadić and Miso Radulović were responsible for this incident. One of the two men killed was Emir Karabasić, a policeman.[4724] The witness listed the names of seven other Muslims who were killed.[4725]

[4717] Adjudicated Facts I, no. 1009.
[4718] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6637.
[4719] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6639.
[4720] P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), pp. 6233-6234.
[4721] P3228 (Witness, RM-017, witness statement, 1 September 1994), p. 18.
[4722] P3228 (Witness, RM-017, witness statement, 1 September 1994), p. 18; P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), pp. 3365-3366.
[4723] P3228 (Witness RM-017, witness statement, 1 September 1994), p. 18.
[4724] P3228 (Witness RM-017, witness statement, 1 September 1994), p. 21.
[4725] P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), pp. 3365-3366. The witness named these Muslims as Jasmin Hrnić; Eno Alić; Vasif Kahrimanović; Ekrem Melkić; Mehmed Hodzic, a driver who worked in the Ljubija mine; Hare Dautović, former chauffeur, and Sefik Sivać, a café owner.

Killing incidents in the white house

1129. One room in the white house at Omarska camp was reserved for brutal assaults on prisoners, who were often stripped, beaten, kicked, and otherwise abused.[4726] Many prisoners died as a result of these repeated assaults on them in the white house.[4727] Physically and mentally impaired detainees were humiliated and some eventually killed.[4728] Many witnesses provided further details about the killings at and around the white house. **Kerim Mešanović** stated that during his detention at Omarska camp, between 24 or 25 June and 6 August 1992, he saw Armin Crnalić, a Bosnian Muslim, being shot dead in the presence of camp commander, Zeljko Mejakić, and shift commander, 'Krle', in front of the white house after Crnalić had approached a guard despite having been told to stop.[4729] **Sivac** testified that Crnalić, who was a mental patient, had been taken by a guard to the white house, after which the witness heard two bursts of gunfire.[4730] **Mešanović** stated that on another occasion, between 24 June and 6 August 1992 Halim Mešić, a Muslim detainee, was taken to the white house and beaten.[4731] The guards came out of the white house after the beating and shooting began while Mešić was holding onto the door jamb.[4732] Mešić was shot and killed with an automatic weapon.[4733] **Witness RM-017** stated that one day during his detention at Omarska camp he saw Azur Jakupović, a Bosnian Muslim, beaten to death with an automatic gun by Neso Janić in front of the white house.[4734] On 11 July 1992, beginning at approximately 10 p.m., five to six Serb guards celebrated St. Peters day, a Serb religious holiday and set fire to tyres in the camp outside the white house.[4735] The guards chased all detainees inside and started a curfew.[4736] During the entire night, the guards took detainees from the white house, beat them almost dead and subsequently

[4726] Adjudicated Facts I, no. 1010.
[4727] Adjudicated Facts I, no. 1011.
[4728] Adjudicated Facts I, no. 1017.
[4729] P3414 (Kerim Mešanović, witness statement, 18 March 2013), paras 24, 27, 35-36, 58, 72. With regard to the ethnicity of Armin Crnalić, *see* P6269 (Death certificate of Armin Crnalić, 4 February 2011).
[4730] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6632.
[4731] P3414 (Kerim Mešanović, witness statement, 18 March 2013), paras 48-50.
[4732] P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 49.
[4733] P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 49.
[4734] P3228 (Witness, RM-017, witness statement, 1 September 1994), p. 18. With regard to the ethnicity of Azur Jakupović, see P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 45; P6341 (Court ruling on death for Azur Jakupovic, 2 July 1997), p.1.
[4735] P3228 (Witness, RM-017, witness statement, 1 September 1994), pp. 18-19; P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), pp. 3357-3358.
[4736] P3228 (Witness, RM-017, witness statement, 1 September 1994), p. 19.

threw them into the fire.[4737] The witness stood at the window of the room where he was detained and saw one man being pushed into the fire and heard the screams of other men throughout the night.[4738] Prisoners who were forced to clean up after the beatings in the white house reported finding blood, teeth, and skin of victims on the floor.[4739] Bodies of prisoners, lying in heaps on the grass near the white house, were not an infrequent sight in the camp.[4740] Those bodies would be thrown out of the white house and later loaded onto trucks and removed from the camp.[4741]

Killing incidents in the red house

1130. At the camp, the red house was also a place to which prisoners were taken for severe beatings, and from which most often they did not leave alive.[4742] **Sivac** testified that one day, guards came and very brutally took away a local Bosnian-Muslim entrepreneur, and led him to the red house from where he never returned.[4743] Similarly, **Mešanović** stated that on one occasion he saw a guard take three other Bosnian-Muslim detainees towards the red house.[4744] A few minutes later, the guard returned, wearing the leather jacket of one of the detainees.[4745] Other witnesses testified that these three detainees were killed.[4746] **Witness RM-033** stated that on one occasion three other Muslims were taken to the red house.[4747] The witness heard gunfire all night and the voices of the guards yelling '*ustašas*' and '*balijas*'.[4748] At dawn, three detainees along

[4737] P3228 (Witness, RM-017, witness statement, 1 September 1994), p. 19.
[4738] P3228 (Witness, RM-017, witness statement, 1 September 1994), p. 19; P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), p. 3358.
[4739] Adjudicated Facts I, no. 1012.
[4740] Adjudicated Facts I, no. 1013.
[4741] Adjudicated Facts I, no. 1013.
[4742] Adjudicated Facts I, no. 1014.
[4743] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6685; P488 (List of names read to Nusret Sivac on 6 November 2012). With regard to ethnicity, *see* P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 67.
[4744] P3414 (Kerim Mešanović, witness statement, 18 March 2013), paras 23, 60, 67. With regard to ethnicity, *see also* P5630 (Collection of autopsy reports from Stari Kevljani mass grave, 2 March 2005), p. 1; P5631 (Identification reports for victims linked to Prijedor incidents), p. 23. The witness named these detainees as Esad Mehmedagić, Nedžad Serić, and Ago Sadiković.
[4745] P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 60.
[4746] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6629-6630, 6633-6634, 6680; P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 2 (attestation), 8, 34; Nusret Sivac, T. 4825-4826; P488 (List of names read to Nusret Sivac on 6 November 2012).
[4747] P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), pp. 6231-6232. With regard to ethnicity, see P3414 (Kerim Mešanović, witness statement, 18 March 2013), paras 51, 66-67.
[4748] P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), pp. 6231-6232.

with the witness saw trucks with corpses through the toilet window.[4749] When prisoners were required to clean the red house, they often found hair, clothes, blood, footwear, and empty pistol cartridges.[4750] These prisoners also loaded onto trucks bodies of prisoners who had been beaten and killed in the red house.[4751]

Other killing incidents at the camp

1131. The Trial Chamber took judicial notice of Adjudicated Facts and received evidence about other killing incidents at Omarska camp as well as evidence concerning detainees taken from the camp in late June and July 1992.

1132. On 26 June 1992, guards tried to force Mehmedalija Sarajlić, an elderly Bosnian Muslim, to rape a female detainee. When he begged them '[d]on't make me do it. She could be my daughter. I am a man in advanced age', the guards laughed and said '[w]ell, try to use the finger'. A scream and the sound of beatings could be heard, and then everything was silent. The guards had killed the man.[4752] In June or July 1992, a Bosnian-Serb camp guard in camouflage uniform kicked Rizo Hadžalić with his heavy army boots and struck him with his rifle butt. The guard jumped all over Hadžalić's body until he was dead. The incident was witnessed by other camp inmates.[4753] According to a Sanski Most court ruling, Hadžalić was a Bosnian Muslim from Prijedor.[4754]

1133. Further, at the end of July 1992, the killing of inmates with a special professional background started at Omarska.[4755] One night, lawyers were targeted, following which policemen and physicians were marked for killing.[4756] On 27 July 1992, Professor Muhamed Čehajić was called out from the room in which he was detained and taken out of the camp, and he did not return and was never seen again.[4757] Čehajić was taken out to be killed and was actually killed.[4758] **Jusuf Arifagić** stated that Hamdija Arifagić, a

[4749] P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), pp. 6232-6233, 6249-6250.
[4750] Adjudicated Facts I, no. 1015.
[4751] Adjudicated Facts I, no. 1016.
[4752] Adjudicated Facts I, no. 1018.
[4753] Adjudicated Facts I, no. 1019.
[4754] P6332 (Court ruling on death of Hadžalić Rizah, 12 September 2000), p. 2. The Trial Chamber understands that the individuals referred to as Rizo and Riza Hadžalić are the same person.
[4755] Adjudicated Facts I, no. 1026.
[4756] Adjudicated Facts I, no. 1026.
[4757] Adjudicated Facts I, no. 1022.
[4758] Adjudicated Facts I, no. 1024.

former policeman, led a convoy of civilians from Kozarac, who wished to surrender, to the Prijedor-Banja Luka road where the men were separated from the women and children.[4759] Together with the men from Kozarac, Hamdija Arifagić was taken to Omarska camp and never returned.[4760] **Witness RM-017** stated that many active Muslim police officers who were held at Omarska camp, including Hamdija Arifagić, were taken away to be exchanged and never seen since.[4761] According to the death certificate, Hamdija Arifagić died from shot wounds to his head in Omarska on 28 July 1992.[4762]

1134. **Sivac** testified that in the last days of July 1992, when mass executions of detainees began to take place in Omarska camp, Ibrahim Paunović, a.k.a. Bećir, was killed.[4763] He named 22 other detainees killed in the camp.[4764] The witness did not see the killing of these people as the executioners did not allow anyone to watch.[4765] **Witness RM-026** stated that three other detainees were also killed in the camp.[4766] Detainees were forced to load and unload corpses from the truck.[4767] Some of these detainees never came back.[4768] **Witness RM-065** knew of other men who were killed at Omarska camp and named four in particular.[4769] According to **Witness RM-023**, Nail and Hajrudin Jakupović from Kozarac were also killed in a camp.[4770] **Mešanović** named several people who were, as he learned from other detainees, killed or who disappeared after having been taken out.[4771] He heard from another detainee that one of them died

[4759] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 7; P3389 (Jusuf Arifagić, *Stakić* transcript, 28 August 2002), p. 7064.
[4760] P3389 (Jusuf Arifagić, *Stakić* transcript, 28 August 2002), p. 7064-7065.
[4761] P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), pp. 3365-3366.
[4762] P4767 (Hamdija Arifagić's death certificate, 22 February 2006), p. 1
[4763] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6636, 6684.
[4764] Nusret Sivac, T. 4825-4827; P488 (List of names read to Nusret Sivac on 6 November 2012); P489 (Additional list of names read to Nusret Sivac of 6 November 2012). Concerning Fikret Mujakić, *see also* P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 34. The witness named these detainees as a person called Aziz; Mirsad Ališić; Mehemed Avdić; Islam Bahonjić; Muhamed Burazerović; Dedo Crnalić; Adnan Ekinović; Omer Ekinović; Dževad Grozdanić; Senad Grozdanić; Goran Kardum; a person called Mešić; Sulejman Mešić; Senad Mešić; Emir Mešić; Fikret Mujakić; Alija Pehadžić; Čamil Pezo; Sejad Sivac; Miroslav Šolaja; Emir Trto, and Bajram Zgog.
[4765] Nusret Sivac, T. 4828-4829.
[4766] P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 9, statement of 16 May 2001, para. 7; P2586 (Witness RM-026, *Stakić* transcript, 26 April and 1 May 2001), pp. 2334, 2336. The witness named these detainees as Ismat Ejupović, Fadil Ejupović, and Said Fikić, known as 'Cicko'.
[4767] P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 9.
[4768] P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 9.
[4769] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 34. The witness named some of these men as Senad Mujkanović, Kadir Mujkanović, Meho Tursić, and Hamdija Balić.
[4770] P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), pp. 4010-4011.
[4771] P3414 (Kerim Mešanović, witness statement, 18 March 2013), paras 63-67.

after being beaten by Zoran Zigić.[4772] All of them died in Omarska camp and, except for one Serb who later died in the hospital, were Muslims.[4773] Dead prisoners were buried in makeshift graves and heaps of bodies were frequently seen in the grounds of the detention camps.[4774]

1135. Around late July 1992, 44 people were taken out of Omarska camp and put in a bus and even though they were told that they would be exchanged in the direction of Bosanska Krupa they were never seen again.[4775] According to **Mešanović**, Bahrija Forić and 'Sadeta' Medunjanin were among them.[4776] During an exhumation in Jama Lisac, 56 bodies were found, mostly killed by gunshot injuries.[4777] DNA analysis allowed the investigators to identify the bodies of Sureta Medunjanin, the wife of Bećir Medunjanin, and Ekrem Alić and Smail Alić, who were both last seen in Omarska camp.[4778]

1136. **Predrag Radulović** stated that in the summer of 1992, within the first five days of the establishment of Omarska camp, he saw six or seven bodies scattered on a field behind one of the camp buildings.[4779] Bera and Đuro Savić told the witness that members of military and paramilitary units were killing detainees at the camp.[4780]

1137. **Witness RM-026** stated that around 21 July 1992, he was moved to one of the garages to make space for new detainees in the white house. After 8 days, he was moved to a room next to the cafeteria run by a detainee called Mujo. Mujo was called out by one of the guards one evening and the witness never saw him again.[4781]

1138. **Witness RM-065** stated that on one occasion he was sitting about 10 metres away from Rizah Hadzalićon who was eating, when some Serb soldiers told him that he had a good appetite to which he responded 'thank you, bujrum', after which he was beaten by eight to ten soldiers for 15 to 30 minutes and died from his injuries.[4782] One night, the Serb guards called out Huse Basić from the restaurant and said 'now you are

[4772] P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 63.
[4773] P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 67.
[4774] Adjudicated Facts I, no. 1025.
[4775] Adjudicated Facts I, no. 1021.
[4776] P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 59.
[4777] Adjudicated Facts I, no. 1021.
[4778] Adjudicated Facts I, no. 1021.
[4779] P3207 (Predrag Radulović, witness statement, 5 December 2009), paras 142-143.
[4780] P3207 (Predrag Radulović, witness statement, 5 December 2009), para. 143.
[4781] P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 9.
[4782] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 29; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), p. 1299.

going to Gradiska'.[4783] The witness later learned that this was a code word for the Gradina mine and that the guards started beating him in the corridor and broke his spine.[4784] Basić never returned.[4785] The witness saw a man named Crnalić being forced by Serb guards to drink something which the witness believed to be old motor oil.[4786] Approximately half an hour to an hour later the witness heard automatic gunfire. Later the witness heard from other detainees that the guards had shot Crnalić in the legs after accused him of attempting to escape. Crnalić never returned. The witness testified that Ilijaz Drobić was thrown into the pista after being interrogated. The witness was told by some prisoners that he was dead.[4787] The witness was told by a person named Hrncić that approximately 40 persons from Biscani died after interrogation.[4788]

1139. From 15 July 1992 and onwards, the 'Serbs' seemed to be in a hurry to kill as many persons as possible.[4789] Almost every evening around 10 or 11 p.m., guards would call people out of 'Mujo's room'.[4790] The witness, Asim Kadić, Hajrudin Campara, and Mehmedalija Kapetanović were called out and taken to the pista.[4791] While standing outside, the witness saw two detainees carry out Muhamed Burazerović and the witness was uncertain whether he was alive, but he never saw him again.[4792] At one point a man signalled that they should be taken back inside 'Mujo's room'.[4793] This made the witness very uneasy since detainees had several times been allowed to return and then taken out to be killed.[4794] Meho Mahmutović died in this way.[4795]

1140. Based on the foregoing, the Trial Chamber finds that, around 29 May 1992, Omarska camp guards, the police as found in chapter 4.10.2 *Schedule C.15.2*, killed two men, previously detained at the Benkovac military barracks by forcing them into a garage at the camp together with many other detainees, causing them to suffocate to death.

[4783] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 29; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), p. 1285.
[4784] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 29.
[4785] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 29.
[4786] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 29; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), p. 1285.
[4787] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 29.
[4788] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 31.
[4789] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 32.
[4790] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 32.
[4791] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 32; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), p. 1290.
[4792] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 32.
[4793] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 32.
[4794] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 32.

1141. The Trial Chamber also finds that between June and August 1992, camp guards, the police as found in chapter 4.10.2 *Schedule C.15.2*, shot and killed one detainee and beat to death at least four other detainees at the camp, including an elderly Bosnian-Muslim man and two other Bosnian-Muslim men, including a policeman. With regard to one of the two other Muslim men, the Trial Chamber considered the evidence of Witness RM-033, the only witness providing evidence about this victim. In particular, Witness RM-033 provided an eyewitness account on the circumstances surrounding the death.[4796] The Trial Chamber has not identified any inconsistencies in the witness's evidence in this regard and finds the witness's evidence to be reliable.

1142. The Trial Chamber further finds that, between June and August 1992, camp guards, the police as found in chapter 4.10.2 *Schedule C.15.2*, shot and killed or, in some instances, beat to death eleven Bosnian-Muslim detainees, including one mentally impaired person in or outside the white and red houses. On one occasion, after one of these detainees had been taken to the red house, other detainees heard gunfire as well as the voices of the guards yelling '*ustašas*' and '*balijas*' coming from the red house. The Trial Chamber further finds that during that period one detainee died as a result of beatings inflicted at the camp by Zoran Zigić. The Trial Chamber recalls its finding in chapter 3.1.2 that Zoran Zigić was a member of the VRS 43rd Motorised Brigade.

1143. At least 31 other detainees, with a special professional background such as lawyers, members of the police forces, and physicians, were killed at Omarska camp at the end of July 1992. The Trial Chamber finds that these killings were perpetrated in a systematic manner during a specific period. It further recalls its finding on the authorities in charge of the camp in chapter 4.10.2 *Schedule C.15.2* and finds that camp guards, the police killed these detainees with a specific professional background.

1144. Based on its previous findings, the Trial Chamber finds that between May and August 1992, Omarska camp guards, the police as found in chapter 4.10.2 *Schedule C.15.2*, killed at least 51 detainees at the camp; 14 of whom were Bosnian Muslims. In light of the evidence reviewed above and of the Trial Chamber's finding on the ethnicity of the detainees at Omarska camp in chapter 4.10.2 *Schedule C.15.2*, the Trial Chamber finds that almost all of the other detainees killed were Bosnian Muslims or Bosnian Croats. The Trial Chamber also recalls its finding in 4.10.2 *Schedule C.15.2* with

[4795] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 32.
[4796] P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), pp. 6231-6234.

respect to the conditions in which the detainees were kept. The Trial Chamber will consider the aforementioned incidents in relation to Counts 1 and 3-6 of the Indictment in chapter 8, below.

1145. With regard to the disappearance of detainees called out by groups from outside the camp and subjected to beatings, the Trial Chamber has neither received evidence on their fate nor on the affiliation of the individuals calling out the detainees and will therefore not consider these incidents further in relation to any counts of the Indictment.

1146. Concerning the disappearance of 44 detainees taken out of Omarska camp around the end of July 1992 and put in a bus in the direction of Bosanska Krupa and, for some of them, their death, the Trial Chamber has neither received any evidence on the individuals responsible for their death nor on the fate of the other detainees. Therefore, the Trial Chamber will not consider this incident further in relation to any counts of the Indictment.

1147. Regarding the death of six or seven individuals found on a field behind one of the camp buildings in the summer of 1992, the Trial Chamber has neither received any evidence on the circumstances of their death nor on the individuals responsible for these particular death. Therefore, the Trial Chamber will not consider this incident further in relation to any counts of the Indictment.

1148. The Trial Chamber received additional evidence on the disappearance or death of a number of people detained at Omarska camp between May and August 1992. The Trial Chamber notes that some of the witnesses who testified about these events, such as Nusret Sivac, Witness RM-065, Witness RM-023, Kerim Mesanović, and Witness RM-017, did not provide a clear basis of knowledge; others, such as Jusuf Arifagić, Witness RM-065, Kerim Mesanović, Witness RM-017, and Witness RM-054 did not provide details about the fate of the people reported to have disappeared or about the circumstances of the detainees' deaths. Furthermore, the Trial Chamber has not received evidence on the perpetrators of these killings. The Trial Chamber also finds that the basis of knowledge of these witnesses is insufficient to infer from their evidence that each and every detainee who disappeared or was reported to have died was killed in similar situations; and that despite the context aforementioned described. Based on the foregoing, the Trial Chamber will not consider these incidents further in relation to any counts of the Indictment.

Schedule B.13.3

1149. According to the Indictment, the Accused is responsible for the killing of a number of men and women taken from Omarska and Keraterm camps in the area called Hrastova Glavica on or about 5 August 1992.[4797] The Defence argued that due to deficiencies in the evidence presented, neither Mladić nor the VRS could be held responsible for this alleged incident.[4798] It argued that errors were made in the collection and evaluation of forensic evidence.[4799] The Defence also argued that a number of victims alleged to have died in the incident had died or disappeared prior to the occurrence of the incident.[4800] It further argued that since an autopsy was unable to determine the date of death of those exhumed, it could not be concluded that these deaths were the result of the alleged incident.[4801] The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this Scheduled Incident. It also received evidence from **Witness RM-008** and **Witness RM-065**, both Bosnian Muslims from Prijedor Municipality;[4802] and **Ewa Tabeau**, a demographer and statistician,[4803] and finds that this evidence does not rebut the Adjudicated Facts.[4804]

[4797] Indictment, paras 39(a)(ii), 59(a)(ii), 62(b), Schedule B.13.3.
[4798] Defence Final Brief, para. 973.
[4799] Defence Final Brief, paras 970, 972.
[4800] Defence Final Brief, paras 970, 972.
[4801] Defence Final Brief, para. 971.
[4802] **Witness RM-008**: P3224 (Witness RM-008, witness statement, 16 May 2013), p. 1, para. 3. **Witness RM-065**: P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 1-2; P3274 (Pseudonym sheet for Witness RM-065). *See also* P3279 (Table of Concordance).
[4803] Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).
[4804] **Witness RM-008**: P3224 (Witness RM-008, witness statement, 16 May 2013), paras 56, 58; P3227 (Hrastova Glavica court record of exhumation, 21 April 1999), pp. 2, 4, 7, 13. **Witness RM-065**: P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 34-35. **Ewa Tabeau**: P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 539-580; P4820 (Hrastova Glavica exhumation and autopsy reports, 1998-1999), pp. 24-35, 40-49, 53-56, 71-76, 79-80, 83-84, 86-95, 98-99, 102-111, 113-122, 127-128, 131-136, 139-140, 143-149, 159-160, 163-166, 168-171, 174-175, 178, 180-189, 193-196, 199-214, 217-226, 230-233, 238-239, 242-249, 252-, 254-263, 266-267, 270-277, 282-283; P5588 (ICMP notice of DNA report, 15 November 2007), part one; P6384 (Autopsy report for Alija Alibegović, 20 April 2006), p. 1; P6385 (Death certificate of Alija Abligebović, 16 April 2006), p. 2; P6393 (Court ruling on death of Adem Behlić, 10 May 1999), p. 1; P6396 (Court ruling on death for Adem Brdar, 22 April 1999), pp. 1-2; P6397 (Death certificate of Adem Brdar, 22 April 1999), p. 1; P6404 (Court ruling on death for Refik Demirović, 16 November 1999), p. 2; P6408 (Court ruling on death of Ante Gavranović, 5 August 1999), p. 1; P6410 (Court ruling on death for Miralem Hopovac, 3 June 1999), p. 2; P6413 (Record of identification for Meho Hujić), p. 1; P6419 (Court ruling on death for Mujo Musić, 25 May 1999), p. 2; P6422 (Court ruling on death for Mujo Pašić, 4 May 1999), p. 2; P6424 (Record of identification, informing family members, and autopsy report for Esad Sadiković, 23 July 2007), pp. 1, 3, 5; P6426 (Record of identification of Mirhad Sehić, 22 March 1999), p. 2; P6429 (Court ruling on death for Mustafa Švraka, 16 May 2000), p. 2; P6430 (Court ruling on death for Mustafa Švraka, 16 May 2000), p. 1; P6431 (Record of identification and informing family members for Sabit Zukanović, 25 August 2005), pp. 1, 3; P6433 (Record of identification and informing family

1150. One night, a camp guard appeared and told Esad Sadiković to come out and take his stuff with him.[4805] As the other detainees knew that this meant he would not return, everybody stood up and bid him farewell.[4806] Sadiković was taken out to be killed and was actually killed.[4807] On 5 August 1992, detainees from Keraterm camp and at least 120 detainees from Omarska camp were put on buses that headed towards Kozarac and Sanski Most.[4808] **Witness RM-008** specified that the 120 detainees were from the villages of Hambarine, Čarakovo, Zecovo, Rakovčani, and Prijedor.[4809] The witness knew 64 of them personally.[4810] Omarska camp detainees later told the witness that when the two buses of detainees from Keraterm camp arrived in Omarska camp, other men were added to the group and driven away during the night.[4811] On the way, unidentified Bosnian Serbs shot dead a number of detainees.[4812] Some of their bodies were later found in an area called Hrastova Glavica and identified.[4813] A total of 126 bodies were found in this area.[4814] In 121 of the cases, forensic experts determined that the cause of death was gunshot wounds.[4815] The body of Esad Sadiković was among those found in Hrastova Glavica.[4816] His cause of death was gunshot wounds.[4817] According to a Bihać Cantonal Court record of exhumation of the Hrastova Glavica

members for Husein Behlić, 5 June 2006), p. 3; P6434 (Death certificate of Husein Behlić, 10 June 2006), p. 1; P6435 (Record of identification and informing family members for Ibro Brdar, 7 April 2010), pp. 1, 3; P6436 (Autopsy report for Ibro Brdar, 1 April 2010), p. 1; P6437 (Record of identification for Mehmed Elkaz, 20 September 2006), p. 1; P6439 (Record of identification for Mehmed Elkaz, 11 March 2008), p. 1; P6440 (Autopsy report for Mehmed Elkaz, 16 February 2008), pp. 1-2; P6441 (Death certificate for Mehmed Elkaz, 16 February 2008), p. 1; P6442 (ICMP notice of the DNA identification report for Ermin Ferizović, 25 May 2010), p. 3; P6443 (ICMP notice of the DNA identification report for Amir Behlić and Agan Hodžić, 1 December 2009), pp. 3-4; P6444 (ICMP notice of the DNA identification report for Safet and/or Mustafa Ibrahimagić, 14 January 2009), p. 3; P6445 (ICMP notice of the DNA identification report for Ramo Mujdžić, 16 February 2012), p. 3; P6446 (Record of identification and informing family members for Nedžad Mujkanović, 29 March 2006), pp. 1, 3; P6447 (Death certificate for Nedžad Mujkanović, 29 March 2006), p. 1; P6448 (Autopsy report for Nedžad Mujkanović, 5 April 2006), pp. 1-2; P6450 (Record of identification and informing family members for Senadin Salihović, 21 June 2006), pp. 1, 3; P6451 (Autopsy report for Senadin Salihović, 15 February 1999), pp. 1-2, 4; P6452 (Death certificate for Senadin Salihović, 17 June 2006), p. 1; P6483 (ICMP notice of the DNA identification report for Ermin Džamastagić, 18 March 2008), p. 3.

[4805] Adjudicated Facts I, no. 1023.
[4806] Adjudicated Facts I, no. 1023.
[4807] Adjudicated Facts I, no. 1024.
[4808] Adjudicated Facts I, nos 1055-1056.
[4809] P3224 (Witness RM-008, witness statement, 16 May 2013), paras 56-57.
[4810] P3224 (Witness RM-008, witness statement, 16 May 2013), para. 57.
[4811] P3224 (Witness RM-008, witness statement, 16 May 2013), paras 56, 58.
[4812] Adjudicated Facts I, no. 1055.
[4813] Adjudicated Facts I, nos 1055, 1057.
[4814] Adjudicated Facts I, no. 1057.
[4815] Adjudicated Facts I, no. 1058.
[4816] P6424 (Record of identification, informing family members, and autopsy report for Esad Sadiković, 23 July 2007), pp. 1, 3.

mass grave, pieces of wire, rope and chains, sometimes tied on the remains, as well as rifle bullets, cartridge cases, and hand grenades were found in the pit, the walls of which showed visible traces of shrapnel.[4818]

1151. Based on the foregoing, the Trial Chamber finds that on or about 5 August 1992, a group comprising more than 120 detainees from Omarska and Keraterm camps were put on buses and taken in the direction of Kozarac and Sanski Most. On the way, unidentified Bosnian Serbs shot at least 126 of them dead, including Dr Esad Sadiković. Their bodies were later found in Hrastova Glavica, Sanski Most Municipality. With regard to the number of victims and the cause of their death, the Trial Chamber relies on unrebutted Adjudicated Facts and rejects the Defence's argument with regard to the deficiencies in the forensic evidence presented in relation to this incident.[4819] The Trial Chamber notes that, with regard to the Defence's argument that a number of individuals alleged to have died in this incident, in reality, died or went missing prior to the occurrence to the incident, the Defence did not provide a basis for its claim. Considering that Omarska camp comprised almost exclusively Bosnian Muslims and Bosnian Croats, and only a few Bosnian Serbs, and that the detainees at Keraterm were primarily Bosnian Muslims and Bosnian Croats, with only a small number of Albanians and at least one Bosnian Serb, the Trial Chamber finds that those killed were almost exclusively Bosnian Muslims or Bosnian Croats. The Trial Chamber also recalls its findings in chapter 4.10.2 *Schedules C.15.2* and *C.15.3* with respect to the conditions in which the detainees were kept. The Trial Chamber will further consider this incident in relation to Counts 1 and 3-6 of the Indictment in chapter 8, below.

Schedule B.13.4

1152. According to the Indictment, the Accused is responsible for the execution of over 150 men from the Brdo region of Prijedor Municipality at Omarska camp on or about 20 July 1992.[4820] In its Final Brief, the Defence argued that the Accused cannot be held responsible for the killings at Omarska camp because it was under the control of the

[4817] P6424 (Record of identification, informing family members, and autopsy report for Esad Sadiković, 23 July 2007), p. 5.
[4818] P3227 (Bihać cantonal court record of exhumation of the Hrastova Glavica mass grave, 16 April 1999), pp. 4, 6, 10.
[4819] In this respect, the Trial Chamber refers to its analysis in Appendix B of the evidence provided by Ewa Tabeau and documentary forensic evidence, with regard to, *inter alia*, circumstances of death.
[4820] Indictment, paras 39, 59, 62, Schedule B.13.4.

civilian police and the VRS were not present there.[4821] The Defence further argued that VRS performed guard duty only in the vicinity of the outer perimeter of the centre which was a couple of hundred meters outside the compound.[4822] The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to this incident.[4823] Further, it received evidence from **Nusret Sivac**, a Bosnian-Muslim journalist for TV Sarajevo who covered events in Prijedor and surrounding municipalities;[4824] and **Kerim Mešanović** and **Witness RM-017**, both Bosnian Muslims from Prijedor;[4825] and finds that this evidence is partially consistent with the Adjudicated Facts.[4826] The Trial Chamber will address this matter in more detail below. The Chamber further received evidence from **Ewa Tabeau**, a demographer and statistician.[4827]

1153. Around 200 people from Hambarine arrived in the Omarska camp sometime in July 1992.[4828] **Nusret Sivac**, who was detained at Omarska camp briefly from 10 June 1992 and again from 20 June to 7 August 1992, testified that this happened some time after 20 June 1992.[4829] **Kerim Mešanović**, who was detained at Omarska camp beginning 24 June, stated that this happened shortly after 25 July 1992, a date he recalled because it was his birthday.[4830] The witness counted 150 individuals disembarking from buses.[4831] They were initially accommodated in the White House at the camp.[4832] **Sivac** testified that he heard the people being beaten very badly upon their arrival.[4833] **Mešanović** stated that he could hear the sound of blows when Rade

[4821] Defence Final Brief, paras 964-966.
[4822] Defence Final Brief, para. 966.
[4823] The Trial Chamber notes that while the Prosecution included Adjudicated Fact 1020 under the heading Scheduled Incident B.13.2 in its Motion for Judicial Notice of Adjudicated Facts (Prosecution Motion for Judicial Notice of Adjudicated Facts, 9 December 2011, Annex A, p. 375), given the similarity in content, such as the killing of individuals from the Brdo region at Omarska camp around 20 July 1992, the Trial Chamber considers that it relates to Scheduled Incident B.13.4. Adjudicated Fact no. 898 is reviewed in chapter 4.10.1 *Schedule A.6.5*.
[4824] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6561-6562; Nusret Sivac, T. 4839. The evidence of Nusret Sivac is also reviewed in chapter 4.10.2 *Schedule C.15.2*.
[4825] P3414 (Kerim Mešanović, witness statement, 18 March 2013), p. 1, para. 3; P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 1-2. The evidence of Kerim Mešanović and Witness RM-017 is also reviewed in chapter 4.10.2 *Schedule C.15.2*.
[4826] **Nusret Sivac**: Nusret Sivac, T. 4823-4825. **Kerim Mešanović**: P3414 (Kerim Mešanović, witness statement, 18 March 2013), paras 61-62. **Witness RM-017**: P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 15-16.
[4827] Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau).
[4828] Adjudicated Facts I, no. 1020.
[4829] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6608-6609, 6619-6621, 6687; Nusret Sivac, T. 4823.
[4830] P3414 (Kerim Mešanović, witness statement, 18 March 2013), paras 24, 26-27, 60-61, 72.
[4831] P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 61.
[4832] Adjudicated Facts I, no. 1020.
[4833] Nusret Sivac, T. 4824-4825.

Knezević interrogated the people.[4834] That same day, the witness saw a guard named Cvijić beat the witness's former colleague, Muhamed Burazerović, with a rifle butt.[4835] When Burazerović was helped to the White House, he was covered in blood.[4836]

1154. One night at the end of July 1992, a large number of Omarska camp detainees from the Brdo area were killed.[4837] Early in the morning on 17 July 1992, around 1 or 2 a.m., gunshots were heard that continued until dawn.[4838] **Witness RM-017**, who was detained at Omarska camp beginning on or about 29 May 1992, stated that this happened around 16 or 17 July 1992, a date he recalled because it was one week after his family was chased out of its home.[4839] According to **Mešanović**, the shooting occurred the night after the people arrived, during a shift led by Krle, who was identified by Witness RM-065 as Milojica Kos, and while the guards Milutin Popović and a person called Ranko were working.[4840] Dead bodies were seen in front of the White House.[4841] **Sivac** concluded that a number of people had died as a result of the beatings.[4842] The camp guards, one of whom was recognised as Zivko Marmat, were shooting rounds into the bodies, which were then loaded onto a truck and taken away.[4843] There were about 180 bodies in total.[4844] **Mešanović** stated that the White House was empty after that day as everyone detained there had been killed.[4845] He estimated that approximately 100 people were killed.[4846] **Witness RM-017** stated that, based on the number of truckloads removed from the camp, there were about 150 to 180 bodies.[4847]

1155. According to **Ewa Tabeau** and forensic evidence, the remains of two bodies associated with this incident were exhumed from Stari Kevljani in Prijedor and

[4834] P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 61.
[4835] P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 61.
[4836] P3414 (Kerim Mešanović, witness statement, 18 March 2013), paras 61-62.
[4837] Adjudicated Facts I, no. 1026.
[4838] Adjudicated Facts I, no. 1020.
[4839] P3228 (Witness RM-017, witness statement, 1 September 1994), p. 16; P3229 (Witness RM-017, *Stakić* transcript, 22-24 May 2002), p. 3365.
[4840] P3271 (Witness RM-065, witness statements), witness statement of 28 August 2000, p. 4; P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 62.
[4841] Adjudicated Facts I, no. 1020.
[4842] Nusret Sivac, T. 4824-4825.
[4843] Adjudicated Facts I, no. 1020.
[4844] Adjudicated Facts I, no. 1020.
[4845] P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 62.
[4846] P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 62.
[4847] P3228 (Witness RM-017, witness statement, 1 September 1994), p. 16.

identified.[4848] The two victims died in Omarska on 25 July 1992 and 28 July 1992.[4849] In the two cases the causes of death were found to be from (i) a gunshot injury; and (ii) chest injuries with bone fractures.[4850]

1156. The Trial Chamber notes that the evidence it has received differs from Adjudicated Facts 1020 and 1026 only with respect to the exact date of the incident and the specific number of victims. The portion of Adjudicated Fact 1026 regarding the date of the incident differs from the evidence of Witness RM-017. Similarly, the portion of Adjudicated Fact 1020 regarding the date of the incident differs from the evidence of Nusret Sivac and Kerim Mešanović. Finally, the portion of Adjudicated Fact 1020 regarding the number of individuals killed differs from the evidence of Kerim Mešanović. Given that Sivac, Mešanović, and Witness RM-017 were all present at Omarska camp and witnessed parts of the incident, the Trial Chamber considers their evidence to be sufficiently reliable to rebut Adjudicated Facts 1020 and 1026 as to the extent of the incident and the specific number of victims. The Trial Chamber will therefore base its determinations on these matters solely on the evidence before it.

1157. Based on the foregoing, the Trial Chamber finds that, some time in the second half of July 1992, guards at Omarska camp, the police as found in chapter 4.10.2 *Schedule C.15.2*, killed between approximately 100 and 180 detainees from the Brdo region of Prijedor Municipality, one day after their arrival, either by shooting or beating them to death. The detainees had been severely beaten immediately upon arrival at the camp. Considering that the detainees at Omarska camp comprised almost exclusively Bosnian Muslims and Bosnian Croats, and just a few Bosnian Serbs, the Trial Chamber finds that all or almost all of those killed were Bosnian Muslims or Bosnian Croats. The Trial Chamber will further consider this incident in relation to Counts 1 and 3-6 of the Indictment in chapter 8, below.

1158. The Trial Chamber will address the Defence arguments about Omarska camp being under the control of the civilian police in chapter 4.10.2 *Schedule C.15.2*.

[4848] P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 2, 10. 27, 32-33; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), p. 581; P5630 (Autopsy Reports pertaining to bodies exhumed from the Stari Kevljani mass grave), pp. 23-24; P5631 (Identification reports for victims linked to Prijedor incidents A.6.2, A.6.5, B.13.1, B.13.2 and B.13.4) pp.65-66.
[4849] P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), p. 581.
[4850] P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), p. 581; P5630 (Autopsy Reports pertaining to bodies exhumed from the Stari Kevljani mass grave), pp. 23-24; P5631 (Identification reports for victims linked to Prijedor incidents A.6.2, A.6.5, B.13.1, B.13.2 and B.13.4) pp.65-66.

Schedule B.13.5

1159. According to the Indictment, the Accused is responsible for the killing of a number of people in Trnopolje camp and at various places in Prijedor Municipality after they were taken from the camp between 28 May and October 1992.[4851] This Scheduled Incident is limited to a certain time-period. However, the Indictment is not limited to the Scheduled Incidents. The Trial Chamber has therefore considered all evidence pertaining to incidents during the operation of the camp. The Prosecution, in its final brief, in relation to Scheduled Incident B.13.5, referred to the alleged killing of 12 Bosnian-Muslim men from Bišćani in Kratalj.[4852] The Trial Chamber will discuss this incident in chapter 4.10.1 *Schedule A.6.6*. The Defence argued that no killings were known to have occurred at the Trnopolje 'centre' itself, but that two killings were known to have taken place outside the perimeter of the 'centre'.[4853] However, these killings were committed by criminal groups and reported to the civilian police for further investigation.[4854] The VRS was not made aware at any stage nor were they involved in the incident.[4855] The Defence also argued that the uniforms worn by the MUP and the TO were identical to those worn by the VRS. Thus, it was difficult to differentiate between personnel of each organization and identification of any person involved in the alleged incident wearing such a uniform does not prove, beyond reasonable doubt, the liability of the VRS.[4856] The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to these incidents. Additionally, it received evidence from **Azra Blažević**, **Witness RM-008**, and **Sead Sušić**, all Bosnian Muslims from Prijedor Municipality;[4857] **Witness RM-023**, a Muslim residing in Prijedor Municipality in 1991 and 1992;[4858] **Idriz Merdžanić**, a Bosnian-Muslim doctor from Kreševo, Sarajevo Municipality;[4859] and **Slavko Puhalić**, a Serb soldier from Prijedor

[4851] Indictment, paras 39(a)(ii), 59(a)(ii), 62(b), Schedule B.13.5.
[4852] Prosecution Final Brief, Annex B, p. 31.
[4853] Defence Final Brief, para. 997.
[4854] Defence Final Brief, para. 997.
[4855] Defence Final Brief, para. 997.
[4856] Defence Final Brief, para. 996.
[4857] **Azra Blažević**: P3617 (Azra Blažević witness statement, 10 November 1994), p. 1. Azra Blažević's evidence has also been reviewed in chapter 4.10.2 *Schedule C.15.4*. **Witness RM-008**: P3224 (Witness RM-008, witness statement, 16 May 2013), p. 1, para. 3. **Sead Sušić**: P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, p. 1, paras 1, 5, witness statement of 1 December 2014, p. 1.
[4858] P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 1-2.
[4859] P269 (Idriz Merdžanić, witness statement, 28 August 2000), p. 1, paras 1-3; Idriz Merdžanić, T. 3321.

who served under Slobodan Kuruzović in Trnopolje camp until August 1992;[4860] **Ewa Tabeau**, a demographer and statistician,[4861] as well as documentary evidence,[4862] and finds that this evidence does not rebut the Adjudicated Facts.[4863] The Trial Chamber received further evidence from **Witness RM-060** and **Witness RM-047**, both Muslims from Prijedor Municipality;[4864] **Mevludin Sejmenović**, the Vice President of the SDA in Prijedor from 1990 to 1992;[4865] **Branko Berić**, an assistant for medical and veterinary services at the logistics base in Čirkin Polje, which was part of the Prijedor TO;[4866] and **Boško Mandić**, a member of the Prijedor Crisis Staff from 30 May 1992 onwards.[4867]

1160. Numerous killings occurred in Trnopolje camp.[4868] A number of detainees died as a result of the beatings received from the guards, while others were killed by camp guards with rifles.[4869] **Witness RM-060** stated that on 20 July 1992, on his first night in Trnopolje camp, a guard named 'Zolka', according to the witness either a member of the VRS or of a paramilitary formation, asked the detainees if they needed anything and Sulejman Kekić responded that he needed a coat.[4870] Kekić said he was 70 years old and Zolka responded '[y]ou are ready to be killed', and then started beating him. Zolka then

[4860] D898 (Slavko Puhalić, witness statement, 26 June 2014), p. 1, paras 2-5; Slavko Puhalić, T. 31659, 31664.
[4861] Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau).
[4862] P4136 (Transcript of video excerpt concerning Prijedor Municipality); P6455 (Municipal Court of Sanski Most, decision on death of Fuad Klipić, 3 April 1997).
[4863] **Azra Blažević**: P3617 (Azra Blažević, witness statement, 10 November 1994), pp. 15-16, 18-19. **Witness RM-008**: P3224 (Witness RM-008, witness statement, 16 May 2013), para. 62. **Idriz Merdžanić**: P269 (Idriz Merdžanić, witness statement, 28 August 2000), paras 51, 53, 56-57, 59; D57 (Idriz Merdžanić, *Stakić* transcript, 11 September 2002), p. 7837; Idriz Merdžanić, T. 3385-3386; P273 (Diagram of Trnopolje Camp Medical Clinic drawn by Idriz Merdžanić); P271 (Diagram of Trnopolje Camp in mid-August 1992 drawn by Idriz Merdžanić); P277 (Diagram of Trnopolje Camp drawn by Idriz Merdžanić). **Slavko Puhalić**: Slavko Puhalić, T. 31677. **Witness RM-023**: P3234 (Witness RM-023, witness statement, 25 August 2000), p. 16. **Sead Sušić**: P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, para. 37.. **Ewa Tabeau and related documentary evidence**: P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 2, 27, 32-33; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 582-583; P4833 (Identification report for Fuad Klipić); P6454 (Autopsy report for Fuad Klipić), p. 1; P6455 (Court ruling of death of Fuad Klipić). **Other documentary evidence**: P4136 (Transcript of video excerpt concerning Prijedor Municipality), p. 12.
[4864] **Witness RM-060**: P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), pp. 6850-6851, 6853; P2597 (Witness RM-060, pseudonym sheet from *Prosecutor v. Stakić*, Case No. IT-97-24-T); P2599 (Witness RM-060, table of concordance to *Stakić* transcript, 7 March 2013), p. 1. **Witness RM-047**: P2594 (Witness RM-047, witness statement, 14 March 2000), pp. 1-2; P2595 (Witness RM-047, *Stakić* transcript, 22 July 2002), p. 6204.
[4865] P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 4.
[4866] D928 (Branko Berić, witness statement, 26 June 2014), paras 11-12; Branko Berić, T. 32852-32853.
[4867] D826 (Boško Mandić, witness statement, 25 June 2014), p. 1, paras 1, 4, 7; Boško Mandić, T. 28943-28944.
[4868] Adjudicated Facts I, no. 1078.
[4869] Adjudicated Facts I, no. 1078.
[4870] P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), pp. 6879-6881.

told another guard he would come back at 2 a.m. to get Kekić and kill him. At 2 a.m., Zolka called out Kekić again, two shots were heard, and Kekić never returned.[4871] On the request of Nenad Kekić, son of Sulejman Kekić, the Municipal Court of Sanski Most, on 17 April 1998, declared Sulejman Kekić dead and determined that he was killed at Trnopolje camp on 21 July 1992.[4872] During the proceedings before the Municipal Court, evidence was presented that at sunrise on 21 July, Kekić was seen lying dead near a school.[4873] **Azra Blažević** stated that during her detention at Trnopolje camp from 26 May to around mid-August 1992,[4874] a woman was fatally struck by a bullet when soldiers shot from outside towards the camp, over the heads of detainees, after a Serb soldier had been wounded.[4875]

1161. At least 20 detainees were taken outside the camp and killed there.[4876] The Trial Chamber also received evidence about detainees who were taken out of the camp. **Witness RM-008** and **Idriz Merdžanić** testified that groups of detainees were taken out at the end of August 1992 and on 8 September 1992.[4877] **Blažević** stated that one night during her detention, a guard called Zoran, nicknamed 'Zoka' or 'Tacna', singled out two detainees and said to another guard: 'Don't touch these two, they are mine.'[4878] When the witness asked about the men the next day, she learned that they never returned to the camp.[4879]

1162. **Mevludin Sejmenović** testified that he observed Trnopolje camp before sneaking in and out of the camp to see the conditions and to find out what they were planning to do to the detainees.[4880] He wanted to enter Trnopolje camp in order to be evacuated from there with another group.[4881] The guards at Trnopolje found out that he had entered the camp and the guards then mistreated people suspected of having helped

[4871] P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), p. 6880.
[4872] P4834 (Municipal Court of Sanski Most, decision on death of Sulejman Kekić, 17 April 1998), pp. 1-2.
[4873] P4834 (Municipal Court of Sanski Most, decision on death of Sulejman Kekić, 17 April 1998), pp. 1-2.
[4874] P3617 (Azra Blažević witness statement, 10 November 1994), pp. 8, 27; P3618 (Azra Blažević, *Tadić* transcript, 12-13 June 1996), p. 2539. Azra Blažević's evidence has also been reviewed in chapter 4.10.2 *Schedule C.15.4*.
[4875] P3617 (Azra Blažević witness statement, 10 November 1994), p. 15.
[4876] Adjudicated Facts I, no. 1078.
[4877] P3224 (Witness RM-008, witness statement, 16 May 2013), para. 62; P269 (Idriz Merdžanić, witness statement, 28 August 2000), paras 53, 57.
[4878] P3617 (Azra Blažević witness statement, 10 November 1994), p. 18.
[4879] P3617 (Azra Blažević witness statement, 10 November 1994), p. 18.
[4880] P283 (Mevludin Sejmenović, witness statement, 13 August 2012), paras 43, 46, 48.
[4881] P283 (Mevludin Sejmenović, witness statement, 13 August 2012), paras 43, 48; Mevludin Sejmenović, T. 3539-3541.

him.[4882] Two to three days after he entered the camp in mid-July 1992, six men with the last name Forić were killed on the suspicion that they had assisted the witness in some way.[4883] At least two men, including a policeman and a soldier, took the six men away and then gunshots were heard.[4884] In the morning, a man from the camp was taken out to bury the bodies and described the men to the witness when he came back from burying them.[4885] Their bodies were later found in a mass grave in 2009 or 2010 and are now buried in Kamičani.[4886] Two other witnesses provided evidence about the same killing incident. **Witness RM-047** stated that one night, he saw Serb police officers or soldiers come into the camp and pick up six men all surnamed Forić.[4887] The six men were brought behind the cinema building with their hands behind their heads and after approximately 15 to 30 minutes, the witness heard the sound of semi-automatic weapons; after this initial barrage of shots, he heard six individual gunshots.[4888] The bodies were buried by a group of people from the camp**,** who confirmed that the six detainees had been shot dead.[4889] **Merdžanić** testified that between the end of May and the end of July 1992, five to six Muslim men with the name Forić were killed.[4890] From the clinic, the witness saw all men from the camp lined up and a Serb soldier called out those with the family name Forić, after which five to six men stepped out and were taken away by the guards.[4891] The witness never saw these men again and was told by Azra Blažević that she heard from one of the guards that they had been tortured and killed.[4892]

1163. **Witness RM-023** provided evidence about the killing of 11 detainees taken out of the camp. On or about 24 or 25 August 1992, the witness saw a group of half a dozen

[4882] P283 (Mevludin Sejmenović, witness statement, 13 August 2012), paras 46-47, 49.
[4883] P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 47; Mevludin Sejmenović, T. 3539-3540, 3549-3550.
[4884] P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 47; Mevludin Sejmenović, T. 3549-3550.
[4885] P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 47.
[4886] P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 47.
[4887] P2594 (Witness RM-047, witness statement, 14 March 2000), p. 5; P2595 (Witness RM-047, *Stakić* transcript, 22 July 2002), pp. 6252-6254.
[4888] P2594 (Witness RM-047, witness statement, 14 March 2000), p. 5; P2595 (Witness RM-047, *Stakić* transcript), 22 July 2002, pp. 6252-6254.
[4889] P2594 (Witness RM-047, witness statement, 14 March 2000), p. 5; P2595 (Witness RM-047, *Stakić* transcript, 22 July 2002), pp. 6253-6254.
[4890] P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 55; Idriz Merdžanić, T. 3401.
[4891] P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 55; P278 (Diagram of Trnopolje Camp drawn by Idriz Merdžanić); Idriz Merdžanić, T. 3385, 3401.
[4892] P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 55; Idriz Merdžanić, T. 3385.

Serb soldiers[4893] in uniform on the road near the house where the witness was detained outside Trnopolje camp.[4894] The soldiers were angry and walked towards Trnopolje camp.[4895] Among the soldiers was a man called 'Topola', who was in charge of the camp at that time.[4896] These soldiers escorted 11 men out of the camp and yelled at them to move faster. The soldiers were pushing the men who had their heads down and took them to a corn field. Four Serb soldiers shot the men. The men were screaming and crying. After the shooting, the soldiers shot in the air and celebrated with screams before walking back towards the camp without the detainees.[4897]

1164. **Branko Berić** testified that he held no official position at the Trnopolje Reception Centre, but he visited daily until he was sent to the frontline.[4898] According to the witness, to the best of his knowledge, nobody was killed in Trnopolje camp.[4899] **Boško Mandić** testified that he heard that non-Serbs in Trnopolje camp were tortured and killed, but that he did not witness it himself.[4900] **Slavko Puhalić** testified that as far as he knew, there had been no killings within the compound of Trnopolje camp.[4901] However, he had heard that in one or two cases, detainees were killed after they had gone outside the Trnopolje camp.[4902] According to the witness, in both instances, the authorities were informed.[4903] Puhalić testified that he was at Trnopolje camp until August 1992, but he left for a period of about a month from mid-June to mid-July 1992.[4904]

1165. The Trial Chamber notes that Sead Sušić, Branko Berić, and Slavko Puhalić provided evidence that, as far as they knew, no killings occurred at Trnopolje camp. At first glance, this evidence may contradict Adjudicated Fact 1078. However, the Trial Chamber considers that Sušić, Berić, and Puhalić were not always present at the camp,

[4893] The Trial Chamber notes that with respect to this incident, Witness RM-023 referred first to a group of Serbian soldiers and later referred to the same group as Serb soldiers. P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 15-16. Based on the evidence, the Trial Chamber considers this group to be Serb soldiers.
[4894] P3234 (Witness RM-023, witness statement, 25 August 2000), p. 15.
[4895] P3234 (Witness RM-023, witness statement, 25 August 2000), p. 16.
[4896] P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 15-16.
[4897] P3234 (Witness RM-023, witness statement, 25 August 2000), p. 16.
[4898] D928 (Branko Berić, witness statement, 26 June 2014), paras 25, 38; Branko Berić, T. 32853, 32860-32861, 32869.
[4899] D928 (Branko Berić, witness statement, 26 June 2014), para. 18; Branko Berić, T. 28755.
[4900] Boško Mandić, T. 28910.
[4901] Slavko Puhalić, T. 31709-31710.
[4902] Slavko Puhalić, T. 31677, 31709-31710.
[4903] Slavko Puhalić, T. 31710.
[4904] D898 (Slavko Puhalić, witness statement, 26 June 2014), p. 1, paras 2-5; Slavko Puhalić, T. 31659-31660, 31663.

thus leaving open the possibility that detainees were killed in the camp while they were not present. The Trial Chamber therefore finds that this evidence does not contradict Adjudicated Fact 1078 and rejects the Defence arguments in relation to evidence provided by Berić and Puhalić. This Defence argument was also based on the evidence of Mandić. With respect to Mandić's evidence, the Trial Chamber notes that Mandić did testify that non-Serbs in Trnopolje camp were tortured and killed, but merely added that he had not witnessed it personally.[4905] Considering the above, the Trial Chamber therefore also rejects the argument on this basis.

1166. The Trial Chamber notes that the Defence refers to two alleged killings described in Puhalić's testimony. The Trial Chamber considers that Puhalić only provided minimal, unsourced details concerning the alleged killings. The Trial Chamber will therefore not further consider Puhalić's evidence with regard to these killings.

1167. In relation to the Defence's argument that members of the MUP and the TO wore identical uniforms as VRS members, the Trial Chamber notes that in its findings below, it has not relied on what uniform the person involved wore in order to determine affiliation. It will therefore not further consider this argument.

1168. Based on the foregoing, the Trial Chamber finds that at least two detainees were beaten to death or killed by camp guards, members of the TO and VRS as found in chapter 4.10.2 *Schedule C.15.4*, while detained in Trnopolje camp during its operation from at least 26 May 1992 until the end of September 1992, as set out in chapter 4.10.2 *Schedule C.15.4*. In one of these incidents, a camp guard named 'Zolka' threatened to kill detainee Sulejman Kekić, a 70-year-old man, after which he took Kekić out and killed him.

1169. With regard to the killings outside Trnopolje camp, the Trial Chamber finds that two detainees were singled out specifically by a camp guard named Zoran, nicknamed 'Zoka' or 'Tacna', and taken out of the camp and killed sometime between 26 May and mid-August 1992. The Trial Chamber finds that six detainees, Bosnian-Muslim men with the last name Forić, were killed outside the camp by camp guards, members of the TO and VRS as found in chapter 4.10.2 *Schedule C.15.4* around mid-July 1992. The Trial Chamber further finds that 11 detainees were taken outside the camp and killed by Serb soldiers on or about 24 or 25 August 1992.

[4905] Boško Mandić, T. 28910.

1170. With regard to the ethnicity of those killed apart from the six Bosnian-Muslim men with the last name Forić, the Trial Chamber recalls its finding in chapter chapter 4.10.2 *Schedule C.15.4* that the detainees at Trnopolje camp comprised Bosnian-Muslim and Bosnian-Croat civilians. It therefore finds that the other killed detainees were either Bosnian-Muslim or Bosnian-Croat civilians. The Trial Chamber also recalls its finding in chapter 4.10.2 *Schedule C.15.4* with respect to the conditions in which the detainees were kept. The Trial Chamber will consider these incidents in relation to Counts 1 and 3-6 of the Indictment in chapter 8, below.

1171. With respect to the evidence on killings of other detainees taken outside of Trnopolje camp apart from the 19 detainees the Trial Chamber found were killed above, the Trial Chamber has not received evidence on the dates or the alleged perpetrators of these killings and will therefore not consider them further in relation to any counts of the Indictment.

Schedule C and unscheduled murder incidents

1172. In addition to Scheduled Incidents A.6.1 to A.6.9 and B.13.1 to B.13.5, discussed above, the Indictment further alleges that the Accused is responsible for killing other Bosnian Muslims and Bosnian Croats in Prijedor Municipality between 12 May and 30 November 1992.[4906]

Miška Glava Dom (Schedule C.15.5)

1173. With regard to alleged murders committed in Miška Glava Dom, the Trial Chamber took judicial notice of a number of Adjudicated Facts.[4907] The Trial Chamber also received evidence from **Elvedin Nasić** and **Nermin Karagić**, both Bosnian Muslims from Prijedor Municipality.[4908]

[4906] Indictment, paras 39(a), 52, 59(a), 62.
[4907] Adjudicated Facts I, nos 1079-1082 have been reviewed in chapters 4.10.2 *Schedule C.15.5*. Adjudicated Facts I, no. 1083 has been reviewed in chapter 4.10.3.
[4908] **Elvedin Nasić**: P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, pp. 1-2, witness statement of 15 March 2000, pp. 1, 6. **Nermin Karagić**: P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5203-5204, 5209-5210. Elvedin Nasić's evidence has been reviewed in chapter 4.10.2 *Schedule C.15.5*. *See also* relevant evidence of Nermin Karagić in chapter 4.10.2 *Schedule C.15.5*.

1174. **Nermin Karagić** testified that in late July 1992, while he was detained at Miška Glava Dom, a man arrived wearing an olive-grey uniform and black fingerless gloves.[4909] He said 'I need a volunteer', pointed at someone, and took the person out.[4910] This happened at least three times and these people never returned.[4911] When the man came back to the room his knife and gloves were stained with blood.[4912] Another man came and said that he wanted ten volunteers from Rizvanovići.[4913] The man with black gloves said that the second man's son had been killed by the Muslims, and that the second man would do the same to the men he was taking away.[4914] The second man took ten detainees from Rizvanovići, as well as one from Cazin, and another from Višegrad.[4915] When the doors closed, the witness could hear a man being killed right outside the door; he heard his cries and it sounded as if his head was being squashed.[4916] The twelve detainees who left the room never returned.[4917] All detainees held with the witness were Muslims.[4918]

1175. Based on the foregoing, the Trial Chamber finds that in late July 1992, a total of 15 Muslim detainees were taken away from Miška Glava Dom, some by a man under the control of the Miška Glava TO, and never returned. One of those detainees, a Bosnian Muslim, was killed at Miška Glava Dom, immediately after being taken out by a man under the control of the Miška Glava TO. The Trial Chamber has not received any evidence regarding what happened to the other fourteen detainees and where they were taken. The Trial Chamber will further consider this incident, with regard to the one detainee who was killed by a member of the Miška Glava TO immediately after being taken out of Miška Glava Dom, in relation to Counts 1 and 3-6 of the Indictment in chapter 8, below.

[4909] P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5221-5222.
[4910] P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), p. 5221.
[4911] P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), p. 5221.
[4912] P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), p. 5222.
[4913] P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5222-5223; Nermin Karagić, T. 9103.
[4914] P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), p. 5221.
[4915] P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5221, 5223, 5525.
[4916] P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), p. 5223; Nermin Karagić, T. 9110.
[4917] P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), p. 5225; Nermin Karagić, T. 9131.
[4918] P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), p. 5223.

Keraterm Camp (Schedule C.15.3)

1176. With regard to alleged murders committed in Keraterm Camp, beyond those included in Scheduled Incident B.13.1, the Trial Chamber has taken judicial notice of two Adjudicated Facts.[4919] The Trial Chamber also received evidence from **Jusuf Arifagić**, a Bosnian Muslim from Kozarac in Prijedor Municipality;[4920] **Witness RM-384**, a driver mobilised into the JNA on 5 May 1992;[4921] and **Witness RM-385**, a Serb from Prijedor,[4922] and finds that this evidence is consistent with the Adjudicated Facts.[4923] The evidence of **Witness RM-016**, a Bosnian Serb from Banja Luka,[4924] has also been reviewed in chapter 4.10.2 *Schedule C.15.3*.

1177. **Jusuf Arifagić** stated that he saw detainees signing papers, after which they were put on the back of a military truck and driven away.[4925] The truck would then return to Keraterm and take away other detainees.[4926] On one occasion, Arifagić the witness was made to wash this truck and he saw blood in the back where the detainees were forced to lieay.[4927] He also observed dirt in the truck, which the witness described as 'the mining dirt from Ljubija or Tomasica'.[4928]

1178. The Trial Chamber has carefully considered the evidence of Jusuf Arifagić, who was a detainee in Room 2, where the victims of these incidents were also held. He provided a detailed account of what happened at Keraterm camp, and in particular to these victims.[4929] With regard to Emsud Bahonjić, the witness saw him taken away on the instruction of Zoran Zigić, he observed that he had been beaten on many occasions, and he also saw him die in Room 2. With regard to these incidents, the Trial Chamber has not identified any inconsistencies in Arifagić's evidence and finds him reliable.

[4919] Adjudicated Facts I, nos 1032 and 1044 have been reviewed in chapter 4.10.2 *Schedule C.15.3*.
[4920] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 1-2.
[4921] P7313 (Witness RM-384, witness statement, 30 January 2014), p.1, para. 2.
[4922] P7314 (Witness RM-385, witness statement, 5 April 2014), p. 1, paras 2, 4, 8-10.
[4923] **Jusuf Arifagić**: P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 16, 18; P3389 (Jusuf Arifagić, *Stakić* transcript, 28 August 2002), T. 7090-7091. **Witness RM-384**: P7313 (Witness RM-384, witness statement, 30 January 2014), para. 4. **Witness RM-385**: P7314 (Witness RM-385, witness statement, 5 April 2014), para. 12. Jusuf Arifagić and Witnesses RM-008, RM-384 and RM-385's evidence has been reviewed in chapter 4.10.2 *Schedule C.15.3*.
[4924] P2375 (Witness RM-016, witness statement, 5 August 2013), p. 1, paras 4, 11, 16; Witness RM-016, T. 17398.
[4925] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 19.
[4926] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 19.
[4927] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 19.
[4928] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 19.
[4929] See, in particular, P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 16-17.

1179. Based on the foregoing, the Trial Chamber finds that around 24 June 1992, the detainee Emsud Bahonjić, who was 27 or 28 years old at the time, died as a result of injuries sustained during his continuous mistreatment by Zoran Zigić at Keraterm camp since his arrest on 26 May 1992. Considering that the detainees at Keraterm camp did not consist exclusively of Bosnian Muslims and Bosnian Croats, the Trial Chamber cannot exclude the possibility that the detainee was of another ethnicity. For this reason, the Trial Chamber will not further consider this incident.

1180. The Trial Chamber also finds that during the night of 2 to 3 July 1992, a Bosnian-Croat detainee called Drago, a policeman, died as a result of injuries suffered during a beating by guards, members of the SJB and VRS as found in chapter 4.10.2 *Schedule C.15.3*, at Keraterm camp that same night. The Trial Chamber recalls its finding in chapter 4.10.2 *Schedule C.15.3* with respect to the conditions in which the detainees were kept. The Trial Chamber will further consider this incident in relation to Counts 1 and 3-6 of the Indictment.

1181. The Trial Chamber notes that Arifagić provided different accounts as to what happened to Fikret Avdić: in his witness statement he specified that Avdić was brought to a hospital while in his prior testimony he stated that Avdić died at the camp after having been beaten. Absent any clarification with regard to this inconsistency and lacking any further evidence concerning this victim, the Trial Chamber will not consider this further in relation to any Counts of the Indictment.

4.10.2 Unlawful detention and cruel or inhumane treatment in detention facilities

Schedule C.15.2

1182. According to the Indictment, the Accused is responsible for the detention, torture, beating, abuse, rape, commission of other acts of sexual violence, and subjecting Bosnian Muslims and Bosnian Croats to inhumane living conditions in Omarska camp, Prijedor Municipality, between 27 May and 21 August 1992.[4930] The Defence argued that Omarska camp was not a detention facility, but a 'provisional investigation centre' for suspected combatants who were captured during combat or found to be illegally carrying arms.[4931] These individuals were processed regardless of

[4930] Indictment, paras 39(b)-(c), 53, 59(b)-(d), (g), Schedule C.15.2.
[4931] Defence Final Brief, para. 960.

their ethnicity.[4932] It argued that this centre was under the full control of the local civilian authorities, namely the crisis staff and police.[4933] The Defence further argued that the VRS was not present at Omarska camp, insisted that the Geneva Conventions be respected and strongly condemned police actions to the contrary.[4934] The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to events that took place at the camp.[4935] It received evidence from **Nusret Sivac**, a Bosnian-Muslim journalist for TV Sarajevo who covered events in Prijedor and surrounding municipalities;[4936] **Witness RM-054**, a Bosnian-Muslim TO member from Kozarac, Prijedor Municipality;[4937] **Mevludin Sejmenović**, the Vice-President of the SDA in Prijedor from 1990 to 1992;[4938] **Predrag Radulović**, head of an intelligence team, known as the Miloš group, in the CSB Banja Luka from mid-1991 to 1994;[4939] the following Bosnian Muslims from Prijedor: **Kerim Mešanović**, **Witness RM-026** (whose evidence is also reviewed in chapter 4.1.2 *Schedule C.1.2*), **Witness RM-065**, **Witness RM-017** (whose evidence is also reviewed in chapters 4.1.2 *Schedule C.1.2* and 4.10.1 *Schedule B.13.2*), and **Witness RM-033**;[4940] and **Edward Vulliamy**, a journalist for the Guardian who covered events in Bosnia-Herzegovina in the period between 1992 and 1995;[4941] as well as documentary evidence,[4942] and finds that this evidence is consistent with the Adjudicated Facts.[4943] The Trial Chamber also received

[4932] Defence Final Brief, para. 960.
[4933] Defence Final Brief, paras 67, 960-961,
[4934] Defence Final Brief, para. 963.
[4935] These are set out below, but also include Adjudicated Facts 1007, 1008, 1018, 1019, and 1012-1014 in chapter 4.10.1 *Schedule B.13.2*.
[4936] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6561-6562; Nusret Sivac, T. 4839.
[4937] P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2610-2611, 2618, 2758.
[4938] P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 4.
[4939] P3207 (Predrag Radulović, witness statement, 5 December 2009), p. 1, paras 4-5.
[4940] P3414 (Kerim Mešanović, witness statement, 18 March 2013), p. 1, para. 3; P2585 (Witness RM-026, witness statements), statement of 23 September 1994, pp. 1-2; P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 1-2, witness statement of 28 August 2000, p. 2; P3274 (Pseudonym sheet for Witness RM-065). *See also* P3279 (Table of Concordance); P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 1-2; P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), p. 6189.
[4941] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7899-7904, 7989-7990, 8035.
[4942] P3928 (Newsday article, 2 August 1992), pp. 1-4; P2900 (Banja Luka CSB report, 18 August 1992), pp. 4, 6, 29-32.
[4943] **Nusret Sivac**: P480 (Nusret Sivac, transcripts from prior cases), Stakić transcript, 29-30 July 2002, pp. 6612-6617, 6636-6639, 6640-6644, 6677-6681; P483 (Photograph of rear view of Omarska camp model), P484 (Photograph of front view of Omarska camp model); Nusret Sivac, T. 4814, 4870-4871, 4874, 4876, 4878. **Kerim Mešanović**: P3414 (Kerim Mešanović, witness statement, 18 March 2013), paras 30, 33, 36-37, 39-41, 43, 45, 50-51, 54, 68; P3420 (Still photograph); P3421 (Still photograph). **Witness RM-054**: P3408 (Witness RM-054, *Kvočka et al.* Transcript, 6-7 June 2000), pp. 2648-2650, 2658-2663, 2728-2731, 2736-2737, 2749-2750, 2771; P3412 (Diagram of Omarska camp, administration building). **Mevludin Sejmenović**: P283 (Mevludin Sejmenović, witness statement, 13 August 2012),

evidence from **Witness RM-023**, a Muslim residing in Prijedor Municipality in 1991 and 1992 (also reviewed in chapter 4.10.2 *Schedule C.15.4*);[4944] **Adil Medić**, a Muslim from Ključ and leader of the 'Muslim Corps' commission for camp- and prisoner-related problems;[4945] **Witness RM-016**, a Bosnian Serb from Banja Luka;[4946] **Witness RM-385**, a Serb from Prijedor;[4947] **Miloš Šolaja**, Editor-in-chief within the 1KK Press Centre from 18 July 1992 until the end of the war;[4948] **Jusuf Arifagić**, a Bosnian Muslim from Kozarac in Prijedor Municipality (reviewed in chapter 4.10.1 *Schedule B.13.2*);[4949] **Rade Javorić**, Commander of the Prijedor TO staff since 16 September 1991 (reviewed in chapter 4.10.2 *Schedule C.15.4*);[4950] **Branko Berić**, an assistant for medical and veterinary services at the logistics base in Čirkin Polje, which was part of the Prijedor TO;[4951] **Charles Kirudja**, a UN civil affairs officer in Croatia between April 1992 and March 1994 (reviewed in chapter 4.1.2 *Schedule C.1.2*);[4952] and **Boško Kelečević**, Chief of Staff of the 1KK from 12 May 1992 until the end of the war (reviewed in chapter 4.10.2 *Schedule C.15.4*),[4953] as well as documentary evidence.[4954]

paras 52, 55-56; Mevludin Sejmenović, T.3525-3527, 3570. **Witness RM-026**: P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 8. **Witness RM-065**: P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 25-31, 33, 36; P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 2 (attestation), witness statement of 28 August 2000, p. 2; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), pp. 1271-1272, 1276-1277, 1281-1283, 1285-1286; P3273 (Witness RM-065, *Karadžić* transcript, 17 January 2011), pp. 10316-10317; P3275 (Videos of Omarska and Manjača camp); P3279 (Table of Concordance). **Witness RM-017**: P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 12-14, 20. **Witness RM-033**: P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), p. 6201. **Predrag Radulović**: P3207 (Predrag Radulović, witness statement, 5 December 2009), paras 137, 139-140, 142-143, 151. **Edward Vulliamy**: P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7939-7941, 7943-7946, 7966-7967, 7991-7992, 7999, 8109-8111, 8016-8019, 8025-8026, 8115-8120; Edward Vulliamy, T. 2589, 2592-2596, 2678, 2692, 2696; P200 (Video-footage of visit to camps in Prijedor, August 1992), 00:59-1:07, 2:01-2:26, pp. 1-2; P204 (Article authored by the witness published in the Guardian on 7 August 1992), pp. 1-3; P205 (ITN video-footage of visit to Omarska and Trnopolje camp, August 1992), 1:56-2:45, 2:52-3:18, 3:20-3:26, 3:31-4:10, p. 2; P206 (Video-footage of visit to Omarska and Trnopolje camp, August 1992), 00:40-5:44, pp. 1-7.

[4944] P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 1-2.

[4945] P154 (Adil Medić, witness statement, 31 January 1996), p. 1, para. 4; Adil Medić, T. 2033.

[4946] P2375 (Witness RM-016, witness statement, 5 August 2013), p. 1, paras 4, 11, 16; Witness RM-016, T. 17398.

[4947] P7314 (Witness RM-385, witness statement, 5 April 2014), p. 1, paras 2, 4, 8-10.

[4948] D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 4.

[4949] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 1-2.

[4950] D895 (Rade Javorić, witness statement, 26 June 2014), paras 2, 6; Rade Javorić, T. 31424.

[4951] D928 (Branko Berić, witness statement, 26 June 2014), paras 11-12; Branko Berić, T. 32852-32853.

[4952] P3587 (Charles Kirudja, witness statement, 17 November 2010), para. 2.

[4953] D1110 (Boško Kelečević, witness statement, 26 June 2014), p. 1, paras 1, 9; Boško Kelečević, T. 37131.

[4954] P2900 (Banja Luka CSB report, 18 August 1992) (also reviewed in chapter 4.10.2 *Schedule C.15.3*); P3878 (New York Times article on the 'Conflict in the Balkans', 9 August 1992) (also reviewed in chapter 4.1.2 *Schedule C.1.2*); P3928 (Newsday article, 2 August 1992); P4039 (Regular Combat Report from 1KK Command, 7 August 1992); P3963 (List of 1st category persons held in Omarska camp, 28 July 1992); P4007 (Letter from Dr Franjo Komariča to Mr Simo Drljača, 11 August 1992); P4163

Establishment, structure, and security at Omarska camp

1183. Omarska camp was established by the civilian authorities of Prijedor Municipality at the former Ljubija iron-ore mine, situated some two kilometres to the south of Omarska village.[4955] The camp was in operation from 25 May 1992.[4956] Staff and detainees began arriving around 27 May 1992, and on 31 May 1992 Simo Drljača, chief of the Prijedor Municipality SJB, and a member of the Prijedor Crisis Staff, issued the official order to establish the camps.[4957] The order was pronounced 'in accordance with the Decision of the Crisis Staff' and established the responsibilities of various actors. The order charged a 'mixed group consisting of national, public and military security investigators' with the interrogation and resulting categorization of the detainees. This 'mixed group' was comprised of members of the crime branches of the public and state security services, as well as military investigators.[4958] The same order assigned responsibility for the work of the investigators to three named coordinators: Ranko Mijić, Mirko Jesić, and Lieutenant Colonel Majstorović.[4959] Paragraph 6 of the order stated that 'Security services at the collection centre shall be provided by the Omarska Police Station', and according to paragraph 2, 'the persons taken into custody shall be handed over to the chief of security, who is duty-bound in collaboration with the national, public, and military security co-ordinators to put them up in any of the five premises allocated for the accommodation of detainees'.[4960]

1184. The majority of the detainees at the camp were housed in the hangar, which was the largest of four buildings on the site of the camp, running north-south.[4961] The main part of the hangar had been designed for the heavy trucks and machinery used in the iron-ore mine and ran along the eastern side of the building.[4962] The western side consisted of two floors of over 40 separate rooms.[4963] There were three other structures

(Channel Four news report) (reviewed in chapter 4.2.2 *Schedule C.2.1*); P7194 (Public announcement by Branko Derić, 7 August 1992).
[4955] Adjudicated Facts I, nos 946-947.
[4956] Adjudicated Facts I, no. 947.
[4957] Adjudicated Facts I, nos 955-956. The Trial Chamber notes that this Adjudicated Fact relates to the establishment of more than one camp but determines that Omarska camp is one of the camps referenced.
[4958] Adjudicated Facts I, no. 957.
[4959] Adjudicated Facts I, no. 958.
[4960] Adjudicated Facts I, no. 959.
[4961] Adjudicated Facts I, no. 991.
[4962] Adjudicated Facts I, no. 991.
[4963] Adjudicated Facts I, no. 991.

on the Omarska camp site: the administration building, and two smaller structures known as the 'white house' and the 'red house'.[4964] The administration building lay at the north of the grounds and was divided in two parts.[4965] The single-storied western part contained a kitchen and eating area, and the eastern section had two floors: the ground floor where detainees were held and the first floor, containing a series of rooms used for interrogation, administration of the camp, and female inmates' sleeping quarters.[4966] There was also a small garage at the far north or outer edge of the building.[4967] **Witness RM-065** stated that around 12 to 14 days into his detention at Omarska camp, a detainee named Mujo Crnalić helped him get transferred to a room in the building where the restaurant was.[4968] Approximately 600 to 700 people slept in this room.[4969] The room became known and was referred to as 'Mujo's room'.[4970] In this building, there was a glassed-in area without a ceiling where what the witness described as 'so called light prisoners' were held, including ex-soldiers who were in Pakrac/Lipik and some of the richer prisoners who according to the witness paid between 20,000 and 30,000 DEM to be allowed to stay there.[4971] To the west of the hangar building was a grassed area on the western side of which lay the white house, a small rectangular single-storied building, having a central corridor with two rooms on each side and one small room at its end, not wider than the corridor itself.[4972] To the north of the hangar was an open concrete area, known as the *pista*.[4973]

1185. According to a decision of the Prijedor Crisis Staff, referenced in a report by the Prijedor, Bosanski Novi, and Sanski Most SJB, and the Commission for the Inspection of the Municipalities, Omarska was placed under the direct supervision of the police and

[4964] Adjudicated Facts I, no. 992.
[4965] Adjudicated Facts I, no. 995.
[4966] Adjudicated Facts I, nos 993, 995.
[4967] Adjudicated Facts I, no. 995.
[4968] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 31, witness statement of 28 August 2000, p. 3; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), pp. 1287-1288; P2585 (Witness RM-026, witness statements), witness statement of 23 September 1994, p. 9.
[4969] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 3; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), p. 1289.
[4970] The Trial Chamber notes that there are frequent references in the evidence in this chapter, including from witness Nusret Sivac, Witness RM-065, Witness RM-017, Witness RM-026, to 'Mujo's room' and even 'Buhro's and Mujo's room' where various incidents are alleged to have taken place.
[4971] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 29; P3273 (Witness RM-065, *Karadžić* transcript, 17 January 2011), pp. 10315-10316; P3275 (Videos of Omarska and Manjača camp). *See also* P3279 (Table of Concordance).
[4972] Adjudicated Facts I, no. 998.
[4973] Adjudicated Facts I, no. 993.

the army.[4974] The police were charged with securing the administration building, workshops and garages, while the army secured sentry posts and the mining of certain areas.[4975] The camp was staffed mainly by the police.[4976] Željko Mejakić was the 'chief of security' to which Simo Drljača's order of 31 May 1992 referred and he was responsible for allocating detainees to the different detention sites in the camp.[4977] Mejakić was the commander of the Police Station Department situated in Omarska, where Kvočka and Radić were also employed.[4978] Dušan Janković, Head of the SJB in Prijedor throughout the duration of Omarska camp's existence, was immediately subordinated to Simo Drljača and supervised the implementation of his order of 31 May 1992.[4979] His duties in this regard were to be carried out in collaboration with the Banja Luka Security Services Centre.[4980] His work required the approval of the regional superiors of each branch involved in the operation of the camp.[4981] In a report to the Crisis Staff dated 1 July 1992, Simo Drljača confirmed that 'Conclusion number 02-111-108/92, by which the release of detainees is prohibited, is being fully observed'.[4982] There were three sub-offices or 'Police Station Departments' attached to the Prijedor Police Station'.[4983] Miroslav Kvočka, as duty officer in Omarska police station, was delegated the authority to activate the reserve police force in order to serve as guards in the camp.[4984]

1186. Witnesses, who were detained at the camp during different periods, provided evidence about their observations of the security structures and individual guards at the camp. **Nusret Sivac** testified that the camp commander was Željko Mejakić and, later on, Miroslav Kvočka.[4985] He also recalled the following guards' names: Miroslav Kos a.k.a. Kule, and Drago Prcać.[4986] **Witness RM-065** stated that he learned that Miroslav

[4974] P2900 (Banja Luka CSB report, 18 August 1992), pp. 4, 6, 29, 32.
[4975] P2900 (Banja Luka CSB report, 18 August 1992), p. 4.
[4976] Adjudicated Facts I, no. 946.
[4977] Adjudicated Facts I, no. 960. The Trial Chamber notes that Željko Mejakić is referred to and spelt differently throughout the evidence and determines that such references relate to the same person. References to Željko Mejakić throughout this chapter are, accordingly, harmonised so that they are spelt in the same way.
[4978] Adjudicated Facts I, no. 964. The Trial Chamber determines that the reference in the Adjudicated Facts to 'Kvočka' refers to Miroslav Kvočka.
[4979] Adjudicated Facts I, nos 961, 963.
[4980] Adjudicated Facts I, no. 961.
[4981] Adjudicated Facts I, no. 961.
[4982] Adjudicated Facts I, no. 962.
[4983] Adjudicated Facts I, no. 964.
[4984] Adjudicated Facts I, no. 965.
[4985] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6615-6617.
[4986] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6616.

Kvočka, who wore a camouflage uniform that was different from the uniforms worn by the regular police and was armed with a 'Scorpion gun', was the first commander of Omarska camp.[4987] The witness saw Kvočka almost every day in the beginning of his detention, walking around the camp and the *pista* where he would have been able to see the poor treatment of the detainees.[4988] The witness stated that there were three different shifts and that it was common knowledge among the detainees and apparent from the guards' behaviour that Krkan, Gruban, and Milojica Kos, a.k.a. Krle, were the commanders of these shifts.[4989] The witness stated that the conditions of detention were brutal in all shifts but that Krkan's and Gruban's shifts were the worst.[4990]

1187. **Witness RM-017** stated that Kvočka was dismissed as commander of the camp and replaced by Željko Mejakić.[4991] **Kerim Mešanović** saw Željko Mejakić, the camp commander, on a daily basis.[4992] Mejakić told the witness on one occasion that all of the detainees were POWs and that all he could do for the witness was to move him to the glass house, which was under his personal protection.[4993] The witness also saw Ranko Mijić on a daily basis in Omarska camp, and he saw Jesić and Majstorović several times.[4994] The shift commanders the witness saw at Omarska included men nicknamed 'Krle' and 'Čkalja'.[4995] Miroslav Kvočka seemed to be Krkan's deputy.[4996] Krkan would usually wear a police camouflage uniform.[4997] Kvočka was replaced by Dragoljub Prcać in the first half of July 1992.[4998] **Witness RM-033** stated that upon arrival at Omarska, the witness learned from women held at the camp that Dragoljub Prcač was the camp warden.[4999] In the camp, there were guards wearing grey-green coloured military uniforms and police uniforms.[5000] The witness also learned from the

[4987] P3271 (Witness RM-065, witness statements), witness statement of 28 August 2000, p. 3.
[4988] P3271 (Witness RM-065, witness statements), witness statement of 28 August 2000, pp. 3-4.
[4989] P3271 (Witness RM-065, witness statements), witness statement of 28 August 2000, p. 4.
[4990] P3271 (Witness RM-065, witness statements), witness statement of 28 August 2000, p. 4.
[4991] P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 20-21.
[4992] P3414 (Kerim Mešanović, witness statement, 18 March 2013), paras 35, 48.
[4993] P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 48.
[4994] P3414 (Kerim Mešanović, witness statement, 18 March 2013), paras 33-34.
[4995] P3414 (Kerim Mešanović, witness statement, 18 March 2013), paras 36-37.
[4996] P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 36.
[4997] P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 36.
[4998] P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 36. The Trial Chamber notes that Dragoljub Prcač is referred to and spelt differently throughout the evidence and determines that such references relate to the same person. References to Dragoljub Prcač throughout this chapter are, accordingly, harmonised so that they are spelt in the same way.
[4999] P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), pp. 6208-6211.
[5000] P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), p. 6253.

women held at the camp that Mlađo Radić a.k.a. Krkan was the 'leader of a shift'.[5001] **Witness RM-065** stated that one of the Serb guards was Paspalj who was 30 to 40 years old and walked with a limp.[5002] **Witness RM-017** stated that three to four guards were usually inside the white house; the witness recalled the names of two of them as Nenad 'Nešo' Janić and Krstan Zavešić.[5003]

1188. **Adil Medić** testified that, according to information given to him, Radoslav Brđanin was in control of Omarska camp and the employment of guards had to be cleared with him.[5004] A detainee, Mevludin Sejmenović, a member of the Assembly of Bosnia-Herzegovina from Kozarac, was released after Kuprešanin and Brđanin intervened.[5005] **Branko Berić** also testified that he had heard that Mevludin Sejmenović had been taken to Omarska for questioning, taken out by Vojo Kuprešanin, and then taken to Banja Luka, before going to Belgrade.[5006]

1189. **Mevludin Sejmenović** testified that Omarska camp was guarded mostly by the military.[5007] There was a checkpoint with soldiers on the road leading to Omarska itself and another by the railroad in Omarska, and there were sandbags and machinegun-nests along the road from Omarska to the camp.[5008] At some point halfway, near the mine installations, there was another military checkpoint.[5009] Inside the camp, soldiers marched up and down the areas where the detainees were.[5010] There were also men wearing blue police uniforms and men wearing special police uniforms, which were camouflage coloured with a slight purple hue.[5011]

1190. **Witness RM-016** testified that in 1992, Omarska camp was in the area of responsibility of the 1KK.[5012] **Sivac** testified that the external security of Omarska camp

[5001] P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), pp. 6214-6215.
[5002] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 27-28; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), p. 1285.
[5003] P3228 (Witness RM-017, witness statement, 1 September 1994), p. 18.
[5004] P154 (Adil Medić, witness statement, 31 January 1996), para. 31; P155 (Adil Medić, supplemental witness statement, 9 November 2001), p. 3.
[5005] P154 (Adil Medić, witness statement, 31 January 1996), para. 31.
[5006] D928 (Branko Berić, witness statement, 26 June 2014), para. 36.
[5007] P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 55; Mevludin Sejmenović, T. 3525-3527.
[5008] P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 55; Mevludin Sejmenović, T. 3570.
[5009] P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 55.
[5010] P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 55; Mevludin Sejmenović, T. 3570.
[5011] P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 55.
[5012] P2375 (Witness RM-016, witness statement, 5 August 2013), para. 77.

consisted of VRS members from the 5th Kozarska Brigade or the 43rd Brigade.[5013] They were peasants and 'criminals' from Bosanski Novi and were mobilised from the area around Omarska into the VRS and they provided the external security of the camp, comprising two rings with a minefield between them.[5014] The internal security of the camp included members of the active duty police, the reserve police, and mobilised soldiers of the VRS.[5015] One of the security rings was established 500 to 600 metres from the mine complex, shortly after Omarska camp was established, with a guard every 200 metres.[5016] These posts were staffed by members of the Omarska TO, who were tasked with preventing unauthorized persons from entering the camp (to repel possible attacks by Muslim forces) as well as with ensuring that no detainees escaped.[5017]

1191. Interrogations were carried out in the administration building by mixed teams of investigators from the army and the state and public security services in Banja Luka.[5018] **Radulović** testified that several interrogation teams responsible for interrogating non-Serb detainees and each composed of one SJB member, one SNB member, and one member of the VRS military security, were assigned to detention facilities in Prijedor, and in particular to Omarska and Keraterm camps.[5019] Upon recommendation of Kesić, Župljanin tasked Vojin Bera with the responsibility of determining the composition of these teams.[5020] National Security Service members such as Radomir Rodić, a person called Rakita, Dušan Pavlović, Duško Jelišić, Đuro Savić, Slavko Malešević, Jugoslav Rodić, and a person called Međedović were part of these teams.[5021] According to a document from Simo Drljača, Chief of Prijedor SJB, sent to CSB Banja Luka and dated 9 August 1992, the administration building of the Omarska mine housed a remand centre for 175 POWs, who were undergoing criminal investigations for the armed rebellion in Prijedor Municipality and were treated in accordance with the Geneva Convention.[5022] This centre was secured by the Prijedor SJB.[5023]

[5013] Nusret Sivac, T. 4815.
[5014] Nusret Sivac, T. 4815, 4838.
[5015] Nusret Sivac, T. 4815.
[5016] Adjudicated Facts I, no. 968.
[5017] Adjudicated Facts I, no. 968.
[5018] Adjudicated Facts I, no. 994.
[5019] P3207 (Predrag Radulović, witness statement, 5 December 2009), paras 139, 142-143, 151.
[5020] P3207 (Predrag Radulović, witness statement, 5 December 2009), para. 139.
[5021] P3207 (Predrag Radulović, witness statement, 5 December 2009), para. 139.
[5022] P7197 (Response by Simo Drljača, Chief of SJB Prijedor, sent to CSB Banja Luka, 9 August 1992).
[5023] P7197 (Response by Simo Drljača, Chief of SJB Prijedor, sent to CSB Banja Luka, 9 August 1992).

Detainees at Omarska camp

1192. According to a report by the Prijedor, Bosanski Novi, and Sanski Most SJB and the Commission for the Inspection of the Municipalities dated 18 August 1992, on 27 May 1992, pursuant to a decision of the Prijedor Crisis Staff, all POWs from the Keraterm facility were transferred with a police escort to Omarska.[5024] A total of 3,334 people, including 3,197 Muslims, 125 Croats, and 11 Serbs (3,297 men, 37 women, 28 people under 18 and 68 people over 60) were brought to Omarska between 27 May and 16 August 1992.[5025] Omarska camp held as many as 3,000 prisoners at one time, primarily men, and at least 36 to 38 women.[5026]

1193. The Trial Chamber received evidence about specific instances of people arriving and subsequently being detained at Omarska camp. **Predrag Radulović** stated that two Miloš group reports dated 28 and 30 May 1992 noted that non-Serbs, including children, women, and elderly, were arrested around 28 May 1992 in Prijedor and subsequently detained in inhumane conditions in the detention facilities established around Prijedor.[5027] **Kerim Mešanović** stated that on 24 June 1992, a policeman called Bato Kovačević came to his workplace and informed him that he was wanted for something in Omarska.[5028] The witness was escorted by two policemen to his home, where his wife, a Serb, begged the policemen not to take the witness away; one of them named Cvijić responded 'if you don't shut up, you will go with him, you Muslim whore'.[5029] The witness was taken to Omarska and en route he was struck a blow to his mouth, which caused him to lose four teeth.[5030] He fell to his knees and felt a blow on his back.[5031] He could hear laughter and somebody saying 'hit the Ustaša' and 'hit the Mujahedin'.[5032] **Witness RM-054** stated that he, together with three other men and one woman were taken to Omarska camp on or around 10 June 1992 by two armed men in military uniform.[5033] Some of the 20 Bosnian-Muslim male detainees, who were at the

[5024] P2900 (Banja Luka CSB report, 18 August 1992), pp. 3-4, 6, 29-30.
[5025] P2900 (Banja Luka CSB report, 18 August 1992), pp. 4-5, 30.
[5026] Adjudicated Facts I, nos 948, 950.
[5027] P3207 (Predrag Radulović, witness statement, 5 December 2009), para. 137.
[5028] P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 24.
[5029] P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 24.
[5030] P3414 (Kerim Mešanović, witness statement, 18 March 2013), paras 26-27.
[5031] P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 26.
[5032] P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 26.
[5033] P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2622, 2624, 2628-2629, 2645-2648.

white house on or around that day, were from Prijedor Town and from villages including Čarakovo, Bišćani, and Rizvanovići.[5034]

1194. **Sivac** testified that on 10 June 1992 the police arrested him, Safet Ramadović, Omer Kerenović - a criminal law judge at the Prijedor municipal court - and Ivica Muntijan - a Croat who worked at the same court.[5035] They were transported in a police van by Tomislav Stojaković and Rade Strika Bolta to the administration building at the Keraterm camp, and, upon order of Ranko Mijić, further transferred to Omarska camp.[5036] Shortly after his arrival the witness was released on the orders of Ranko Mijić, as he had mistakenly been brought to the camp; the name on the list was that of the witness's sister, Nusreta Sivac.[5037] That night the witness's sister was arrested and taken to Omarska camp.[5038] She was working as a judge at the Prijedor municipal court until the SDS takeover.[5039] On 20 June 1992, the witness was arrested again and taken to Omarska camp, together with: Ago Sadiković, former Prijedor SUP inspector; Sifeta Sušić, who worked in the criminal evidence unit in the Prijedor SUP; Tesma Elezović, a woman who worked at the mountaineer's lodge at Kozara Mount; Semir Malovcić, a 13 or 14-year-old boy; and Osman Mahmuljin, an eminent Prijedor physician.[5040] They were all beaten very badly by members of an intervention platoon who escorted them to the camp, including Dado Mrđa and Zoran Babić; Mahmuljin was beaten so badly that he could not move and the other detainees had to carry him to the police vans that were transporting them.[5041] **Branko Berić** testified that in the summer of 1992, he knew that the conditions at Omarska were harsh, but he was not aware of any crimes committed there.[5042] The witness testified that Nusret Sivac was interrogated at Omarska camp, released to Trnopolje Reception Centre and then went home to Prijedor.[5043]

1195. **Witness RM-065** stated that on 24 June 1992 around 9 a.m., a man named Kovačević, who was wearing a police uniform, came to his house and took him to the

[5034] P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2622, 2624, 2628-2629, 2645-2648, 2655-2656, 2657.
[5035] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6608-6609.
[5036] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6608-6610, 6619.
[5037] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6614.
[5038] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6614.
[5039] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6614-6615.
[5040] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6619-6620, 6623.
[5041] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6620-6621.
[5042] Branko Berić, T. 32859-32860.
[5043] Branko Berić, T. 32849, 32854-32857.

police station where he was placed in a cell with Aziz Maksuti.[5044] After some time, Dado Zombra - a Croat, Nihad Basić, Kerim Mesanović, and three young men from Ališić were also brought into the cell.[5045] At 10 p.m., policemen in uniforms, shouting 'go out you Ustaša, I fuck your mothers', took the men outside, placed them against a wall with their legs spread and their hands up, and then began kicking them and beating them with police batons.[5046] The men were then forced to run towards a van between two lines of policemen that were beating them, and once they were loaded into the van, they were taken to Omarska camp.[5047] Upon arrival in Omarska camp the witness was taken to the white house where there were 60 to 70 people from the Kozarac area.[5048] On 9 July 1992, **Witness RM-026**, along with 50 other detainees was driven by bus to Omarska.[5049] The two or three 'chetnik' guards on the bus beat the detainees and forced them to sing 'chetnik' songs.[5050] At every checkpoint, 'chetniks' wearing uniforms got on and off the bus just to beat the detainees.[5051] **Witness RM-065** stated that sometime in mid-July 1992 buses arrived at the camp with people mainly from Rizvanovići and Bišćani, who were interrogated and severely beaten.[5052]

1196. With few exceptions, all prisoners in Omarska were Muslims or Croats, and the Serb prisoners held in Omarska were said to have been there because they were on the side of the Muslims.[5053] **Witness RM-065** stated that nine male detainees at the white house, who he identified, were not soldiers and wore civilian clothing, and that all were Muslim, except for one Croat.[5054] The women detained at Omarska were of different ages; the oldest were in their sixties and there was one young girl.[5055] Boys as young as 15 years old were seen in the early days of the camp, as well as some elderly people.[5056]

[5044] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 22, 24
[5045] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 24
[5046] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 24-25.
[5047] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 25.
[5048] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 25, witness statement of 28 August 2000, p. 3; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), pp. 1271-1272; P3273 (Witness RM-065, *Karadžić* transcript, 17 January 2011), p. 10315; P3275 (Videos of Omarska and Manjača camp), 00:38. *See also* P3279 (Table of Concordance).
[5049] P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 8; P2586 (Witness RM-026, *Stakić* transcript, 26 April and 1 May 2001), p. 2388.
[5050] P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 8.
[5051] P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 8.
[5052] P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), pp. 1283, 1286.
[5053] Adjudicated Facts I, no. 949.
[5054] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 26; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), pp. 1276-1277.
[5055] Adjudicated Facts I, no. 999.
[5056] Adjudicated Facts I, no. 950.

1197. Inmates at Omarska were unofficially grouped into three categories: intellectuals and political leaders from the Bosnian-Muslim and Bosnian-Croat communities, who were earmarked for elimination; persons who associated themselves with those from the first category; and detainees that were in the view of the Bosnian-Serb authorities the least 'guilty', and eventually were to be released.[5057] However, in practice, people from all three categories were kept detained in the camp.[5058] The prominent members of the Bosnian-Muslim and Bosnian-Croat local communities imprisoned in Omarska camp included Professor Muhamed Čehajić, the mayor of Prijedor prior to the Bosnian-Serb take-over.[5059] **Sivac** testified that he saw the following political leaders in the camp: Silvje Sarić, president of the Croatian Democratic Union; Idriz Jakupović, a member of the Socialist Democratic Party; and Rizo Beglerbegović, a member of the reformist forces led by Ante Marković.[5060] **Mešanović** stated that the first category also included the wealthy and those who were declared to have taken part in combat and that these people were beaten or murdered.[5061] Many were taken to the mine field behind the red house and never returned which the witness assumed to mean that they were killed.[5062] A list of '1st category persons' held in Omarska camp, dated 28 July 1992, records a total of 174 people.[5063] According to Mešanović, category two consisted of people who were 'supposed to survive but serve out the sins ascribed to them', such as obtaining weapons, helping financially or being politically active on the side of the SDA.[5064] Minors and mentally impaired individuals were also detained at the camp.[5065] Mešanović did not see any detainees in uniforms.[5066]

1198. **Witness RM-065** stated that on 23 July 1992, he was removed from 'Mujo's room' by Momir Gruban, a.k.a. Čkalja, and told that he was in the first category of detainees and was going to be killed, but that if he gave the guards money they would help him.[5067] The witness was unable to get the money.[5068]

[5057] Adjudicated Facts I, no. 951.
[5058] Adjudicated Facts I, no. 951.
[5059] Adjudicated Facts I, no. 952.
[5060] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6630.
[5061] P3414 (Kerim Mešanović, witness statement, 18 March 2013), paras 40-41.
[5062] P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 41.
[5063] P3963 (List of 1st category persons held in Omarska camp, 28 July 1992).
[5064] P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 42.
[5065] Adjudicated Facts I, no. 953.
[5066] P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 44.
[5067] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 2 (attestation), 31; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), pp. 1289-1290, 1292-1294.
[5068] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 2 (attestation), 27, 31-32; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), p. 1291-1294; P3276

1199. Omarska camp was in operation until late August 1992 when the prisoners were transferred to other camps.[5069] **Witness RM-065** stated that on 6 August 1992, the removal of detainees to Manjača camp started through a roll-call by a policeman called Zgonjanin a.k.a Koka who read names from a list.[5070] The witness was in a group of 20 to 30 detainees who were not called out to leave although his name was later called out.[5071] When walking close to a man with the list of names, the witness was able to see that around 700 detainees in category three had been called out and that they were to be sent to Trnopolje.[5072] The witness was in a group of around 300 detainees that were removed by Momir Gruban a.k.a Ckalja to the hangar.[5073] The witness overheard one Serb saying to another that he had to bring 165 men from the hangar to the garage.[5074] Ante Slutaj, a Croat among the 165 men whom he understood to have survived the killing, later told the witness that when the other detainees had left Omarska, beds and blankets were distributed to the remaining detainees and the day immediately following this distribution, international media representatives visited Omarska camp.[5075] Of the 165 prisoners sent to the garage, two were killed.[5076] The hangar was completely packed with people.[5077] The witness later learned that 1,360 people were moved from Omarska camp to Manjača camp.[5078] **Witness RM-054** was kept at the camp until 6 August 1992.[5079] **Witness RM-026** stated that on 6 August 1992, the day of his transfer to Manjača camp, about 170 detainees remained in Omarska camp.[5080] Around 26 August 1992, the witness heard, from Omarska detainees transferred to Manjača, that beds had

(Three messages written by Witness RM-065, 11 July, 24 July, and 1 August 1992), pp. 1-2. *See also* P3279 (Table of Concordance).

[5069] Adjudicated Facts I, no. 947.

[5070] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 34.

[5071] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 34; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), p. 1295.

[5072] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 34-35; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), p. 1305.

[5073] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 31, 35; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), p. 1296.

[5074] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 35; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), p. 1305.

[5075] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 35.

[5076] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 35; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), p. 1305.

[5077] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 35,

[5078] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 35; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), pp. 1296, 1305.

[5079] P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2648, 2750.

[5080] P2585 (Witness RM-026, witness statements), statement of 23 September 1994, pp. 9-10; P2586 (Witness RM-026, *Stakić* transcript, 26 April and 1 May 2001), p. 2388.

been placed into the rooms and that Omarska camp had been cleaned up.[5081] The 'chetniks' had told the remaining detainees to tell journalists or Red Cross delegates who might question them that they had only been held for 15 days.[5082] **Sivac** testified that on 7 August 1992 he left the camp in a group that was transferred to Trnopolje camp.[5083] **Mešanović** stated that a few weeks after Brđanin's visit, all but about 100 people were moved out from Omarska.[5084] The Trial Chamber notes that Brđanin visited Omarska camp in July 1992.[5085]

1200. According to a combat report signed by Zdravko Đurić, sent from the 1KK Command, to the VRS Main Staff on 7 August 1992, 1,460 'POWs' from Omarska were delivered to the Manjača 'POW Camp'.[5086] Of the total number of persons processed at Omarska by mid-August 1992, 1,773 were transferred to facilities in Trnopolje and 1,331 to Manjača camp, in Banja Luka.[5087]

Conditions of detention

1201. The new arrivals at Omarska were sent either to stay outside on the *pista* or to rooms in the hangar or in the small garages in the office blocks or, if so selected, to the white house.[5088] Sometimes 200 persons were held in a room of 40 square metres, and 300 prisoners were confined in one small room.[5089] Some Omarska prisoners spent the time crowded together in the lavatories, where prisoners were packed one on top of the other and often had to lie in the midst of excrement.[5090] The crowded rooms were stifling in the summer heat and often guards refused to open windows in overcrowded rooms or demanded the handing over of any possessions prisoners had managed to retain as the price of an open window or a plastic jar of water.[5091]

1202. **Witness RM-017** estimated that approximately 1,500 people were already being held in a room behind the camp's kitchen when he arrived in May 1992.[5092] However,

[5081] P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 10.
[5082] P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 10.
[5083] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6687.
[5084] P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 71.
[5085] *See* Adjudicated Facts I, no. 966.
[5086] P4039 (Regular Combat Report from 1KK Command, 7 August 1992).
[5087] Adjudicated Facts I, no. 1006.
[5088] Adjudicated Facts I, no. 969.
[5089] Adjudicated Facts I, no. 970.
[5090] Adjudicated Facts I, no. 970.
[5091] Adjudicated Facts I, no. 971.
[5092] P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 11, 13.

the witness was taken to an electricity supply room together with about 150 other men, and remained there until his last day in the camp on 5 August 1992.[5093] After 30 May 1992, more detainees were brought to the witness's room, which caused the room to become overcrowded.[5094] After about one month, all detainees were registered.[5095] In addition, two buses with about 150 young men in total, including Mustafa Balić, who had been caught escaping from the woods, entered the camp during the witness's first night.[5096] Guards hit and kicked them with every weapon they had before taking them to a small garage in the building with the restaurant.[5097] Some men were injured and others died in the garage.[5098]

1203. **Mešanović** stated that upon his arrival at Omarska, he was sent to the white house.[5099] After having tried to enter two overcrowded rooms, he and seven other detainees were told to enter the second room to the right.[5100] Altogether, there were 53 people in this room of no more than 20 square metres and the detainees were not allowed to talk.[5101] Detainees were taken out to toilets in groups of ten.[5102]

1204. The prisoners were fed in batches of about 30 at a time and had to run to and from their daily meal, often being beaten by guards as they came and went.[5103] As a rule, food at Omarska amounted to starvation rations, usually spoiled: detainees were fed once a day a small piece of bread, stew, and some cabbage, whereas the camp personnel enjoyed proper food.[5104] Prisoners were allowed only a minute or two in which to eat.[5105] Drinking water was often denied to the prisoners for long periods.[5106] The water given to the detainees was not fit for human consumption; it was destined for industrial use hence caused the detainees intestinal problems.[5107] Many of the prisoners confined in the white house received no food at all during their time there.[5108] Some prisoners, particularly those already badly injured by beatings in the camp, often chose

[5093] P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 13-14, 22.
[5094] P3228 (Witness RM-017, witness statement, 1 September 1994), p. 15.
[5095] P3228 (Witness RM-017, witness statement, 1 September 1994), p. 14.
[5096] P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 13-14.
[5097] P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 13-14.
[5098] P3228 (Witness RM-017, witness statement, 1 September 1994), p. 14.
[5099] P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 27.
[5100] P3414 (Kerim Mešanović, witness statement, 18 March 2013), paras 24, 27.
[5101] P3414 (Kerim Mešanović, witness statement, 18 March 2013), paras 27-28.
[5102] P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 30.
[5103] Adjudicated Facts I, no. 972.
[5104] Adjudicated Facts I, no. 973.
[5105] Adjudicated Facts I, no. 974.
[5106] Adjudicated Facts I, no. 978.
[5107] Adjudicated Facts I, no. 979.

to miss their daily meal for fear of further beatings on the way to, or return from, the meal.[5109] Some prisoners lost 20 to 30 kilograms in body weight during their time at Omarska, others considerably more.[5110] According to a *New York Times* article of 9 August 1992, several of the 175 inmates who remained in Omarska in August 1992 appeared to be near starvation.[5111] According to a compilation of reports by the Prijedor, Bosanski Novi, and Sanski Most SJB and the Commission for the Inspection of the Municipalities (amalgamated by the Banja Luka CSB) basic medical care and food was provided to the detainees at Omarska camp.[5112]

1205. There was very little in the way of lavatories at Omarska, prisoners had to wait hours before being allowed to use them and sometimes risked being beaten if they asked to use them, and prisoners were often forced to excrete and urinate in their rooms.[5113] **Witness RM-017** stated that detainees in Omarska were allowed to use the toilet once per day.[5114] There were no effective washing facilities at Omarska, and men and their clothes quickly became filthy and skin diseases were prevalent, as were acute cases of diarrhoea and dysentery.[5115]

1206. Dr Esad Sadiković, a physician, had previously worked for the UNHCR.[5116] In Omarska, he helped other detainees wherever he could, and was regarded as a moral and spiritual authority.[5117] **Witness RM-065** stated that Sadiković, as a detainee in the camp, took care of the sick or prisoners who suffered injuries; he had no implements or aids and would often stitch prisoners' wounds with just a needle and thread.[5118]

1207. According to a *Newsday* article of 2 August 1992, a former detainee stated that more than 1,000 Muslim and Croat civilians were held in over-crowded conditions without sanitation, adequate food, exercise, or access to the outside world and that every few days Serbian guards executed detainees in groups of 10 to 15 at a nearby lake.[5119] The article also referenced a UNHCR report, quoting a guard at the camp, who said that

[5108] Adjudicated Facts I, no. 975.
[5109] Adjudicated Facts I, no. 976.
[5110] Adjudicated Facts I, no. 977.
[5111] P3878 (New York Times article on the 'Conflict in the Balkans', 9 August 1992), p. 2.
[5112] P2900 (Banja Luka CSB report, 18 August 1992), pp. 4, 30.
[5113] Adjudicated Facts I, no. 980.
[5114] P3228 (Witness RM-017, witness statement, 1 September 1994), p. 14.
[5115] Adjudicated Facts I, no. 981.
[5116] Adjudicated Facts I, no. 1023.
[5117] Adjudicated Facts I, no. 1023.
[5118] P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), pp. 1285-1286.
[5119] P3928 (Newsday article, 2 August 1992), pp. 1-4.

the authorities there had planned to kill the detainees by exposing them to the elements and that they would not waste their bullets on them, but instead were leaving them exposed with no food or water and beating them twice a day, with the intention that they would starve like animals.[5120] The article quotes the Head of the ICRC describing the facilities as 'death camps' and stating the ICRC had been refused access to the camps by Serb authorities, which he believed was due to the unacceptable conditions there.[5121] **Witness RM-385** stated that on one occasion, beds and blankets were brought to Omarska.[5122]

1208. **Mešanović** stated that at one point, the camp commander's driver passed through the 'restaurant' and the glass house and said that those rooms should be tidied up because a delegation from Banja Luka, including Brđanin, Župljanin, Radić, and some others, would be arriving. He told the detainees to greet them with a three-fingered salute. The witness recalled that the detainees were trained to march and instructed to answer 'Long live Serbia' whenever a commander said 'Very well'.[5123] In July 1992, Radoslav Brđanin together with others, including Radoslav Vukić, Stojan Župljanin and Predrag Radić visited Omarska camp.[5124] **Sivac** testified that Milorad Tadić, a.k.a. Brk, Željko Mejakić's assistant, was in charge of a ceremony that day.[5125] They arrived in a convoy of vehicles, headed by an armoured intervention vehicle.[5126] Male detainees were lined up and made to sing Serb songs and to extend the Serb three-fingered salute.[5127] The following people were also part of the delegation: Simo Drljača; Milorad Vokić; a group of politicians, including Mićo Kovačević, Milomir Stakić, Srđo Srđić, Simo Mišković, Milan Andžić; Radmilo Zeljaja, commander of the 43rd or 343rd Motorised Brigade; and a group of journalists from Banja Luka and Prijedor.[5128] Brđanin was welcomed with the honours and respect that the witness had only seen

[5120] P3928 (Newsday article, 2 August 1992), pp. 1-3.
[5121] P3928 (Newsday article, 2 August 1992), pp. 1-3.
[5122] P7314 (Witness RM-385, witness statement, 5 April 2014), para. 26.
[5123] P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 68.
[5124] Adjudicated Facts I, no. 966.
[5125] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6639-6640.
[5126] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6640-6644; P483 (Photograph of rear view of Omarska camp model), P484 (Photograph of front view of Omarska camp model).
[5127] Adjudicated Facts I, no. 966.
[5128] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6640-6644, 6753; Nusret Sivac, T. 4814, 4870-4871, 4874, 4876, 4878; P483 (Photograph of rear view of Omarska camp model), P484 (Photograph of front view of Omarska camp model).

given to top dignitaries, and he paused in the middle of the *pista* to say something, which the witness could not hear.[5129]

1209. The Trial Chamber recalls the evidence reviewed in chapter 9.2.10, that on 3 August 1992, pursuant to the agreement of the political leadership of the three Bosnia-Herzegovina peoples and relating to the preparation of POW camps for visits of foreign journalists and members of the ICRC, Mladić ordered that measures be immediately taken through the MUP and 'authorities' to arrange the POW camps, including Omarska camp, in preparation for these visits.[5130] On that same day, Talić wrote to the Command of the 43rd Motorized Brigade, the Manjača camp command, the Prijedor Security Services Centre, and the Security Organ of the 1KK Rear Command Post, informing them that the VRS Main Staff Commander had provided his verbal approval for reporters to visit the Omarska camp, among others, in the next two days.[5131]

1210. Around the beginning of August 1992 Serbian and foreign journalists were allowed into Omarska camp, and detainees were warned not to complain about the conditions of detention.[5132] International journalists met the following officials at Omarska: Simo Drljača, Milomir Stakić, Kovačević, and Nada Balaban.[5133]

1211. Upon arrival at Omarska camp on 5 August 1992, **Edward Vulliamy** and two other journalists, entered through what appeared to be a back gate to the camp, and observed a series of red brick buildings and a large red rust-coloured building the witness described as a hangar or warehouse building.[5134] Just before entering a tarmac yard opposite the hangar, Milutinović introduced them to camp commander Mejakić, who was wearing a beret and 'fatigues', and appeared to be answerable to Drljača.[5135] From this location, the witness observed about 30 men, some in a near skeletal condition, coming out of the hangar, being lined upon, and drilled by 'civilian policemen' to run across the yard in a single file, after which the men entered a building

[5129] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6640-6644; P483 (Photograph of rear view of Omarska camp model), P484 (Photograph of front view of Omarska camp model).
[5130] P2879 (Order by Mladić, 3 August 1992), pp. 1-2. *See also* P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013) para. 2.169.
[5131] P201 (Letter regarding visits to detention camps, Major General Momir Talić, 3 August 1992). *See also* P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013) para. 2.169.
[5132] Adjudicated Facts I, no. 1005.
[5133] Adjudicated Facts I, no. 967.
[5134] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7939-7940.
[5135] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7940, 7943; Edward Vulliamy, T. 2589, 2696.

which the witness was told was a canteen.[5136] On the basis of his observations of these men, there was nothing indicating to the witness that they were soldiers.[5137] By the manner in which they ate their soup, the witness gained the impression that they had not eaten for a long time.[5138] One of the journalists asked one of the men how he was being treated, and was told 'I don't want to tell lies. I can't speak the truth. Thank you for coming.'[5139] The witness testified that the men looked terrified.[5140] The witness and two other journalists argued with Drljača, Mejakić, and Milutinović about getting access to the hangar, but to no avail.[5141] When the witness attempted to approach the hangar, he was stopped from doing so by the three men, backed up by guards who took the safety catches off their guns.[5142] Other than the canteen, the journalists were not allowed to visit any of the other buildings.[5143] Following the witness's request to be able to interview more inmates, several people were brought out for him, but he refused to talk to any and demanded that he be allowed to select his own interviewees.[5144] The witness spent just over an hour at Omarska.[5145] ITN video-footage depicts the camp commander telling the journalists that there were 2,500 of what they referred to as 'internees' who were being interrogated as possible Muslim fighters.[5146] The footage further records the spokesperson for the local Serb authorities stating it was a 'centre' and not a camp.[5147] In an article dated 7 August 1992, the witness recounted that at Omarska, the Serb spokesperson had told them that 126 inmates who had been determined to have 'prepared the rebellion' would face trial, that 1,290 were found to be 'fighters' and would be taken to a prisoner of war camp in Manjača and then on to a military court,

[5136] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7940; Edward Vulliamy, T. 2589; P204 (Article authored by the witness published in the Guardian on 7 August 1992), p. 1; P205 (ITN video-footage of visit to Omarska and Trnopolje camp, August 1992), 3:20-3:26, p. 2.
[5137] Edward Vulliamy, T. 2594, 2678.
[5138] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7940.
[5139] Edward Vulliamy, T. 2592; P200 (Video-footage of visit to camps in Prijedor, August 1992), 00:59-1:07, p. 1.
[5140] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7940-7941.
[5141] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7943-7946; Edward Vulliamy, T. 2593-2594; P200 (Video-footage of visit to camps in Prijedor, August 1992), 2:01-2:26, p. 2; P205 (ITN video-footage of visit to Omarska and Trnopolje camp, August 1992), 3:31-4:10, p. 2; P206 (Video-footage of visit to Omarska and Trnopolje camp, August 1992), 00:40-5:44,pp. 1-7.
[5142] Edward Vulliamy, T. 2594.
[5143] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7944; P204 (Article authored by the witness published in the Guardian on 7 August 1992), p. 3; P206 (Video-footage of visit to Omarska and Trnopolje camp, August 1992), 5:28-5:33, p. 7.
[5144] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7944-7945.
[5145] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 8109-8110.
[5146] P205 (ITN video-footage of visit to Omarska and Trnopolje camp, August 1992), 2:52-3:08, p. 2.
[5147] P205 (ITN video-footage of visit to Omarska and Trnopolje camp, August 1992), 2:57-2:59, 3:09-3:18, p. 2.

and that the around 1,400 others would go to Trnopolje camp.[5148] In an interview with Milan Kovacević in February of 1996 in Prijedor, Kovacević told the witness that Omarska was planned as a reception centre but turned into 'something else', which Kovacević attributed to 'collective madness'.[5149] In an interview with Stakić in Prijedor later that day, Stakić told the witness that Omarska was not a concentration camp but a place where a number of Muslims were interrogated, and that the pictures broadcast on television of people detained there were those of Serbs in Muslim camps.[5150]

1212. **Miloš Šolaja** testified that on 7 August 1992, he together with Brano Božić was instructed by Milutinović to accompany, in civilian clothing, a bus of foreign journalists to Omarska camp.[5151] On the way from Banja Luka to Omarska camp, the witness went through the Kozarac area where he saw destroyed houses and ruins.[5152] On the same day as the witness's visit, Simo Drljača held a press conference at Omarska camp.[5153] As far as the witness was aware, almost all of the detainees in Omarska camp had been transported to Manjača camp from Omarska camp before the witness's visit.[5154] The detainees in Omarska were skinny but clean, and the witness did not see any visibly injured people.[5155] The witness saw the detainees eating lunch at a restaurant when he arrived.[5156] Security was provided by the civilian police and the witness did not see any soldiers on the perimeter.[5157] The witness was only present at Omarska camp that day and never visited again.[5158] According to a *New York Times* article of 9 August 1992, former prisoners described the conditions prior to the ICRC visit of August 1992 to have been far harsher than the 'improved conditions' Serb leaders had implemented prior to the visit.[5159]

[5148] Edward Vulliamy, T. 2678, 2692; P204 (Article authored by the witness published in the Guardian on 7 August 1992), pp. 2-3.
[5149] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7991-7992, 7999.
[5150] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 8011, 8016-8019, 8025-8026, 8115-8120.
[5151] D924 (Miloš Šolaja, witness statement, 11 June 2014), paras 12, 16; Miloš Šolaja, T. 32729, 32760.
[5152] Miloš Šolaja, T. 32736.
[5153] D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 17.
[5154] Miloš Šolaja, T. 32761.
[5155] D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 17.
[5156] D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 16; Miloš Šolaja, T. 32761.
[5157] D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 17.
[5158] D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 17.
[5159] P3878 (New York Times article on the 'Conflict in the Balkans', 9 August 1992), pp. 1-2.

Treatment of detainees

1213. When prisoners arrived by bus at Omarska, they were usually searched, their belongings taken from them, and were then beaten and kicked as they stood, legs apart and arms upstretched, against the eastern wall of the administration building.[5160] **Sivac** testified that one of the men beaten upon arrival was Safet Ramadović, the witness's elderly neighbour.[5161] **Witness RM-054** stated that the detainees were being cursed in nationalistic and religious language using vulgar terms, such as *balija* for their mothers.[5162] **Witness RM-026** stated that he was not allowed to look at the faces of those who beat him.[5163] **Witness RM-065** stated that during the arrival of the new detainees, the men were ordered to lie down on their stomachs.[5164] The guards fired shots in the air whenever someone moved.[5165]

1214. Prisoners at Omarska were called out for interrogation, usually some days after their arrival, and would be taken by a guard to the first floor of the administration building; guards would beat and kick them as they went.[5166] Some prisoners were very severely beaten during interrogation, a guard standing behind the prisoner, hitting and kicking him, often knocking him off the chair in which he sat; there were instances where prisoners knocked to the floor would be trodden and jumped on by guards and severely injured; all of this while the interrogator looked on.[5167] After their interrogation, prisoners were often made to sign false statements regarding their involvement in acts against Serbs.[5168] The beatings were administered by camp guards, such as Milutin Popović a.k.a. Pop and Žarko Marmat.[5169] The following were present when the names of those who would be beaten were called out: Žigić and Kvočka.[5170] **Witness RM-054** stated that on 14 or 15 June 1992, Dragan Radaković was conducting

[5160] Adjudicated Facts I, no. 969.
[5161] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6612-6614.
[5162] P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), p. 2645, 2649.
[5163] P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 8.
[5164] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 28-29; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), p. 1286.
[5165] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 28-29; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), p. 1286.
[5166] Adjudicated Facts I, no. 982.
[5167] Adjudicated Facts I, no. 983.
[5168] Adjudicated Facts I, no. 984.
[5169] Adjudicated Facts I, no. 986.
[5170] Adjudicated Facts I, no. 989. The Trial Chamber determines that the reference in the Adjudicated Facts to 'Zigić' refers to Zoran Žigić.

interrogations.[5171] The witness was questioned about the TO in Kozarac, and was hit with a stick or a boot from behind whenever he said 'I don't know'.[5172] During his interrogation, the witness heard another detainee's interrogation in the next room.[5173] He heard screams and moans, the sound of blunt blows, and the sound of metal falling.[5174]

1215. On the following day, on or around 16 June 1992, Dušan Knežević a.k.a. Duca, Zoran Žigić, and a third man, all dressed in camouflage military uniform entered the witness's room in the white house and separated two detainees from the rest of the men by beating them away.[5175] Knežević said 'This is where our little birds are' and threatened the two detainees saying that what had happened in the barracks was nothing compared to what they would get now.[5176] Both Knežević and Žigić began to beat them: Knežević beat one detainee with a wooden truncheon and Žigić beat the other with a baton that had a metal ball wired at its end.[5177] A third detainee was ordered by Žigić to beat one of the two detainees.[5178] As a result of the beatings one of the detainees suffered six deep cuts on his head, and both wrists were broken, as well as two fingers on his left hand.[5179] The other detainee was entirely covered in blood and had deep head wounds.[5180]

1216. Around 17 June 1992, Duca and Žigić again beat the two detainees in their room.[5181] One detainee was bleeding 'in jets' and Duca ordered him to lick his own blood.[5182] The other detainee was beaten by Žigić with a rubber truncheon across his face and at one point he lost consciousness.[5183] When he regained consciousness, he was on the grass in front of the white house and Sadiković forced water down his throat to clear out the blood and prevent him from choking.[5184] When this detainee was taken back to the white house, the other detainee was in a critical condition.[5185] The other

[5171] P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2658-2661.
[5172] P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2661-2663.
[5173] P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), p. 2662.
[5174] P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), p. 2662.
[5175] P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2731-2732, 2735-2736.
[5176] P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), p. 2732.
[5177] P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2732-2733.
[5178] P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2732-2734.
[5179] P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), p. 2734.
[5180] P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2734-2735.
[5181] P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2736-2737.
[5182] P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2736-2737.
[5183] P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), p. 2737.
[5184] P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), p. 2737.
[5185] P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2738-2739.

detainee died the next morning between 8 and 9 a.m.[5186] One detainee called for the guards to get Sadiković, who checked the body and confirmed that he was dead, then reported that information to the security.[5187] A wheelbarrow was brought to the corridor, and along with three or four other bodies, the other detainee's body was wheeled out of the white house.[5188] The witness saw the bodies loaded onto a dark blue police van, which left.[5189]

1217. **Witness RM-054** provided further evidence about ill-treatment at Omarska camp. The witness was detained in the hangar for about 15 days in mid-July 1992.[5190] After about seven to eight days in the hangar, during the evening when guards were calling out names of detainees to be taken away, the witness's surname was called out.[5191] He was taken to the front lawn of the white house, where four or five soldiers were beating two detainees.[5192] He also saw two men lying on the ground and a further two standing in a line.[5193] A man named Čigo was present and sitting on a chair.[5194] The witness was brought before a man others referred to as Rade Ritan, who appeared to be in charge, and told him who he was whereupon Ritan ordered the witness to be sent back to the hangar as he was not from a specific place.[5195] The witness was detained at various other locations at Omarska, including the garage of the administrative building and in the white house, and severely beaten, particularly by a guard named Mirvan.[5196] Since around 18 June 1992, the witness continued to be beaten every day by guards.[5197] The witness saw people beaten, or taken away and brought back injured, one of whom was a Bosnian Muslim named Husein Crnkić who was a professor.[5198] When he was returned, he was in a horrendous condition; unable to stand, bruised, beaten and bloody.[5199] At no point during the beatings did camp personnel intervene to stop beatings from occuring.[5200]

[5186] P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2739, 2765.
[5187] P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), p. 2740.
[5188] P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), p. 2740.
[5189] P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2740-2741.
[5190] P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), p. 2651.
[5191] P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), p. 2745, 2746.
[5192] P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2746-2747.
[5193] P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), p. 2747.
[5194] P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), p. 2747.
[5195] P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2747-2748.
[5196] P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2651-2652, 2748-2749.
[5197] P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2744-2745.
[5198] P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), p. 2745.
[5199] P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), p. 2745.
[5200] P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), p. 2748.

1218. Witness RM-065 and other witnesses also provided evidence about ill-treatment at the camp. **Witness RM-065** saw that Anes Medunjanin, who was in the first room on the left side of the white house, had been severely beaten and blood covered the walls.[5201] The witness saw Adnan Ekinović in the second room on the left, being beaten by most of the officers and soldiers in the camp because they had discovered that he was the best man at the wedding of Slavko Ecimović. Slavko Ecimović was the commander of the Muslim forces in the Prijedor area.[5202] The witness stated that Ekinović appeared to have been beaten almost to death.[5203] The witness stated that on 24 June 1992 he was taken out by the Serb policemen in front of the white house where he was threatened and interrogated about the whereabouts of his gun.[5204] After the interrogation, the witness was taken back to the room where the Serbs later harassed him, put a knife against his throat, and took his money.[5205] During the night, men were continuously taken out and beaten.[5206] In the evening of 25 June 1992, the men detained in the white house were scared, anticipating that as the night before, people would continue to be called out for beatings.[5207] Ermin Forić from Kamičani was called out and taken back ten minutes later severely beaten, but laughing with joy for still being alive.[5208] According to the witness, a lot of crimes occurred in 'Mujo's room'.[5209] Once during Gruban's shift, 300 prisoners, among them Aziz Maksuti, Smail Burazerović, and Bajram Zgog, were ordered to go to the hangar where they were severely beaten with iron bars and sticks with screws. A few days later, the guards asked Bajram Zgog to immediately find 200 DEM and Zgog begged them to leave him alone. The following day guards removed Aziz Maksuti, Smail Burazerović, and Bajram Zgog, and none of them were seen again. Fikret Mujdzić died because Esad Sadiković had no means with which to disinfect a wound in his leg that he received from a beating. Sadiković had to hold together skulls several times, where the detainees' brains were visible, by binding the detainee's hair. Idriz Jakupović was severely beaten during interrogation and thrown

[5201] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 26-27; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), pp. 1277-1278.
[5202] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 26-27; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), pp. 1277-1278.
[5203] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 26-27; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), pp. 1277-1278.
[5204] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 24-25.
[5205] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 25.
[5206] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 26.
[5207] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 27.
[5208] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 27.
[5209] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 31, 33.

onto the *pista*, afterwards but was helped in the witness's room.[5210] The same or the following day, Jakupović was taken out and never seen again.[5211]

1219. **Witness RM-017** stated that upon his arrival in Omarska on or about 29 May 1992, he was immediately interrogated by two police inspectors from Banja Luka who were inquiring, *inter alia*, as to the names of certain people or who the leaders of the Muslim political parties were.[5212] During the two-hour interrogation, the witness was threatened by the interrogators and beaten with a rubber baton by a third man who was in the room only for that purpose.[5213] After his first interrogation, Živko Marmat, one of the Serb guards, told the witness to hand over his money and to draw sketches of his house, indicating the spots where the money was.[5214] Marmat told the witness he may as well tell him because they would be liquidated in a couple of days.[5215] A colleague of the witness had told him that if they asked him for money, he should give it to them, otherwise he would 'not fare well'.[5216] That colleague previously had to accompany Bjelobrk, a taxi driver from Omarska, to his house to give him money and gold.[5217] Three colleagues of the witness who did not do so were taken away and never returned.[5218]

1220. **Mevludin Sejmenović** testified that shortly after his arrival, he was taken to the white house, which was totally covered in blood, including the floors and the walls, and near the entrance he saw a few people on the floor, moaning.[5219] On the public announcement system, Serb nationalist songs were played. The witness observed a 13-year-old boy with both of his arms broken. The boy was interrogated and forced to sing Serb songs.[5220] Before his first interrogation at Omarska, the witness was beaten heavily

[5210] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 33.
[5211] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 34.
[5212] P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 11-13.
[5213] P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 12-13.
[5214] P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 15-16; P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), pp. 3504-3505.
[5215] P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 15-16; P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), pp. 3504-3505.
[5216] P3228 (Witness RM-017, witness statement, 1 September 1994), p. 15; P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), pp. 3504-3505.
[5217] P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), p. 3505.
[5218] P3228 (Witness RM-017, witness statement, 1 September 1994), p. 15; P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), pp. 3504-3505.
[5219] Mevludin Sejmenović, T. 3469.
[5220] P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 56.

at the white house, and someone was ordered to wipe the blood off his face.[5221] He was then interrogated by Dragan Radaković, an inspector from the Prijedor police.[5222]

1221. **Mešanović** stated that the people detained in one of the rooms in the white house, together with him, had distorted faces and bloodstains.[5223] The walls and the ceilings were splattered with blood.[5224] Anes Medunjanin's shoulder was heavily swollen.[5225] Azur Jakupović had gunshot wounds on both knees.[5226] Some detainees told the witness about a 'party' the guards had on the day before his arrival, which consisted of the detainees kneeling down, putting their hands behind their backs, and leaning with their foreheads against the wall, after which the guards would beat them.[5227] On the witness's first evening, detainees were beaten on their heads, arms, and lower extremities by guards.[5228] The witness further stated that during interrogations, he heard crying, begging and pleading, as well as sounds of moaning, coming from the glass house.[5229] Once he heard somebody saying 'Brother, why are you beating me so?'[5230] On 2 July 1992, the witness was interrogated by Ratko Milosavljević, Nenad Lakić, and Miroslav Zorić.[5231] During the course of the interrogation, which took one hour and 45 minutes, Zorić beat and cursed the witness.[5232] Two guards named Milutin Popović and Ranko Mijić did most of the beatings and killings at the camp.[5233]

1222. Upon arrival at Omarska, **Witness RM-033** and a Muslim woman were taken into a building where there were men lying on the floor who had been beaten up and were covered in blood.[5234] The witness could hear screams, crying, and sounds of beatings, as well as phrases like 'Fuck your *balija* mothers, your *ustaša* mothers. You all need to be killed'.[5235]

[5221] Mevludin Sejmenović, T. 3469-3470.
[5222] P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 53; Mevludin Sejmenović, T. 3481.
[5223] P3414 (Kerim Mešanović, witness statement, 18 March 2013), paras 27, 28.
[5224] P3414 (Kerim Mešanović, witness statement, 18 March 2013), paras 28, 31, 46.
[5225] P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 46.
[5226] P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 46.
[5227] P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 31.
[5228] P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 29.
[5229] P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 56.
[5230] P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 56.
[5231] P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 54.
[5232] P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 54.
[5233] P3414 (Kerim Mešanović, witness statement, 18 March 2013), paras 33-34, 39.
[5234] P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), p. 6201.
[5235] P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), p. 6203.

1223. **Witness RM-026** stated that the guards called detainees out of the room in the white house where he was kept to beat them and walked or danced on them when they were lying down side by side.[5236] A detainee nicknamed 'Boxer' collected valuables from other detainees and gave them to the guards. Every night, the witness heard screams and beatings. He saw detainees being taken out of the room. These detainees did not speak about the beatings upon their return. He was beaten by 'chetniks' with rifle butts, chains, and baseball bats. Beatings occurred at night and many detainees did not come back. On his first night, the witness saw six or seven corpses lying in the large room where he was staying. Detainees were taken to the red house and only a few returned.[5237]

1224. **Witness RM-065** stated that from 'Mujo's room' he could hear the arrival, beating, and interrogation of new detainees every day; some would be thrown onto the *pista* after the beating.[5238] Regardless of the weather, some prisoners remained on the *pista* continuously for many days and nights on end, and occasionally for as long as a month, with machine-guns trained on them.[5239] **Witness RM-017** stated that on the roof of the restaurant and on the field around the camp, heavy machine guns were set up.[5240] As many as 600 prisoners were made to sit or lie prone outdoors on the *pista*.[5241] **Witness RM-065** was kept on the *pista* for 10 to 12 days.[5242] He recounted that within this period, the prisoners were forced to lie down for 11 hours straight.[5243] It was a common practice to put between 600 and 800 detainees on the *pista* resulting in there being very little room.[5244] When the detainees on the *pista* were allowed to go to the toilet, they would have to pass through a hangar, where there were approximately 700 to

[5236] P2585 (Witness RM-026, witness statements), statement of 23 September 1994, pp. 8-9.
[5237] P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 9.
[5238] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 31; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), pp. 1287-1288.
[5239] Adjudicated Facts I, no. 996.
[5240] P3228 (Witness RM-017, witness statement, 1 September 1994), p. 15.
[5241] Adjudicated Facts I, no. 997.
[5242] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 28, witness statement of 28 August 2000, p. 53.
[5243] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 28, witness statement of 28 August 2000, p. 53.
[5244] P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), p. 1283.

800 men held.[5245] The detainees that were forced to stay on the *pista* during the day were all moved to the restaurant for the night.[5246]

1225. **Nusret Sivac** testified that at Omarska camp he was taken to an area known as the garage which was very crowded with between 80 and 100 inmates from the Kozarac area.[5247] The witness saw Professor Muhamed Čehajić, the President of Prijedor Municipality lying in a corner having been severely beaten; he was urinating blood.[5248] On the evening of 20 June 1992, at 8 p.m., a Serb soldier opened the door of the garage and yelled and threatened the detainees, asking who had killed his brother Đukić.[5249] The soldier made the detainees sing 'Chetnik' songs, which became a frequent occurrence during the witness's stay at the camp; at times if the detainees wanted water they would have to sing for it.[5250] The guards then took Čehajić out of the garage and beat him very badly and only returned him, covered in bruises, once he had managed to get 100 DEM from a fellow detainee, Osman Mahmuljin.[5251] Two of the interrogators at the camp were Neso Tomčić and Neso Babić.[5252] The witness recalled that on St Peter's Day**,** 12 July 1992**,** the guards, who were drunk, took Smail Duratović from Buhro's and Mujo's room and made him sit outside with them.[5253] Later, the witness saw the guards taking him towards the white house where they set fire to a rubber tyre and threw Duratović onto the burning tyre.[5254] Duratović was badly burnt but he later managed to get word to his father who was also detained in Buhro's and Mujo's room, that he was alive and outside the white house. His father managed, through the help of a guard, to bring Duratović over and his wounds were treated by 'Dr Eso' with brandy obtained

[5245] P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), p. 1283; P3273 (Witness RM-065, *Karadžić* transcript, 17 January 2011), p. 10315-10316; P3275 (Videos of Omarska and Manjača camp). *See also* P3279 (Table of Concordance).
[5246] P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), p. 1283.
[5247] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6626-6627.
[5248] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6627; Nusret Sivac, T. 4883. The Trial Chamber notes that Adjudicated Fact No. 952 states that Muhamed Čehajić was the Mayor of Prijedor before the Bosnian-Serb take-over but Nusret Sivac had a different impression of his political role in Prijedor. The Trial Chamber determines that no material issue in this finding is affected by this possible discrepancy.
[5249] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6626.
[5250] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6626.
[5251] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6628-6629.
[5252] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6636-6637.
[5253] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6682-6683. The Trial Chamber understands Buhro's and Mujo's room to be the same as the room referred to throughout the evidence as 'Mujo's room'.
[5254] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6682-6683.

from a guard and cream obtained from the women in the camp. He survived and was transferred to Manjača with a group of people needing medical assistance.[5255]

1226. A letter dated 11 August 1992 from Franjo Komarica, the Bishop of Banja Luka, to Simo Drljača, SJB Chief in Prijedor, requested the immediate release of Stipo Šošić, the parish priest from Ljubija, who was said to be detained in Omarska camp since 15 June 1992.[5256] According to Komarica, the priest was badly tortured while being detained without having been guilty of any crime.[5257]

1227. On religious holidays or if the relative of a guard was killed in the battlefield, beatings intensified.[5258] Shift commander Mlađo Radić a.k.a. Krkan was present during the beatings but did nothing to prevent the beatings, and in fact organised the gauntlet of guards who on one occasion beat the detainees.[5259] **Sivac** testified that on the way to the restaurant he and other detainees received a number of blows, and when they entered the restaurant the floor was covered with pieces of furniture and broken glass which had been covered with oil so that the surface was slippery.[5260] Radić ordered the group to move towards the row of guards; the witness was at the head of the column.[5261] As they passed by the *pista* they could see people screaming and falling down everywhere.[5262] On that occasion, the guards used specially designed objects for beating them: baseball bats and metal chains with balls attached to them.[5263] The witness received a blow to his head from a guard using a metal chain and ball and passed out, regaining consciousness some 20 to 30 minutes later.[5264] On that day, everyone in the camp was beaten, from the early hours of the morning until late afternoon.[5265]

1228. **Witness RM-017** stated that when Krkan headed the group of guards, more beatings occurred than usual.[5266] Detainees were also beaten by outsiders, including Bosnian-Serb soldiers from the front, whilst camp guards stood aside.[5267] When Krkan was in charge, any Serb from the area could come into the camp and beat or take away

[5255] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6683.
[5256] P4007 (Letter from Dr Franjo Komariča to Mr Simo Drljača, 11 August 1992), p. 1.
[5257] P4007 (Letter from Dr Franjo Komariča to Mr Simo Drljača, 11 August 1992), pp. 1-2.
[5258] Adjudicated Facts I, no. 987.
[5259] Adjudicated Facts I, no. 988.
[5260] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6681.
[5261] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6681.
[5262] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6681.
[5263] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6681.
[5264] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6681-6682.
[5265] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6680-6681.
[5266] P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 20-21.
[5267] Adjudicated Facts I, no. 990.

whomever they wanted.[5268] One of the groups abusing prisoners at Omarska was a special MUP detachment placed under the command of the Banja Luka CSB.[5269]

1229. At Omarska, there were frequent incidents of female detainees being called out by the camp guards and the camp commander to be raped and sexually assaulted.[5270] **Witness RM-017** stated that between 15 to 20 women were kept in a corner of the kitchen and taken to the interrogation rooms to be raped.[5271] **Sivac** testified that he often saw his sister, Nusreta Sivac, in the camp.[5272] At night the women were kept in the offices next to Buhro's and Mujo's room where interrogations took place, and throughout the night the detainees heard furniture breaking and the women screaming, crying for help.[5273] When the women distributed food, the detainees could see bruises and marks on their faces and arms, and other signs of abuse, torture, and beatings.[5274] **Mešanović** stated that from the glass house, he heard women being raped in the interrogation rooms at night.[5275] He recognised the voice of a woman with the surname Pervanić begging 'Please don't do that to me, I could be your grandma'.[5276] **Witness RM-033** stated that Krkan came several times, in the evenings, to their sleeping room to call and take out Jadranka Cigelj.[5277] The Trial Chamber also considered additional evidence from Witness RM-033, which has been placed in the confidential annex in Appendix D.

1230. Detainees were humiliated: one detainee was forced to hit his head against a wall, another was forced to lick his own blood, while a third one was forced to cross the *pista* naked whilst pursued by a guard with a whip.[5278] Detainees, including the female detainees, were regularly threatened with death and they were subjected to ethnic slurs.[5279] Predrag Radić told **Predrag Radulović** that detainees were forced to sing Serb

[5268] P3228 (Witness RM-017, witness statement, 1 September 1994), p. 21.
[5269] Adjudicated Facts I, no. 1004.
[5270] Adjudicated Facts I, no. 1000.
[5271] P3228 (Witness RM-017, witness statement, 1 September 1994), p. 20.
[5272] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6677-6679.
[5273] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6679.
[5274] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6679-6680.
[5275] P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 53.
[5276] P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 53.
[5277] P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), pp. 6216, 6226.
[5278] Adjudicated Facts I, no. 1001.
[5279] Adjudicated Facts I, nos 1002-1003.

nationalist songs.[5280] **Witness RM-065** saw a man in uniform whom he identified as Živko Ećim.[5281]

1231. Based on the foregoing, the Trial Chamber finds that between 27 May and 16 August 1992, approximately 3,300 Bosnian Muslims and Bosnian Croats, were brought to and detained at Omarska camp. There were also a few Bosnian Serbs detained at the camp, who were there because they were said to be on the side of the Muslims. The detainees included elderly people, women, and children. There were mentally impaired and sick people among the detainees. The detainees also included politicians and religious leaders. Inmates at Omarska were unofficially grouped into three categories: intellectuals and political leaders from the Bosnian-Muslim and Bosnian-Croat communities, who were earmarked for elimination; persons who associated themselves with those from the first category; and detainees who were, in the view of the Bosnian-Serb authorities, the least 'guilty', and eventually were to be released.

1232. The detainees were fed starvation rations, of usually spoiled food. Camp personnel enjoyed proper food. Drinking water was often denied to the detainees for long periods and when it was provided it was unfit for human consumption such that it caused intestinal problems. There were acute cases of diarrhoea and dysentery. Some detainees lost 20 to 30 kilograms in body weight during their time at Omarska, others considerably more. There was very little in the way of lavatory provision with detainees having to wait for hours to use them; detainees were often forced to excrete and urinate in their rooms. There were no effective washing facilities at Omarska, and detainees and their clothes quickly became filthy in the summer heat and skin diseases were prevalent. Often guards refused to open windows in crowded rooms or demanded the handing over of possessions in return for an open window or a plastic jar of water. As many as 600 prisoners were made to sit or lie prone outdoors on the *pista* regardless of the weather, for many days and nights on end with machine guns trained on them. The detainees were not provided with any medical care during the period they were detained. Esad Sadiković, a detainee, undertook to assist injured fellow detainees.

1233. With regard to the responsibility for the detention and the conditions at the camp, the Trial Chamber considers that Omarska camp was officially established on 31 May 1992 by order of Simo Drljača, chief of the SJB of Prijedor Municipality. This order

[5280] P3207 (Predrag Radulović, witness statement, 5 December 2009), para. 147.
[5281] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 30.

was issued in accordance with a decision by the Prijedor Crisis Staff. Pursuant to the same decision, detainees were transferred from Keraterm to Omarska and the camp was placed under the direct supervision of the police and VRS. The police, including from Omarska police station, secured the camp and acted as guards; and the VRS and members of the Omarska TO, secured the entry posts and outer security rings.[5282] Željko Mejakić, Commander of Omarska police station, was the Chief of Security for the camp and was responsible for liaising with the security co-ordinators for allocating detainees to the different premises within the camp.[5283] The Trial Chamber, accordingly, finds that the Prijedor Crisis Staff, VRS, Omarska TO, SJB, including from Omarska police station, detained people at Omarska camp and were responsible for the conditions of their detention.

1234. Detainees in the camp were frequently and sometimes severely beaten, including during interrogations in the administration and other buildings such as in detainee Mujo Crnalić's room. During interrogations detainees were knocked off chairs, hit, kicked, trodden and jumped upon; all while interrogators looked on. After their interrogation, in some instances, detainees were made to sign false statements regarding their involvement in acts against Serbs. Detainees were called out from their rooms and attacked with a variety of sticks, iron bars or lengths of heavy electric cable. Other forms of beatings inflicted on detainees included: throwing detainees onto burning tyres; strikes to a detainee's mouth resulting in broken teeth; beatings of detainees with metal and other implements sometimes resulting in broken bones; placing a knife against a detainee's throat to obtain money; forcing a man to drink motor oil; and forcing detainees to walk on broken glass. Detainees were humiliated: they were regularly forced to sing Serb songs; one detainee was forced to hit his head against a

[5282] The Trial Chamber finds that the police were responsible for internal camp security whereas the VRS, together with the Omarska TO, were responsible for external camp security. Witness Nusret Sivac testified that internal security of the camp also comprised of VRS soldiers. Sivac's testimony in this respect contradicts the vast majority of evidence received by the Trial Chamber delineating the role of the police and military with regards to camp security. Accordingly, the Trial Chamber finds, and bearing in mind the different capacities in which VRS soldiers were present in Omarska camp, that witness Sivac could not have been in a position to know the exact role or operational significance of the presence of VRS soldiers at Omarska. The Chamber, therefore, does not rely on his testimony in this respect.

[5283] The Adjudicated Facts Nos 960 and 964 described Željko Mejakić as the Chief of Security at the Omarska camp and the Commander of the police station in Omarska. In contrast, Nusret Sivac, Witness RM-017, Witness RM-065 described Željko Mejakić as the 'Camp Commander'. The Trial Chamber determines that these witnesses were not in a position to know the exact role or operational significance of Mejakić and, therefore, does not rely on their testimony in this respect. For the same reason, the Trial Chamber does not rely on the testimony of these three witnesses with regard to their description of Miroslav Kvočka as camp commander at Omarska camp.

wall; one detainee was forced to beat another, at least one detainee was forced to lick his own blood; another was forced to cross the *pista* naked whilst pursued by a guard with a whip. Both male and female detainees were regularly threatened with death and subjected to derogatory ethnic remarks and insults which included phrases like 'Fuck your *balija* mothers, your *Ustaša* mothers. You all need to be killed'. On religious holidays or if the relative of a guard was killed in the battlefield, beatings intensified.

1235. The Trial Chamber finds that the beatings and mistreatment were carried out by camp guards and interrogators, including Milutin Popović a.k.a. Pop, Žarko Marmat, Miroslav Zorić, Ranko Mijić, Dušan Knežević a.k.a. Duca, Zoran Žigić, and a man called Mirvan. The guards were the police, including from Omarska police station. With regard to interrogators, the Prijedor Crisis Staff charged a mixed group of investigators from the national, public, and military security services with interrogation of detainees, resulting in categorization by type of prisoner and the subsequent accommodation of the detainees in different premises in Omarska camp. The interrogation teams were each composed of one SJB member, one National Security Service member, and one member of the VRS military security. Beatings and mistreatment were also carried out by outsiders, including Bosnian-Serb soldiers from the front; paramilitary units; and a special MUP detachment placed under the command of the Banja Luka CSB. Shift commanders, Mlađo Radić a.k.a Krkan, Momir Gruban, a.k.a. Čkalja, Milojica Kos, a.k.a. Krle, and Miroslav Kvočka were present during the beatings and mistreatment but did nothing to prevent them. On one occasion Radić organised a gauntlet of guards that beat the detainees.

1236. The Trial Chamber finds that the camp commander and camp guards raped and sexually assaulted female detainees. One detainee was ordered by Serb guards to strip naked, together with a female detainee, and was forced to rape her. Other detainees could hear those being raped screaming and crying for help and could identify bruises and marks on their faces and arms, and other signs of abuse and beatings.

1237. The Trial Chamber will further consider the above in relation to Counts 1 and 3 of the indictment in chapter 8, below.

Schedule C.15.3

1238. According to the Indictment, the Accused is responsible for the detention, torture, beating, abused, raped, commission of other acts of sexual violence, and subjecting Bosnian-Muslims and Bosnian-Croats to inhumane living conditions in Keraterm camp, between 25 May and 21 August 1992.[5284] The Defence argued that (i) Keraterm was established by the Prijedor Crisis staff and exclusively managed by local police; (ii) security and investigations at the facility were entirely provided by members of the MUP; and (iii) the VRS was not responsible for the facility or present at the facility and that it had a separate premises located in the outer quadrant of the Keraterm complex.[5285] The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this detention centre. It also received evidence from **Witness RM-065**, **Safet Tači**, **Witness RM-026**, and **Witness RM-033**, all Muslims from Prijedor Municipality;[5286] **Witness RM-023**, a Muslim residing in Prijedor Municipality in 1991 and 1992;[5287] **Predrag Radulović**, head of an intelligence team, known as the Miloš group, in the CSB Banja Luka from mid-1991 to 1994;[5288] **Witness RM-384**, a driver mobilised into the JNA on 5 May 1992;[5289] **Witness RM-385**, a Serb from Prijedor;[5290] **Charles Kirudja**, a UN civil affairs officer in Croatia between April 1992 and March 1994;[5291] **Milovan Milutinović**, Chief of the Press Centre and Chief of the Information Service at the 5th JNA (Banja Luka) Corps Command, subsequently 1KK, between 1992 and 1994, and head of the VRS Main Staff Information Service and Centre for Information and Propaganda Activities, from between 1994 and 1996;[5292] and **Draško**

[5284] Indictment, paras 39(b)-(c), 53, 59(b)-(d), (g), Schedule C.15.3.
[5285] Defence Final Brief, paras 974-980, 982-988.
[5286] **Witness RM-065**: P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 1-2, witness statement of 28 August 2000, p. 2; P3274 (Pseudonym sheet for Witness RM-065). *See also* P3279 (Table of Concordance). **Safet Tači**: P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 1; P159 (Safet Tači, witness statement, 20 September 2000), p. 1; Safet Tači, T. 2092. **Witness RM-026**: P2585 (Witness RM-026, witness statements), statement of 23 September 1994, pp. 1-2. **Witness RM-033**: P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), p. 6189.
[5287] P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 1-2. The evidence of Witness RM-023 is reviewed in chapter 4.10.1 *Schedules A.6.2* and *B.13.1* and chapter 4.10.2 *Schedule C.15.4*.
[5288] P3207 (Predrag Radulović, witness statement, 5 December 2009), p. 1, paras 4-5. The evidence of Predrag Radulović is also reviewed in chapter 4.10.2 *Schedule C.15.2*.
[5289] P7313 (Witness RM-384, witness statement, 30 January 2014), p.1, para. 2.
[5290] P7314 (Witness RM-385, witness statement, 5 April 2014), p. 1, paras 2, 4, 8-10. The evidence of Witness RM-385 is also reviewed in chapter 4.10.1 *Schedule B.13.1*.
[5291] P3587 (Charles Kirudja, witness statement, 17 November 2010), para. 2. The evidence of Charles Kirudja is reviewed in chapter 4.1.2 *Schedule C.1.2*.
[5292] D862 (Milovan Milutinović, witness statement, 11 July 2014), paras 3, 5, 51, 54, 140; Milovan Milutinović, T. 30038.

Vujić, a VRS battalion commander from Prijedor;[5293] as well as documentary evidence,[5294] and finds that this evidence is consistent with the Adjudicated Facts.[5295] It further received evidence from **Rade Javorić**, Commander of the Prijedor TO staff since 16 September 1991;[5296] **Osman Selak**, a Bosnian-Muslim Colonel in the JNA, and later the VRS, who retired in July 1992;[5297] **Witness RM-016**, a Bosnian Serb from Banja Luka;[5298] **Miloš Šolaja**, Editor-in-chief within the 1KK Press Centre from 18 July 1992 until the end of the war;[5299] and **Mišo Rodić**, an officer in the intelligence organ of the VRS 43rd Motorized Brigade in Prijedor from May 1992 to mid-January 1993;[5300] and **Dragan Vujčić**, a Serb from Prijedor Municipality who was Dragan Gajić's deputy and number three of the 43rd Motorised Brigade of the VRS.[5301] The Trial Chamber also received evidence from **Jusuf Arifagić** and **Witness RM-008**, both Muslims from Prijedor Municipality,[5302] and finds that this evidence is partially consistent with the Adjudicated Facts.[5303] The Trial Chamber will address the evidence of Arifagić and Witness RM-008 below.

[5293] D1041 (Draško Vujić, witness statement, 24 January 2014), paras 1, 7.
[5294] P2900 (MUP reports regarding Prijedor, Sanski Most, and Bosanski Novi Municipalities). Exhibit P2900 is also reviewed in chapter 4.10.2 *Schedule C.15.2*.
[5295] **Witness RM-065**: P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 23. **Safet Tači:** P158 (Safet Tači, proffer of testimony, 4 May 1998), paras 43, 45-48, 50-54, 78-79, 83; P159 (Safet Tači, witness statement, 20 September 2000), paras 7-8, 10; P160 (Photo of Keraterm camp); Safet Tači, T. 2099-2102, 2122. **Witness RM-026**: P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 8. **Witness RM-033**: P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), pp. 6191-6192, 6196-6201. **Witness RM-023**: P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 8-10; P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), pp. 3971-3973. **Predrag Radulović**: P3207 (Predrag Radulović, witness statement, 5 December 2009), paras 137, 140, 142, 148, 150. **Witness RM-384:** P7313 (Witness RM-384, witness statement, 30 January 2014), paras 2, 4. **Witness RM-385**: P7314 (Witness RM-385, witness statement, 5 April 2014), para. 12. **Charles Kirudja**: P3587 (Charles Kirudja, witness statement, 17 November 2010), para. 74; P6484 (Memorandum by Charles Kirudja to UNPROFOR headquarters, 3 July 1992), pp. 1-2. Milovan Milutinović: D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 38. **Documentary evidence**: P2900 (MUP reports regarding Prijedor, Sanski Most, and Bosanski Novi Municipalities), 18 August 1992 Banja Luka CSB report, pp. 3-4; undated Prijedor SJB report, pp. 3-4, 6.
[5296] D895 (Rade Javorić, witness statement, 26 June 2014), paras 2, 6; Rade Javorić, T. 31424. The evidence of Rade Javorić is reviewed in chapter 4.10.2 *Schedule C.15.4*.
[5297] P244 (Osman Selak, witness statement, 13 July 2000), p. 1; Osman Selak, T. 2965-2966, 3182.
[5298] P2375 (Witness RM-016, witness statement, 5 August 2013), p. 1, paras 4, 11, 16; Witness RM-016, T. 17398.
[5299] D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 4.
[5300] D930 (statement of Mišo Rodić, 26 June 2014), paras. 1-2, 5.
[5301] D1359 (Dragan Vujčić, witness statement, 20 July 2015), p. 1, para. 2; Dragan Vujčić, T. 41497-41498.
[5302] **Jusuf Arifagić**: P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 1-2. **Witness RM-008**: P3224 (Witness RM-008, witness statement, 16 May 2013), p. 1, para. 3.
[5303] **Jusuf Arifagić**: P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 11-13, 16-19, 22; P3389 (Jusuf Arifagić, *Stakić* transcript, 28 August 2002), pp. 7090-7091; P3390 (Jusuf Arifagić, *Tadić* transcript, 8 August 1996), pp. 4936-4937. **Witness RM-008**: P3224 (Witness RM-008, witness statement, 16 May 2013), paras 13, 19-20, 25-26, 28-33, 36.

Establishment, structure, and security at Keraterm camp

1239. Keraterm detention camp, previously used as a ceramic tile factory, was established by the civilian authorities of Prijedor Municipality on the eastern outskirts of Prijedor.[5304] According to a report by the Prijedor, Bosanski Novi, and Sanski Most SJBs and the Commission for the Inspection of the Municipalities dated 18 August 1992 and a separate undated report by the Prijedor SJB, the armed conflict between the Bosnian-Serb Republic forces and Muslim 'extremists' in Prijedor Municipality started on 24 May 1992 around Kozarac and then spread to other areas of the municipality.[5305] The Prijedor Crisis Staff decided that those captured by the VRS were to be accommodated and held for processing at the Keraterm building.[5306] On 25 May 1992, the camp began operating and held up to 1,500 prisoners crowded into a number of large rooms or halls.[5307] The number of people captured rapidly increased and the capacity of the facility could not meet the growing needs; therefore, pursuant to a decision of the Prijedor Crisis Staff, Keraterm camp became a transit facility and all detainees were transferred to Omarska camp.[5308]

1240. **Draško Vujić**, testified that in the week before 30 May 1992, his brigade carried out operations in Hambarine and Kozarac, and many non-Serbs were arrested.[5309] They were then taken by the VRS to camps, including to Keraterm.[5310]

1241. Sikirica was the camp commander.[5311] The Prijedor Crisis Staff tasked the SJB with physically securing Keraterm.[5312] The camp was staffed by employees of the Prijedor SJB and the Prijedor Military Police.[5313] **Jusuf Arifagić** stated that the camp was guarded by Serb guards, whom he believed were paramilitaries.[5314] Some of them

[5304] Adjudicated Facts I, nos 1027-1028.
[5305] P2900 (MUP reports regarding Prijedor, Sanski Most, and Bosanski Novi Municipalities), 18 August 1992 Banja Luka CSB report, pp. 2, 13; undated Prijedor SJB report, p. 2.
[5306] P2900 (MUP reports regarding Prijedor, Sanski Most, and Bosanski Novi Municipalities), 18 August 1992 Banja Luka CSB report pp. 2-3; undated Prijedor SJB report, p. 3.
[5307] Adjudicated Facts I, no. 1031.
[5308] P2900 (MUP reports regarding Prijedor, Sanski Most, and Bosanski Novi Municipalities), 18 August 1992 Banja Luka CSB report, pp. 3-4; undated Prijedor SJB report, p. 4.
[5309] Draško Vujić, T. 34976.
[5310] Draško Vujić, T. 34977-34978.
[5311] Adjudicated Facts I, no. 1029. The Trial Chamber understands that this refers to Duško Sikirica. *See* P3224 (Witness RM-008, witness statement, 16 May 2013), para. 31.
[5312] P2900 (MUP reports regarding Prijedor, Sanski Most, and Bosanski Novi Municipalities), 18 August 1992 Banja Luka CSB report, p. 6.
[5313] Adjudicated Facts I, no. 1028.
[5314] P3390 (Jusuf Arifagić, *Tadić* transcript, 8 August 1996), p. 4936.

wore police uniforms, but they always acted under the orders of those who wore military uniforms.[5315] **Witness RM-384** stated that the camp guards wore JNA uniforms known as 'SMB' uniforms.[5316]

1242. **Osman Selak** testified that as of 26 July 1992, Keraterm camp must have been within the area of responsibility of the Banja Luka Corps / the 1KK Command as the Banja Luka Corps had covered the entire Bosnian Krajina, including Prijedor.[5317] Selak believed it therefore followed that the guards for Keraterm camp were provided by the Banja Luka Corps / the 1KK.[5318]

1243. **Arifagić** stated that during his detention in Keraterm camp, he saw a number of high-ranking officers at the camp, one of whom was Simo Drljača.[5319] **Miloš Šolaja** testified that on 7 August 1992, he and Brano Božić, both in civilian clothing, accompanied a group of foreign journalists when the group briefly visited the municipal building in Prijedor, before going to Keraterm camp.[5320] There, the witness and journalists only saw the front section of the camp, which was empty on that day.[5321]

1244. **Mišo Rodić** testified that from May 1992, he worked at the Zarko Zgonjanin barracks, which was closely situated to the Keraterm Complex; from June 1992, the witness was based at the Kozara Putevi building, which housed the Command of the 43rd Brigade, and was located adjacent to the Keraterm Complex.[5322] The Commander of the 43rd Brigade, Colonel Arsić was based there as of early July 1992.[5323] The witness and members of his Brigade interrogated persons detained at Keraterm on the premises of the military police of the 43rd Brigade, located at an 'out-building' of the Keraterm complex – which the witness marked on a map.[5324] In 'exceptional cases', interrogations were held at the building of the command of the 43rd Brigade.[5325] The security organs of the Brigade also interrogated detainees at Keraterm; they mostly

[5315] P3390 (Jusuf Arifagić, *Tadić* transcript, 8 August 1996), pp. 4936-4937.
[5316] P7313 (Witness RM-384, witness statement, 30 January 2014), paras 2, 4.
[5317] P244 (Osman Selak, witness statement, 13 July 2000), para. 68; Osman Selak, T. 3141-3142; P248 (1KK regular combat report, 26 July 1992), p. 1. *See also* P2375 (Witness RM-016, witness statement, 5 August 2013), para. 77.
[5318] Osman Selak, T. 3142.
[5319] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 20.
[5320] D924 (Miloš Šolaja, witness statement, 11 June 2014), paras 12-13; Miloš Šolaja, T. 32729.
[5321] D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 13; Miloš Šolaja, T. 32729, 32762-32763.
[5322] Mišo Rodić, T. 33058-33069; P7203 (aerial image).
[5323] Mišo Rodić, T. 33051, 33059-33060, 33065-33066.
[5324] Mišo Rodić, T. 33067; P7203 (aerial image).
[5325] Mišo Rodić, T. 33067.

relied on a crime investigation platoon that was part of the military police stationed at Keraterm.[5326] One of the military police that interrogated detainees was called Dragan Radetić.[5327] According to the witness, members of the MUP were responsible for guarding the detainees at Keraterm.[5328] For the first month or so members of the intelligence organ of the 43rd Brigade, who needed information regarding the 'Green Berets', did not have access to Keraterm and were in conflict with members of the MUP about this fact.[5329] The witness received tasks and reported to Lieutenant-Colonel Majstorović, who was the Assistant Commander for security and intelligence of the 43rd Motorized Brigade.[5330] Majstorović reported to the security and intelligence organ of the 1KK.[5331] The witness testified that members of the intelligence organ did not beat detainees at Keraterm while interrogating them.[5332]

1245. The witness testified regarding the intentions of the Green Berets to 'attack the city of Prijedor' as well as its intentions take all the vital facilities of the city.[5333] The witness interrogated a number of persons whom he testified were members of the Green Berets who took part in the attack.[5334] His Brigade managed to identify 112 names of Green Berets members, of which he remembers Slavko Ećimović a.k.a Ribar, Edin Čajić, Suada Karagić, and Asim Muhić.[5335] Asim Muhić had been taken for interrogation to the Zarko Zgonjanin barracks of the 43rd Brigade.[5336]

1246. **Dragan Vujčić** testified that his unit had nothing to do with the camps in Keraterm, Omarska and Trnopolje and that the camps were held by the civilian police.[5337]

[5326] Mišo Rodić, T. 33067, 33070.
[5327] Mišo Rodić, T. 33071.
[5328] Mišo Rodić, T. 33107.
[5329] Mišo Rodić, T. 33107, 33110-33111.
[5330] Mišo Rodić, T. 33056-33057.
[5331] Mišo Rodić, T. 33056-33057.
[5332] Mišo Rodić, T. 33111.
[5333] D930 (statement of Mišo Rodić, 26 June 2014), paras 10-13.
[5334] D930 (statement of Mišo Rodić, 26 June 2014), paras 11-18.
[5335] D930 (statement of Mišo Rodić, 26 June 2014), para. 13; D931 (Undated document entitled 'the group of Slavko Ećimović').
[5336] Mišo Rodić, T. 33071.
[5337] D1359 (Dragan Vujčić, witness statement, 20 July 2015), para. 11.

Detainees at Keraterm camp

1247. Around 4,000 detainees were held in Keraterm camp, mostly Bosnian-Muslim and Bosnian-Croat men, together with a couple of Albanians, and a Bosnian Serb accused of not being a loyal Serb.[5338] **Witness RM-008** stated that the 30 Bosnian-Muslim detainees brought to the camp with him were civilians and had not been involved in any fighting.[5339] The men held with him were from the Brdo area of Prijedor Municipality, including the villages of Zecovi, Čarakovo, Hambarine, Rakovčani, Rizvanovići, and Bišćani.[5340] All detainees were eventually transferred to Omarska or Trnopolje.[5341] The witness was transferred to Trnopolje on 5 August 1992.[5342]

1248. Some of the witnesses who had been detained at Keraterm camp described their arrest and transfer to the camp. **Witness RM-065** stated that some time between 8 and 10 June 1992, four soldiers arrested him in the street and took him to Keraterm camp. The witness later learned from his neighbour that two special vehicles and eight Serb soldiers wearing insignia with a skull and bones on their hats from a special intervention platoon had been looking for him at his house. An hour and a half after the witness arrived at the camp, Šipka, who was wearing a JNA uniform, took him to a building across the street. There, Šipka and two other individuals interrogated the witness and then released him.[5343] **Arifagić** stated that on 14 June 1992, he was arrested in Mujkanovići by Draže Mitrović, a Serb soldier and former electrician in Prijedor.[5344] The witness was arrested with two other men, and the three of them were made to join a group of 40 men.[5345] The witness estimated that there were ten Serb guards present, all of whom were following Mitrović's orders.[5346] The 43 men were ordered to form columns and walked in the direction of the Prijedor-Banja Luka highway, and they were beaten and forced to sing Serbian national songs along the way.[5347] When they reached the highway, they were ordered to lie down with their hands behind their heads. A soldier ordered the witness to take off his watch, and all of the men were ordered to

[5338] Adjudicated Facts I, no. 1032.
[5339] P3224 (Witness RM-008, witness statement, 16 May 2013), para. 13.
[5340] P3224 (Witness RM-008, witness statement, 16 May 2013), para. 26.
[5341] Adjudicated Facts I, no. 1032.
[5342] P3224 (Witness RM-008, witness statement, 16 May 2013), para. 55.
[5343] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 23.
[5344] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 8; P3390 (Jusuf Arifagić, *Tadić* transcript, 8 August 1996), pp. 4930-4931.
[5345] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 8.
[5346] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 8.
[5347] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 8-11.

remove their gold and hold it in the air. The witness handed over his watch, his gold neck chain, and some money.[5348] The men were then transported to Keraterm camp.[5349] The witness was put in a room with other Muslim detainees from Donja Puharska, Rizvanovići, Kozarac, and Prijedor, as well as some Croats.[5350] The witness remained at Keraterm camp until 1 August 1992.[5351]

1249. **Safet Tači** testified that on 15 June 1992, two soldiers in camouflage uniforms entered the house in which he was staying in Sivci, asked him for his identification, and ordered him to board a civilian truck, all while a tank pointed its cannon at the house and soldiers wearing black hats and armed with automatic rifles surrounded the house.[5352] While driving towards Kozarac, the truck stopped to pick up two or three men along the way.[5353] At an intersection on the main road towards Kozarac, the witness entered a waiting minibus with ten men, one soldier, and a driver in civilian trousers and a camouflage shirt.[5354] The witness was ultimately brought to Keraterm camp.[5355] **Witness RM-026** stated that on 8 July 1992, 'Chetniks' captured him in the woods near Čarakovo and took him to Keraterm camp.[5356] On 14 July 1992, **Witness RM-033** was arrested by men wearing police uniforms.[5357] Together with a Muslim woman and a number of men, the witness was taken to Keraterm camp in a police car.[5358] At the camp, Sikirica identified himself as the camp commander and ordered them to remove all of their jewellery and valuables.[5359]

Conditions at Keraterm camp

1250. At Keraterm camp, prisoners were crowded into its rooms, as many as 570 in one room, with barely enough space to lie down on the concrete floors.[5360] **Tači** described one of the rooms as measuring approximately 10 by 12 metres, with tin walls, and

[5348] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 9.
[5349] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 11.
[5350] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 12.
[5351] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 11-12, 22.
[5352] P158 (Safet Tači, proffer of testimony, 4 May 1998), paras 25-28.
[5353] P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 30.
[5354] P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 31; Safet Tači, T. 2121-2122.
[5355] P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 43; Safet Tači, T. 2099; P160 (Photo of Keraterm camp).
[5356] P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 8.
[5357] P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), pp. 6194-6195.
[5358] P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), p. 6195.
[5359] P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), p. 6196.
[5360] Adjudicated Facts I, no. 1033.

containing around 500 people.[5361] Prisoners were kept locked in these rooms for days on end, crowded together.[5362] The rooms were unlit and without windows and were in the summer intensely hot, with no ventilation.[5363] **Witness RM-008** stated that one of the rooms had windows at the top of the three-metre high walls.[5364] However, although the windows were opened, there was insufficient air in the room and the door was only opened when new people were brought in.[5365]

1251. In the camp, the conditions of hygiene were dreadful and infestations of lice appeared.[5366] There were few toilet facilities and the detainees were allowed to go to the toilet only once a day, with five men at a time escorted by guards.[5367] Initially, one lavatory was available for all, but it became blocked and barrels were supplied instead, which leaked; the stench was overpowering.[5368] Detainees could never bathe although, occasionally, they could wash with a little with cold water.[5369] They received no soap or toothpaste.[5370] Dysentery was rife at Keraterm.[5371] There was no medical care for illness or for the injuries inflicted by beatings.[5372] **Arifagić** stated that the morning after he was beaten, he asked permission to join a group of detainees being taken to the hospital.[5373] He was then taken to the hospital along with six or seven other detainees, including Emsud Bahonjić, and a nurse at the hospital treated his injuries.[5374] The detainees were then transported back to Keraterm camp.[5375]

1252. The quality and quantity of food and water provided was totally inadequate and not delivered regularly and detainees suffered from malnutrition and starvation.[5376] The detainees received two pieces of bread that they had to eat very quickly or they would be beaten.[5377] To supplement the meagre camp provisions, detainees were sometimes allowed to receive food brought from their families, although these occasional

[5361] P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 45; Safet Tači, T. 2100.
[5362] Adjudicated Facts I, no. 1034.
[5363] Adjudicated Facts I, no. 1034.
[5364] P3224 (Witness RM-008, witness statement, 16 May 2013), paras 23-24.
[5365] P3224 (Witness RM-008, witness statement, 16 May 2013), paras 25, 29.
[5366] Adjudicated Facts I, no. 1035.
[5367] Adjudicated Facts I, no. 1035.
[5368] Adjudicated Facts I, no. 1034.
[5369] Adjudicated Facts I, no. 1035.
[5370] Adjudicated Facts I, no. 1035.
[5371] Adjudicated Facts I, no. 1036.
[5372] Adjudicated Facts I, no. 1036.
[5373] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 13-14.
[5374] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 14-15.
[5375] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 16.
[5376] Adjudicated Facts I, nos 1035, 1037.
[5377] Adjudicated Facts I, no. 1037.

supplements were not enough to alleviate the hunger and malnutrition.[5378] **Witness RM-384** stated that as of 5 May 1992, he delivered water upon instructions by the military, including to Keraterm camp.[5379] **Witness RM-385** stated that food was sometimes brought to Keraterm camp.[5380]

Treatment of detainees at Keraterm camp

1253. At Keraterm camp, detainees were beaten on arrival.[5381] **Arifagić** stated that guards beat him and other detainees upon arrival.[5382] **Witness RM-033** stated that on one occasion, Sikirica and other guards beat up men who had just arrived.[5383] **Tači** testified that, upon his arrival with other men, guards wearing camouflage uniforms told the detainees to lie down on their stomachs on the hot asphalt with their hands behind their necks.[5384] One detainee who tried to avoid direct contact with the hot asphalt was kicked in the head.[5385]

1254. Most of the detainees were interrogated in an attempt to identify opponents of the new Serb regime.[5386] Interrogations were conducted by members of the Banja Luka CSB and of the Banja Luka Corps and were accompanied by beatings.[5387] **Arifagić** heard guards accusing detainees of being 'Green Berets' and he also heard detainees replying that they were not guilty of anything.[5388] Some prisoners were questioned about money and taken to their homes and made to search for money, to be handed over to the guards if found.[5389]

1255. Beatings were very frequent at Keraterm, and prisoners were called out and attacked with bars and batons.[5390] **Witness RM-008** stated that guards beat detainees.[5391] There was much calling-out and beating of prisoners at night and those who returned were bloody and bruised all over, some died of their injuries, while others

[5378] Adjudicated Facts I, no. 1038.
[5379] P7313 (Witness RM-384, witness statement, 30 January 2014), paras 2, 4.
[5380] P7314 (Witness RM-385, witness statement, 5 April 2014), para. 12.
[5381] Adjudicated Facts I, no. 1040.
[5382] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 11.
[5383] P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), p. 6196.
[5384] P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 44; Safet Tači, T. 2099, 2124.
[5385] Safet Tači, T. 2099-2100.
[5386] Adjudicated Facts I, no. 1039.
[5387] Adjudicated Facts I, nos 1041-1042.
[5388] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 13.
[5389] Adjudicated Facts I, no. 1049.
[5390] Adjudicated Facts I, no. 1043.

never returned.[5392] **Arifagić** stated that beatings of detainees took place on a nightly basis.[5393] He described how, on one occasion, 15 to 20 guards beat him and other detainees with rubber batons, rifle butts, and a special type of baton with an iron ball attached to the end by a chain.[5394] He recognized one of the guards who was beating him as Milan, who was wearing a camouflage uniform, black military boots, black gloves with the fingers cut out, and a white military belt with the words 'military police' on it.[5395] **Witness RM-023** stated that on one occasion, a detainee was beaten with a metal rod and a plastic beer crate.[5396] Serb guards also sprayed the detainees with dirty water from a hose.[5397]

1256. **Tači** testified that Zoran Žigić, Duča, Čupo, and unnamed guards beat detainees.[5398] On one occasion, the witness saw Žigić shoot his pistol against the ceiling, causing the bullet to ricochet and hit a detainee in the leg.[5399] **Arifagić** stated that Emsud Bahonjić died as a result of almost daily beatings from Žigić and occasionally from Dušan Knežević, a.k.a. Duča.[5400] The witness stated that Knežević, who wore military clothing including a white military belt, was not a guard but visited the camp regularly in his civilian car and was often with Žigić.[5401]

1257. **Arifagić** stated that on or about 1 July 1992, ten detainees were called out by 'Čupo' Banović and one other guard, following which the witness could hear screaming and crying. The detainees were beaten for two or three hours by a number of guards, whom the witness could not identify as it was getting dark. The detainees were then returned to the room.[5402] **Witness RM-008** recognized 'Čupo' Banović who abused men in the camp even when he was off duty.[5403] On one occasion after Sabid Sijerčić raised two fingers to ask permission to go to the toilet, Banović made him hold out his hand

[5391] P3224 (Witness RM-008, witness statement, 16 May 2013), paras 19-20.
[5392] Adjudicated Facts I, no. 1044.
[5393] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 16; P3389 (Jusuf Arifagić, *Stakić* transcript, 28 August 2002), pp. 7090-7091.
[5394] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 12-13.
[5395] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 13.
[5396] P3234 (Witness RM-023, witness statement, 25 August 2000), p. 9; P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), pp. 3971-3972.
[5397] P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 9-10.
[5398] P158 (Safet Tači, proffer of testimony, 4 May 1998), paras 78-79, 82-83; P159 (Safet Tači, witness statement, 20 September 2000), paras 7, 8, 10.
[5399] P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 82.
[5400] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 16-17.
[5401] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 22.
[5402] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 17.
[5403] P3224 (Witness RM-008, witness statement, 16 May 2013), paras 19, 30, 32-33, 36.

and then shot him in the right palm while calling him an '*Ustaša* or *balija*'.[5404] Later, Banović asked for Sijerčić, took him away, and the witness never saw him again.[5405] On another occasion, the witness saw Banović shoot Emsud Rakanović and Sikirić for fidgeting and curse their Croat and Muslim mothers.[5406] The two detainees were taken away on a truck the next day.[5407] **Witness RM-026** stated that 'Chetniks' and Banović, whom he described as a guard, beat him.[5408] **Arifagić** stated that he was beaten by Dragan Kondić, an armed guard wearing military clothing and a white military belt, and other detainees were beaten by guards the shift led by 'Kole'.[5409]

1258. **Witness RM-008** stated that Mirhad Šehić and Semir Musić were called out and beaten. Sehić was beaten during the shift of Duško Sikirica. Semir Musić did not get up after being beaten, and his relative Faruk Musić was ordered to load his body on a truck and board the truck himself. They were then taken away, and the witness did not see either of them again.[5410]

1259. Two Bosnian-Muslim former policemen were beaten with chains and metal rods.[5411] **Arifagić** stated that two policemen, a Muslim and a Croat, were called out and beaten by guards.[5412] One of them was killed and the other was brought back to the room and later taken to a hospital.[5413]

1260. Beatings and humiliation were often administered in front of other detainees.[5414] **Radulović** stated that detainees were made to lean against the wall on three fingers and sing 'Chetnik' songs.[5415] Prisoners were also made to beat one another.[5416] **Tači** testified that on one occasion, 'Duča' beat two detainees who were brothers and forced them to beat each other.[5417] **Arifagić** stated that Knežević called out the two brothers, Zijad and Ilijaz Jakupović, and he saw the two detainees being beaten in front of the room in which they had been held. In particular, he saw Knežević beat Ilijaz Jakupović and

[5404] P3224 (Witness RM-008, witness statement, 16 May 2013), paras 50-51.
[5405] P3224 (Witness RM-008, witness statement, 16 May 2013), para. 54.
[5406] P3224 (Witness RM-008, witness statement, 16 May 2013), para. 53.
[5407] P3224 (Witness RM-008, witness statement, 16 May 2013), para. 53.
[5408] P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 8.
[5409] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 18-19.
[5410] P3224 (Witness RM-008, witness statement, 16 May 2013), para. 31.
[5411] Adjudicated Facts I, no. 1045.
[5412] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 17-18.
[5413] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 18.
[5414] Adjudicated Facts I, no. 1047.
[5415] P3207 (Predrag Radulović, witness statement, 5 December 2009), para. 150.
[5416] Adjudicated Facts I, no. 1043.
[5417] P159 (Safet Tači, witness statement, 20 September 2000), para. 10.

throw him against a truck. There were a number of guards at the front of the room at the time. The beating lasted for 15 minutes, after which the two detainees were thrown back into the room.[5418]

1261. **Witness RM-008** stated that sometimes civilians came to Keraterm camp looking for particular detainees, whom they would take out and beat.[5419]

1262. Women in the camp were raped. In June or July 1992, a number of guards raped a female inmate on a table in a dark room until she lost consciousness. The next morning, she found herself lying in a pool of blood.[5420] **Witness RM-033** stated that after the woman woke up, a guard ordered her to clean herself up and then took her outside to the yard and made her sit down on a rock for several hours.[5421] Nedeljko Timarac, who was dressed in military clothes, was one of the men who raped the detainee.[5422]

The Trial Chamber's findings

1263. The Trial Chamber has received evidence from Jusuf Arifagić that he and other detainees were taken to a hospital, where he received medical treatment for injuries inflicted by a beating, and that on a separate occasion, another detainee was taken to a hospital after being beaten. This contradicts Adjudicated Fact 1036, which states that no medical care was provided for injuries. Given that Arifagić was present at Keraterm camp during the relevant time period and personally received medical care, the Trial Chamber considers his evidence to be sufficiently reliable to partially rebut the Adjudicated Fact. Under these circumstances, the Trial Chamber finds that Adjudicated Fact 1036 is rebutted as it relates to no medical care being provided for injuries inflicted by beatings.

1264. The Trial Chamber has received evidence from Rade Javorić that the military, including VRS officers, did not secure collection centres in Prijedor. This may be seen to contradict Adjudicated Fact 1028, according to which Keraterm camp was staffed by, *inter alios*, employees of the Prijedor Military Police. However, even were members of

[5418] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 22.
[5419] P3224 (Witness RM-008, witness statement, 16 May 2013), para. 30.
[5420] Adjudicated Facts I, no. 1048.
[5421] P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), p. 6199.
[5422] P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), p. 6197.

the Prijedor Military Police to have staffed Keraterm camp, it would not follow that they were necessarily involved in securing the camp. As such, the Trial Chamber finds that Javorić's testimony does not rebut Adjudicated Fact 1028. The Trial Chamber further notes that Javorić's evidence in this respect is unreliable, as he provided no basis of knowledge for his assertion other than having heard information from unknown sources, he never visited Keraterm camp or any other detention facility in Prijedor Municipality, and he testified that he did not know what occurred at such facilities.[5423]

1265. Based on the foregoing, the Trial Chamber finds that Keraterm camp held approximately 4,000 male and female detainees, including civilians.[5424] The detainees were primarily Bosnian-Muslim and Bosnian-Croat men, along with a small number of Albanians and at least one Bosnian Serb accused of not being a loyal Serb. Detainees were locked in a number of unlit, intensely hot, and insufficiently ventilated rooms for days on end.[5425] There was barely enough space for the detainees to lie down on the concrete floors. The conditions at the camp were unsanitary. Detainees had access to only one toilet, which they could use once per day; after it became blocked, they were provided with barrels that leaked. Detainees were only occasionally permitted to wash themselves. There were infestations of lice and dysentery. Detainees were provided with insufficient food and water and, despite sometimes being allowed to receive food their families brought to them, they suffered from malnutrition and starvation. No medical care for illnesses was provided at the camp, but in some instances detainees were taken to a hospital for the treatment of injuries sustained in beatings.

1266. With regard to the responsibility for the detention and the conditions at the camp, the Trial Chamber considers that the Prijedor Crisis Staff established Keraterm camp,

[5423] Rade Javorić, T. 31423, 31450.

[5424] The Trial Chamber has received evidence from Rade Javorić that many Muslims voluntarily sought protection at several camps, including Keraterm camp, in May 1992. This may be seen to contradict Adjudicated Fact 1032, according to which around 4,000 detainees were *held* in Keraterm camp. However, even were individuals to have voluntarily sought protection at Keraterm camp, this could have been in addition to the 4,000 detainees held at the camp. As such, the Trial Chamber finds that Javorić's testimony does not rebut Adjudicated Fact 1032. The Trial Chamber further notes that that Javorić's evidence in this respect is unreliable, as he provided no basis of knowledge for this statement with respect to Keraterm camp other than having heard information from unknown sources, he never visited Keraterm camp or any other detention facility in Prijedor Municipality, and he testified that he did not know what occurred at such facilities.

[5425] Witness RM-008 stated that while there was insufficient air in one of the rooms at Keraterm camp, there were open windows in that room. This contradicts Adjudicated Fact 1034, which states that the rooms in Keraterm camp were without windows. As Witness RM-008 was present at the camp, the Trial Chamber considers his evidence concerning the existence of windows in the room in which he was held to be sufficiently reliable to rebut Adjudicated Fact 1034 with respect to whether there were any windows in the rooms at Keraterm camp.

which began operating on 25 May 1992 and remained in operation until at least 5 August 1992. The camp was staffed by members of the Prijedor SJB and the Prijedor Military Police.[5426] As Keraterm camp was within the area of responsibility of the Banja Luka Corps / 1KK, the Trial Chamber understands that the military police operating in Prijedor Municipality were a part of this corps. Duško Sikirica served as the camp commander. The Trial Chamber finds accordingly that the Prijedor Crisis Staff, the Military Police of the Banja Luka Corps / 1KK, and the Prijedor SJB detained people at Keraterm camp and were responsible for the conditions at the camp.

1267. The Trial Chamber further finds that members of the Banja Luka CSB and Banja Luka Corps / 1KK, as well as teams comprising members of the SJB, the SNB, and the VRS military security, interrogated detainees and that these interrogations were accompanied by beatings. Guards called detainees out of their cells and beat them on a nightly basis, in some instances with rifle butts, brass knuckles, iron bars, and other implements. On one occasion, detainees were beaten for two to three hours. Sikirica and guards including 'Čupo' Banović, Dragan Kondić, Zoran Žigić, and guards working on the shift led by 'Kole' all beat detainees. Banović also beat detainees when he was off duty. On one occasion, guards ordered arriving detainees to lie facedown on hot asphalt with their hands behind their necks and, when a detainee tried to avoid contact with the asphalt, a guard kicked him in the head. Banović once shot a detainee in the palm and called him an '*Ustaša* or *balija*' for asking permission to use the toilet, and in another instance, he shot two detainees for fidgeting and cursed their Croat and Muslim mothers. On another occasion, Žigić fired his pistol, and the bullet ricocheted and hit a detainee in the leg. Detainees were also beaten if they did not eat their bread rations quickly enough, and they were forced to lean against the wall on three fingers and sing 'Chetnik' songs.

1268. Paramilitary units and civilians were permitted to enter the camp. Civilians would sometimes come to the camp and take detainees out of their cells to beat them.

1269. Guards, members of paramilitary units, or civilians raped female detainees at the camp. In one instance in mid-July 1992, a number of guards, including Nedeljko Timarac, raped a female detainee until she lost consciousness and awoke the next

[5426] Arifagić stated that he believed but was not certain that Keraterm camp was guarded by paramilitaries, and he provided no basis of knowledge for this assertion. The Trial Chamber finds his evidence in this respect insufficiently reliable to establish that paramilitaries were among those guarding Keraterm camp.

morning lying in a pool of blood. A guard then ordered her to clean herself up, took her to the yard, and made her sit on a rock for several hours.

1270. The Trial Chamber will further consider the above in relation to Counts 1 and 3 of the Indictment in chapter 8 below.

Schedule C.15.4

1271. According to the Indictment, the Accused is responsible for the unlawful detention, torture, beating, abuse, rape, commission of other acts of sexual violence, and subjecting to inhumane living conditions Bosnian Muslims and Bosnian Croats in Trnopolje camp, Prijedor Municipality, between 24 May and 30 September 1992.[5427] The Defence submitted that Trnopolje camp was not a detention facility, but an open reception centre for refugees fleeing the conflict, and that there were no interrogations, beatings, or ill-treatment there.[5428] The Defence further submitted that the camp was managed by the local TO and police, and was never under the control or management of the VRS, nor was the VRS informed of its establishment.[5429] As explained in Appendix B, the Trial Chamber will in this context also consider evidence concerning the alleged acts against detainees of Trnopolje camp, perpetrated elsewhere in Prijedor Municipality. The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to Trnopolje camp. It also received evidence from **Witness RM-047**, **Witness RM-017**, **Azra Blažević**, **Witness RM-023**, **Witness RM-060**, **Safet Tači**, **Witness RM-074**, and **Witness RM-008**, all Bosnian Muslims from Prijedor Municipality;[5430] as well as **Idriz Merdžanić**, a Bosnian-Muslim doctor from Kreševo, Sarajevo Municipality;[5431] **Nusret Sivac**, a Bosnian-Muslim journalist for TV Sarajevo

[5427] Indictment, paras 39(b)-(c), 53, 59(b)-(d), (g), Schedule C.15.4.
[5428] Defence Final Brief, paras 990-993.
[5429] Defence Final Brief, para. 990; Defence Closing Arguments, T. 44681-44682.
[5430] P3431 (Witness RM-074, witness statements), witness statement of 2 October 2000, pp. 1-2, witness statement of 12 December 2012, p. 1, witness statement of 8 July 2013, p. 1. P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 1-2. P3617 (Azra Blažević, witness statement, 10 November 1994), p. 1. P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 1-2. P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), pp. 6850-6851, 6853; P2597 (Witness RM-060, pseudonym sheet from *Prosecutor v. Stakić*, Case No. IT-97-24-T); P2599 (Witness RM-060, table of concordance to *Stakić* transcript, 7 March 2013), p. 1. P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 1; P159 (Safet Tači, witness statement, 20 September 2000), p. 1; Safet Tači, T. 2092. P3431 (Witness RM-074, witness statements), witness statement of 2 October 2000, pp. 1-2, witness statement of 12 December 2012, p. 1, witness statement of 8 July 2013, p. 1. P3224 (Witness RM-008, witness statement, 16 May 2013), p. 1, para. 3.
[5431] P269 (Idriz Merdžanić, witness statement, 28 August 2000), p. 1, paras 1-3; Idriz Merdžanić, T. 3321.

who covered events in Prijedor and surrounding municipalities;[5432] **Mevludin Sejmenović**, the Vice President of the SDA in Prijedor from 1990 to 1992;[5433] **Charles McLeod**, a member of the ECMM in north-west Bosnia beginning in July 1992;[5434] **Edward Vulliamy**, a journalist for *The Guardian* who covered events in Bosnia-Herzegovina between 1992 and 1995;[5435] **Predrag Radulović**, head of an intelligence team known as the Miloš group, in the CSB Banja Luka from mid-1991 to 1994;[5436] **Slavko Puhalić**, a Serb soldier from Prijedor who served under Slobodan Kuruzović in Trnopolje camp until August 1992;[5437] **Branko Berić**, an assistant for medical and veterinary services at the logistics base in Čirkin Polje, which was part of the Prijedor TO;[5438] **Sead Sušić**, a Bosnian Muslim from Čarakovo, Prijedor Municipality;[5439] and **Charles Kirudja**, a UN civil affairs officer in Croatia between April 1992 and March 1994,[5440] and finds that this evidence is consistent with the Adjudicated Facts.[5441] It also received evidence from the following Bosnian Muslims from Prijedor: **Witness RM-709**, **Kerim Mešanović**, **Jusuf Arifagić**, **Witness RM-033**, and **Witness RM-065**

[5432] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6561-6562; Nusret Sivac, T. 4839.
[5433] P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 4.
[5434] P3258 (Charles McLeod, *Brđanin* transcript 21-24 June 2002), p. 7281.
[5435] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7899-7904, 7989-7990, 8035.
[5436] P3207 (Predrag Radulović, witness statement, 5 December 2009), p. 1, paras 4-5.
[5437] D898 (Slavko Puhalić, witness statement, 26 June 2014), p. 1, paras 2-5; Slavko Puhalić, T. 31659, 31664.
[5438] D928 (Branko Berić, witness statement, 26 June 2014), paras 11-12; Branko Berić, T. 32852-32853.
[5439] P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, p. 1, paras 1, 5, witness statement of 1 December 2014, p. 1. The evidence of Sead Sušić is reviewed in chapter 4.10.7.
[5440] P3587 (Charles Kirudja, witness statement, 17 November 2010), para. 2. The evidence of Charles Kirudja is reviewed in chapter 4.1.2 *Schedule C.1.2*.
[5441] **Witness RM-047**: P2594 (Witness RM-047, witness statement, 14 March 2000), pp. 4-5. **Witness RM-017**: P3228 (Witness RM-017, witness statement, 1 September 1994), p. 11. **Azra Blažević**: P3617 (Azra Blažević witness statement, 10 November 1994), pp. 17-19, 21, 23-24. **Witness RM-023**: P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 9-16, 24-25; P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), pp. 3966-3967, 3969-3971, 3975. **Witness RM-060**: P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), pp. 6860, 6875, 6877-6878. **Safet Tači:** P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 85; Safet Tači, T. 2129. **Witness RM-074**: P3431 (Witness RM-074, witness statements), witness statement of 2 October 2000, p. 7. **Witness RM-008**: P3224 (Witness RM-008, witness statement, 16 May 2013), para. 61. **Idriz Merdžanić**: P269 (Idriz Merdžanić, witness statement, 28 August 2000), paras 35, 37, 39-40, 45, 48, 50-51, 60, 66; Idriz Merdžanić, T. 3327-3328, 3332, 3380. **Nusret Sivac**: Nusret Sivac, T. 4816. **Mevludin Sejmenović**: P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 46; Mevludin Sejmenović, T. 3548-3549. **Charles McLeod**: P3258 (Charles McLeod, *Brđanin* transcript, 21-24 June 2002), pp. 7326-7327; P3266 (Excerpt from letter from Charles McLeod to his father). **Edward Vulliamy**: P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7961-7962, 8054; Edward Vulliamy, T. 2722-2723, 2727-2728. **Predrag Radulović**: P3207 (Predrag Radulović, witness statement, 5 December 2009), paras 142, 153. **Slavko Puhalić**: D898 (Slavko Puhalić, witness statement, 26 June 2014), paras 13, 16, 23; Slavko Puhalić, T. 31642, 31675. **Branko Berić:** Branko Berić, T. 32854, 32877. **Sead Sušić**: P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, para. 33. **Charles Kirudja**: P3587 (Charles Kirudja, witness statement, 17 November 2010), para. 74; P6484 (Memorandum by Charles Kirudja to UNPROFOR headquarters, 3 July 1992), pp.1-2.

(whose evidence is reviewed in chapter 4.10.2 *Schedule C.15.2*);[5442] as well as **Milovan Milutinović**, Chief of the Press Centre and the Information Service at the 5th JNA (Banja Luka) Corps Command, subsequently 1KK, between 1992 and 1994;[5443] **Miloš Šolaja,** Editor-in-Chief within the 1KK Press Centre from 18 July 1992 until the end of the war;[5444] **Rade Javorić**, Commander of the Prijedor TO Staff as of 16 September 1991;[5445] as well as documentary evidence;[5446] and **Boško Kelečević**, Chief of Staff of the 1KK from 12 May 1992 until the end of the war.[5447]

Establishment of and personnel at Trnopolje camp

1272. **Boško Kelečević** testified that he received information that the Omarska, Keraterm and Trnopolje 'centres' were formed by a decision of the civilian police authorities in Prijedor Municipality, and that the Crisis Staff was in charge of the camps.[5448] The VRS 43rd Brigade took a large number of disarmed members of Muslim

[5442] P3437 (Witness RM-709, witness statement, 6 June 2000), pp. 1-4; P3438 (Witness RM-709, witness statement, 16 February 2002), pp. 1-2; P3439 (Witness RM-709, witness statement, 26 October 2002), pp. 1-2. P3414 (Kerim Mešanović, witness statement, 18 March 2013), p. 1, para. 3. P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 1-2. P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), p. 6189. P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 1-2, witness statement of 28 August 2000, p. 2; P3274 (Pseudonym sheet for Witness RM-065). *See also* P3279 (Table of Concordance).
[5443] D862 (Milovan Milutinović, witness statement, 11 July 2014), paras 3, 5, 51, 54, 140; Milovan Milutinović, T. 30038.
[5444] D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 4.
[5445] D895 (Rade Javorić, witness statement, 26 June 2014), paras 2, 6; Rade Javorić, T. 31424.
[5446] P200 (Video-footage of visit to camps in Prijedor, August 1992); P204 (Article by Edward Vulliamy published in The Guardian on 7 August 1992); P205 (ITN video-footage of visit to Omarska and Trnopolje camp, August 1992); P206 (Video-footage of visit to Omarska and Trnopolje camp, August 1992); P273 (Diagram of Trnopolje camp Medical Clinic drawn by Idriz Merdžanić); P274 (Photograph of interrogation room at clinic in Trnopolje camp taken by Idriz Merdžanić); P275 (Photograph of Nedžad Jakupović taken by Idriz Merdžanić); P276 (Photograph showing detainees lining up for convoy in Trnopolje camp); P277 (Diagram of Trnopolje camp drawn by Idriz Merdžanić, 27-28 August 2000, marked X); P278 (Diagram of Trnopolje camp drawn by Idriz Merdžanić); P279 (Excerpt from video interview with Idriz Merdžanić); P3263 (ECMM report, 1 September 1992); P3265 (ECMM report, 3 September 1992); P3266 (Excerpt from letter from Charles McLeod to his father); P3854 (Report from Simo Drljača addressed to the Bosnian-Serb MUP and the Banja Luka CSB, 5 August 1992); P7128 (Aerial image of the two roads that bordered the camp, taken after the war); P7129 (Report on mobilized motor vehicles of the Crisis Staff, Cirkin Polje Logistics Base, 17 June 1992); P7195 (Excerpt from video of the visit of Penny Marshall to Kula Prison and Prijedor camps); P7197 (Response by Simo Drljača, Chief of SJB Prijedor, sent to CSB Banja Luka, 9 August 1992); P7200 (Excerpt from report of CSCE mission to inspect places of detention in Bosnia-Hercegovina , 24 August-4 September 1992); P2900 (Banja Luka CSB report, 18 August 1992).
[5447] D1110 (Boško Kelečević, witness statement, 26 June 2014), p. 1, paras 1, 9; Boško Kelečević, T. 37131.
[5448] D1110 (Boško Kelečević, witness statement, 26 June 2014), para. 16; Boško Kelečević, T. 37263-37264.

forces to these camps during both the Hambarine and Kozarac operations.[5449] In addition, a large proportion of the male population of Kozarac and Hambarine were rounded up and taken to these camps, which, according to Kelečević, was done mainly by the Prijedor Crisis Staff.[5450] Once at the camps, the civilian authorities were responsible for the detainees, and together with the respective ministries of defence, established whether the detainees belonged to any Muslim or Croat armed forces.[5451] According to a Prijedor SJB report addressed to the MUP, VRS, and Banja Luka CSB, the War Presidency of the Prijedor Municipal Assembly had adopted a decision on 24 July 1992 to reduce the reserve police forces and security presently employed at the Keraterm, Trnopolje and Omarska camps.[5452] Simo Drljača reported that the Prijedor SJB was not able to implement this decision as long as the army refused to take over the security duties in the camps.[5453]

1273. Trnopolje camp was established in the village of Trnopolje at the same time as Omarska camp and Keraterm camp were established in Prijedor and it was officially closed down at the end of September 1992, although some of the detainees stayed there longer.[5454] The camp consisted of a two-storied former school building and what had been a municipal centre and attached theatre, known as the 'dom'.[5455] **Witness RM-709** stated that on 26 May 1992, a special military police unit from Prijedor, under the command of Slobodan Kuruzović, arrived in Trnopolje Village.[5456] SDS members surrounded the village while policemen brought all the inhabitants to the community centre and the elementary school in Trnopolje.[5457] The witness stated that the policeman who arrested him was wearing a blue camouflage uniform and forced him to go to the community centre at gunpoint. [5458] **Witness RM-047** stated that on 26 May 1992, armed soldiers in a military vehicle and wearing 'the usual Yugoslav military uniform' and helmets with the five-pointed star covered by black scotch tape arrested him at gunpoint

[5449] D1110 (Boško Kelečević, witness statement, 26 June 2014), para. 15; Boško Kelečević, T. 37257-37258, 37275-37276.
[5450] Boško Kelečević, T. 37259.
[5451] D1110 (Boško Kelečević, witness statement, 26 June 2014), para. 15; Boško Kelečević, T. 37267, 37276-37277.
[5452] D1111 (Report to the MUP, VRS and CSB regarding security for Prijedor centres, 1 August 1992).
[5453] D1111 (Report to the MUP, VRS and CSB regarding security for Prijedor centres, 1 August 1992).
[5454] Adjudicated Facts I, nos 1059-1060.
[5455] Adjudicated Facts I, no. 1062.
[5456] P3437 (Witness RM-709, witness statement, 6 June 2000), p. 5; P3440 (Witness RM-709, *Brđanin* transcript, 28 October 2002), p. 11004.
[5457] P3437 (Witness RM-709, witness statement, 6 June 2000), p. 5.
[5458] P3437 (Witness RM-709, witness statement, 6 June 2000), p. 5.

and brought him to the camp.[5459] **Idriz Merdžanić** testified that on the afternoon of 26 May 1992, he and a group of others were forcibly bussed to Trnopolje camp from a small village in Preijedor.[5460] The witness was escorted to the medical clinic by Serb soldiers, while the rest of the civilians were taken to a big hall in the community centre.[5461] Buses carrying mostly women and children kept arriving, and most of them were taken to the big hall.[5462] The witness spent the night at the clinic after soldiers told him not to go anywhere, and heard shooting from outside during the night.[5463]

1274. The commander of Trnopolje camp was Slobodan Kuruzović, who was referred to in the camp as 'Major' and wore a military uniform.[5464] Kuruzović stayed in a house very close to the Trnopolje compound, and he was often seen by the detainees accompanied by the Balaban brothers, well known for their brutality.[5465] **Nusret Sivac** testified that the brothers were military policemen.[5466] **Witness RM-060** stated that Kuruzović was in the camp every day and present every time new convoys of buses arrived to transport women and children detainees away towards Kozarac.[5467] **Witness RM-023** stated that every second or third day, Kuruzović held meetings behind closed doors in the house he used as camp headquarters, with men in uniforms who arrived from Banja Luka in vehicles displaying Serbian flags.[5468] **Merdžanić** testified that Kuruzović was assisted by Slavko Puhalić, the deputy commander, who wore a green military camouflage uniform.[5469] **Slavko Puhalić** testified that he did not have any insignia on his uniform, and wore a white belt only because his friend, a military policeman, had given it to him because he did not have one.[5470] A report on mobilised

[5459] P2594 (Witness RM-047, witness statement, 14 March 2000), pp. 2-4; P2595 (Witness RM-047, *Stakić* transcript, 22 July 2002), pp. 6220-6221, 6306.
[5460] P269 (Idriz Merdžanić, witness statement, 28 August 2000), paras 24-26; P277 (Diagram of Trnopolje camp drawn by Idriz Merdžanić); D55 (Map of Kozarac, Omarska).
[5461] P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 26; P277 (Diagram of Trnopolje camp drawn by Idriz Merdžanić); P273 (Diagram of Trnopolje camp Medical Clinic drawn by Idriz Merdžanić).
[5462] P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 26; P277 (Diagram of Trnopolje camp drawn by Idriz Merdžanić).
[5463] P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 30; P273 (Diagram of Trnopolje camp Medical Clinic drawn by Idriz Merdžanić).
[5464] Adjudicated Facts I, nos 1063, 1076.
[5465] Adjudicated Facts I, no. 1065.
[5466] Nusret Sivac, T. 4816.
[5467] P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), pp. 6875, 6884.
[5468] P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 11, 15.
[5469] P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 35; Idriz Merdžanić, T. 3332, 3380, 3382, 3403; P278 (Diagram of Trnopolje camp drawn by Idriz Merdžanić).
[5470] Slavko Puhalić, T. 31694, 31705-31706, 31714-31716.

motor vehicles in Čirkin Polje Logistics Base dated 17 June 1992 stated that Puhalić worked for the military police.[5471]

1275. The camp guards were all dressed in military rather than police uniforms and were from Prijedor.[5472] **Mevludin Sejmenović** testified that the camp was supervised by a 'military organization', surrounded by barbed wire, and that machine guns were pointed at the only part of the camp that did not have barbed wire.[5473] **Sivac** testified that the camp was secured by VRS soldiers and that he recognized among the guards two former policemen and some acquaintances of his from Prijedor who had been mobilised into the 'city battalion' of the VRS.[5474] **Merdžanić** testified that camp guards rotated approximately every two weeks.[5475] **Predrag Radulović** stated that he saw people in camouflage uniforms at the camp, but did not recall if they were military, police, or military police.[5476] **Merdžanić** testified that the majority of the soldiers at the camp wore green camouflage military uniforms, and occasionally some were dressed in blue camouflage uniforms.[5477] **Witness RM-047** stated that he saw Serb police officers enter the camp on several occasions.[5478] **Witness RM-060** also saw a police intervention squad, a.k.a. *'Sarenci'*, from Prijedor, dressed in blue and yellow camouflage uniforms worn by the police with Serbian flag insignia on one side and the word 'militia' in Cyrillic on the other side.[5479] This *'Sarenci'* unit was always in the camp when a convoy arrived.[5480]

1276. **Rade Javorić** testified that he heard that Srđo Srdić, together with the police, had a role in organising and establishing investigation and collection centres in the territory of Prijedor.[5481] According to the witness, the military did not provide immediate security to investigation and collection centres in and around Prijedor, but certain VRS officers were tasked with 'talking to' those who were in collection

[5471] P7129 (Report on mobilized motor vehicles of the Crisis Staff, Čirkin Polje Logistics Base, 17 June 1992), p. 12. *See* Slavko Puhalić, T. 31690-31694.
[5472] Adjudicated Facts I, no. 1064.
[5473] P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 44; Mevludin Sejmenović, T. 3547-3548.
[5474] Nusret Sivac, T. 4816.
[5475] Idriz Merdžanić, T. 3380.
[5476] P3207 (Predrag Radulović, witness statement, 5 December 2009), para. 153.
[5477] P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 29; Idriz Merdžanić, T. 3380, 3403.
[5478] P2595 (Witness RM-047, *Stakić* transcript, 22 July 2002), p. 6252.
[5479] P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), p. 6881.
[5480] P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), pp. 6881-6882.
[5481] D895 (Rade Javorić, witness statement, 26 June 2014), para. 25.

centres.[5482] The immediate security of Trnopolje camp was provided by Kuruzović's unit and the wider ring was secured by a different VRS unit.[5483]

Detainees at Trnopolje camp

1277. **Merdžanić** testified that the detainees at Trnopolje camp were Muslims or Croats, many of whom, just like him, were not given any reason for their detention.[5484] The witness estimated that from late May to the beginning of June 1992, there were about 8,000 civilians detained at the camp where the able-bodied men represented only 10 per cent of the total detained population.[5485] Some people would leave the camp in convoys, but they would be replaced by people from villages the Serbs had cleansed.[5486] **Radulović** stated that in the summer of 1992, mainly women, children, and elderly people were detained at Trnopolje camp.[5487] **Safet Tači**, who was at Trnopolje camp between the end of July and 21 August 1992, testified that the detainees in Trnopolje consisted of men, women, and children of either Muslim or Croat ethnicity, between the ages of 16 and 70.[5488]

1278. The entire Trnopolje camp was not fenced off deliberately as such, although parts of it were enclosed by a pre-existing wall. However, even if there had been just a line on the ground, no one would have dared to cross it because the camp was guarded on all sides by the army. There were machine-gun nests and well-armed posts pointing their guns towards the camp.[5489] **Witness RM-047** stated that he remained there until 1 October 1992.[5490] He stated that there were guards all over the camp so it was not possible to leave.[5491] **Merdžanić** testified that no one could enter or leave the separate barbed-wire area of the camp without being escorted by the guards and although most persons were brought in, a few dozen people came to the camp after they had been evicted from their houses and had nowhere else to go.[5492] After the ICRC's arrival,

[5482] D895 (Rade Javorić, witness statement, 26 June 2014), para. 26; Rade Javorić, T. 31451.
[5483] Rade Javorić, T. 31450-31451, 31453-31455.
[5484] Idriz Merdžanić, T. 3328.
[5485] P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 38; Idriz Merdžanić, T. 3329.
[5486] P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 68; Idriz Merdžanić, T. 3329.
[5487] P3207 (Predrag Radulović, witness statement, 5 December 2009), paras 142, 153.
[5488] P158 (Safet Tači, proffer of testimony, 4 May 1998), paras 85, 94; Safet Tači, T. 2102-2103, 2129.
[5489] Adjudicated Facts I, no. 1066.
[5490] P2594 (Witness RM-047, witness statement, 14 March 2000), p. 4.
[5491] P2594 (Witness RM-047, witness statement, 14 March 2000), p. 4.
[5492] P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 32; Idriz Merdžanić, T. 3369-3371, 3399-3400, 3402-3403; P278 (Diagram of Trnopolje camp drawn by Idriz Merdžanić).

some people tried to come to the camp to be registered with them.[5493] **Azra Blažević** stated that Slobodan Kuruzović told her and others that they were not authorised to leave the camp.[5494] Over 2,000 men were 'permanently' detained at the camp. As villages were 'cleansed,' families would arrive and after about three days the families were 'deported' by freight trains and buses toward central Bosnia-Herzegovina. The witness believed that the camp functioned as a detention facility as well as a transit facility for 'deportation'.[5495] **Witness RM-023** stated that some men tried to escape from Trnopolje camp but were always caught, beaten, and brought back.[5496]

1279. **Witness RM-709** stated that those brought to Trnopolje included civilians.[5497] Once all villagers had been rounded up, Muslim TO members, reserve policemen, and SDA activists were separated and detained in the community centre.[5498] **Sejmenović** testified that after the shelling of Trnopolje Village, some of the men and boys from the village were taken to Trnopolje camp.[5499] Some of the captors wore 'Martić's militia' uniforms which were similar to JNA uniforms, but with a lighter pattern; some wore JNA uniforms; others wore uniforms of the 5th Kozarac Brigade, while others wore civilian clothes.[5500] The witness heard from people in Trnopolje camp that following military attacks on their villages, they had been steered towards Trnopolje by the 'Serb army'.[5501] Some people came to Trnopolje on their own accord subsequent to the torching of their village, as they had been told it was the only safe place to go to.[5502] **Kerim Mešanović** stated that on 30 May 1992, Prijedor was attacked and all civilians who had put white signs outside their houses were rounded up in their homes and taken to Trnopolje.[5503]

1280. **Witness RM-017** described his transfer to and short stay at Trnopolje camp. He stated that on 26 May 1992, all people from the Kozarac area were ordered to leave and

[5493] Idriz Merdžanić, T. 3402.
[5494] P3617 (Azra Blažević witness statement, 10 November 1994), p. 11.
[5495] P3617 (Azra Blažević witness statement, 10 November 1994), p. 16.
[5496] P3234 (Witness RM-023, witness statement, 25 August 2000), p. 12.
[5497] P3437 (Witness RM-709, witness statement, 6 June 2000), p. 5; P3440 (Witness RM-709, *Brđanin* transcript, 28 October 2002), p. 11008; P3443 (Report on political and security situation in Bosnian Krajina of 26 May 1992), p. 1; P3446 (Table of concordance).
[5498] P3437 (Witness RM-709, witness statement, 6 June 2000), p. 5.
[5499] P283 (Mevludin Sejmenović, witness statement, 13 August 2012), paras 37-38.
[5500] P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 37; Mevludin Sejmenović, T. 3542-3543.
[5501] P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 45; Mevludin Sejmenović, T. 3539.
[5502] Mevludin Sejmenović, T. 3548.
[5503] P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 20.

go to Prijedor in order for the army to be able to 'mop up' the terrain.[5504] At about 5 p.m. that day, Serb soldiers in a former JNA jeep came to the witness's house and told him that they were asked to 'clear the area'.[5505] The entire local population of Kozarac and the surrounding area, almost all of whom were Muslim, left towards Prijedor that day.[5506] The inhabitants of Kozarusi, a village in Prijedor Municipality were, for example, divided into two groups that day and the men were directly bussed to Keraterm, whereas the women, children, and elderly were taken to Trnopolje.[5507] On their way to Prijedor, the witness and his family were stopped at an intersection on the Prijedor-Banja Luka main road by a tank and troops in various kinds of uniforms, such as black, olive-drab, camouflage, and blue police uniforms.[5508] Although the witness and his family were let through to continue their journey to Prijedor, other men were being systematically separated from the women, children, and elderly.[5509] Transportation was organised and all people were eventually transported to their respective destinations by Autotransport and Rudnik Ljubija, both bus companies from Prijedor.[5510] The witness estimated that approximately 10,000 people were transported to Trnopolje, Prijedor, Keraterm, Brezicani, or Omarska on 26 and 27 May 1992.[5511] The witness arrived at Trnopolje with his wife and children at approximately 10 or 11 p.m. on 26 May 1992.[5512] They did not need to register in the camp and people were allowed to move into and within the camp freely.[5513] Men were not allowed to leave the camp but women, children, and elderly were, at least for the first couple of days, once they had asked for prior permission at the Red Cross service of the camp and only if they had relatives in the surrounding villages.[5514] The witness and his family slept in the witness's car, which he had brought with him.[5515] After two to three days, women,

[5504] P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), pp. 3329-3330.
[5505] P3228 (Witness RM-017, witness statement, 1 September 1994), p. 8; P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), p. 3337.
[5506] P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 2, 7-8.
[5507] P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 8, 10.
[5508] P3228 (Witness RM-017, witness statement, 1 September 1994), p. 8; P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), pp. 3341-3342, 3344.
[5509] P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 8-9; P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), pp. 3345-3346.
[5510] P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), pp. 3345-3346.
[5511] P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), pp. 3346-3347.
[5512] P3228 (Witness RM-017, witness statement, 1 September 1994), p. 10; P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), p. 3350.
[5513] P3228 (Witness RM-017, witness statement, 1 September 1994), p. 10.
[5514] P3228 (Witness RM-017, witness statement, 1 September 1994), p. 10; P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), p. 3350.
[5515] P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 8, 10; P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), p. 3351.

children, disabled, and elderly were put on a cattle train and taken to ABiH-controlled territory.[5516] On the third day, the witness was taken to Omarska by military policemen in camouflage uniforms.[5517]

1281. Some detainees arrived at Trnopolje camp later, in July and August 1992. According to a report on mobilised motor vehicles in Čirkin Polje Logistics Base dated 17 June 1992, troops and equipment were mobilized in the Logistics Staff pursuant the Decision on General and Public Mobilisation of Troops and Material in the Bosnian-Serb Republic, the decision of the Prijedor Crisis Staff, and the orders of Kuruzović.[5518] According to Autotransport Prijedor—a transportation company from Prijedor that carried out services for the needs of the army, the Crisis Staff, and the police—a multitude of buses went to Trnopolje in July 1992, including at least 14 on 23 July 1992 alone.[5519]

1282. **Witness RM-060** stated that on 20 July 1992, together with other men from Bišćani, he was bussed to Trnopolje camp.[5520] Among the other detainees, the witness recognised people from Prijedor, Kozarac, and surrounding villages.[5521] People from the surrounding villages were allowed to leave the camp if they left their identification cards at one of the checkpoints.[5522] **Witness RM-023** was detained in Trnopolje camp from the end of July 1992 until the beginning of September 1992.[5523] Upon arrival, the witness was registered as a 'Hambarine extremist', and was accused by the camp guards of buying and storing arms. The guards called the witness a *'balija'*.[5524] For the first nine days of detention, the witness was kept in the school building.[5525]

1283. **Witness RM-074** stated that on 28 July 1992, she went to a checkpoint in Čarakovo where a Serb soldier told her that all women should get together so that they could be taken to Prijedor for questioning after which they would be returned to Čarakovo.[5526] Consequently, she went back to her house and led all the women and

[5516] P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), pp. 3350-3351.
[5517] P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 11-12.
[5518] P7129 (Report on mobilized motor vehicles of the Crisis Staff, Cirkin Polje Logistics Base, 17 June 1992), p. 1.
[5519] Slavko Puhalić, T. 31670-31672; P7127 (Transportation record kept by Autotransport Prijedor, July 1992).
[5520] P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), pp. 6858, 6866-6867, 6873.
[5521] P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), pp. 6873-6874.
[5522] P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), p. 6875.
[5523] P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 9, 16.
[5524] P3234 (Witness RM-023, witness statement, 25 August 2000), p. 9.
[5525] P3234 (Witness RM-023, witness statement, 25 August 2000), p. 9.
[5526] P3431 (Witness RM-074, witness statements), witness statement of 2 October 2000, p. 6.

children to the Dom in Čarakovo where she also saw people from the neighbouring villages gathering. There were altogether about 500 people, predominantly women and children but also some men, both young and old, as well as 60 to 70 soldiers at the Dom. After having waited for about three or four hours, they were all ordered to walk towards an asphalt road which was about one kilometre from the Dom. At the road, there were five buses from 'Autotransport Prijedor' driven by Serbs in uniform. The women, children, and elderly men were ordered onto buses to Trnopolje camp.[5527] She spent only one day in Trnopolje and left the next day in a convoy to Travnik but, in order to be allowed to leave, the guards demanded the valuables from the people in the convoy, saying they needed money for food and weapons for the army, and she heard that some people had to sign documents handing over all their property to the Serbs.[5528]

1284. **Witness RM-033** stated that on 3 August 1992 around noon, after having arrived at Trnopolje, the witness saw Zoran Žigić arriving with two or three men.[5529] A guard ordered all the women present to lie down, which they did.[5530] Žigić entered the room and asked for the women, whereupon the guard told him that there were no women, saying 'I am responsible here for these people so, please, Mr Žigić, would you leave this area'.[5531] **Witness RM-008** stated that on 5 August 1992, he was transferred from Keraterm camp to Trnopolje camp.[5532] Kuruzović told the men in the camp that they should feel safe, but if anyone attempted to kill one of his soldiers, he would kill 100 of them.[5533]

1285. The Trial Chamber has received evidence of at least two visits to Trnopolje by foreign delegations including members of the ICRC and the media. **Witness RM-060** stated that after Omarska camp closed, many foreign delegations came to Trnopolje and during these inspections, signs were put up that gave the impression that the camp was a collection centre, and the wires around the camp were removed.[5534] The guards threatened the witness and others into not giving statements to the ICRC representatives during their visits to the camp.[5535] **Merdžanić** testified that prior to a visit by

[5527] P3431 (Witness RM-074, witness statements), witness statement of 2 October 2000, p. 6.
[5528] P3431 (Witness RM-074, witness statements), witness statement of 2 October 2000, pp. 6-7.
[5529] P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), pp. 6212-6213, 6234-6235.
[5530] P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), p. 6235.
[5531] P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), pp. 6235-6236.
[5532] P3224 (Witness RM-008, witness statement, 16 May 2013), paras 55, 59.
[5533] P3224 (Witness RM-008, witness statement, 16 May 2013), para. 61.
[5534] P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), pp. 6878-6879.
[5535] P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), p. 6882.

international journalists including Penny Marshall on 4 August 1992, the number of detainees was drastically reduced.[5536] The witness believed that the camps at Keraterm and Omarska had to be dismantled prior to the visit and some detainees from there were transferred to Trnopolje.[5537] Kuruzović was in command at the time the journalists visited, and organised the clean-up of the camp prior to the visit.[5538] Kuruzović told many detainees they could leave the camp and return to their homes, and a large number left including the witness's father-in-law, Faruk Risvić.[5539] The camp authorities organised a convoy in which nearly all the women and elderly men left the camp.[5540]

1286. **Edward Vulliamy** testified that following his visit to Omarska camp on 5 August 1992, he and other journalists were escorted to the camp in Trnopolje.[5541] On approaching the camp in the afternoon, the witness and two journalists from ITN got out of the van and made their way to a barbed-wire fence behind which there was a crowd of men, some in a skeletal state.[5542] The fencing around the camp was not reinforced by barbed wire all the way around and it was difficult to judge where the boundary was; the area where these men were was clearly defined by this fencing, the guards around it, and the wall.[5543] The journalists introduced themselves and spoke to the men behind the fence; the majority of the men had arrived in Trnopolje that day, mainly from Keraterm, and some from Omarska.[5544] The witness spoke to some of these men about the conditions of the camps they had come from as well as at Trnopolje camp, but the men were hesitant to speak because of the presence of armed guards in the camp listening to what was being said.[5545] When asked about the conditions of the camp, one of the men stated that he did not know whether he was allowed to speak and two men were

[5536] P269 (Idriz Merdžanić, witness statement, 28 August 2000), paras 71-72.
[5537] P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 71.
[5538] P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 74.
[5539] P269 (Idriz Merdžanić, witness statement, 28 August 2000), paras 70, 72; P278 (Diagram of Trnopolje camp drawn by Idriz Merdžanić).
[5540] P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 71; Idriz Merdžanić, T. 3333, 3367-3368.
[5541] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7945-7946, 7963; Edward Vulliamy, T. 2602.
[5542] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7946, 7963; Edward Vulliamy, T. 2597; P200 (Video-footage of visit to camps in Prijedor, August 1992), 2:32-2:39, p. 2.
[5543] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 8143-8144; Edward Vulliamy, T. 2728.
[5544] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7946; Edward Vulliamy, T. 2599, 2667; P204 (Article by Edward Vulliamy published in The Guardian on 7 August 1992), p. 4.
[5545] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7946-7947, 7953-7959, 7962; Edward Vulliamy, T. 2597, 2664, 2721-2722; P200 (Video-footage of visit to camps in Prijedor, August 1992), 3:06-3:38, pp. 2-3; P206 (Video-footage of visit to Omarska and Trnopolje camp, August 1992), 9:34-23:34, pp. 7-15.

reluctant to talk about whether there were beatings or not.[5546] One man stated that they had been brought to the camp from their homes in surrounding villages.[5547] Another man stated that they lacked food and water.[5548] Video-footage of the men behind the barbed wire fence accompanied by the text of an ITN journalist reflected that the conditions of the camp were appalling, with hundreds of men in hot weather forced to eat and sleep outside, provided only with small rations of some bread and soup.[5549] There were also women and children at Trnopolje camp.[5550]

1287. ITN journalist Penny Marshall spoke to Idriz Merdžanić, who confirmed that he was treating people who had been beaten at other camps.[5551] **Merdžanić** testified that during the visit, he was not allowed to speak freely because Mico Kobas was present.[5552] When the witness was alone with Marshall, he gave her a camera and film with which he had taken photos.[5553] **Vulliamy** also spoke to people who were more sparsely spread and situated outside the fenced-off area; these people included men, women, and children who told him that they had come to the camp for a variety of reasons.[5554] Some were marched there under guard from surrounding villages; some went to Trnopolje to flee their villages after their houses were burned, shelled, or shot at; and others had fled from intense fighting in their villages.[5555] In an article dated 7 August 1992, the witness recounted being told by one of the men that 'they' had come to the village of Kozarac and bussed the man and others to Keraterm camp, and then to Trnopolje.[5556] The witness got the impression from speaking to the men that in

[5546] P206 (Video-footage of visit to Omarska and Trnopolje camp, August 1992), pp. 7, 9, 12.
[5547] P206 (Video-footage of visit to Omarska and Trnopolje camp, August 1992), pp. 8-9.
[5548] P206 (Video-footage of visit to Omarska and Trnopolje camp, August 1992), p. 13.
[5549] P205 (ITN video-footage of visit to Omarska and Trnopolje camp, August 1992), 4:39-5:00, p. 3.
[5550] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 8050-8051; P204 (Article authored by Edward Vulliamy published in The Guardian on 7 August 1992), p. 4.
[5551] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7959; Edward Vulliamy, T. 2597, 2599; P200 (Video-footage of visit to camps in Prijedor, August 1992), 3:54-4:19, p. 3.
[5552] P269 (Idriz Merdžanić, witness statement, 28 August 2000), paras 70-73; Idriz Merdžanić, T. 3335-3340; P279 (Excerpt from video interview with Idriz Merdžanić).
[5553] P269 (Idriz Merdžanić, witness statement, 28 August 2000), paras 47, 73; Idriz Merdžanić, T. 3340-3341; P274 (Photograph of interrogation room at clinic in Trnopolje camp taken by Idriz Merdžanić); P275 (Photograph of Nedžad Jakupović taken by Idriz Merdžanić); P276 (Photograph showing detainees lining up for convoy in Trnopolje camp).
[5554] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7959, 7961; Edward Vulliamy, T. 2653, 2667-2668, 2670-2671, 2721, 2725; P204 (Article authored by Edward Vulliamy published in The Guardian on 7 August 1992), p. 4.
[5555] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7961; Edward Vulliamy, T. 2653, 2664, 2668, 2670-2671, 2721; P204 (Article authored by Edward Vulliamy published in The Guardian on 7 August 1992), p. 4.
[5556] P204 (Article authored by Edward Vulliamy published in The Guardian on 7 August 1992), p. 4.

comparison with where they had been, they were relieved to be at Trnopolje.[5557] The witness spoke to people in the area that was not fenced off who told him that they were able to make authorized visits back to their former homes and surrounding villages to search for food or medicine.[5558] A veterinarian the witness spoke to on several occasions over the years told him that she was able to go back to Kozarac to pick up people who had been left behind after the shelling.[5559]

1288. In the article dated 7 August 1992, the witness described Trnopolje camp as 'something between a civilian prison and transit camp'; he explained that the 'civilian prison' referred to the fenced-off area containing the men who had come from Omarska and Keraterm, while the 'transit camp' description was a reference to the area not fenced in.[5560] The witness testified that based on his experience travelling in a convoy towards Travnik and his observations at the camp, including when he returned to the camp on later occasions, he concluded that Trnopolje camp was the point of departure for the majority of people who were being systematically 'deported'.[5561]

1289. **Milovan Milutinović** testified that he accompanied a group of journalists on a visit to Trnopolje, escorted by the civilian police.[5562] Several hundred Muslims had gathered in the open area around the community centre and the school to take shelter from armed conflict between Muslim extremists and the army at Kozarac.[5563] In 'such a centre' people were allowed to move freely and to go back to their houses to collect things and food for meals. The civilian authorities engaged locals as security in order to protect the people, and they organised the work of the Red Cross so that it could provide the necessary assistance. According to the witness, there was no fence or barbed wire anywhere except around the construction material warehouse where no one was accommodated.[5564] When he was in Trnopolje, he received no complaints from the Muslims as to how they were being treated.[5565] The witness later found out that journalist Penny Marshall and a reporter from *The Guardian* entered the area of the

[5557] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7962; P204 (Article authored by Edward Vulliamy published in The Guardian on 7 August 1992), p. 4.
[5558] Edward Vulliamy, T. 2682, 2724-2726.
[5559] Edward Vulliamy, T. 2724.
[5560] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 8057-8058; Edward Vulliamy, T. 2665-2667; P204 (Article authored by Edward Vulliamy published in The Guardian on 7 August 1992), p. 4.
[5561] Edward Vulliamy, T. 2738-2740.
[5562] D862 (Milovan Milutinović, witness statement, 11 July 2014), paras 37-40.
[5563] D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 41.
[5564] D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 42.

construction material warehouse and videotaped people through the wire.[5566] The witness heard from people who lived in Trnopolje that Fikret Alić, who was among the people brought there to be photographed, had tuberculosis.[5567] According to the witness, this is what caused his emaciation, which was later used to substantiate accusations that the Serbs had established concentration camps.[5568]

1290. **Merdžanić** testified that after Marshall's first visit, a convoy arrived with men from Omarska, who were put by the wooden store at the front of the camp and treated for lice.[5569] People were also transferred from Keraterm to Trnopolje.[5570] Before Marshall visited a second time around mid-August 1992, the fences at Trnopolje camp were removed, the ICRC arrived and registered the detainees, they received food and medicine to treat patients, people were able to move freely, and family visits were enabled.[5571] According to the witness, there was no more 'torture', and conditions in the camp became safer and better.[5572]

1291. **Miloš Šolaja** testified that on 7 August 1992, he accompanied a bus carrying about 40 foreign journalists on a visit to Trnopolje, where they were met by Slobodan Kuruzović.[5573] According to the witness, Kuruzović was not a camp commander and there was no camp at Trnopolje.[5574] In the witness's opinion, Kuruzović was instead the Head of the Municipal Red Cross and tasked with providing food to the civilians at Trnopolje, which he could not do due to the blockade of the 'corridor'.[5575] Kuruzović told the witness that the Muslim population voluntarily spent nights at Trnopolje to shelter from combat activities for their own safety, and were able to go home every day to cultivate their crops.[5576] According to the witness, Trnopolje was not enclosed and there was no barbed wire fence, save for a pre-war fence around the village school that

[5565] D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 43.
[5566] D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 44. The Trial Chamber understands this reporter to have been Edward Vulliamy. *See* P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7899, 7901, 7910, 7945.
[5567] D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 44; Milovan Milutinović, T. 30130.
[5568] D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 44.
[5569] P269 (Idriz Merdžanić, witness statement, 28 August 2000), para.74; Idriz Merdžanić, T. 3333, 3364-3365; P278 (Diagram of Trnopolje camp drawn by Idriz Merdžanić).
[5570] Idriz Merdžanić, T. 3333-3334, 3364-3365.
[5571] P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 74; Idriz Merdžanić, T. 3334, 3365, 3368; P271 (Diagram of Trnopolje camp in mid- August 1992 drawn by Idriz Merdžanić).
[5572] P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 74.
[5573] D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 14; Miloš Šolaja, T. 32788.
[5574] D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 16.
[5575] D924 (Miloš Šolaja, witness statement, 11 June 2014), paras 14, 16.
[5576] D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 14.

was about one metre high and did not enclose the entire school.[5577] There were also no machine gun nests.[5578] The foreign journalists spoke to whomever they wanted and there were no visibly injured people at Trnopolje.[5579] According to a news video clip taken by Penny Marshall on 7 August 1992, the barbed wire fence that surrounded Trnopolje camp was taken down, food was made available, and shelter and clothes were provided by the Serb authorities in advance of the simultaneous arrival of the ICRC and the foreign media.[5580]

1292. **Nusret Sivac**, who was transferred from Omarska camp to Trnopolje camp on 7 August 1992 and stayed there until the end of August 1992, testified that around 10 August 1992, the detainees were ordered to remove all the wire from the fencing around the camp and Serb guards brought a big board with the words 'collection centre' on it.[5581] Sometime later Željko Mejakić, commander of Omarska camp, brought several foreign TV crews, as well as a TV crew from Pale, to Trnopolje camp.[5582] They were brought there to be shown that there were no more camps in the Prijedor area, only collection centres, where people were not fenced off from the rest of the world and the treatment they were receiving was almost humane.[5583]

1293. **Charles McLeod** stated that during a meeting on 30 August 1992, Radić, the Mayor of Banja Luka, told the ECMM that the team would visit a camp the following day, which was 'half open' and not a POW camp.[5584] During a meeting on 31 August 1992, Dr. Stakić, the Mayor of Prijedor, told the ECMM that there were around 10,000 Muslims and Croats in the camp, who were in possession of identification papers and not accused of anything, and that a majority of them wished to remain in the camp.[5585]

[5577] D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 15; Miloš Šolaja, T. 32768-32770, 32789-32790; P7195 (Excerpt from video of the visit of Penny Marshall to Kula Prison and Prijedor camps).
[5578] D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 15.
[5579] D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 16; Miloš Šolaja, T. 32788.
[5580] P7195 (Excerpt from video of the visit of Penny Marshall to Kula Prison and Prijedor camps). Although Šolaja refers in his statement to a 'Penelope Marshal,' the Chamber understands this to be a reference to Penny Marshall. *See* D924 (Miloš Šolaja, witness statement, 11 June 2014), paras. 11-12; Miloš Šolaja, T. 32767-32768, 32788.
[5581] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6687, 6690-6691; Nusret Sivac, T. 4843.
[5582] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6691; Nusret Sivac, T. 4843.
[5583] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6691; Nusret Sivac, T. 4843.
[5584] P3263 (ECMM report, 1 September 1992), pp. 1, 3; P3269 (Charles McLeod's personal notes, 20-31 August 1992), p. 38.
[5585] P3265 (ECMM report, 3 September 1992), paras 2, 13; P3269 (Charles McLeod's personal notes, 20-31 August 1992), pp. 50-51.

Stakić confirmed that the Serb army and police had captured several thousand people and put them into Trnopolje camp in order to protect them from the fighting.[5586]At the time McLeod visited on 31 August 1992, there was a sign indicating that it was an open reception centre and there were no fences around the camp.[5587] The Serb military or police who were controlling the camp told the witness that the machine guns pointed at the camp were there for the protection of the people in the camp and to ensure that nobody came in from the outside to beat them up.[5588] Between 1,600 and 4,000 people, mostly men, were at the camp.[5589] People asked the witness how long they would be there and expressed that they wanted to get out of the country and were being kept alive because the ICRC was now providing them with food.[5590]

1294. **Jusuf Arifagić**, who was transferred from Keraterm to Trnopolje camp on 1 August 1992 and released on 1 October 1992 after which he travelled to Karlovac, Croatia, stated that prior to leaving the camp he had to sign a document stating that he was leaving Prijedor of his own free will.[5591] In the presence of Pero Curguz, the head of the Serbian Red Cross in Prijedor, he signed another document giving away all of his property to the Serb authorities.[5592] **Sivac** also testified that to leave the centre there were several conditions to be met, including giving money or other valuables.[5593] Kuruzović and Pero Curguz from the Serbian Red Cross signed the release papers.[5594] The witness got release papers through the help of Rade Mutić and Živko Ećimović, who were putting together a report for a TV station from Prijedor.[5595] They saw the witness and told him that the situation in Omarska could not be helped as the release forms there had to be signed by the Crisis Staff or Radmilo Zeljaja, Commander of the

[5586] P3265 (ECMM report, 3 September 1992), para. 11; P3269 (Charles McLeod's personal notes, 20-31 August 1992), p. 50.
[5587] P3258 (Charles McLeod, *Brđanin* transcript, 21-24 June 2002), pp. 7326-7327; P3266 (Excerpt from letter from Charles McLeod to his father).
[5588] P3258 (Charles McLeod, *Brđanin* transcript, 21-24 June 2002), pp. 7327, 7376.
[5589] P3258 (Charles McLeod, *Brđanin* transcript, 21-24 June 2002), pp. 7326-7327; P3266 (Excerpt from letter from Charles McLeod to his father).
[5590] P3258 (Charles McLeod, *Brđanin* transcript, 21-24 June 2002), pp. 7326-7327, 7377; P3266 (Excerpt from letter from Charles McLeod to his father).
[5591] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 22-24.
[5592] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 24.
[5593] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6691; Nusret Sivac, T. 4842-4843.
[5594] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6691.
[5595] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6691-6692; Nusret Sivac, T. 4870.

VRS 43rd Motorised Brigade.[5596] Mutić and Ećimović went to the administrative offices in Trnopolje camp and drew up release papers for him, and the witness left the camp and returned to Prijedor.[5597] After his release, he asked Milos Janković who had signed his arrest warrant, and he was told that most often the orders were signed by the Crisis Staff and people like Simo Drljača, Dule Janković, and Rajko Mijić, who were all members of the Prijedor SUP.[5598]

1295. According to a report by the Prijedor, Bosanski Novi, and Sanski Most SJB and the Commission for the Inspection of the Municipalities, dated 18 August 1992, the Trnopolje camp**,** referred to as 'Open Reception Centre', was established by the Prijedor Crisis Staff to receive and accommodate citizens who did not want to take part in the armed struggle against the VRS.[5599] From 24 May 1992 onwards, a large number of Muslims of all ages and both sexes sought protection in the 'Trnopolje Open Reception Centre' and on 18 August 1992, there were about 1,500 Muslims and Croats in the centre.[5600] These citizens organised themselves with respect to food and accommodation, and there was also a medical clinic at the centre.[5601] According to the report, the camp was not fenced off, citizens were free to leave, and to come and go as they pleased, no questioning took place, and the army provided physical security to protect against extremists.[5602] The report stated that the municipal authorities with assistance of other organs in the Republic and of humanitarian organisations, should undertake measures to improve living conditions with respect to food, accommodation, clothing, and other necessities.[5603] According to a report from the Chief of Banja Luka SJB, Trnopolje was a location where Muslims fleeing from combat operations in the municipality had found shelter.[5604] Security at the camp was provided by the VRS.[5605] According to a document from Simo Drljača, Chief of Prijedor SJB, sent to CSB Banja Luka and dated 9 August 1992, the Trnopolje Reception Centre was for 'citizens who

[5596] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6692, 6751-6753.
[5597] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6692, 6751.
[5598] Nusret Sivac, T. 4831-4832.
[5599] P2900 (Banja Luka CSB report, 18 August 1992), pp. 2, 28.
[5600] P2900 (Banja Luka CSB report, 18 August 1992), pp. 2, 11, 28.
[5601] P2900 (Banja Luka CSB report, 18 August 1992), pp. 3, 28.
[5602] P2900 (Banja Luka CSB report, 18 August 1992), pp. 3, 28-29.
[5603] P2900 (Banja Luka CSB report, 18 August 1992), pp. 3, 29.
[5604] P3854 (Report from Simo Drljača addressed to the Bosnian-Serb MUP and the Banja Luka CSB, 5 August 1992).
[5605] P3854 (Report from Simo Drljača addressed to the Bosnian-Serb MUP and the Banja Luka CSB, 5 August 1992).

refused to take part in the armed rebellion'.[5606] The document states that Drljača 'asked the legal authorities to protect them from the extremists', that the centre was secured by the VRS, and that no investigation activities were carried out in it.[5607]

1296. **Branko Berić** testified that the 'Trnopolje Reception Centre' was not a camp, although he believed that Muslims called it a camp in order to gain extra privileges in third countries or when they returned to their places of residence.[5608] The witness held no official position at the Trnopolje Reception Centre, but visited daily until he was sent to the frontline.[5609] According to the witness, Slobodan Kuruzović would spend two to three hours a day at Trnopolje in order to learn about the needs of the centre.[5610] The centre housed around 2,000 civilians, including women, children and elderly, of Muslim ethnicity and 'perhaps' a few Croats.[5611] According to Berić, the Muslims could move about freely during the day and often spent the days at their own houses, and returned to the centre after dusk because they felt safer there.[5612] Berić testified that because conditions in the centre were difficult for small children, he convinced a neighbour of his who was there with her two children to return to their apartment building in Prijedor.[5613]

1297. Also according to the Berić, Muslims came to Trnopolje Reception Centre of their own free will by foot, taxis, or their own vehicles.[5614] The witness remembered one case when Muslims were collected in Sanski Most and brought to Trnopolje Reception Centre with a police or military escort.[5615] From Trnopolje they were sent to third countries.[5616] The witness was aware that the reserve police had orders to take some Muslims from Trnopolje to Omarska for interrogation, and he testified that all of them

[5606] P7197 (Response by Simo Drljača, Chief of SJB Prijedor, sent to CSB Banja Luka, 9 August 1992).
[5607] P7197 (Response by Simo Drljača, Chief of SJB Prijedor, sent to CSB Banja Luka, 9 August 1992).
[5608] D928 (Branko Berić, witness statement, 26 June 2014), para. 34; Branko Berić, T. 32844, 32875.
[5609] D928 (Branko Berić, witness statement, 26 June 2014), paras 25, 38; Branko Berić, T. 32853, 32860-32861, 32869.
[5610] D928 (Branko Berić, witness statement, 26 June 2014), para. 32.
[5611] Branko Berić, T. 32873-32874; P7200 (Excerpt from report of CSCE mission to inspect places of detention in Bosnia-Herzegovina, 24 August-4 September 1992), p. 4.
[5612] D928 (Branko Berić, witness statement, 26 June 2014), paras 16, 25, 27; Branko Berić, T. 32845, 32860, 32870, 32877.
[5613] D928 (Branko Berić, witness statement, 26 June 2014), para. 29.
[5614] D928 (Branko Berić, witness statement, 26 June 2014), paras 13, 27; Branko Berić, T. 32845, 32888.
[5615] Branko Berić, T. 32888.
[5616] Branko Berić, T. 32889.

returned after being interrogated.[5617] The witness later testified that he did not know whether detainees taken away from Trnopolje had returned.[5618]

1298. The municipal authorities tasked the Čirkin Polje Logistics Base with assisting the population at the Trnopolje Reception Centre, together with the Red Cross, by providing food, medical aid, and accommodation.[5619] Food supplies were brought by a Muslim named Nuhić, while the Muslims in the centre organised cooking and established their own medical service.[5620] There were, however, shortages of medicine and fuel for transportation and the sanitary conditions were 'difficult'.[5621] According to the witness, there was no fence or barbed wire around the centre.[5622] Berić testified that the centre was initially secured by elderly men wearing military reserve uniforms with M-48 rifles who were part of the Čirkin Polje logistics base of the TO and some time later 'probably' by the 43rd Motorised Brigade of the VRS.[5623] According to the witness, the security provisions aimed to prevent uncontrolled access to the centre, but, according to an intercept with a daily update of events in Prijedor dated 31 May 1992, orders were given to increase security due to the fear of a break-out.[5624]

1299. According to the witness, the emaciated Muslim man pictured in photographs in Trnopolje which were exploited in the media was already 'skinny like that' before the war and the witness had heard that he had tuberculosis.[5625] Berić testified, however, that he did not remember the man's name, nor exactly where he lived. This man was interrogated and upon his release, he was temporarily accommodated at Trnopolje Reception Centre before going to a third country.[5626]

1300. **Puhalić** testified that he assisted in the initial establishment of the camp, served as Kuruzović's driver, helped with procuring food, and was as a link between

[5617] D928 (Branko Berić, witness statement, 26 June 2014), para. 33.
[5618] Branko Berić, T. 32878-32883.
[5619] D928 (Branko Berić, witness statement, 26 June 2014), para. 14; P7197 (Response by Simo Drljača, Chief of SJB Prijedor, sent to CSB Banja Luka, 9 August 1992); P7199 (Report on the work of the Prijedor Municipal Organisation of the Red Cross from 5 May to 30 September 1992), pp. 4, 9.
[5620] D928 (Branko Berić, witness statement, 26 June 2014), paras 13, 15, 17; Branko Berić, T. 32844.
[5621] D928 (Branko Berić, witness statement, 26 June 2014), paras 24, 26; Branko Berić, T. 32875.
[5622] D928 (Branko Berić, witness statement, 26 June 2014), para. 35; Branko Berić, T. 32854.
[5623] D928 (Branko Berić, witness statement, 26 June 2014), para. 20; Branko Berić, T. 32865-32869.
[5624] D928 (Branko Berić, witness statement, 26 June 2014), para. 20; Branko Berić, T. 32869-32870; P7198 (Summary of intercept of the daily updates on the events in Prijedor, 31 May 1992).
[5625] D928 (Branko Berić, witness statement, 26 June 2014), para. 23; Branko Berić, T. 32845-32847.
[5626] D928 (Branko Berić, witness statement, 26 June 2014), para. 23; Branko Berić, T. 32846.

Kuruzović and the other soldiers.[5627] Upon arrival at the camp, non-Serb civilians were registered by the ICRC.[5628] According to the witness, the camp was only partially surrounded by a metal fence and non-Serbs could leave after receiving permission from Kuruzović, reporting to a guard, and leaving their identity documents behind.[5629] The witness testified that no one was brought to Trnopolje forcibly, and non-Serb civilians came to the camp for reasons of personal safety.[5630] According to Puhalić, the main purpose of the Trnopolje camp was to remove non-Serb civilians from the combat zone to ensure their safety.[5631] Puhalić testified that when he was at the camp, Muslims from the village of Trnopolje stayed in the village and in the camp.[5632] Puhalić was present at Trnopolje camp the day prior to, and the day after, journalists arrived at the camp.[5633] According to him, no preparations were made for the journalists' arrival.[5634] According to **Javorić**, many Muslims went voluntarily to the collection centres in Omarska, Keraterm, and Trnopolje after the operations in Hambarine in May 1992, in order to seek protection.[5635]

1301. According to a report of the CSCE Mission regarding places of detention in Bosnia-Herzegovina, most of the 2,000 Muslims held in the centre were civilians driven from their homes in the region by 'Serb forces'.[5636] Their houses had been burned, bombed or occupied by immigrant Serb families.[5637] A large number of detainees lived in 'primitive self-made shelters' and were generally living in terror.[5638]

[5627] D898 (Slavko Puhalić, witness statement, 26 June 2014), paras 3-4; Slavko Puhalić, T. 31647, 31657-31658, 31664, 31690-31691.
[5628] D898 (Slavko Puhalić, witness statement, 26 June 2014), para. 7.
[5629] D898 (Slavko Puhalić, witness statement, 26 June 2014), paras 7, 10, 16, 23; Slavko Puhalić, T. 31642, 31647, 31687-31689, 31714.
[5630] D898 (Slavko Puhalić, witness statement, 26 June 2014), paras 6-8.
[5631] D898 (Slavko Puhalić, witness statement, 26 June 2014), para. 6.
[5632] D898 (Slavko Puhalić, witness statement, 26 June 2014), para. 7; Slavko Puhalić, T. 31657.
[5633] D898 (Slavko Puhalić, witness statement, 26 June 2014), para. 18, Slavko Puhalić, T. 31654-31655.
[5634] D898 (Slavko Puhalić, witness statement, 26 June 2014), paras 17-18.
[5635] Rade Javorić, T. 31457, 31461-31462.
[5636] P7200 (Excerpt from report of CSCE mission to inspect places of detention in Bosnia-Hercegovina , 24 August-4 September 1992), p. 3.
[5637] P7200 (Excerpt from report of CSCE mission to inspect places of detention in Bosnia-Hercegovina, 24 August-4 September 1992), p. 3.
[5638] P7200 (Excerpt from report of CSCE mission to inspect places of detention in Bosnia-Hercegovina, 24 August-4 September 1992), pp. 3-4.

Conditions at Trnopolje camp

1302. There was no running water at Trnopolje and almost no water to drink because only one pump existed for the whole camp.[5639] There were also limited lavatory facilities.[5640] **Merdžanić** testified that while he was detained in Trnopolje camp from 26 May until 30 September 1992, living conditions were inhumane, there was no electricity, and the water was dirty and unsuitable to drink.[5641] **Witness RM-060** stated that it was extremely hot in the camp, flies and garbage were everywhere, and the detainees only had improvised toilets.[5642] **Witness RM-023** stated that the toilets spilled over.[5643] At one time the buildings at Trnopolje proved insufficient to house all inmates, many of whom were forced to camp outdoors in the grounds in makeshift shelters of plastic sheeting and the like.[5644] There were no beds or blankets and detainees had to sleep on the floor or outside.[5645] **Witness RM-047** confirmed that detainees had to sleep outside because the camp was so crowded.[5646] **Witness RM-023** stated that the school building and the camp were full.[5647]

1303. No food was supplied by the camp authorities to the prisoners.[5648] **Puhalić** testified that food was distributed to the most destitute.[5649] **Witness RM-047** stated that in the beginning, the detainees were given two slices of bread per day and later on food was distributed from a large military pot, but it was so bad that the detainees developed diarrhoea.[5650] **Merdžanić** added that the amount of food produced was insufficient for the camp.[5651] The acting camp commander agreed to allow local people to bring food into the camp. [5652] Detainees were allowed to come to the clinic, but only if accompanied by soldiers.[5653] **Witness RM-047** received food from his friends.[5654]

[5639] Adjudicated Facts I, nos 1068, 1069.
[5640] Adjudicated Facts I, no. 1068.
[5641] P269 (Idriz Merdžanić, witness statement, 28 August 2000), paras 37, 39; Idriz Merdžanić, T. 3327-3328. *See also* P3234 (Witness RM-023, witness statement, 25 August 2000), p. 9.
[5642] P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), p. 6876.
[5643] P3234 (Witness RM-023, witness statement, 25 August 2000), p. 9.
[5644] Adjudicated Facts I, no. 1067.
[5645] Adjudicated Facts I, no. 1072.
[5646] P2594 (Witness RM-047, witness statement, 14 March 2000), p. 4.
[5647] P3234 (Witness RM-023, witness statement, 25 August 2000), p. 9.
[5648] Adjudicated Facts I, no. 1070.
[5649] D898 (Slavko Puhalić, witness statement, 26 June 2014), para. 13; Slavko Puhalić, T. 31677.
[5650] P2594 (Witness RM-047, witness statement, 14 March 2000), p. 4. *See also* P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 44.
[5651] P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 44.
[5652] P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 31.
[5653] P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 32.
[5654] P2594 (Witness RM-047, witness statement, 14 March 2000), p. 4.

Merdžanić testified that on 28 or 29 May 1992, the Serbian Red Cross, led by Pero Ćurkuz, set up an office at the camp.[5655] The witness attended a meeting with the Serbian Red Cross to discuss obtaining milk and bread for detainees, and as a result, bread was distributed to those who had paid for it.[5656] **Witness RM-060** confirmed that it was possible to buy bread in Trnopolje camp every day, but only with Serbian bank notes.[5657]

1304. **Witness RM-017** stated that he spent two days in Trnopolje with his family, during which time they were not provided with any food by the Serbs; only the children were provided with some milk.[5658] **Azra Blažević** stated that in the beginning of her detention, food was provided by local Muslim families through the Red Cross, but later on the detainees had to look for food on their own.[5659] **Witness RM-023** stated that the newly arrived Omarska and Keraterm detainees had diarrhoea when they were fed.[5660] According to the witness the detainees received more food in Trnopolje than in Omarska and Keraterm, however, there was little food and the only dish was a small piece of fat in water.[5661] Detainees were allowed to make a fire and cook their own food. The wives of the men detained in the camp were allowed to bring food to their husbands who gave food to the witness's children. The witness did not eat for five days in a row and only drank water.[5662]

1305. Because of the lack of food and the unsanitary conditions at Trnopolje camp, lice and scabies were rampant and the majority of inmates suffered from dysentery.[5663] **Puhalić** testified that the camp provided medical assistance.[5664] **Witness RM-047** stated that at the camp there was one doctor and one medical student present.[5665] **Merdžanić** testified that 'Serbian' doctor Duško Ivić and medical technician Mića Kobas, who both wore military uniforms, did not meet most of the witness's requests for medical supplies, and on one occasion Ivić refused to take an epileptic man to hospital, and the

[5655] P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 42; P277 (Diagram of Trnopolje camp drawn by Idriz Merdžanić).
[5656] P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 42; Idriz Merdžanić, T. 3376.
[5657] P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), p. 6876.
[5658] P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 10-11.
[5659] P3617 (Azra Blažević witness statement, 10 November 1994), p. 25.
[5660] P3234 (Witness RM-023, witness statement, 25 August 2000), p. 9.
[5661] P3234 (Witness RM-023, witness statement, 25 August 2000), p. 9. *See also* P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 23.
[5662] P3234 (Witness RM-023, witness statement, 25 August 2000), p. 9.
[5663] Adjudicated Facts I, no. 1071.
[5664] D898 (Slavko Puhalić, witness statement, 26 June 2014), para. 9, 14, 22; Slavko Puhalić, T. 31675-31676; P7128 (Aerial image of the two roads that bordered the camp, taken after the war).

witness found him dead the following morning.[5666] **Witness RM-047** stated that he saw an old man die beside him, probably due to dysentery and the lack of medical treatment.[5667]

1306. **Blažević** stated that she and others had to work as medical personnel in the camp.[5668] **Merdžanić** testified that he treated people in the camp for a wide range of diseases including hepatitis, chronic diarrhoea, and high fevers.[5669] He also removed the teeth of several people using pliers and no anaesthetic.[5670] There were no bathing facilities for detainees, and there was no disinfectant or gloves in the clinic and no way to wash prior to treating patients.[5671] **Witness RM-023** stated that some of the wounded had maggots on their wounds.[5672] **Merdžanić** testified that initially people coming to the clinic had diseases common to civilians; later he examined people who had been beaten up or raped.[5673]

1307. **Sejmenović** testified that following the attack on Kozarac, and after he had been hiding until the second half of July 1992, he observed Trnopolje camp for two days before sneaking in and out of the camp from his hiding place to see the conditions and to find out what the guards were planning to do to the detainees.[5674] Some non-Serbs were allowed inside the camp to help detainees, including a physician and a female veterinarian.[5675] Most of the time the majority of the detainees looked similar to a detainee in a picture that was shown to the witness, due to starvation, beatings, and constant fear.[5676] Many of the detainees he saw looked exhausted, moved slowly, and had dull eyes.[5677]

[5665] P2594 (Witness RM-047, witness statement, 14 March 2000), p. 4.
[5666] P269 (Idriz Merdžanić, witness statement, 28 August 2000), paras 59, 61-62.
[5667] P2594 (Witness RM-047, witness statement, 14 March 2000), p. 4.
[5668] P3617 (Azra Blažević witness statement, 10 November 1994), p. 11.
[5669] P269 (Idriz Merdžanić, witness statement, 28 August 2000), paras 40, 60.
[5670] P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 60.
[5671] P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 39; P279 (Excerpt from video interview with Idriz Merdžanić).
[5672] P3234 (Witness RM-023, witness statement, 25 August 2000), p. 9; P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), pp. 3971-3972.
[5673] P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 32; P273 (Diagram of Trnopolje camp Medical Clinic drawn by Idriz Merdžanić).
[5674] P283 (Mevludin Sejmenović, witness statement, 13 August 2012), paras 43-46; Mevludin Sejmenović, T. 3539-3541.
[5675] P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 46; Mevludin Sejmenović, T. 3548.
[5676] Mevludin Sejmenović, T. 3467-3468; P291 (Photographic still showing a detainee at Trnopolje camp).

Treatment of detainees at Trnopolje camp

1308. Mistreatment was commonplace at Trnopolje camp; Serb soldiers used baseball bats, iron bars, rifle butts, and their hands and feet or whatever they had at their disposal to beat the detainees.[5678] Individuals who were taken out for questioning would often return bruised or injured.[5679] **Merdžanić** testified that there was an interrogation room next to the medical clinic where men were questioned and beaten.[5680] The witness often saw Serb guards bring detainees into the room.[5681] The room was very close to where the witness slept, and he heard strikes with muted blunt sounds, and could hear people screaming and moaning, and heard Serbs swearing.[5682] He examined detainees after the beatings, and on several occasions a detainee named Mujo was ordered to clean the room, which had blood in it.[5683] The witness took photos of this room covered in blood.[5684] The witness saw guards entering and leaving the interrogation room including Mladen Mitrović and Mirijan Mitrović, a person named Stojanović who was also known as Zemunac, Dragoja Ćavić, Dragan Škrbić, and Branko Topola.[5685] On one occasion in August 1992, the witness saw, from the window of the clinic, Žigić, who had come with detainees transferred from Keraterm camp, wearing a camouflage uniform and red beret, beating a man severely with his hands and feet until the man fell down, then kicking him and jumping on him while the guards' commander was present.[5686] To the witness's knowledge no investigation was conducted concerning killings and beatings in the camp.[5687]

1309. Puhalić would often come to the clinic in Trnopolje camp with a list of names of men asking the witness for their whereabouts.[5688] On one occasion, two persons Puhalić

[5677] Mevludin Sejmenović, T. 3467-3468.
[5678] Adjudicated Facts I, no. 1073.
[5679] Adjudicated Facts I, no. 1073.
[5680] P269 (Idriz Merdžanić, witness statement, 28 August 2000), paras 45-48; P273 (Diagram of Trnopolje camp Medical Clinic drawn by Idriz Merdžanić); P274 (Photograph of interrogation room at clinic in Trnopolje camp taken by Idriz Merdžanić).
[5681] P269 (Idriz Merdžanić, witness statement, 28 August 2000), paras 45-47.
[5682] P269 (Idriz Merdžanić, witness statement, 28 August 2000), paras 48, 58; P279 (Excerpt from video interview with Idriz Merdžanić).
[5683] P269 (Idriz Merdžanić, witness statement, 28 August 2000), paras 47-48, 50; P274 (Photograph of interrogation room at clinic in Trnopolje camp taken by Idriz Merdžanić).
[5684] P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 47; P274 (Photograph of interrogation room at clinic in Trnopolje camp taken by Idriz Merdžanić).
[5685] P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 52.
[5686] P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 53; P278 (Diagram of Trnopolje camp drawn by Idriz Merdžanić).
[5687] Idriz Merdžanić, T. 3332-3333.
[5688] P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 35.

called for were at the clinic, Nijaz Gutić and Džemal Zerić, and Puhalić instructed two men in military uniforms to take them to the interrogation room where they beat them and then took them away, and they were never seen by the witness again.[5689] **Puhalić** testified that he neither conducted any interrogations nor was involved in any beatings.[5690]

1310. **Blažević** stated that on one occasion Nedzad Jakupović was brought to the medical unit with bruises all over his body and several cuts, including a cross that had been carved into his chest.[5691] The soldiers who beat Jakupović were Mladen Mitrović, Darko Mrđa, 'Mile', and 'Deba', who all came to the camp often.[5692] Another time, she heard how a man was beaten in this room for two days.[5693] A man called Mujkanović was taken into the room and also beaten for two days and nights in a row.[5694] **Blažević** stated that when the soldiers took a break from the beating, a guard called 'Darko' went outside the building and wiped his boots on the grass saying '[l]ook how this mother fucker was bleeding'.[5695] **Puhalić** denied that a person named Mustafa Mujkanović was beaten unconscious in his presence.[5696] Later, **Blažević** saw two bus drivers named Zerić and Gutić being taken into the room and she heard them being beaten for several hours.[5697]

1311. One day, when detainees from Keraterm camp arrived at Trnopolje, a Serb guard called Zoran Žigić shouted a traditional orthodox Serbian greeting at the new detainees, something like '[g]od help you Turks'. The witness then saw Žigić beat up a detainee named Hasan in the camp's yard. The next day, the witness heard from other detainees that Hasan was in a very bad state and that they were afraid he might die.[5698] Ajdin Zenkić was beaten in the municipality office at the camp on several occasions by Dragan Skrbić and Stoja 'Stole' Madzar.[5699] One night, a man called Mehmed Avdić

[5689] P269 (Idriz Merdžanić, witness statement, 28 August 2000), paras 35, 45; P270 (Corrections and clarifications to witness statement of Idriz Merdžanić), p. 1; Idriz Merdžanić, T. 3332, 3383-3384; P273 (Diagram of Trnopolje camp Medical Clinic drawn by Idriz Merdžanić).
[5690] Slavko Puhalić, T. 31694-31702.
[5691] P3617 (Azra Blažević witness statement, 10 November 1994), p. 17.
[5692] P3617 (Azra Blažević witness statement, 10 November 1994), p. 17.
[5693] P3617 (Azra Blažević witness statement, 10 November 1994), pp. 17-18.
[5694] P3617 (Azra Blažević witness statement, 10 November 1994), p. 18.
[5695] P3617 (Azra Blažević witness statement, 10 November 1994), p. 18.
[5696] Slavko Puhalić, T. 31694-31702.
[5697] P3617 (Azra Blažević witness statement, 10 November 1994), p. 19.
[5698] P3617 (Azra Blažević witness statement, 10 November 1994), p. 18.
[5699] P3617 (Azra Blažević witness statement, 10 November 1994), p. 21.

was beaten in the lumber yard.[5700] On several occasions, the witness and other medical staff were threatened with deportation and death by soldiers who came into the medical unit with their weapons.[5701]

1312. **Arifagić** stated that on his first day at the camp, he saw Zoran Žigić from Keraterm camp enter the wire fenced off area where he and other detainees were being detained. Žigić asked for a man called 'Kum', who had given Žigić his white Mercedes 220, and started to beat him. A number of guards eventually took Žigić away and brought 'Kum' to a doctor.[5702] **Witness RM-709** stated that behind the community centre, policemen beat up detainees and that a person named 'Zoka' beat him.[5703] **Witness RM-017** stated that he heard from other men who had been interrogated that they were beaten and had to hand over all their money and valuables.[5704] **Witness RM-047** learned from Ismet Javor that guards forced detainees to fight with each other, and they would stomp on the detainees who fell down after being beaten.[5705]

1313. Between May and October 1992, many incidents of rape occurred at the camp.[5706] Not all of the perpetrators were camp personnel, as some were allowed to visit the camp from the outside.[5707] One prisoner, Vasif Gutič, who had medical training, was assigned to work in the medical unit at Trnopolje and he often counselled and treated victims of rape, the youngest girl being 12 years old.[5708] In August 1992, Slobodan Kuruzović personally arranged for a Bosnian-Muslim woman to be detained in the same house in which he had his office, and he raped her nearly every night for about a month.[5709] On two occasions, he stabbed her shoulder and her leg with his knife because she resisted being raped.[5710]

1314. The Trial Chamber also considered the evidence of Witness RM-023, which has been placed in the confidential annex in Appendix D.

[5700] P3617 (Azra Blažević witness statement, 10 November 1994), p. 19.
[5701] P3617 (Azra Blažević witness statement, 10 November 1994), p. 21.
[5702] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 23.
[5703] P3437 (Witness RM-709, witness statement, 6 June 2000), p. 6.
[5704] P3228 (Witness RM-017, witness statement, 1 September 1994), p. 11.
[5705] P2594 (Witness RM-047, witness statement, 14 March 2000), pp. 4-5.
[5706] Adjudicated Facts I, no. 1074.
[5707] Adjudicated Facts I, no. 1074.
[5708] Adjudicated Facts I, no. 1075.
[5709] Adjudicated Facts I, no. 1076.
[5710] Adjudicated Facts I, no. 1076. The Trial Chamber understands Adjudicated Facts numbers 1074-1076 to refer to rape in Trnopolje camp, including Kuruzović's house.

1315. **Merdžanić** testified that on 27 May 1992, a woman named Marica Olenjuk told him about the rape of several women at a neighbour's house, outside the camp.[5711] The witness then spoke to some of the guards, including the acting camp commander, about the alleged incident.[5712] A Serb guard interrogated him later that day and told him they would 'do away with' him.[5713] In the first half of June 1992, the witness talked to Dr Duško Ivić about examining women who had been raped and Ivić later told the witness that eight or nine women who agreed to be examined were put on a Serbian Red Cross van and taken to Prijedor for examination, and it was confirmed that they had all been raped.[5714] The following day they were put on a convoy to Muslim-held territory.[5715] The witness believed that many of the rapes occurred in June 1992 when the tank crews nicknamed '*El Manijakos*' were in Prijedor as he had seen some of them arguing with Kuruzović, asking why he allowed the women to be examined.[5716] **Blažević** stated that after an incident in which a woman was raped in the camp, an alleged perpetrator was called in for investigation.[5717] He belonged to *'Manijakosi'* (maniacs) or *'Manijakos'*.[5718] After this, he and other members of his unit came to the camp from the direction of Prijedor. They were cursing and threatening the medical staff. Detainees told the witness that they then drove to the school building and went into the boiler room at the back of the school where they beat up 20 men, one of whom was Nedzad Jakupović. When the witness went to the boiler room to help the beaten men afterwards, she found Jakupović unconscious and in a very bad condition.[5719]

1316. **Blažević** stated that during one night in mid-June 1992, she saw soldiers enter the camp from the direction of Kozarac, and then go into the cinema hall and the room above the canteen where they selected a total of around 40 women whom they took out of the camp.[5720] After that night, eight mothers came to the medical unit with their eight daughters, and the daughters said that they had been raped during the night.[5721] There

[5711] P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 33; P277 (Diagram of Trnopolje camp drawn by Idriz Merdžanić, 27-28 August 2000, marked X); Idriz Merdžanić, T. 3381.
[5712] P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 33.
[5713] P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 34.
[5714] P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 63; Idriz Merdžanić, T. 3382-3383.
[5715] P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 63.
[5716] P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 64; Idriz Merdžanić, T. 3382-3383.
[5717] P3617 (Azra Blažević witness statement, 10 November 1994), p. 22.
[5718] P3617 (Azra Blažević witness statement, 10 November 1994), pp. 22-23.
[5719] P3617 (Azra Blažević witness statement, 10 November 1994), p. 23.
[5720] P3617 (Azra Blažević witness statement, 10 November 1994), p. 22.
[5721] P3617 (Azra Blažević witness statement, 10 November 1994), p. 22.

were more rapes happening outside the camp premises.[5722] **Merdžanić** testified that he saw soldiers, mostly from outside the camp, taking women out of the camp at night and heard from his patients that they would enter the rooms with flashlights at night choosing women.[5723] He testified that one rape involved a group of guards continually raping a woman, keeping her for 10 days at checkpoint Orlovac.[5724] This woman visited him at the clinic asking for painkillers, and he tried to assist the woman by telling Lieutenant Cumba, a member of the military police.[5725] Merdžanić stated that there was no point examining the women as it would embarrass them, they had no medicine to give them, and reporting sexual assaults would just endanger the victims.[5726]

1317. **Sivac** testified that when he arrived he heard from people at the camp who were from the Kozarac area that women and girls were often taken from the camp by Serb soldiers returning from the front line, and that some of them never returned.[5727] **Sejmenović** testified that rapes occurred within the camp and that women and children were taken from the camp and raped in the area of Ribnjak.[5728] **Puhalić** testified that he was aware of only one occasion of rape in the camp.[5729] According to him, the victim was provided with medical care and those who had committed the rape were arrested by the military police, but he did not know whether there had been any prosecutions for this crime.[5730]

The Trial Chamber's findings

1318. The Trial Chamber has received evidence from Miloš Šolaja that, in his opinion, the compound at Trnopolje was not a 'camp'[5731], and that Slobodan Kuruzović was not its commander, but was instead tasked with providing food to the civilians there in his

[5722] P3617 (Azra Blažević witness statement, 10 November 1994), p. 23.
[5723] P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 64.
[5724] P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 65.
[5725] P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 65; P270 (Corrections and clarifications to witness statement of Idriz Merdžanić), p. 1.
[5726] P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 67; P279 (Excerpt from video interview with Idriz Merdžanić, 00:00:28 – 00:01:45).
[5727] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6690; Nusret Sivac, T. 4842.
[5728] P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 46.
[5729] D898 (Slavko Puhalić, witness statement, 26 June 2014), para. 22; Slavko Puhalić, T. 31679.
[5730] D898 (Slavko Puhalić, witness statement, 26 June 2014), para. 22; Slavko Puhalić, T. 31679.
[5731] In the context of alleged detention facilities, the Trial Chamber understands the term 'camp' to refer to a detention facility, while terms such as 'collection-', 'reception-' or 'transit-centre' are intended to refer to locations at which people are taken or gather voluntarily before moving or being moved elsewhere.

capacity as the head of the local Red Cross. This evidence contradicts adjudicated facts including Adjudicated Fact 1063, which states that the 'commander of Trnopolje camp was Slobodan Kuruzović.' The Trial Chamber notes, however, that Šolaja was present at the camp with a group of international journalists for only a short time on 7 August 1992, and seems to have formed his opinions about Kuruzović's position and the purpose of the camp from statements made to this group by Kuruzović. The Chamber considers that Kuruzović, in speaking with Šolaja and this group of journalists, would have had an interest in minimizing his role at the camp as well as portraying the facility in the best possible light. For these reasons, the Trial Chamber finds Šolaja's evidence on the purpose of the camp and Kuruzović's position within it to be insufficiently reliable to rebut the adjudicated facts in these respects. Šolaja's also testified that there were no machinegun nests at the camp. Although this evidence might seem to contradict Adjudicated Fact 1066's reference to machinegun nests, the Trial Chamber notes that this fact refers to machinegun emplacements located outside the camp. Considering this difference the Trial Chamber finds that his evidence does not contradict Adjudicated Fact 1066.[5732]

1319. The Trial Chamber has also received evidence from Idriz Merdžanić, Witness RM-047, Witness RM-023, Slavko Puhalić, and Jusuf Arifagić that the Trnopolje camp authorities provided food to the detainees. This contradicts Adjudicated Fact 1070 which states that no food was supplied by the camp authorities. Given that these witnesses were present at the camp during the relevant time period and some provided evidence that they personally observed camp authorities providing food to detainees, the Trial Chamber considers their evidence to be sufficiently reliable to rebut the adjudicated fact in this respect. Under these circumstances the Trial Chamber finds that Adjudicated Fact 1070 is rebutted as it relates to food provided to the detainees by the authorities of Trnopolje camp, and will analyse the evidence on this aspect in order to make a determination on the matter.

1320. The Trial Chamber has received differing accounts of the purpose of Trnopolje camp; the functions of its guards; and the arrival, status, treatment, and freedom of

[5732] Similarly, the Trial Chamber has received evidence from Šolaja, Arifagić, Sivac, Sejmenović, McLeod, Vulliamy, Milutinović, and Berić concerning the existence, type, and extent of fencing and walls at the camp, which might seem to contradict Adjudicated Fact 1066. However, the Trial Chamber understands this fact to mean that there was not a fence encompassing the entire perimeter of the camp, and that this is not contradicted by evidence of certain areas of the camp being enclosed by fences or walls.

movement of the non-Serbs there. Having considered the evidence in its entirety, the Trial Chamber finds that Trnopolje camp was a mixed-purpose facility that served as a detention facility as well as a transit centre for non-Serbs. Some came to the camp independently because their houses had been burned, to escape fighting, or after expulsion by Bosnian-Serb forces. Others were brought to the camp by Bosnian-Serb authorities where they stayed until they were relocated, as set out in chapter 4.10.7. Other non-Serbs, typically able-bodied men, were arrested by members of the Bosnian Serb forces including the VRS 5th Kozarac Brigade and transported to various camps before finally being brought to Trnopolje camp where they were detained against their will. Many of the non-Serbs in the camp were not given a reason for their arrest or detention. Some non-Serbs were allowed to leave the camp after receiving permission and leaving behind their personal identification documents, with some required to give money or other valuables in order to leave. Just as non-Serbs arrived at and left the camp by different methods, their treatment within the camp varied depending on who they were and when they were there. The Trial Chamber also notes the evidence it has received that conditions at the camp improved towards the end of its operation, in part due to media attention and the presence of the ICRC. For all these reasons, the Trial Chamber considers that the differences which exist in the accounts of the camp's purpose and the treatment of non-Serbs there are not necessarily contradictory, but instead relate to different sections of the camp, as well as the different categories of non-Serbs located at the camp, and the differences in the time periods discussed.

1321. The Trial Chamber received conflicting evidence from Branko Berić with regard to whether detainees who were taken out for interrogation ever returned.[5733] For this reason, the Trial Chamber finds Berić's evidence on this point to be unreliable and will not consider it further.

1322. Based on the foregoing, the Trial Chamber finds that Trnopolje camp was in operation from at least 26 May 1992 until the end of September 1992, although some people stayed there longer. From late May to early June 1992, there were approximately 8,000 detainees. By late August 1992, up to 4,000 people were detained at the camp. The detainees were Bosnian-Muslim and Bosnian-Croat civilians, including women and children. The buildings at Trnopolje were insufficient to house all the detainees, causing

[5733] *Compare* D928 (Branko Berić, witness statement, 26 June 2014), para. 33; with Branko Berić, T. 32878-32883.

many of them to camp outdoors with little or no shelter. There was no electricity, nor were there beds, blankets, or bathing facilities in the camp. There was no running water and the little drinking water that was available was dirty and contaminated. There were very limited lavatory facilities and the camp authorities supplied an insufficient amount of food to the detainees. In some cases food was distributed only to those who could pay for it. Because of the lack of sufficient food as well as the unsanitary and crowded conditions, lice and scabies were rampant and the majority of detainees suffered from dysentery. The detainees also suffered from a wide range of ailments including hepatitis, chronic diarrhoea, and high fevers. There was no disinfectant or gloves in the camp's medical clinic and no way to wash prior to treating patients there. Several detainees had their teeth removed with pliers without the use of anaesthetic. Some of the wounded detainees had maggots in their wounds. Requests for medical supplies and treatments were not met by Duško Ivić and medical technician Mića Kobas, both Serbs who wore military uniforms and worked at the camp. In one instance, Ivić refused to take an epileptic man to the hospital and the man was found dead the next morning.

1323. With regard to the responsibility for the detention and the conditions at the camp, the Trial Chamber finds that Trnopolje camp was established by the Prijedor Crisis Staff and that the camp was initially secured by members of the Prijedor TO and soon afterwards by VRS soldiers. Slobodan Kuruzović was the camp commander and Slavko Puhalić was his deputy. The Trial Chamber recalls its finding in chapter 3.1.2 that Kuruzović and Puhalić were members of the VRS 43rd Motorised Brigade.

1324. Camp guards frequently and severely beat detainees with baseball bats, irons bars, rifle butts, their hands and feet, or whatever they had at their disposal. Guards including Darko Mrđa, Mladen Mitrović, Mirijan Mitrović, a man named Stojanović a.k.a. Zemunac, Dragoja Ćavić, Dragan Škrbić, Stoja Madzar a.k.a. Stole, Branko Topola, and soldiers named Mile and Deba beat detainees including during interrogations. Slavko Puhalić would often appear with a list of names, asking for the whereabouts of certain detainees who were then taken away and beaten, some of them never to return. In August 1992 a Serb guard named Zoran Žigić who came from Keraterm camp, greeted newly arriving detainees by saying '[g]od help you Turks.' In the presence of Kuruzović, Žigić beat a detainee severely and began kicking him and jumping on him after the detainee had fallen down. The guards beat some detainees to death, as set out in chapter 4.10.1 *Schedule B.13.5*. Guards also forced detainees to fight

one another. On several occasions Serb soldiers entered the medical clinic and threatened the Muslim medical staff there with deportation and death. A Bosnian woman who had been detained along with her children and registered as a 'Hambarine extremist' upon arrival, was accused by camp guards of buying and storing arms. The guards called her a '*balija*' and beat her in the presence of her children whom the guards also threatened.

1325. Camp guards and others, including VRS soldiers from outside the camp, raped many women and girls in and around the camp. These guards and soldiers were allowed in the camp to select their victims, the youngest of whom was 12 years old. Kuruzović raped a Bosnian-Muslim woman nearly every night for approximately a month. He also threatened, beat, and stabbed her on multiple occasions when she resisted. During these rapes he told her 'let's see how Muslim women fuck' and threatened to bring in other soldiers to rape her. He also told her that 'your Muslims are raping our Serbian sisters, so now it is your turn to see how it is' and that 'Muslim women must have Serbian children.'

1326. The Trial Chamber will consider these incidents in relations to Counts 1 and 3 of the indictment in chapter 8 below.

Schedule C.15.5

1327. According to the Indictment, the Accused is responsible for the detention, torture, beating, abuse, rape, commission of other acts of sexual violence, and subjecting Bosnian Muslims and Bosnian Croats to inhumane living conditions in Miška Glava Dom, Prijedor Municipality, between 21 and 25 July 1992.[5734] The Defence argued that there was no VRS presence at the Miška Glava Dom and therefore the Accused was not in command of the facility.[5735] The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this detention centre.[5736] It also received evidence from **Elvedin Nasić** and **Nermin Karagić**, both Bosnian Muslims

[5734] Indictment, paras 39(b)-(c), 53, 59(b)-(d), (g), Schedule C.15.5.
[5735] Defence Final Brief, paras 1000-1001.
[5736] Adjudicated Facts I, no. 867 is reviewed in chapter 4.10.7.

from Prijedor Municipality[5737], and finds that their evidence is consistent with the Adjudicated Facts.[5738]

1328. **Elvedin Nasić** testified that in July 1992, 'Serb soldiers', wearing olive-green, grey, or camouflage uniforms captured 114 unarmed men who had been hiding in the forest, after they mistakenly entered the Serb village of Miška Glava.[5739] Some of the men, including the witness, came from Hambarine.[5740] **Nermin Karagić** described the captors as JNA soldiers and men wearing reserve police uniforms.[5741] **Nasić** stated that the 'Serb soldiers' put the group in four columns, separating older from younger men.[5742] A commander ordered an armed soldier to shoot the detainees if any of them moved.[5743] They were told to empty their pockets and throw everything on the ground.[5744] After a few hours, the 'Serb soldiers' took the detainees through the village, into a field, and then to Miška Glava.[5745] The group of 114 people were moved to Miška Glava around 21 July 1992.[5746] Miška Glava Dom was a cultural club which had been transformed into a command post.[5747] It was staffed by the TO.[5748] The detainees' names were recorded by an officer.[5749] According to **Nasić**, the officer's name was Zoran Popović.[5750] The 114 detainees were kept in a small café[5751] **Karagić** testified that the detainees spent three days and two nights there in very cramped and hot

[5737] **Elvedin Nasić**: P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, pp. 1-2, witness statement of 15 March 2000, pp. 1, 6. **Nermin Karagić**: P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5203-5204, 5209-5210.
[5738] **Elvedin Nasić**: P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, pp. 2-3, witness statement of 15 March 2000, p. 2; P2601 (Elvedin Nasić, *Brđanin* transcript, 12 December 2002), pp. 12690-12691. **Nermin Karagić**: P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5214-5221; Nermin Karagić, T. 9121-9123, 9129; P1000 (Map with photographs titled Ljubija-Briševo overview).
[5739] P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, pp. 2-3; P2601 (Elvedin Nasić, *Brđanin* transcript, 12 December 2002), pp. 12690-12691.
[5740] P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, pp. 2-3.
[5741] P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5213-5214, 5219; Nermin Karagić, T. 9121.
[5742] P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 3.
[5743] P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 3.
[5744] P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5214-5217; Nermin Karagić, T. 9121-9122; P1000 (Map with photographs titled Ljubija-Briševo overview).
[5745] P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 3; P2601 (Elvedin Nasić, *Brđanin* transcript, 12 December 2002), p. 12691.
[5746] Adjudicated Facts I, no. 1081.
[5747] Adjudicated Facts I, no. 1080.
[5748] Adjudicated Facts I, no. 1079.
[5749] Adjudicated Facts I, no. 1081.
[5750] P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 3.
[5751] P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 3.

conditions.[5752] They were given a single loaf of bread and a packet of sweets to share, among all 114 detainees, in three days.[5753] They were given water but had to sing songs about Greater Serbia to get it.[5754] The detainees were guarded by what the witness thought were the Miška Glava TO wearing olive-grey JNA uniforms.[5755] Interrogations and beatings occurred at the Miška Glava Dom.[5756] People were regularly called out at the detention unit to be beaten.[5757] Detainees were beaten during interrogations by Bosnian-Serb soldiers with fists and rifle butts.[5758] They suffered concussions, bleeding, and heavy bruising.[5759] The beatings went on for four or five days.[5760]

1329. Based on the foregoing, the Trial Chamber finds that from around 21 July 1992, 114 men were detained at Miška Glava Dom, in a small café in hot conditions for several days. With regard to ethnicity, the Trial Chamber considers that some of the men were from the predominantly Bosnian-Muslim and Bosnian-Croat village of Hambarine and that all those detained were unarmed and hiding in the forest and were captured after mistakenly entering a Serb village. Further, it considers that one of the men was separated from the group when he said that his mother was a Serb and the rest were ill-treated while forced to sing songs about Greater Serbia (the Trial Chamber discusses this further in chapter 4.10.1 *Schedule A.6.8*). The Trial Chamber concludes that the group of men was predominantly Bosnian-Muslim and Bosnian-Croat. The 114 detainees were provided with a single loaf of bread and a packet of sweets to share for three days and they had to sing songs about Greater Serbia in order to obtain water. The guards were from the Miška Glava TO. During interrogations at the Miška Glava Dom, the detainees were regularly beaten with fists and rifle butts. The Trial Chamber finds that the guards of the Miška Glava TO carried out these beatings. The Trial Chamber will further consider the above in relation to Counts 1 and 3 of the Indictment in chapter 8, below.

[5752] P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5218, 5220, 5225; Nermin Karagić, T. 9129-9130.
[5753] P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), p. 5219; Nermin Karagić, T. 9130-9131.
[5754] P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), p. 5220; Nermin Karagić, T. 9129.
[5755] P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), p. 5219; Nermin Karagić, T. 9122-9123.
[5756] Adjudicated Facts I, no. 1080.
[5757] Adjudicated Facts I, no. 1081.
[5758] Adjudicated Facts I, no. 1082.
[5759] Adjudicated Facts I, no. 1082.
[5760] P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 3.

4.10.3 Destruction of private and public property, including cultural monuments and sacred sites (including Schedule D)

1330. According to the Indictment, the Accused is responsible for the wanton acts of destruction of private property, including homes and business premises, and public property, including cultural monuments and sacred sites, as listed in Scheduled Incident D.11, in Prijedor Municipality, between 12 May 1992 and 30 November 1995.[5761] In particular, the Indictment alleges that the Kozaruša mosque, the Stari Grad mosque, the Čarakovo mosque, the Hambarine old mosque, the Čaršijska and Zagrad mosques in Prijedor Town, the Bišćani mosque, the Gornja/Donja Puharska mosque, the Rizvanovići mosque, the Brezičani mosque, the Ališići mosque, the Zecovi mosque, the Čejreci mosque, the Gomjenica mosque, the Kevljani mosque, the Kamičani mosque, the Mutnik mosque in Kozarac as well as the Catholic church in Prijedor Town and the Briševo church were destroyed.[5762] The Indictment, as far as the charge of destruction is concerned, is however not limited to the Scheduled Incidents. Accordingly, the Trial Chamber has also considered evidence falling outside the scope of Schedule D.11. The Defence submitted that the Prosecution's allegation is wholly based on Riedlmayer's report, which employed a flawed and unreliable methodology.[5763] The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this charge.[5764] The Trial Chamber further received evidence from **Nusret Sivac**, a Bosnian-Muslim journalist for TV Sarajevo who covered events in Prijedor and surrounding municipalities;[5765] **Mevludin Sejmenović**, the Vice-President of the SDA in Prijedor from 1990 to 1992;[5766] **Witness RM-017** and **Jusuf Arifagić**, both Bosnian Muslims from Kozarac in Prijedor Municipality;[5767] **Kerim Mešanović**, **Sead Sušić**, **Elvedin Nasić**, **Witness RM-026**, **Senija Elkasović**, **Witness RM-047**, and **Witness RM-023**,

[5761] Indictment, paras 52, 59(j), Schedule D.11.
[5762] Indictment, Schedule D.11.
[5763] Defence Final Brief, paras 1054-1055.
[5764] Adjudicated Facts 877-879 are reviewed in chapter 4.10.1 *Schedule A.6.1*; Adjudicated Facts 894 and 895 are reviewed in chapter 4.10.1 *Schedule A.6.2*; Adjudicated Facts 896 is reviewed in chapter 4.10.1 *Schedule A.6.3*; Adjudicated Facts 898-902 are reviewed in chapter 4.10.1 *Schedule A.6.5*; Adjudicated Facts 905 and 906 are reviewed in chapter 4.10.1 *Schedule A.6.6*; Adjudicated Facts 919-923 are reviewed in chapter 4.10.1 *Schedule A.6.9*; Adjudicated Facts 1089 and 1094 are reviewed in chapter 4.10.4; and Adjudicated Facts 857, 867, 869- 870 are reviewed in chapter 4.10.7.
[5765] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6561-6562; Nusret Sivac, T. 4839.
[5766] P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 4.
[5767] P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 1-2; P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 1-2.

all Bosnian Muslims from Prijedor Municipality;[5768] **Idriz Merdžanić**, a Bosnian-Muslim doctor from Kreševo, Sarajevo Municipality;[5769] **Witness RM-054**, a Bosnian-Muslim TO member from Kozarac, Prijedor Municipality;[5770] as well as **András Riedlmayer**, a bibliographer and art documentation specialist,[5771] and finds that this evidence is consistent with the Adjudicated Facts.[5772] With regard to the evidence of **Ivo Atlija**, a Croat from the Croat village of Briševo in Prijedor Municipality,[5773] the Trial Chamber considers that his evidence is partially consistent with the Adjudicated Facts and will address his evidence below.[5774] The Trial Chamber further received evidence

[5768] P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), pp. 4597, 4601; P2594 (Witness RM-047, witness statement, 14 March 2000), pp. 1-2; P2595 (Witness RM-047, *Stakić* transcript, 22 July 2002), p. 6204; P3414 (Kerim Mešanović, witness statement, 18 March 2013), p. 1, para. 3; P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, p. 1, paras 1, 5, witness statement of 1 December 2014, p. 1; P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, pp. 1-2, witness statement of 15 March 2000, pp. 1, 6; P2585 (Witness RM-026, witness statements), statement of 23 September 1994, pp. 1-2; P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 1-2.
[5769] P269 (Idriz Merdžanić, witness statement, 28 August 2000), p. 1, paras 1-3; Idriz Merdžanić, T. 3321.
[5770] P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2610-2611, 2618, 2758.
[5771] P2503 (Expert report of András Riedlmayer, December 2012), para. 75; András Riedlmayer, T. 17888; P2504 (*Curriculum vitae* of András Riedlmayer), p. 1.
[5772] **Nusret Sivac**: P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6575-6576, 6604-6606; P485 (Map portraying sites of destroyed mosques and Catholic churches in Prijedor). **Mevludin Sejmenović**: P283 (Mevludin Sejmenović, witness statement, 13 August 2012), paras 33, 35, 40, 52; Mevludin Sejmenović, T. 3541, 3466-3467. **Witness RM-017**: P3228 (Witness RM-017, witness statement, 1 September 1994), p. 7; P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), pp. 3329, 3331, 3333. Witness RM-017's evidence is also reviewed in chapter 4.10.1 *Schedule A.6.1*. **Kerim Mešanović**: P3414 (Kerim Mešanović, witness statement, 18 March 2013), paras 21, 75. **Senija Elkasović**: P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), p. 4600. **Witness RM-047**: P2594 (Witness RM-047, witness statement, 14 March 2000), pp. 3-4; P2595 (Witness RM-047, *Stakić* transcript, 22 July 2002), p. 6246. **Witness RM-023**: P3234 (Witness RM-023, witness statement, 25 August 2000), p. 4; P3236 (Witness RM-023, *Stanišić and Župljanin* transcript, 18 October 2010), pp. 16126-16127; P3239 (Photograph of Hambarine Mosque). **Idriz Merdžanić**: P269 (Idriz Merdžanić, witness statement, 28 August 2000), paras 12, 15; P270 (Corrections and clarifications to witness statement of Idriz Merdžanić); P272 (Diagram of Kozarac drawn by Idriz Merdžanić).**Witness RM-054**: P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2621-2624, 2643, 2645-2648, 2750-2751; P3411 (Photograph of Orthodox church in Kozarac). **András Riedlmayer**: P2510 (Formatted entries to expert report of András Riedlmayer), pp. 35, 38, 45, 55, 58, 65; P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), pp. 16-17, 20-22. **Sead Sušić:** P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, paras 16-17. Sead Sušić's evidence is reviewed in chapter 4.10.1 *Schedule A.6.5*. **Jusuf Arifagić**: P3388 (Jusuf Arifagić, witness statement, 22 October 1994, pp. 5-7. Jusuf Arifagić's evidence is reviewed in chapter 4.10.1 *Schedule A.6.1*. **Elvedin Nasić**: P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 2; P2601 (Elvedin Nasić, *Brđanin* transcript, 12 December 2002), p. 12686. **Witness RM-026**: P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 6; P2586 (Witness RM-026, *Stakić* transcript, 26 April and 1 May 2001), p. 2303. Elvedin Nasić and Witness RM-026's evidence is reviewed in chapter 4.10.7. With regard to the Trial Chamber's approach concerning Riedlmayer's evidence, *see* Appendix B.
[5773] P168 (Ivo Atlija, witness statement, 20 October 2000), p. 1, para. 9; P169 (Statement by Ivo Atlija to Croatian authorities, 30 January 1993), para. 44; Ivo Atlija, T. 2301; P174 (Map of Prijedor municipality).
[5774] P168 (Ivo Atlija, witness statement, 20 October 2000), paras 18, 21, 24, 41, 44-46, 48-49, 51, 56; P169 (Statement by Ivo Atlija to Croatian authorities, 30 January 1993), para. 40; Ivo Atlija, T. 2341-2343, 2354; P173 (Map depicting Serb attack on Briševo). Ivo Atlija's evidence has been reviewed in chapter 4.10.1 *Schedules A.6.2* and A.6.9.

from **Witness RM-038**, a Bosnian Muslim from Prijedor Municipality;[5775] **Radovan Zdjelar**, an excavator operator working in the Tomasiča mine in 1992;[5776] **Nermin Karagić**, a Bosnian Muslim from the predominantly Muslim village of Rizvanovići in Prijedor Municipality;[5777] **Draško Vujić**, a VRS battalion commander from Prijedor;[5778] and **Safet Tači**, a Bosnian-Muslim civilian from Kozarac in Prijedor Municipality;[5779] as well as documentary evidence.

Hambarine

1331. The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to the attack on Hambarine, which are reviewed in chapters 4.10.1 *Schedule A.6.2* and 4.10.7.

1332. **Elvedin Nasić** stated that in the night of 21 May 1992 a tank shelled Hambarine and mortar rounds were fired.[5780] The next day, starting at around noon, Serb forces shelled Hambarine for three or four hours, targeting in particular the mosque and inflicting damage to houses.[5781] **Witness RM-023** stated that Serbs issued an ultimatum on Radio Prijedor demanding the surrender of weapons held by non-Serbs as well as the surrender of a Dr Mujadžić, an SDA official in Hambarine, and a person called Sikirić, and threatened to continue with the shelling in case of non-compliance.[5782] The electricity was cut.[5783] On 24 May 1992, the mosque in Hambarine was shelled during the attack on the town.[5784] **Witness RM-023** saw after the attack that the mosque had been fully destroyed.[5785] Another shell had exploded close to the house where the witness had sought refuge, breaking its windows.[5786] According to **András**

[5775] P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5874, 5878-5879.
[5776] P7311 (Radovan Zdjelar, witness statement, 18 July 2014), paras 1-2.
[5777] P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5203-5204, 5209-5210.
[5778] D1041 (Draško Vujić, witness statement, 24 January 2014), paras 1, 7.
[5779] P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 1; P159 (Safet Tači, witness statement, 20 September 2000), p. 1; Safet Tači, T. 2092.
[5780] P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 2; P2601 (Elvedin Nasić, *Brđanin* transcript, 12 December 2002), p. 12686.
[5781] P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 2; P2601 (Elvedin Nasić, *Brđanin* transcript, 12 December 2002), pp. 12686-12688. *See also* P3234 (Witness RM-023, witness statement, 25 August 2000), p. 4.
[5782] P3234 (Witness RM-023, witness statement, 25 August 2000), p. 4.
[5783] P3234 (Witness RM-023, witness statement, 25 August 2000), p. 4.
[5784] Adjudicated Facts I, no. 1104.
[5785] P3234 (Witness RM-023, witness statement, 25 August 2000), p. 4; P3236 (Witness RM-023, *Stanišić and Župljanin* transcript, 18 October 2010), pp. 16126-16127; P3239 (Photograph of Hambarine Mosque).
[5786] P3234 (Witness RM-023, witness statement, 25 August 2000), p. 4.

Riedlmayer, Serb forces burnt down the Old Mosque in Hambarine from 22 to 23 May 1992 when they overran the village.[5787] Riedlmayer identified specific damage caused to the building during his July 2002 site visit: the Old mosque's roof and minaret were gone, its interior was gutted, its perimeter walls stood up to the roofline, charred timber and scorch marks on walls signalled destruction by fire, the walls of the entrance portico were scorched and pitted with scattered bullet holes.[5788]

1333. Following restoration of the electricity on 25 May 1992, the Serbs, acting on the authority of the Serbian government in Prijedor, reiterated their ultimatum, demanding additionally the surrender of Besim Mulalić and other persons. The next day, the shelling resumed at 12:24 p.m., and the witness counted 275 heavy artillery shells being fired in five minutes. Shells started to land increasingly closer to the house where the witness had sought refuge. They were first coming from Topić Brdo, where Serb tanks were deployed, and then from the direction of the Prijedor airport. The witness also heard airplanes flying over the village.[5789] At around 3 p.m., the witness fled to the woods with Muslim women, children, and men from the village.[5790] As she was escaping, the witness saw tanks firing shells and Serb soldiers firing *Zolja* shoulder rockets, resulting in the destruction and burning of lots of houses and of the coffee bar Zora.[5791] The witness saw the infantry firing at the fleeing villagers, wounding one of them.[5792] The villagers offered almost no resistance to the Serbs.[5793]

1334. **Witness RM-026** stated that on 10 June 1992, a private home was set on fire in the village. On 11 June 1992, the witness saw five '*Chetniks*' arriving in Hambarine in a truck and setting a café and a house on fire. He heard the '*Chetniks*' making noise and shooting. On the same day, a group of '*Chetniks*', including Jevo Maseldzija and Mlado Jurusić, set a garage on fire after demanding money and jewellery from the people who

[5787] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 52-53; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 20.
[5788] P2503 (Expert report of András Riedlmayer, December 2012), paras 52-53, 57, 59; P2510 (Formatted entries to expert report of András Riedlmayer), pp. 52-53; P2511 (Survey database for expert report of András Riedlmayer).
[5789] P3234 (Witness RM-023, witness statement, 25 August 2000), p. 4.
[5790] P3234 (Witness RM-023, witness statement, 25 August 2000), p. 4; P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), p. 3989.
[5791] P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 4-5; P3236 (Witness RM-023, *Stanišić and Župljanin* transcript, 18 October 2010), p. 16126.
[5792] P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 4-5, 21.
[5793] P3234 (Witness RM-023, witness statement, 25 August 2000), p. 5.

had sought refuge inside.[5794] The witness heard from an eyewitness that the '*Chetniks*' opened fire on women and children who ran out of the garage and wounded one of the women.[5795]

1335. **Nermin Karagić** testified that in late June or early July 1992, he saw a tank fire about 20 shells at a checkpoint in Hambarine.[5796] According to the witness, Hambarine was subsequently taken very quickly.[5797] During the attack, the Hambarine mosque was targeted and fired upon and the Rajkovac mosque was also hit.[5798] The witness saw the shelling from his house in Rizvanovići, which is four kilometres away from Hambarine.[5799]

1336. The Trial Chamber also received evidence from **Riedlmayer** with regard to the destruction of the new mosque of Hambarine. According to photographs taken after the war in possession of the witness, the roof of the new mosque in Hambarine is gone, its perimeter walls stand up to the roofline, and the wall of the mosque facing the stump of the minaret is seen to be damaged, most likely by the falling minaret.[5800] Serb forces blew up the minaret of the new mosque in Hambarine on or about 23 May 1992 and the damaged mosque was blown up and completely destroyed in October 1996.[5801]

Kozaruša

1337. In mid 1992, the Bosnian-Muslim villages of Bišćani, Kozaruša, Kamičani, Kevljani, Rakovčani, Čarakovo, and Rizvanovići in Prijedor Municipality were destroyed by Bosnian-Serb forces.[5802] The houses were set on fire and looted.[5803] The VRS loaded their trucks with goods belonging to non-Serbs.[5804] The village of Kozaruša was destroyed and only Serb houses remained, for the most part, untouched.[5805] In May

[5794] P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 7.
[5795] P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 7; P2586 (Witness RM-026, *Stakić* transcript, 26 April and 1 May 2001), p. 2326.
[5796] P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5206-5207.
[5797] Nermin Karagić, T. 9115, 9119.
[5798] P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), p. 5207; Nermin Karagić, T. 9114-9115, 9155.
[5799] P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5205, 5275-5276; P999 (Map of the Brdo Region, Prijedor).
[5800] P2511 (Survey database for expert report of András Riedlmayer).
[5801] P2511 (Survey database for expert report of András Riedlmayer).
[5802] Adjudicated Facts I, no. 1083.
[5803] Adjudicated Facts I, no. 1083; Adjudicated Facts IV, no. 1097.
[5804] Adjudicated Facts I, no. 1083.
[5805] Adjudicated Facts IV, no. 1097.

1992, at least 50 houses along the Hambarine-Prijedor road were damaged or destroyed by the Serb armed forces during the attack.[5806] Within the summer months of 1992, the minaret of the mosque in Kozaruša was badly damaged.[5807] **Riedlmayer** interviewed two eye-witnesses to the events, the Imam of the Kozaruša mosque as well as a local resident of Kozaruša, both of whom told him that the mosque was set on fire around 24 May 1992.[5808] The mekteb was burned down.[5809] According to one of his sources, Serb fighters, wearing JNA uniforms, 'Tito caps', and led by Savan Končar, a Serb from Kozaruša, bombarded the mosque and Muslim homes of Kozaruša for 24 hours before setting the mosque on fire and blowing up its minaret and only the outer walls of the mekteb in Kozaruša remained standing at the end of the war.[5810] According to photographs taken after the war in possession of the witness, the Kozaruša mosque is completely burnt out, its roof collapsed, its interior is gutted and open to the sky, and its perimeter walls remain standing up to the roofline.[5811]

1338. **Radovan Zdjelar** stated that shortly after the conflict in Prijedor started in 1992, Radiša Ljesnjak, who the witness thought was a member of the Crisis Staff, sent him to Kozaruša to 'mop up' the village, which the witness understood to refer to the destruction of Muslim houses.[5812] Ljesnjak instructed him to use his BGH 1000 excavator to destroy houses which he knew belonged to Muslims.[5813]

Kamičani

1339. The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to the attack on Kamičani, which are reviewed above and in chapter 4.10.7.[5814] In

[5806] Adjudicated Facts I, no. 1099.
[5807] Adjudicated Facts I, no. 1109.
[5808] P2510 (Formatted entries to expert report of András Riedlmayer), p. 16; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), pp. 21-22; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[5809] P2511 (Survey database for expert report of András Riedlmayer); P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[5810] P2503 (Expert report of András Riedlmayer, December 2012), para. 27; P2510 (Formatted entries to expert report of András Riedlmayer), pp. 16, 30; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), pp. 21-22.
[5811] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 16-17; P2511 (Survey database for expert report of András Riedlmayer).
[5812] P7311 (Radovan Zdjelar, witness statement, 18 July 2014), paras 2, 9.
[5813] P7311 (Radovan Zdjelar, witness statement, 18 July 2014), para. 9.
[5814] Adjudicated Facts I, nos 867, 869-870 have been reviewed in chapter 4.10.7.

June 1992, the mosque in Kamičani was destroyed by Serbs.[5815] **Witness RM-054** saw the surrounding area of Kozarac, from the Kamičani region right up to the Kamičani mosque, ablaze while he was hiding on Mount Kozara between 26 May and early June 1992.[5816] **Witness RM-047** stated that in the beginning of June 1992, he could see that all houses in Kamićani were burnt down.[5817]

Bišćani

1340. The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to the attack on Bišćani on 20 July 1992, which are reviewed above and in chapters 4.10.1 *Schedule A.6.6* and 4.10.7.[5818] Muslim houses in Bišćani were destroyed with traces of fire, and on 20 July 1992 the mosque was destroyed.[5819] **Witness RM-038** testified that the mosque was burning on that day.[5820] According to **Riedlmayer**, the Bišćani mosque burnt down on 22 July 1992.[5821] Serb forces unsuccessfully tried to set the Bišćani mosque on fire with a *zolja* (shoulder launcher firing an incendiary projectile) before calling in the fire brigade which came with a fire truck and burned the mosque down.[5822] Riedlmayer identified specific damage caused to the building during his July 2002 site visit: the Bišćani mosque was completely burned out, its roof and minaret were gone, the interior gutted and open to the sky and the old Muslim cemetery in front of the mosque had been vandalised.[5823]

[5815] Adjudicated Facts I, no. 1106.
[5816] P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2621-2624, 2643.
[5817] P2594 (Witness RM-047, witness statement, 14 March 2000), pp. 3-4; P2595 (Witness RM-047, *Stakić* transcript, 22 July 2002), p. 6246.
[5818] Adjudicated Facts I, nos 905-906 have been reviewed in chapter 4.10.1 *Schedule A.6.6*; Adjuducated Facts I, nos 867, 869-870 have been reviewed in chapter 4.10.7.
[5819] Adjudicated Facts I, nos 1095, 1107. The Trial Chamber understands the references to 'traces of fire' to mean that the houses in the village had been set on fire.
[5820] P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5881-5882, 5930.
[5821] P2510 (Formatted entries to expert report of András Riedlmayer), p. 61; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 18.
[5822] P2510 (Formatted entries to expert report of András Riedlmayer), p. 61; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 18.
[5823] P2503 (Expert report of András Riedlmayer, December 2012), paras 52-53, 57, 59; P2510 (Formatted entries to expert report of András Riedlmayer), pp. 61-62; P2511 (Survey database for expert report of András Riedlmayer).

Čarakovo

1341. The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to the attack on Čarakovo, which are reviewed above and in chapters 4.10.1 *Schedules A.6.5* and *A.6.6* and 4.10.7.[5824]

1342. On 23 July 1992, the Muslim village of Čarakovo suffered extensive damage and destruction and houses were looted.[5825] According to **Riedlmayer**, Serb forces burnt down the Čarakovo mosque on 23 July 1992 and blew up its minaret.[5826] During his July 2002 site visit, Riedlmayer observed that only the stump of the Čarakovo blown-up minaret and the mosque's foundations remained *in situ*.[5827]

Kevljani

1343. Within the summer months of 1992, the new mosque in Kevljani was completely destroyed by mines, both the minaret and the mosque blown up with explosives.[5828] With regard to this village, the Trial Chamber also took judicial notice of Adjudicated Fact 1083, which is reviewed with regard to Kozaruša Village, and stipulates that Bosnian-Serb forces participated in the attack.

Rakovčani, Rizvanovići, and Ravine

1344. The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to the attacks on Rakovčani, Rizvanovići, and Ravine, which are reviewed above and in chapter 4.10.1 *Schedules A.6.5* and *A.6.6* .[5829]Homes were destroyed and personal belongings looted in the attack on Rizvanovići, a predominantly Muslim village.[5830]

[5824] Adjudicated Facts I, nos 898-901 have been reviewed in chapter 4.10.1 *Schedule A.6.5*; Adjudicated Facts I, nos 905-906 have been reviewed in chapter 4.10.1 *Schedule A.6.6*; Adjuducated Facts I, nos 867, 869-870 have been reviewed in chapter 4.10.7.
[5825] Adjudicated Facts I, no. 1096.
[5826] P2510 (Formatted entries to expert report of András Riedlmayer), p. 49; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), pp. 19, 21; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[5827] P2510 (Formatted entries to expert report of András Riedlmayer), p. 49; P2511 (Survey database for expert report of András Riedlmayer).
[5828] Adjudicated Facts I, no. 1111.
[5829] Adjudicated Facts I, nos 898-901 have been reviewed in chapter 4.10.1 *Schedule A.6.5*; Adjudicated Facts I, nos 905-906 have been reviewed in chapter 4.10.1 *Schedule A.6.6*.
[5830] Adjudicated Facts I, no. 1098.

Witness RM-038 saw destroyed mosques in Rizvanovići, Rakovcani, and Ravine.[5831] According to **Riedlmayer**, the Rizvanovići mosque was destroyed on or about 21 July 1992.[5832] Serb paramilitaries of the White Eagles and Red Berets destroyed the Rizvanovići mosque in three stages: they toppled the minaret with a *zolja* (shoulder-launched projectile), blew up the burned down mosque, and knocked down its ruins with a bulldozer.[5833] During his July 2002 site visit, Riedlmayer observed that only the foundations of the Rizvanovići mosque remained.[5834] The Rakovčani mosque burnt down on 23 May 1992.[5835] The minaret of the old Rakovčani mosque was shot away with a Serb tank firing at close range from the road before the mosque was burnt down and its ruins were destroyed with explosives.[5836] Parts of three of the four perimeter walls of the Rakovčani mosque remain standing up to the roofline, while the fourth wall was reduced to a pile of rubble.[5837] **Witness RM-038** testified that all the mosques had been intact in April 1992 but were destroyed by August 1992.[5838]

Prijedor Town, including Stari Grad Mosque, Čaršijka Mosque, Zagrad Mosque, Donja Puharska Mosque, and the Catholic church

1345. **Nusret Sivac**, who was present during the attack on Prijedor Town, testified that in the early hours of 30 May 1992, large numbers of Serb soldiers, with artillery, encircled Prijedor Town, section by section.[5839] When the fighting broke out that morning there were many brigades there: the 5th Kozarac Brigade, commanded by Pero Colić; the 43rd Motorised Brigade, formerly the 343rd Brigade and commanded by Arsić and Zeljaja; some members of the 6th Krajina Brigade; people from Bosanski

[5831] P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), p. 5929. The Trial Chamber notes that while the witness is recorded to have said 'Ravgarine', it understands the witness to refer to Ravine, a hamlet in the *Brdo* area.
[5832] P2510 (Formatted entries to expert report of András Riedlmayer), p. 19; P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), pp. 23-24; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[5833] P2503 (Expert report of András Riedlmayer, December 2012), para. 47; P2510 (Formatted entries to expert report of András Riedlmayer), pp. 19-20; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), pp. 23-24.
[5834] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 19-20; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), pp. 23-24.
[5835] P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 23; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[5836] P2511 (Survey database for expert report of András Riedlmayer).
[5837] P2511 (Survey database for expert report of András Riedlmayer).
[5838] P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5929-5930.

Novi; and a notorious group called the Spare Ribs, known to have committed atrocious crimes on the left bank of the Sava.[5840] These brigades cooperated with the Prijedor police led by Simo Drljača, Dule Janković, Milutin Cadzo, and others.[5841] On 30 May 1992, the old part of Prijedor Town, known as Stari Grad, inhabited mostly by Muslims, was destroyed.[5842] **Kerim Mešanović** stated that the Serb army cleared the old town and tore down the old town mosque.[5843] In May 1992, the Čaršijska mosque in Prijedor was destroyed by a group of men, including a bodyguard of Simo Drljača, Milorad Vokić, who set it alight.[5844] **Sivac** testified that he also saw Milenko Milić, a member of Milan Andzić's paramilitary unit, his commander Momčilo Radanović a.k.a. Cigo setting the mosque on fire.[5845] In the same month, the mosque in Zagrad was also destroyed.[5846] **Sivac** testified that Zagrad was in the Bereg part of the town.[5847]

1346. According to **Riedlmayer**, the archive and library of the Medžlis of the Islamic Community of Prijedor were destroyed on 31 May 1992 and the Stari Grad mosque burnt down in June 1992.[5848] Riedlmayer further assessed that: Serb extremists looted the Čaršijska mosque; the Zagrad mosque's rubble and the old Muslim gravestones in the adjacent cemetery were levelled by bulldozer and removed from the site in June 1992; the building, which housed the archives and library, was razed; and 'Serb extremists' burned the Stari Grad mosque, destroying its roof and its wooden minaret and then knocked down its walls and razed the mosque's cemetery with a bulldozer.[5849] During his July 2002 site visit, Riedlmayer observed that the ruins of the Stari Grad mosque were razed and all but one of the old Ottoman-era Muslim gravestones that

[5839] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6572, 6574.
[5840] P480 (Nusret Sivac, transcripts from prior cases), *Stanišić and Zupljanin* transcript, 16-17 August 2010, pp. 13257-13258; Nusret Sivac, T. 4817.
[5841] P480 (Nusret Sivac, transcripts from prior cases), *Stanišić and Zupljanin* transcript, 16-17 August 2010, p. 13258.
[5842] Adjudicated Facts I, no. 1086.
[5843] P3414 (Kerim Mešanović, witness statement, 18 March 2013), paras 20-21. *See* also P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6575.
[5844] Adjudicated Facts I, no. 1100.
[5845] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6575-6576, 6604-6606; P485 (Map portraying sites of destroyed mosques and Catholic churches in Prijedor).
[5846] Adjudicated Facts I, no. 1101.
[5847] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6575.
[5848] P2503 (Expert report of András Riedlmayer, December 2012), paras 61-62; P2510 (Formatted entries to expert report of András Riedlmayer), p. 42; P2511 (Survey database for expert report of András Riedlmayer); P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[5849] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 42-43; P2511 (Survey database for expert report of András Riedlmayer).

stood next to the old mosque had been uprooted.[5850] The buildings adjacent to the Čaršijska mosque, the church and the archive and library were in good condition.[5851]

1347. **Mešanović** testified that while Muslim homes were burnt to the ground, no Serb homes were damaged in Prijedor Town.[5852] **Zdjelar** stated that Radiša Ljesnjak sent him to Prijedor shortly after the conflict in Prijedor Municipality had started in 1992, where he destroyed Muslim homes in the old area of Prijedor Town and in the broader area of Prijedor. During this time, ten people were present and in possession of a map showing the houses owned by Muslims. The witness was told that the houses he destroyed were previously owned by Muslims but had been bought by the Prijedor Municipality to build a recreation centre.[5853]

1348. According to a decision issued by the Prijedor Municipality Executive Committee on 21 July 1992, it was agreed that a number of buildings would be demolished due to the impossibility of repairing the structures damaged by the recent fighting.[5854] The list of buildings in the old town part of Prijedor comprised 78 residential structures, two residential and business structures, two business structures, one auxiliary structure, one terrace, one catering establishment, one garage, and one place of worship, the mosque at A. Babića Street.[5855]

1349. On 28 August 1992, the Prijedor mosque (Puharska section) was destroyed by Serbs.[5856] In late August 1992, Bosnian-Serb soldiers broke into the Roman Catholic church in Prijedor to plant explosives in it, which detonated destroying the church.[5857] **Sivac** testified that one night in August 1992 he heard two explosions and he later learned that they destroyed the Roman Catholic church and the mosque in the Puharska section of the town.[5858] **Mešanović** and **Draško Vujić** testified that the two explosions

[5850] P2503 (Expert report of András Riedlmayer, December 2012), para. 51; P2510 (Formatted entries to expert report of András Riedlmayer), pp. 42-43; P2511 (Survey database for expert report of András Riedlmayer).
[5851] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 42; P2511 (Survey database for expert report of András Riedlmayer).
[5852] P3414 (Kerim Mešanović, witness statement, 18 March 2013), paras 20-21.
[5853] P7311 (Radovan Zdjelar, witness statement, 18 July 2014), para. 9.
[5854] P486 (Decision of the Prijedor Municipality Executive Committee, 21 July 1992), p. 1.
[5855] P486 (Decision of the Prijedor Municipality Executive Committee, 21 July 1992), pp. 1-9; P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6694.
[5856] Adjudicated Facts I, no. 1102. The Trial Chamber understands that this Adjudicated Fact refers to the Donja Puharska mosque located in Prijedor.
[5857] Adjudicated Facts I, no. 1103.
[5858] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6606-6607; P485 (Map portraying sites of destroyed mosques and Catholic churches in Prijedor).

were only minutes apart.[5859] **Sivac** testified that several days later, he saw the remains of the Roman Catholic church and a crane which was being used to raze it completely to the ground.[5860] The witness also saw the remains of the mosque in Puharska which had been razed to the ground.[5861]

1350. The Trial Chamber received further evidence on these incidents from **Vujić** who testified that in the early morning hours of a day in late August 1992, he heard a strong explosion from the direction of Puharska after which he immediately drove to his command and from there, together with a driver, towards the mosque, which was where he was told the explosion had come from.[5862] Vujić's soldiers, who were on patrol that morning in the immediate vicinity of the mosque, were thrown to the ground as a result of the explosion.[5863] The event was a surprise to them and they had not noticed any suspicious activity around the mosque.[5864] Vujić found the mosque in ruins.[5865] In a house across the mosque, he found an injured Muslim man named Rasim Džafić, who was asking for help, and whom he drove to the hospital.[5866] Džafić, in 1997, gave a statement to the Bosnia-Herzegovina police, stating that in the night of 30 August 1992, he saw a light from his window resembling a lighter's flame and the glow of a cigarette in the mosque.[5867] He could see five to six people, whom he believed to have been '*Chetniks*' who intended to destroy it.[5868] As he was looking for a way to flee, he heard whispering in a garden next to his house which led him to believe that there were '*Chetniks*' providing security for the group in the mosque. Džafić also saw a truck parked about 50 metres from the mosque. As it was unsafe to flee, Džafić and his family stayed in their house. At about 1 a.m. the mosque exploded, seriously injuring Džafić who lost consciousness thereafter.[5869] **Vujić** testified that the mosque was completely

[5859] P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 75; Draško Vujić, T. 35005; P7365 (Statement of Rasim Džafić including photographs of destroyed Puharska Mosque, 5 September 1997), p. 5.
[5860] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6607.
[5861] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6607-6608.
[5862] D1041 (Draško Vujić, witness statement, 24 January 2014), paras 9-10; Draško Vujić, T. 35005.
[5863] D1041 (Draško Vujić, witness statement, 24 January 2014), para. 11.
[5864] D1041 (Draško Vujić, witness statement, 24 January 2014), para. 11.
[5865] D1041 (Draško Vujić, witness statement, 24 January 2014), paras 9-10; Draško Vujić, T. 35005.
[5866] D1041 (Draško Vujić, witness statement, 24 January 2014), para. 10; Draško Vujić, T. 35005.
[5867] P7365 (Statement of Rasim Džafić including photographs of destroyed Puharska Mosque, 5 September 1997), p. 2.
[5868] P7365 (Statement of Rasim Džafić including photographs of destroyed Puharska Mosque, 5 September 1997), pp. 2-3.
[5869] P7365 (Statement of Rasim Džafić including photographs of destroyed Puharska Mosque, 5 September 1997), p. 3.

destroyed as a result of the explosion.[5870] Three houses in the vicinity of the mosque were also destroyed and a dozen more were damaged as a result of the explosion.[5871]

Gornja Puharska Mosque outside Prijedor Town

1351. The mosque in Gornji Puharska was razed to the ground in the summer months of 1992.[5872] **Riedlmayer** assessed that it was destroyed in mid-July 1992.[5873] The Gornja Puharska mosque's roof collapsed, its interior gutted, the mosque's minaret, toppled by a blast, fell into the mosque, and only one of the perimeter walls remained standing.[5874]

Briševo

1352. The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to the attack on Briševo, which are reviewed in chapters 4.10.1 *Schedule A.6.9* and 4.10.7.[5875]

1353. On 27 May 1992, Briševo was attacked and over a hundred houses were destroyed during the attack.[5876] **Ivo Atlija** testified that the attack came from neighbouring Orthodox villages. The inhabitants of Briševo sent a delegation to these villages to find out why Briševo was being attacked. The delegation was told that the inhabitants of Briševo were to give back all weapons. The witness testified that all weapons in their possession had previously been handed over to the 6th Krajina Brigade in Rasavci in exchange for a confirmation receipt. A representative of the 6th Krajina Brigade later said that there were no reasons for the shelling to continue and that the mortar attack of 27 May 1992 was a warning of what might happen if the villagers

[5870] D1041 (Draško Vujić, witness statement, 24 January 2014), paras 9-10; Draško Vujić, T. 35005, 35010.
[5871] Draško Vujić, T. 35005-35006, 35054.
[5872] Adjudicated Facts I, no. 1110. The Trial Chamber understands this Adjudicated Fact to refer to the Gornja Puharska Mosque.
[5873] P2510 (Formatted entries to expert report of András Riedlmayer), p. 63; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[5874] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 63-64; P2511 (Survey database for expert report of András Riedlmayer).
[5875] Adjudicated Facts I, nos 919-923 have been reviewed in chapter 4.10.1 *Schedule A.6.9*; Adjudicated Facts I, nos 867, 869-870 have been reviewed in chapter 4.10.7.
[5876] Adjudicated Facts I, no. 1093.

would not hand in their weapons.[5877] During the attack, no shells fell on houses even though they were fired at random.[5878]

1354. **Atlija** also testified about a second attack on the village starting 24 July 1992.[5879] On 24 and 25 July 1992, 68 houses were set alight and burnt down and many others were damaged or destroyed by the shelling.[5880] On 29 July 1992, the Catholic church in Briševo was destroyed.[5881] **Atlija** testified that it was shelled and set on fire.[5882] In the months after the attack up until November 1992, small groups of '*Chetniks*' returned to Briševo and destroyed the remaining houses.[5883] Out of the 120 houses in Briševo, not a single one was spared from destruction.[5884]

Kozarac, Hrnići, Jakupovići, Ljubija, Mujkanovići, Koncari, and Jaskići

1355. The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to the attack on Kozarac, which are reviewed in chapters 4.10.1 *Schedule A.6.1* and 4.10.7.[5885] **Idriz Merdžanić** stated that during the attack on Kozarac, the clinic, while not being next to any other structures that could have been mistaken for military targets, received some direct hits from the artillery shells.[5886] According to the witness, there may have been a red cross on the roof of the clinic.[5887] Between May and June 1992 the Mutnik mosque was destroyed by Serbs.[5888]

[5877] P169 (Statement by Ivo Atlija to Croatian authorities, 30 January 1993), para. 40.
[5878] P168 (Ivo Atlija, witness statement, 20 October 2000), para. 26; P169 (Statement by Ivo Atlija to Croatian authorities, 30 January 1993), para. 40.
[5879] P168 (Ivo Atlija, witness statement, 20 October 2000), paras 43, 63; P169 (Statement by Ivo Atlija to Croatian authorities, 30 January 1993), para. 43; Ivo Atlija, T. 2310-2311; P175 (Photograph of Catholic Church in Briševo); P176 (Video footage of the Catholic church in Briševo after attack on the village).
[5880] P168 (Ivo Atlija, witness statement, 20 October 2000), paras 43, 47, 55, 62-63; P169 (Statement by Ivo Atlija to Croatian authorities, 30 January 1993), para. 42.
[5881] Adjudicated Facts I, no. 1108.
[5882] P168 (Ivo Atlija, witness statement, 20 October 2000), paras 43, 63; P169 (Statement by Ivo Atlija to Croatian authorities, 30 January 1993), para. 43; Ivo Atlija, T. 2310-2311; P175 (Photograph of Catholic Church in Briševo); P176 (Video footage of the Catholic church in Briševo after attack on the village).
[5883] P168 (Ivo Atlija, witness statement, 20 October 2000), para. 93; P169 (Statement by Ivo Atlija to Croatian authorities, 30 January 1993), para. 42.
[5884] P168 (Ivo Atlija, witness statement, 20 October 2000), para. 93.
[5885] Adjudicated Facts I, nos 877-879 have been reviewed in chapter 4.10.1 *Schedule A.6.1*; Adjudicated Facts I, nos 867, 869-870 have been reviewed in chapter 4.10.7.
[5886] P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 13; P272 (Diagram of Kozarac drawn by Idriz Merdžanić).
[5887] P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 13; P272 (Diagram of Kozarac drawn by Idriz Merdžanić).
[5888] Adjudicated Facts I, no. 1105.

1356. **Witness RM-017** stated that during the attack, large parts of Jakupovici and Koncari were razed to the ground.[5889] **Mevludin Sejmenović** testified that during the campaign against Prijedor Municipality, Serb infantry destroyed the village of Mujkanovići.[5890] **Witness RM-054** stated that when he was taken from Prijedor to Omarska camp on or around 10 June 1992, he saw Mujkanovići burning.[5891] **Sejmenović** testified that while being transferred to Omarska camp in the beginning of August 1992, he could see that the mosques in Mujkanovići and Jakupovići had been destroyed.[5892]

1357. **Witness RM-023** stated that during the attack on Ljubija in July 1992 many houses were burnt.[5893] Only a couple of shells landed and only Muslim houses were damaged.[5894] Serb soldiers forced Muslim villagers to put up a white flag on the windows as a sign of surrender.[5895] Serb soldiers collected money and jewellery from the women.[5896] The soldiers returned later on that day and robbed houses of all valuables.[5897] Serb soldiers would come back every day to plunder houses, mistreat women, and take their valuables. [5898] The witness saw a ring being ripped off a woman's finger along with her skin.[5899] Later that month, the witness and the witness's family fled on foot to Gomjenica.[5900] **Atlija** testified that all the religious property belonging to non-Serbs in the Ljubija commune was systematically destroyed during the war.[5901] In Ljubija, the church was set on fire and all traces of the mosque were removed.[5902] According to **Riedlmayer**, Serb forces torched and blew up the minaret of the Donja Ljubija and Brđani mosque in the last week of May 1992.[5903] The Donja Ljubija

[5889] P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), p. 3331.
[5890] P283 (Mevludin Sejmenović, witness statement, 13 August 2012), paras 33, 35, 40; Mevludin Sejmenović, T. 3541.
[5891] P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2645-2648, 2750-2751.
[5892] Mevludin Sejmenović, T. 3467; *see* P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 52.
[5893] P3234 (Witness RM-023, witness statement, 25 August 2000), p. 6.
[5894] P3236 (Witness RM-023, *Stanišić and Župljanin* transcript, 18 October 2010), pp. 16130-16131; P3240 (Video showing houses on the road from Hambarine to Ljubija).
[5895] P3234 (Witness RM-023, witness statement, 25 August 2000), p. 6; P3236 (Witness RM-023, *Stanišić and Župljanin* transcript, 18 October 2010), p. 16127.
[5896] P3234 (Witness RM-023, witness statement, 25 August 2000), p. 6.
[5897] P3234 (Witness RM-023, witness statement, 25 August 2000), p. 6.
[5898] P3236 (Witness RM-023, *Stanišić and Župljanin* transcript, 18 October 2010), p.16130.
[5899] P3236 (Witness RM-023, *Stanišić and Župljanin* transcript, 18 October 2010), p.16130.
[5900] P3234 (Witness RM-023, witness statement, 25 August 2000), p. 7; P3236 (Witness RM-023, *Stanišić and Župljanin* transcript, 18 October 2010), pp. 16129-16130.
[5901] P168 (Ivo Atlija, witness statement, 20 October 2000), paras 11, 108.
[5902] P168 (Ivo Atlija, witness statement, 20 October 2000), para. 108.
[5903] P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), pp. 18-19.

mosque's roof is gone, its interior is gutted and open to the sky, its minaret appears to have been blown up and only a three-metre stump remains, and the mosque's perimeter walls appear to have been damaged by the falling minaret.[5904] The buildings adjacent to the Donja Ljubija mosque were in good condition.[5905]

1358. **Senija Elkasović** stated that her house in Jaskići was intact until around mid-July 1992 when the police 'expelled' her.[5906] The witness identified a photograph of her destroyed house dated 21 February 1996.[5907]

1359. **Safet Tači** testified that the attack on Hrnići, a village located two kilometres from Kozarac, started on a Saturday, around noon.[5908] The witness saw the shelling coming from the surrounding hills.[5909] Four shells fell around the mosque before it was finally hit by one of the shells.[5910] While the shelling of other villages continued, the shelling of Hrnići stopped.[5911] The shelling continued in other areas on Sunday during the day, but not during the night.[5912] In the evening, the witness only heard rifle shots.[5913]

1360. According to **Riedlmayer**, the Hrnići mosque was torched and its minaret was blown up in 1992.[5914] The Hrnići mosque's roof is gone, its interior is gutted and open to the sky, its interior walls are covered with soot and its minaret is destroyed by a blast which also blew away the north corner of the building.[5915]

1361. Armed Serbs looted, vandalised, and partly burned the Roman Catholic Parish church of St. Leopold Mandić, located in Ljubija, in July 1992.[5916] The buildings adjacent to the parish church in Ljubija were in good condition.[5917]

[5904] P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 19.
[5905] P2511 (Survey database for expert report of András Riedlmayer).
[5906] P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), pp. 4602, 4618-4619, 4622.
[5907] P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), p. 4622; P2591 (Photograph of Elkasović's home in Jaskići); P2593 (Senija Elkasović, table of concordance to *Tadić* transcript of 1 August 1996).
[5908] P158 (Safet Tači, proffer of testimony, 4 May 1998), paras 6, 19-20.
[5909] P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 20; Safet Tači, T. 2098.
[5910] P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 21; Safet Tači, T. 2098.
[5911] P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 21; Safet Tači, T. 2098.
[5912] P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 22.
[5913] P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 23.
[5914] P2511 (Survey database for expert report of András Riedlmayer); P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[5915] P2511 (Survey database for expert report of András Riedlmayer).
[5916] P2511 (Survey database for expert report of András Riedlmayer), P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 16; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[5917] P2511 (Survey database for expert report of András Riedlmayer).

1362. Several other mosques were destroyed: the Mujkanovići, the Srednji Jakupovići, the Gornji Jakupovići mosques in 1992.[5918] The Mujkanovići mosque's minaret is gone, leaving only the base intact, the mosque's roof is destroyed, its interior is burnt out, and substantial sections of its perimeter walls were destroyed 'by blast'; the Srednji Jakupovići mosque is burned out, its roof is gone, its interior is gutted and open to the sky, and the upper part of the perimeter wall to the right of the entrance is partly destroyed; the Gornji Jakupovići mosque is burnt out, its roof is collapsed, its interior is gutted and open to the sky, its minaret was destroyed by a blast and toppled onto the mosque, and its perimeter walls remain standing up to the roofline.[5919]

1363. Of the 16 mosques in the Kozarac area before the attack, not a single one was left intact.[5920] By the end of the summer of 1992, the area of Kozarac was desolate, with many of the buildings which had survived the attack undamaged subsequently looted and destroyed.[5921] Eventually the few Serb inhabitants returned and Serbs displaced from other areas moved into Kozarac.[5922] In the attack on Kozarac, care was taken to avoid damage to Serb property; the Serbian Orthodox church, unlike the mosque, survived the attack and subsequent destruction.[5923] Similarly, Serb-dominated villages such as Rajkovići and Podgrade were either not shelled at all or only shelled accidentally.[5924]

Susici

1364. **Witness RM-054** stated that when he was taken from Prijedor to Omarska camp on or around 10 June 1992, he saw Susići burning.[5925]

[5918] P2503 (Expert report of András Riedlmayer, December 2012), para. 47; P2511 (Survey database for expert report of András Riedlmayer); P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[5919] P2511 (Survey database for expert report of András Riedlmayer).
[5920] P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), pp. 3333, 3382; P3231 (Photograph of Mutnik Mosque in Kozarac); P3232 (Photograph of Kalata Mosque in Kozarac).
[5921] Adjudicated Facts I, no. 1092.
[5922] Adjudicated Facts I, no. 1092.
[5923] Adjudicated Facts I, no. 1090.
[5924] Adjudicated Facts I, no. 1091
[5925] P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2645-2648, 2750-2751.

Šurkovac

1365. **Riedlmayer** learned from an interview with a priest that parishioner Franjo Matijević was an eye-witness to the destruction and that he had reported that Serb forces had mined and destroyed the Roman Catholic parish church of the Sacred Heart of Jesus in Šurkovac on or around 26 December 1992.[5926] During his 2002 site visit, Riedlmayer observed that the church's twin steeples were totally destroyed by a blast, the entrance façade of the church had collapsed, and its roof had been partly destroyed.[5927] The adjacent buildings were lightly damaged.[5928]

Other religious buildings in Prijedor Municipality

1366. In addition to the evidence discussed above, the Trial Chamber also received evidence from **Riedlmayer** on the destruction of other religious buildings in Prijedor Municipality during the Indictment period.[5929] With regard to this evidence, Riedlmayer identified the perpetrators of some of the destruction, referring to them as 'Serb forces'. The Trial Chamber notes that Riedlmayer obtained his information on the dates and perpetrators of destruction from the Head Imam of Prijedor, the Ordinariate of the Roman Catholic Diocese of Banja Luka, and the Medžlis of the Islamic Community of Prijedor. However, Riedlmayer's report and its annexes, including the database, do not contain explanations on how these individuals and the Medžlis obtained this information. Consequently, the Trial Chamber cannot determine whether there was a solid basis for the conclusions presented to Riedlmayer. For these reasons, the Trial Chamber has not relied on his evidence concerning the dates of destruction and the perpetrators of the alleged destruction of these other religious buildings in Prijedor Municipality.

[5926] P2503 (Expert report of András Riedlmayer, December 2012), para. 57; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 18; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[5927] P2511 (Survey database for expert report of András Riedlmayer).
[5928] P2511 (Survey database for expert report of András Riedlmayer).
[5929] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 22-29, 65; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), pp. 16, 20; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013). These buildings were *inter alia* the following: Brezičani Old Mosque, Gomjenica Mosque, Čejreci Mosque, Ališići Mosque, Zecovi Mosque, Mahmuljini Mosque, Roman Catholic church of Saints Peter and Paul in Donja Ravska, Ćela Mosque, Hrustići Mosque, Sivci mekteb,

1367. Throughout Prijedor Municipality, mosques and other religious institutions were targeted for destruction and the property of Muslims and Croats, worth billions of dinar, was taken.[5930] During the attacks on the municipality, the main non-Serb settlements were surrounded, bombarded and invaded; and during these attacks, care was taken not to damage the property of Serbs.[5931]

The Trial Chamber's findings

1368. With regard to the Defence's challenge of Riedlmayer's evidence, which itself is based on the expert report of Gojković, the Trial Chamber refers to its findings with regard to the reliability of Riedlmayer's and Gojković's evidence as set out in Appendix B.

Hambarine

1369. Based on the evidence earlier in this chapter, the Trial Chamber finds that on 21 May 1992, the predominantly Bosnian-Muslim village of Hambarine was shelled, following which Bosnian-Serb forces issued an ultimatum on Radio Prijedor demanding, *inter alia*, the surrender of weapons held by non-Serbs and threatening continued shelling in case of non-compliance. The Trial Chamber finds that there was very little resistance from the local Muslim TO unit which tried to defend the village but retreated to the nearby forest upon the arrival of the VRS. On 23 May 1992, the VRS, including the 5th Kozarac Brigade, again shelled Hambarine indiscriminately, acting jointly with the police and paramilitary groups. During this second attack, houses were hit by mortar shells and burnt. On 24 May 1992, the perpetrators of the attack shelled and destroyed the old mosque of Hambarine.[5932] The Trial Chamber further finds that on 11 June 1992, several groups of men described as '*Chetniks*', including Jevo Maseldzija

Duračci Mosque, Brđani Mosque, Hadžići Mosque, Softići Mosque, the Donji Alići mekteb, the Kalate and Dera mosques, the Trnopolje, and the Matrići mekteb.

[5930] Adjudicated Facts I, no. 1084.

[5931] Adjudicated Facts I, no. 1085.

[5932] The Trial Chamber notes in this regard that the evidence of Nermin Karagić specifies that the mosque was fired upon during the shelling on Hambarine in 'late June or early July 1992'. While the Trial Chamber accepts that the witness did indeed recall that a shelling took place on the town of Hambarine, it will not rely on the timeframe specified by this witness, in light of the fact that he was unsure about the time frame during his testimony and given that the Trial Chamber received reliable evidence clearly specifying that the attack took place in mid-May 1992. The Trial Chamber further understands Witness RM-023's and Elvedin Nasić's evidence to refer to the old mosque in Hambarine.

and Mlado Jurusić, set a café, a house, and a garage on fire in Hambarine. Considering that Hambarine was a predominantly Bosnian-Muslim village, the Trial Chamber finds that the owners were Bosnian Muslims.

Kozaruša

1370. In mid-1992, Bosnian-Serb forces set houses in the predominantly Bosnian-Muslim village of Kozaruša on fire. Pursuant to instructions received from Radiša Ljesnjak, a member of the Crisis Staff, Radovan Zdjelar destroyed houses belonging to Bosnian Muslims in Kozaruša with his excavator. On 24 May 1992, Serb fighters in JNA uniforms with 'Tito caps', led by Savan Končar, a Serb from Kozaruša set the Kozaruša mosque as well as the Kozaruša mekteb on fire. Only Serb houses, for the most part untouched, remained in the village.

Kamičani

1371. Beginning around 24 to 26 May and continuing until early June 1992, the VRS, acting jointly with the police and paramilitary groups, attacked the predominantly Bosnian-Muslim village of Kamičani. The perpetrators of the attack torched all houses in the village and burnt down the mosque.

Bišćani

1372. On 20 July 1992, the VRS, acting jointly with the police and paramilitary groups, attacked the predominantly Bosnian-Muslim village of Bišćani. The perpetrators of the attack set Muslim houses on fire and burnt down the mosque.

Čarakovo

1373. On 23 July 1992, the VRS, as well as Velimir Đurik a.k.a. Velja, Zoran Babić a.k.a. Babin, and Dragomir Soldat a.k.a. Čiča, acting jointly with the police and paramilitary groups attacked the predominantly Bosnian-Muslim village of

Čarakovo.[5933] The perpetrators of the attack set houses on fire. During the attack, the mosque was burnt down and its minaret was blown up.

Kevljani

1374. In mid-1992, Bosnian-Serb forces attacked the predominantly Muslim village of Kevljani. The perpetrators of the attack set houses on fire and destroyed the new mosque with explosives and mines.

Rakovčani, Rizvanovići, Ravine

1375. During the onslaught on the Brdo area on 20 July 1992, Bosnian-Serb forces, consisting of military and police, destroyed the Rakovčani, Rizvanovići, and Ravine mosques with explosives. The perpetrators of the attack set houses on fire in the predominantly Bosnian-Muslim villages of Rakovčani and Rizvanovići.[5934]

Prijedor Town, including Stari Grad Mosque, Čaršijka Mosque, Zagrad Mosque, Donja Puharska Mosque, and Catholic church

1376. On 30 May 1992, Bosnian-Serb forces attacked Prijedor Town, including its old part known as 'Stari Grad', which was mostly inhabited by Bosnian Muslims. The 5th Kozara Brigade, commanded by Pero Colić, the 43rd Motorized Brigade, commanded by Arsić and Zeljaja, and some members of the 6th Krajina Brigade participated in the attack. These brigades cooperated with the Prijedor police led by Simo Drljača, Dule Janković, Milutin Cadzo, and people from Bosanski Novi. The 'Spare Ribs' also took part in the attack. During the attack, a group of men, including Milenko Milić, a member of Milan Andzić's paramilitary unit, his commander Momčilo Radanović a.k.a. Cigo, and Milorad Vokić, Simo Drljača's personal bodyguard set the Čaršijka mosque

[5933] The Trial Chamber notes that in addition, Ivo Atlija testified about earlier detonations and burning houses in Čarakovo one day after the attack on Hambarine, which according to Adjudicated Fact number 894 happened on 23 May 1992. Absent any evidence on the perpetrators or circumstances of the destruction, the Trial Chamber will not further consider this evidence.
[5934] The Trial Chamber notes that in addition, Ivo Atlija testified about earlier detonations and burning houses in Rizvanovići one day after the attack on Hambarine, which according to Adjudicated Fact number 894 happened on 23 May 1992. Absent any further evidence on the perpetrators or details of the destruction, the Trial Chamber will not further consider this evidence with regard to the time frame of May 1992.

on fire. The perpetrators of the attack also destroyed the old mosque in Stari Grad as well as the Zagrad mosque, in the Bereg part of town. Following its destruction, the Zagrad mosque's rubble, as well as the old Muslim gravestones in the adjacent cemetery were levelled by bulldozer and removed. In addition, during the attack on the town, the archive and library of the Medžlis of the Islamic Community were razed to the ground. The perpetrators of the attack burnt Muslim homes to the ground, but no Serb homes were damaged. Shortly after the conflict in Prijedor had started, Radovan Zdjelar destroyed Muslim homes in the old area of Prijedor Town and in the broader area of Prijedor with his excavator and pursuant to instructions received from Radiša Ljesnjak, a member of the Crisis Staff. In the summer of 1992, members of the Military Police Reconnaissance and Sabotage Company under the command of Mile Jović and Miloš Preradović demolished eight Serb cafés in Prijedor Town. At the end of August 1992, Serbs blew up the Donja Puharska mosque in Prijedor Town.[5935] This explosion destroyed three houses in the immediate vicinity of the mosque and damaged a dozen other houses. Furthermore, after Bosnian-Serb soldiers had planted explosives in the Catholic church in Prijedor Town, the church exploded, only a few minutes after the mosque's explosion. The ruins of these buildings were razed to the ground several days after the explosions.

Kozarac, Hrnići, Jakupovići, Ljubija, Mujkanovići, Koncari, and Jaskići

1377. Between 24 May and July 1992, the VRS, acting jointly with the police and paramilitary forces, attacked the predominantly Bosnian-Muslim and Bosnian-Croat villages of Kozarac and Ljubija and their surrounding areas, including Hrnići, Jakupovići, and Koncari. The attack started with heavy shelling followed by the arrival of infantry in the villages. Muslim villages and neighbourhoods were shelled indiscriminately, resulting in extensive destruction of houses in particular. After the shelling, armed soldiers entered Kozarac and Ljubija and torched houses. In Kozarac, the medical clinic was hit. The Mutnik mosque was also destroyed during the attack. Care was taken to avoid damage to Serb property and the Serb Orthodox church

[5935] The Chamber notes a minor discrepancy between Adjudicated Fact 1102, which refers to the date of destruction as having occurred on 28 August 1992 and the police statement of Rasim Džafić, who stated that the mosque was destroyed in the night of 30 August 1992. Given that both sources attest to the destruction of the mosque and that the difference between the dates of destruction is marginal, the Chamber finds that the mosque was destroyed at some time at the end of August 1992.

survived the attack and subsequent destruction. Predominately Serb villages, such as Rajkovići and Podgrade, were either not shelled at all or shelled only accidentally. Between 24 and 26 May, Serb infantry forces razed Koncari to the ground. During the attack on Hrnići, the mosque was hit by a shell. During the attack on Kozarac, large parts of the nearby village of Jakupovići were razed to the ground and the Srednji and Gornji mosques in Jakupovići were destroyed. During the attack on Ljubija in July 1992, many Muslim houses were damaged and the church and the mosque were set on fire.[5936] On or around 10 June 1992, Serb infantry destroyed the village of Mujkanovići and heavily damaged its mosque. By the end of the summer of 1992, the Kozarac area was desolate, and buildings which had survived the attack were subsequently destroyed.

Briševo

1378. On 27 May 1992, the VRS, acting jointly with the police and paramilitary groups, attacked the Bosnian-Croat village of Briševo. Adjudicated Fact 1093 states that over a hundred houses were destroyed during this first attack on Briševo while Ivo Atlija testified that no houses were destroyed on 27 May 1992. The Trial Chamber did not receive further evidence about destruction resulting from this first attack. Given that Ivo Atlija was an eye-witness to the events who gave a detailed and inherently consistent account of the two attacks on the village, the Trial Chamber considers Adjudicated Fact 1093 to be rebutted with respect to the destruction of houses during the first shelling of Briševo and therefore finds that no houses were destroyed on 27 May 1992. However, starting from 24 July 1992 onwards, the Bosnian-Serb military including soldiers in JNA uniforms with red ribbons around their arms, helmets and *subara* hats, acting jointly with the police and paramilitary groups, launched another attack on Briševo during which they targeted, shelled, and torched houses belonging to Bosnian Croats indiscriminately. Sixty-eight houses burnt down while many others were damaged or destroyed by the shelling. The 5th Kozara Brigade and the 6th Krajina Brigade, led by Basara and Veljko Brajić, took part in the attack. During this second attack, the Catholic church was shelled and set on fire. In the months following the attack up until November 1992, small groups of men described as '*Chetniks*' destroyed

[5936] The Trial Chamber understands this mosque to be the Donja Ljubija mosque mentioned by Riedlmayer.

the remaining houses. Out of all of the 120 houses of the village, not a single one was spared.

Šurkovac Roman Catholic Parish Church

1379. On or around 26 December 1992, Serb forces mined and destroyed the Roman Catholic parish church of the Sacred Heart of Jesus in Šurkovac.

1380. Following the take-over of Prijedor Town and before the take-over of Kozarac, Serbs made continuous references on the radio to the destruction of mosques and all property belonging to Bosnian Muslims, whom they referred to as *'Balijas'*. While the main non-Serb settlements were surrounded, bombarded, and invaded, care was taken not to damage the property of Serbs during these attacks.

1381. The Trial Chamber will further consider these incidents in relation to Count 3 of the Indictment in chapter 8 below.

Susići, Rajkovac, Gornji Puharska Mosque, a private house in Jaskići, and new mosque in Hambarine

1382. The Trial Chamber finds that the Bosnian-Muslim village of Susići, in the Kozarac area, was burnt around 10 June 1992. It also finds that the Rajkovac mosque was hit during the attack on Hambarine and that the Gornji Puharska mosque was destroyed sometime during the summer of 1992. Given the lack of evidence concerning the perpetrators of the destruction in Susići and of the Gornji Puharska mosque and the lack of evidence on the extent of the destruction, if any, of the Rajkovac mosque, the Trial Chamber will not further consider these incidents in relation to any counts of the Indictment. The Trial Chamber further received evidence on the destruction of a house, belonging to a Bosnian Muslim in the predominantly Muslim village of Jaskići, sometime after July 1992. Absent more precise evidence on the date and circumstances of this destruction, the Trial Chamber will not consider this incident further in relation to any count of the Indictment. With regard to the damage on the new mosque in Hambarine and an incident of 10 June 1992, during which a private house was set on fire in Hambarine, the Trial Chamber has not received any reliable evidence on the

perpetrators and therefore will not consider these incidents further in relation to any counts of the Indictment.

1383. In addition, the Trial Chamber received evidence from Riedlmayer on the destruction of a number of other religious buildings in Prijedor Municipality. As explained in Appendix B, the Trial Chamber will not rely on Riedlmayer's evidence with regard to the date and perpetrators of these destructions. Thus, in the absence of additional evidence on the date and perpetrators, the Trial Chamber will not consider these incidents further in relation to any counts of the Indictment.

4.10.4 Appropriation or plunder of property

1384. According to the Indictment, the Accused is responsible for the appropriation or plunder of property during and after take-overs, during arrests and detentions, and during or after deportations or forcible transfers in Prijedor Municipality between 12 May 1992 and 30 November 1995.[5937] The Trial Chamber has taken judicial notice of a number of Adjudicated Facts relating to the alleged plunder in Prijedor Municipality.[5938] It further received evidence from **Witness RM-074**, a Bosnian Muslim from Prijedor Municipality;[5939] **Idriz Merdžanić**, a Bosnian-Muslim doctor from Kreševo, Sarajevo Municipality;[5940] and **Mevludin Sejmenović**, the Vice-President of the SDA in Prijedor from 1990 to 1992,[5941] whose evidence is reviewed in chapter 4.10.7, and finds that this evidence is consistent with the Adjudicated Facts.[5942] It also received evidence from **Nusret Sivac**, a Bosnian-Muslim journalist for TV Sarajevo who covered events in Prijedor and surrounding municipalities;[5943] **Ivo Atlija**, a Croat from the Croat village of Briševo in Prijedor Municipality;[5944] **Senija Elkasović**, **Witness RM-026**, **Elvedin**

[5937] Indictment, paras 47, 59(i).
[5938] The Chamber has also considered Adjudicated Facts 1062, 1084-1085, 1090, 1092-1094, 1096, and 1098, which are reviewed in chapters 4.10.2 *Schedule C.15.4* and 4.10.3.
[5939] P3431 (Witness RM-074, witness statements), witness statement of 2 October 2000, pp. 1-2, witness statement of 12 December 2012, p. 1, witness statement of 8 July 2013, p. 1.
[5940] P269 (Idriz Merdžanić, witness statement, 28 August 2000), p. 1, paras 1-3; Idriz Merdžanić, T. 3321.
[5941] P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 4.
[5942] **Witness RM-074**: P3431 (Witness RM-074, witness statements), witness statement of 2 October 2000, pp. 3-5. **Idriz Merdžanić**: P269 (Idriz Merdžanić, witness statement, 28 August 2000), paras 21-22. **Mevludin Sejmenović**: P283 (Mevludin Sejmenović, witness statement, 13 August 2012), paras 17, 40.
[5943] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6561-6562; Nusret Sivac, T. 4839.
[5944] P168 (Ivo Atlija, witness statement, 20 October 2000), p. 1, para. 9; P169 (Statement by Ivo Atlija to Croatian authorities, 30 January 1993), para. 44; Ivo Atlija, T. 2301; P174 (Map of Prijedor Municipality).

Nasić, **Witness RM-038**, **Jusuf Arifagić**, **Witness RM-709**, **Witness RM-060**, **Witness RM-017**, **Witness RM-023**, and **Witness RM-033**, all Bosnian Muslims from Prijedor Municipality;[5945] and **András Riedlmayer**, bibliographer and art documentation specialist.[5946] The evidence of Witness RM-074, Idriz Merdžanić, Nusret Sivac, Witness RM-026, Elvedin Nasić, Jusuf Arifagić, Witness RM-017, and Witness RM-023 is also reviewed in chapters 4.10.2 *Schedules C.15.2* to *C.15.4*, 4.10.3, and 4.10.7. The evidence of Elkasović, Sejmenović, Witness RM-033, and Riedlmayer is reviewed in chapters 4.10.2 *Schedule C.15.3*, 4.10.3, and 4.10.7.

Plunder in villages in Prijedor Municipality

1385. In chapter 4.10.3, the Trial Chamber reviewed evidence that Bosnian-Serb forces destroyed the Bosnian-Muslim villages of Bišćani, Kozaruša, Kamičani, Kevljani, Rakovčani, Čarakovo, and Rizvanovići in Prijedor Municipality in mid-1992, that the houses were set on fire and looted, and that the VRS loaded their trucks with goods belonging to non-Serbs.[5947] In chapter 4.10.7, the Trial Chamber reviewed evidence that the VRS, acting jointly with the police and paramilitary groups, attacked Bišćani, Kamičani, Čarakovo, and Ljubija between May and July 1992. In chapters 4.10.1 *Schedule A.6.6* and 4.10.3, the Trial Chamber also reviewed evidence that Bišćani was attacked on 20 July by the VRS, acting jointly with the police and paramilitary groups. With regard to the attack on Kamičani, it also reviewed evidence in chapters 4.10.1 *Schedule A.6.3* and 4.10.3 that beginning around 24 to 26 May and continuing until early June 1992, the VRS, acting jointly with the police and paramilitary groups, attacked the village. As for Čarakovo, the Trial Chamber reviewed evidence in chapter

[5945] **Senija Elkasović**: P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), pp. 4597, 4601. **Witness RM-026**: P2585 (Witness RM-026, witness statements), statement of 23 September 1994, pp. 1-2. **Elvedin Nasić**: P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, pp. 1-2, witness statement of 15 March 2000, pp. 1, 6. **Witness RM-038**: P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5874, 5878-5879.. **Jusuf Arifagić**: P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 1-2; **Witness RM-709**: P3437 (Witness RM-709, witness statement, 6 June 2000), pp. 1-4; P3438 (Witness RM-709, witness statement, 16 February 2002), pp. 1-2; P3439 (Witness RM-709, witness statement, 26 October 2002), pp. 1-2. **Witness RM-060**: P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), pp. 6850-6851, 6853; P2597 (Witness RM-060, pseudonym sheet from *Prosecutor v. Stakić*, Case No. IT-97-24-T); P2599 (Witness RM-060, table of concordance to *Stakić* transcript, 7 March 2013), p. 1. **Witness RM-017**: P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 1-2. **Witness RM-023**: P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 1-2. **Witness RM-033:** P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), p. 6189.

[5946] P2503 (Expert report of András Riedlmayer, December 2012), para. 75; András Riedlmayer, T. 17888; P2504 (*Curriculum vitae* of András Riedlmayer), p. 1.

4.10.2 *Schedules A.6.2* and *A.6.5* that on 23 July 1992, the village was attacked by the VRS as well as Velimir Đurik a.k.a Velja, Zoran Babić a.k.a Babin, and Dragomir Soldat a.k.a Čiča, acting jointly with the police and paramilitary groups. In chapters 4.10.2 *Schedules A.6.5* and *A.6.6*, it reviewed evidence that Rakovčani and Rizvanovići were attacked on 20 July 1992 by Bosnian-Serb forces, consisting of the military and police. After the fall of Prijedor in 1992, **Witness RM-023** saw tanks and armoured vehicles, followed by trucks, going from house to house and taking out appliances and goods in the area between Prijedor and Ljubija.[5948] **Witness RM-074** stated that Serb soldiers looted houses in Čarakovo in June 1992, saying that the tractors, cars, and cattle they confiscated were required for army duty.[5949] The witness added that at the end of July 1992, Serbs looted anything of value from the village, including tractors, petrol, farming equipment, bicycles, videos, televisions, and other household goods.[5950]

1386. With regard to Hambarine, **Elvedin Nasić** stated that Serb soldiers robbed the houses of all valuable items and took the cars and tractors after the attack on 22 May 1992.[5951] According to the witness, anything that was worth something was taken.[5952] On 9 June 1992, **Witness RM-026** saw four armed men wearing JNA uniforms stepping out of a four-ton Zastava 640 truck in Hambarine, breaking the windows of a store and café owned by a relative, taking possession of the goods inside, and breaking whatever they could not take with them.[5953] The witness was told that the men were from Ljeskare and he recognized Duro and Tijo Vukić among them.[5954] The witness later heard that Duro Vukić, Tijo Vukić, Mićo Vasilević, and Vasilević's three sons Neso, Bajo, and Pedo, ransacked the area.[5955]

1387. With regard to Kozarac and surrounding villages, soldiers looted Kozarac town after it had been cleansed of its inhabitants.[5956] **Idriz Merdžanić** testified that he observed this looting by Serb soldiers on 26 May 1992.[5957] **Jusuf Arifagić** stated that during the time he stayed in the forest after the attack of the town at the end of May

[5947] Adjudicated Facts I, no. 1083.
[5948] P3234 (Witness RM-023, witness statement, 25 August 2000), p. 3.
[5949] P3431 (Witness RM-074, witness statements), witness statement of 2 October 2000, p. 3.
[5950] P3431 (Witness RM-074, witness statements), witness statement of 2 October 2000, pp. 4-5.
[5951] P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 2.
[5952] P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 2.
[5953] P2585 (Witness RM-026, witness statements), statement of 23 September 1994, pp. 6-7.
[5954] P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 7.
[5955] P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 7.
[5956] Adjudicated Facts I, no. 1089.
[5957] P269 (Idriz Merdžanić, witness statement, 28 August 2000), paras 21-22.

1992, he saw many Serb soldiers looting houses and property around Brđani village.[5958] He recognized Zoran Žigić a.k.a. Ziga, who was dressed in a camouflage uniform, wearing a red beret, and carrying an automatic weapon, pistol, knife, and a hand grenade.[5959] He also observed that Serbs were 'plundering' the villages on the outskirts of Kozarac. On one occasion, he saw the son of Milenko Zigić and others going from house to house in Softići village and taking cars, tractors, furniture, and electrical goods. If a car or tractor did not start they would blow it up.[5960] **Witness RM-017** stated that sometime between May and August 1992, Slavko Puhalić took possession of the car of a Bosnian-Muslim man.[5961] Puhalić made that man's brother sign a document declaring that the car was 'voluntarily' left with Puhalić for the latter to use it.[5962] Puhalić used the car until at least 5 August 1992, presumably to pick up people from other camps and bring them to Omarska camp.[5963] Puhalić also took three trucks from the man's father and brother in a similar manner.[5964]

1388. On 27 May 1992, during the attack on Briševo soldiers looted various items from the houses of the town.[5965] **Ivo Atlija** testified that on 25 July 1992, while hiding during an attack on the village, he saw 'Četnik' groups and regular soldiers, who either had a star on their helmets or a Serb tri-coloured patch, *i.e.* red, blue, and white, carrying looted property in cars, small trucks, and carts.[5966] Looted property included cars, agricultural equipment including tractors, and electronic equipment such as televisions and refrigerators.[5967] The Četnik' groups and regular soldiers were all involved in the looting.[5968] After the initial attack, small groups of 'Četniks', bearing distinct insignia and led by Draško Topić, returned to Briševo on a daily basis to loot until November 1992.[5969] They also took cattle.[5970]

1389. With regard to Prijedor Town, **Nusret Sivac** testified that on 30 May 1992 soldiers wearing red berets came to his apartment in town a number of times, looking

[5958] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 7.
[5959] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 7.
[5960] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 8.
[5961] P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 11, 19-20.
[5962] P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 19-20.
[5963] P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 10-11, 20, 22.
[5964] P3228 (Witness RM-017, witness statement, 1 September 1994), p. 20.
[5965] Adjudicated Facts I, no. 1094.
[5966] P168 (Ivo Atlija, witness statement, 20 October 2000), paras 43, 47, 50, 55.
[5967] P168 (Ivo Atlija, witness statement, 20 October 2000), para. 55.
[5968] P168 (Ivo Atlija, witness statement, 20 October 2000), para. 55.
[5969] P168 (Ivo Atlija, witness statement, 20 October 2000), para. 93; P169 (Statement by Ivo Atlija to Croatian authorities, 30 January 1993), paras 42, 49.

for weapons, alcohol, and valuables.[5971] They also searched other flats, mostly those owned by Muslims, and took whatever they liked.[5972]

1390. **Witness RM-038** testified that on 21 July 1992, soldiers entered the village of Čemernica and looted property from the houses.[5973] The soldiers would come in small groups in private cars and fill their cars, leave, and come back again to get more.[5974] Looted property included television sets, gold, and other valuables.[5975] When the witness returned to his house on 24 July 1992, door and window frames had been ripped off and all valuables had been taken.[5976]

1391. Villagers forced to leave the area had to sign over their property to either the ARK or the Bosnian-Serb Republic.[5977] While at first real property certificates were issued in order to justify the confiscation, later on certificates were no longer issued.[5978] Bosnian-Serb residents did not have their property confiscated.[5979]

Plunder at detention centres in Prijedor Municipality

1392. With regard to Omarska camp, **Nusret Sivac** testified that during his detention there from 20 June 1992 to 7 August 1992, he observed that Milorad Tadić was tasked with calling out the names of wealthy and distinguished people from Prijedor after which he took them somewhere and pressed them to give him money.[5980] He and a group of guards would then take them somewhere to collect or find the money.[5981] With regard to this camp, the Trial Chamber has also considered the evidence of Witness RM-017 and Witness RM-026, reviewed in chapter 4.10.2 *Schedule C.15.2*.

1393. With regard to Trnopolje camp, **Witness RM-709** stated that on 26 May 1992, men from Kuruzović's unit searched the detainees that were held at the hall in the old

[5970] P168 (Ivo Atlija, witness statement, 20 October 2000), paras 93-94
[5971] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6565, 6576.
[5972] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6576.
[5973] P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5881, 5885, 5910-5911.
[5974] P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5910-5911.
[5975] P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5910-5911.
[5976] P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5965, 5972.
[5977] Adjudicated Facts I, no. 934. The Chamber interprets 'forced' in this adjudicated fact in a factual manner and does not attribute any legal meaning to it.
[5978] Adjudicated Facts I, no. 934.
[5979] Adjudicated Facts I, no. 934.
[5980] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6619-6621, 6639, 6687.
[5981] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6639.

school in Trnopolje and took away their belongings, including documents, watches, wallets, and jackets.[5982] They took a gold chain and 10,000 DEM from the witness.[5983] **Witness RM-060** stated that on 20 July 1992 the men living in Bišćani were bussed to Trnopolje camp, while the women were permitted to stay in Bišćani.[5984] Upon arrival at the camp, the men were searched by Serb soldiers[5985] and they had to hand over their valuables.[5986]

1394. On 21 August 1992, while Witness RM-060 and other detainees from Trnopolje camp were bussed in the direction of Banja Luka, one guard on the bus ordered the witness to collect from the men on the bus all of their bank notes and valuables, *i.e.* watches, gold, and jewellery.[5987] Later that day, after the bus had stopped near a creek, a person wearing a police uniform told the men to put all their valuables in a plastic bag.[5988] The bag was passed around and eventually returned to the man in police uniform.[5989] With regard to the treatment of detainees leaving Trnopolje camp, the Trial Chamber has also considered the evidence of Idriz Merdžanić, Witness RM-074, Nusret Sivac, Jusuf Arifagić, Senija Elkasović, Elvedin Nasić, and Witness RM-023 in chapters 4.10.2 *Schedule C.15.5* and 4.10.7.

1395. With regard to Keraterm camp, the Trial Chamber has considered the evidence of Jusuf Arifagić and Witness RM-033, reviewed in chapter 4.10.2 *Schedule C.15.3*.

The Trial Chamber's findings

1396. Based on the above, the Trial Chamber finds that in mid-1992, during the attacks on the villages of Bišćani, Kozaruša, Kamičani, Kevljani, Rakovčani, Čarakovo, and Rizvanovići, all located in Prijedor Municipality, members of the VRS looted houses belonging to non-Serbs. Considering that theses villages were Bosnian Muslim, the Trial Chamber finds that the looted property belonged to the Bosnian-Muslim inhabitants of the villages. Looted goods included tractors, cars, cattle, farming equipment, and household goods.

[5982] P3437 (Witness RM-709, witness statement, 6 June 2000), p. 6.
[5983] P3437 (Witness RM-709, witness statement, 6 June 2000), p. 6.
[5984] P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), p. 6860.
[5985] During his testimony, the witness referred to 'soldiers of Serb nationality'. Considering the overall context, the Trial Chamber understands the witness to have referred to soldiers of Serb ethnicity.
[5986] P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), p. 6878.
[5987] P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), pp. 6897-6898; P2598 (Map).
[5988] P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), pp. 6900-6903; P2598 (Map).

1397. With regard to Hambarine, the Trial Chamber recalls its finding set out in chapter 4.10.3 that on 21 May 1992, Hambarine was shelled by Bosnian-Serb forces and that on 23 May 1992, the VRS, including the 5th Kozara Brigade, acting jointly with the police and paramilitary groups, again shelled Hambarine. The Trial Chamber finds those involved in the attack of Hambarine looted property, including valuables, cars, and tractors after it was attacked on 21 May 1992. Considering that Hambarine was a predominantly Bosnian-Muslim village, the Trial Chamber finds that the property looted belonged to the Bosnian-Muslim inhabitants of the village Additionally, the Trial Chamber finds that on 9 June 1992, four armed men wearing JNA uniforms looted goods from a café in Hambarine that was owned by a Bosnian Muslim.

1398. The Trial Chamber recalls its finding in chapter 4.10.1 *Schedule A.6.1* that between 24 until around 26 May 1992, VRS units of the Banja Luka Corps, commanded by Talić, including the 343rd Mechanised Brigade, later known as the 43rd Motorized Brigade commanded by Vladimir Arsić together with Radmilo Zeljaja, described as the commander of the 'Prijedor army', attacked Kozarac. It further recalls that in addition, Duško Tadić, Andžić's paramilitaries, members of the 5th Kozara Brigade, the 6th Krajina Brigade commanded by Branko Basara including a platoon under the command of Macola, as well as the *Crni Đorde* intervention platoon, a scouts platoon and a police platoon and the Serb police from Prijedor, headed by Simo Drljača, participated in the attack. The Trial Chamber finds that those involved in the attack on Kozarac, looted houses in and around Kozarac after it was attacked at the end of May 1992. Considering that Kozarac was a predominantly Bosnian-Muslim town, the Trial Chamber finds that some, if not all of the property looted belonged to the Bosnian-Muslim inhabitants of the town They took cars, tractors, furniture, and electrical goods.

1399. With respect to the incident involving a Bosnian-Muslim man's car, the Trial Chamber finds that sometime between the end of May and August 1992, Slavko Puhalić took the man's car in Prijedor Municipality and made the brother of that man sign a document declaring that the car was voluntarily left to Puhalić. During the same time-period, Puhalić also took three trucks that belonged to the man's father and brother. The Trial Chamber recalls its finding in chapter 3.1.2 that Puhalić was a member of the VRS 43rd Motorised Brigade.

[5989] P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), p. 6903.

1400. With regard to Briševo village, the Trial Chamber recalls its finding in chapter 4.10.3 that on 27 May 1992, the VRS, acting jointly with the police and paramilitary groups, attacked the village. The Trial Chamber finds that those involved in this first attack on Briševo, looted houses. The Trial Chamber further recalls its finding in chapter 4.10.3 that starting from 24 July onwards, the Bosnian-Serb military, including the 5th Kozarac Brigade and the 6th Krajina Brigade, led by Branko Basara and Veljko Brajić, soldiers in JNA uniforms with red ribbons around their arms, helmets, and *subara* hats, acting jointly with the police and paramilitary groups, launched a second attack on Briševo. The Trial Chamber finds that on 25 July 1992, during the second attack on the village, those involved in the second attack looted property, including cars, agricultural equipment, and electronic equipment. After the attack on 25 July until at least November 1992, small groups of 'Chetniks' led by Draško Topić returned to Briševo on a daily basis to loot. Considering that Briševo was inhabited mainly by Bosnian Croats, the Trial Chamber finds that the property looted belonged to the Bosnian-Croat inhabitants of the village.

1401. The Trial Chamber recalls its finding in chapter 4.10.3 that on 30 May 1992, Bosnian-Serb forces attacked Prijedor Town and that the following groups and persons were involved in the attack: the 5th Kozara Brigade, commanded by Pero Colić, the 43rd Motorized Brigade, commanded by Arsić and Zeljaja, some members of the 6th Krajina Brigade, the Prijedor police led by Simo Drljača, Dule Janković, Milutin Cadzo, people from Bosanski Novi, the 'Spare Ribs', a group of men, including Milenko Milić, a member of Milan Andzić's paramilitary unit, his commander Momčilo Radanović a.k.a. Cigo, and Milorad Vokić, Simo Drljača's personal bodyguard. The Trial Chamber finds that on 30 May 1992, those involved in the attack took goods from apartments owned by Bosnian Muslims in Prijedor Town.

1402. In relation to Čemernica village, the Trial Chamber finds that after entering the village on 21 July 1992, sometime between 21 and 24 July 1992, soldiers repeatedly came in small groups by car to take household appliances and valuables from houses. Considering that Čemernica was exclusively inhabited by Bosnian Muslims, the Trial Chamber finds that the property taken belonged to the Bosnian-Muslim inhabitants of the village.

1403. The Trial Chamber recalls its finding in chapter 4.10.3 that between 24 May and July 1992, the VRS, acting jointly with the police and paramilitary forces, attacked

Ljubija. Based on the foregoing, the Trial Chamber finds that in July 1992, after the attack on Ljubija, over the course of several days those involved in the attack took money and jewellery from Bosnian-Muslim women and valuables from Bosnian-Muslim and Bosnian-Croat houses in the village.

1404. Furthermore, the Trial Chamber finds that Bosnian-Muslim and Bosnian-Croat[5990] villagers forced to leave Prijedor Municipality had to sign over their property to either the ARK or the Bosnian-Serb Republic pursuant to a law passed by the Crisis Staff. Real property certificates were issued initially in order to justify the confiscations, but this practice was later discontinued.

1405. In relation to Omarska camp, the Trial Chamber finds that between May and August 1992, during their detention, detainees in the camp were forced to hand over valuables and money to Serb guards, the police, as found in chapter 4.10.2 *Schedule C.15.2*.

1406. In relation to Keraterm camp, the Trial Chamber finds that on 14 June 1992, Serb soldiers under the command of Draze Mitrović forced a group of 43 men that had been arrested to hand over money and valuables as they were being walked in the direction of Omarska along the Prijedor-Banja Luka highway, before being transferred to the camp. The Trial Chamber also finds that on 14 July 1992, upon arrival at Keraterm camp two Bosnian-Muslim women and a number of men were forced to remove all of their jewellery and valuables by Duško Sikirica, the camp commander of Keraterm.

1407. In relation to Trnopolje camp, the Trial Chamber finds that on 26 May 1992, men from Kuruzović's unit took valuables, cash, and personal effects from detainees held in the camp.[5991] On 20 July 1992, Serb soldiers forced newly arrived detainees to hand over their valuables. Since this happened at the camp, the Trial Chamber finds that the Serb soldiers were guards at Trnopolje camp, members of the TO and VRS as found in chapter 4.10.2 *Schedule C.15.4*.

[5990] The Trial Chamber notes that the evidence refers to non-Serbs. Considering that the population of Prijedor Municipality was largely composed of Bosnian Serbs, Bosnian Muslims, and Bosnian Croats (*see* P2788 (Ewa Tabeau, Demography report, Annex B), p. 25), the Trial Chamber understands that non-Serbs, for the purposes of Prijedor Municipality, refers to Bosnian Muslims and Bosnian Croats.
[5991] Witness RM-709 testified that detainees were held at the hall in the old school and in the community hall of Trnopolje. Adjudicated Fact 1062 states that Trnopolje camp consisted of a former school building and what had been a municipal centre. Thus, the Trial Chamber considers that Witness RM-709 was in fact referring to detainees held at Trnopolje camp.

1408. The Trial Chamber further finds that on several occasions between late May and September 1992, detainees from Trnopolje and Omarska camps were allowed to leave the municipality in bus convoys, on the condition that they handed over their money and valuables to the camp guards, members of the police, TO, and VRS as found in chapter 4.10.2 *Schedules C.15.2* and *C.15.4*, or signed a form stating that they voluntarily transferred all of their real and personal property to the Serb authorities or the Serbs. During this same period, while being bussed from Trnopolje and Omarska camps, detainees were forced to hand over money and valuables to the guards at both camps, to Serb soldiers, to a man wearing a police uniform, to Serb soldiers from the Special Task Force, and to the military police.

1409. The Trial Chamber will further consider these incidents in relation to Count 3 of the Indictment in chapter 8 below.

1410. With regard to several incidents concerning mosques and a church, the Trial Chamber finds that the Čaršijska mosque located in Prijedor Town, the Ćela mosque, the Hadžići mosque, and the Roman Catholic parish church of St. Leopold Mandić located in Ljubija were looted. The Trial Chamber notes that it did not receive evidence concerning the date on which the Hadžići mosque was looted or on the identity or affiliation of the perpetrators. As explained in Appendix B, the Trial Chamber will not rely on evidence provided by Riedlmayer if it was not specified how his sources had obtained their information or the methods they had used to compile the written information he ultimately relied on. It will therefore not rely on his evidence on alleged perpetrators and dates. Consequently, the Trial Chamber is unable to establish the date and perpetrators of the looting of the Čaršijska, Ćela, and Hadžići mosques or of the Roman Catholic parish church of St Leopold Mandić. Therefore, it will not further consider these incidents in relation to any counts of the Indictment.

4.10.5 Forced labour and human shields

1411. According to the Indictment, the Accused is responsible for subjecting Bosnian Muslims and Bosnian Croats in Prijedor Municipality to forced labour and using them as human shields between 12 May 1992 and 30 November 1995.[5992] The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this allegation,

[5992] Indictment, paras 39(c), 47, 59(h).

which are set out in chapters 4.10.1 *Schedules A.6.5* and *B.13.2*and 4.10.2 *Schedule C.15.2*. It also received evidence from **Witness RM-704**, **Witness RM-038**, **Witness RM-026**, **Nermin Karagić**, **Nusret Sivac**, **Azra Blažević**, **Safet Tači**, **Jusuf Arifagić**, and **Witness RM-047**. All the mentioned witnesses are Bosnian Muslims from Prijedor Municipality. The Trial Chamber finds this evidence to be consistent with the Adjudicated Facts.[5993] The Trial Chamber received further evidence from **Witness RM-384**, a driver mobilised into the JNA on 5 May 1992;[5994] **Witness RM-383**, a Serb truck driver who lived in Prijedor;[5995] **Witness RM-385**, a Serb from Prijedor;[5996] **Witness RM-023**, a Muslim residing in Prijedor Municipality in 1991 and 1992**;**[5997] as well as **Mevludin Sejmenović**, the Vice President of the SDA in Prijedor from 1990-1992.[5998] The Adjudicated Facts and evidence deal with forced labour incidents in Omarska, Trnopolje and Keraterm camps, as well as elsewhere in Prijedor Municipality.

1412. With regard to the alleged forced labour in Prijedor following Schedule Incidents A.6.5 and A.6.6, the Trial Chamber took judicial notice of Adjudicated Fact no. 904, and recalls the evidence of Witness RM-038, Witness RM-383, Witness RM-384 and Witness RM-704, reviewed in chapter 4.10.1 *Schedule A.6.5*.

[5993] **Witness RM-038**: P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5913-5914, 5930-5931, 5966-5969; T. 19905. **Witness RM-704**: P2602 (Witness RM-704, witness statement, 12 October 2001), pp. 4-7. **Witness RM-026**: P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 9; **Witness RM-704**: P2602 (Witness RM-704, witness statements) statement of 12 October 2001, pp. 1-2; **Witness RM-038**: P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5874, 5878-5879; **Witness RM-026**: P2585 (Witness RM-026, witness statements), statement of 23 September 1994, pp. 1-2; **Nermin Karagić**: P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5203-5204, 5209-5210; **Azra Blažević**: P3617 (Azra Blažević witness statement, 10 November 1994), p. 1; **Nusret Sivac**: P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6691; Nusret Sivac, T. 4843; **Safet Tači**: P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 1; P159 (Safet Tači, witness statement, 20 September 2000), p. 1; Safet Tači, T. 2092; **Jusuf Arifagić**: P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 1-2; **Witness RM-047**: P2594 (Witness RM-047, witness statement, 14 March 2000), pp. 1-2; P2595 (Witness RM-047, *Stakić* transcript, 22 July 2002), p. 6204. The evidence of Witness RM-704, Witness RM-038, and Witness RM-026 has been reviewed in chapter 4.10.1 *Schedules A.6.5* and *B.13.2* The evidence of Nermin Karagić has been reviewed in chapter 4.10.1 *Schedule A.6.8*. The evidence of Nusret Sivac and Azra Blažević has been reviewed in chapter 4.10.2 *Schedule C.15.4*. The evidence of Safet Tači and Jusuf Arifagić has been reviewed in chapter 4.10.1 *Schedule B.13.1*. The evidence of Witness RM-047 has been reviewed in chapter 4.10.4 *Schedule B.13.5*.

[5994] P7313 (Witness RM-384, witness statement, 30 January 2014), p.1, para. 2. The evidence of Witness RM-384 has been reviewed in chapter 4.10.1 *Schedule A.6.5*.

[5995] P7416 (Witness RM-383, witness statement, 28 January 2014), p. 1, paras 1-2. The evidence of Witness RM-383 has been reviewed in chapter 4.10.1 *Schedule A.6.5*.

[5996] P7314 (Witness RM-385, witness statement, 5 April 2014), p. 1, paras 2, 4, 8-10. The evidence of Witness RM-385 has been reviewed in chapter 4.10.1 *Schedule B.13.1*.

[5997] P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 1-2. The evidence of Witness RM-023 has been reviewed in chapter 4.10.1 *Schedule B.13.1*.

[5998] P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 4. The evidence of Mevludin Sejmenović has been reviewed in chapter 4.10.1 *Schedule B.13.5*.

1413. With regard to the alleged forced labour in Prijedor following Scheduled Incident A.6.8, the Trial Chamber took judicial notice of Adjudicated Facts nos 912 and 913, and recalls the evidence of Nermin Karagić reviewed in chapter 4.10.1 *Schedule A.6.8* that detainees at the Ljubija football stadium were ordered to load dead bodies onto a bus.

1414. With regard to the alleged forced labour in Omarska camp, the Trial Chamber took judicial notice of Adjudicated Facts nos 946, 947, 1012, 1015, and 1016, and recalls the evidence of Witness RM-026, reviewed in chapters 4.10.1 *Schedule B.13.2* and 4.10.2 *Schedule C.15.2* that detainees were forced to clean up the rooms after the beatings in the white house at Omarska camp, and to load dead bodies onto trucks.

1415. With regard to the alleged forced labour in Trnopolje camp, **Azra Blažević** stated that detainees were taken out of Trnopolje camp and forced to dig graves and bury bodies in the surrounding area of the camp.[5999] **Safet Tači** testified that the detainees in Trnopolje were often called for forced labour, but the witness never participated.[6000] The Trial Chamber also recalls the evidence of Azra Blažević, Nusret Sivac, Witness RM-047, and Mevludin Sejmenović, reviewed in chapters 4.10.1 *Schedule B.13.5* and 4.10.2 *Schedule C.15.4*.

1416. With regard to the alleged forced labour in Keraterm camp, the Trial Chamber took judicial notice of Adjudicated Facts nos 1053 and 1054, and recalls the evidence of Jusuf Arifagić, Witness RM-023, Safet Taći, and Witness RM-385, reviewed in chapter 4.10.1 *Schedule B.13.1*.

1417. Based on the foregoing, the Trial Chamber finds that in July 1992, members of the VRS ordered Bosnian Muslims, including Bosnian-Muslim and Bosnian-Croat detainees from the Ljubija stadium to collect approximately 300 to 400 corpses in Prijedor Municipality, which they loaded onto buses and military trucks.

1418. The Trial Chamber also finds that some time between 25 May and late August 1992, guards, the police as found in chapter 4.10.2 *Schedule C.15.2*, made detainees in Omarska camp load and unload corpses onto and from trucks, as well as clean the white and red houses after detainees were beaten there. In relation to the ethnicity of the detainees at Omarska camp, the Trial Chamber further found in chapter 4.10.2 *Schedule*

[5999] P3618 (Azra Blažević, *Tadić* transcript, 12-13 June 1996), p. 2528.
[6000] P158 (Safet Tači, proffer of testimony, 4 May 1998), paras 92-93.

C.15.2 that approximately 3,300 Bosnian Muslims and Bosnian Croats were detained at Omarska, as well as a few Bosnian Serbs.

1419. The Trial Chamber also finds that from mid-July 1992, guards selected Bosnian-Muslim and Bosnian-Croat detainees at Trnopolje camp, including women and children, to perform labour, including the burial of corpses in the area surrounding the camp, and around 10 August 1992, some detainees were ordered by guards to remove wire from the fencing around the camp. With regard to the affiliation of the guards, the Trial Chamber found in chapter 4.10.2 *Schedule C.15.4* that Trnopolje camp was initially secured by members of the Prijedor TO and soon afterwards by VRS soldiers.

1420. The Trial Chamber further finds that on or around 25 July 1992, guards, members of the SJB and VRS as found in chapter 4.10.2 *Schedule C.15.3*, made detainees in Keraterm camp load and unload corpses onto a truck, clean Room 3 and the surrounding area where detainees were murdered, as well as wash the truck in which the corpses were being transported. In respect of the ethnicity of Keraterm camp detainees, the Trial Chamber found in chapter 4.10.1 *Schedule B.13.1* that they were primarily Bosnian Muslims and Bosnian Croats, with a small number of Albanians and at least one Bosnian Serb.

1421. The Trial Chamber will further consider these incidents in relation to Count 3 of the Indictment in chapter 8 below.

4.10.6 Imposition and maintenance of restrictive and discriminatory measures

1422. According to the Indictment, the Accused is responsible for imposition and and maintenance of restrictive and discriminatory measures on Bosnian Muslims and/or Bosnian Croats in Prijedor Municipality between 12 May 1992 and 30 November 1995.[6001] The Defence argued that all measures taken by both VRS and civilian authorities were not discriminatory as they were enacted for legitimate and security reasons.[6002] The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this charge.[6003] Further, it received evidence from witnesses **Sead Sušić**, a

[6001] Indictment, paras 47, 59(k).
[6002] Defence Final Brief, paras 1016-1017, 1023, 1026, 1028-1052.
[6003] Adjudicated Facts I nos 847, 849-852 have been reviewed in chapter 4.10.7. Adjudicated Facts I no. 935 has been reviewed in chapter 8.2.2.

Bosnian Muslim from Čarakovo, Prijedor Municipality;[6004] **Elvedin Nasić**, a Bosnian Muslim from Hambarine, Prijedor Municipality;[6005] **Witness RM-023**, a Muslim residing in Prijedor Municipality in 1991 and 1992;[6006] **Mevludin Sejmenović**, the Vice-President of the SDA in Prijedor from 1990 to 1992;[6007] **Witness RM-387**, a Bosnian-Serb employee at the Ljubija Mining Company in Prijedor as of the spring of 1992;[6008] **Witness RM-383**, a Serb truck driver who lived in Prijedor;[6009] **Nusret Sivac** a Bosnian-Muslim journalist for TV Sarajevo who covered events in Prijedor and surrounding municipalities;[6010] **Idriz Merdžanić**, a Bosnian-Muslim doctor from Kreševo, Sarajevo Municipality;[6011] and **Witness RM-065**, a Bosnian Muslim from Prijedor,[6012] and finds that this evidence is consistent with the Adjudicated Facts.[6013]

1423. Upon its formation in May 1992, the Prijedor Crisis Staff implemented restrictive measures against non-Serbs, who were fired from their jobs, and whose children were barred from attending primary and secondary schools.[6014] Non-Serbs no longer qualified for leadership positions in Prijedor and were eventually forced to leave

[6004] P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, p. 1, paras 1, 5, witness statement of 1 December 2014, p. 1.
[6005] P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, pp. 1-2, witness statement of 15 March 2000, pp. 1, 6.
[6006] P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 1-2.
[6007] P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 4.
[6008] P7316 (Witness RM-387, witness statement, 4 July 2014), p. 1, para. 1.
[6009] P7416 (Witness RM-383, witness statement, 28 January 2014), p. 1, paras 1-2.
[6010] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6561-6562; Nusret Sivac, T. 4839.
[6011] P269 (Idriz Merdžanić, witness statement, 28 August 2000), p. 1, paras 1-3; Idriz Merdžanić, T. 3321.
[6012] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 1-2, witness statement of 28 August 2000, p. 2; P3274 (Pseudonym sheet for Witness RM-065). See also P3279 (Table of Concordance).
[6013] **Sead Sušić**: P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, paras 8, 14. **Elvedin Nasić:** P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 2, witness statement of 10 January 2002, p. 1. **Witness RM-023**: P3234 (Witness RM-023, witness statement, 25 August 2000), p. 3. **Witness RM-026**: P2585 (Witness RM-026, witness statements), statement of 23 September 1994, pp. 4-5; P2586 (Witness RM-026, *Stakić* transcript, 26 April and 1 May 2001), pp. 2390, 2392. **Mevludin Sejmenović**: P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 17-19, 40; Mevludin Sejmenović, T. 3459, 3507-3510; P290 (Ruling by the Executive Committee of Prijedor regarding Mirzad Mufić, signed by Milan Kovačević, 18 May 1992); P285 (Conclusions of the ARK Crisis Staff, sent to municipal presidents, signed by ARK Crisis Staff President Radoslav Brđanin, dated 11 May 1992), p. 1. **Witness RM-387**: P7316 (Witness RM-387, witness statement, 4 July 2014), para. 13. **Witness RM-383**: P7416 (Witness RM-383, witness statement, 28 January 2014), paras 4-5. **Idriz Merdžanić**: P269 (Idriz Merdžanić, witness statement, 28 August 2000), paras 6, 7; Idriz Merdžanić, T. 3327, 3355, 3394-3396; D55 (Map of Kozarac, Omarska); D61 (List of employees of Prijedor General Hospital with expired contracts), pp. 1-3. **Witness RM-065**: P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 23-24. **Nusret Sivac**: Nusret Sivac, T. 4835-4836, 4841-4842; P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6576.
[6014] Adjudicated Facts IV, no. 929.

almost all positions.[6015] **Mevludin Sejmenović** testified that shortly after the take-over of Prijedor, non-Serbs were denied access to banks and to the municipal building.[6016] The conclusions of the ARK Crisis Staff of 11 May 1992 were that classes in all elementary and secondary schools were to finish by 20 May 1992, and that '[o]nly persons who are absolutely loyal to the Serbian Republic of Bosnia and Herzegovina can be placed in the management positions in enterprises'.[6017] On 22 June 1992, the ARK Crisis Staff decided that 'all executive posts, posts involving a likely flow of information, posts involving the protection of public property, that is, all posts of importance to the functioning of the economy may only be held by personnel of Serbian nationality'.[6018] On 2 July 1992, the Prijedor Crisis Staff ordered all organs, enterprises and communities to terminate the employment of workers who had participated in the armed rebellion, and who were in Omarska and Keraterm. Information about those workers was to be submitted by the Prijedor SJB. The SJB and the competent Municipal Inspection Service were to be responsible for the execution of the order.[6019]

1424. The control over movement of non-Serbs in Prijedor Municipality extended as far as private residences through the use of registers in which Muslims and Croats had to record the movements of individuals within apartment buildings and daily searches were conducted in almost every apartment inhabited by Muslims and Croats.[6020]

1425. **Witness RM-065** stated that from late May 1992, Serbs forced Muslim inhabitants to register on the ground floor before entering their apartment buildings in Prijedor and every evening give the list to a Serb living in the building.[6021] Additional restrictions suffered by non-Serbs included the blocking of telephone lines and the partial shut-down of electricity.[6022] After the take-over of Prijedor, non-Serbs were prevented from travelling outside the municipality, and within the municipality travel was severely restricted by means of a curfew and checkpoints.[6023] **Nusret Sivac** specified that between 20 April 1992 and 20 May 1992, the Prijedor Crisis Staff issued

[6015] Adjudicated Facts IV, no. 929.
[6016] P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 17; Mevludin Sejmenović, T. 3509-3510.
[6017] P285 (Conclusions of the ARK Crisis Staff, sent to municipal presidents, signed by ARK Crisis Staff President Radoslav Brđanin, dated 11 May 1992), p. 1.
[6018] P289 (Dispatch of the CSB Banja Luka to the Chiefs of all SJBs, forwarding Decision of the ARK Crisis Staff of 22 June 1992, 6 July 1992).
[6019] P4006 (Prijedor Crisis Staff order on termination of employment of workers, 2 July 1992).
[6020] Adjudicated Facts I, no. 930.
[6021] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 22.
[6022] Adjudicated Facts I, no. 931.

directives, ultimatums, and instructions to Prijedor Municipality inhabitants: a curfew was imposed, media was controlled, there was a general call-up for the Serb population, non-Serbs had to hand over their weapons, all economic activity had to cease by 20 May and workers were to go home, and all schools and kindergartens had to close before 20 May.[6024] **Idriz Merdžanić** testified that in April 1992, a Serb military unit set up checkpoints in Prijedor Town.[6025] **Elvedin Nasić** stated that Serbs set up checkpoints in Prijedor Town after 31 May 1992.[6026] **Sead Sušić** stated that in early July 1992, there was a checkpoint between Čarakovo and Tukovi, manned by police wearing an insignia saying 'Srpska Krajina'.[6027] On 26 June 1992, another checkpoint was established at the Žeger bridge by Janjo Stijepić who wore an SMB uniform.[6028] Inhabitants needed to carry papers to get through the checkpoints.[6029] **Witness RM-023** had to show an identity card to pass through a checkpoint on the way to Prijedor.[6030]

1426. After the take-over of Prijedor tension developed between the new Serb authorities and Kozarac, which contained a large concentration of the Muslim population of the Prijedor Municipality: approximately 27,000 non-Serb individuals lived in the larger Kozarac area and of the 4,000 inhabitants of Kozarac town, 90 per cent were Muslim.[6031] As a result of this tension ethnically mixed checkpoints were supplemented with, and eventually replaced by, Serb checkpoints which were erected in various locations throughout the Kozarac area, as well as unofficial guard posts established by armed Muslim citizens.[6032] On 22 May 1992, telephone lines were disconnected and a blockade of Kozarac was instituted, rendering movement into and out of Kozarac extremely difficult.[6033] An ultimatum was addressed to the TO in Kozarac, requiring the Kozarac TO and police to pledge their loyalty and recognise their subordination to the new authorities in Srpska Prijedor Municipality, as well as to surrender all weapons.[6034]

[6023] Adjudicated Facts I, no. 933.
[6024] Nusret Sivac, T. 4835-4836, 4841-4842.
[6025] P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 6.
[6026] P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 2, witness statement of 10 January 2002, p. 1.
[6027] P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, paras 10, 13.
[6028] P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, para. 14.
[6029] P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, para. 8.
[6030] P3234 (Witness RM-023, witness statement, 25 August 2000), p. 3.
[6031] Adjudicated Facts I, no. 874.
[6032] Adjudicated Facts I, no. 874.
[6033] Adjudicated Facts I, no. 875.
[6034] Adjudicated Facts I, no. 876.

1427. Based on the foregoing, the Trial Chamber finds that upon its formation in May 1992, from 12 May 1992 onwards members of the Prijedor Crisis Staff dismissed Bosnian Muslims and Bosnian Croats in the municipality.[6035] Between the end of May and end of June 1992, Serbs limited the freedom of movement of Bosnian Muslims and Bosnian Croats in the municipality by requiring them to register their movements. The Trial Chamber will further consider these incidents in relation to Count 3 of the Indictment. Although the Adjudicated Facts and the evidence indicate that the freedom of movement in the municipality was additionally restricted by curfew and checkpoints, the Trial Chamber is not convinced that these measures were directed only against non-Serbs. In this respect, the Trial Chamber has in particular considered D422 and the evidence of Nusret Sivac, which appears to be referring to a general curfew. The Trial Chamber will not consider this further.

1428. According to Adjudicated Fact 929, the Prijedor Crisis Staff upon its formation in May 1992 implemented measures to bar Bosnian-Croat and Bosnian-Muslim children from attending primary and secondary schools. However, the Trial Chamber has also received evidence that all elementary and secondary schools were to close by 20 May 1992 and that enrolment in Krajina secondary schools was to be postponed until the beginning of August. The Trial Chamber will therefore not consider this incident further.

1429. With regard to the disconnection of telephone lines, shut-down of electricity, and denial of access to the municipal building and banks, the Trial Chamber considers that there is insufficient evidence as to who imposed these measures. With regard to the denial of access to the municipal building and banks the Trial Chamber further considers that since the evidence suggests that this was done shortly after the takeover of Prijedor around late April 1992, this does not fall within the temporal scope of the Indictment in relation to Count 3. The Trial Chamber will therefore not consider these incidents further.

[6035] This finding is based on Adjudicated Facts and evidence that referred to non-Serbs. Considering that the population of Prijedor Municipality was predominantly Bosnian Muslim, Bosnian Serb, and Bosnian-Croat (*see* Adjudicated Facts I, no. 839), the Trial Chamber understands that non-Serbs for the purposes for Prijedor Municipality refers to Bosnian Muslims and Bosnian Croats.

4.10.7 Forcible transfer and deportation

1430. According to the Indictment, the Accused is responsible for the forcible transfer and deportation of Bosnian Muslims and Bosnian Croats from Prijedor Municipality between 12 May 1992 and 30 November 1995.[6036] The forcible transfers and deportations were implemented by the imposition of restrictive and discriminatory measures, arbitrary arrest and detention; harassment; torture; rape and other acts of sexual violence; killing; the destruction of houses, cultural monuments, and sacred sites; and the threat of further such acts - all targeting Bosnian Muslims and Bosnian Croats. Others were physically driven out.[6037] The Defence argued that many residents had left Prijedor Municipality at the end of 1991, before the outbreak of the conflict, resulting in a noticeable decrease of the Bosnian-Muslim population in Prijedor Municipality.[6038] The Defence argued that the reasons for the shift in the ethnic makeup of the Prijedor area were twofold: (i) a large part of the Bosnian-Muslim population voluntarily left the municipality in order to get away from the conflict and violence; and (ii) the region of Prijedor was overwhelmed by an influx of Bosnian-Serb refugees who had chosen to relocate to Prijedor from Croatia and other areas in Bosnia-Herzegovina.[6039] The Defence also argued that the Bosnian-Serb authorities even tried to stop the departure of non-Serbs by offering temporary accommodation in places where the houses were in better condition.[6040]

1431. The Trial Chamber took judicial notice of a number of Adjudicated Facts related to this charge.[6041] It also received evidence from **Witness RM-065**, **Senija Elkasović**, **Safet Tači, Elvedin Nasić**, **Witness RM-023**, **Witness RM-026**, **Nermin Karagić**, all Bosnian Muslims from Prijedor;[6042] as well as evidence from **Idriz Merdžanić**, a

[6036] Indictment, paras 11-12, 47-54, 59(f), 67-68, 70.
[6037] Indictment, paras 52-54, 70.
[6038] Defence Final Brief, para. 1011.
[6039] Defence Final Brief, paras 1010, 1012-1014.
[6040] Defence Final Brief, para. 1012.
[6041] Adjudicated Facts 879 and 884 are reviewed in chapter 4.10.1 *Schedule A.6.1*; Adjudicated Facts 905-907 are reviewed in chapter 4.10.1 *Schedule A.6.6*; Adjudicated Fact 933 is reviewed in chapter 4.10.6; Adjudicated Fact 934 is reviewed in chapter 4.10.4 and Adjudicated Fact 1083 is reviewed in chapter 4.10.3.
[6042] **Witness RM-065:** P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 1-2, witness statement of 28 August 2000, p. 2; P3274 (Pseudonym sheet for Witness RM-065). **Senija Elkasović:** P3279 (Table of Concordance). P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), pp. 4597, 4601. **Safet Tači:** P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 1; P159 (Safet Tači, witness statement, 20 September 2000), p. 1; Safet Tači, T. 2092. **Elvedin Nasić:** P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, pp. 1-2, witness statement of 15 March 2000, pp. 1, 6. **Witness RM-023:** P3234 (Witness RM-023, witness statement, 25 August

Bosnian-Muslim doctor from Kreševo, Sarajevo Municipality;[6043] **Mevludin Sejmenović**, the Vice President of the SDA in Prijedor from 1990 to 1992;[6044] **Kerim Mešanović**, a Bosnian Muslim from Prijedor;[6045] and **Azra Blažević**, a Bosnian Muslim from Kozarac detained in Trnopolje camp from 26 May to August 1992;[6046] and finds that this evidence is consistent with the Adjudicated Facts.[6047] The Trial Chamber has also received evidence from **Charles McLeod**, a member of the ECMM in north-west Bosnia since July 1992;[6048] **Witness RM-385**, a Serb from Prijedor;[6049] **Draško Vujić**, a VRS battalion commander from Prijedor;[6050] and **Witness RM-038**, **Jusuf Arifagić**, **Witness RM-008**, **Witness RM-060**, **Sead Sušić**, **Witness RM-017**, and **Witness RM-074**, all Bosnian Muslims from Prijedor.[6051]

2000), pp. 1-2. **Witness RM-026:** P2585 (Witness RM-026, witness statements), statement of 23 September 1994, pp. 1-2. **Nermin Karagić:** P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5203-5204, 5209-5210.

[6043] P269 (Idriz Merdžanić, witness statement, 28 August 2000), p. 1, paras 1-3; Idriz Merdžanić, T.3321.

[6044] P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 4.

[6045] P3414 (Kerim Mešanović, witness statement, 18 March 2013), p. 1, para. 3.

[6046] P3617 (Azra Blažević witness statement, 10 November 1994), pp. 1, 10, 27; P3618 (Azra Blažević, *Tadić* transcript, 12-13 June 1996), p. 2539.

[6047] **Witness RM-065**: P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 4, 16-17, 22; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), pp. 1260-1261, 1263-1264. **Mevludin Sejmenović**: P283 (Mevludin Sejmenović, witness statement, 13 August 2012), paras 17, 40. **Senija Elkasović**: P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), pp. 4618, 4619-4620. **Safet Tači**: P158 (Safet Tači, proffer of testimony, 4 May 1998), paras 94-95; Safet Tači, T. 2129. **Azra Blažević**: P3617 (Azra Blažević witness statement, 10 November 1994), pp. 16, 28. **Elvedin Nasić**: P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 2; P2601 (Elvedin Nasić, *Brđanin* transcript, 12 December 2002), pp. 12686-12687. **Witness RM-023**: P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 2, 16; P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), p. 3975. **Witness RM-026**: P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 6. **Idriz Merdžanić**: P269 (Idriz Merdžanić, witness statement, 28 August 2000), paras 76-77; P270 (Corrections and clarifications to witness statement of Idriz Merdžanić), p. 1; Idriz Merdžanić, T. 3367-3368.

[6048] P3258 (Charles McLeod, *Brđanin* transcript 21-24 June 2002), p. 7281.

[6049] P7314 (Witness RM-385, witness statement, 5 April 2014), p. 1, paras 2, 4, 8-10.

[6050] D1041 (Draško Vujić, witness statement, 24 January 2014), paras 1, 7; Draško Vujić, T. 34990.

[6051] **Witness RM-038**: P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5874, 5878-5879. **Jusuf Arifagić**: P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 1-2. **Witness RM-060**: P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), pp. 6850-6851, 6853; P2597 (Witness RM-060, pseudonym sheet from *Prosecutor v. Stakić*, Case No. IT-97-24-T); P2599 (Witness RM-060, table of concordance to *Stakić* transcript, 7 March 2013), p. 1. **Saed Sušić**: P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, para. 33. P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 1-2. **Witness RM-074**: P3431 (Witness RM-074, witness statements), witness statement of 2 October 2000, pp. 1-2, witness statement of 12 December 2012, p. 1, witness statement of 8 July 2013, p. 1. The evidence of Jusuf Arifagić, Witness RM-008, Witness RM-060, Witness RM-017, and Witness RM-074 is reviewed in chapter 4.10.2 *Schedule C.15.4*.

Events prior to 12 May 1992

1432. Before the takeover on 30 April 1992, Prijedor Municipality was ethnically a relatively mixed area: in 1991 Muslims were the majority in the municipality; out of a total population of 112,000, 49,700 (44 per cent) were Muslims and about 40,000 (42.5 per cent) Serbs, with the remainder made up of Croats (5.6 per cent), Yugoslavs (5.7 per cent), and others (2.2 per cent).[6052]

1433. **Mevludin Sejmenović** testified that the before the takeover of the municipality, the President of the ARK Crisis Staff, Radoslav Brđanin, said on television something like 'non-Serbs would not need wood for the winter' which among the non-Serb population was understood as a concealed threat and caused fear and panic.[6053] By the end of April 1992, a number of clandestine Serb police stations were created in the municipality of Prijedor and more than 1,500 armed men were ready to take part in the takeover.[6054] On 30 April 1992, the SDS conducted a bloodless takeover of the town of Prijedor with the aid of the military and police forces.[6055] The forcible takeover of the municipal authorities in Prijedor was prepared well in advance of 1 May 1992.[6056]

1434. In the night of 29 to 30 April 1992, employees of the SJB and reserve police gathered in Čirkin Polje, part of the town of Prijedor.[6057] Only Serbs were present and some of them were wearing military uniforms.[6058] The actual takeover was conducted in the early hours of the morning when armed Serbs took up positions at checkpoints all over Prijedor, with soldiers and snipers on the roofs of the main buildings.[6059] JNA soldiers, wearing a variety of uniforms, occupied all of the prominent institutions such as the radio station, medical centre, and bank.[6060] The JNA soldiers entered buildings, declared that they had taken power and announced their decision to rename opština Prijedor 'Srpska opština Prijedor'.[6061] **Witness RM-065** stated that on the morning of 30 April, on his way to work, he saw a Serbian flag on the Municipal Assembly

[6052] Adjudicated Facts I, nos 839, 847, 849-850.
[6053] P283 (Mevludin Sejmenović, witness statement, 13 August 2012), paras 11-12.
[6054] Adjudicated Facts I, no. 846.
[6055] Adjudicated Facts I, no. 847.
[6056] Adjudicated Facts I, no. 848.
[6057] Adjudicated Facts I, no. 849.
[6058] Adjudicated Facts I, no. 849.
[6059] Adjudicated Facts I, no. 850.
[6060] Adjudicated Facts I, no. 851.
[6061] Adjudicated Facts I, no. 852.

building.[6062] The witness recognised soldiers at Radio Prijedor as Serbs from Prijedor and some from surrounding villages.[6063] He also recognized Milomir Stakić, Vice-President of the Prijedor Municipal Assembly, among the soldiers.[6064] Calls were also made at that time for the surrender of weapons which, although addressed to the population at large, were only enforced with respect to Muslims and Croats, most of whom complied out of fear of punishment.[6065] A declaration on the takeover prepared by the SDS was read out on Radio Prijedor the day after the takeover and was repeated throughout the day.[6066] **Witness RM-065** stated that the declaration confirmed that the Serbs would not put their army in Muslim areas, but would instead control the areas they considered to be theirs, as well as all the important buildings in Prijedor.[6067]After the takeover of the town of Prijedor and before the attack on Kozarac, continuous references were made by Serbs on the police radio about destroying mosques and everything that belonged to the '*balijas*', as well as the need to destroy the '*balijas*' themselves.[6068] **Witness RM-065** stated that in the first five or six days after the takeover, he saw that some of the soldiers in town wore regular JNA uniforms, with the five-pointed Yugoslav star. The witness saw 'Knindza' and 'Marticevci' soldiers with red berets. He observed insignia which he had not seen before.[6069] With regard to Hambarine, by May 1992, many of the inhabitants had already fled to other Muslim or Croat-dominated areas, heading north to other villages or south to a forested area which was shelled.[6070]

Events after 12 May 1992

1435. Between May and July 1992, the predominantly Bosnian-Muslim and Bosnian-Croat inhabited areas and villages of Hambarine, Kozarac, Kamičani, Bišćani, Čarakovo, Briševo, and Ljubija were attacked by the VRS acting jointly with the police and paramilitary groups.[6071] These attacks mostly started after the expiry of a deadline

[6062] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 16.
[6063] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 16-17.
[6064] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 4, 7, 16-17.
[6065] Adjudicated Facts I, no. 854.
[6066] Adjudicated Facts I, no. 855.
[6067] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 17.
[6068] Adjudicated Facts I, no. 857.
[6069] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 17.
[6070] Adjudicated Facts I, no. 1112.
[6071] Adjudicated Facts I, no. 867.

for non-Serbs to surrender their weapons.[6072] Sometimes an incident caused by non-Serbs would be used as a pretext.[6073] Attacks were conducted by intensive shelling with heavy army weaponry. Houses in Muslim villages and neighbourhoods were targeted and shelled indiscriminately, resulting in extensive destruction and civilian casualties. Many of the survivors fled the villages and sought shelter in the surrounding forests.[6074] After the shelling, armed soldiers entered the villages, looted and torched houses, and expelled or killed some of the villagers who remained behind.[6075] In some instances, women were raped.[6076] The Bosnian-Muslim and Bosnian-Croat population of Prijedor municipality was not able to set up any efficient resistance to these armed attacks by the Bosnian-Serb army acting jointly with the police and paramilitary groups.[6077] They were not adequately organised and they did not have sufficient weapons with which they could oppose the attackers.[6078]

1436. **Witness RM-065** stated that the attack on Hambarine began in the evening of 22 May 1992.[6079] Just before the start of the attack, an announcement was made on Radio Prijedor saying that a Serb had been killed in Hambarine, following an altercation with Muslim guards concerning a Serb patrol.[6080] The witness stated that in almost all Muslim villages just before an attack a Serb soldier would be found dead, and suggested that this provided a justification for the attack.[6081] **Elvedin Nasić** stated that he and the rest of the local Muslim TO unit tried to evacuate the villagers and to defend the village.[6082] With the arrival of Serb infantry and tanks, however, the TO abandoned the village and retreated to the forest.[6083] **Witness RM-026** stated that all houses of the village as well as the two mosques were shelled.[6084] The homes located in the centre of the village were damaged the most. After the shelling stopped, the witness heard shooting from the checkpoints. When people started to withdraw from the main checkpoint towards the other one, the witness and his family left the village along with

[6072] Adjudicated Facts I, no. 868.
[6073] Adjudicated Facts I, no. 868.
[6074] Adjudicated Facts I, no. 869.
[6075] Adjudicated Facts I, no. 870.
[6076] Adjudicated Facts I, no. 870.
[6077] Adjudicated Facts I, no. 871.
[6078] Adjudicated Facts I, no. 871.
[6079] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 21; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), pp. 1254, 1261.
[6080] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 21.
[6081] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 21.
[6082] P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 2.
[6083] P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 2.
[6084] P2586 (Witness RM-026, *Stakić* transcript, 26 April and 1 May 2001), p. 2303.

other villagers.[6085] **Witness RM-065** stated that after the attack on Hambarine, open 'propaganda' against Muslims and Croats was transmitted, often using derogatory terms to characterise Muslims.[6086] A number of the residents of Hambarine eventually returned to the village, by then under Serb control.[6087] The return of residents was only temporary because on 20 July 1992 the last major cleansing in the municipality occurred with the removal of approximately 20,000 non-Serbs in Hambarine and nearby Ljubija.[6088]

1437. **Elvedin Nasić** stated that there were around 500 'civilians' hiding in the forest between 22 May 1992 and 21 July 1992.[6089] Women and children stayed in the forest for two or three days before going to other villages.[6090] From 26 July 1992, the witness took refuge in the woods and, along with other people, in different villages.[6091] The witness was told that there would be a convoy, accompanied by UNPROFOR soldiers and the Red Cross, leaving from Tukovi and going to Travnik.[6092] On the basis of this information, the witness went to a collection centre in Tukovi where he saw a large number of 'civilians'.[6093] On 21 August 1992, at around 10:30 a.m., trucks and buses started to arrive in Tukovi.[6094] The witness boarded a truck and helped his cousin with his small child.[6095] On the same day, at 11 a.m., the convoy left for the Trnopolje camp where a large number of detainees boarded the trucks and the buses.[6096] The convoy made additional stops at Omarska and Skender Vakuf. At that point, Serb military police asked those onboard the vehicles to hand over their money and other valuables. The convoy reached Smet from which point the witness and the rest of the people walked towards and reached Travnik and Novi Travnik.[6097] At Travnik, a list was created of all persons who had arrived from Tukovi.[6098]

[6085] P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 6.
[6086] P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), pp. 1254-1256.
[6087] Adjudicated Facts I, no. 1113.
[6088] Adjudicated Facts I, no. 1113.
[6089] P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 2.
[6090] P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 2.
[6091] P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, pp. 5-6.
[6092] P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 6.
[6093] P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 6, witness statement of 15 March 2000, p. 3.
[6094] P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 6.
[6095] P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 6.
[6096] P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 6.
[6097] P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 6.
[6098] P2600 (Elvedin Nasić, witness statements), witness statement of 15 March 2000, p. 3.

1438. Shortly after the attack on Hambarine, there was an attack on the Kozarac area, with the most violent part of the attack targeting Kozaruse village.[6099] Radio Prijedor reported the incident, stating that 13 or 14 policemen had been captured and liquidated.[6100] The inhabitants from Kozarac fled to Prijedor Town, where Serb soldiers placed them in a sports hall in the centre of town near the secondary school building.[6101] In an interview with a reporter, Milomir Stakić, President of the Prijedor Municipal Crisis Staff, stated that the entire municipality of Prijedor was under their control after the takeover of Kozarac and added that 'in Kozarac itself, the operation "cleaning", as the military call it, is still ongoing because those who have now stayed behind are the most extreme ones and the professionals'.[6102]

1439. Many people from Prijedor Municipality were taken to the Trnopolje camp after their villages had been attacked by the Bosnian-Serb forces and others came to the camp on their own initiative, from where they were driven out of the area in convoys of buses.[6103] Bosnian Muslims and Bosnian Croats were gathered in the camp for their further transfer to other locations.[6104] The Trnopolje camp became a transfer facility for the expulsion of the non-Serb population from the Bosnian Krajina.[6105] **Azra Blažević** stated that people were being brought to Doboj, Tuzla, and Gračanica in freight trains and later on, in buses and trucks.[6106] She stated that camp detainees were being released in large numbers in convoys.[6107]

1440. Security was provided by the Commander of the SJB, the Bosnian-Serb police and military for a number of convoys that transported people from the Trnopolje camp to Travnik prior to 21 August 1992.[6108] A number of witnesses provided further details about their transport from the Trnopolje camp. **Senija Elkasović** stated that one old man died during the bus ride and was left by the road.[6109] The 'army' stopped the bus several times and during one of the inspections, one soldier cursed Kuruzović's mother, saying:

[6099] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 21.
[6100] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 21; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), p. 1262.
[6101] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 21-22; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), pp. 1261-1262.
[6102] P280 (Excerpt from video interview with Milomir Stakić), pp. 1-2.
[6103] Adjudicated Facts I, no. 1116.
[6104] Adjudicated Facts I, no. 1114.
[6105] Adjudicated Facts I, no. 1116.
[6106] P3617 (Azra Blažević, witness statement, 10 November 1994), p. 16.
[6107] P3617 (Azra Blažević, witness statement, 10 November 1994), p. 28.
[6108] Adjudicated Facts I, no. 1114.
[6109] P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), pp. 4619-4620.

'Why is he letting those through? We kill individuals like this'.[6110] People on the bus were given a small bag in which they had to place their money and jewellery.[6111] The bus stopped at a garbage yard, the detainees were told to get off the bus and go towards barricades nearby; '[d]own there are your folk, Alija, Tudjman, are awaiting you'.[6112] The detainees continued on foot and when they reached the stone barricades, they heard gunfire.[6113] One soldier said '[d]on't be afraid. We are yours' and suggested that further on they should split into smaller groups and to move as fast as they could because the Serb soldiers could shell and kill them.[6114] The groups of the women and children had to walk approximately 40 to 50 kilometres before they arrived at a school in Stari Travnik while several of the elderly remained on the road and were later picked up by the ABiH military at nightfall.[6115] Only a few of the detainees who left the Trnopolje camp that morning had water with them, while the others left the camp without any supplies.[6116]

1441. **Safet Tači** testified that when the bus from Trnopolje camp stopped at Kozarac, he saw other people in buses and trucks arriving from the direction of Prijedor Town.[6117] Two soldiers entered the witness's bus and ordered the passengers to board a truck because the bus was overcrowded.[6118] By hiding behind the women and the seats, the witness managed to stay on the bus.[6119] His brother-in-law, Safet Sivac, left the bus. After 30 minutes, the witness saw the men lined up outside, two-by-two, as the bus drove away. Soon after, the witness was ordered to leave the bus to walk towards the 'federation territory'. The witness never saw Safet Sivac again.[6120]

1442. **Sead Sušić** stated that he lived in the forest for 41 days with approximately ten other men following the Serb attack on Čarakovo in the early morning of 23 July 1992.[6121] After three days, he told his wife to move because women in the village were

[6110] P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), p. 4619.
[6111] P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), pp. 4619-4620.
[6112] P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), p. 4620.
[6113] P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), p. 4620.
[6114] P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), pp. 4620-4621.
[6115] P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), p. 4621.
[6116] P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), p. 4622.
[6117] P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 96.
[6118] P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 96.
[6119] P158 (Safet Tači, proffer of testimony, 4 May 1998), paras 96, 98.
[6120] P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 98.
[6121] P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, para. 33.

being raped.[6122] Following the attack on Čarakovo, people from the village were taken to Trnopolje, and then to Travnik by Bosnian-Serb forces.[6123]

1443. **Nermin Karagić** testified that on 21 August 1992, he joined a convoy in Tukovi which went to Smetovi, where he reached 'free territory'.[6124] **Witness RM-038** testified that he and his family left the Prijedor area on 22 August 1992 on a packed bus and truck convoy to Banja Luka through Vlasić, Turbet, and Travnik.[6125]

1444. The Trial Chamber recalls the evidence of **Witness RM-023** in relation to scheduled incident C.15.4, which has been placed in the confidential annex in Appendix D. The Trial chamber considered additional evidence of Witness RM-023 on the transportation from Trnopolje camp, which has also been placed in the confidential annex. Witness RM-023 stated that the convoy was stopped at the Kozarac crossroads where Serb soldiers from the special task forces wearing blue camouflage uniforms told them to wait for more trucks with women and children from Prijedor.[6126] One of the soldiers threw a hand grenade near one of the buses.[6127] Another soldier entered each bus to collect money and valuables from the detainees.[6128] The passengers were asked to keep their heads down but the witness saw the soldiers beat and take things from people and heard people shouting.[6129] The soldiers were distributing the stolen goods among themselves.[6130] Then, two special task policemen entered each bus and the convoy departed for Vlašić Mountain.[6131] Buses often stopped and passengers were asked to get off and were beaten.[6132] The convoy stopped at the top of a plateau dotted with rocket launchers firing at houses in a valley.[6133] The convoy departed an hour later and headed towards a clearing in the Mount Vlašić area. One bus was missing. 'Chetniks' came out

[6122] P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, para. 33.
[6123] Adjudicated Facts I, no. 1114.
[6124] P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5270-5276; Nermin Karagić, T. 9150; P999 (Map of the Brdo Region, Prijedor).
[6125] P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5972-5973.
[6126] P3234 (Witness RM-023, witness statement, 25 August 2000), p. 16; P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), p. 3975.
[6127] P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 16-17.
[6128] P3234 (Witness RM-023, witness statement, 25 August 2000), p. 17; P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), p. 3976.
[6129] P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), p. 3976.
[6130] P3234 (Witness RM-023, witness statement, 25 August 2000), p. 17; P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), p. 3976.
[6131] P3234 (Witness RM-023, witness statement, 25 August 2000), p. 17; P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), p. 3976.
[6132] P3234 (Witness RM-023, witness statement, 25 August 2000), p. 17.
[6133] P3234 (Witness RM-023, witness statement, 25 August 2000), p. 17; P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), p. 3977.

of the woods, armed with rifles, wearing sleeveless lamb coats, tall fur hats, traditional badges, long beards, and 'kokarda'. The 'Chetniks' rolled large boulders down a hill towards the detainees, injuring some as they were walking away from the buses, and then told them to walk faster.[6134] The detainees continued on to Travnik while the Serbs were shelling them heavily.[6135] Many of them were killed.[6136] The witness fled Bosnia-Herzegovina on 16 October 1992.[6137]

1445. Those Muslims and Croats from the Trnopolje camp who were not killed at the Omarska or Keraterm camps were deported from Bosnia-Herzegovina.[6138] **Witness RM-385** stated that three trips were made transporting refugees from Prijedor to Turbe next to Travnik: two from Tukovi and one from Trnopolje after the camp was disbanded. The refugees were Muslims and Croats who left because they feared for their lives. Prijedor police were present on the convoy escorting the refugees.[6139]

1446. Over 30,000 of the Muslim and Croat population of Prijedor Municipality moved out of the municipality in the period from the beginning of the conflict in April through August 1992 out of fear or due to unbearable circumstances.[6140] **Mevludin Sejmenović** testified that the non-Serb population was made to leave Prijedor Municipality. The Crisis Staff passed a law requiring non-Serbs to sign a declaration giving up their property and stating that they were leaving the municipality permanently.[6141] **Idriz Merdžanić** testified that before allowing him on the bus, just like all the detainees at the Trnopolje camp, he had to sign a form stating that he voluntarily transferred all of his real and personal property to the Serbs.[6142]

1447. **Charles McLeod** stated that during a meeting on 31 August 1992, Milomir Stakić commented that Croats or Muslims had not left the territory and that the Bosnian-Serb authorities did not have the intention to 'kick them out'.[6143] According to Stakić,

[6134] P3234 (Witness RM-023, witness statement, 25 August 2000), p. 17; P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), p. 3978.
[6135] P3234 (Witness RM-023, witness statement, 25 August 2000), p. 17; P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), pp. 3978-3979.
[6136] P3234 (Witness RM-023, witness statement, 25 August 2000), p. 17.
[6137] P3234 (Witness RM-023, witness statement, 25 August 2000), p. 17.
[6138] Adjudicated Facts I, no. 1115.
[6139] P7314 (Witness RM-385, witness statement, 5 April 2014), para. 27.
[6140] Adjudicated Facts I, no. 1117.
[6141] P283 (Mevludin Sejmenović, witness statement, 13 August 2012), paras 17, 40.
[6142] P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 82; Idriz Merdžanić, T. 3386.
[6143] P3265 (ECMM report, 3 September 1992), para. 21; P3269 (Charles McLeod's personal notes, 20-31 August 1992), p. 52.

some of the Muslims and Croats held appointments in the town and in the forces.[6144] ECMM had seen large numbers of Muslims being bussed from Northern Bosnia to Croatia.[6145] Stakić told the witness that Muslim extremists had brought women and children to the frontlines and that the Serb army and police put them on buses and took them to safety.[6146] On 1 October 1992, people from Trnopolje were taken in Serbian buses by the ICRC to the border and told to walk to the Croatian side.[6147]

1448. Based on the Adjudicated Facts and the evidence reviewed above, the Trial Chamber finds that after the SDS takeover of the municipal institutions in Prijedor Town with the aid of the military and police forces on 30 April 1992, VRS soldiers changed the name of the town to 'Serbian Prijedor' and occupied all of the prominent institutions such as the radio station, medical centre, and bank. A Serbian flag was raised over the Municipal Assembly building. Sometime before the attack on Prijedor, the President of the ARK Crisis Staff, Radoslav Brđanin, said on television that 'non-Serbs would not need wood for the winter', which among the non-Serb population was understood as a concealed threat and caused fear and panic. The Trial Chamber also finds that by May 1992, many of the inhabitants of Hambarine, a predominantly Bosnian Muslim village in Prijedor Municipality, had already fled to other Muslim or Croat-controlled areas. The Trial Chamber understands therefore that many left before 12 May 1992.

1449. During the SDS takeover of the municipality between May and July 1992, and in particular following the attacks on the predominantly Bosnian-Muslim and Bosnian-Croat inhabited areas and villages of Hambarine, Kozarac, Kamičani, Bišćani, Čarakovo, Briševo, and Ljubija, many survivors fled the villages, seeking shelter in the surrounding forests. The Trial Chamber recalls its findings in chapter 4.10.3 with respect to the attacks on the villages. After the attacks in Prijedor Municipality, non-Serbs were made to leave the municipality, some with the involvement of the police and local civilian authorities. The Crisis Staff passed a law requiring non-Serbs to sign a declaration giving up their property and stating that they were leaving permanently. With regard to these people leaving the municipality, the Trial Chamber finds that beginning in late May 1992, Bosnian Muslims and Bosnian Croats from Prijedor

[6144] P3265 (ECMM report, 3 September 1992), para. 21.
[6145] P3258 (Charles McLeod, *Brđanin* transcript, 21-24 June 2002), pp. 7325-7326.
[6146] P3265 (ECMM report, 3 September 1992), paras 1, 4, 6, 9; P3269 (Charles McLeod's personal notes, 20-31 August 1992), p. 50.

Municipality were gathered in Tukovi and in Trnopolje camp, having been taken there by Bosnian-Serb forces or arriving on their own after fleeing attacks on their villages and fearing for their lives. Until November 1992, Trnopolje camp was used as a transfer facility for the expulsion of the non-Serb population from the Bosnian Krajina to Travnik, Turbe, Doboj, Banja Luka, Tuzla, and Gračanica. Some detainees had to sign a document stating that they were leaving Prijedor of their own free will before being released from Trnopolje. People were transferred from Trnopolje using freight trains, trucks, and bus convoys organized and secured by Simo Drljača, the Commander of the SJB, as well as by the Bosnian Serb police and military. In early October 1992, detainees from Trnopolje were transferred to Croatia while others were taken as far as the border, some in Serbian buses by the ICRC, and then told to walk to the Croatian side. On one occasion, passengers of these convoys were ordered to disembark and continue on foot across the border to ABiH-controlled territory, and on at least one occasion were subjected to heavy shelling by Bosnian-Serb forces. From 12 May through August 1992, tens of thousands Bosnian Muslims and Bosnian Croats from Prijedor were either physically removed from the municipality or left their homes due to the unbearable living conditions imposed on them or fearing for their lives.

1450. The Trial Chamber will further consider the above incidents in relation to Counts 3 and 7 to 8 of the Indictment in chapter 8 below.

[6147] P3258 (Charles McLeod, *Brđanin* transcript, 21-24 June 2002), p. 7331.

4.11 Rogatica Municipality

4.11.1 Murder

Schedule B.14.1

1451. According to the Indictment, the Accused is responsible for the killing of men taken from Veljko Vlahović Secondary School in Rogatica Municipality between June and September 1992.[6148] The Defence argued that there is no direct evidence that killings occurred 'in the school', and that the Prosecution failed to identify both the men taken from the school and the individuals that allegedly killed them.[6149] Based on the evidence received, the Trial Chamber has structured the incident into two smaller incidents: first, the alleged killing of a number of men taken out of the school; and second, the alleged killing of Mujo Bešlija.

1452. On some occasions between June and September 1992, male detainees were taken out of Veljko Vlahović Secondary School in Rogatica town and killed.[6150] **Witness RM-081**, a Bosnian Muslim from Rogatica municipality,[6151] and **Elvir Pašić**, a Bosnian Muslim from Rogatica,[6152] were detainees at the school, as discussed in chapters 4.11.2 *Schedule C.16.1* and 4.11.5. Witness RM-081 testified that he did not directly observe any killings there, but on various occasions he saw men taken out to an area behind the school, followed by the sound of shooting, with the men never returning.[6153] While Pašić was detained at the school, one person taken for interrogation was never returned.[6154] In this respect, the Trial Chamber has also considered other evidence by Witness RM-081 concerning his detention at the school, including the ethnicity of the detainees, as discussed in chapters 4.11.2 *Schedule C.16.1* and 4.11.5. In addition, the Trial Chamber considered other Adjudicated Facts related to the detention centre in the school, including in relation to the number of detainees, as discussed in chapter 4.11.2 *Schedule C.16.1*.

1453. Based on unrebutted Adjudicated Fact number 1135 and Witness RM-081's and Elvir Pašić's evidence, the Trial Chamber finds that between June and September 1992,

[6148] Indictment, paras 39, 47, 59, 62, Schedule B.14.1.
[6149] Defence Final Brief, para. 1440.
[6150] Adjudicated Facts I, no. 1135.
[6151] P309 (Witness RM-081, witness statement, 17 September 2011), p. 1, paras 1-2; Witness RM-081, T. 3686-3687; P308 (Pseudonym sheet for Witness RM-081).
[6152] P434 (Elvir Pašić, witness statement, 21 October 1994), p. 1, para. 1.
[6153] P309 (Witness RM-081, witness statement, 17 September 2011), para. 87.

at least three men were taken out of Veljko Vlahović School in Rogatica and killed behind it. Neither the evidence nor the Adjudicated Facts refer to any perpetrators in relation to this crime. The Trial Chamber recalls its finding in chapter 4.11.2 *Schedule C.16.1* that local Serbs under Rajko Kušić, civilian police, Serb TO, and paramilitary unit members guarded the camp. The Trial Chamber finds that members of these groups killed the detainees. The Trial Chamber recalls its finding that the detainees at Veljko Vlahović Secondary School were mostly Bosnian-Muslim and therefore cannot exclude the reasonable possibility that those killed were of another ethnicity. The Trial Chamber will therefore not further consider this incident.

1454. With regard to the second incident, **Witness RM-081** testified that he saw Mujo Bešlija, a Bosnian-Muslim detainee, ordered out of a classroom by a soldier named Radisav 'Pjano' Ljubinac and brought to Dragan a.k.a. Macola, who was waiting in a car.[6155] According to the witness, Macola was the commander of the camp and a paramilitary belonging to 'Arkan's men'. Ljubinac told Bešlija not to take any clothes as he would not be needing anything. Bešlija never returned. The witness later learned from Ljubinac that Macola had killed Bešlija.[6156] **Elvir Pašić** testified that he last saw Mujo Bešlija on 27 June 1992, when Bešlija and others remained behind at the school while around 280 detainees including Pašić were transferred away.[6157] According to Pašić, Bešlija was possibly left behind because he was educated and a dentist.[6158] According to a missing person certificate, Mustafa Bešlija disappeared on 2 August 1992.[6159]

1455. Based on Witness RM-081's evidence, the Trial Chamber finds that between on or around 19 July and the end of October 1992, Mujo Bešlija[6160], a Bosnian-Muslim civilian, was taken out of Veljko Vlahović School by Ljubinac and brought to Macola, who was waiting in a car. Based on the foregoing, as well as Witness RM-081's testimony in relation to Ljubinac's remarks, the Trial Chamber finds that Macola killed Bešlija after he was taken out of the school. Consequently, the Trial Chamber rejects the Defence's arguments in relation to the killing of Mujo Bešlija. The Trial Chamber will

[6154] P434 (Elvir Pašić, witness statement, 21 October 1994), para. 29.
[6155] P309 (Witness RM-081, witness statement, 17 September 2011), paras 54, 88.
[6156] P309 (Witness RM-081, witness statement, 17 September 2011), para. 88.
[6157] P434 (Elvir Pašić, witness statement, 21 October 1994), para. 30; Elvir Pašić, T. 4475.
[6158] P436 (List of names and comments by Elvir Pašić), p. 8.
[6159] P4835 (Missing person certificate for Mustafa Bešlija).
[6160] The Trial Chamber is satisfied that Mujo is short for Mustafa thus referring to the same person.

further consider this incident in relation to Counts 3-6 of the Indictment in chapter 8 below.

Schedule B.14.2

1456. According to the Indictment, the Accused is responsible for the killing of at least 24 men taken from the detention facilities at Rasadnik in Rogatica Municipality on 15 August 1992.[6161] The Defence argued that Dragoje Paunović, who would have ordered the killings, acted on his own initiative and outside the scope of his duties, thus in contravention of SRK's or the Accused's orders.[6162] The Prosecution, however, contends that the Brigade Command took no action against those involved, albeit it learned of the crime immediately.[6163] The Defence further submits that activities of the Rogatica Brigade were subjected to the justice system.[6164] The Chamber received evidence from **Witness RM-037**, a Bosnian Muslim from the Muslim village of Kozadre in Rogatica Municipality;[6165] **Armin Baždar**, a Bosnian Muslim from Seljani in Rogatica Municipality who was 15 years old in 1992;[6166] **Alija Isaković**, a Bosnian Muslim from Rogatica;[6167] **Šefik Hurko**, a Bosnian Muslim who was detained in the Rasadnik camp from August 1992 through April 1994;[6168] **Mile Ujić**, the President of the Executive Committee of the Rogatica Municipality from 1990 until March 1992 and the Chief and acting Chief of Staff of the Rogatica Brigade from the beginning of May 1992 until the end of 1992;[6169] **Witness RM-081**, a Bosnian Muslim from Rogatica Municipality;[6170] and **Ewa Tabeau**, a demographer and statistician,[6171] as well as documentary evidence.

[6161] Indictment, paras 39(a)ii, 47, 59(a)ii, 62(b), Schedule B.14.2.
[6162] Defence Final Brief, paras 1442, 1444-1445.
[6163] Prosecution Final Brief, Annex A, pp 163-164, para. 29.
[6164] Defence Final Brief, para. 1446.
[6165] P2227 (Witness RM-037, witness statement, 27 November 2012), p. 1, para. 3.
[6166] P2223 (Armin Baždar, witness statement, 23 January 1999), pp. 1-2; P2224 (Armin Baždar, *Karadžić* transcript, 5 September 2011), p. 18382.
[6167] P1637 (Alija Isaković, witness statement, 22 January 1999), p. 1; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 1.
[6168] P164 (Šefik Hurko, witness statement, 1 September 2011), p. 1, paras 15, 21-22, 49; Šefik Hurko, T. 2220.
[6169] D691 (Mile Ujić, witness statement, 2 August 2014), para. 4; Mile Ujić, T. 26856-26857, 26863, 26925-26926, 27027-27029; P6824 (Police interview of Mile Ujić of 6 June 2004), pp. 2, 4; P6833 (Order by the Rogatica Commander Rajko Kušić, 15 December 1992), p. 1.
[6170] P309 (Witness RM-081, witness statement, 17 September 2011), p. 1, paras 1-2; Witness RM-081, T. 3686-3687; P308 (Pseudonym sheet for Witness RM-081).
[6171] Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).

1457. On 15 August 1992, **Witness RM-037**, **Armin Baždar**, and 25 other persons detained in the Rasadnik prison were taken to the front-line by Radisav Ljubinac a.k.a. 'Pjano', Nada Rajak, Mile Đerić, and others, on the order of Rajko Kušić.[6172] There, Baždar saw about 50 armed 'Chetniks' wearing caps with Serb insignia depicting a two-headed eagle.[6173] Witness RM-037 saw 'Chetniks' wearing yellow shoulder straps.[6174] He also saw 10-15 Serb soldiers, and recognized among them Zoran Rajak, Duško Štica, Ratko Nešković, Vojo Nešković, Dragan Bojević, and Uglješa Pečenica.[6175] Some soldiers were wearing olive-grey uniforms and others camouflage uniforms.[6176] A Serb soldier named Dragoje Paunović, a.k.a. Špiro, ordered other soldiers to tie the hands of the detainees behind their backs.[6177] Then, some of the detainees were ordered to walk down an alley two by two in order to be used as human shields.[6178] According to Baždar, two of the detainees, Mustafa Tanković and Hamdija Jašarević, were injured as a result.[6179] According to Witness RM-037, also a third detainee was injured during this incident.[6180] When the detainees who had been taken to the front-line returned, Paunović ordered a Serb soldier to take them in the opposite direction from the front-line and, after approximately 50 metres, the detainees were taken off the road and ordered to stop.[6181]

1458. Paunović and two 'Chetniks' then lined up the detainees and opened fire at them.[6182] Witness RM-037 immediately fell to the ground pretending to be dead.[6183] Baždar was shot in the arm.[6184] On Paunović's order, the soldiers fired pistols at the

[6172] P2223 (Armin Baždar, witness statement, 23 January 1999), p. 5; P2227 (Witness RM-037, witness statement, 27 November 2012), paras 26-27, 30.
[6173] P2223 (Armin Baždar, witness statement, 23 January 1999), p. 5.
[6174] P2227 (Witness RM-037, witness statement, 27 November 2012), para. 28.
[6175] P2227 (Witness RM-037, witness statement, 27 November 2012), para. 29.
[6176] P2227 (Witness RM-037, witness statement, 27 November 2012), para. 29.
[6177] P2223 (Armin Baždar, witness statement, 23 January 1999), pp. 5-6; P2224 (Armin Baždar, *Karadžić* transcript, 5 September 2011), pp. 18383, 18388; P2227 (Witness RM-037, witness statement, 27 November 2012), paras 30, 37.
[6178] P2223 (Armin Baždar, witness statement, 23 January 1999), pp. 5-6; P2224 (Armin Baždar, *Karadžić* transcript, 5 September 2011), pp. 18383, 18388; P2227 (Witness RM-037, witness statement, 27 November 2012), paras 30-32.
[6179] P2223 (Armin Baždar, witness statement, 23 January 1999), pp. 5-6.
[6180] P2227 (Witness RM-037, witness statement, 27 November 2012), paras 33, 35-36.
[6181] P2223 (Armin Baždar, witness statement, 23 January 1999), pp. 5-6; P2224 (Armin Baždar, *Karadžić* transcript, 5 September 2011), pp. 18383, 18388-18389.
[6182] P2223 (Armin Baždar, witness statement, 23 January 1999), p. 6; P2224 (Armin Baždar, *Karadžić* transcript, 5 September 2011), pp. 18388, 18390; P2227 (Witness RM-037, witness statement, 27 November 2012), para. 38.
[6183] P2227 (Witness RM-037, witness statement, 27 November 2012), para. 38.
[6184] P2223 (Armin Baždar, witness statement, 23 January 1999), p. 6; P2224 (Armin Baždar, *Karadžić* transcript, 5 September 2011), pp. 18388, 18390.

potential survivors to ensure that they were all dead.[6185] Baždar overheard a radio conversation during which Rajko Kušić (who mentioned his own name) was asking who was shooting and Paunović answered that it was him.[6186] The soldiers then left the area.[6187] Nedžad Kazić survived the shooting and Serb soldiers who arrived shortly afterwards and said 'look there's one sitting', killed him.[6188] These soldiers also left and Baždar then noticed that, besides himself, two other detainees, Ago Kapo and Vahudin Čatić, were still alive.[6189] Kapo left them, and when another group of 'Chetniks' came towards them Baždar also left Čatić, who could not walk.[6190] After having been chased by Serb soldiers for a while, Baždar wandered around the forest for 18 hours before reaching the Bosnia-Herzegovina TO.[6191] Witness RM-037 hid in the forest, where he met Kapo and the next day they reached Brčigovo.[6192] Twenty-four Muslim male civilians were executed in the incident, while three survived.[6193] In September 1998, Witness RM-037 went to the area of the killings with the BCMP and identified the area as a field called Vranica, in the village of Duljevac.[6194] The bodies of the 24 detainees were exhumed at this location and were identified.[6195]

1459. The Trial Chamber further received evidence from three other witnesses who were detained in Rogatica at the time. They all corroborated the evidence of Witness RM-037 and Armin Baždar. **Alija Isaković** stated that on 15 August 1992, Radisav Ljubinac a.k.a. 'Pjano', took around 25-28 young prisoners, including the witness's son, from the detention facilities in Rasadnik to be used as human shields in the area of Dubljevac.[6196] **Šefik Hurko** testified that Rajko Kušić had ordered that he and his father should not board a bus, as Kušić wanted to question them.[6197] Ten minutes after the bus

[6185] P2227 (Witness RM-037, witness statement, 27 November 2012), para. 39.
[6186] P2223 (Armin Baždar, witness statement, 23 January 1999), p. 6; P2224 (Armin Baždar, *Karadžić* transcript, 5 September 2011), pp. 18383, 18390-18391.
[6187] P2223 (Armin Baždar, witness statement, 23 January 1999), p. 6.
[6188] P2223 (Armin Baždar, witness statement, 23 January 1999), p. 6.
[6189] P2223 (Armin Baždar, witness statement, 23 January 1999), p. 7.
[6190] P2223 (Armin Baždar, witness statement, 23 January 1999), p. 7.
[6191] P2223 (Armin Baždar, witness statement, 23 January 1999), p.7; P2224 (Armin Baždar, *Karadžić* transcript, 5 September 2011), pp. 18384-18385.
[6192] P2227 (Witness RM-037, witness statement, 27 November 2012), paras 40-41.
[6193] P2223 (Armin Baždar, witness statement, 23 January 1999), p. 6; P2224 (Armin Baždar, *Karadžić* transcript, 5 September 2011), pp. 18384, 18388-18389; P2227 (Witness RM-037, witness statement, 27 November 2012), paras 42-45, 47. In relation to the status of these males, *see also* P3012 (Witness RM-098, witness statement, 1 September 2011), paras 99-100.
[6194] P2227 (Witness RM-037, witness statement, 27 November 2012), para. 46.
[6195] P2227 (Witness RM-037, witness statement, 27 November 2012), para. 46.
[6196] P1637 (Alija Isaković, witness statement, 22 January 1999), p. 5; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 4.
[6197] P164 (Šefik Hurko, witness statement, 1 September 2011), paras 15-16.

left the witness heard intense infantry fire in the direction where it had left, and a Serb soldier who was with them instructed them not to look that direction.[6198] Afterwards, a person called Krsmanović told the soldier, 'We killed all the *balijas*.'[6199] Later that day another soldier told the witness, 'I killed 30 *balijas* today; if you don't obey, you'll be the next.'[6200] **Witness RM-081** provided mainly hearsay evidence with regard to the incident.[6201]

1460. **Mile Ujić** also provided hearsay evidence with regard to the incident. He heard that in August 1992 Ljubinac brought a group of 25 people detained in Rasadnik to Paunović, who was the Commander of the Kozići unit of the Rogatica Brigade.[6202] The witness further heard that Paunović had killed them.[6203] He overheard Paunović mentioning during a conversation that these people were needed as human shields.[6204] On 26 May 2006, the Court of Bosnia-Herzegovina convicted Paunović, with regards to the events described in this chapter, of the crime of persecution of Bosniak civilians by murder and other inhuman acts committed between May and September 1992.[6205]

1461. According to **Ewa Tabeau** and forensic documentation, 24 bodies were exhumed from the Duljevac mass grave in Rogatica Municipality on 16 and 17 September 1998 and subsequently identified.[6206] According to forensic documentation, 20 of the victims died from gunshot wounds.[6207] Two victims additionally exhibited blunt force trauma to the jaw.[6208] For the remaining four victims no cause of death could be established as the bones that could be found had no visible signs of injuries.[6209] For

[6198] P164 (Šefik Hurko, witness statement, 1 September 2011), para. 16.
[6199] P164 (Šefik Hurko, witness statement, 1 September 2011), para. 17.
[6200] P164 (Šefik Hurko, witness statement, 1 September 2011), para. 17.
[6201] P309 (Witness RM-081, witness statement, 17 September 2011), para. 86; Witness RM-081, T. 3703-3704.
[6202] Mile Ujić, T. 26902-26903, 26925, 26946-26947, 26996-27000.
[6203] Mile Ujić, T. 26902-26903, 26996-27001.
[6204] Mile Ujić, T. 26903, 26997-26998.
[6205] P6832 (Verdict of Dragoje Paunović, 26 May 2006), pp. 1-4, 14, 26-27.
[6206] P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), p. 28; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 585-593; P4837 (Record of exhumation pertaining to the Duljevac mass grave); P4838 (Identification report pertaining to the Duljevac mass grave); P4839 (Autopsy report pertaining to the Duljevac mass grave), pp. 3-5, 8-10, 13. The following persons were identified: Edis Ćatić (1971), Mevludin Ćatić (1976), Midhat Ćatić (1974), Vahudin Ćatić (1977), Mehmed Delija (1953), Halil Halilović (1944), Eldin Hodžić (1975), Faruk Isaković (1972), Hamdija Jašarević (1936), Husein Jašarević (1939), Sulejman Jašarević (1954), Asim Kapo (1967), Fuad Kažić (1936), Nedžad Kazić (1936), Sulejman Kazić (1930), Besim Kurcehajić (1935), Šukrija Omeragić (1957), Derviš Pašić (1930), Mesud Pašić (1974), Mujo Pašić (1953), Zajko Salihović (1938), Fuad Šetić (1932), Osman Solak (1932), and Mustafa Tanković (1931).
[6207] P4839 (Autopsy report pertaining to the Duljevac mass grave), pp. 3-5, 8-10, 13.
[6208] P4839 (Autopsy report pertaining to the Duljevac mass grave), pp. 4, 10.
[6209] P4839 (Autopsy report pertaining to the Duljevac mass grave), pp. 5, 8-9.

20 of the victims no or only little clothing was found.[6210] Two of the victims were found in civilian clothing.[6211] The remaining two victims were found in clothing resembling civilian clothing.[6212] Four of the victims were under the age of 18 and five were 60 or older.[6213]

1462. Based on the foregoing, the Trial Chamber finds that on 15 August 1992, Radisav Ljubinac took a number of detainees from the detention facilities in Rasadnik, and brought them to Duljevac in a bus, where several uniformed Serb soldiers, wearing caps with Serb insignia depicting a two-headed eagle, were present. There, some of the detainees were used as human shields, which incident has been dealt with in chapter 4.11.5. The Trial Chamber recalls its findings concerning this incident. Following this, they were lined up and Dragoje Paunović and two soldiers opened fire at them. Twenty-four Muslim males were killed; 22 of them instantly whereas two were killed later by soldiers who returned to kill any survivors. Four of the victims were under the age of 18. After the killings a soldier said to a detainee that he killed *balijas*. Based on the evidence reviewed above and elsewhere in chapter 4.11, the Trial Chamber finds that Paunović was the Commander of the Kozići unit of the VRS Rogatica Brigade (with regard to this brigade, *see* chapter 3.1.2). The Trial Chamber will address the merits of both Defence's and Prosecution's arguments on whether the killings occurred outside the scope of the Accused's effective control in chapter 9.3. The Trial Chamber will further consider this incident in relation to Counts 3-6 of the Indictment in chapter 8 below.

Schedule C and unscheduled murder incidents

1463. In addition to Scheduled Incidents B.14.1 and B.14.2, discussed above, the Indictment further alleges that the Accused is responsible for the killing of other Bosnian Muslims and Bosnian Croats in Rogatica Municipality between 12 May 1992 and 30 November 1995.[6214]

[6210] P4838 (Identification report pertaining to the Duljevac mass grave), pp. 3-10, 13-34, 39-46, 49-50.
[6211] P4838 (Identification report pertaining to the Duljevac mass grave), pp. 37-38, 47-48.
[6212] P4838 (Identification report pertaining to the Duljevac mass grave), pp. 11-12, 35-36.
[6213] P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 585-593; P4837 (Record of exhumation pertaining to the Duljevac mass grave), pp. 3-8; P4838 (Identification report pertaining to the Duljevac mass grave), pp. 3-50; P4839 (Autopsy report pertaining to the Duljevac mass grave), pp. 3-5, 8-10, 13.
[6214] Indictment, paras 39(a), 47, 53, 59(a), (g).

Rasadnik camp (Schedule C.16.3)

1464. With regard to alleged murders committed in Rasadnik camp, the Trial Chamber received evidence from **Šefik Hurko** and **Alija Isaković**, Bosnian Muslims from Rogatica who were detained in Rasadnik camp from August 1992 through April 1994 and from 5 August 1992 to 16 March 1993, respectively.[6215]

1465. **Alija Isaković** testified that one evening, between 5 August 1992 and 1 November 1992, he heard noise and screams coming from the room next to the room where he was detained.[6216] The screams continued almost all night.[6217] The next morning, a member of the Serb police, Radisav Ljubinac, a.k.a. 'Pjano', ordered the witness and another detainee, Enes Vatreš, to dig a grave.[6218] Mišo Vojinović, a guard in the camp, then told them to take a corpse from the room where they beat prisoners, and bury it in the grave.[6219] When the witness entered the room, he saw two detainees who had been beaten to the point of being unrecognizable.[6220] One, who was wearing trousers worn by the reserve police, was already dead, and the other died from the beating the next day.[6221] After 1 December 1992, Bojić beat a detainee called Himzo Branković so severely and mercilessly every day that Branković died after some 20 days.[6222] Bojić had been told that Branković's son was a member of the ABiH.[6223]

1466. **Šefik Hurko** testified that on 21 March 1993, Edina Mušović, a detainee who distributed food to the detainees at the camp, told him that a detainee named Bećir Ćutahija had been taken to the office of the warden of the camp, Vinko Bojić.[6224] The witness could hear the sounds of beatings through the walls of the office for a long time, and, that night, Ćutahija was not brought back to the room where the detainees were kept.[6225] In the morning, Bojić summoned a detainee, Suljo Kustura.[6226] Kustura later

[6215] **Šefik Hurko**: P164 (Šefik Hurko, witness statement, 1 September 2011), p. 1, paras 15, 21-22, 49; Šefik Hurko, T. 2220. **Alija Isaković**: P1637 (Alija Isaković, witness statement, 22 January 1999), pp. 1, 4-5; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), pp. 1, 4.
[6216] P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 4.
[6217] P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), pp. 4, 8.
[6218] P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 4.
[6219] P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 4.
[6220] P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), pp. 4-5.
[6221] P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), pp. 4-5.
[6222] P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), pp. 5-6.
[6223] P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 6.
[6224] P164 (Šefik Hurko, witness statement, 1 September 2011), paras 34, 38; Šefik Hurko, T. 2226.
[6225] P164 (Šefik Hurko, witness statement, 1 September 2011), para. 38; Šefik Hurko, T. 2226.
[6226] P164 (Šefik Hurko, witness statement, 1 September 2011), para. 38; Šefik Hurko, T. 2226.

told the witness that he buried Ćutahija's body, which had been cut to pieces.[6227] One evening, another detainee, Ibro Karaman, who suffered from asthma, was taken out.[6228] The same night, he was brought back severely beaten, and the witness and other detainees found him dead the next morning.[6229] On 29 March 1993, a detainee, Adil Mušović, was taken to Bojić.[6230] The witness could hear the sounds of beating followed by a gunshot, and Adil Mušović never returned to his room.[6231] Another detainee, Nail Mušović, was called out on 1 April 1993.[6232] The witness could hear the sounds of beating followed by a shot, and the witness did not see Nail Mušović again.[6233]

1467. On 9 July 1993, Bojić took twelve detainees, including Šefik Hurko and Mirsad Omanović, a captured member of the ABiH, to the village of Starčići, where they were ordered to recover the bodies of 17 Serb soldiers in a mined area.[6234] Mirsad Omanović was ordered to lead the group, as he was supposed to know where the mines were located.[6235] In the process of recovering the bodies, a young man who was supervising the detainees hit a land mine, which blew off his leg.[6236] In retaliation, Bojić stabbed Omanović in the side and threatened the other detainees with a rifle, cursing their *'Balija'* mothers.[6237] The witness heard seven to ten gunshots and then saw Omanović lying in blood with his neck cut and his chest riddled with bullets.[6238] Bojić ordered the witness and another man to bury Omanović in a 50 to 60 centimetre-deep grave.[6239] The witness and the remaining ten detainees spent three days searching for the bodies of the fallen Serb soldiers.[6240]

1468. On 18 December 1993, Sejfo Mirvić, a detainee from the solitary cell, was killed.[6241] According to Šefik Hurko, his death was confirmed by a doctor and Bojić told the detainees that Mirvić had been killed while trying to escape.[6242] On 27 April 1994, Bojić killed a man called Alija, a captured member of the ABiH, in the presence of

[6227] P164 (Šefik Hurko, witness statement, 1 September 2011), para. 38; Šefik Hurko, T. 2226.
[6228] P164 (Šefik Hurko, witness statement, 1 September 2011), para. 36.
[6229] P164 (Šefik Hurko, witness statement, 1 September 2011), para. 36.
[6230] P164 (Šefik Hurko, witness statement, 1 September 2011), para. 39.
[6231] P164 (Šefik Hurko, witness statement, 1 September 2011), para. 39.
[6232] P164 (Šefik Hurko, witness statement, 1 September 2011), para. 40.
[6233] P164 (Šefik Hurko, witness statement, 1 September 2011), para. 40.
[6234] P164 (Šefik Hurko, witness statement, 1 September 2011), paras 41-42; Šefik Hurko, T. 2213-2214.
[6235] P164 (Šefik Hurko, witness statement, 1 September 2011), para. 42.
[6236] P164 (Šefik Hurko, witness statement, 1 September 2011), para. 43.
[6237] P164 (Šefik Hurko, witness statement, 1 September 2011), para. 43.
[6238] P164 (Šefik Hurko, witness statement, 1 September 2011), para. 43.
[6239] P164 (Šefik Hurko, witness statement, 1 September 2011), para. 43.
[6240] P164 (Šefik Hurko, witness statement, 1 September 2011), para. 43.
[6241] P164 (Šefik Hurko, witness statement, 1 September 2011), para. 47.

Edina Mušović.[6243] Alija's body was thrown in a manhole, which was then filled by Hurko's father and other men.[6244] The witness further testified that during the beatings or killing incidents he witnessed, the perpetrators were cursing '*Balija* mothers', '*Balijas*', '*Ustašas*', and saying 'where is Alija for you' and 'who did you vote for'.[6245]

1469. Alija Isaković and Šefik Hurko, who were both detainees in Rasadnik camp, provided a detailed account of several killing incidents, which took place in and around Rasadnik camp, and in particular with regard to the above-mentioned incidents.[6246] In particular, Hurko saw detainees being taken away, some to Vinko Bojić's office, and heard detainees being severely beaten; he found detainees dead, in the room in which he was detained, following beatings; and he saw Bojić kill a detainee.[6247] Isaković provided a reliable account of the killing of three other detainees in the camp. With regard to these incidents, the Trial Chamber has not identified any inconsistencies in their respective evidence and finds their evidence to be reliable.

1470. Based on the foregoing, the Trial Chamber finds that on one occasion between 5 August and 1 November 1992, camp guards beat to death two detainees, one of whom was wearing trousers of the reserve police, in Rasadnik camp. The Trial Chamber recalls its findings in chapter 4.11.2 *Schedule C.16.3* that between June and October 1992, members of the SJB and the VRS acted as camp guards. Radisav Ljubinac, also called 'Pjano', a member of the Serb police, and Mišo Vojinović, a guard, were involved in the burial of the bodies. Considering that all those detained at Rasadnik camp were Bosnian Muslims, other than Serb soldiers who were kept separately, the Trial Chamber finds that those killed were Bosnian Muslims. The Trial Chamber will further consider these incidents in relation to Counts 3-6 of the Indictment.

1471. Furthermore, between December 1992 and April 1994, Vinko Bojić killed several detainees in and around Rasadnik camp: he beat to death Himzo Branković after being informed his son was a member of the ABiH; and killed Alija and Mirsad Omanović, two captured members of the ABiH detained at the camp. In particular, Bojić stabbed and shot Omanović numerous times, killing him in retaliation for the

[6242] P164 (Šefik Hurko, witness statement, 1 September 2011), para. 47.
[6243] P164 (Šefik Hurko, witness statement, 1 September 2011), para. 48.
[6244] P164 (Šefik Hurko, witness statement, 1 September 2011), para. 48.
[6245] Šefik Hurko, T. 2226-2227.
[6246] P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), pp. 4-6, 8.
[6247] P164 (Šefik Hurko, witness statement, 1 September 2011), para.34, 36, 38-40, 43, 47; Šefik Hurko, T. 2226.

injury incurred by a young man supervising a group of detainees. Considering that all those detained at Rasadnik camp were Bosnian Muslims, other than Serb soldiers who were kept separately, the Trial Chamber finds that those killed were Bosnian Muslims. Based on the evidence reviewed above and elsewhere in chapter 4.11, the Trial Chamber finds that Bojić was the warden of Rasadnik camp and a member of the VRS Rogatica Brigade (with regard to this brigade, *see* chapter 3.1.2).The Trial Chamber further finds that on 18 December 1993 and around March and April 1993, guards killed five Bosnian-Muslim detainees. The Trial Chamber recalls its finding in chapter 4.11.2 *Schedule C.16.3* that after October 1992, members of the VRS acted as guards at Rasadnik detention facility. During the killings of Omanović, Alija, and others, the detainees were called '*Balijas*', '*Ustašas*', and were otherwise cursed at. The Trial Chamber will further consider these incidents in relation to Counts 3-6 of the Indictment in chapter 8 below.

Rogatica town and surrounding area

1472. With regard to alleged murders committed in Rogatica Town, the Trial Chamber received evidence from **Witness RM-081**, and **Elvir Pašić**, Bosnian Muslims from Rogatica Municipality and Rogatica, respectively.[6248]

1473. **Elvir Pašić** testified that he was arrested on 7 June 1992 in the apartment building where he lived in Rogatica by around 30 uniformed and masked personnel, who were wearing olive green-grey camouflage JNA uniforms or grey-blue uniforms.[6249] At the time of the arrest, there were already two groups of people from the same apartment building who had been arrested.[6250] Approximately 25 men were separated from the same number of women.[6251] The witness and the other men were beaten, kicked, and cursed at.[6252] Slaviša Vukojčić threatened to cut the witness's throat.[6253] Then Vlado Marković, a former regular policeman, reminded Vukojčić that he was in charge.[6254] The witness last saw the following men alive lying outside his

[6248] P309 (Witness RM-081, witness statement, 17 September 2011), p. 1, paras 1-2; Witness RM-081, T. 3686-3687; P308 (Pseudonym sheet for Witness RM-081). P434 (Elvir Pašić, witness statement, 21 October 1994), p. 1, para. 1.
[6249] P434 (Elvir Pašić, witness statement, 21 October 1994), para. 22; Elvir Pašić, T. 4472.
[6250] P434 (Elvir Pašić, witness statement, 21 October 1994), para. 23.
[6251] P434 (Elvir Pašić, witness statement, 21 October 1994), para. 23.
[6252] P434 (Elvir Pašić, witness statement, 21 October 1994), para. 23.
[6253] P434 (Elvir Pašić, witness statement, 21 October 1994), paras 23-24.
[6254] P434 (Elvir Pašić, witness statement, 21 October 1994), para. 24; Elvir Pašić, T. 4491.

apartment building with their hands tied with wire: Ferid Nuredini, Fehim Gušić, Jasmin Pezo, Sulejman Džaferović, Teufik Behlulović, Adonis Mladenović, Suad Đezo, Nihad Čengić, Galib Hasečić, Salko Kukavica, and the witness's uncle Abdulah Krajina who was subsequently found in a mass grave in Paklenik.[6255] To the witness's knowledge, none of these individuals were involved in any military activity in Rogatica.[6256] The remains of four of these individuals were also identified in a mass grave in Paklenik.[6257] One of them, Asim Neuredini, whom the witness knew as the brother of Ferid Nuredini went to hide with his wife and child in the witness's apartment building in Rogatica.[6258] A few days before Pašić's arrest, Asim left the apartment building to bring milk to his child.[6259] He was shot dead on the way.[6260] His body was found by one of the neighbours who went out to look for him.[6261] Asim was buried in his garden.[6262]

1474. **Witness RM-081** testified that around the end of August 1992, he walked through a part of Rogatica called Krušućica where there were numerous decomposed bodies, some of which the witness recognised to be of Muslim civilians.[6263] The witness also testified that during his detention at the Veljko Vlahović secondary school, the detainees could peer through a row of windows looking out onto the street and the hills where the artillery positions were located, including Ptičjak hill from which a cannon fired at Goražde. One day, the detainees saw a fire emitting yellow-golden smoke, and this flame continued burning for around a month. The witness later learned from a drunk guard named Cerović that the fire was the result of bodies being burned after a mass grave in Donje Polje was no longer used.[6264] This guard also told the witness that the bodies were the remains of a large group of Muslim men, including Sakib Čolić,

[6255] Elvir Pašić, T. 4472-4475; P436 (List of names and comments by Elvir Pašić), pp. 1-8.
[6256] Elvir Pašić, T. 4474.
[6257] P315 (Court Record of Exhumation, Jama Paklenik), pp. 11, 23, 36, 41-42.
[6258] P434 (Elvir Pašić, witness statement, 21 October 1994), para. 22; P436 (List of names and comments by Elvir Pasić), p. 7.
[6259] P434 (Elvir Pašić, witness statement, 21 October 1994), para. 22; P436 (List of names and comments by Elvir Pasić), p. 7.
[6260] P436 (List of names and comments by Elvir Pasić), p. 7.
[6261] P436 (List of names and comments by Elvir Pasić), p. 7.
[6262] P436 (List of names and comments by Elvir Pasić), p. 7.
[6263] P309 (Witness RM-081, witness statement, 17 September 2011), para. 80.
[6264] P309 (Witness RM-081, witness statement, 17 September 2011), para. 81.

who were killed in Ptičjak.[6265] According to a missing person certificate, Sakib Čolić disappeared on 19 June 1992 in Rogatica.[6266]

1475. Based on the above, the Trial Chamber finds that around 7 June 1992, a man was shot and killed on the street in Rogatica Town. However, the Trial Chamber has received no evidence regarding the ethnicity of the man or the alleged perpetrator(s) of the killing. Similarly, the Trial Chamber has received no evidence on the alleged perpetrator(s) of the killing of the eleven men Pašić saw in Rogatica. Therefore, the Trial Chamber will not further consider this incident in relation to any Counts of the Indictment.

1476. Concerning Witness RM-081's evidence on the presence of decomposed bodies, including the bodies of some Muslim civilians, in the Krušućica area of Rogatica and on the killing of Muslim men in Ptičjak around 1992, the Trial Chamber has received no evidence regarding the circumstances of the killings or the alleged perpetrators and will not further consider these incidents in relation to any counts of the Indictment.

4.11.2 Unlawful detention and cruel or inhumane treatment in detention facilities

Schedule C.16.1

1477. According to the Indictment, the Accused is responsible for unlawful detention, torture, beating, abuse, rape, other acts of sexual violence, and subjecting Bosnian Muslims and Bosnian Croats to inhumane living conditions in Veljko Vlahović Secondary School, Rogatica Municipality during a period which included 12 May to 31 August 1992.[6267] The Defence argued that people went to the Veljko Vlahović Secondary School voluntarily and were free to leave whenever they wished.[6268] The Defence further argued that there is no evidence that people housed in the Secondary School were maltreated, physically abused, raped or sexually assaulted.[6269] The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this charge. It also received evidence from **Witness RM-081**, **Alija Isaković**, **Armin**

[6265] P309 (Witness RM-081, witness statement, 17 September 2011), para. 81.
[6266] P4835 (Missing person certificate for Mustafa Bešlija); P4836 (Missing person certificate for Sakib Čolić).
[6267] Indictment, paras 39(b)-(c), 47, 53, 59(b)-(d), 59(g), Schedule C.16.1.
[6268] Defence Final Brief, paras 1449-1450.
[6269] Defence Final Brief, paras 1451-1453.

Baždar, **Elvir Pašić**, all Bosnian Muslims from Rogatica;[6270] and finds that this evidence is consistent with the Adjudicated Facts.[6271] The Trial Chamber also received evidence from **Milenko Rajak**, at first a member of the Rogatica Serb TO and later of the Rogatica Brigade until 1 June 1994;[6272] **Milenko Janković**, a former member of a Rogatica TO unit in Pješevica and former VRS soldier;[6273] **Novica Andrić**, a Serb member of the Serb TO of Rogatica as of 20 April 1992;[6274] **Mile Ujić**, the President of the Executive Committee of Rogatica Municipality from 1990 until March 1992 and the Chief and acting Chief of Staff of the Rogatica Brigade from the beginning of May 1992 until the end of 1992;[6275] **Milorad Sokolović**, President of the Rogatica Crisis Staff from April 1992 until 25 June 1992 and President of the Executive Board of the Rogatica Municipality from May 1992 until October 1993;[6276] and **Sveto Veselinović**, member of the SDS and of the Rogatica Crisis Staff.[6277] The evidence of Milenko Rajak has also been reviewed in chapter 3.1.2.

1478. From June to August 1992, up to 1,100 mostly Muslim civilians were detained at the secondary school in Rogatica town.[6278] Guards and machine-gun nests were posted around the school and the detainees were informed that the surrounding area had been

[6270] **Witness RM-081**: P309 (Witness RM-081, witness statement, 17 September 2011), p. 1, paras 1-2; Witness RM-081, T. 3686-3687; P308 (Pseudonym sheet for Witness RM-081). **Alija Isaković**: P1637 (Alija Isaković, witness statement, 22 January 1999), p. 1; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 1. **Armin Baždar**: P1637 (Alija Isaković, witness statement, 22 January 1999), p. 1; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 1. **Elvir Pašić**: P434 (Elvir Pašić, witness statement, 21 October 1994), p. 1, para. 1.
[6271] **Witness RM-081**: P309 (Witness RM-081, witness statement, 17 September 2011), paras 40, 42-43, 45-46, 56, 59, 62-63, 65, 67-68, 75-76, 99; P313 (Rogatica police station, May 1992 payment list). **Alija Isaković**: P1637 (Alija Isaković, witness statement, 22 January 1999), pp. 1, 4-5; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), pp. 1-4. **Armin Baždar**: P2223 (Armin Baždar, witness statement, 23 January 1999), p. 4. **Elvir Pašić**: P434 (Elvir Pašić, witness statement, 21 October 1994), paras 23, 25-27, 29; Elvir Pašić, T. 4472.
[6272] D708 (Milenko Rajak, witness statement, 6 June 2014), paras 2-3, 8; Milenko Rajak, T. 27348.
[6273] D683 (Milenko Janković, witness statement, 2 August 2014), para. 3; Milenko Janković, T. 26664.
[6274] D665 (Novica Andrić, witness statement, 23 February 2013), para. 7; D666 (Novica Andrić, witness statement, 6 June 2014), p. 1, para. 2; Novica Andrić, T. 26403; P6803 (Combat report from Rogatica Brigade to SRK, 15 June 1992).
[6275] D691 (Mile Ujić, witness statement, 2 August 2014), para. 4; Mile Ujić, T. 26856-26857, 26863, 26925-26926, 27027-27029; P6824 (Police interview of Mile Ujić of 6 June 2004), pp. 2, 4; P6833 (Order by the Rogatica Commander Rajko Kušić, 15 December 1992), p. 1.
[6276] D652 (Milorad Sokolović, witness statement, 6 June 2014), paras 7, 15-16; Milorad Sokolović, T. 26014, 26029, 26054, 26057; P6776 (Bosnian-Serb MUP official note, 17 June 2004), p. 1.
[6277] D770 (Sveto Veselinović, witness statement, 15 February 2013), paras 1, 3, 13, 15, 22; Sveto Veselinović, T. 28226, 28248-28250, 28258; P6906 (Politika article, 5 July 1991), p. 1; P6908 (Decision on the appointment of Sveto Veselinović as member of the Crisis Staff of the Serbian Municipality of Rogatica, 24 May 1992); D774 (Decision of the Rogatica Municipal Executive Committee on the appointment of Sveto Veselinović as Secretary of the Secretariat in the Municipal Public Revenue Administration, 18 February 1991).
[6278] Adjudicated Facts I, nos 1130, 1134.

set with landmines.[6279] **Elvir Pašić** testified that when he was detained at the school for 20 days in June 1992, there were approximately 300 elderly men, women, and children there.[6280] **Witness RM-081** testified that he and his family surrendered at the school sometime after 19 July 1992 and that all the detainees were Muslim, except for a Serb family with three sons who did not want to fight in the army, and two Serb women married to Muslims.[6281] For the first month of the witness's detention the school held about 400 people, mostly women and children, with only 70-90 men, but the population eventually grew to 1,100 people.[6282] **Armin Baždar** stated that when he was held at the school on 4 and 5 August 1992, he saw about 90 people, mostly women and children, detained there.[6283] **Šefik Hurko** testified that on 14 August 1992, Rajko Kušić took him and his parents to the school.[6284] On arrival, the witness saw between 35-40 Muslim men, women, and children there.[6285]

1479. A number of witnesses provided further evidence about whether the people at the school were brought and kept there against their will. **Sveto Veselinović** testified that he heard that civilians were asked to come to the school to be shielded from war operations.[6286] One of the people who called them to the school was Rajko Kušić.[6287] According to the witness, some 'loyal' Muslims handed over their weapons and moved into the secondary school together with some Serbian families, from where they were sent to their desired destinations.[6288] The witness testified that he never went to the Veljko Vlahović School in 1991 and 1992, while Muslims were there.[6289] **Novica Andrić** testified that he heard about a collection centre for civilians and families of all ethnicities at the Veljko Vlahović Secondary School, which was held by armed

[6279] Adjudicated Facts I, no. 1131.
[6280] P434 (Elvir Pašić, witness statement, 21 October 1994), paras 22, 25, 27, 29-30; Elvir Pašić, T. 4471, 4490-4492, 4494.
[6281] P309 (Witness RM-081, witness statement, 17 September 2011), paras 54, 58.
[6282] P309 (Witness RM-081, witness statement, 17 September 2011), para. 65.
[6283] P2223 (Armin Baždar, witness statement, 23 January 1999), p. 4.
[6284] P164 (Šefik Hurko, witness statement, 1 September 2011), paras 13-14.
[6285] P164 (Šefik Hurko, witness statement, 1 September 2011), para. 14.
[6286] Sveto Veselinović, T. 28273.
[6287] Sveto Veselinović, T. 28273.
[6288] D770 (Sveto Veselinović, witness statement, 15 February 2013), para. 18.
[6289] D771 (Sveto Veselinović, supplemental statement, 17 November 2013), paras 3, 4; Sveto Veselinović, T. 28238.

Muslims.[6290] The witness never entered the school; he passed by the school once in late May 1992 and saw people playing football in the school's courtyard.[6291]

1480. **Milenko Janković** testified that he was told by those securing the school that people of all ethnicities were accommodated there to be protected from the combat in Rogatica.[6292] According to the witness, the purpose of securing the facility was solely to prevent anyone coming in, but everyone was free to leave the facility at any time.[6293] However, the witness never visited the school himself.[6294] According to **Milorad Sokolović**, the Veljko Vlahović Secondary School was a place where Serbs, Muslims, and Croats could find shelter.[6295] The witness never went to the school himself.[6296] **Mile Ujić** testified that Serbian and Croatian families as well as unarmed Muslims and their families, and others who were unarmed and afraid of the war, took shelter in the school following an ultimatum from the Rogatica Serb TO demanding that Muslims surrender their weapons and threats that the municipality would be attacked in case of non-compliance.[6297] Rajko Kušić invited unarmed people to go to the school due to an impending war operation in Rogatica.[6298] Around 15 people were escorted to the school by armed soldiers through Gracanica, a part of the town still under Muslim control.[6299] According to the witness, at first the school was a safe house offering shelter to Muslims, Serbs, and Croats, including women and children, to protect them from war operations and separate unarmed from armed individuals.[6300]

1481. With regard to the conditions of detention at the school, **Witness RM-081** testified that when he and his family arrived at the school, sometime after 19 July 1992, they had to sign papers stating that they had voluntarily converted to the Serbian Orthodox religion.[6301] On this occasion, Radisav 'Pjano' Ljubinac and a man called

[6290] D665 (Novica Andrić, witness statement, 23 February 2013), para. 16; D666 (Novica Andrić, witness statement, 6 June 2014), para. 6; Novica Andrić, T. 26383, 26385.
[6291] D665 (Novica Andrić, witness statement, 23 February 2013), para. 16; D666 (Novica Andrić, witness statement, 6 June 2014), para. 6; Novica Andrić, T. 26385-26386.
[6292] Milenko Janković, T. 26641-26642.
[6293] Milenko Janković, T. 26642-26643.
[6294] D683 (Milenko Janković, witness statement, 2 August 2014), para. 12; Milenko Janković, T. 26642.
[6295] Milorad Sokolović, T. 26050-26052.
[6296] Milorad Sokolović, T. 26052.
[6297] D691 (Mile Ujić, witness statement, 2 August 2014), para. 28; Mile Ujić, T. 26932-26933.
[6298] Mile Ujić, T. 26900-26902.
[6299] Mile Ujić, T. 26988.
[6300] D691 (Mile Ujić, witness statement, 2 August 2014), para. 28; Mile Ujić, T. 26891-26893, 26989-26990; P6824 (Police interview of Mile Ujić of 6 June 2004), p. 5.
[6301] P309 (Witness RM-081, witness statement, 17 September 2011), para. 57.

'Macola' stole their jewellery.[6302] Food and washing facilities at the school were inadequate, and there were no sleeping quarters. Forty-seven detainees, including the witness, women, and children, slept in the same room. For days the detainees had nothing to eat, and then on other days the Serb army would deliver some food, for example five or six sacks of potatoes, cooking oil, and pasta. On one of these occasions, the witness's family received three potatoes and three or four thin pieces of pasta for a period approximately 21 days.[6303] There was also very limited water; the witness was only able to partially wash himself once during the three and a half months he and his family were detained in the school.[6304] The Serb detainees were treated in the same way as the Muslim detainees.[6305] **Pašić** testified that the detainees were held in classrooms, where they slept on the floor.[6306] There were 17 detainees in the classroom in which the witness was detained, and for the first few days, they each received a can of fish.[6307] The detainees were then permitted to obtain three stoves from neighbouring houses, but they only found one which then had to be used to prepare food for the 300 detainees at the school.[6308] Each family cooked for itself, with female detainees being permitted to leave the school for a certain period of time to search neighbouring houses for food.[6309] Drinking water was available.[6310]

1482. **Ujić** testified that the detainees were treated equally and, like in Rasadnik, were given the same food as the soldiers.[6311] During a visit to the school in late July 1992 or early August 1992, the witness heard no complaints about the clothing, food, and the conduct of the police guarding the facility.[6312] **Janković** testified that the people at the school received the same food as the members of the Rogatica TO and there was a water supply to the school throughout the whole period.[6313] There were sanitation and other equipment in the school.[6314]

[6302] P309 (Witness RM-081, witness statement, 17 September 2011), para. 57.
[6303] P309 (Witness RM-081, witness statement, 17 September 2011), para. 59.
[6304] P309 (Witness RM-081, witness statement, 17 September 2011), paras 59, 99.
[6305] P309 (Witness RM-081, witness statement, 17 September 2011), para. 58.
[6306] P434 (Elvir Pašić, witness statement, 21 October 1994), para. 27.
[6307] P434 (Elvir Pašić, witness statement, 21 October 1994), para. 27.
[6308] P434 (Elvir Pašić, witness statement, 21 October 1994), para. 27; Elvir Pašić, T. 4492-4493.
[6309] P434 (Elvir Pašić, witness statement, 21 October 1994), para. 27; Elvir Pašić, T. 4492-4493.
[6310] P434 (Elvir Pašić, witness statement, 21 October 1994), para. 27.
[6311] D691 (Mile Ujić, witness statement, 2 August 2014), para. 28; Mile Ujić, T. 26894.
[6312] D691 (Mile Ujić, witness statement, 2 August 2014), para. 29; Mile Ujić, T. 26906, 26991-26992.
[6313] Milenko Janković, T. 26643-26644, 26668.
[6314] Milenko Janković, T. 26644.

1483. With regard to who was guarding the school, the Trial Chamber took judicial notice of two Adjudicated Facts and received evidence from numerous witnesses. According to Adjudicated Fact number 1134, Serb forces detained the people at the school.[6315] Adjudicated Fact number 1130 provides that these forces included local Serbs under the authority of Rajko Kušić.[6316] **Witness RM-081** testified that a Serb soldier named Macola told the witness that he had replaced Kušić as camp commander, although the witness got the impression that Kušić remained the chief commander, and Macola was subordinated to him.[6317] The witness saw Kušić at the school a total of 10-15 times.[6318]

1484. The evidence of numerous witnesses indicates that different groups were involved in guarding the school. **Pašić** testified that the Serb guards were members of the Bosnian-Serb police.[6319] **Milenko Rajak** testified that the school was under the control of the civilian authorities, *i.e.* the police.[6320] The witness was never present himself and learned this after 1993.[6321] **Hurko** testified that on 16 August 1992 a person named Kojić from the Bosnian-Serb MUP ordered that all 'loyal' Muslims be released, and everyone else taken to the Rasadnik camp.[6322] **Ujić** testified that civilian police and later 'the army' guarded the school.[6323] **Witness RM-081** testified that the school was guarded by Serb police and soldiers, along with paramilitary unit members.[6324] One of Arkan's soldiers in the school was nicknamed 'Noka' and was from Pančevo.[6325] He was not the only paramilitary at the camp, there were many others who came to the camp, and one knew who they were by sight; they were under Kušić's control.[6326] **Janković** testified that Serb TO soldiers were securing the school.[6327]

1485. With regard to the treatment of the detainees, the Trial Chamber took judicial notice of Adjudicated Facts setting out that the guards mistreated, beat, raped, and

[6315] Adjudicated Facts I, no. 1134.
[6316] Adjudicated Facts I, no. 1130.
[6317] P309 (Witness RM-081, witness statement, 17 September 2011), para. 68.
[6318] P309 (Witness RM-081, witness statement, 17 September 2011), para. 89.
[6319] P434 (Elvir Pašić, witness statement, 21 October 1994), para. 27; Elvir Pašić, T. 4491-4492.
[6320] D708 (Milenko Rajak, witness statement, 6 June 2014), para. 10; Milenko Rajak, T. 27286, 27350.
[6321] Milenko Rajak, T. 27345-27346, 27351.
[6322] P164 (Šefik Hurko, witness statement, 1 September 2011), paras 15, 21.
[6323] D691 (Mile Ujić, witness statement, 2 August 2014), para. 28.
[6324] P309 (Witness RM-081, witness statement, 17 September 2011), paras 54, 56.
[6325] P309 (Witness RM-081, witness statement, 17 September 2011), para. 56.
[6326] P309 (Witness RM-081, witness statement, 17 September 2011), para. 56.
[6327] Milenko Janković, T. 26641-26642.

tortured the Muslim detainees.[6328] **Witness RM-081** specified that he was beaten, raped, and verbally abused as a Muslim by, among others, 'Noka' from Pančevo; Mandžo; Mirko Planojević; Mišo Planojević, a.k.a. Mekenzi; Danko Nerić, Ozren Planojević, and Feđa Planinčić.[6329] The witness suffered from post-traumatic stress disorder from the violence and suffering he and his family underwent and witnessed throughout their ordeal.[6330] Women and girls as young as 13 were taken out randomly on an almost nightly basis and brought to apartments to be raped.[6331] The people removing them were all soldiers or policemen, including Mladen Kojić; Zlatko Nešković; Vlado Marković; Dragomir Cerović; Ljuban Kojić; Danko Nerić; Feđa Planinčić; Zoran Perović; Milenko 'Miko' Ikonić; Radisav 'Pjano' Ljubinac; a man called Dragan or 'Macola'; and Nebojša Motka.[6332] The soldiers competed with one another in relation to the number of rapes they could commit, referring to all Muslim girls and women as 'Bula', a religious Muslim woman who prays for, and washes, a dead body to prepare it for burial.[6333] **Ujić** testified that a woman told him that the police had raped several Muslim and Serbian women.[6334] Following his demand to punish the perpetrators, the witness received death threats from Mladen Kojić and Mladen Vasiljević, the police station commander, and was transferred to another position.[6335] He was told that human lives meant nothing and that he should not get involved.[6336]

1486. The Trial Chamber received evidence from Milenko Janković, Sveto Veselinović, and Milorad Sokolović disputing that the people at the secondary school were detained against their will. For example, according to Janković, people of all ethnicities sheltered there from the war and were given the same food as the Rogatica TO and the water was provided throughout the whole period. The Trial Chamber notes that the evidence of the three witnesses is, in this respect, in stark contrast to the Adjudicated Facts. However, considering that they never visited the school and provided no basis for their knowledge, the Trial Chamber finds that their evidence is not sufficiently reliable to rebut the Adjudicated Facts.

[6328] Adjudicated Facts I, nos 1133-1134.
[6329] P309 (Witness RM-081, witness statement, 17 September 2011), paras 75-76.
[6330] P309 (Witness RM-081, witness statement, 17 September 2011), paras 103-105.
[6331] P309 (Witness RM-081, witness statement, 17 September 2011), paras 69-70, 77.
[6332] P309 (Witness RM-081, witness statement, 17 September 2011), paras 51, 70-72; Witness RM-081, T. 3696-3697; P313 (Rogatica police station, May 1992 payment list).
[6333] P309 (Witness RM-081, witness statement, 17 September 2011), para. 72.
[6334] D691 (Mile Ujić, witness statement, 2 August 2014), para. 29; Mile Ujić, T. 26991.
[6335] D691 (Mile Ujić, witness statement, 2 August 2014), para. 29; Mile Ujić, T. 26991-26992.
[6336] Mile Ujić, T. 26906, 26991-26992.

1487. Novica Andrić's evidence also challenged the fact that the detainees were detained against their will, in that he conveyed that the secondary school was a collection centre for civilians and families, held by armed Muslims. The witness did not clarify which time period he was referring to. Even if his evidence in this regard relates to the time period for this scheduled incident, the Trial Chamber notes that it is based on unsourced hearsay, and therefore finds that the evidence, in this respect, is not sufficiently reliable to rebut the Adjudicated Facts.

1488. The Trial Chamber received evidence from Mile Ujić that the Veljko Vlahović Secondary School was a safe-house for Muslims, Serbs, and Croats where they were treated equally with the soldiers, and were provided with the same food. The Trial Chamber notes that this evidence is in stark contrast to the Adjudicated Facts as to whether people were detained at the school against their will, and as to the conditions at the school. However, Ujić was only sporadically present at the school and his evidence that he heard no complaints about the conditions is internally inconsistent with his evidence that he received a complaint regarding rapes at the school. Under these circumstances, the Trial Chamber finds that Ujić's evidence, in this respect, is not sufficiently reliable to rebut the Adjudicated Facts.

1489. Based on the foregoing, the Trial Chamber finds that in the period of at least June to August 1992, several hundred civilians, including elderly men, women, and children, all Bosnian Muslims, with the exception of a Serb family and two Serb women married to Bosnian-Muslim men, were detained at Veljko Vlahović Secondary School. They were kept in unhygienic, cramped conditions, with very little food or water. There were no sleeping quarters and the detainees slept on the floor; in one instance 47 detainees slept in one room. Rajko Kušić was camp commander, and the camp was guarded by local Serbs under his authority, civilian police, Serb TO, and paramilitary unit members. Guards and machine-gun nests were posted around the school and the detainees were informed that the surrounding area had been set with landmines. Bosnian-Muslim detainees, including Witness RM-081, were beaten, tortured, raped, and verbally abused during June, July, and August 1992 by the guards. Guards raped women at the Secondary School and women and girls as young as 13, were taken from the school by soldiers or policemen and raped elsewhere. These women and girls were referred to by derogatory names such as 'Bula', meaning a religious Muslim woman

who prays for, and washes, a dead body to prepare it for burial. The Trial Chamber will further consider the above in relation to Count 3 of the Indictment in chapter 8 below.

Schedule C.16.3

1490. According to the Indictment, the Accused is responsible for unlawful detention, torture, beating, abuse, rape, other acts of sexual violence, and subjecting Bosnian Muslims and Bosnian Croats to inhumane living conditions in the Rasadnik detention facility, Rogatica Municipality at least between August 1992 and October 1994.[6337] The Defence argued that Rasadnik was both (i) a prison in which Serb and Muslim soldiers were detained for reasons such as failing to respond to mobilization and; (ii) a reception center for civilians who were only designated as POWs on exchange lists in order to assist their departure from the center.[6338] It submitted that detainees were not separated on ethnic grounds.[6339] It further argued that although the commander of the center was from the Rogatica Brigade, various parts of the centre were under the authority of different organs.[6340] The Trial Chamber received evidence from four witnesses who were detained at Rasadnik: **Šefik Hurko**, a Bosnian Muslim who was detained in the camp from August 1992 through April 1994,[6341] as well as **Alija Isaković**, **Witness RM-037**, and **Armin Baždar**, all Bosnian Muslims from Rogatica.[6342] Further, the Trial Chamber received evidence from **Mile Ujić**, the President of the Executive Committee of the Rogatica Municipality from 1990 until March 1992 and Chief and acting Chief of Staff of the Rogatica Brigade from the beginning of May 1992 until the end of 1992;[6343] **Novica Andrić**, a Serb member of the Serbian TO of Rogatica as of 20 April 1992;[6344] **Milenko Rajak**, at first a member of the Rogatica Serb TO and later of the Rogatica

[6337] Indictment, paras 39(b)-(c), 47, 53, 59(b)-(d), (g), Schedule C.16.3.
[6338] Defence Final Bried paras1441, 1456, 1462.
[6339] Defence Final Bried para.1441.
[6340] Defence Final Bried para.1456.
[6341] P164 (Šefik Hurko, witness statement, 1 September 2011), p. 1, paras 15, 21-22, 49; Šefik Hurko, T. 2220.
[6342] **Alija Isaković**: P1637 (Alija Isaković, witness statement, 22 January 1999), p. 1; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP, 30 March 1993), p. 1. **Witness RM-037**: P2227 (Witness RM-037, witness statement, 27 November 2012), p. 1, para. 3. **Armin Baždar**: P2223 (Armin Baždar, witness statement, 23 January 1999), pp. 1-2; P2224 (Armin Baždar, *Karadžić* transcript, 5 September 2011), p. 18382.
[6343] D691 (Mile Ujić, witness statement, 2 August 2014), para. 4; Mile Ujić, T. 26856-26857, 26863, 26925-26926, 27027-27029; P6824 (Police interview of Mile Ujić of 6 June 2004), pp. 2, 4; P6833 (Order by the Rogatica Commander Rajko Kušić, 15 December 1992), p. 1.
[6344] D665 (Novica Andrić, witness statement, 23 February 2013), para. 7; D666 (Novica Andrić, witness statement, 6 June 2014), p. 1, para. 2.

Brigade until 1 June 1994;[6345] **Milenko Janković**, a former member of a Rogatica TO unit in Pješevica and former VRS soldier;[6346] **Milovan Lelek**, Assistant Chief of Staff for Training and Operations for the Rogatica Brigade from late May 1992 until 1994;[6347] and **Sveto Veselinović**, member of the SDS and of the Crisis Staff of Rogatica Municipality.[6348] The evidence of **Armin Baždar** and parts of the evidence of **Mile Ujić** have been reviewed in chapters 4.11.2 *Schedule C.16.1* and 4.11.5.

1491. Four witnesses, who were detained at Rasadnik in 1992 and 1993, provided evidence about their experiences at the facility. **Šefik Hurko** testified that on 15 August 1992, his father was taken to Rasadnik camp from the secondary school centre in Rogatica, where the witness and his family were held.[6349] Hurko and his mother were taken to the camp the next day and, upon arrival, the women and men were separated.[6350] The witness was taken to a room that held ten men, including his father.[6351] His father informed him that detainees were beaten at the camp.[6352] The witness estimated that there were about 100 Muslim detainees, aged new-born to 80 years old, at the Rasadnik camp, including those who had been taken from the school.[6353] They were given 200-gram portions of food with a slice of bread twice a day and there were no medical supplies or medicines at the camp.[6354] On 1 September 1992, the witness's father was brought to warden Mišo Vojinović's office and the witness could hear sounds of beating through the wall.[6355] After that, the witness was taken to Vojinović's office, where he was questioned by Vojinović and severely beaten by a guard named Despot, nicknamed Buco.[6356] On another occasion, during two days all

[6345] D708 (Milenko Rajak, witness statement, 6 June 2014), paras 2-3, 8.
[6346] D683 (Milenko Janković, witness statement, 2 August 2014), para. 3; Milenko Janković, T. 26664.
[6347] D849 (Milovan Lelek, witness statement, 2 August 2014), paras 8, 14; Milovan Lelek, T. 29584.
[6348] D770 (Sveto Veselinović, witness statement, 15 February 2013), paras 1, 3, 13, 15, 22; Sveto Veselinović, T. 28226, 28248-28250, 28258; P6906 (Politika article, 5 July 1991), p. 1; P6908 (Decision on the appointment of Sveto Veselinović as member of the Crisis Staff of the Serb Municipality of Rogatica, 24 May 1992); D774 (Decision of the Rogatica Municipal Executive Committee on the appointment of Sveto Veselinović as Secretary of the Secretariat in the Municipal Public Revenue Administration, 18 February 1991).
[6349] P164 (Šefik Hurko, witness statement, 1 September 2011), paras 15, 19. The Trial Chamber understands this to refer to Veljko Vlahović Secondary School; see chapter 4.11.2 *Schedule C.16.1*.
[6350] P164 (Šefik Hurko, witness statement, 1 September 2011), para. 22; Šefik Hurko, T. 2220.
[6351] P164 (Šefik Hurko, witness statement, 1 September 2011), para. 22.
[6352] P164 (Šefik Hurko, witness statement, 1 September 2011), para. 23.
[6353] Šefik Hurko, T. 2220-2221.
[6354] P167 (Šefik Hurko, proofing notes, 2 September 2012), para. 3; Šefik Hurko, T. 2221-2222.
[6355] P164 (Šefik Hurko, witness statement, 1 September 2011), paras 23, 25; P167 (Šefik Hurko, proofing notes, 2 September 2012), para. 2(i); Šefik Hurko, T. 2223-2224.
[6356] P164 (Šefik Hurko, witness statement, 1 September 2011), paras 25-26; Šefik Hurko, T. 2223-2224.

detainees recently brought to the camp, as well as the witness himself, were beaten by Vojinović and a guard called Šolaja.[6357]

1492. When the witness arrived at the camp, it was guarded by the civilian police from Rogatica, but later the military police took over security.[6358] Mile Bojat was appointed warden in October 1992.[6359] Shortly after, Vinko Bojić took charge of the camp on Kušić's orders.[6360] According to the witness, detainees were often brought to Bojić's office by a guard named Brano Planojević and returned cruelly beaten.[6361] The violence in the camp was usually accompanied by cursing detainees 'Balija mothers', calling them '*Balijas*' or '*Ustašas*', or asking whom they voted for, or: 'Where is Alija for you?'[6362] The witness himself was summoned to Bojić's office and cruelly beaten around 10 June 1993 in the presence of Mladen Vasiljević, the chief of the police station in Rogatica, and his deputy, a man called Mrki.[6363] Around three days after a visit of the ICRC, which took place on 28 July 1993, Bojić severely beat and mistreated the witness, e.g. by extinguishing cigarettes on him and forcing him to eat the cigarettes; he also broke one of the witness's ribs with a knife handle.[6364] Bojić then beat the witness's father in front of him, and ordered the witness to beat his father himself.[6365] During the beating Bojić was referring to the information the witness and his father had revealed to the ICRC, including the insufficient amount of food.[6366]

1493. Women were frequently taken out at night and Bojić forced them to strip naked and to perform sexual acts with elderly detainees, after which Bojić would take them to another room.[6367] According to the witness, several Muslim women said that Bojić raped them, whereas male detainees were forced to perform 'unnatural sexual acts'.[6368] One day in February 1993, a guard called Planojević took five male detainees, including the witness, to Bojić's office where they found four Muslim women undressing, one of them aged around 65. Five Serb soldiers, wearing hats with skull insignia, were sitting in his office. Bojić ordered the Muslim men and women to undress completely and to

[6357] P164 (Šefik Hurko, witness statement, 1 September 2011), para. 33.
[6358] P164 (Šefik Hurko, witness statement, 1 September 2011), paras 23, 34.
[6359] P164 (Šefik Hurko, witness statement, 1 September 2011), para. 32.
[6360] P164 (Šefik Hurko, witness statement, 1 September 2011), paras 32, 34; Šefik Hurko, T. 2281.
[6361] P164 (Šefik Hurko, witness statement, 1 September 2011), para. 35.
[6362] Šefik Hurko, T. 2226-2227.
[6363] P164 (Šefik Hurko, witness statement, 1 September 2011), para. 41; Šefik Hurko, T. 2213.
[6364] P164 (Šefik Hurko, witness statement, 1 September 2011), paras 44-45.
[6365] P164 (Šefik Hurko, witness statement, 1 September 2011), para. 46.
[6366] P164 (Šefik Hurko, witness statement, 1 September 2011), paras 45-46.
[6367] P164 (Šefik Hurko, witness statement, 1 September 2011), para. 35.

dance together around the Serb soldiers, while touching each others' breasts and penises.[6369]

1494. According to the witness, Rajko Kušić visited the Rasadnik camp on several occasions in 1992 and 1993 and the witness saw him there seven or eight times.[6370] The witness was under the impression that Kušić had complete control over the camp based on his ability to order detainee transfers and organise a humanitarian visit by the Red Cross.[6371] The witness also saw Jadranko Vuković, Mile Ujić, Radomir Furtula, Razdoljac a.k.a. Đoko, Zoran Ćarkić, and Stojan Perković visit the camp.[6372]

1495. **Alija Isaković** stated that he was detained at Rasadnik from 5 August 1992 to 16 March 1993.[6373] The 'main person' of the prison, Radisav Ljubinac, called 'Pjano', as well as the prison guards were all members of the Serb police.[6374] The detainees were regularly beaten in the building and in the office, where the beating was so severe that they needed to be carried back to their rooms.[6375] Apart from Pjano, the guards that beat the detainees the most were Mišo Vojinović; a man called Brđanin, who was a policeman in Rogatica before the war; and a man called Šolaja, who worked in Sjemeč before the war. On one occasion two of them beat the witness and other detainees for two days and two nights. The witness was then beaten by Mišo Vojinović, who slapped him over 150 times, permanently damaging his hearing. On another occasion, the witness was beaten by a man called Rajak and a man called Ikonić.[6376]

1496. On 1 November 1992, the Serb policemen were replaced by guards in military uniforms, calling themselves 'Chetniks'.[6377] The beatings continued, although Mile Bojat, who was appointed commander, promised that there would be no more beatings.[6378] Bojat left after one month.[6379] The witness was aware of officers from

[6368] P164 (Šefik Hurko, witness statement, 1 September 2011), para. 36.
[6369] P164 (Šefik Hurko, witness statement, 1 September 2011), para. 37.
[6370] P164 (Šefik Hurko, witness statement, 1 September 2011), para. 44; Šefik Hurko, T. 2293-2294.
[6371] P164 (Šefik Hurko, witness statement, 1 September 2011), para. 44.
[6372] P164 (Šefik Hurko, witness statement, 1 September 2011), paras 54-60; Šefik Hurko, T. 2284-2287, 2293-2295.
[6373] P1637 (Alija Isaković, witness statement, 22 January 1999), pp. 4-5; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP, 30 March 1993), p. 4.
[6374] P1637 (Alija Isaković, witness statement, 22 January 1999), p. 5; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP, 30 March 1993), p. 4.
[6375] P1637 (Alija Isaković, witness statement, 22 January 1999), p. 5; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP, 30 March 1993), pp. 4-5.
[6376] P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP, 30 March 1993), p. 5.
[6377] P1637 (Alija Isaković, witness statement, 22 January 1999), p. 5; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP, 30 March 1993), p. 5.
[6378] P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP, 30 March 1993), p. 5.

Serbia, who were regular JNA officers, and Rajko Kušić visiting the facility.[6380] Vinko Bojić, who wore a military police uniform, was one of the guards who beat the detainees the most following Bojat's departure.[6381] Bojić also broke six of the witness's ribs by jumping on him, carved a cross on the witness's chest with a hunting knife, and pushed lit cigarettes into the witness's ears.[6382] Bećir Ćutarija was also beaten by Bojić: Bojić burned him with cigarettes, pulled his teeth out, jumped on him, and forced him to swallow two bullets.[6383] Other 'Chetniks', including Branko Planojević, a man called Sorak, and Bojić's brother, also beat the detainees.[6384]

1497. **Witness RM-037** was held at Rasadnik for a relatively short period of time in August 1992. On 10 August 1992, a group of 'Chetniks', including two locals called Radomir Lalović a.k.a. Duca and Mihajlo Vučković, took the witness and 12 other men to Rogatica and detained them in the Rasadnik farm.[6385] They stayed there for six days during which Novak Džida, dressed in civilian clothes, interrogated them and Radmir Lalović and Dragomir Kanostrevac, among others, beat them with rifle butts.[6386] The men were detained in a small room while 22 other detainees were held in two other rooms, and some additional people in a fourth room.[6387] They did not have access to running water or toilets.[6388] The detention facility was controlled by the 'Serb army' and the witness heard that the warden at that time was Miloš Vojinović.[6389] The witness also saw Milorad Bojat at the camp and heard from other detainees that he later became a warden.[6390] According to a document titled 'Official Record' by the Rogatica SJB and dated 17 June 2004, the 'building of the former Nursery-garden' was within the competence of the police and the VRS in the period 'most probably' from mid-June

[6379] P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP, 30 March 1993), p. 5.
[6380] P1637 (Alija Isaković, witness statement, 22 January 1999), p. 5; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP, 30 March 1993), p. 5.
[6381] P1637 (Alija Isaković, witness statement, 22 January 1999), p. 5; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP, 30 March 1993), p. 6.
[6382] P1637 (Alija Isaković, witness statement, 22 January 1999), p. 5; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP, 30 March 1993), p. 6.
[6383] P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP, 30 March 1993), p. 6.
[6384] P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP, 30 March 1993), p. 6.
[6385] P2227 (Witness RM-037, witness statement, 27 November 2012), paras 14-16, 57; P2228 (Photograph of Rasadnik prison complex in Rogatica, marked and signed by Witness RM-037).
[6386] P2227 (Witness RM-037, witness statement, 27 November 2012), paras 15, 17.
[6387] P2227 (Witness RM-037, witness statement, 27 November 2012), para. 17.
[6388] P2227 (Witness RM-037, witness statement, 27 November 2012), para. 19.
[6389] P2227 (Witness RM-037, witness statement, 27 November 2012), paras 18, 20.
[6390] P2227 (Witness RM-037, witness statement, 27 November 2012), para. 20.

1992 to the end of 1992, when it was taken over by the VRS.[6391] The witness clarified that the 'Nursery-garden' referred to Rasadnik.[6392]

1498. The Trial Chamber received evidence from a number of Serb municipal and military officials, present in Rogatica in 1992, concerning the conditions in the Rasadnik detention facility. **Mile Ujić** testified that the facility, commanded as of late 1992 by Vinko Bojić from the Rogatica Brigade, was situated 300-400 metres from the Crisis Staff Headquarters located in the Sladara factory.[6393] Serbs and Muslims were detained in the facility, which was guarded by the civilian and the military police.[6394] Miloš Vojnović, member of the reserve police force, was present at the facility.[6395] **Milenko Rajak** testified that the facility was partially under TO/ military control and partially controlled by the police.[6396] He was never present at the Rasadnik detention facility himself, but learned this after 1993.[6397] **Milenko Janković** testified that Serb and Muslim soldiers were detained at Rasadnik.[6398] The detainees were guarded by civilian policemen at first and later by the military police.[6399] As far as the witness remembered, detainees were not separated on ethnic grounds and were kept under the same conditions.[6400] The witness went to Rasadnik several times, but he never visited the area where people were kept.[6401]

1499. **Sveto Veselinović** testified that, while a member of the municipal Crisis Staff, he worked in the Sladara building in Rogatica Municipality on a daily basis during May and June 1992, and, on his way home, he used to pass by Rasadnik, in Rogatica Municipality.[6402] The witness learned from his brother that both Serb soldiers and Muslim 'prisoners' were detained at Rasadnik.[6403] In late 1992, the witness's brother, a judge, became engaged in investigations concerning this detention facility, and conducted interviews with both Serbs and Muslims for crimes committed in the

[6391] P2229 (Official Record, 17 June 2004), p. 1.
[6392] P2227 (Witness RM-037, witness statement, 27 November 2012), para. 51.
[6393] Mile Ujić, T. 26992-26993, 26995-26996; P6831 (Map of Rasadnik Facility, marked by Mile Ujić).
[6394] D691 (Mile Ujić, witness statement, 2 August 2014), para. 31.
[6395] D691 (Mile Ujić, witness statement, 2 August 2014), para. 31.
[6396] D708 (Milenko Rajak, witness statement, 6 June 2014), para. 10; Milenko Rajak, T. 27285-27286, 27350.
[6397] Milenko Rajak, T. 27346, 27351.
[6398] D683 (Milenko Janković, witness statement, 2 August 2014), para. 13; Milenko Janković, T. 26665.
[6399] D683 (Milenko Janković, witness statement, 2 August 2014), para. 12.
[6400] D683 (Milenko Janković, witness statement, 2 August 2014), para. 13; Milenko Janković, T. 26667.
[6401] D683 (Milenko Janković, witness statement, 2 August 2014), para. 13; Milenko Janković, T. 26667.
[6402] Sveto Veselinović, T. 28267, 28271.
[6403] D770 (Sveto Veselinović, witness statement, 15 February 2013), para. 19; Sveto Veselinović, T. 28271-28272.

municipality.[6404] **Milovan Lelek** testified that he visited the detention facility in Rasadnik on several occasions to interview members of his brigade detained there with Muslims because of discipline violations.[6405] The witness had no knowledge of any torture of detainees and testified that civilians who had not committed crimes were accommodated in Rasadnik, not detained.[6406] According to the witness, Rasadnik consisted of two buildings, a military remand prison building for the detention of soldiers, and a longer, bigger, reception centre building for civilians and elderly.[6407] The witness acknowledged that he never entered either of these buildings, and that the people he went to interview were brought out.[6408]

1500. **Novica Andrić** testified that he found out about the Rasadnik detention facility when he arrived in Rogatica in October 1992 to join the Rogatica Brigade.[6409] He served as a policeman/driver in the Rogatica Brigade and sometimes he drove soldiers who had violated military discipline to Rasadnik.[6410] By then, Rasadnik was the only detention facility in Rogatica for Muslims and Serbs.[6411] The warden was Vinko Bojić, a.k.a. 'Vili'.[6412] Until October 1992, security was provided by the MUP and in October security was provided jointly with, or exclusively by, the military police.[6413]

1501. According to the witness, there were two separate facilities at Rasadnik, a military remand detention and a collection centre, which had been moved from the Veljko Vlahović Secondary School to Rasadnik.[6414] When he was at Rasadnik, he could see the civilians, who were not locked up as opposed to the soldiers held in detention, moving in front of the pavilion in the courtyard.[6415] The POWs and the civilians were kept in different 'pavilions' but were, in the summer of 1993, included on the same lists

[6404] D770 (Sveto Veselinović, witness statement, 15 February 2013), para. 19.
[6405] D849 (Milovan Lelek, witness statement, 2 August 2014), para. 17.
[6406] D849 (Milovan Lelek, witness statement, 2 August 2014), para. 17; Milovan Lelek, T. 29603-29604, 29611.
[6407] Milovan Lelek, T. 29615, 29618-29619, 29625, 29651-29652.
[6408] Milovan Lelek, T. 29607.
[6409] D665 (Novica Andrić, witness statement, 23 February 2013), paras 16-17.
[6410] D665 (Novica Andrić, witness statement, 23 February 2013), paras 15, 17; D666 (Novica Andrić, witness statement, 6 June 2014), para. 7; Novica Andrić, T. 26379-26380, 26384, 26405.
[6411] D665 (Novica Andrić, witness statement, 23 February 2013), para. 16.
[6412] Novica Andrić, T. 26405-26406. The Trial Chamber understands that the transcript reference to Vinko Bosic in fact refers to Vinko Bojić.
[6413] D666 (Novica Andrić, witness statement, 6 June 2014), para. 6.
[6414] D666 (Novica Andrić, witness statement, 6 June 2014), paras 5-6; Novica Andrić, T. 26406, 26409-26410.
[6415] Novica Andrić, T. 26409.

of detainees to be exchanged.[6416] On 1 February 1993, the DK Command issued a list of POWs at the Rasadnik facility, which contained names of female Muslims; one woman being born, as stated in the column 'year of birth', in 1892.[6417] On 10 April 1993, the DK issued a larger list of 'captured persons of Muslim ethnicity' containing the same female Muslim names.[6418] According to the witness, the people at the Rasadnik facility were free to go but felt safer at the facility.[6419] During his few visits, he personally saw that the detainees were given the same food as the detention facility staff and the soldiers of the brigade.[6420] According to the witness, the conditions were the same for all individuals, regardless of age and ethnicity.[6421] The detainees mainly chopped wood for the kitchen and worked in the barn.[6422]

1502. The Trial Chamber notes that Novica Andrić and Milovan Lelek testified that Rasadnik included a collection or reception centre for civilians. They emphasised that civilians were not detained there. Similarly, Milenko Janković only referred to Serb and Muslim soldiers being detained at Rasadnik. This evidence is in stark contrast with the first-hand evidence from four former detainees that civilians were kept at Rasadnik against their will. The Trial Chamber considers that Andrić's evidence in this respect is only based on what he saw during a few visits, and how he interpreted what he saw. While Lelek and Janković claimed to have visited Rasadnik on several occasions, they acknowledged that they never visited the area or entered the buildings where people were kept. Under these circumstances, the Trial Chamber will rely on the consistent evidence of the four former detainees in this respect.

1503. Based on the foregoing, the Trial Chamber finds that between at least August 1992 and April 1994, Bosnian-Muslim male and female detainees of all ages were held at the Rasadnik detention facility for periods ranging from a few days to over a year. Although the Trial Chamber has not received any evidence on the total number of detainees, it finds that in August 1992, there were approximately 100 Muslims at the

[6416] D666 (Novica Andrić, witness statement, 6 June 2014), para. 6; Novica Andrić, T. 26406-26409; P6804 (DK List of prisoners of war in Vili Camp, Rogatica, 1 February 1993); P6805 (DK Command 'List of captured persons of Muslim ethnicity', 10 April 1993).
[6417] Novica Andrić, T. 26406-26407; P6804 (DK List of prisoners of war in Vili Camp, Rogatica, 1 February 1993), pp. 1-2.
[6418] Novica Andrić T. 26408; P6805 (DK Command 'List of captured persons of Muslim ethnicity', 10 April 1993), pp. 1-3.
[6419] Novica Andrić, T. 26411.
[6420] D665 (Novica Andrić, witness statement, 23 February 2013), para. 17.
[6421] D666 (Novica Andrić, witness statement, 6 June 2014), para. 6.
[6422] D665 (Novica Andrić, witness statement, 23 February 2013), para. 17.

facility. The Trial Chamber notes that there were also Serb soldiers held separately at the facility, including Serb soldiers detained there for disciplinary violations. The Trial Chamber finds that the detainees had no access to running water, toilets, medical care, and had insufficient food.

1504. The building of the Rasadnik detention facility was within the competence of the police and the VRS as of June 1992, although the guards were members of the civilian police from Rogatica until October 1992. For at least part of the period until October 1992, Miloš Vojinović was the warden. Sometime in October or November 1992, the VRS took charge of the detention facility and it was guarded by members of the military police. Milorad 'Mile' Bojat was appointed warden in October 1992. In late 1992 he was replaced by Vinko Bojić a.k.a. 'Vili', a member of the VRS Rogatica Brigade (*see* the Trial Chamber's finding in chapter 4.11.1 *Schedule C and unscheduled murder incidents*; with regard to the VRS Rogatica Bigade, *see* chapter 3.1.2). The Trial Chamber finds accordingly that between June and October 1992, the SJB and the VRS, and after October 1992, the VRS detained people at Rasadnik detention facility and were responsible for the conditions at the facility.

1505. When the facility was within the competence of the police and the VRS, the detainees were frequently interrogated and severely beaten by Radisav Ljubinac a.k.a. 'Pjano' of the Serb police, Miloš Vojinović, and some guards.

1506. The beatings continued after the takeover by the VRS and worsened under Vinko Bojić. During the beatings, Bojić was assisted by his brother; and guards Branko Planojević; and 'Sorak,' all from the military police. Sometimes the beatings continued for days and were so severe that some detainees had to be carried back to their rooms and suffered permanent damage as a consequence. Bojić mistreated some of his victims with cigarettes and a hunting knife, broke their bones, pulled their teeth, jumped on them, made them swallow bullets, and ordered some of them to beat their own relatives. Assisted by Planojević, Bojić frequently raped female detainees and forced male and female detainees to perform sexual acts. The violence in the detention facility was often accompanied by the perpetrators shouting '*balijas*', '*balija* mothers', or '*ustašas*'.

1507. The Trial Chamber will further consider the above in relation to Count 3 of the Indictment in chapter 8 below.

Unscheduled incidents

1508. In addition to Scheduled Incidents C.16.1 and C.16.3 discussed above, according to the Indictment the Accused is responsible for unlawful detention, torture, beating, abuse, rape, other acts of sexual violence, and subjecting Bosnian Muslims and Bosnian Croats to inhumane living conditions in other detention facilities in Rogatica Municipality.[6423] With respect to these allegations, the Trial Chamber has received evidence from **Šefik Hurko**, a Bosnian Muslim who was detained in the Rasadnik camp, Rogatica Municipality,[6424] about alleged detention at the Rogatica police station; documentary evidence as well as evidence from **Mile Ujić**, the President of the Executive Committee of the Rogatica Municipality from 1990 until March 1992 and Chief and acting Chief of Staff of the Rogatica Brigade from the beginning of May 1992 until the end of 1992,[6425] and **Milorad Sokolović**, President of the Rogatica Crisis Staff from April 1992 until 25 June 1992 and President of the Executive Board of the Rogatica Municipality from May 1992 until October 1993,[6426] and **Sveto Veselinović**, member of the SDS, and of the Crisis Staff of Rogatica Municipality, [6427] about alleged detention at the Sladara factory in Rogatica; and evidence from **Đoko Razdoljac**, Assistant Commander for logistics in the VRS Rogatica Brigade from the end of 1992 until the end of 1995,[6428] as well as documentary evidence about alleged detention at the Rogatica military reception centre.

Rogatica police station

1509. **Šefik Hurko** testified that on 2 September 1992, during his detention at Rasadnik (*see* chapter 4.11.2 *Schedule C.16.3*), he was driven to the Rogatica police

[6423] Indictment, paras 39(b)-(c), 47, 53, 59(b)-(d), (g).
[6424] P164 (Šefik Hurko, witness statement, 1 September 2011), p. 1, paras 15, 21-22, 49; Šefik Hurko, T. 2220. The evidence of Šefik Hurko has also been reviewed in chapter 4.11.2 *Schedule C.16.3*.
[6425] D691 (Mile Ujić, witness statement, 2 August 2014), para. 4; Mile Ujić, T. 26856-26857, 26863, 26925-26926, 27027-27029; P6824 (Police interview of Mile Ujić of 6 June 2004), pp. 2, 4; P6833 (Order by the Rogatica Commander Rajko Kušić, 15 December 1992), p. 1.
[6426] D652 (Milorad Sokolović, witness statement, 6 June 2014), paras 7, 15-16; Milorad Sokolović, T. 26014, 26029, 26054, 26057; P6776 (Bosnian-Serb MUP official note, 17 June 2004), p. 1.
[6427] D770 (Sveto Veselinović, witness statement, 15 February 2013), paras 1, 3, 13, 15, 22; Sveto Veselinović, T. 28226, 28248-28250, 28258; P6906 (Politika article, 5 July 1991), p. 1; P6908 (Decision on the appointment of Sveto Veselinović as member of the Crisis Staff of the Serbian Municipality of Rogatica, 24 May 1992); D774 (Decision of the Rogatica Municipal Executive Committee on the appointment of Sveto Veselinović as Secretary of the Secretariat in the Municipal Public Revenue Administration, 18 February 1991).
[6428] P3491 (Đoko Razdoljac, *Tolimir* transcript, 30 November 2010), pp. 8228, 8233.

station.[6429] En route, he was threatened with death by a policeman of the 'Serbian' SUP named Kovačević to admit that his father had organized a meeting between two people named Lelek and Ramiz Alajbegović.[6430] Kovačević informed the witness that his father had already admitted to organizing the meeting after being beaten at the police station.[6431] Upon arrival, the witness saw his father who was covered in blood, together with several policemen and a former policeman named Anđelko, who had questioned his father.[6432] The witness also recognized Željko Bogdanović among the policemen.[6433] The men ordered Hurko to sit next to his father and asked him if his father had organized the meeting between Alajbegović and Lelek.[6434] The witness was taken to 'work' and returned to Rasadnik camp in the evening.[6435] On the same day, his father was brought back to Rasadnik camp so severely beaten that he could not move for 15 days.[6436]

1510. Based on the foregoing, the Trial Chamber finds that on 2 September 1992, Šefik Hurko's father, a Muslim detained in Rasadnik as found in chapter 4.11.2 *Schedule C.16.3*, was held at the Rogatica police station. During his detention, several policemen, including Željko Bogdanović, and a former policeman, named Anđelko, questioned and beat him so severely that he could not move for 15 days. Hurko's father was brought back to Rasadnik camp on the same day. The Trial Chamber will further consider this incident in relation to Count 3 of the Indictment in chapter 8 below.

Sladara factory

1511. **Mile Ujić** testified that Mehmed Agić, the commander of the joint TO before the war and the commander of the Muslim TO during the war, was detained at the Sladara factory.[6437] On 23 June 1992, Rajko Kušić, the Commander of the Rogatica Brigade, informed the SRK Command that Mehud Agić, one of the founders of the TO, had been

[6429] P164 (Šefik Hurko, witness statement, 1 September 2011), paras 25, 27-29.
[6430] P164 (Šefik Hurko, witness statement, 1 September 2011), para. 28; Šefik Hurko, T. 2224.
[6431] P164 (Šefik Hurko, witness statement, 1 September 2011), para. 28.
[6432] P164 (Šefik Hurko, witness statement, 1 September 2011), para. 29.
[6433] P164 (Šefik Hurko, witness statement, 1 September 2011), para. 29.
[6434] P164 (Šefik Hurko, witness statement, 1 September 2011), para. 30.
[6435] P164 (Šefik Hurko, witness statement, 1 September 2011), paras 30-31.
[6436] P164 (Šefik Hurko, witness statement, 1 September 2011), para. 31.
[6437] Mile Ujić, T. 26985-26986.

captured in Vragolovi.[6438] During a visit to the Sladara factory, Ujić saw that Agić was lying on the ground, blindfolded, and with his hands tied.[6439] Shortly thereafter, Kušić came into the room and told the witness to leave.[6440] **Milorad Sokolović** testified that the headquarters of the Rogatica Crisis Staff were in the Sladara malt factory.[6441] According to the witness, neither Mehmed Agić nor other people were ever detained or mistreated in the part of the factory where the Crisis Staff was headquartered.[6442] According to Sokolović, it was possible that Agić was kept in other parts of the building.[6443] **Sveto Veselinović** testified that when he was a member of the Rogatica Crisis Staff he worked in the Sladara building every day.[6444]

1512. The Trial Chamber finds that the evidence of Mile Ujić, with respect to Agić's detention at the Sladara factory, is not contradicted by Milorad Sokolović's evidence, as, according to Sokolović, Agić was not detained in the part of the factory where the Crisis Staff was headquartered. However, in accordance with Sokolović's evidence, it is possible that Agić was detained in other parts of the building. Based on the foregoing, the Trial Chamber finds that sometime after 23 June 1992, Mehmed Agić, the commander of the Muslim Rogatica TO during the war, was detained at the Sladara factory in Rogatica, under the authority of Rajko Kušić, the Commander of the VRS Rogatica Brigade (with regard to this brigade, *see* chapter 3.1.2). On at least one occasion, Agić was blindfolded and had his hands tied. The Trial Chamber will further consider this incident in relation to Count 3 of the Indictment in chapter 8 below.

Rogatica military reception centre

1513. According to a letter from the security and intelligence organ of the 1st Mountain Brigade command addressed to the security administration of the VRS Main Staff and the security department of the DK command, 44 Muslims were held from 28 July 1995

[6438] P4387 (Report from the Rogatica Brigade to the SRK Command, 23 June 1992), p. 1. The Trial Chamber understands Mehmed Agić and Mehud Agić to be the same person.
[6439] Mile Ujić, T. 26986-26987, 27019-27020.
[6440] Mile Ujić, T. 26986-26987, 27020. The Trial Chamber understands the Sladara factory and the Sladara malt factory (Tvornica Slada) to be the same building.
[6441] Milorad Sokolović, T. 26014-26015.
[6442] Milorad Sokolović, T. 26056-26057, 26063.
[6443] Milorad Sokolović, T. 26056.
[6444] Sveto Veselinović, T. 28267.

onward at the Rogatica military reception centre.[6445] Among those held at the reception centre there were an imam and former president of the Žepa War Presidency, an electrical engineer and former president of the municipal executive committee, and a forestry engineer and former commander of civilian protection staff.[6446] The people were granted POW status by the 1st Mountain Brigade.[6447] **Đoko Razdoljac** stated that Serb soldiers were also detained in other rooms of the centre.[6448] A doctor frequently checked the wounded detainees and the security organs of the 1st Mountain Brigade informed the relevant security organs of the VRS Main Staff and the DK command that some wounded were in need of surgery.[6449] Pursuant to an order from General Tolimir, the 'POWs' were separated according to their health and former membership in the administration, the imam was allowed to pray in his room, the detainees were fed three times a day, could use a field toilet, had access to medical care, and they were registered by the ICRC.[6450]

1514. Based on the foregoing, the Trial Chamber finds that from 28 July 1995 onward, 44 Muslims, including, referred to as 'POWs' by the VRS 1st Mountain Brigade, were held at the Rogatica military reception centre under the authority of the VRS 1st Mountain Brigade. The detainees included an imam and former president of the Žepa War Presidency, an electrical engineer and former president of the municipal executive committee, and a forestry engineer and former commander of civilian protection staff. The detainees were fed three times a day, had access to medical care, could use a field toilet, were registered by the ICRC, and the imam was allowed to pray. The Trial Chamber will further consider this incident in relation to Count 3 of the Indictment in chapter 8 below.

[6445] P3496 (Letter from the 1st Mountain Brigade to the VRS Main Staff and the DK command, 30 July 1995), pp. 1-2.
[6446] P3496 (Letter from the 1st Mountain Brigade to the VRS Main Staff and the DK command, 30 July 1995), p. 1.
[6447] P3496 (Letter from the 1st Mountain Brigade to the VRS Main Staff and the DK command, 30 July 1995), pp. 1-2.
[6448] P3491 (Đoko Razdoljac, *Tolimir* transcript, 30 November 2010), p. 8263.
[6449] P3496 (Letter from the 1st Mountain Brigade to the VRS Main Staff and the DK command, 30 July 1995), p. 3.
[6450] P3496 (Letter from the 1st Mountain Brigade to the VRS Main Staff and the DK command, 30 July 1995), pp. 3-4.

4.11.3 Destruction of private and public property, including cultural monuments and sacred sites

1515. According to the Indictment, the Accused is responsible for wanton acts of destruction of private property, including homes and business premises, and public property, including cultural monuments and sacred sites, listed in Scheduled Incident D.12, in Rogatica Municipality between 12 May 1992 and 30 November 1995.[6451] In particular, the Indictment sets out that the Arnaudija and the Čaršija mosques, in Rogatica Town, and three mosques in the area of Vragolovi were destroyed at least between June and December 1992.[6452] The Defence argued that 'Muslim extremists' set on fire flats and houses during the initial departure of Bosnian Serbs from the municipality.[6453] The Defence further argued that the evidence points to the mosques of the municipality being destroyed while the territory of the municipality was under Muslim control, including two in Rogatica Town which were used for military purposes and destroyed during combat.[6454] The Defence also argued that the evidence does not establish that the VRS intended to destroy Rogatica's non-Serb religious and cultural sites.[6455] The Trial Chamber will address the latter in its related finding in chapter 8. The Indictment, as far as the charge of destruction is concerned, is however not limited to the Scheduled Incidents.[6456] Accordingly, the Trial Chamber has not disregarded evidence falling outside the scope of Scheduled Incident D.12. The Trial Chamber took judicial notice of Adjudicated Facts 1136 and 1137 in relation to this charge. The Trial Chamber further received evidence from **Witness RM-081**, **Alija Isaković**, **Witness RM-037**, **Elvir Pašić**, and **Armin Baždar**, Bosnian Muslims from Rogatica Municipality;[6457] **Šefik Hurko**, a Bosnian Muslim who was detained in the Rasadnik camp from August 1992 through April 1994;[6458] **Milenko Janković**, a former member

[6451] Indictment, paras 47,52, 59(j), Schedule D.12.
[6452] Indictment, Schedule D.12.
[6453] Defence Final Brief, para. 1432.
[6454] Defence Final Brief, paras 1470-1471, 1477, 1482.
[6455] Defence Final Brief, para. 1482.
[6456] Further on this issue, *see* Appendix B.
[6457] **Witness RM-081**: P309 (Witness RM-081, witness statement, 17 September 2011), p. 1, paras 1-2; Witness RM-081, T. 3686-3687; P308 (Pseudonym sheet for Witness RM-081). **Alija Isaković**: P1637 (Alija Isaković, witness statement, 22 January 1999), p. 1; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 1. **Witness RM-037**: P2227 (Witness RM-037, witness statement, 27 November 2012), p. 1, para. 3. **Elvir Pašić**: P434 (Elvir Pašić, witness statement, 21 October 1994), p. 1, para. 1. **Armin Baždar**: P2223 (Armin Baždar, witness statement, 23 January 1999), pp. 1-2; P2224 (Armin Baždar, *Karadžić* transcript, 5 September 2011), p. 18382.
[6458] P164 (Šefik Hurko, witness statement, 1 September 2011), p. 1, paras 15, 21-22, 49; Šefik Hurko, T. 2220).

of a Rogatica TO unit in Pješevica and former VRS soldier;[6459] **Sveto Veselinović**, a member of the SDS and of the Crisis Staff of Rogatica Municipality;[6460] and **András Riedlmayer**, bibliographer and art documentation specialist;[6461] and finds that this evidence does not rebut the Adjudicated Facts.[6462] The Trial Chamber also received evidence from **Đoko Razdoljac**, assistant commander for logistics in the VRS Rogatica Brigade from the end of 1992 until the end of 1995;[6463] **Mile Ujić**, the President of the Executive Committee of the Rogatica Municipality from 1990 until March 1992 and the Chief and acting Chief of Staff of the Rogatica Brigade from the beginning of May 1992 until the end of 1992;[6464] and from **Milovan Lelek**, Assistant Chief of Staff for Training and Operations for the Rogatica Brigade from late May 1992 until 1994.[6465] The evidence of **Elvir Pašić** and **Šefik Hurko** as well as parts of the evidence of **Witness RM-081, Witness RM-037,** and **Alija Isaković** have been reviewed in chapters 4.11.5 and 4.11.7.

1516. **Alija Isaković** stated that from the end of 1991 until 9 or 10 June 1992, he saw JNA units pass through Rogatica Town in armoured vehicles and fire at Muslim houses and mosques.[6466]

[6459] D683 (Milenko Janković, witness statement, 2 August 2014), para. 3; Milenko Janković, T. 26664.
[6460] D770 (Sveto Veselinović, witness statement, 15 February 2013), paras 1, 3, 13, 15, 22; Sveto Veselinović, T. 28226, 28248-28250, 28258; P6906 (Politika article, 5 July 1991), p. 1; P6908 (Decision on the appointment of Sveto Veselinović as member of the Crisis Staff of the Serbian Municipality of Rogatica, 24 May 1992); D774 (Decision of the Rogatica Municipal Executive Committee on the appointment of Sveto Veselinović as Secretary of the Secretariat in the Municipal Public Revenue Administration, 18 February 1991).
[6461] P2503 (Expert report of András Riedlmayer, December 2012), para. 75; András Riedlmayer, T. 17888; P2504 (*Curriculum vitae* of András Riedlmayer), p. 1.
[6462] **Witness RM-081**: P309 (Witness RM-081, witness statement, 17 September 2011), paras 30-32, 83-84; Witness RM-081, T. 3705. **Witness RM-037**: P2227 (Witness RM-037, witness statement, 27 November 2012), paras 56-57. **Armin Baždar**: P2223 (Armin Baždar, witness statement, 23 January 1999), p. 4. **Sveto Veselinović**: D770 (Sveto Veselinović, witness statement, 15 February 2013), para. 18; Sveto Veselinović, T. 28237; D772 (Video recording of Rogatica Town centre), 21:34-22:10. **András Riedlmayer**: P2510 (Formatted entries to expert report of András Riedlmayer), pp. 69-79; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 24; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013). **Milenko Janković**: Milenko Janković, T. 26645-26646. **Šefik Hurko**: Šefik Hurko, T. 2222. **Alija Isaković**: P1637 (Alija Isaković, witness statement, 22 January 1999), p. 3; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), pp. 2-3. The evidence of Šefik Hurko has also been reviewed in chapter 4.11.5 and the evidence of Alija Isaković, Witness RM-081, and Witness RM-037 has also been reviewed in chapter 4.11.7. With regard to the Trial Chamber's approach concerning Riedlmayer's evidence, *see* Appendix B.
[6463] P3491 (Đoko Razdoljac, *Tolimir* transcript, 30 November 2010), pp. 8228, 8233.
[6464] D691 (Mile Ujić, witness statement, 2 August 2014), para. 4; Mile Ujić, T. 26856-26857, 26863, 26925-26926, 27027-27029; P6824 (Police interview of Mile Ujić of 6 June 2004), pp. 2, 4; P6833 (Order by the Rogatica Commander Rajko Kušić, 15 December 1992), p. 1
[6465] D849 (Milovan Lelek, witness statement, 2 August 2014), paras 8, 14.
[6466] P1637 (Alija Isaković, witness statement, 22 January 1999), pp. 2, 4; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP, 30 March 1993), p. 4.

1517. **Witness RM-037** stated that from 22 May until at least August 1992 all of the Muslim houses in the villages around Rogatica Town, were burnt down without justification.[6467] According to the witness, the destruction of the Muslim villages was systematic and without justification because there were no Muslim military installations and no military resistance in the municipality.[6468] The TO had been disarmed, and the Muslims did not have weapons to organize resistance.[6469]

1518. By the end of 1992, more than ten mosques in Rogatica Municipality were destroyed by mines.[6470] They included the Rogatica Town mosque, the Arnaudija mosque, and three mosques in the Vragolovi area west of Rogatica Town, including the mosque in Vragalovi.[6471]

1519. With regard to the Arnaudija mosque in Rogatica Town, **Witness RM-081** specified that it was destroyed at the end of June or the beginning of July 1992.[6472] While he was detained at the Veljko Vlahović school, the witness saw Danko Nerić, who wore a drab olive JNA uniform, and his brother passing by the school in a tank moving in the direction of one of the mosques, and then heard a couple of blows or knocks. Ten minutes later, the witness saw the tank return. In the afternoon, the brothers talked to a few people in the hall of the school. The witness's wife, who was present in the hall, told the witness that she heard that the mosque was partially destroyed. The next day, other people came to complete the destruction of the mosque.[6473] The witness assumed that the Čaršija mosque was destroyed when its district was cleansed in the latter part of July 1992.[6474] **Isaković** stated that the Serbs bulldozed the mosques in Rogatica Town to the ground.[6475] According to **András Riedlmayer**, the Arnaudija Mosque and the Čaršijska Mosque burned down, and their ruins were razed.[6476]

1520. Three witnesses provided additional evidence about the circumstances of destruction of the mosques in Rogatica Town. **Milovan Lelek** testified that these

[6467] P2227 (Witness RM-037, witness statement, 27 November 2012), paras 11-12, 56.
[6468] P2227 (Witness RM-037, witness statement, 27 November 2012), para. 56.
[6469] P2227 (Witness RM-037, witness statement, 27 November 2012), para. 56.
[6470] Adjudicated Facts I, no. 1137.
[6471] Adjudicated Facts I, no. 1137. The Trial Chamber understands that Vragalovi refers to Vragolovi.
[6472] P309 (Witness RM-081, witness statement, 17 September 2011), paras 83-84; Witness RM-081, T. 3691, 3705.
[6473] P309 (Witness RM-081, witness statement, 17 September 2011), para. 84.
[6474] P309 (Witness RM-081, witness statement, 17 September 2011), para. 83.
[6475] P1637 (Alija Isaković, witness statement, 22 January 1999), p. 5.
[6476] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 69-73; P2511 (Survey database for expert report of András Riedlmayer); P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).

mosques were used for military purposes and that fire was opened from them. Muslim forces had a sniper nest on one mosque, where the Green Berets were formed. This mosque was destroyed by tank fire during fighting. Next to another mosque there was a machine-gun nest. This mosque was used by Muslim forces for storing mines and was destroyed by mortar fire when the machine-gun nest was targeted during fighting.[6477] **Sveto Veselinović** testified that on 29 or 30 July 1992, five or six days after the 'armed Muslims' left Rogatica, he entered the town and saw a machine-gun nest placed on the roof of a residential building 30 metres away from one of the mosques.[6478] **Milenko Janković** testified that a mosque, which was destroyed on 24 June 1992, was located in a part of Rogatica Town where the Serbian forces were not in control.[6479]

1521. With regard to the destruction of other religious monuments as well as private and public property in Rogatica Town, **Witness RM-037** stated that the Muslim cemetery in Rogatica was destroyed during the war.[6480] **Riedlmayer** testified that the building hosting the chancery, historical archive, and library of the Rogatica Islamic community was burned in June 1992, resulting in the destruction of the entire library.[6481] According to the witness, the adjacent buildings were in good condition.[6482] According to **Witness RM-081**, the only Catholic church in Rogatica, which was located opposite the Veljko Vlahović school, remained intact.[6483] **Mile Ujić** testified that the church was located in Serb-controlled territory.[6484] He also testified that, when he entered the town on 23 July 1992, the synagogue was razed to the ground and burned.[6485] Ujić added that after the Serbs left Rogatica, Muslim extremists torched many private houses and flats, two cafés, a hotel, and the transformer station in Rogatica.[6486]

1522. With regard to Seljani village, **Armin Baždar** stated that, in the days following 3 June 1992, armed Serb soldiers in camouflage uniforms and SDS insignia, along with members of the White Eagles, came to the village and placed the witness and about 20

[6477] D849 (Milovan Lelek, witness statement, 2 August 2014), para. 20.
[6478] D770 (Sveto Veselinović, witness statement, 15 February 2013), para. 18; Sveto Veselinović, T. 28237; D772 (Video recording of Rogatica Town centre).
[6479] Milenko Janković, T. 26645-26646.
[6480] P2227 (Witness RM-037, witness statement, 27 November 2012), paras 56-57.
[6481] P2511 (Survey database for expert report of András Riedlmayer); P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[6482] P2511 (Survey database for expert report of András Riedlmayer).
[6483] Witness RM-081, T. 3705. See also Mile Ujić, T. 26897.
[6484] Mile Ujić, T. 26897.
[6485] Mile Ujić, T. 26897; D691 (Mile Ujić, witness statement, 2 August 2014), para. 27.

other inhabitants, who were mostly children, under house arrest until August 1992.[6487] The witness could tell from their accent that the members of the White Eagles were from Serbia.[6488] Some Muslim houses in the village were set on fire from May to August 1992.[6489]

1523. According to **Riedlmayer,** the Vezir Jusuf Mosque in Žepa was blown up on or after 25 July 1995.[6490] **Đoko Razdoljac** stated that he saw a VRS sapper unit blow up the mosque after the fall of the enclave.[6491] Houses in Žepa were burned.[6492]

1524. Concerning Mile Ujić's evidence on the perpetrators of the destruction of private and public property in Rogatica Town, the Trial Chamber finds his evidence to be vague and that he does not identify a basis of knowledge for his conclusions, in particular since it is unknown if he was present in the town at the time of these destructions. With regard to Milovan Lelek's evidence that the mosques in Rogatica Town were used for military purposes and that fire was opened from them, the Trial Chamber considers that this evidence lacks a basis of knowledge. Moreover, the Trial Chamber finds that his evidence is contradicted by the reliable testimony of Witness RM-037 and Witness RM-081, who were both present in the municipality during the take-over and who testified that there was no resistance or military installations in the municipality at the time. Accordingly, the Trial Chamber finds the evidence of Witness RM-037 and Witness RM-081 to be reliable with regard to the absence of resistance and military installations in the municipality during the take-over and has not relied on the evidence of Mile Ujić and Milovan Lelek in this respect.

1525. The Trial Chamber has considered Janković's evidence that Serb forces were not in control of the part of Rogatica Town where a mosque was destroyed. However, it considers that this is not determinative as to the perpetrator of the destruction, particularly considering that the reliable testimony of Witness RM-081 and an operative report of the Rogatica Brigade Command, in evidence as P312, indicate that there was no armed resistance in town.

[6486] D691 (Mile Ujić, witness statement, 2 August 2014), paras 25, 27.
[6487] P2223 (Armin Baždar, witness statement, 23 January 1999), pp. 3-4; P2224 (Armin Baždar, *Karadžić* transcript, 5 September 2011), pp. 18381-18382.
[6488] P2223 (Armin Baždar, witness statement, 23 January 1999), p. 3
[6489] P2223 (Armin Baždar, witness statement, 23 January 1999), p. 4.
[6490] P2503 (Expert report of András Riedlmayer, December 2012), para. 41; P2511 (Survey database for expert report of András Riedlmayer); P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[6491] P3491 (Đoko Razdoljac, *Tolimir* transcript, 30 November 2010), pp. 8263-8266, 8269-8270.

1526. Consequently, the Trial Chamber rejects the Defence's arguments that Muslim extremists set on fire flats and houses and that some of the mosques were destroyed during armed fights.

1527. Based on the above, the Trial Chamber finds that from 21 May until August 1992, Serb forces targeted and burned down Muslim houses using flame-throwers and fired at shops, using tanks and APCs, in Rogatica Town. Serb areas of the town were left unscathed. Kušić's detachment, the VRS, and volunteer units from Pančevo and Zrenjanin, destroyed a house in town in July 1992. The Trial Chamber further finds that on 2 August 1992, Serb infantry set houses on fire in the Muslim village of Kozadre.

1528. The Trial Chamber further finds that Serb forces destroyed the Čaršija and the Arnaudija mosques in Rogatica Town, around the end of June and the end of July 1992, and three mosques in the Vragolovi area. Danko Nerić, a soldier wearing a JNA uniform, destroyed the Arnaudija mosque. Based on the Adjudicated Facts and the evidence, the Trial Chamber finds that these mosques were destroyed using different modes of destruction, including mining. The Trial Chamber further finds that Serb forces burned the building hosting the archives, the chancery, and the library of the Islamic community in Rogatica Town.

1529. The Trial Chamber also finds that a VRS sapper unit blew up the Žepa mosque after the fall of the enclave.

1530. The Trial Chamber will further consider these incidents in relation to Count 3 of the Indictment in chapter 8 below.

1531. The Trial Chamber finds that other mosques as well as Muslim houses and villages in the municipality, including in Tičijak, Mala Žepa, Biljino Polje, Pašić Kula, and Seljani, were burnt down or otherwise destroyed. The Trial Chamber has not received evidence concerning the perpetrators of these destructions and will therefore not consider these incidents further in relation to any counts of the Indictment.

4.11.4 Appropriation or plunder of property

1532. According to the Indictment, the Accused is responsible for appropriation or plunder of property during and after take-overs, during arrests and detentions, and

[6492] P3491 (Đoko Razdoljac, *Tolimir* transcript, 30 November 2010), p. 8266.

during or after deportations or forcible transfers of Bosnian Muslims and Bosnian Croats in Rogatica Municipality between 12 May 1992 and 30 November 1995.[6493] The Defence argued that (i) paramilitaries, whose objective was looting, were active and problematic in Rogatica and deserted Muslim property was unfortunately plundered; (ii) there is no evidence as to who committed the appropriation or plunder of property and due to the departure of the alleged perpetrators from the area, it was impossible to follow up and discipline the individuals; and (iii) the Accused did not have any control over the alleged perpetrators due to the fact that they did not form part of the VRS structure.[6494] The Trial Chamber received evidence from **Witness RM-037**, a Bosnian Muslim from the Muslim village of Kozadre in Rogatica Municipality;[6495] **Šefik Hurko**, a Bosnian Muslim who was detained in the Rasadnik camp, Rogatica Municipality, from August 1992 through April 1994;[6496] **Alija Isaković**, a Bosnian Muslim from Rogatica;[6497] **Armin Baždar**, a Bosnian Muslim from Seljani in Rogatica Municipality who was 15 years old in 1992;[6498] and **Witness RM-081**, a Bosnian Muslim from Rogatica Municipality.[6499] This evidence is reviewed in chapters 4.11.2 *Schedule C.16.1* and 4.11.5.

1533. In addition, **Witness RM-037** provided evidence about one specific incident. He stated that on 15 August 1992, he and other detainees were gathered into a room of the post office in a settlement called Gračanica. Radisav Ljubinac and another man, who was introduced by Ljubinac as a Serb from Zagreb and was called Macola, were present. Macola ordered the witness to undress, searched his pockets, and took all his money and valuables. According to the witness, Macola and Ljubinac also took things from the other detainees but he did not know what and how much. The detainees were also told that they should declare themselves loyal to the Serb state.[6500]

1534. Based on the above, the Trial Chamber finds that after 19 July 1992, Radisav Ljubinac, called 'Pjano', and a Serb from Zagreb nicknamed 'Macola', took jewellery

[6493] Indictment, paras 47, 59(i).
[6494] Defence Final Brief, para. 1433
[6495] P2227 (Witness RM-037, witness statement, 27 November 2012), p. 1, para. 3.
[6496] P164 (Šefik Hurko, witness statement, 1 September 2011), p. 1, paras 15, 21-22, 49; Šefik Hurko, T. 2220
[6497] P1637 (Alija Isaković, witness statement, 22 January 1999), p. 1; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 1.
[6498] P2223 (Armin Baždar, witness statement, 23 January 1999), pp. 1-2; P2224 (Armin Baždar, *Karadžić* transcript, 5 September 2011), p. 18382.
[6499] P309 (Witness RM-081, witness statement, 17 September 2011), p. 1, paras 1-2; Witness RM-081, T. 3686-3687; P308 (Pseudonym sheet for Witness RM-081).

from detainees. On this occasion, the detainees were also forced to sign papers stating that they had voluntarily converted to the Serbian Orthodox religion. The Trial Chamber will consider this incident in relation to Count 3 of the Indictment in chapter 8 below.

1535. Between 9 or 10 June and 5 August 1992, the Muslim Alija Isaković and other detainees at the high school of Veljko Vlahović were ordered, by guards at the school to remove goods from apartments in Rogatica and load them onto trucks. The Trial Chamber recalls its finding in chapter 4.11.2 *Schedule C.16.1* that local Serbs under Rajko Kušić, civilian police, Serb TO, and paramilitary unit members guarded the camp. The evidence does not indicate the ethnicity of the owners of the goods. The Trial Chamber will therefore not further consider this incident in relation to any count of the Indictment.

1536. The Trial Chamber further finds that on 15 August 1992, in a room at the post office in Gračanica in Rogatica Municipality, 'Macola', in the presence of Radisav Ljubinac, took money and valuables from Witness RM-037, a Bosnian-Muslim civilian who was detained at Rasadnik at the time. On the same occasion, 'Macola' and Ljubinac also took unidentified items from other detainees of the Rasadnik camp. The Trial Chamber also finds that between August and September 1992, detainees from the Rasadnik camp, including the Bosnian Muslims Šefik Hurko and Armin Baždar, were forced by guards at the camp to take objects, including furniture, from Bosnian-Muslim houses in Rogatica, load them onto lorries, and unload them in Serb houses and flats. The Trial Chamber recalls its findings in chapter 4.11.2 *Schedule C.16.3* that between June and October 1992, members of the SJB and the VRS acted as camp guards. The Trial Chamber will consider these incidents in relation to Count 3 of the Indictment in chapter 8 below.

4.11.5 Forced labour and human shields

1537. According to the Indictment, the Accused is responsible for subjecting Bosnian Muslims and Bosnian Croats in Rogatica municipality to forced labour, including digging graves and trenches and other forms of forced labour at front lines, and using them as human shields between 12 May 1992 and 30 November 1995.[6501] The Trial

[6500] P2227 (Witness RM-037, witness statement, 27 November 2012), para. 23.
[6501] Indictment, paras 39(c), 47, 59(h).

Chamber received evidence from four Bosnian Muslims from the Rogatica Municipality: **Witness RM-037**, from Kozadre;[6502] **Witness RM-081**;[6503] **Armin Baždar**, from Seljani who was 15 years old in 1992;[6504] and **Alija Isaković**, from Rogatica town.[6505] The Trial Chamber also received evidence from **Mile Ujić**, the President of the Executive Committee of the Rogatica Municipality from 1990 until March 1992 and Chief and acting Chief of Staff of the Rogatica Brigade from the beginning of May 1992 until the end of 1992;[6506] **Milenko Janković**, a former member of a Rogatica TO unit in Pješevica and former VRS soldier;[6507] **Šefik Hurko**, a Bosnian Muslim who was detained in the Rasadnik camp, Rogatica Municipality, from August 1992 through April 1994,[6508] and documentary evidence. Some of this evidence has been reviewed in chapters 4.11.1 *Schedule B.14.2* and *Schedule C and unscheduled murder incidents* and 4.11.4.

1538. The Trial Chamber has received evidence with regard to detainees at two detention centres in Rogatica Municipality being forced to perform labour of different kinds. These detention centres are the Rasadnik camp and the Veljko Vlahović School. The Trial Chamber has dealt with them in chapter 4.11.2 *Schedules C.16.1* and *C.16.3*. With regard to Rasadnik camp, **Armin Baždar** stated that during his ten-day detention, in the beginning of August 1992, Serb soldiers forced him and other men to carry out labour.[6509] The witness had to clean Muslim apartments in order to prepare them for Serbs moving into them.[6510] He also had to take furniture and belongings from Muslim apartments and bring them to Serb houses.[6511]

1539. **Witness RM-037** stated that during his detention at the camp for six days in mid-August 1992, Radisav Ljubinac a.k.a. Pjano, who was dressed in a camouflage uniform, took him and other detainees to Rogatica Town to clean up shelling debris

[6502] P2227 (Witness RM-037, witness statement, 27 November 2012), p. 1, para. 3.
[6503] P309 (Witness RM-081, witness statement, 17 September 2011), p. 1, paras 1-2; Witness RM-081, T. 3686-3687; P308 (Pseudonym sheet for Witness RM-081).
[6504] P2223 (Armin Baždar, witness statement, 23 January 1999), pp. 1-2; P2224 (Armin Baždar, *Karadžić* transcript, 5 September 2011), p. 18382.
[6505] P1637 (Alija Isaković, witness statement, 22 January 1999), p. 1; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 1.
[6506] D691 (Mile Ujić, witness statement, 2 August 2014), para. 4; Mile Ujić, T. 26856-26857, 26863, 26925-26926, 27027-27029; P6824 (Police interview of Mile Ujić of 6 June 2004), pp. 2, 4; P6833 (Order by the Rogatica Commander Rajko Kušić, 15 December 1992), p. 1.
[6507] D683 (Milenko Janković, witness statement, 2 August 2014), para. 3; Milenko Janković, T. 26664.
[6508] P164 (Šefik Hurko, witness statement, 1 September 2011), p. 1, paras 15, 21-22, 49; Šefik Hurko, T. 2220.
[6509] P2223 (Armin Baždar, witness statement, 23 January 1999), pp. 4-5.
[6510] P2223 (Armin Baždar, witness statement, 23 January 1999), p. 5.

every day.[6512] On 15 August 1992, the witness and two other detainees named Asim Kapo and Edin Ćatić were taken to the Sladara factory, where they were ordered to unload a lorry full of cooking oil and sponges.[6513] The events of this day are described in chapter 4.11.2 *Schedule C.16.3*.

1540. **Šefik Hurko** testified that the detainees at the camp were taken to work on a daily basis at least between 17 or 18 August and mid-September 1992.[6514] Usually the detainees would be taken to the main centre in Rogatica where they would be made to sweep the main street or take furniture from Muslim houses and load it onto lorries, which they would later unload in 'Serbian' houses and flats.[6515] They were also made to clear two mosques that had been razed to the ground.[6516]

1541. Hurko further testified that on 21 March 1993 the detainees of the Rasadnik camp were made to dig trenches in Trnovo, a village in the vicinity of Rogatica.[6517] In July 1993, he and ten other detainees were forced to search for bodies of fallen Serb soldiers during a period of three days. This incident is described in more detail in chapter 4.11.1 *Schedule C and unscheduled murder incidents*. Hurko testified that on 9 July 1993, Bojić took twelve detainees, including Šefik Hurko and Mirsad Omanović, a captured member of the ABiH, to the village of Starčići, where they were supposed to recover bodies of 17 Serb soldiers in a mined area.[6518] Bojić threatened the other detainees with a rifle, cursing their *'Balija'* mothers.[6519] The detainees spent three days searching for the bodies of the fallen Serb soldiers.[6520] On 28 July 1993 he informed the ICRC that they were being taken to the confrontation line.[6521] From 1 April 1994 to 17 or 18 April 1994, the witness and other detainees were taken to Trovrh Hill where they were made to bring ammunition, food, and supplies up the hill and the injured down the hill.[6522] The witness estimated that hundreds of Muslims were working there.[6523] The

[6511] P2223 (Armin Baždar, witness statement, 23 January 1999), p. 5.
[6512] P2227 (Witness RM-037, witness statement, 27 November 2012), paras 13-16, 19; P2228 (Photograph of Rasadnik prison complex in Rogatica, marked and signed by Witness RM-037).
[6513] P2227 (Witness RM-037, witness statement, 27 November 2012), para. 24.
[6514] P164 (Šefik Hurko, witness statement, 1 September 2011), paras 25, 27, 30-31; Šefik Hurko, T. 2222.
[6515] Šefik Hurko, T. 2222-2223.
[6516] Šefik Hurko, T. 2222.
[6517] P164 (Šefik Hurko, witness statement, 1 September 2011), para. 38; Šefik Hurko, T. 2226.
[6518] P164 (Šefik Hurko, witness statement, 1 September 2011), paras 41-42; Šefik Hurko, T. 2213-2214.
[6519] P164 (Šefik Hurko, witness statement, 1 September 2011), para. 43.
[6520] P164 (Šefik Hurko, witness statement, 1 September 2011), para. 43.
[6521] P164 (Šefik Hurko, witness statement, 1 September 2011), para. 45.
[6522] P164 (Šefik Hurko, witness statement, 1 September 2011), para. 48; P167 (Šefik Hurko, proofing notes, 2 September 2012), para. 3; Šefik Hurko, T. 2227.
[6523] P167 (Šefik Hurko, proofing notes, 2 September 2012), para. 3.

witness further described when he and other detainees were brought to Gnila Hill to work in the forest.. Hurko further testified that sometime between 17 April and 27 April 1994, 10-15 detainees from the camp, including the witness, were brought to Gnila hill and instructed by Bojić to work in the forest.[6524]

1542. Armin Baždar and Šefik Hurko, as well as numerous witnesses, also provided evidence about the murder of a number of detainees from Rasadnik camp, shortly after some of these detainees had been used as human shields. The relevant evidence regarding these incidents has been reviewed in chapter 4.11.1 *Schedule B.14.2*. The alleged murder incident has been dealt with in that chapter and the alleged human shield incident will be dealt with below.

1543. With regard to the Veljko Vlahović School, **Alija Isaković** stated that during his detention there between 9 or 10 June 1992 and 5 August 1992, he and other detainees were ordered by 'Chetniks' to clean the streets of Rogatica, to clean the apartments of 'Chetniks', and to remove 'stolen goods' out of apartments and load them on trucks.[6525] Younger men were ordered to arrange sandbags for machine-gun nests on tall buildings.[6526] The Serbs took away men to be used as human shields.[6527] The witness believed that they were to be used to rescue a damaged Serb tank.[6528]

1544. **Witness RM-081**, who was detained at the school with his family for approximately three and a half months after 19 July 1992, testified that the detainees including the witness's wife and his 13-year-old son, were ordered to carry out 'forced' labour for the 'Serbian Army': digging trenches for the Serb forces, carrying ammunition, arranging sandbags to make machine-gun nests, burying corpses, collecting garbage, etc.[6529] If the detainees did not work fast enough or did not carry out the work satisfactorily, they would be beaten, verbally abused, and threatened that they would be killed.[6530] The witness could not work due to the injuries he suffered from his beatings.[6531] Rajko Kušić, collected four or five Muslim detainees from the school and

[6524] P167 (Šefik Hurko, proofing notes, 2 September 2012), para. 3; Šefik Hurko, T. 2228-2229, 2231, 2281-2282, 2284.
[6525] P1637 (Alija Isaković, witness statement, 22 January 1999), p. 4; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 4
[6526] P1637 (Alija Isaković, witness statement, 22 January 1999), p. 4; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 4.
[6527] P1637 (Alija Isaković, witness statement, 22 January 1999), p. 4.
[6528] P1637 (Alija Isaković, witness statement, 22 January 1999), p. 4.
[6529] P309 (Witness RM-081, witness statement, 17 September 2011), paras 42, 46, 49, 59, 78-79, 99.
[6530] P309 (Witness RM-081, witness statement, 17 September 2011), para. 78.
[6531] P309 (Witness RM-081, witness statement, 17 September 2011), para. 79.

used them as a human shield to extract dead and wounded soldiers from a tank that had struck a mine.[6532]

1545. **Milenko Janković** testified in general terms that detainees collected firewood or worked on private farms in Rogatica and also worked about 200 metres away from the defence line. According to the witness, the detainees volunteered to work in order to receive clothes, cigarettes, and better food.[6533]

1546. With regard to Milenko Janković's evidence that detainees 'volunteered' to work in order to receive clothes, cigarettes, and better food, the Trial Chamber notes that it is not linked to a specific place or date. The Trial Chamber did not receive any further evidence on voluntary work by detainees in Rogatica Municipality. On the contrary, the Trial Chamber received reliable evidence from former detainees that they were ordered to work, and that they were beaten, threatened, and insulted before and during the work. Accordingly, the Trial Chamber will not rely on Janković's evidence in this respect.

1547. Based on the foregoing, the Trial Chamber finds that between the beginning of August and mid September 1992, detainees from Rasadnik camp were ordered to clean apartments and move furniture from Muslim into Serb homes. In the first two weeks of August 1992, the detainees were brought to Rogatica by Radisav Ljubinac to clean up shelling debris on a daily basis. On 15 August 1992, detainees were told by Ljubinac, Sinan Ćatić, and a Serb called 'Macola', to declare their loyalty to the Serb state. Later that day, three detainees from Rasadnik had to unload a lorry at the Sladara Factory. These and other detainees, in total at least 24 Muslim males, were brought by Ljubinac to the front-line in Duljevac, where Serb soldiers were present, their hands were tied behind their backs and they were used as a human shield by Dragoje Paunović, the Commander of the Kozići unit of the VRS Rogatica Brigade (*see* the Trial Chamber's finding in chapter 4.11.1 *Schedule B.14.2*; with regard to the VRS Rogatica Brigade, *see* chapter 3.1.2). At least two of the detainees were wounded.

1548. The Trial Chamber further finds that on 21 March 1993, detainees from Rasadnik camp were ordered to dig trenches in Trnovo, near Rogatica by guards. The Trial Chamber recalls its finding in chapter 4.11.2 *Schedule C.16.3* that after October 1992, members of the VRS acted as guards at Rasadnik detention facility. Between 9 and 11 July 1993, twelve detainees, including one captured combatant, were taken out

[6532] P309 (Witness RM-081, witness statement, 17 September 2011), para. 85.

by Vinko Bojić, the warden of Rasadnik camp and a member of the VRS Rogatica Brigade (*see* the Trial Chamber's finding in chapter 4.11.1 *Schedule C and unscheduled murder incidents*; with regard to the VRS Rogatica Brigade, *see* chapter 3.1.2), and ordered to recover the bodies of 17 Serb soldiers in a mined area in Starčići. Bojić antagonised the detainees by calling their mothers '*Balija*'. During the offensive on Goražde between 1 and 17 April 1994, more than 100 Muslim detainees were ordered to carry food and ammunition up Trovrh Hill. Between 17 and 27 April 1994, 10-15 detainees were instructed by Bojić to work in the forest at Gnila Hill.

1549. With regard to the incidents involving detainees from Rasadnik, the Trial Chamber also recalls its findings in chapter 4.11.2 *Schedule C.16.3* concerning the conditions of detention.

1550. The Trial Chamber finds that between 9 or 10 June and the end of October 1992, detainees at the Veljko Vlahović School were ordered to perform several different types of manual labour. The detainees, including a woman and a 13-year-old boy, dug trenches, carried ammunition, arranged sandbags for machine-gun nests, buried corpses, and cleaned streets and apartments. The Trial Chamber recalls its finding in chapter 4.11.2 *Schedule C.16.1* that local Serbs under Rajko Kušić, civilian police, Serb TO, and paramilitary unit members guarded the camp. Detainees whose work was not carried out to a satisfactory standard would be beaten and threatened with death. Between July and the end of October 1992, Rajko Kušić used four or five Muslim detainees as human shields in order to extract dead and wounded soldiers. In this respect, the Trial Chamber also recalls its findings in chapter 4.11.2 *Schedule C.16.1* concerning the conditions of detention.

1551. The Trial Chamber will further consider these incidents in relation to Count 3 of the Indictment in chapter 8 below.

4.11.6 Imposition and maintenance of restrictive and discriminatory measures

1552. The Trial Chamber finds that the Prosecution has presented insufficient evidence to prove this charge.

[6533] Milenko Janković, T. 26668-26669.

4.11.7 Forcible transfer and deportation

1553. According to the Indictment, the Accused is responsible for forcible transfer and deportation of Bosnian Muslims and Bosnian Croats from Rogatica Municipality between 12 May 1992 and 30 November 1995.[6534] The forcible transfers and deportations were implemented by the imposition of restrictive and discriminatory measures, arbitrary arrest and detention, harassment, torture, rape and other acts of sexual violence, killing, the destruction of houses and cultural monuments and sacred sites, and the threat of further such acts - all targeted at Bosnian Muslims and Bosnian Croats. Others were physically driven out.[6535] The Defence argued that in May 1992, many Serbs and Muslims moved out of Rogatica Town to its suburbs due to growing insecurity and shootings in the streets.[6536] It further submitted that members of the TO, the VRS, and the civilian police did not carry out forcible removal of Bosnian Muslims.[6537] It also submitted that Muslim civilians were given the choice to leave in the areas under the control of the VRS or to stay.[6538] Furthermore, the Defence argued that the individuals who reported to collection centres did so voluntarily and were escorted out of the municipality by the police for their safety.[6539] The arguments about the forcible nature of the displacement and departure of Bosnian-Muslims will be addressed more particularly in chapter 8.5.2. The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this charge. It also received evidence from **Alija Isaković**, **Witness RM-081**, and **Elvir Pašić**, Bosnian Muslims from Rogatica;[6540] **Mile Ujić**, the President of the Executive Committee of the Rogatica Municipality from 1990 until March 1992 and the Chief and acting Chief of Staff of the Rogatica Brigade from the beginning of May 1992 until the end of 1992;[6541] **Milenko Janković,** a former member of a Rogatica TO unit in Pješevica and former VRS

[6534] Indictment, paras 47, 59(f), 67-68.
[6535] Indictment, para. 70.
[6536] Defence Final Brief, paras 1427
[6537] Defence Final Brief, para. 1430.
[6538] Defence Final Brief, paras 1427-1431.
[6539] Defence Final Brief, paras 1430-1431.
[6540] **Alija Isaković**: P1637 (Alija Isaković, witness statement, 22 January 1999), p. 1; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 1. **Witness RM-081**: P309 (Witness RM-081, witness statement, 17 September 2011), p. 1, paras 1-2; Witness RM-081, T. 3686-3687; P308 (Pseudonym sheet for Witness RM-081). **Elvir Pašić**: P434 (Elvir Pašić, witness statement, 21 October 1994), p. 1, para. 1. The evidence of Elvir Pašić is also reviewed in chapter 4.2.2 *Schedule C.2.1*.
[6541] D691 (Mile Ujić, witness statement, 2 August 2014), para. 4; Mile Ujić, T. 26856-26857, 26863, 26925-26926, 27027-27029; P6824 (Police interview of Mile Ujić of 6 June 2004), pp. 2, 4; P6833 (Order by the Rogatica Commander Rajko Kušić, 15 December 1992), p. 1.

soldier;[6542] **Milovan Lelek**, Assistant Chief of Staff for Training and Operations for the Rogatica Brigade from late May 1992 until 1994;[6543] and **Milorad Sokolović**, President of the Rogatica Crisis Staff from April 1992 until 25 June 1992 and President of the Executive Board of the Rogatica Municipality from May 1992 until October 1993;[6544] and finds that this evidence is consistent with the Adjudicated Facts.[6545] The Trial Chamber further received evidence from **Šefik Hurko**, a Bosnian Muslim who was detained in the Rasadnik camp, Rogatica Municipality, from August 1992 through April 1994;[6546] **Witness RM-037**, a Bosnian Muslim from the Muslim village of Kozadre in Rogatica Municipality;[6547] **Witness RM-098**, a Bosnian from Rogatica Municipality;[6548] **Novica Andrić**, a Serb member of the Serbian TO of Rogatica as of 20 April 1992;[6549] **Sveto Veselinović**, member of the SDS and of the Crisis Staff of Rogatica Municipality;[6550] **Đoko Razdoljac**, assistant commander for logistics in the VRS Rogatica Brigade from the end of 1992 until the end of 1995;[6551] **Armin Baždar**, a Bosnian Muslim from Seljani in Rogatica Municipality who was 15 years old in 1992;[6552] **Milan Tupajić**, President of the Sokolac Municipal Assembly from 1991 and

[6542] D683 (Milenko Janković, witness statement, 2 August 2014), para. 3; Milenko Janković, T. 26664.
[6543] D849 (Milovan Lelek, witness statement, 2 August 2014), paras 8, 14; Milovan Lelek, T. 29584.
[6544] D652 (Milorad Sokolović, witness statement, 6 June 2014), paras 7, 15-16; Milorad Sokolović, T. 26014, 26029, 26054, 26057; P6776 (Bosnian-Serb MUP official note, 17 June 2004), p. 1.
[6545] **Alija Isaković**: P1637 (Alija Isaković, witness statement, 22 January 1999), p. 3; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), pp. 2-3. **Witness RM-081**: P309 (Witness RM-081, witness statement, 17 September 2011), paras 13, 30, 43, 46. The evidence of this witness is also reviewed in chapter 9.2.11. **Elvir Pašić**: P434 (Elvir Pašić, witness statement, 21 October 1994), paras 17, 19-21, 29; Elvir Pašić, T. 4470-4471, 4478, 4487-4489. **Mile Ujić**: D691 (Mile Ujić, witness statement, 2 August 2014), para. 25; Mile Ujić, T. 26871, 26886-26889, 27017-27018; D696 (Map of Rogatica, marked by Mile Ujić). **Milenko Janković**: D683 (Milenko Janković, witness statement, 2 August 2014), paras 9-11; Milenko Janković, T. 26637-26638, 26675. **Milovan Lelek**: D849 (Milovan Lelek, witness statement, 2 August 2014), para. 13. **Milorad Sokolović**: D652 (Milorad Sokolović, witness statement, 6 June 2014), paras 10-11.
[6546] P164 (Šefik Hurko, witness statement, 1 September 2011), p. 1, paras 15, 21-22, 49; Šefik Hurko, T. 2220.
[6547] P2227 (Witness RM-037, witness statement, 27 November 2012), p. 1, para. 3.
[6548] P3012 (Witness RM-098, witness statement, 1 September 2011), p. 1, para. 2; P3025 (Pseudonym sheet for Witness RM-098).
[6549] D665 (Novica Andrić, witness statement, 23 February 2013), para. 7; D666 (Novica Andrić, witness statement, 6 June 2014), p. 1, para. 2.
[6550] D770 (Sveto Veselinović, witness statement, 15 February 2013), paras 1, 3, 13, 15, 22; Sveto Veselinović, T. 28226, 28248-28250, 28258; P6906 (Politika article, 5 July 1991), p. 1; P6908 (Decision on the appointment of Sveto Veselinović as member of the Crisis Staff of the Serbian Municipality of Rogatica, 24 May 1992); D774 (Decision of the Rogatica Municipal Executive Committee on the appointment of Sveto Veselinović as Secretary of the Secretariat in the Municipal Public Revenue Administration, 18 February 1991).
[6551] P3491 (Đoko Razdoljac, *Tolimir* transcript, 30 November 2010), pp. 8228, 8233.
[6552] P2223 (Armin Baždar, witness statement, 23 January 1999), pp. 1-2; P2224 (Armin Baždar, *Karadžić* transcript, 5 September 2011), p. 18382.

President of the Sokolac Crisis Staff from April 1992 until 1996;[6553] **Milenko Rajak**, at first a member of the Rogatica Serb TO and later of the Rogatica Brigade until 1 June 1994;[6554] and **Milovan Milutinović**, Chief of the Press Centre and the Information Service at the 1KK between 1992 and 1994 and head of the VRS Main Staff Information Service and Centre for Information and Propaganda Activities between 1994 and 1996.[6555] The evidence of **Elvir Pašić, Armin Baždar, Šefik Hurko, Milenko Rajak,** and **Witness RM-037** has also been reviewed in chapters 4.2.*2 Schedule C.2.1*, 4.11.1 *Schedule B.14.2*, 4.11.2 *Schedules C.16.1* and *C.16.3* and 4.11.5.

1554. According to census data, in 1991 Rogatica had a total population of 21,976 people, of which 13,209 were Muslims and 8,391 were Serbs.[6556] **Witness RM-098** stated that Rogatica Municipality was an area of strategic importance with significant roads between Serbia and Sarajevo.[6557] He also stated that Rajko Kušić accelerated the division of Muslims and Serbs in the municipality by issuing ultimatums to Muslim villages.[6558] He told them that if they handed over their weapons, they would be able to live there and their safety would be guaranteed.[6559] All those who failed to turn in their weapons would be expelled, arrested, or suffer the worst consequences.[6560] During March, April, right up until the first half of May and later on until 1 June 1992, Kušić disarmed Muslims in some villages of the municipality.[6561] **Novica Andrić** testified that in May 1992, during a meeting with the SDA representative, Ramiz Alajbegović, the Serb TO command requested in particular that the three Muslim villages of Mader, Kozići, Kopljevići, hand over their weapons to the Serb authorities.[6562] As Alajbegović

[6553] P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), pp. 15321, 15469, 15471; P3182 (Letter of resignation by Milan Tupajić, 9 October 1992).
[6554] D708 (Milenko Rajak, witness statement, 6 June 2014), paras 2-3, 8. The evidence of Armin Baždar is also reviewed in chapters 4.11.1 *Schedule B.14.2* and 4.11.5. The evidence of Witness RM-037 is also reviewed in chapter 4.11.1 *Schedule B.14.2*.The evidence of Šefik Hurko is also reviewed in chapter 4.11.2 *Schedules C.16.1* and *C.16.3*. The evidence of Milenko Rajak is also reviewed in chapter 4.11.2 *Schedule C.16.3*. The evidence of Đoko Razdoljac is also reviewed in chapter 4.11.4.
[6555] D862 (Milovan Milutinović, witness statement, 11 July 2014), paras 3, 5, 51, 54, 140; Milovan Milutinović, T. 30038.
[6556] P6772 (Excerpt from census data by Municipalities published in Zagreb in 1995), pp. 2-3. *See also* P309 (Witness RM-081, witness statement, 17 September 2011), paras 3-4; P2227 (Witness RM-037, witness statement, 27 November 2012), para. 4; P3012 (Witness RM-098, witness statement, 1 September 2011), para. 5; P3019 (Map of Rogatica Municipality); P6773 (Report by the Rogatica Executive Board on the current situation in the area of the Rogatica Municipality, 26 June 1992), p. 1.
[6557] P3012 (Witness RM-098, witness statement, 1 September 2011), para. 4.
[6558] P3012 (Witness RM-098, witness statement, 1 September 2011), para. 66.
[6559] P3012 (Witness RM-098, witness statement, 1 September 2011), paras 66-67, 70.
[6560] P3012 (Witness RM-098, witness statement, 1 September 2011), para. 70.
[6561] P3012 (Witness RM-098, witness statement, 1 September 2011), para. 66.
[6562] D665 (Novica Andrić, witness statement, 23 February 2013), para. 9. *See also* P3012 (Witness RM-098, witness statement, 1 September 2011), paras 66, 69.

refused, the TO command decided to carry out an attack on these villages.[6563] According to the witness, the villagers were warned beforehand by 'Serbs' and withdrew towards Pokrivenik and Kopljevići.[6564] Concerning the Muslim villages of Kozadre and Kramer Selo, **Mile Ujić** testified that he coordinated the artillery attacks on these villages, which he considered legitimate military targets as the villagers had failed to comply with the ultimatum asking them to surrender their weapons.[6565]

1555. According to **Milorad Sokolović**, already before the conflict broke out in Rogatica in May 1992, Muslims were leaving Rogatica in an organised manner and in large numbers, concentrating around the Kozići and Stijenice villages.[6566] **Witness RM-098** stated that the civilian authority of Rogatica escaped to Kozići and formed a defence line there.[6567] **Sokolović** testified that in April 1992, the Muslims organized transportation to Sarajevo en masse using buses and passenger vehicles.[6568] He estimated that about 2,500 to 3,000 Muslims left Rogatica in this manner and of their own free will before 21 May 1992.[6569] After the conflict began, the small number of Muslims who had remained in Rogatica, organized by their own leadership, left towards Žepa and Goražde, among other locations.[6570] **Ujić** testified that some Muslims, residing in villages who had surrendered their weapons such as Šatorovići, stayed in their home and did not go to collection centres.[6571] The Crisis Staff provided them with the same quantity of food per capita as a person of Serb ethnicity.[6572] According to a New York Times article, Serb authorities put the remaining Muslim inhabitants of Šatorovići onto buses departing to Sarajevo in 1994.[6573] **Milovan Lelek** testified that the inhabitants of the village of Zahum asked Radivoje Planojević to contact the Municipal Assembly of Rogatica to have transportation provided for them as they were threatened by a

[6563] D665 (Novica Andrić, witness statement, 23 February 2013), para. 9. *See also* P3012 (Witness RM-098, witness statement, 1 September 2011), paras 66, 69.
[6564] D665 (Novica Andrić, witness statement, 23 February 2013), para. 9.
[6565] D691 (Mile Ujić, witness statement, 2 August 2014), para. 32; Mile Ujić, T. 26963-26964.
[6566] D652 (Milorad Sokolović, witness statement, 6 June 2014), paras 10-11.
[6567] P3012 (Witness RM-098, witness statement, 1 September 2011), para. 96.
[6568] D652 (Milorad Sokolović, witness statement, 6 June 2014), para. 11; Milorad Sokolović, T. 26011.
[6569] D652 (Milorad Sokolović, witness statement, 6 June 2014), para. 11; Milorad Sokolović, T. 26011, 26027-26028, 26074.
[6570] D652 (Milorad Sokolović, witness statement, 6 June 2014), para. 14; Milorad Sokolović, T. 26011, 26043, 26074.
[6571] D691 (Mile Ujić, witness statement, 2 August 2014), para. 35; Mile Ujić, T. 26895-26896.
[6572] D691 (Mile Ujić, witness statement, 2 August 2014), para. 35; Mile Ujić, T. 26895-26896.
[6573] P6830 (New York Times article on displacement of Muslims to Sarajevo, 6 October 1994). *See also*, Mile Ujić, T. 26981-26982.

neighboring Muslim village due to their loyalty to the Serbs. A bus was sent and they were taken to the collection centre in Rogatica.

1556. **Ujić** testified that following the killing of a Serb on 22 May 1992, clashes occurred on a daily basis in Rogatica.[6574] Both sides had several barricades, functioning as checkpoints, in Rogatica around 22 May 1992.[6575] Beginning on 22 May and for approximately seven days, Serb forces – including the VRS, Kušić's men, and volunteer forces – shelled and, finally, took control of Rogatica Town and the surrounding villages.[6576] **Witness RM-081** testified that the shelling of the town began without warning.[6577] **Alija Isaković**, who had received military training, testified that the firing involved mortars, anti-aircraft guns, tanks, artillery, and heavy machine guns.[6578] At the time, the Serb forces met resistance from only about 50 Muslims armed with light weapons.[6579] **Elvir Pašić** testified that there was no organized resistance in Rogatica but the Serb forces shelled the town continuously for about two days.[6580] Another witness, **Witness RM-081** testified that there was no defence from the inhabitants of Rogatica, all of whom were unarmed.[6581] On 26 May 1992, **Pašić** heard bombing from aircraft targeting the villages located outside Rogatica in the direction of Višegrad where local Muslims had sought refuge.[6582]

1557. After the shelling, the Serbs ordered the Muslims to gather in the Rogatica Town's central square.[6583] Serb police and others in olive-green camouflage uniform removed from their homes those who did not comply with the orders to go to the secondary school, proceeding to separate the men from the women and then beating the men.[6584] **Isaković** stated that the Muslim residents of the town hid in cellars in order to avoid death and capture.[6585] Serb tanks fired into the cellars and used dogs to force

[6574] D691 (Mile Ujić, witness statement, 2 August 2014), para. 25; Mile Ujić, T. 26871, 26886-26889, 27017-27018; D696 (Map of Rogatica, marked by Mile Ujić).
[6575] Mile Ujić, T. 26873; D693 (Map of Rogatica with road blocks).
[6576] Adjudicated Facts IV, no. 1128.
[6577] P309 (Witness RM-081, witness statement, 17 September 2011), paras 30-32. *See also* P434 (Elvir Pašić, witness statement, 21 October 1994), para. 17; Elvir Pašić, T. 4470-4471.
[6578] P1637 (Alija Isaković, witness statement, 22 January 1999), p. 3.
[6579] Adjudicated Facts IV, no. 1128.
[6580] P434 (Elvir Pašić, witness statement, 21 October 1994), paras 17, 19.
[6581] P309 (Witness RM-081, witness statement, 17 September 2011), paras 31, 38-39; Witness RM-081, T. 3690-3691; P312 (Regular Operative Report No. 01-80/92 of the Rogatica Brigade Command to the SRK Command, signed by Commander Rajko Kušić, 11 June 1992), p. 1.
[6582] P434 (Elvir Pašić, witness statement, 21 October 1994), para. 19.
[6583] Adjudicated Facts IV, no. 1128.
[6584] Adjudicated Facts I, no. 1129.
[6585] P1637 (Alija Isaković, witness statement, 22 January 1999), pp. 3-4; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 3.

people out.[6586] The witness saw Serb soldiers carrying large liquid containers on their backs, with which they sprayed chemical into buildings, ignited it with incendiary rounds, and then captured the people escaping the flames.[6587] On one occasion, an earthquake, described as powerful by the witness, made the population leave their shelters, and as they gathered on the streets, the Serb firing and shelling intensified.[6588] The witness saw a young boy being killed and others being wounded.[6589] According to the witness, the visibility was clear and the crowd could not have been mistaken for a military target.[6590] Anyone pulling a trigger would have been able to see that they were firing at unarmed civilians, including women and children.[6591] Soldiers in JNA uniform, including a reserve JNA captain, demanded that the Muslim population sign a loyalty oath to surrender and move to the Veljko Vlahović secondary school, under the threat of being killed if they did not comply.[6592] The 'Chetniks' were also announcing that those Muslims who would come out of their hiding places would not be harmed.[6593] **Pašić** testified that a Serb announcement stated that the Serbs intended to 'cleanse' Rogatica of Muslim extremists and so-called Green Berets, allegedly consisting of 4,000 people.[6594] According to the witness, who was a former policeman in Rogatica, there were no Muslim military organizations or extremists in the area.[6595] After the shelling, a total of 2,500-3,000 Muslims assembled in the town square.[6596]

1558. **Pašić** testified that the attack on Rogatica Town targeted exclusively the Muslim-populated parts of the town.[6597] **Witness RM-081** also testified that only Muslim houses were targeted during the shelling, while Serb areas of the town were left unscathed.[6598] The shelling of Rogatica continued for around three months, with Serb military formations entering gradually and cleaning up the town.[6599] **Isaković** stated that

[6586] P1637 (Alija Isaković, witness statement, 22 January 1999), p. 4.
[6587] P1637 (Alija Isaković, witness statement, 22 January 1999), p. 4.
[6588] P1637 (Alija Isaković, witness statement, 22 January 1999), p. 3; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 3.
[6589] P1637 (Alija Isaković, witness statement, 22 January 1999), p. 3.
[6590] P1637 (Alija Isaković, witness statement, 22 January 1999), pp. 3-4.
[6591] P1637 (Alija Isaković, witness statement, 22 January 1999), pp. 3-4.
[6592] Adjudicated Facts IV, no. 1128.
[6593] P1637 (Alija Isaković, witness statement, 22 January 1999), p. 4; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 3.
[6594] P434 (Elvir Pašić, witness statement, 21 October 1994), para. 21.
[6595] Elvir Pašić, T. 4471, 4484-4485.
[6596] Adjudicated Facts IV, no. 1128.
[6597] Elvir Pašić, T. 4478.
[6598] P309 (Witness RM-081, witness statement, 17 September 2011), para. 34; P311 (Photo of a destroyed house).
[6599] P309 (Witness RM-081, witness statement, 17 September 2011), paras 36-37.

tanks and APCs fired at Muslim houses, shops, and mosques in Rogatica on a daily basis.[6600] **Witness RM-081** testified that Serb forces would throw hand grenades into a house, then break down the door, and fire their automatic rifles and machine guns, killing anyone inside.[6601] Any survivors would be detained, and then the house would be set on fire by specialists with flame throwers.[6602] In particular, Kušić's detachment, the VRS, and volunteer units from Pančevo and Zrenjanin destroyed a house in July 1992.[6603]

1559. In May 1992 a group of 1,500-2,000 Muslims left Rogatica Town due to the intensified shelling. When the group arrived at the village of Vragolovi in Rogatica Municipality, there were approximately 5,000-6,000 displaced Muslims and refugees. In July 1992, 1,500 of these Muslims escaped to Goražde when Serb forces shelled Vragolovi. In August 1992, all but ten of the remaining refugees left the village for Goražde after having received a warning about another Serb attack.[6604]

1560. **Sveto Veselinović** testified that in May 1992, both Serbs and Muslims left the town and moved to its suburbs and 'further away', due to growing insecurity in the town and shooting in the streets.[6605] By the end of the war, there were almost no Muslims left in the municipality.[6606] **Lelek** testified that the Serb population and part of the Muslim population of Rogatica were evacuated towards Kopljevići, Koprivenik, and Goražde around 23 to 24 May.[6607]

1561. According to a combat report addressed to the Supreme Command of the Bosnian-Serb Republic, dated 23 May 1992, on 22 May 1992, a battalion of the Rogatica Municipal Assembly commanded by Rajko Kušić, together with the Military Police Company, conducted armed operations against enemy strongholds in the villages of Dub, Pokrivenik, Kopljevići, Kozići, and Čadovi, as well as against Pašić Kula, Rajs

[6600] P1637 (Alija Isaković, witness statement, 22 January 1999), p. 4.
[6601] P309 (Witness RM-081, witness statement, 17 September 2011), para. 37.
[6602] P309 (Witness RM-081, witness statement, 17 September 2011), para. 37.
[6603] P309 (Witness RM-081, witness statement, 17 September 2011), paras 34, 40; P311 (Photo of a destroyed house).
[6604] Adjudicated Facts I, no. 1136.
[6605] D770 (Sveto Veselinović, witness statement, 15 February 2013), para. 16.
[6606] Sveto Veselinović, T. 28275.
[6607] D849 (Milovan Lelek, witness statement, 2 August 2014), para. 13; Milovan Lelek, T. 29564-29565. The Trial Chamber notes that D849 uses the term 'evacuated themselves'. The Trial Chamber also notes that D849 as well as the transcript, referred to hereto, contain further references to subsequent evacuation of the population without the use of the reflexive pronoun. Therefore, the Trial Chamber understands the sentence in para. 13 of D849 as referring to the evacuation of the population.

Laze, and Rudo 2 settlement, and that the 'enemy was crushed'.[6608] **Šefik Hurko** testified that Kopljevići and Rudo 2, a neighbourhood in Rogatica Town, were civilian Muslim areas.[6609] From May through August 1992, a police unit, under the command of Ramiz Alajbegović, operated in several Muslim villages of the municipality.[6610] According to **Isaković**, the Muslim villages surrounding Rogatica Town, among them Tičijak, Mala Žepa, Biljino Polje, and Pašić Kula, were burned down.[6611] A man from Pašić Kula told the witness that he saw 'Chetniks' burn down his house by spraying it with fluids and firing incendiary bullets at it.[6612]

1562. **Pašić** testified that on 19 June 1992, there was military activity in Rogatica Town. For two days, a tank stationed near the Veljko Vlahović school directed fire towards the centre of town and approximately 30 tank rounds were fired. On 20 June 1992, on the second day of his detention at the school, the witness was allowed to go to town to check if his girlfriend who resided in town was alright. He saw that the town was burnt down and that the shelling continued.[6613] **Milenko Janković** testified that after this attack on the town by a unit under the command of Rajko Kušić, the Serb TO took control of the town and most Muslims left Rogatica Municipality.[6614] Several villages in the municipality, including Burati, Šatorovići, and Žepa, remained Muslim.[6615] According to the witness, there was no organized moving of civilians by what the witness called 'Serbian forces', described as a reference to the TO and to the VRS, nor were civilians ordered to leave the municipality, but individuals who reported to the collection centres and expressed their desire to leave were escorted by the police for their safety.[6616]

1563. **Pašić** testified that on 22 June 1992, Rajko Kušić announced that Veljko Vlahović secondary school detainees with relatives in the 'free zone' would be transported there. On 27 June 1992, the people who had signed up to be transferred, with the exception of doctors, engineers, and mechanics, were put on buses and a few

[6608] P166 (Combat report from the Rogatica Municipal Assembly to the Supreme Command of the Bosnian-Serb Republic and Sokolac TO Commander, signed by Rajko Kušić, 23 May 1992).
[6609] P164 (Šefik Hurko, witness statement, 1 September 2011), para. 4.
[6610] Šefik Hurko, T. 2255.
[6611] P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 3.
[6612] P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 3.
[6613] P434 (Elvir Pašić, witness statement, 21 October 1994), para. 28.
[6614] D683 (Milenko Janković, witness statement, 2 August 2014), paras 9-11; Milenko Janković, T. 26637-26638, 26675.
[6615] Milenko Janković, T. 26689.

civilian trucks driven by individuals in military uniform and escorted by guards in military vehicles and were told that they would be transferred to Muslim-held territory. Approximately 280 detainees were transferred while about 50 remained in the camp.[6617] At around one kilometre away from the school, the convoy was stopped and men aged 18-60 were requested to get off the vehicles.[6618] Twenty-eight men, including the witness, left the vehicles and the witness heard that the remaining group was taken to Olovo, which was Muslim-controlled.[6619] **Lelek** testified that around 20 to 25 June 1992, the mostly Muslim civilian population was safely evacuated.[6620]

1564. **Witness RM-081** testified that the cleansing operation conducted in Muslim areas of the town resulted in the destruction of a house in July 1992, which prompted him to flee to the centre of the town.[6621] On the way to the centre, he saw APCs and tanks, and heard announcements broadcast over a loudspeaker by Živojin Novaković, on behalf of the VRS Command, directing the Muslim residents of Rogatica without weapons to surrender themselves to the Veljko Vlahović School.[6622] Novaković told him that the school was too small to accommodate all the Muslims. Novaković was asked to let the Muslims go as the Serbs already had control of the town. He replied that he would ask command if this were possible, but later said that it would not be possible. Novaković further said that the town would be cleansed and anyone found in the town would be killed.[6623] Novaković added that the Muslims would have to stay in the school for only two to three days until the situation calmed down.[6624] The witness testified that he and his family left Rogatica in August or September 1993.[6625] With the help of a Serb friend, they hid for nine days and eventually managed to escape from Rogatica and reach Plužine in Montenegro.[6626] The Serb inhabitants started to return to Rogatica in March 1993.[6627]

[6616] Milenko Janković, T. 26675-26676, 26690-26691; D683 (Milenko Janković, witness statement, 2 August 2014), para.11.
[6617] P434 (Elvir Pašić, witness statement, 21 October 1994), para. 30.
[6618] P434 (Elvir Pašić, witness statement, 21 October 1994), para. 31.
[6619] P434 (Elvir Pašić, witness statement, 21 October 1994), para. 31.
[6620] D849 (Milovan Lelek, witness statement, 2 August 2014), para. 13; Milovan Lelek, T. 29565.
[6621] P309 (Witness RM-081, witness statement, 17 September 2011), paras 40, 42-43.
[6622] P309 (Witness RM-081, witness statement, 17 September 2011), paras 43, 46-47.
[6623] P309 (Witness RM-081, witness statement, 17 September 2011), paras 43, 46.
[6624] P309 (Witness RM-081, witness statement, 17 September 2011), paras 46, 50.
[6625] P309 (Witness RM-081, witness statement, 17 September 2011), para. 99.
[6626] P309 (Witness RM-081, witness statement, 17 September 2011), paras 101-102.
[6627] P309 (Witness RM-081, witness statement, 17 September 2011), para. 100.

1565. **Ujić** testified that on 23 July 1992, the Serbs entered Rogatica and pushed the Muslims out of the centre.[6628] On 1 August 1992, the Sokolac TO, then placed under the command of the SRK, fired at enemy firing groups in the mixed village Rakitnica.[6629] On 2 August 1992, a column of Muslims from Rakitnica withdrew from the mixed village of Borovsko under fire.[6630] They were under fire and accompanied by members of an ABiH unit returning fire.[6631] The Serb artillery, while not able to see the column, fired 82-millimetre mortars wounding two or three children subsequently left behind by the column and treated by the Serb military.[6632]

1566. **Witness RM-037** stated that on 2 August 1992, Kozadre and the neighbouring predominantly Muslim villages of Kramer Selo, Dobrašina, and Borovsko were shelled.[6633] In the afternoon of the same day, Serb 'infantry' attacked Kozadre and houses were set on fire. The witness and his family, along with 30 women, children, and elderly people, consequently took shelter in the forest called Rudine. The attackers looted and burned the houses.[6634] The witness was later told that the 'Chetniks' killed a number of people during the attack of Kozadre.[6635]

1567. **Milan Tupajić** stated that around late May-July 1992, columns of Muslim 'refugees', mainly from the Drina valley, Rogatica, and Višegrad passed through Sokolac in buses.[6636] Once in Sokolac, those heading to Olovo were escorted by members of the Sokolac police station.[6637]

1568. Several witnesses provided evidence about exchange of detainees from Rasadnik camp. **Isaković** stated that after his wife had been separated from him on 5 August 1992 at the Veljko Vlahović School detention facility, he learned that she had been exchanged in Sarajevo.[6638] The witness further stated that at some point during his detention at the Rasadnik detention facility, Lazar Veselinović, a Serb investigating judge in the prison, informed him that he would be exchanged.[6639] From that moment,

[6628] Mile Ujić, T. 26889, 26897, 26899; D696 (Map of Rogatica, marked by Mile Ujić).
[6629] Mile Ujić, T. 26977-26978; P6827 (Order by the SRK command, 22 May 1992), p. 2.
[6630] Mile Ujić, T. 26965-26966, 26969-26971, 26975, 26978-26980.
[6631] Mile Ujić, T. 26965-26966, 26969-26971, 26978-26980.
[6632] Mile Ujić, T. 26965-26967, 26969-26975, 26977.
[6633] P2227 (Witness RM-037, witness statement, 27 November 2012), paras 12, 53.
[6634] P2227 (Witness RM-037, witness statement, 27 November 2012), para. 12.
[6635] P2227 (Witness RM-037, witness statement, 27 November 2012), para. 49.
[6636] P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), pp. 15376, 15388-15389.
[6637] P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), p. 15389.
[6638] P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 4.
[6639] P1637 (Alija Isaković, witness statement, 22 January 1999), p. 5; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 7.

the witness's status had changed: he was examined by a doctor, his hair was cut by a barber, and he received a clean set of clothes.[6640] On 16 March 1993, the witness was exchanged for Danko Knežević near Bristol hotel in Grbavica.[6641] On the 'Chetnik' side, the exchange was carried out by a uniformed man who held the rank of a captain.[6642] **Šefik Hurko** testified that on 30 April 1994, he, alongside 11 other Rasadnik camp detainees and a large number of women and children, was transported to Kula to be exchanged.[6643] On 6 October 1994 he was exchanged at the *Bratstva i Jedinstva* bridge in Sarajevo.[6644]

1569. **Novica Andrić** testified that in the summer of 1993, he, together with the Rasadnik warden and Captain Zoran Čarkić, escorted a bus of civilians of Muslim ethnicity, including one man who had appeared on the 10 April 1993 list of 'captured persons' from Rasadnik to Zvornik where they were handed over by the latter.[6645] According to the witness, nobody forced them to go on the bus.[6646] The civilians and 'others' were supposed to be exchanged from Zvornik to Tuzla and let go to the Muslim controlled territory.[6647] 'Muslim authorities' did not allow the people to enter the Muslim-controlled territory and some people were sent back to Rogatica one or two days later.[6648]

1570. **Milenko Rajak** testified that some of the detainees from Rasadnik (*see* chapter 4.11.2 *Schedule C.16.3*) were later exchanged in Sarajevo following the approval of Rajko Kušić.[6649]

1571. The Trial Chamber has reviewed the evidence of **Armin Baždar** concerning scheduled incident B.14.2 in chapter 4.11.1 *Schedule B.14.2*. The witness stated that two days after reaching Bosnia-Herzegovina TO, following his survival of this incident,

[6640] P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 7.
[6641] P1637 (Alija Isaković, witness statement, 22 January 1999), p. 5; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 8.
[6642] P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 7.
[6643] P164 (Šefik Hurko, witness statement, 1 September 2011), para. 49.
[6644] P164 (Šefik Hurko, witness statement, 1 September 2011), para. 50.
[6645] Novica Andrić, T. 26406, 26408-26409, 26422-26423; P6805 (DK Command 'List of captured persons of Muslim ethnicity', 10 April 1993), pp. 1-3.
[6646] Novica Andrić T. 26422; P6805 (DK Command 'List of captured persons of Muslim ethnicity', 10 April 1993), pp. 1-3.
[6647] Novica Andrić, T. 26409, 26412, 26422; P6805 (DK Command 'List of captured persons of Muslim ethnicity', 10 April 1993, pp. 1-3.
[6648] Novica Andrić, T. 26412, 26422.
[6649] D708 (Milenko Rajak, witness statement, 6 June 2014), para. 9; Milenko Rajak, T. 27284, 27346, 27349; P6854 (1st Podrinje Infantry Brigade command document No. 01-1057/93, dated 28 January 1994).

a Muslim soldier took him to Kopači, where he stayed with his uncle for two months.[6650] On 7 January 1993, he finally reached Sarajevo and joined his family there.[6651] The Trial Chamber has also reviewed the evidence of Armin Baždar concerning the incidents of forced labour in chapter 4.11.5.

1572. The Trial Chamber also received evidence of the transfer of people from Žepa in 1995. **Milovan Milutinović** testified that sometime in July 1995, he attended talks between Mladić, Muslim representatives of Žepa, and the Commander of the Ukranian Battalion of UNPROFOR.[6652] VRS Main Staff Assistant Commander for Intelligence and Security, General Zdravko Tolimir, was also present.[6653] Upon a request from the Muslim representatives, it was agreed to organise the transport and departure from Žepa of the entire population and of the members of the brigade in Žepa.[6654] The Ukrainian Battalion Commander conveyed that the population of Žepa requested, upon their own free will, to be transported out of Žepa.[6655] They were guaranteed safe transport to the Federation of Bosnia-Herzegovina.[6656] On 13 July 1995, Tolimir informed the VRS Main Staff, and Mladić personally, as well as other VRS units that the 'representatives' from Žepa informed large number of the civilian population and soldiers that they would be allowed to leave or to stay in the Žepa area, if they surrendered their weapons and recognize the 'Serbian authority'.[6657] Tolimir added that the VRS informed the Žepa leadership through UNPROFOR that the process of evacuation and the weapons surrender had to start at 9 a.m. on 15 July 1995 and that in case of non-compliance the VRS was planning to start with combat activities.[6658] On 14 July 1995, Tolimir informed the VRS Main Staff that the Muslim leadership in Sarajevo did not approve the evacuation from Žepa and that according to UNPROFOR intelligence the ABiH was 'at the front' and civilians were taking refuge outside the populated area.[6659] Tolimir

[6650] P2223 (Armin Baždar, witness statement, 23 January 1999), p. 7.
[6651] P2223 (Armin Baždar, witness statement, 23 January 1999), p. 7.
[6652] D862 (Milovan Milutinović, witness statement, 11 July 2014), paras 94, 96-97; Milovan Milutinović, T. 30078. *See also* P3491 (Đoko Razdoljac, *Tolimir* transcript, 30 November 2010), pp. 8252-8253, 8255-8256, 8270-8271.
[6653] D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 97.
[6654] D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 97; Milovan Milutinović, T. 30077.
[6655] Milovan Milutinović, T. 30077-30079, 30081.
[6656] D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 97.
[6657] P3478 (Tolimir's Report to the VRS Main Staff about the situation in Žepa, 13 July 1995), pp. 1-2.
[6658] P3478 (Tolimir's Report to the VRS Main Staff about the situation in Žepa, 13 July 1995), p. 2.
[6659] P3480 (Tolimir's Report to the VRS Main Staff about the situation in Žepa, 14 July 1995), p. 1, 3.

suggested to start with the execution of combat operations according to the plan of superior command.[6660]

1573. Upon Mladić's request, the witness, dressed in uniform, was present in Žepa while preparations for the evacuation were taking place.[6661] The witness felt no ill will from the people, and nothing unpleasant happened.[6662] The witness worked with Captain Guduras, security officer of the 1KK, in using loudspeakers in Žepa to broadcast messages to the Muslim population, so that they would not put up resistance, and so that they would assemble in certain areas.[6663] According to the witness, when the population, escorted by UNPROFOR members, was leaving Žepa, Mladić entered a large number of buses, greeting the people and telling them that they had no reason to be afraid.[6664]

1574. **Đoko Razdoljac** stated that he had been tasked to secure, with the assistance of other municipalities, 50 to 60 buses and trucks for the evacuation.[6665] According to an order from the logistics sector of the VRS Main Staff to the assistant commander for logistics of the Rogatica Brigade, on 20 July 1995, 50 buses were to be secured for the transport of women and children, and one bus for the sick and wounded.[6666] The order further tasked the command of the Rogatica Brigade, assisted by units of the Drina Corps, to set up a team to collect and store assets and cattle, and record them as material assets obtained through regular supply and to report to the VRS Main Staff. [6667] Colonel Milisav Jovanović was in charge of the collection and pull out of the war booty on behalf of the VRS Main Staff.[6668] According to a request for mobilisation of motor vehicles from the DK command to sections of the MoD in nine municipalities, including

[6660] P3480 (Tolimir's Report to the VRS Main Staff about the situation in Žepa, 14 July 1995), p. 2.
[6661] D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 100; Milovan Milutinović, T. 30081.
[6662] D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 100; Milovan Milutinović, T. 30082-30083.
[6663] Milovan Milutinović, T. 30083, 30087.
[6664] D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 98; Milovan Milutinović, T. 30082.
[6665] P3491 (Đoko Razdoljac, *Tolimir* transcript, 30 November 2010), pp. 8270, 8286-8287.
[6666] P3497 (Order on the transport of people and the pull-out of war booty from Žepa from the logistics sector of the VRS Main Staff to the assistant commander for logistics of the Rogatica Brigade, 19 July 1995), p. 1.
[6667] P3497 (Order on the transport of people and the pull-out of war booty from Žepa from the logistics sector of the VRS Main Staff to the assistant commander for logistics of the Rogatica Brigade, 19 July 1995), p. 2.
[6668] P3497 (Order on the transport of people and the pull-out of war booty from Žepa from the logistics sector of the VRS Main Staff to the assistant commander for logistics of the Rogatica Brigade, 19 July 1995), p. 2.

Vlasenica, Sokolac, Pale, and Rogatica, General Krstić requested the mobilisation of 21 trucks and 50 buses and ordered the concerned municipal organs to report with the vehicles 20 kilometre north-east of Rogatica on 20 July 1995.[6669] On 24 July 1995, an agreement was signed between Rajko Kušić and Hamdija Torlak and certified by Mladić about the disarmament of the able-bodied population in the enclave of Žepa.[6670] The agreement stated *inter alia* that: there be an immediate cease-fire; Avdo Palić would issue an order to his soldiers to move with the displaced population to 'settled places' to try to illegally cross over the territory of the Bosnian-Serb Republic; the civilian population of Žepa was to be enabled to freely choose their place of residence and the UNPROFOR, ICRC, and other international organisations, in cooperation with the VRS enable their transport to territory under the control of ABiH or to third countries of their choice; the able-bodied population of Žepa would be registered and accommodated in a holding centre under the control of the VRS and the ICRC up to the liberation of all VRS and Serbian detainees held in prisons in territory controlled by the ABiH under the command of Rasim Delić.[6671] Further, the agreement stated that all UNPROFOR members in Žepa were to be immediately released and 'deblocked' and that all weapons and equipment be returned to them so that they can act as intermediaries in the implementation of the agreement.[6672]

1575. On 25 July 1995, Jovica Karanović, informed Tolimir that the Muslim Government accepted on that day the agreement in its entirety on the condition that both civilians and able-bodied men be evacuated together from Žepa and that the government were willing to secure release of all POWs demanded by the VRS.[6673] Karanović emphasized that 'it is important that civilians, disarmed soldiers and able-bodied men are evacuated together from Žepa and they demand guarantees that they are not going to be killed'.[6674]

[6669] P3498 (Request for mobilization of motor vehicles from the DK command to sections of the MoD in 9 municipalities, 19 July 1995).
[6670] P3483 (Report on the Agreement on the disarmament of the able-bodies population in the enclave of Žepa, 24 July 1995), p. 1, 3.
[6671] P3483 (Report on the Agreement on the disarmament of the able-bodies population in the enclave of Žepa, 24 July 1995).
[6672] P3483 (Report on the Agreement on the disarmament of the able-bodies population in the enclave of Žepa, 24 July 1995), p. 2.
[6673] P3482 (Information sent by the Sector for Intelligence and Security of the VRS Main Staff to Tolimir, 25 July 1995).
[6674] P3482 (Information sent by the Sector for Intelligence and Security of the VRS Main Staff to Tolimir, 25 July 1995).

1576. To **Milutinović**'s knowledge, all inhabitants and members of the brigade were transferred to the Federation of Bosnia-Herzegovina.[6675] **Razdoljac** stated that, as far as he knew, the negotiations resulted in the departure of people, in several buses, from Žepa to Sarajevo in July 1995.[6676] Following the evacuation of women and children, the ABiH remained in the Žepa area.[6677]

1577. On 27 July 1995, Jovica Karanović informed *inter alia*, Tolimir, and the Drina Corps Intelligence Department about the 'intentions of the Muslim forces in the Žepa enclave' and namely that they intercepted conversations referring to the 'first 30 buses with the Žepa Muslims on board went to Zenica'. Karanović futher stated that the Muslims were very cautious with evacuation because they have no confidence in the agreement they made with the VRS. He added that the ABiH hoped to pull out all the civilians by 28 July 1995 and that after, they expected to evacuate members of the 1st Žepa Brigade of the ABiH.[6678]

1578. **Novica Andrić** testified that on 27 July 1995, refugees from Žepa appeared at Bokšanica.[6679] Among them, the witness recognised Ahmet Bruglja, a Muslim.[6680] The latter told the witness, that 'everything was alright'.[6681] After that, Ahmet Bruglja was transferred to Kladanj in a convoy.[6682]

1579. According to a letter from the security and intelligence organ of the Rogatica Brigade command addressed to the security administration of the VRS Main Staff and to the security department of the DK command, during the evacuation of the 'civilian' population from Žepa and separation of the Muslim military conscripts on 28 July 1995, men under the command of Lieutenant Matić seized money from Muslims during a

[6675] D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 99.
[6676] P3491 (Đoko Razdoljac, *Tolimir* transcript, 30 November 2010), pp. 8252-8253, 8255-8256, 8270-8271.
[6677] P3491 (Đoko Razdoljac, *Tolimir* transcript, 30 November 2010), p. 8292.
[6678] P3473 (Information sent by the Sector for Intelligence and Security of the VRS Main Staff to Tolimir, 27 July 1995).
[6679] D665 (Novica Andrić, witness statement, 23 February 2013), para. 18.
[6680] D665 (Novica Andrić, witness statement, 23 February 2013), para. 18; Novica Andrić, T. 26392-26393.
[6681] D665 (Novica Andrić, witness statement, 23 February 2013), para. 18.
[6682] D665 (Novica Andrić, witness statement, 23 February 2013), para 18; Novica Andrić, T. 26392-26394.

search.[6683] According to the letter, General Tolimir demanded that the case be investigated and that the money be found.[6684]

1580. Based on the foregoing, the Trial Chamber finds that in May 1992, due to intensified shelling, between 1,500 and 2,000 Muslims left Rogatica Town for Vragolovi, where there were already approximately 5,000 to 6,000 Muslims. By August, almost all of the Muslims in Vragolovi had left for Goražde due to shelling by Serb forces and a threat about another Serb attack (*see* the Trial Chamber's findings in chapter 4.11.3). Further, between 12 May and August 1992, Muslims left Rogatica Town and villages of the municipality, due to shooting, the shelling of Rogatica Town on 19 June 1992, and growing insecurity, stemming in part from Serb attacks on the Muslim villages of Mader, Kozići, and Kopljevići as well as on the villages of Borovsko, Kozadre, Kramer Selo, and Dobrašina. Some Muslims left for Pokrivenik and Kopljevići while others took shelter in a forest called Rudine. Around 26 May 1992, a Serb announcement stated that the Serbs intended to 'cleanse' Rogatica of Muslim extremists and so-called Green Berets, allegedly consisting of 4,000 people. Once the Serb forces had taken over Rogatica Town, Živojin Novaković said the town would be cleansed and that anyone found in the town would be killed.

1581. The Trial Chamber also finds that from late May to July 1992, Muslims, including some from Rogatica Town, were transported by bus to Olovo in Muslim-held territory under the escort of members of the Sokolac police station. In particular, on 27 June 1992, guards at Veljko Vlahović Secondary School in military vehicles escorted approximately 280 Muslims held at the school (*see* the Trial Chamber's findings chapter 4.11.2 *Schedule C.16.1*), with the exception of the able-bodied men, to Olovo. The Trial Chamber recalls its finding in chapter 4.11.2 *Schedule C.16.1* that local Serbs under Rajko Kušić, civilian police, Serb TO, and paramilitary unit members guarded the camp. On 22 June 1992, Rajko Kušić had announced that the Muslims held at Veljko Vlahović Secondary School with relatives in the 'free zone' would be transported there.

1582. The Trial Chamber finds that, after his escape from Rasadnik camp in August 1992, one Bosnian Muslim from Rogatica Municipality stayed in Kopači for two months and eventually reached Sarajevo on 7 January 1993 to join his family. The Trial

[6683] P3496 (Letter from the Rogatica Brigade to the VRS Main Staff and the Drina Corps command, 30 July 1995), p. 4.
[6684] P3496 (Letter from the Rogatica Brigade to the VRS Main Staff and the Drina Corps command, 30 July 1995), p. 4.

Chamber also finds that in August or September 1993, following attacks on Rogatica Town and detention at Veljko Vlahović Secondary School (*see* the Trial Chamber's findings in chapter 4.11.2 *Schedule C.16.1*) , one Bosnian Muslim, together with his family, left Rogatica for Montenegro by his own means.

1583. The Trial Chamber finds that between March 1993 and April 1994, Bosnian Muslim male and female detainees at Rasadnik Camp were exchanged in Sarajevo. Some were exchanged for Serb detainees or transported to Zvornik, including some following the approval of Rajko Kušić. In the summer of 1993, the Rasadnik camp warden and Captain Zoran Čarkić escorted a bus transporting detainees to Zvornik. All of these exchanges were carried out by the VRS, in charge of Rasadnik between March 1993 and April 1994 (*see* chapter 4.11.2 *Schedule C.16.3*).

1584. The Trial Chamber finds that on 21 July 1993, one Bosnian-Muslim detainee from Batković camp, originating from Rogatica Municipality, was exchanged and taken to Croatia with the assistance of the Red Cross. This exchange was carried out by the VRS, in charge of Batković camp at the time (*see* the Trial Chamber's findings in chapter 4.2.2 *Schedule C.2.1*).

1585. The Trial Chamber finds that at the end of July 1995, Muslim women and children were transported from Žepa to Sarajevo by bus, upon a request from the Muslim representatives and following an agreement reached during talks with the VRS and UNPROFOR. Despite the existence of the agreement, the Muslim representatives requested from the VRS guarantees that, *inter alia*, the civilians would not be killed during their transportation out of Žepa. The transport was facilitated by the VRS and Mladić was present during the evacuation.

1586. The Trial Chamber will further consider the above incidents in relation to Counts 3 and 7-8 of the Indictment.

1587. With regard to the evidence on the exchange and transfer to Croatia of 40 detainees and the transfer of 350 detainees to Tuzla, all from Batković Camp, on 21 July 1993, the Trial Chamber has not received evidence on their municipality of origin. Thus, the Trial Chamber will not consider this incident further in relation to any counts of the Indictment.

1588. The Trial Chamber will review the evidence related to the alleged Overarching JCE and, in particular, the Accused's alleged responsibility and his presence in Rogatica Municipality (some of which has been reviewed above) in chapters 9.2.2 and 9.3.

4.12 Sanski Most Municipality

4.12.1 Murder

Schedule A.7.1

1589. According to the Indictment, the Accused is responsible for the killing of about 28 men between Begići and Vrhpolje Bridge in Sanski Most Municipality on or about 31 May 1992.[6685] The Defence argued that (i) the alleged killings were committed by a 'spontaneously formed disparate group of Bosnian-Serb individuals'; (ii) the Adjudicated Facts associated with this incident have been rebutted[6686]; and (iii) while there is evidence that a VRS officer was a perpetrator, he was not acting in accordance with any formal orders or within an organized military unit and therefore his actions were not foreseeable by the VRS chain of command.[6687] The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this Scheduled Incident. The Trial Chamber further received evidence from **Adem Seferović**, **Rajif Begić**, and **Ahmet Zulić**, all Bosnian Muslims from Sanski Most Municipality;[6688] **Witness RM-015**, a Bosnian Serb from Sanski Most;[6689] **Witness RM-016**, a Bosnian Serb from Banja Luka;[6690] **Branko Basara**, commander of the 6th Krajina Brigade from 29 October 1991 to mid-December 1992;[6691] Branko Predojević, a VRS officer;[6692] and **Ewa Tabeau**, a demographer and statistician;[6693] as well as forensic documentary evidence, and finds that this evidence does not rebut the Adjudicated Facts.[6694]

[6685] Indictment, paras 39(a)i, 47, 59(a)i, 62(a), Schedule A.7.1.
[6686] The Defence refers in particular to Adjudicated Facts nos 1143, 1165-1169, and 1190. The Trial Chamber notes that Adjudicated Facts nos 1143 and 1190 are not relevant to this finding and did not address the Defence's argument in this regard.
[6687] Defence Final Brief, paras 1196-1197, 1199-1200.
[6688] **Adem Seferović**: P2502 (Adem Seferović, witness statement, 26 July 1999), pp. 1-2. **Rajif Begić**: Rajif Begić, T. 2139, 2141, 2143. **Ahmet Zulić**: P3611 (Ahmet Zulić, witness statement, 22 February 2010), p. 1, paras 1-3.
[6689] P2362 (Witness RM-015, witness statement, 13 March 2002), paras 2, 6, 9, 111.
[6690] P2375 (Witness RM-016, witness statement, 5 August 2013), p. 1, paras 4, 11, 16; Witness RM-016, T. 17398.
[6691] D1031 (Branko Basara, witness statement, 21 July 2014), para. 4; Branko Basara, T. 34386, 34401.
[6692] D881 (Branko Predojević, witness statement, 7 July 2014), pp. 1-2; Branko Predojević, T. 30788-30833.
[6693] Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).
[6694] **Adem Seferović**: P2502 (Adem Seferović, witness statement, 26 July 1999), p. 4. **Rajif Begić**: Rajif Begić, T. 2147-2154, 2156-2158, 2162, 2164-2166, 2168, 2174, 2176-2178, 2181-2184, 2188, 2198, 2202, 2205. **Witness RM-015**: P2362 (Witness RM-015, witness statement, 13 March 2002), para. 138. **Witness RM-016**: P2375 (Witness RM-016, witness statement, 5 August 2013), para. 83. The evidence of Witness RM-016 is also reviewed in chapter 9.2.12. **Ahmet Zulić**: P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 36. **Branko Basara**: D1031 (Branko Basara, witness statement, 21 July 2014), paras 42-45; Branko Basara, T. 34520, 34522-34524. **Ewa Tabeau and documentary evidence**: P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 2-3, 10, 12, 18-19, 32-34;

1590. **Adem Seferović** stated that at the end of May 1992 soldiers told the villagers of Hrustovo that men aged between 16 and 60 had to gather in groups and go to certain places.[6695] He was part of a group of 60-80 men who were escorted by Serb soldiers to Kukavice in Sanski Most municipality. They stopped in Merdanovići, where they saw the mosque burning. Seferović subsequently decided to flee and returned to his house in Hrustovo to seek shelter. On 1 June 1992, Seferović and his family decided to surrender. They went to Kukavice where he and 130-150 other men were told to walk to Vrhpolje Bridge, while the women and children stayed behind.[6696]

1591. **Rajif Begić** testified that on 31 May 1992, soldiers, a few of whom the witness recognized as coming from the Kljevci area and who did not appear to be members of 'regular army forces', entered Kljevci.[6697] In particular, Bosnian-Serb soldiers entered Begići and rounded up its inhabitants.[6698] According to **Begić**, Begići was one of the hamlets that formed Kljevci village.[6699] Locals from Dizdarevici and Donji Begići were also rounded up and brought to Gornji Begići.[6700] Men were separated from women and children, and 20 to 30 of them were later taken towards the Vrhpolje Bridge, which spans the Sana River, where they were supposed to be put on buses.[6701] **Begić** testified that among the group taken to the bridge, two men were approximately 70 years old and one person was a child between 15 and 16 years old.[6702] Jadranko Palija, who was in charge of leading the column of men from Begići to the bridge, killed four Muslim men

P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 243-252; P3295 (Record on the Investigation and Exhumation of the bodies of Muslims from mass-graves by the Vrhpolje Bridge Sanski Most, 7 May 1996); P4679 (Identification report for Šaćir Begić, 14 March 2013), p. 1; P4680 (Identification report for Enver Cerić, 23 May 2013); P4681(Identification report for Ismet Kurbegović, 23 May 2013); P5915 (Identification report for Nedžad Begić, 4 April 2006), pp. 1, 4; P5916 (Death certificate for Nedžad Begić, 4 July 2006), pp. 1-2; P5917 (Autopsy report for Nedžad Begić, 25 May 2006), pp. 1-2; P5918 (Court ruling on death for Nedžad Begić, 7 September 1996), p. 1; P5919 (Identification report for Muharem Begić, 29 March 2006), p.1; P5920 (Death certificate for Muharem Begić, 4 July 2006), pp. 1-2; P5921 (Autopsy report for Muharem Begić, 25 May 2006), pp. 1-2; P5922 (Identification report for Enes Dizdarević, 9 May 2006), p. 1; P5923 (Death certificate for Enes Dizdarević, 4 July 2006), pp. 1-2; P5924 (Autopsy report for Enes Dizdarević, 15 May 2006), pp. 1-2; P5925 (Death certificate for Munib Begić, 17 August 2007), pp. 1-2; P5926 (Death certificate for Hamid Begić, 17 August 2007), pp. 1-2; P5927 (Identification report for Elmedin Begić, 22 May 2006), p. 1; P5928 (Death certificate for Elmedin Begić, 22 May 2006), pp. 1-2; P5929 (Autopsy report for Elmedin Begić, 25 May 2006), pp. 1-2; P5930 (Identification report for Najil Begić, 25 June 2007), p. 1; P5931 (DNA identification report for Najil Begić, 25 June 2007), p. 2; P5932 (Court ruling on death for Safet Kljajić, 9 February 1996), p.1; P5933 (Court ruling on death for Ismet Kurbegović, 6 May 1998), p.1.

[6695] P2502 (Adem Seferović, witness statement, 26 July 1999), p. 3.
[6696] P2502 (Adem Seferović, witness statement, 26 July 1999), p. 4.
[6697] Rajif Begić, T. 2146-2147, 2202.
[6698] Adjudicated Facts I, no. 1165. *See also* Adjudicated Facts I no. 1169.
[6699] Rajif Begić, T. 2139.
[6700] Rajif Begić, T. 2147, 2202.
[6701] Adjudicated Facts I, nos 1165-1167.

on the way there.[6703] Upon arrival, the other members of the group were ordered to take off their clothes and line up.[6704] They were also searched.[6705]

1592. Many Bosnian-Serb soldiers in different uniforms were present at the bridge.[6706] **Begić** testified that he recognized some of them.[6707] Some of the soldiers wore camouflage uniforms, some wore blue uniforms, some had 'Chetnik' insignia, and some wore regular waistcoats and jackets.[6708] The witness heard a man, whom he identified as Nenad Kaurin, say that they had to kill 70 Muslims that day because seven Serb soldiers had been killed in that area.[6709] The witness knew Nenad Kaurin to be a member of the reserve police force and he wore a blue police uniform with a blue cap.[6710] One soldier asked the members of the group who was good at jumping into the water and another Serb soldier, Marinko Ačimović, pointed at Midhet Cerić.[6711] **Witness RM-015** testified that a paramilitary formation from Tomina, commanded by Živko Ćeranić, was also present at the bridge.[6712]

1593. The Bosnian-Muslim men were beaten and ordered to jump off the bridge into the river one by one.[6713] **Begić** testified that, in particular, Nenad Kaurin ordered one man to jump in the water.[6714] Once in the water, the soldiers opened fire upon them killing at least 28 of them.[6715] **Begić** was ordered to open his mouth and Jadranko Palija put his automatic gun in it. The witness heard another soldier asking Palija not to kill him on the bridge so as to not make it dirty and that the witness should jump. The witness then jumped into the water and managed to climb out of the water under the bridge.[6716] When he heard the soldiers looking for him, he took his white shirt off and threw it into the river.[6717] As soon as the soldiers noticed the white shirt they started to shoot at it.[6718] The witness dived under the water and reached the bank 50-150 metres

[6702] Rajif Begić, T. 2148, 2176-2178.
[6703] Adjudicated Facts I, nos 1167-1168.
[6704] Adjudicated Facts I, no. 1168.
[6705] Rajif Begić, T. 2157-2158.
[6706] Adjudicated Facts I, no. 1168.
[6707] Rajif Begić, T. 2153-2154.
[6708] Rajif Begić, T. 2199.
[6709] Rajif Begić, T. 2158.
[6710] Rajif Begić, T. 2194.
[6711] Rajif Begić, T. 2163-2164.
[6712] P2362 (Witness RM-015, witness statement, 13 March 2002), para. 138.
[6713] Adjudicated Facts I, nos 1168-1169.
[6714] Rajif Begić, T. 2162, 2164, 2181-2184, 2188, 2205.
[6715] Adjudicated Facts I, no. 1168.
[6716] Rajif Begić, T. 2166.
[6717] Rajif Begić, T. 2167.
[6718] Rajif Begić, T. 2167.

down the river, and hid in the bushes.[6719] From there, he could hear people groaning as the beatings continued.[6720] The bodies of the members of the group he last saw on the bridge were found in several locations, some in a grave under the bridge.[6721]

1594. **Seferović** stated that on his way to to the bridge, he heard shooting coming from the direction of it and upon his arrival, he saw many bodies lying in the river and the river banks.[6722] According to the witness, there were soldiers present.[6723] The commander of the 6th Krajina Brigade, Branko Basara, said that a group of 20 men, which Seferović was part of, was to be taken to Sanski Most police station.[6724] With regard to the other men, Seferović recalled Captain Kličković, a member of the TO, telling soldiers to 'finish these'.[6725] Seferović stated that he knew the names of the high-ranking officers through his work in TO communications prior to the war.[6726]

1595. **Witness RM-015** specified that the military police of the 6th Krajina Brigade, including Jadranko Palija, forced the Muslims to jump off the bridge and fired at them.[6727] He was not present at the bridge but did talk to some of those who had been present.[6728] **Branko Basara** testified that the killings were carried out by eight uniformed armed members of a paramilitary unit.[6729] The eight members of the paramilitary unit escaped towards the other side of the bridge in the direction of Ključ when they heard somebody shout that Basara was approaching the bridge.[6730] He recognized two people on the bridge, a person with the last name Mutić and a person with the first name Ilja, both escorts of Major Brajić and members of the 6th Krajina Brigade, but testified that he did not have any grounds for arresting them as he saw that both had their weapons on their shoulders.[6731] There was also a checkpoint near the bridge that was manned by armed men wearing either blue or camouflage uniforms.[6732] According to the witness, these men were not involved in the shooting at the bridge,

[6719] Rajif Begić, T. 2167, 2186.
[6720] Rajif Begić, T. 2168.
[6721] Rajif Begić, T. 2186.
[6722] P2502 (Adem Seferović, witness statement, 26 July 1999), p. 4.
[6723] P2502 (Adem Seferović, witness statement, 26 July 1999), p. 4.
[6724] P2502 (Adem Seferović, witness statement, 26 July 1999), pp. 4-5.
[6725] P2502 (Adem Seferović, witness statement, 26 July 1999), p. 5.
[6726] P2502 (Adem Seferović, witness statement, 26 July 1999), p. 5.
[6727] P2362 (Witness RM-015, witness statement, 13 March 2002), para. 138.
[6728] Witness RM-015, T. 17339-17340.
[6729] D1031 (Branko Basara, witness statement, 21 July 2014), paras 42-45; Branko Basara, T. 34520.
[6730] D1031 (Branko Basara, witness statement, 21 July 2014), paras 42-44; Branko Basara, T. 34522, 34573-34574.
[6731] Branko Basara, T. 34525-34526.
[6732] Branko Basara, T. 34521.

they were in the shelters when the witness got out of his vehicle and ran towards the bridge.[6733]

1596. **Branko Predojević** testified that he recalled a big, dark-haired man named Jadranko Palija, 'not older than 25', who according to a certificate from the Sanski Most military post had been a member of a war unit of the 6th Krajina Brigade between 13 November 1991 and 13 July 1993.[6734] The witness indicated that Jadranko Palija was not amongst the soldiers who joined his unit on 7 April 1993 from SOS forces.[6735] According to the certificate from the Sanski Most military post, no criminal proceedings were being conducted against Jadranko Palija on 24 June 1994.[6736] Also, the witness did not recall the involvement of Jadranko Palija or his subsequent prosecution and sentencing to 28 years imprisonment by the Bosnia-Herzegovina state court in 2008 for his role in an attack conducted by VRS soldiers against the village of Kljevci in the hamlet of Begići and in the murder of 19 civilians, as part of the Vrhpolje bridge massacre, on 31 May 1992, as stated in a press release from the court of Bosnia-Herzegovina.[6737]

1597. According to **Witness RM-015**, in June 1992 every armed Serb in Sanski Most Municipality was directly or indirectly under the command of Colonel Basara. Those who were not directly under his control were directly under the control of his subordinate officers.[6738]

1598. According to **Ewa Tabeau** and forensic evidence, the remains of 29 bodies were exhumed from four sites in Sanski Most Municipality and subsequently identified:[6739]

[6733] Branko Basara, T. 34521-34522.
[6734] Branko Predojević, T. 30812-30815; P7072 (Sanski Most military post certificate regarding Jadranko Palija, 24 June 1994).
[6735] Branko Predojević, T. 30812, 30814-30815.
[6736] P7072 (Sanski Most military post certificate regarding Jadranko Palija, 24 June 1994).
[6737] Branko Predojević, T. 30815-30819; P7073 (Court of Bosnia-Herzegovina Press Release, 15 July 2008).
[6738] Witness RM-015, T. 17292.
[6739] The following persons were identified at Vrhpolje Bridge grave no. 1: Daut Begić (1921), Elmedin Begić (1973), Fuad Begić (1964), Irfan Begić (1966), Muharem Begić (1968), Munib Begić (1965), Nedžad Begić (1973), Miralem Cerić (1928), Enes Dizdarević (1976), Mirsad Dizdarević (1974), Muhamed Dizdarević (1969), and Sead Merdanović (1958). The following persons were identified at Vrhpolje Bridge grave no. 2: Hakija Begić (1927), Muhamed Begić (1923), Esad Handanović (1939), Ibrahim Handanović (1936), Hasib Kljajić (1928), Mumin Kljajić (1906), Safet Kljajić (1939), Rešid Šljivar (1929), Hakija Handanović (1930), Elmin Heder (1961), Ale Hrapić (1935), Hamed Karanović (1924), and Hikmet Keranović (1959). The following persons were identified at Vrhpolje Bridge grave no. 3: Najil Begić (1929), Ismet Dizdarević (1939), and Hasib Kadirić (1924). The following person was identified at 'Čapljanske Bare-Krnjadevac': Šaćir Begić (1913).

12 from Vrhpolje Bridge Grave No. 1 in May 1996,[6740] 13 from Vrhpolje Bridge Grave No. 2 in May 1996,[6741] three from Vrhpolje Bridge Grave No. 3 in May 1996,[6742] and one from 'Čapljanske Bare-Krnjadevac' on 6 June 2012.[6743]

1599. In relation to the Defence argument that the Adjudicated Facts relevant to this Scheduled Incident have been rebutted, the Trial Chamber notes that it received evidence identifying the specific perpetrators of the Scheduled Incident and considers that this evidence does not contradict the Adjudicated Facts and therefore rejects the Defence argument.

1600. With regard to the evidence of Witness RM-015 that every armed Serb in Sanski Most was under the command of Basara, without any further specific evidence, the Trial Chamber understands this to mean that Basara was the highest military commander in the area but not that every armed Serb was within the formal command structure.

1601. Based on the foregoing, the Trial Chamber finds that on or about 31 May 1992, inhabitants of the village of Kljevci, including the hamlets of Donji and Gornji Begići, and of Dizdarevići were rounded up and men were separated from women and children. Men, commanded by Jadranko Palija escorted approximately 20 to 30 Bosnian Muslims towards the Vrhpolje Bridge. Jadranko Palija killed four of them on the way to the bridge. Upon arrival at the bridge, the Bosnian Muslims were ordered to take their

[6740] P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 2-3, 12, 18-19, 32-34; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 243-252; P3295 (Record on the Investigation and Exhumation of the bodies of Muslims from mass-graves by the Vrhpolje Bridge Sanski Most, 7 May 1996), pp. 1-11, 20-21; P5588 (ICMP notice of DNA report for Munib Begić), part one, p. 51; P5915 (Identification report for Nedžad Begić, 4 April 2006); P5916 (Death certificate for Nedžad Begić, 4 July 2006); P5917 (Autopsy report for Nedžad Begić, 25 May 2006); P5918 (Court ruling on death for Nedžad Begić, 7 September 1996); P5919 (Identification report for Muharem Begić, 29 March 2006); P5920 (Death certificate for Muharem Begić, 4 July 2006), p.2; P5921 (Autopsy report for Muharem Begić, 25 May 2006), p. 1; P5922 (Identification report for Enes Dizdarević, 9 May 2006); P5923 (Death certificate for Enes Dizdarević, 4 July 2006),; P5924 (Autopsy report for Enes Dizdarević, 15 May 2006); P5925 (Death certificate for Munib Begić, 17 August 2007), p. 1; P5927 (Identification report for Elmedin Begić, 22 May 2006); P5928 (Death certificate for Elmedin Begić, 22 May 2006); P5929 (Autopsy report for Elmedin Begić, 25 May 2006).

[6741] P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 2-3, 12, 18-19, 32-34; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 243-252; P3295 (Record on the Investigation and Exhumation of the bodies of Muslims from mass-graves by the Vrhpolje Bridge Sanski Most, 7 May 1996), pp. 1-4, 11-18, 20-21; P5588 (ICMP notice of DNA reports for Muhamed Begić), part one, p. 51;P5926 (Death certificate for Hamid Begić, 17 August 2007); P5932 (Court ruling on death for Safet Kljajić, 9 February 1996).

[6742] (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 2-3, 12, 18-19, 32-34; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 243-252; P3295 (Record on the Investigation and Exhumation of the bodies of Muslims from mass-graves by the Vrhpolje Bridge Sanski Most, 7 May 1996), pp. 1-2, 18-21; P5930 (Identification report for Najil Begić, 25 June 2007); P5931 (DNA identification report for Najil Begić, 25 June 2007).

[6743] P4679 (Identification report for Šaćir Begić, 14 March 2013).

clothes off, line up, then were searched and beaten. More men, wearing various uniforms, including blue and camouflage uniforms as well as men with insignia referred to as 'chetnik' were present at the bridge. The Bosnian Muslims were forced to jump off the bridge into the Sana river one by one. Once in the water, men on the bridge opened fire, killing at least 28 of the Bosnian Muslims, all male, and including a minor and two elderly people.

1602. With regard to the perpetrators of the killings, the Trial Chamber will not rely on **Witness RM-015**'s evidence since he was not present at the bridge and his knowledge of the incident stems from a source he could not reveal. Branko Basara's testimony indicates that the Muslim men were killed by paramilitaries. He also acknowledged, however, the presence of members of the 6th Krajina Brigade on the bridge. The Adjudicated Facts do not specify the perpetrators of the killings of the men who were forced to jump from the bridge. Rajif Begić was an eye-witness to the crimes and named two of the alleged perpetrators: Nenad Kaurin and Jadranko Palija. As Basara was not present at the time of the incident, the Trial Chamber attaches less weight to his evidence on the perpetrators compared to that of Begić. The Trial Chamber finds that Nenad Kaurin and Jadranko Palija were among the perpetrators of the killings. Palija was a member of the military police of the VRS 6th Krajina Brigade and Kaurin was a member of the reserve police. Kaurin said that, prior to the killings, they were told that they had to kill 70 Muslims on that day because seven Serb soldiers had been killed in that area.

1603. The Trial Chamber will further consider this incident in relation to Counts 1 and 3-6 of the Indictment in chapter 8 below.

Schedule A.7.2

1604. According to the Indictment, the Accused is responsible for the killing of a number of people in Hrustovo village on or about 31 May 1992.[6744] The Defence argued that it is impossible to conclude that the perpetrators were VRS members only on the basis of Witness RM-042's evidence.[6745] The Trial Chamber took judicial notice of Adjudicated Facts numbers 1171 and 1177 in relation to this incident. It received

[6744] Indictment, paras 39, 47, 59, 62, Schedule A.7.2.
[6745] Defence Final Brief, paras 1203-1207.

evidence from **Witness RM-042**, **Witness RM-706**, and **Ahmet Zulić**, all Bosnian Muslims from Sanski Most Municipality;[6746] and **Ewa Tabeau**, a demographer and statistician,[6747] as well as forensic documentary evidence, and finds that this evidence does not rebut the Adjudicated Facts.[6748] The Trial Chamber also received evidence from **Witness RM-015**, a Bosnian Serb from Sanski Most and **Branko Basara**, Commander of the 6th Krajina Brigade from 29 October 1991 to mid-December 1992.[6749]

1605. **Witness RM-015** testified that on 3 April 1992 the 6th Light Partisan Brigade returned to Sanski Most from Croatia and prepared the way for the takeover of the municipalities of Sanski Most and Ključ, which included 'clearing' the villages of Hrustovo and Vrhpolje.[6750] **Witness RM-706** stated that Hrustovo surrendered all rifles and pistols on 30 May 1992, following a Sanski Most radio announcement made on behalf of 'the Serbian republic'.[6751] Members of Witness RM-015's unit, including 30 men under the command of Pero Vujković, were ordered by Captain Čolić, Commander of the 3rd Battalion of the 6th Krajina Brigade, to participate in combat operations on 30 and 31 May 1992 in Hrustovo and Vrhpolje.[6752] The following units were ordered to participate in these combat operations: the entire 6th Krajina Brigade, the paramilitary formations located in Lušci Palanka, Dabar, Klejevci, Tomina, Kozica, Podlug, and

[6746] **Witness RM-042**: P2497 (Witness RM-042, witness statement, 21 April 2001), pp. 1-2. **Witness RM-706**: P2499 (Witness RM-706, *Brđanin* transcript, 21 June 2002), p. 7246. **Ahmet Zulić**: P3611 (Ahmet Zulić, witness statement, 22 February 2010), p. 1, paras 1-3.
[6747] Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).
[6748] **Witness RM-042**: P2497 (Witness RM-042, witness statement, 21 April 2001), pp. 2-5; P2498 (Photographs), pp. 3-4. **Witness RM-706**: P2499 (Witness RM-706, *Brđanin* transcript, 21 June 2002), pp. 7248, 7250-7253, 7261-7266, 7269, 7271-7272. **Ahmet Zulić**: P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 36. **Ewa Tabeau and documentary evidence**: P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), p. 10; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 253-263; P3298 (Court record of exhumation of 'Hrustovo I', 15 April 1997), pp. 3-19; P4682 (Record of identification and autopsy of bodies in Sanski Most, 12 June 1997) pp. 10-11; P4683 (Report on exhumation and identification of bodies in Sanski Most and Ključ), p. 8; P5934 (Autopsy reports for Asim Jelečević and Elvira Jelečević, 28 August 1997); P5935 (Court ruling on death of Elvira Jelečević, 1 November 1996); P5936 (Sketch and photo documentation of exhumation of Hiza Mehmedović); P5937 (Court ruling on death of Besima Merdanović and Edita Merdanović, 9 February 1996); P5938 (Court ruling on death of Sabra Merdanović, 15 January 1996); P5939 (Autopsy reports of bodies exhumed from Hrustovo and Vrhpolje mass graves in Sanski Most), pp. 3-46.
[6749] **Witness RM-015**: P2362 (Witness RM-015, witness statement, 13 March 2002), paras 2, 6, 9, 111. **Branko Basara**: D1031 (Branko Basara, witness statement, 21 July 2014), para. 4; Branko Basara, T. 34386, 34401.
[6750] Witness RM-015, T. 17282-17283; P2365 (History of the 6th Krajina Brigade signed by Colonel Basara, estimated date end of 1992), p. 3.
[6751] P2499 (Witness RM-706, *Brđanin* transcript, 21 June 2002), pp. 7246-7247.
[6752] P2362 (Witness RM-015, witness statement, 13 March 2002), para. 134; Witness RM-015, T. 17278.

Tramošinja, all subordinated to Colonel Basara for this attack.[6753] At this point, Colonel Basara's command post had been established at the Donja Tramošinja village which overlooked Hrustovo.[6754] After the members of Witness RM-015's unit returned from Hrustovo and Vrhpolje, Witness RM-015 learned from them that they were driven to a location called the 'tunnel' above Hrustovo and their task was to close the circle around Hrustovo and block the exit out of the village.[6755]

1606. **Branko Basara** testified that when the battalion commander entered Hrustovo village with his unit on 31 May 1992 he saw that two VRS soldiers had been killed at the entrance of the village and notified the witness immediately.[6756] The battalion did not know how many Muslim fighters were in that village but they had information that there was a Green Berets training centre in the Golaja woods.[6757] The VRS launched combat operations to enter the village after giving civilians a two-hour evacuation period.[6758] The witness testified that 'those who remained in Hrustovo would be the ones who wished to fight'.[6759]

1607. On 31 May 1992, as people from 21 households were forced to leave Jelečevići, a Muslim hamlet in the area of Hrustovo, about 30 women and children and one man took refuge inside a garage. Eight to ten Serb soldiers in camouflage uniform came to the garage.[6760] **Witness RM-042** stated that through the garage's windows and its door, which was sometimes open, she heard the soldiers, who were searching houses in the village, speaking in a Bosnian dialect.[6761] **Witness RM-706** stated that the soldiers in the village referred to themselves as 'the Serbian army'.[6762] **Witness RM-042** heard shooting in the village and then soldiers started shooting at the garage door.[6763] The soldiers ordered the Muslims out. A man who tried to mediate was shot.[6764] **Witness RM-042** stated that the man who was shot, Husein Merdanović, was unarmed and approximately 50 to 60 years of age. The soldiers kept firing into the garage but the

[6753] P2362 (Witness RM-015, witness statement, 13 March 2002), para. 134.
[6754] P2362 (Witness RM-015, witness statement, 13 March 2002), para. 134.
[6755] P2362 (Witness RM-015, witness statement, 13 March 2002), para. 135.
[6756] D1031 (Branko Basara, witness statement, 21 July 2014), para. 47.
[6757] D1031 (Branko Basara, witness statement, 21 July 2014), para. 47.
[6758] D1031 (Branko Basara, witness statement, 21 July 2014), para. 47; Branko Basara, T. 34517.
[6759] Branko Basara, T. 34517.
[6760] Adjudicated Facts IV, no. 1171.
[6761] P2497 (Witness RM-042, witness statement, 21 April 2001), pp. 2-4.
[6762] P2499 (Witness RM-706, *Brđanin* transcript, 21 June 2002), pp. 7248, 7269, 7271.
[6763] P2497 (Witness RM-042, witness statement, 21 April 2001), p. 4.
[6764] Adjudicated Facts IV, no. 1171.

witness and others managed to escape.[6765] However, the soldiers killed 16 women and children when they tried to get away.[6766] At a minimum, 15 members of the Merdanović family were killed.[6767] **Witness RM-042** first hid approximately 15-20 metres away from the garage and then ran to a neighbouring house.[6768] A 'Serb soldier' nicknamed 'Mitra', accompanied by another soldier and one civilian, arrived in the house and asked what had happened. After being told about the shootings, Mitra was speechless. Mitra told them to remain there and went to the garage to see if there were any other survivors. He then came back with an infant and said that everybody else was dead.[6769] **Witness RM-706** stated that on 1 June 1992, he found Nahid Keranović severely injured in front of a barn next to a house and Muharema Keranović as well as her two young daughters, Almina and Sabina, in front of a garage, all shot in the back and killed.[6770] Then he found that 27 people had been killed in the garage, either by shooting or by hand grenades.[6771] The witness took Nahid Keranović to his home, where he died.[6772]

1608. According to **Ewa Tabeau** and forensic evidence, the remains of 30 bodies were exhumed from three sites and subsequently identified:[6773] 27 from 'Hrustovo I' mass grave in the Kukavice hamlet of Hrustovo on 4 October 1996, two from individual graves in the Jeleći hamlet of Hrustovo, and one from the 'Hrustovo XI' single grave in Sanski Most between 5 and 14 October 1996.[6774] No clothing was found on one of the victims, while 27 victims were found in civilian clothing.[6775]

[6765] P2497 (Witness RM-042, witness statement, 21 April 2001), pp. 3-4; P2498 (Photographs), p. 2.
[6766] Adjudicated Facts IV, no. 1171.
[6767] Adjudicated Facts I, no. 1177.
[6768] P2497 (Witness RM-042, witness statement, 21 April 2001), pp. 3-5; P2498 (Photographs), p. 3.
[6769] P2497 (Witness RM-042, witness statement, 21 April 2001), p. 5.
[6770] P2499 (Witness RM-706, *Brđanin* transcript, 21 June 2002), pp. 7251-7252, 7263, 7265.
[6771] P2499 (Witness RM-706, *Brđanin* transcript, 21 June 2002), pp. 7250-7253, 7261-7266, 7272.
[6772] P2499 (Witness RM-706, *Brđanin* transcript, 21 June 2002), pp. 7253, 7265.
[6773] The following persons were identified at 'Hrustovo I': Almina Keranović (1985), Muharema Keranović (1962), Sabina Keranović (1990), Seida Merdanović (1963), Besima Merdanović (1961), Edita Merdanović (1991), Husein Merdanović (1935), Jasmin Merdanović (1989), Sabra Merdanović (1959), Zumra Merdanović (1902), Fatima Zukić (1975), Husein Bektasević (1966), Namka Brković (1975), Emin Jelečević (1931), Idriz Kadirić (1973), Aldina Keranović (1984), Asim Keranović (1988), Dursum Keranović (1961), Fatima Keranović (1941), Josima Keranović (1969), Nahid Keranović (1977), Nira Keranović (1964), Smajil Keranović (1926), Đemka Omanović (1934), Emina Omanović (1942), Arifa Zukić (1937), and Smaila Zukić (1939). The following persons were identified in individual graves in the hamlet of Jeleći: Asim Jelečević (1978) and Elvira Jelečević (1974). The following person was identified at 'Hrustovo XI': Hiza Mehmedović (1932).
[6774] P2793 (Ewa Tabeau, table of corrections to proof of death expert report and annex, 7 November 2013), p. 4; P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 2, 12; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 253-263; ; P3298 (Court record of exhumation of 'Hrustovo I', 15 April 1997), pp. 3-19; ; P4682 (Record of identification and autopsy of bodies in Sanski Most, 12 June 1997) pp. 10-11; P4683 (Report on exhumation and identification of

1609. **Witness RM-015** testified that, following the attack on Hrustovo, members of his unit entered the village and did not find any armed people or resistance; there were only women, children and a few men.[6776] Hidajet Dudić, whose son, Sejad, was killed during the operations, was arrested by Captain Čolić.[6777] According to the witness, the SDS had spread false rumours that the Muslims had multiple rocket-launchers in Hrustovo owned by Dudić.[6778] Witness RM-015 heard that members of the 6th Light Partisan Brigade, including Žarko Utješanović, a.k.a. 'Pilot', and Darko Cicić, perpetrated the 'Hrustovo garage massacre'.[6779] **Branko Basara** testified that members of the Muslim armed forces, who were dressed in civilian clothing, died during combat and were later on buried without their weapons.[6780] Although the witness excluded the possibility that anyone who died during these events did not take part in combat activities, he acknowledged that he heard later on that there were people killed in the Merdanović garage in Hrustovo during these operations, among them women and children.[6781]

1610. Based on the foregoing, the Trial Chamber finds that on 31 May 1992, people from 21 households of Jelečevići, a Bosnian-Muslim hamlet in the area of Hrustovo, left their village in a group and approximately 30 Bosnian-Muslim women and children, and one man, Husein Merdanović, from this group took refuge inside a garage. Eight to ten soldiers came to the garage and ordered the people out. These soldiers were either part of the VRS's 6th Krajina Brigade or a paramilitary formation, all under the command of Colonel Basara, commander of the VRS 6th Krajina Brigade. The paramilitary formations were located in Lušci Palanka, Dabar, Klejevci, Tomina, Kozica, Podlug, and Tramošinja. The Trial Chamber understands that the paramilitary group from Lušci Palanka was the one headed by Mićo 'Kudra' Praštalo (*see* chapter 4.12.1 *Schedule*

bodies in Sanski Most and Ključ), pp. 2, 8; ; P5935 (Court ruling on death of Elvira Jelečević, 1 November 1996); P5936 (Sketch and photo documentation of exhumation of Hiza Mehmedović); P5939 (Autopsy reports of bodies exhumed from Hrustovo and Vrhpolje mass graves in Sanski Most), pp. 3-46.

[6775] P3298 (Court record of exhumation of 'Hrustovo I', 15 April 1997), pp. 3-19; P4682 (Record of Identification and autopsy of bodies in Sanski Most, 12 June 1997) pp. 10-11; P5934 (Autopsy reports for Asim Jelečević and Elvira Jelečević, 28 August 1997); P5936 (Sketch and photo documentation of exhumation of Hiza Mehmedović); P5939 (Autopsy reports of bodies exhumed from Hrustovo and Vrhpolje mass graves in Sanski Most), pp. 3-46.

[6776] P2362 (Witness RM-015, witness statement, 13 March 2002), paras 135, 136.

[6777] P2362 (Witness RM-015, witness statement, 13 March 2002), para. 135.

[6778] P2362 (Witness RM-015, witness statement, 13 March 2002), para. 135.

[6779] P2362 (Witness RM-015, witness statement, 13 March 2002), para. 136; Witness RM-015, T. 17286-17287.

[6780] D1031 (Branko Basara, witness statement, 21 July 2014), para. 47; Branko Basara, T. 34517.

[6781] D1031 (Branko Basara, witness statement, 21 July 2014), para. 47; Branko Basara, T. 34515-34519.

A.7.4). Husein Merdanović, who was unarmed, tried to mediate and was shot and killed by the soldiers. The soldiers then proceeded to kill around 30 people. The Trial Chamber will further consider the incident in relation to Counts 1 and 3-6 of the Indictment in chapter 8 below.

Schedule A.7.3

1611. According to the Indictment, the Accused is responsible for the killing of approximately 18 men from Kenjari in the hamlet of Blaževići in Sanski Most municipality on or about 27 June 1992.[6782] The Defence argued that the killings were perpetrated by local Serb reservists.[6783] The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this incident. It also received evidence from **Witness RM-028**, a Bosnian Muslim from Hrustovo in Sanski Most municipality,[6784] **Ewa Tabeau**, a demographer and statistician,[6785] as well as documentary evidence, and finds that this evidence does not rebut the Adjudicated Facts.[6786] The Trial Chamber also received evidence from **Witness RM-015**, a Bosnian Serb from Sanski Most,[6787] **Branko Basara**, Commander of the 6th Krajina Brigade from 29 October 1991 to mid-December 1992,[6788] and **Rajif Begić**, a Bosnian Muslim from the village of Kljevci in Sanski Most municipality.[6789]

1612. On or around 27 June 1992, local Serb reservists in olive-grey uniforms arrived in the Muslim hamlet of Kenjari.[6790] **Witness RM-028** specified that the Serbs were armed Kljevci inhabitants, and that they wore Serb army insignias and were dressed

[6782] Indictment, paras 39, 47, 59, 62, Schedule A.7.3.
[6783] Defence Final Brief, para. 1208.
[6784] P2489 (Witness RM-028, *Brđanin* transcript, 5 July 2002), pp. 8046-8048; P2490 (Witness RM-028, *Karadžić* transcript, 19 September 2011), pp. 19074-19075; P2491 (Pseudonym Sheet for Witness RM-028 in the *Brđanin* case); P2492 (Pseudonym Sheet for Witness RM-028 in *Karadžić* case); P2493 (Map of Hrustovo-Vrhpolje).
[6785] Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).
[6786] **Witness RM-028**: P2489 (Witness RM-028, *Brđanin* transcript, 5 July 2002), pp. 8055-8056, 8059-8060, 8062-8067; P2495 (On-site investigation report, issued by the Basic Court in Sanski Most, 12 January 1996), pp. 2-3. **Ewa Tabeau and forensic documentation**: P2791 (Ewa Tabeau, revised table of names to the proof of death expert report, 30 August 2013), p. 3; P2793 (Ewa Tabeau, table of corrections to proof of death expert report and annex, 7 November 2013), p. 4; P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 19-20, 33; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 264-267; P4683 (Exhumation report for mass graves in Sanski Most and Ključ, 22 October 1996), p. 7; P4684 (Exhumation report for Kasapnica), pp. 1-4.
[6787] P2362 (Witness RM-015, witness statement, 13 March 2002), paras 2, 6, 9, 111.
[6788] D1031 (Branko Basara, witness statement, 21 July 2014), para. 4; Branko Basara, T. 34386, 34401.
[6789] Rajif Begić, T. 2139, 2141, 2143.
[6790] Adjudicated Facts I, no. 1178.

either in olive-grey, camouflage or coloured uniforms, or jeans coupled with shirts or pullovers of the same olive-grey colour.[6791] The witness identified the commander as being a 'Serb' by the name of Milorad Mijatović from Kljevci.[6792] **Rajif Begić** testified that on 21 or 23 May 1992, Mile Mijatović told him whilst visiting his house that he was in charge of a unit of the 6th Krajina Brigade based in Kljevci.[6793] **Witness RM-028** also recognised Nikola Balać, Miško Erak, the two Damjanović brothers, and Željko Karanović, who wore the uniform of the Serb 'reservists'.[6794] According to the witness, reservists were mostly 'Serb' civilians before they were mobilised and dressed as soldiers.[6795] These men told the villagers to leave their houses, after which the houses were searched.[6796] Women and children were then permitted to return to their homes and all the men were told they would be interrogated.[6797] Twenty Muslim men were arrested and taken to a house where Vlado Vrkeš, president of the Sanski Most SDS, appeared before them and assured them they had nothing to fear.[6798] According to **Witness RM-028**, Vrkeš said that they would probably be exchanged for 'Serbs' in Eastern Bosnia-Herzegovina.[6799] Karanović informed the group that they were going to his 'command' in the hamlet of Blaževići for interrogation.[6800] They were led by Serb soldiers to a house in the hamlet.[6801] While on route there, two 'Serb soldiers' dressed in uniforms with the Serbian tri-coloured flag on their caps, identified by the witness as Rade and Milutin Đukić a.k.a. 'Mićo', joined the group.[6802] In Blaževići, Karanović broke into a house and instructed the group to enter after which he went to get the 'command'.[6803] The soldiers then threw explosives into the house, and opened fire with rifles against those trying to escape.[6804] **Witness RM-028** stated that Muharem Kenjar

[6791] P2489 (Witness RM-028, *Brđanin* transcript, 5 July 2002), p. 8056.
[6792] P2489 (Witness RM-028, *Brđanin* transcript, 5 July 2002), pp. 8057-8058.
[6793] Rajif Begić, T. 2142-2143.
[6794] P2489 (Witness RM-028, *Brđanin* transcript, 5 July 2002), p. 8059.
[6795] P2489 (Witness RM-028, *Brđanin* transcript, 5 July 2002), p. 8051.
[6796] P2489 (Witness RM-028, *Brđanin* transcript, 5 July 2002), pp. 8055-8056.
[6797] P2489 (Witness RM-028, *Brđanin* transcript, 5 July 2002), p. 8058.
[6798] Adjudicated Facts I, no. 1179; P2489 (Witness RM-028, *Brđanin* transcript, 5 July 2002), pp. 8059-8060.
[6799] P2489 (Witness RM-028, *Brđanin* transcript, 5 July 2002), p. 8060.
[6800] P2489 (Witness RM-028, *Brđanin* transcript, 5 July 2002), p. 8060; P2493 (Map of Hrustovo-Vrhpolje).
[6801] Adjudicated Facts I, no. 1179.
[6802] P2489 (Witness RM-028, *Brđanin* transcript, 5 July 2002), pp. 8061-8062; P2490 (Witness RM-028, *Karadžić* transcript, 19 September 2011), p. 19075.
[6803] P2489 (Witness RM-028, *Brđanin* transcript, 5 July 2002), p. 8062; P2490 (Witness RM-028, *Karadžić* transcript, 19 September 2011), pp. 19080-19081.
[6804] Adjudicated Facts I, no. 1179.

managed to escape.[6805] The bodies of the dead were taken back into the house and the house was set on fire.[6806] According to the witness, that day 18 Muslim men were killed.[6807]

1613. According to **Ewa Tabeau** and forensic evidence, as the bones of the victims were only partly preserved, forensic experts could not give their opinion as to the direct causes of death except that all bones had been exposed to high temperatures.[6808] Three victims were under the age of 18 and three of the victims were older than 60 years old in 1992.[6809]

1614. **Witness RM-015** testified that in June 1992, in Kenjari, the paramilitary force from Kljevci locked 19 Muslims up in a wooden barn in Kenjari, threw fire bombs into the barn and burned them to death.[6810] One of the perpetrators was Željko Karanović, while Milan Klepić was a witness but not an active participant.[6811] **Branko Basara** testified that four soldiers, after hearing that two soldiers had been killed during the attack on Hrustovo on 31 May 1992, carried out a crime near Kenjari. These soldiers executed 17 out of 18 Muslim men, who had earlier approached members of the 1st Battalion and said that they wanted to join them as combatants, and who were then held by the soldiers in a house near Kenjari under the order of the Commander of the 1st Battalion, Lieutenant Ranko Brajić.[6812] The witness testified that when Brajić found out about this crime, the four soldiers were arrested and handed over for further proceedings.[6813] The witness was not aware of what happened after these men were arrested.[6814] **Witness RM-015** testified that Captain Ranko Brajić commanded battalions within the 6th Krajina Brigade.[6815]

[6805] P2489 (Witness RM-028, *Brđanin* transcript, 5 July 2002), pp. 8063, 8065.
[6806] Adjudicated Facts I, no. 1179.
[6807] P2490 (Witness RM-028, *Karadžić* transcript, 19 September 2011), pp. 19082-19084; P2494 (Bosnia-Herzegovina MUP Official report, 22 October 1996), p. 7; P2495 (On-site investigation report, issued by the Basic Court in Sanski Most, 12 January 1996), pp. 2-3; P2496 (Excerpt from complete court record of exhumation - Hrustovo I, 15 April 1997), p. 2.
[6808] P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 264-267; P4684 (Exhumation report for Kasapnica), pp. 3-4.
[6809] P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 264-267.
[6810] P2362 (Witness RM-015, witness statement, 13 March 2002), para. 148.
[6811] P2362 (Witness RM-015, witness statement, 13 March 2002), para. 148; Witness RM-015, T. 17274, 17292.
[6812] D1031 (Branko Basara, witness statement, 21 July 2014), paras 39, 46-47.
[6813] D1031 (Branko Basara, witness statement, 21 July 2014), para. 46.
[6814] D1031 (Branko Basara, witness statement, 21 July 2014), para. 46.
[6815] P2362 (Witness RM-015, witness statement, 13 March 2002), para. 128.

1615. The Trial Chamber notes that Adjudicated Fact 1178 states that the individuals who carried out the killings were 'local Serb reservists in olive-grey uniforms' whereas Adjudicated Fact 1179 makes reference to 'soldiers'. Witnesses RM-028 and RM-015 provided clarificatory evidence that the killings were perpetrated by Serb men from Kljevci and that they were individuals, reservists, or paramilitaries who were under the command of Milorad Mijatović. These individuals were dressed in various uniforms including some with the 'insignia of Serb army' and some with the 'uniform of reservists'. The Trial Chamber, therefore, considers given the differing uniforms of the individuals alleged to have carried out the killings and the fact that they were all commanded by Milorad Mijatović – who was in turn subordinated to the 6th Krajina Brigade under Branko Basara – that references to Serb soldiers, paramilitaries, or reservists is not inconsistent.

1616. Based on the foregoing, the Trial Chamber finds that on or about 27 June 1992, Serbs from Kljevci wearing olive-grey, camouflage uniforms and civilian clothing, who were under the command of Milorad Mijatović, including Željko Karanović, Nikola Balać, Miško Erak, and two Damjanović brothers, arrested approximately 20 Bosnian-Muslim men from the Bosnian-Muslim hamlet of Kenjari. Milorad Mijatović and his men from Kljevci were subordinated to the 6th Krajina Brigade commanded by Branko Basara. The detained Bosnian-Muslim men had earlier approached members of the 1st Battalion to join them as combatants. The men under Mijatović took them before Vlado Vrkeš, the president of the SDS in Sanski Most, who told them that they had nothing to fear and that they would probably be exchanged. Mijatović's men as well as Milutin (a.k.a. Mićo) Đukić and Rade Đukić, Željko Karanović, under the order of the Commander of the 1st Battalion of the 6th Krajina Brigade, Lieutenant Ranko Brajić took and held the Bosnian-Muslim men in a house near Kenjari in the Blaževići hamlet. Mijatović's men, Milutin (a.k.a. Mićo) Đukić and Rade Đukić, Željko Karanović then killed at least 17 of the 20 Bosnian-Muslim men taken from Kenjari inside and outside the house using explosives and gunfire. After the killings, they moved the bodies of the victims killed outside back into the house and set the house on fire. When Lieutenant Captain Ranko Brajić found out about this crime, four soldiers were arrested and handed over for further proceedings. The Trial Chamber will further consider this incident in relation to Counts 1 and 3-6 of the Indictment in chapter 8 below.

Schedule A.7.4

1617. According to the Indictment, the Accused is responsible for the killing of a number of people from the hamlet of Budin[6816], Lukavica village in Sanski Most Municipality on or about 1 August 1992.[6817] The Trial Chamber took judicial notice of two Adjudicated Facts in relation to this incident.[6818] It also received evidence from **Witness RM-001**, a Bosnian Muslim from Lukavica in Sanski Most Municipality;[6819] and **Ewa Tabeau**, a demographer and statistician;[6820] as well as forensic documentary evidence, and finds that this evidence is partly consistent with the Adjudicated Facts.[6821] The Trial Chamber will further consider this evidence below. The Trial Chamber also received evidence from **Witness RM-015**, a Bosnian Serb from Sanski Most,[6822] **Branko Basara**, Commander of the 6th Krajina Brigade from 29 October 1991 to mid-December 1992.[6823]

1618. On 1 August 1992, a group of soldiers in olive-coloured uniforms with a red stripe pinned to their epaulettes came to Budim and broke into several houses.[6824] Budim was a hamlet of Lukavica which before 1992 was nicknamed 'Alibegović' because the majority of its Bosnian-Muslim inhabitants shared that surname.[6825] **Witness RM-001** stated that there were about 200 soldiers and that they were commanded by a person called Mićo Praštalo, a.k.a. Kudra.[6826] He knew four of the soldiers to be from Palanka in Sanski Most Municipality.[6827] They led away 14 civilian

[6816] The Indictment refers to the hamlet of 'Budin' while Adjudicated Fact I, no. 1181 and Witness RM-001's evidence refer to 'Budim'. The Trial Chamber is satisfied that 'Budin' and 'Budim' refer to the same hamlet.
[6817] Indictment, paras 39, 47, 59, 62, Schedule A.7.4.
[6818] Adjudicated Facts I, nos 1181, 1183.
[6819] P2487 (Witness RM-001, witness statement, 16 March 2000), pp. 1-2; P2486 (Witness RM-001, *Brđanin* transcript, 31 May 2002), pp. 6405-6406.
[6820] Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).
[6821] **Witness RM-001**: P2487 (Witness RM-001, witness statement, 16 March 2000), pp. 1-5; P2486 (Witness RM-001, *Brđanin* transcript, 31 May 2002), pp. 6405-6407, 6425-6426, 6428-6433, 6438 **Ewa Tabeau and forensic documentary evidence**: P2789 (*Curriculum vitae* of Ewa Tabeau); P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 2-3, 12, 20, 32-34; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 268-274; P5940 (Autopsy reports for Lukavice Mass Grave, 25 August 1997), pp. 1-28; P5941 (Court record of autopsies from Lukavice Mass Grave, 11 June 1997), pp. 1-19; Ewa Tabeau, T. 19307-19308.
[6822] P2362 (Witness RM-015, witness statement, 13 March 2002), paras 2, 6, 9, 111.
[6823] D1031 (Branko Basara, witness statement, 21 July 2014), para. 4; Branko Basara, T. 34386, 34401.
[6824] Adjudicated Facts I, nos 1181, 1183.
[6825] Adjudicated Facts I, nos 1181, 1183.
[6826] P2487 (Witness RM-001, witness statement, 16 March 2000), p. 3; P2486 (Witness RM-001, *Brđanin* transcript, 31 May 2002), p. 6430.
[6827] P2487 (Witness RM-001, witness statement, 16 March 2000), p. 3; P2486 (Witness RM-001, *Brđanin* transcript, 31 May 2002), pp. 6425-6426, 6438.

men.[6828] When the witness asked the soldiers if they would all be killed or beaten, they told him to go home and proceeded to walk towards the brook with the other men.[6829] The witness tried to seek refuge in a Serb neighbour's house but the man refused to give him shelter claiming they would both be killed if the army were to find them.[6830] As the witness was hiding in a bush, Kudra stopped in front of Simo Ševo's house and asked Ševo if 'everything was done'.[6831] The witness heard Ševo say yes.[6832] Later in the afternoon, the witness learned that the Serbs had shot and killed the 14 men that they had led towards the brook.[6833] When a Bosnian-Muslim villager asked to move the bodies to the cemetery, Dragan Praštalo gave him permission to do so but told him to wait until the next morning for the burial pending the approval of 'the command of the Crisis Staff in Fajtovci'.[6834] The witness further learned that the killings had been perpetrated by 'Chetniks' whom he did not know.[6835] The following day, Lučić conveyed to the villager the command's authorization to bury the dead in the presence of a local Serb, Branko Vukojević.[6836] The bodies of 13 of the men were found with bullet holes and severe wounds; one of the men survived.[6837] Five men moved the bodies with tractors and one noticed that the bodies, located in a concealed place along a brook, were black, were lying on top of one another in one location, and all had been shot.[6838] He also saw cartridges from automatic weapons.[6839] The belongings of the men had been taken away and their personal documents were missing.[6840] Lazo Ževo brought empty wallets and the personal documents of the victims to Dragan Praštalo and

[6828] Adjudicated Facts I, no. 1183.
[6829] P2487 (Witness RM-001, witness statement, 16 March 2000), p. 3; P2486 (Witness RM-001, *Brđanin* transcript, 31 May 2002), p. 6428.
[6830] P2487 (Witness RM-001, witness statement, 16 March 2000), p. 3; P2486 (Witness RM-001, *Brđanin* transcript, 31 May 2002), pp. 6429-6430.
[6831] P2487 (Witness RM-001, witness statement, 16 March 2000), pp. 3-4; P2486 (Witness RM-001, *Brđanin* transcript, 31 May 2002), p. 6430.
[6832] P2487 (Witness RM-001, witness statement, 16 March 2000), p. 4; P2486 (Witness RM-001, *Brđanin* transcript, 31 May 2002), p. 6430.
[6833] P2487 (Witness RM-001, witness statement, 16 March 2000), p. 4; P2486 (Witness RM-001, *Brđanin* transcript, 31 May 2002), p. 6430.
[6834] P2486 (Witness RM-001, *Brđanin* transcript, 31 May 2002), p. 6431.
[6835] P2486 (Witness RM-001, *Brđanin* transcript, 31 May 2002), p. 6431.
[6836] P2487 (Witness RM-001, witness statement, 16 March 2000), p. 4; P2486 (Witness RM-001, *Brđanin* transcript, 31 May 2002), p. 6431.
[6837] Adjudicated Facts I, no. 1183.
[6838] P2487 (Witness RM-001, witness statement, 16 March 2000), p. 4; P2486 (Witness RM-001, *Brđanin* transcript, 31 May 2002), pp. 6431-6432.
[6839] P2487 (Witness RM-001, witness statement, 16 March 2000), p. 4.
[6840] P2487 (Witness RM-001, witness statement, 16 March 2000), p. 4; P2486 (Witness RM-001, *Brđanin* transcript, 31 May 2002), pp. 6432-6433.

claimed they were dropped behind his house.[6841] The bodies were all buried in one grave and later exhumed by Bosnian authorities, monitored by the UNPROFOR.[6842] **Witness RM-015** testified that Mićo 'Kudra' Praštalo was the commander of a paramilitary unit from Lušci Palanka.[6843]

1619. **Branko Basara** testified that he had information that the killings in Budin were committed by members of the paramilitary from Budim Japra, who were very aggressive and eager to seek retaliation against Muslims because the village had suffered at the hands of the 'Ustaše' during World War II whose ranks in that area mostly comprised of Muslims.[6844] The witness often had to send members of his brigade to provide security for Muslim villages and very often there would be skirmishes between the members of his brigade and this paramilitary formation.[6845]

1620. According to **Witness RM-015**, in June 1992 every armed Serb in Sanski Most Municipality was directly or indirectly under the command of Colonel Basara. Those who were not directly under his control were directly under the control of his subordinate officers.[6846]

1621. According to **Ewa Tabeau** and forensic evidence, the remains of 14 bodies were exhumed from the Lukavice mass grave in Sanski Most Municipality on 2 June 1997, and subsequently identified.[6847] The cause of death for all 14 victims was found to be from gunshot injuries.[6848] Adjudicated Fact no. 1183 states that the victims were

[6841] P2487 (Witness RM-001, witness statement, 16 March 2000), p. 4; P2486 (Witness RM-001, *Brđanin* transcript, 31 May 2002), p. 6433.
[6842] P2487 (Witness RM-001, witness statement, 16 March 2000), p. 4; P2486 (Witness RM-001, *Brđanin* transcript, 31 May 2002), p. 6433.
[6843] P2362 (Witness RM-015, witness statement, 13 March 2002), paras 65, 103, 128.
[6844] D1031 (Branko Basara, witness statement, 21 July 2014), paras 48-49.
[6845] D1031 (Branko Basara, witness statement, 21 July 2014), para. 48.
[6846] Witness RM-015, T. 17292.
[6847] P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 2-3, 12, 20, 32-34; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 268-274; P5940 (Autopsy reports for Lukavice Mass Grave, 25 August 1997), pp. 1-28; P5941 (Court record of autopsies from Lukavice Mass Grave, 11 June 1997), pp. 1-19. The following persons were identified at Lukavice Mass Grave: Hasan Alibegović (1956), Hilmo Alibegović (1927), Husein Alibegović (1931), Ibrahim Alibegović (1943), Ismet Alibegović (1971), Jasmin Alibegović (1972), Muhamed Alibegović (1951), Mujaga Alibegović (1928), Nazif Alibegović (1930), Nijaz Alibegović (1960), Sakib Alibegović (1956), Sejad Alibegović (1959), Sevdaga Alibegović (1930), and Zijad Alibegović (1953).
[6848] P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 268-274; P5940 (Autopsy reports for Lukavice Mass Grave, 25 August 1997), pp. 1-28; P5941 (Court record of autopsies from Lukavice Mass Grave, 11 June 1997), pp. 1-19.

between 22 and 60 years old.[6849] However, according to **Ewa Tabeau** and forensic evidence, five victims were older than 60 years of age in 1992.[6850]

1622. The Trial Chamber recalls its finding in chapter 4.12.1 *Schedule A.7.1* in relation to Witness RM-015's evidence that every armed Serb in Sanski Most was under the command of Basara.

1623. The Trial Chamber finds that Adjudicated Fact number 1183 is inconsistent with the evidence the Trial Chamber has received in relation to the number of victims and their ages. The Trial Chamber finds the evidence of Witness RM-001, Ewa Tabeau, and the forensic evidence to be sufficiently reliable to rebut the Adjudicated Facts in this respect.

1624. Based on the foregoing, the Trial Chamber finds that on 1 August 1992, a group of around 200 Serb individuals led by Mićo 'Kudra' Praštalo entered Budim, a hamlet of Lukavica, and broke into several houses. Some of the group's members were men from Lušci Palanka, Sanski Most Municipality. The group then led away 14 Bosnian-Muslim civilian men, five of whom were older than 60, to a brook and shot and killed all of them.

1625. With regard to the perpetrators of the killings, the Trial Chamber finds, based on evidence provided by Witness RM-015, that Mićo 'Kudra' Praštalo was the commander of the paramilitary unit from Lušci Palanka. The Trial Chamber found the reference by Witness RM-001 to 'soldiers' from Palanka under Praštalo's command to be consistent with this conclusion and accords with the first hand information Witness RM-015 had about Praštalo and his activities. The Trial Chamber did not rely on Branko Basara's evidence that the paramilitaries were from Budim Japra given the clear, detailed, and consistent information provided by Witnesses RM-015 and RM-001; Basara's basis of knowledge about the paramilitaries was not provided, he made no connection made between their activities and the killings in Budim, and he did not refer to the role of Mićo 'Kudra' Praštalo in the killings.

1626. The Trial Chamber will further consider the incident in relation to Counts 1 and 3-6 of the Indictment in chapter 8 below.

[6849] Adjudicated Facts I, no. 1183.
[6850] P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 268-274**;** P5940 (Autopsy reports for Lukavice Mass Grave, 25 August 1997), pp. 1-28; P5941 (Court record of autopsies from Lukavice Mass Grave, 11 June 1997), pp. 1-19.

Schedule A.7.5

1627. According to the Indictment, the Accused is responsible for the killing of approximately seven men near the village of Škrljevita on or about 2 November 1992.[6851] The Trial Chamber took judicial notice of a number of Adjudicated Facts related to this incident. It received evidence from **Grgo Stojić**, a Croat from Škrljevita in Sanski Most municipality;[6852] and **Nenad Davidović**, the Chief of Medical Service in the 6th Krajina Brigade from June 1992 until the end of the war,[6853] as well as documentary evidence with regard to this incident, and finds that it is consistent with the Adjudicated Facts.[6854] The Trial Chamber also received evidence from **Tomislav Delić**, a member of the 6th Krajina Brigade;[6855] and documentary evidence and finds this evidence to be partially consistent with the Adjudicated Facts and will address this evidence below.[6856] The Trial Chamber also received evidence from **Branko Basara**, commander of the 6th Krajina Brigade from 29 October 1991 to mid-December 1992,[6857] and **Witness RM-016**, a Bosnian Serb from Banja Luka.[6858]

1628. On 2 November 1992, seven Bosnian Croats from Škrljevita, a village with a majority Bosnian-Croat population, were rounded up by Bosnian-Serb paramilitary forces at the Glamošnica forest.[6859] The Bosnian-Serb paramilitaries claimed to belong to 'Šešelj's Army' and one of them was wearing a military police belt and camouflage

[6851] Indictment, paras 39, 47, 59, 62, Schedule A.7.5.
[6852] P365 (Grgo Stojić, *Brđanin* transcript, 6-7 June 2002), p. 6763.
[6853] D897 (Nenad Davidović, witness statement, 4 March 2014), para. 3.
[6854] **Grgo Stojić**: P365 (Grgo Stojić, *Brđanin* transcript, 6-7 June 2002), pp. 6775-6777; Grgo Stojić, T. 4082, 4088, 4096, 4098, 4109. **Nenad Davidović**: D897 (Nenad Davidović, witness statement, 4 March 2014), para. 3, 31; D1951 (List of criminal reports by the Command of the 6th Krajina Brigade's Military Police Company, 19 February 1993), p. 1; D1953 (Official note of interview with Miloš Maksimović by the Command of the 6th Krajina Brigade, 7 December 1992), p. 1; D1956 (Letters from the Command of the 6th Krajina Brigade's Military Police Company in Sanski Most to the Military Court Banja Luka, 6 and 17 February 1993), p. 2; D1959 (Record of questioning of Goran Vukojević, 2 June 1993), p. 1, 3. P2368 (Report from Predrag Lazić of the command of the 6th Krajina Brigade, 7 December 1992); P7016 (Minutes of the Extraordinary Session of the Executive Committee of the Municipal Assembly of Sanski Most, 10 November 1992), p. 1. P2506 (Report on the security situation in Sanski Most Municipality from the Chief of the Sanski Most SJB, 30 November 1992), p. 2. D1961 (Health Centre Sanski Most report, 9 November 1992); D1963 (MUP, Findings and opinion of expert witness, 5 February 1993), p. 1.
[6855] D929 (Tomislav Delić, witness statement, 17 July 2014), p.1, paras 1, 6; Tomislav Delić, T. 32926.
[6856] **Tomislav Delić**: D929 (Tomislav Delić, witness statement, 17 July 2014), p.1, paras 1, 6, 36. T. 32926, 32938-32939, 32947. P369 (Indictment, 2 June 1993). See also P366 (Handwritten letter by Daniluško Kajtez); P372 (Ruling of Military Court in Banja Luka, 14 March 1995); P373 (Ruling of Military Court in Banja Luka, 9 July 1993).
[6857] D1031 (Branko Basara, witness statement, 21 July 2014), para. 4; Branko Basara, T. 34386, 34401.
[6858] P2375 (Witness RM-016, witness statement, 5 August 2013), p. 1, paras 4, 11, 16; Witness RM-016, T. 17398.

uniform, another had Serb insignia carved into his rifle butt.[6860] After having body-searched their captives, the Bosnian Serbs, among them a certain Daniluško Kajtez, executed the seven Bosnian Croats.[6861] **Grgo Stojić** provided evidence, in particular with regard to the victims and perpetrators. He observed and was injured during the execution of Dragan Tadić, Ante Tutić, Petar (Pero) Nikić, Žarko Nikić, and Josip Banović.[6862] The witness was later told that Ivo Tutić, Bono Tutić, Karlo Tadić, and Tomica Potalec also had been killed.[6863] According to a report by Dr. Ljiljana Prosić of Sanski Most Health Centre, on 3 November 1992, she examined the bodies of the mentioned nine persons from Škrljevita, in Graorište forest near the village of Kruhari in Sanski Most municipality.[6864] According to forensic documentation, the remains of these nine persons were exhumed from a mass grave in Škrljevita on 20 June 1997.[6865] The victims were dressed in civilian clothing.[6866]

1629. With regard to the perpetrators, **Stojić** testified that there were four of them and one of the men wore civilian clothes.[6867] He later learned from his friends (who knew them personally) that the names of two of the perpetrators were Daniluško (Dane) Kajtez and Goran Vukojević.[6868] **Tomislav Delić** testified that Kajtez acted independently of any unit and was considered a renegade.[6869] According to **Stojić**, the third and fourth men were Todo Vokić and Miloš Maksimović.[6870] Just before the execution the witness heard his captors declare that they belonged to 'Šešelj's Army'.[6871] He and the other men were lined up with their backs turned to the shooters

[6859] Adjudicated Facts I, nos 1184-1185.
[6860] Adjudicated Facts I, no. 1186.
[6861] Adjudicated Facts I, no. 1187.
[6862] P365 (Grgo Stojić, *Brđanin* transcript, 6-7 June 2002), pp. 6773-6774; P449 (Report by Sanski Most Health Centre, 9 November 1992), pp. 1-2.
[6863] P365 (Grgo Stojić, *Brđanin* transcript, 6-7 June 2002), p. 6779; Grgo Stojić, T. 4066, 4101-4104.
[6864] P449 (Report on death of nine men in Graorište forest, signed by Ljiljana Prosić, 9 November 1992), pp. 1-2. See also P365 (Grgo Stojić, *Brđanin* transcript, 6-7 June 2002), p. 6791.
[6865] P4685 (Exhumation report for the mass grave Škrljevita, 20 June 1997); P5942 (Autopsy report, scheduled incident A.7.5, 29 August 1997); P5943 (Court on-site investigation for incident A.7.5, 3 November 1992).
[6866] P5942 (Autopsy report, scheduled incident A.7.5, 29 August 1997); P5943 (Court on-site investigation for incident A.7.5, 3 November 1992).
[6867] P365 (Grgo Stojić, *Brđanin* transcript, 6-7 June 2002), pp. 6774-6777, 6797; Grgo Stojić, T. 4083, 4088-4090, 4097.
[6868] P365 (Grgo Stojić, *Brđanin* transcript, 6-7 June 2002), pp. 6775-6776, 6795; Grgo Stojić, T. 4082, 4118-4119.
[6869] D929 (Tomislav Delić, witness statement, 17 July 2014), para. 36; Tomislav Delić, T. 32938-32939, 32947.
[6870] P365 (Grgo Stojić, *Brđanin* transcript, 6-7 June 2002), pp. 6792-6793, 6795; Grgo Stojić, T. 4086, 4096, 4118-4119.
[6871] P365 (Grgo Stojić, *Brđanin* transcript, 6-7 June 2002), p. 6777; Grgo Stojić, T. 4088, 4096, 4098, 4109.

and the witness was hit by a bullet in his left upper arm and another in his hip, and he fell to the ground.[6872] He heard the shooting stop and then a call amongst the captors to run away, followed by the sounds of running.[6873] According to the witness, on 2 November 1992 there were no military operations in Škrljevita or in the area where the execution took place, nor any tanks or military vehicles close to the execution site.[6874] According to the minutes of a meeting of the executive committee of the Sanski Most Municipal Assembly of 10 November 1992, those killed were not extremists and the motive for killing them was said to be retaliation for fallen soldiers from Krihare.[6875] According to an SJB report of 30 November 1992 on the security situation in Sanski Most Municipality, ethnic vengeance was the most probable motive for the crime.[6876]

1630. According to **Witness RM-015**, in June 1992 every armed Serb in Sanski Most Municipality was directly or indirectly under the command of Colonel Basara. Those who were not directly under his control were directly under the control of his subordinate officers.[6877]

1631. The Trial Chamber received extensive documentary evidence concerning this incident. According to some of this documentary evidence, on 2 November 1992, Miloš Maksimović; Tode Vokić; Goran Vukojević, and Daniluška, a.k.a. Dane, Kajtez took part in a mass murder of Croats.[6878] The group set off for Glamošnica, the pass for Škrljevita village in Sanski Most Municipality.[6879] Kajtez had asked Vukojević to bring a weapon with him so that they would not be attacked.[6880] Kajtez and Vokić also carried

[6872] P365 (Grgo Stojić, *Brđanin* transcript, 6-7 June 2002), pp. 6777-6778; Grgo Stojić, T. 4078, 4096; P367 (Newspaper article).
[6873] P365 (Grgo Stojić, *Brđanin* transcript, 6-7 June 2002), p. 6778; Grgo Stojić, T. 4098.
[6874] P365 (Grgo Stojić, *Brđanin* transcript, 6-7 June 2002), p. 6797; Grgo Stojić, T. 4108.
[6875] P7016 (Minutes of the Extraordinary Session of the Executive Committee of the Municipal Assembly of Sanski Most, 10 November 1992), p. 1.
[6876] P2506 (Report on the security situation in Sanski Most Municipality from the Chief of the Sanski Most SJB, 30 November 1992), p. 2.
[6877] Witness RM-015, T. 17292.
[6878] D1951 (List of criminal reports by the Command of the 6th Krajina Brigade's Military Police Company, 19 February 1993), p. 1; D1953 (Official note of interview with Miloš Maksimović by the Command of the 6th Krajina Brigade, 7 December 1992), p. 1; D1956 (Letters from the Command of the 6th Krajina Brigade's Military Police Company in Sanski Most to the Military Court Banja Luka, 6 and 17 February 1993), p. 2; D1959 (Record of questioning of Goran Vukojević, 2 June 1993), p. 1. *See also* D1961 (Health Centre Sanski Most report, 9 November 1992); D1962 (MUP Banja Luka, expert examination of weapons and cartridges, 29 December 1992); D1963 (MUP, Findings and opinion of expert witness, 5 February 1993).
[6879] D1953 (Official note of interview with Miloš Maksimović by the Command of the 6th Krajina Brigade, 7 December 1992), p. 1.
[6880] D1959 (Record of questioning of Goran Vukojević, 2 June 1993), p. 2.

weapons, while Maksimović did not.[6881] Kajtez told the others that Croats would come along and that it would be good if they questioned them.[6882] A man came along and following a brief questioning, Kajtez killed the man with a single bullet from his light machine gun.[6883] Shortly thereafter, three local men came along whom Kajtez questioned and then killed.[6884] Kajtez later said that one of the three Croats had tried to hit him and that he was forced to shoot.[6885] They then waited for the next person to come along.[6886] After a short wait, a group of six men came along.[6887] They took them across a clearing to a stream, where they lined them up with Kajtez questioning them.[6888] Vokić stood on the other side of the stream.[6889] After the questioning, Kajtez and Vokić fired and killed the men.[6890] Kajtez later said that they had lined them up and killed them 'just like Serbs were executed during World War II'.[6891] Several days later they heard that one of these six men had survived.[6892] According to a statement of Vukojević, he left prior to all of the killings because he did not want to get involved.[6893] During the killing of the six men, Kajtez had sent Vokić to get Vukojević's weapon. Kajtez was the only one wearing camouflage uniform, the others were in civilian clothes. Vukojević, who was 17 years old at the time of the events, was called in for compulsory military service on 18 June 1993.[6894] Maksimović was a member of the 6th Krajina Brigade on 31 January 1994.[6895]

[6881] D1953 (Official note of interview with Miloš Maksimović by the Command of the 6th Krajina Brigade, 7 December 1992), p. 1; D1959 (Record of questioning of Goran Vukojević, 2 June 1993), p. 2.
[6882] D1959 (Record of questioning of Goran Vukojević, 2 June 1993), p. 2.
[6883] D1953 (Official note of interview with Miloš Maksimović by the Command of the 6th Krajina Brigade, 7 December 1992), p. 1.
[6884] D1953 (Official note of interview with Miloš Maksimović by the Command of the 6th Krajina Brigade, 7 December 1992), p. 2; D1959 (Record of questioning of Goran Vukojević, 2 June 1993), p. 2.
[6885] D1959 (Record of questioning of Goran Vukojević, 2 June 1993), p. 2.
[6886] D1953 (Official note of interview with Miloš Maksimović by the Command of the 6th Krajina Brigade, 7 December 1992), p. 2.
[6887] D1953 (Official note of interview with Miloš Maksimović by the Command of the 6th Krajina Brigade, 7 December 1992), p. 2; D1959 (Record of questioning of Goran Vukojević, 2 June 1993), p. 3.
[6888] D1953 (Official note of interview with Miloš Maksimović by the Command of the 6th Krajina Brigade, 7 December 1992), p. 2; D1959 (Record of questioning of Goran Vukojević, 2 June 1993), p. 3.
[6889] D1953 (Official note of interview with Miloš Maksimović by the Command of the 6th Krajina Brigade, 7 December 1992), p. 2.
[6890] D1953 (Official note of interview with Miloš Maksimović by the Command of the 6th Krajina Brigade, 7 December 1992), p. 2; D1959 (Record of questioning of Goran Vukojević, 2 June 1993), p. 3.
[6891] D1959 (Record of questioning of Goran Vukojević, 2 June 1993), p. 3.
[6892] D1953 (Official note of interview with Miloš Maksimović by the Command of the 6th Krajina Brigade, 7 December 1992), p. 2.
[6893] D1959 (Record of questioning of Goran Vukojević, 2 June 1993), pp. 2-3.
[6894] D1959 (Record of questioning of Goran Vukojević, 2 June 1993), p. 3.
[6895] D1958 (Correspondence between the Lower Court in Sanski Most and Dragana Sekulić, 26 and 31 January 1994), p. 2.

1632. A 6th Krajina Brigade Military Police Report of 7 December 1992 provides that Croatian villagers were 'mass murdered' in the village of Škrljevita on 2 November 1992 by Daniluško Kajtez, Goran Vukojević (born in 1975), Miloš Maksimović, and Tode Bokić (born in 1977).[6896] An empty cartridge found at the crime site was found to match the light-machine gun taken from Kajtez.[6897] **Branko Basara** testified that his unit was not in the village of Škrljevita but that a paramilitary unit would go from municipality to municipality.[6898] However, the witness signed a criminal report addressed to the Office of the Military Prosecutor about Daniluško Kajetz, nicknamed 'Dane', who he reported, among others, to have committed the crime of murder. [6899]

1633. On 7 December 1992, a Banja Luka Military Court Investigating Judge ordered that Daniluško Kajtez and Miloš Maksimović be detained.[6900] The ruling was based upon Kajtez and Maksimović admitting to having committed the crime of murder.[6901] **Witness RM-016** testified that Kajtez, a soldier from the 6th Krajina Brigade, and Miloš Maksimović were placed in custody in relation to the killing.[6902] On 9 December 1992, the investigating judge of the Banka Luka military court in the case against four accused (Kajtez, Maksimović, Vukojević, and Vokić) regarding the killing severed the case against Goran Vukojević (17 years old at the time of the crime) and Todo Vokić (15 years old at the time of the crime) and passed the files relating to these two accused onto a judge for minors of the Sanski Most lower court for special proceedings.[6903] **Witness RM-016** testified that units of the 6th Krajina Brigade, the 6th Krajina Brigade Command, and Vrkeš exercised pressure on the Banja Luka Military Court to release Kajtez from pre-trial detention.[6904] Kajtez was released back to his unit.[6905] Since the

[6896] P2368 (Report from Predrag Lazić of the command of the 6th Krajina Brigade, 7 December 1992).
[6897] P2368 (Report from Predrag Lazić of the command of the 6th Krajina Brigade, 7 December 1992).
[6898] D1031 (Branko Basara, witness statement, 21 July 2014), para. 50; Branko Basara, T. 34532-34533.
[6899] Branko Basara, T. 34535; P7323 (Criminal report to office of the military prosecutor, signed by Branko Basara, 7 December 1992), pp. 1-2.
[6900] P2428 (Ruling by Banja Luka Military Court Investigating Judge in Daniluško Kajtez case, 7 December 1992).
[6901] P2428 (Ruling by Banja Luka Military Court Investigating Judge in Daniluško Kajtez case, 7 December 1992).
[6902] P2375 (Witness RM-016, witness statement, 5 August 2013), paras. 130-131; Witness RM-016, T. 17452, 17458; P2377 (Chart of documents reviewed by Witness RM-016 during proofing session); P2428 (Ruling from an investigating judge of the Banja Luka Military Court, 7 December 1992).
[6903] P7017 (Decision of the Banka Luka Military Court, 9 December 1992), pp. 1-2. *See also* Grgo Stojić, T. 4086, 4092-4093; D76 (Newspaper article).
[6904] P2375 (Witness RM-016, witness statement, 5 August 2013), paras 130, 132; Witness RM-016, T. 17380-17382; P2371 (Letter from Vlado Vrkeš and Ostoja Čukov, Commander of the 4th battalion of the 6th Krajina Brigade, to the Banja Luka Military Court, 10 September 1993).
[6905] P2375 (Witness RM-016, witness statement, 5 August 2013), paras. 143, 147; Witness RM-016, T. 17458-17459.

crime for which he was charged carried a minimum sentence of ten years or longer, Kajtez should have been required to remain in pre-trial detention.[6906]

1634. According to an indictment dated 2 June 1993, issued by the 1KK Military Prosecutor, Daniluško Kajtez and Miloš Maksimović were charged with the murders in Glamošnica on 2 November 1992.[6907] **Stojić** confirmed that during the trial he was not able to identify Daniluško Kajtez and Miloš Maksimović and they were acquitted on 13 December 2007.[6908]

1635. The Trial Chamber observes that Adjudicated Facts 1186-1187 states that Daniluško Kajtez was among the Bosnian-Serb paramilitaries claiming to belong to 'Šešelj's Army' who together executed the Bosnian Croats. Exhibit P369, a Banja Luka Military Court indictment against Kajtez and exhibit P373, a Banja Luka Military Court decision, and testimony from Witness RM-016, however, specified that Kajtez was a member of the 6th Krajina Brigade. The Trial Chamber finds the two exhibits and Witness RM-016's testimony to be clear, detailed, and consistent. The Trial Chamber finds that the Adjudicated Facts have been rebutted insofar as they relate to Daniluško Kajtez's affiliation. Further, the cited evidence provides a strong basis from which to conclude that Kajtez was a member of the 6th Krajina Brigade.

1636. The Trial Chamber recalls its finding in chapter 4.12.1 *Schedule A.7.1* in relation to Witness RM-015's evidence that every armed Serb in Sanski Most was under the command of Basara.

1637. Based on the foregoing, the Trial Chamber finds that on 2 November 1992, Bosnian-Serb forces claiming to belong to 'Šešelj's Army' searched, interrogated, and severely beat Bosnian Croats at the Glamošnica forest close to Škrljevita in Sanski Most Municipality. Based on the forensic evidence that nine victims were found at the same location, the Škrljevita forest, and killed on or about the same time, the Trial Chambers finds that nine victims were killed on 2 November 1992. All of the nine victims were Bosnian Croats and wore civilian clothing at the time of their deaths. The Trial Chamber further finds that there were four perpetrators and that Daniluško Kajtez and Miloš Maksimović, members of the 6th Krajina Brigade, were two of them. The Trial

[6906] P2375 (Witness RM-016, witness statement, 5 August 2013), para. 142; Witness RM-016, T. 17364.
[6907] P365 (Grgo Stojić, *Brđanin* transcript, 6-7 June 2002), p. 6792-6793, 6799-6800; P369 (Indictment, 2 June 1993). See also P366 (Handwritten letter by Daniluško Kajtez); P372 (Ruling of Military Court in Banja Luka, 14 March 1995); P373 (Ruling of Military Court in Banja Luka, 9 July 1993).
[6908] Grgo Stojić, T. 4118-4120.

Chamber finds that the second and third perpetrators were Todo Vokić and Goran Vukojević, who were minors at the time of the incident. The Trial Chamber will further consider this incident in relation to Counts 1 and 3-6 of the Indictment in chapter 8 below.

4.12.2 Unlawful detention and cruel or inhumane treatment in detention facilities

1638. The Trial Chamber finds that the Prosecution has presented insufficient evidence to prove this charge.

4.12.3 Destruction of private and public property, including cultural monuments and sacred sites

1639. According to the Indictment, the Accused is responsible for wanton acts of destruction of private property, including homes and business premises, and public property, including cultural monuments and sacred sites as set out in Scheduled Incident D.13, in Sanski Most Municipality between at least 12 May 1992 and 30 November 1995.[6909] In particular, the Indictment sets out that the following were destroyed between at least 12 May and December 1992: the Sanski Most Town mosque, the Pobriježje mosque, the old and new mosques at Hrustovo-Kukavice, the Vrhpolje mosque, the Šehovci mosque, the Trnova mosque, the Stari Majdan (Palanka) mosque, the Stari Majdan (Utriška) mosque, the Dževar mosque, the Husimovci mosque, the Donji Kamengrad mosque, the Skucani Vakuf mosque, the Lukavice mosque, the Tomina mosque, the Čaplje mosque, and the Sanski Most Town Catholic church.[6910] Scheduled Incident D.13 is limited to the destruction of the aforementioned sites. The charge of destruction is, however, not limited to the Scheduled Incidents.[6911] Accordingly, the Trial Chamber has considered evidence falling outside the scope of Scheduled Incident D.13. The Defence argued that Adjudicated Facts 1161, 1188, and 1191 are rebutted.[6912] The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this charge.[6913] It also received evidence from **Ahmet**

[6909] Indictment, paras 47, 52, 59(j), Schedule D.13.
[6910] Indictment, Schedule D.13.
[6911] Further on this issue, *see* Appendix B.
[6912] Defence Final Brief, para. 1221.
[6913] Adjudicated Facts I, no. 1201 has been reviewed in chapter 4.12.7.

Zulić, Witness RM-001, **Sakib Muhić**, **Bekir Delić**, and **Witness RM-042**, all Bosnian Muslims from Sanski Most Municipality;[6914] **Jakov Marić**, a Catholic Bosnian Croat from Sasina in Sanski Most Municipality;[6915] **Witness RM-015**, a Bosnian Serb from Sanski Most; **Witness RM-016**, a Bosnian Serb from Banja Luka;[6916] **Branko Davidović**, Assistant Commander for Morale, Legal Affairs and Information of the 6th Krajina Brigade since June 1992,[6917] and **András Riedlmayer**, a bibliographer and art documentation specialist;[6918] and finds that this evidence is consistent with the Adjudicated Facts.[6919] The Trial Chamber also received evidence from **Branko Basara**, commander of the 6th Krajina Brigade from 29 October 1991 to mid-December 1992,[6920] which is partially consistent with the Adjudicated Facts.[6921] The Trial Chamber further received evidence from **Adem Seferović**, **Witness RM-706**, and **Witness RM-028**, all Bosnian Muslims from Hrustovo in Sanski Most Municipality;[6922]

[6914] P3611 (Ahmet Zulić, witness statement, 22 February 2010), p. 1, paras 1-3. P2487 (Witness RM-001, witness statement, 16 March 2000), pp. 1-2; P2486 (Witness RM-001, *Brđanin* transcript, 31 May 2002), p. 6405. P3426 (Sakib Muhić, witness statement, 11 April 2000), pp. 1-2. P3432 (Bekir Delić, witness statement, 13 September 2001), pp. 1-2. P2497 (Witness RM-042, witness statement, 21 April 2001), pp. 1-2.
[6915] P3117 (Jakov Marić, witness statement, 11 March 2000), pp. 1-2.
[6916] P2375 (Witness RM-016, witness statement, 5 August 2013), p. 1, paras 4, 11, 16; Witness RM-016, T. 17398.
[6917] D675 (Branko Davidović, witness statement, 30 June 2014), paras 14-16; Branko Davidović, T. 26504.
[6918] P2503 (Expert report of András Riedlmayer, December 2012), para. 75; András Riedlmayer, T. 17888; P2504 (*Curriculum vitae* of András Riedlmayer), p. 1.
[6919] **Andras Riedlmayer**: András Riedlmayer, T. 17917-17921; P2503 (Expert report of András Riedlmayer, December 2012), paras 28, 56, 59; P2510 (Formatted entries to expert report of András Riedlmayer), pp. 80-82, 88-93, 95-95, 97-101-102, 104-108, 112-117; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), pp. 25, 27-28, 30-31; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013). With regard to the Trial Chamber's approach concerning Riedlmayer's evidence, *see* Appendix B. **Ahmet Zulić**: P3611 (Ahmet Zulić, witness statement, 22 February 2010), paras 2, 31-33, 38-39, 41; Ahmet Zulić's evidence is also reviewed in chapter 4.12.7. **Witness RM-001**: P2487 (Witness RM-001, witness statement, 16 March 2000), pp. 2, 3; P2486 (Witness RM-001, *Brđanin* transcript, 31 May 2002), pp. 6409-6411, 6413, 6422, 6424. Witness RM-001's evidence is also reviewed in chapter 4.12.7. **Sakib Muhić**: P3426 (Sakib Muhić, witness statement, 11 April 2000), pp. 3-4. **Bekir Delić**: P3432 (Bekir Delić, witness statement, 13 September 2001), p. 4. Bekir Delić's evidence is also reviewed in chapter 4.12.7. **Jakov Marić**: P3117 (Jakov Marić, witness statement, 11 March 2000), p. 3**.** **Witness RM-016**: P2375 (Witness RM-016, witness statement, 5 August 2013), paras 60, 67, 85. Witness RM-016's evidence has also been reviewed in chapter 4.12.7. **Witness RM-015**: P2362 (Witness RM-015, witness statement, 13 March 2002), paras 112, 127, 134, 152; Witness RM-015, T. 17278. Witness RM-015's evidence is also reviewed in chapters 4.12.1 *Schedule A.7.2* and 4.12.7. **Witness RM-042**: P2497 (Witness RM-042, witness statement, 21 April 2001), pp. 4-5; P2498 (Photographs), p. 5. Witness RM-042's evidence is reviewed in chapter 4.12.7. **Branko Davidović**: Branko Davidović, T. 26526-26527, 26529.
[6920] D1031 (Branko Basara, witness statement, 21 July 2014), para. 4; Branko Basara, T. 34386, 34401.
[6921] **Branko Basara**: D1031 (Branko Basara, witness statement, 21 July 2014), paras 36-38; Branko Basara, T. 34494-34496, 34498-34513, 34562, 34566. Branko Basara's evidence is also reviewed in chapters 4.12.1 *Schedule A.7.2* and 4.12.7.
[6922] **Adem Seferović**: P2502 (Adem Seferović, witness statement, 26 July 1999), pp. 1-2. Adem Seferović's evidence is reviewed in chapter 4.12.1 *Schedule A.7.1*. **Witness RM-706**: P2499 (Witness

Rajif Begić, a Bosnian Muslim from the village of Kljevci in Sanski Most Municipality;[6923] **Tomislav Delić**, a member of the 6th Krajina Brigade,[6924] and documentary evidence.

Destruction and the forces present in the municipality

1640. **Bekir Delić** stated that in late 1991 or early 1992, the SOS, wearing camouflage uniforms, arrived in Sanski Most under the command of Dušan Saović, a.k.a. Nunja.[6925] In the spring of 1992, the SOS commenced destroying businesses owned by non-Serbs in Sanski Most, including the office of Suad Sabić, and the local authorities did nothing to stop them.[6926] According to **Witness RM-016**, the SOS was responsible for the destruction of Sabić's office.[6927] The house of a prominent SDA member in Sanski Most, Faik Biščević, was looted and set on fire by the SOS while he was detained.[6928]

1641. **Ahmet Zulić** stated that in May 1992, various units were present in and passed through the municipality.[6929] There were the SOS, the White Eagles, 'Šešelj's Chetniks', the military reservists as well as regular JNA forces.[6930] The SOS was in charge in Sanski Most; they were easily distinguishable from the other groups as they drove around in an old LADA car and wore olive-grey/olive-drab SMB uniforms without any specific insignia, in addition to a 'Chetnik' badge on their caps.[6931] Its members were mostly local Serbs and members of the SDS and they were commanded by Dušan Šaović, a.k.a. 'Nunja' and a man called 'Medeni'.[6932] **Witness RM-016** testified that the SOS in Sanski Most, including Njunja, Medeni, Šico, and Daniluško

RM-706, *Brđanin* transcript, 21 June 2002), p. 7246. RM-706's evidence is also reviewed in chapter 4.12.1 *Schedule A.7.2*. **Witness RM-028**: P2489 (Witness RM-028, *Brđanin* transcript, 5 July 2002), pp. 8046-8048; P2490 (Witness RM-028, *Karadžić* transcript, 19 September 2011), pp. 19074-19075; P2491 (Pseudonym Sheet for Witness RM-028 in the *Brđanin* case); P2492 (Pseudonym Sheet for Witness RM-028 in *Karadžić* case); P2493 (Map of Hrustovo-Vrhpolje).

[6923] Rajif Begić, T. 2146, 2150.

[6924] D929 (Tomislav Delić, witness statement, 17 July 2014), p.1, paras 1, 6; Tomislav Delić, T. 32926. Tomislav Delić's evidence is reviewed in chapter 4.12.4.

[6925] P3432 (Bekir Delić, witness statement, 13 September 2001), p. 2.

[6926] P3432 (Bekir Delić, witness statement, 13 September 2001), pp. 2-3. *See also* P2375 (Witness RM-016, witness statement, 5 August 2013), para. 62; Witness RM-016, T. 17411.

[6927] P2375 (Witness RM-016, witness statement, 5 August 2013), para. 62.

[6928] P2375 (Witness RM-016, witness statement, 5 August 2013), para. 62; Witness RM-016, T. 17411-17412. *See also* P2362 (Witness RM-015, witness statement, 13 March 2002), para. 119.

[6929] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 11.

[6930] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 11.

[6931] P3611 (Ahmet Zulić, witness statement, 22 February 2010), paras 11, 17.

[6932] P3611 (Ahmet Zulić, witness statement, 22 February 2010), paras 11, 17.

Kajtez.[6933] Its members were mostly local criminals and were placed under the control of the civilian authorities.[6934]

1642. **Zulić** also knew that the 6th Krajina Brigade was operating in that area.[6935] **Witness RM-015** testified that Colonel Basara strictly followed his chain of command and on this basis, the witness concluded that General Talić had authorised the attacks in Sanski Most and was familiar with the outcome of the attack.[6936] On 29 May 1992, the 1KK Command issued a report, signed by General Talić, to the VRS Main Staff concerning the combat situation which, according to Witness RM-015, demonstrates that regular VRS army units were engaged in the activities of 26-27 May and that General Talić was aware of them and may have authorised them.[6937] The report also states that 'cooperation with the Bosnian-Serb MUP in mopping-up the terrain and confiscating weapons from illegal formations in the area of Prijedor, Sanski Most, and Ključ continues.'[6938]

1643. **Witness RM-016** testified that in 1992, the civilian police and military authorities in Sanski Most were working in close cooperation.[6939] **Witness RM-015** testified that on 20 May 1992, the Sanski Most Crisis Staff ordered the Serb TO staff to prepare an operation to disarm non-Serb paramilitary formations in Sanski Most Municipality.[6940] The Serb paramilitary formation in Podlug, received similar orders from the 6th Krajina Brigade.[6941] Witness RM-015 thus concluded that the Sanski Most Crisis Staff and 6th Brigade were cooperating in disarming non-Serbs, based also on the fact that Colonel Basara and Colonel Aničić were both members of the Crisis Staff.[6942] No efforts were made to disarm the Serb civilians.[6943]

[6933] P2375 (Witness RM-016, witness statement, 5 August 2013), paras 73-74; Witness RM-016, T. 17470.
[6934] P2375 (Witness RM-016, witness statement, 5 August 2013), paras 73-74; Witness RM-016, T. 17470.
[6935] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 40.
[6936] P2362 (Witness RM-015, witness statement, 13 March 2002), para. 129.
[6937] P2362 (Witness RM-015, witness statement, 13 March 2002), paras 129-130; P2405 (1KK Command daily combat report to VRS Main Staff signed by General Talić, 29 May 1992), p. 1.
[6938] P2362 (Witness RM-015, witness statement, 13 March 2002), para. 131; P2405 (1KK Command daily combat report to VRS Main Staff signed by General Talić, 29 May 1992), p. 1.
[6939] P2375 (Witness RM-016, witness statement, 5 August 2013), para. 66.
[6940] P2362 (Witness RM-015, witness statement, 13 March 2002), para. 121; P2413 (Sanski Most Crisis Staff order to the Serb TO to disarm paramilitary formations in Sanski Most 4 June 1992), p. 2.
[6941] P2362 (Witness RM-015, witness statement, 13 March 2002), paras 12, 120-121.
[6942] P2362 (Witness RM-015, witness statement, 13 March 2002), para. 121.
[6943] P2362 (Witness RM-015, witness statement, 13 March 2002), para. 121.

1644. On or about 23 May 1992, Serbs threw a hand grenade into Bekir Delić's house.[6944] Delić reported the incident to the police, but no investigation was undertaken.[6945] On 24 May 1992, there were several explosions of non-Serb owned property around Sanski Most.[6946] The majority of the explosions occurred during curfew hours when only persons with permission were allowed out.[6947]

Destruction in Sanski Most Town

1645. In the evening of 25 May 1992, Sanski Most Town was shelled by Serb forces.[6948] In late May 1992, the town mosque in Sanski Most[6949] was destroyed by members of the 6th Krajina Brigade, and a parking lot was laid out on top of the mosque's cemetery.[6950] **Witness RM-015** testified that Majkić and his squad blew up this mosque, once at the beginning of the conflict and then at a later time, laying mines under it so as to completely destroy it.[6951] **András Riedlmayer** testified that the site of the Town mosque was levelled and its rubble taken away in late 1992.[6952] The Trial Chamber received evidence about the destruction of other religious buildings in Sanski Most Town. Riedlmayer testified that the chancery and archives of the Medžlis of the Islamic community of Sanski Most, as well as the Islamic library, all hosted in the *vakuf* located next to the Town mosque, were destroyed with the mosque.[6953] Prior to its destruction, in July 1992 the Roman Catholic church was vandalised and damaged by machine-gun fire.[6954] Serb forces razed the ruins of the church at the time of its

[6944] P3432 (Bekir Delić, witness statement, 13 September 2001), p. 3; P3434 (Weekly report regarding the situation in the area covered by CSB Banja Luka, 26 May 1992), p. 3.
[6945] P3432 (Bekir Delić, witness statement, 13 September 2001), p. 3.
[6946] P3432 (Bekir Delić, witness statement, 13 September 2001), p. 3; P3434 (Weekly report regarding the situation in the area covered by CSB Banja Luka, 26 May 1992), p. 3.
[6947] P3432 (Bekir Delić, witness statement, 13 September 2001), p. 2.
[6948] Adjudicated Facts I, no. 1160.
[6949] András Riedlmayer names this mosque, *inter alia*, as the Hamza-begova and as the town mosque in Sanski Most. The Trial Chamber will refer to this mosque as the town mosque in Sanski Most.
[6950] Adjudicated Facts I, no. 1191.
[6951] Witness RM-015, T. 17296.
[6952] P2503 (Expert report of András Riedlmayer, December 2012), para. 56; P2510 (Formatted entries to expert report of András Riedlmayer), pp. 80-82; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 30.
[6953] P2503 (Expert report of András Riedlmayer, December 2012), paras 62-63; P2511 (Survey database for expert report of András Riedlmayer); P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[6954] P2510 (Formatted entries to expert report of András Riedlmayer), p. 99; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 25.

destruction.[6955] The parish rectory, across the street from the church, was shot at and vandalised but suffered no structural damage.[6956] According to Riedlmayer, the buildings adjacent to the Town mosque and the *vakuf* hosting the chancery, the archives, and the Islamic library were in good condition.[6957] 'Serb forces' blew up the Roman Catholic Parish church of the Assumption of the Blessed Virgin Mary on 19 August 1995.[6958] According to **Witness RM-015**, Majkić and his squad from the TO staff also destroyed the Catholic church in Sanski Most Town either in 1993 or 1994.[6959]

Destruction in Begići, Hrustovo, Vrhpolje, and Okreč

1646. At the end of May 1992, after calls for disarmament had been made, attacks were launched by Bosnian-Serb forces on the Bosnian-Muslim neighbourhoods and villages of Begići, Hrustovo, Vrhpolje, and some other small villages, including the hamlet of Okreč, which was predominantly Muslim.[6960] These attacks were planned well in advance by the army and the municipal crisis staff, and were carried out by the army acting jointly with the SOS.[6961] Heavy shelling from outside the targeted neighbourhoods or villages caused severe damage and killed people, forcing the inhabitants of these villages to flee.[6962] After the troops had entered the villages, a number of people who had not fled were killed.[6963] Houses were looted and people fleeing were dispossessed [sic] of the valuables that they were carrying with them.[6964] On 31 May 1992, soldiers arrived in the village of Begići, looting homes and setting houses and barns on fire.[6965] With regard to Hrustovo, **Witness RM-706** specified that

[6955] P2503 (Expert report of András Riedlmayer, December 2012), para. 56; P2510 (Formatted entries to expert report of András Riedlmayer), pp. 99-100; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 25.
[6956] P2510 (Formatted entries to expert report of András Riedlmayer), p. 99; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 25.
[6957] P2510 (Formatted entries to expert report of András Riedlmayer), p. 80; P2511 (Survey database for expert report of András Riedlmayer).
[6958] P2503 (Expert report of András Riedlmayer, December 2012), paras 56, 59; P2510 (Formatted entries to expert report of András Riedlmayer), pp. 80-82, 99-100; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), pp. 25, 30; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[6959] Witness RM-015, T. 17295.
[6960] Adjudicated Facts I, nos 1143, 1160, 1190.
[6961] Adjudicated Facts I, no. 1143.
[6962] Adjudicated Facts I, no. 1144.
[6963] Adjudicated Facts IV, no. 1146.
[6964] Adjudicated Facts IV, no. 1146.
[6965] Adjudicated Facts I, no. 1190.

while soldiers searched the houses in Hrustovo on 31 May 1992, he saw the old mosque of Kukavice, a hamlet in Hrustovo, burning.[6966] **Rajif Begić** testified that as he approached the Hrustovo station on 31 May 1992, he noticed that all the houses were burning, the shooting was still going on, and some soldiers were resting, drinking, and cursing.[6967] **Witness RM-028** stated that on his way from Blaževići to Tomina on 29 or 30 June 1992, he observed houses that had been burned down in the Muslim hamlet of Handanovići.[6968] The mosque in Hrustovo was destroyed in 1992 by the Bosnian-Serb forces.[6969]

1647. On 1 June 1992, the 1KK Command's daily combat report indicated that the units of the 1KK controlled Prijedor, Ključ and Sanski Most, although mopping up was still being carried out in some Muslim populated villages in Ključ and Sanski Most.[6970] Until 3 June, the only area that was not under Serb control was the Golaja forest in Vrhpolje village where there were approximately 180 armed Muslims.[6971] **Witness RM-016** testified that Muslims from Vrhpolje were well-armed and had established their own military units.[6972] **Witness RM-015** testified that on 8 June 1992 the Sanski Most Crisis Staff tasked the Civil Defence Staff, Nenad Davidović, and the 6th Krajina Brigade with the 'clearing up' of the Vrhpolje-Hrustovo theatre of operations and with the mopping-up any remaining Muslim groups or forces in the area.[6973] The VRS was ultimately in command of this operation under the command of Colonel Basara. A Serb paramilitary unit from Podlug was involved in the operation. The units were driven in civilian buses to the bridge over the river Sana and were each told by Captain Milovan Lazić which sectors they were to mop-up. The units were instructed to send any Muslim survivors to the check-point on the Vrhpolje Bridge. One unit was assigned the sector along the bank of the river Sana, and ordered that wherever they found one empty bullet case, they were to burn the house down. The commander of that unit did not convey this

[6966] P2499 (Witness RM-706, *Brđanin* transcript, 21 June 2002), p. 7249.
[6967] Rajif Begić, T. 2146, 2150.
[6968] P2489 (Witness RM-028, *Brđanin* transcript, 5 July 2002), pp. 8047, 8068.
[6969] Adjudicated Facts I, no. 1192.
[6970] Witness RM-015, T. 17289-17291; P2367 (1KK Command daily combat report to VRS Main Staff signed by General Talić, 1 June 1992), pp 1-2.
[6971] Witness RM-015, T. 17291.
[6972] Witness RM-016, T. 17390.
[6973] P2362 (Witness RM-015, witness statement, 13 March 2002), para. 147; P2414 (Sanski Most Crisis Staff conclusions, 8 June 1992).

order to his unit. Officers of the 1st Serbian Battalion burned down at least one house that day and blew up Arif Hukanović's house in Vrhpolje using TNT.[6974]

1648. **Riedlmayer** testified that Serb forces burned down the old mosque in Hrustovo-Kukavice in May 1992, and the Hrustovo-Kerani mosque in Gornje Hrustovo in May-June 1992.[6975] The new mosque in Hrustovo-Kukavice was vandalised and its building materials, including copper sheeting from its roof, were stolen.[6976] Many projectile impacts could be seen on the perimeter walls of the new mosque in Hrustovo-Kukavice, under construction at the start of the war.[6977] The Hrustovo-Kerani mosque's interior was gutted and open to the sky, and the perimeter walls were still standing up to the roofline.[6978] According to Riedlmayer, the buildings adjacent to the Hrustovo-Kukavice old mosque were lightly damaged, and those adjacent to the new mosque in Hrustovo-Kukavice were heavily damaged.[6979] With regard to Vrhpolje, Riedlmayer testified that 'Serb extremists' blew up the minaret of the village mosque in 1992.[6980] According to Riedlmayer, the buildings adjacent to the mosque were heavily damaged.[6981] The Okreč mosque burned in 1992.[6982]

Destruction in Mahala, Muhići, and Otoka

1649. A Sanski Most TO staff combat order, signed by Colonel Ančić, ordered Operation '*Grmeč-92*', the disarmament of Mahala, Otoka, Muhići, Marija Bursać, the Omladinsko neighbourhood, the Alagića neighbourhood, in coordination with units

[6974] P2362 (Witness RM-015, witness statement, 13 March 2002), para. 147.
[6975] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 97-98, 106-108; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), pp. 27-29; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[6976] P2503 (Expert report of András Riedlmayer, December 2012), para. 28; P2510 (Formatted entries to expert report of András Riedlmayer), p. 104; P2511 (Survey database for expert report of András Riedlmayer); P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[6977] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 104-105; P2511 (Survey database for expert report of András Riedlmayer).
[6978] P2511 (Survey database for expert report of András Riedlmayer).
[6979] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 104, 106; P2511 (Survey database for expert report of András Riedlmayer).
[6980] P2503 (Expert report of András Riedlmayer, December 2012), para. 28; P2510 (Formatted entries to expert report of András Riedlmayer), pp. 109-111; P2511 (Survey database for expert report of András Riedlmayer); P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[6981] P2510 (Formatted entries to expert report of András Riedlmayer), p. 109; P2511 (Survey database for expert report of András Riedlmayer).

from the 6th Brigade, after artillery preparations, 'in order to cause the enemy great human, material and technical losses'.[6983] The order asserted that the Croatian Defence forces, National Guard Corps, and Green Berets had joined up with 'hostile villages and towns' in Sanski Most municipality.[6984] **Witness RM-015** believed this to be pure propaganda used to justify the attacks. According to him, Croatian Defence forces and National Guard Corps were not present in Sanski Most in 1992 and the ABiH had not even been formed in this area. The only Muslim forces operating were the Patriotic League who were not in Sanski Most, but primarily in Ključ. If armed groups were in existence, they were villagers trying to defend themselves. The witness testified that the second part of the order, namely that the Serbs managed to maintain control of the territory and organized the defence of Serb populated areas, was true.[6985]

1650. On or around 25 May 1992, the 6th Krajina Brigade and the TO launched an artillery attack on the Muslim settlements of Mahala, Muhići, and Otoka.[6986] **Branko Davidović** testified that the SOS was also involved in the 'mopping up' operations in Mahala.[6987] Serb soldiers forced Mahala residents to gather at a training ground and then shelled the village and partially destroyed houses and the local mosque.[6988] **Ahmet Zulić** stated that some houses in Mahala started burning immediately after the launch of the attack.[6989] According to him, there were no legitimate military targets in Mahala.[6990] **Witness RM-016** testified that Muslims from Mahala were poorly armed and were only in possession of hunting rifles and side arms.[6991] According to **Davidović**, there were no civilian casualties in Mahala, because there was no fighting, apart from some sporadic rifle fire in passing through and during the search of the area, which was finished in a few hours.[6992] **Sakib Muhić** stated that save for two streets, the entire settlement was

[6982] P2511 (Survey database for expert report of András Riedlmayer); P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[6983] P2411 (Serb TO order no. 1/92), pp. 1-2. *See also* P2362 (Witness RM-015, witness statement, 13 March 2002), para. 124.
[6984] P2411 (Serb TO order no. 1/92), p. 1. *See also* P2362 (Witness RM-015, witness statement, 13 March 2002), para. 124.
[6985] P2362 (Witness RM-015, witness statement, 13 March 2002), para. 126; P2411 (Serb TO order no. 1/92), p. 1.
[6986] Adjudicated Facts I, nos 1161, 1188.
[6987] Branko Davidović, T. 26526, 26529.
[6988] Adjudicated Facts I, no. 1161.
[6989] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 33.
[6990] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 33.
[6991] P2375 (Witness RM-016, witness statement, 5 August 2013), para. 60; Witness RM-016, T. 17389.
[6992] D675 (Branko Davidović, witness statement, 30 June 2014), para. 30.

destroyed.[6993] **Bekir Delić** stated that when he walked through Mahala on 27 May 1992, the settlement was on fire.[6994] **Witness RM-016** testified that local police were also involved in the looting and destruction of Mahala, adding that the mosque was mined and destroyed with explosives.[6995] **Branko Basara** initially stated to the Prosecution that Veljko Brajić, his Chief of Staff, had ordered the destruction of the mosque and even destroyed it himself.[6996] However, he testified to have heard after his statement that the Mahala mosque was blown up by a man known as 'Njunja', the commander of the SOS.[6997]

Destruction in Pobriježje

1651. On 26 May 1992, as stated by **Ahmet Zulić**, Serb forces attacked Pobriježje, a village located about two kilometres northwest of Sanski Most.[6998] **Witness RM-015** testified that Pobriježje was a predominantly Muslim village.[6999] **Zulić** testified that after two shells were fired on private houses, the attack was announced on the radio.[7000] In mid-July 1992, there was again concentrated shelling on Pobriježje.[7001] **Witness RM-015** testified that the Pobrdje mosque was destroyed by Nikica Dobrijević and some 'drunken friends'.[7002] **Riedlmayer** testified that the Pobriježje mosque was destroyed in August 1992.[7003] Photographs taken after the war show that the ruins of the Pobriježje mosque were razed and the site levelled, except for the stump of the minaret destroyed by a blast.[7004]

[6993] P3426 (Sakib Muhić, witness statement, 11 April 2000), p. 4. *See also* P3117 (Jakov Marić, witness statement, 11 March 2000), p. 3.
[6994] P3432 (Bekir Delić, witness statement, 13 September 2001), p. 4.
[6995] P2375 (Witness RM-016, witness statement, 5 August 2013), paras 67, 85.
[6996] Branko Basara, T. 34496-34500; P7322 (excerpt from record of interview of Basara by Prosecution in 2002), pp. 1-2.
[6997] Branko Basara, T. 34496-34511, 34566.
[6998] P3611 (Ahmet Zulić, witness statement, 22 February 2010), paras 2, 31, 33.
[6999] P2362 (Witness RM-015, witness statement, 13 March 2002), para. 12.
[7000] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 31.
[7001] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 31.
[7002] Witness RM-015, T. 17298. The Trial Chamber undersands this to be a reference to the village of the Pobriježje.
[7003] P2510 (Formatted entries to expert report of András Riedlmayer), p. 101; P2511 (Survey database for expert report of András Riedlmayer); P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[7004] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 101-102; P2511 (Survey database for expert report of András Riedlmayer).

Destruction in Čirkići, Skucani Vakuf, Trnova, and Šehovci

1652. **Zulić** testified that the Muslim villages of Čirkići, Skucani Vakuf, and Trnova were also attacked at the end of May 1992.[7005] Trnova was shelled from Đedovača, from the garbage dump, and from the stadium in Podlug.[7006] There was no response from the villagers, as they simply had nothing with which to fire back after they had surrendered all their weapons.[7007] More particularly, **Riedlmayer** testified that Serb forces mined and blew up the Čirkići mosque in August 1992, that the Skucani Vakuf mosque and its minaret were destroyed by a blast in 1992, and that the Trnova mosque burned in the summer of 1992.[7008] Photographs taken after the war show that the Čirkići mosque's minaret was shattered and toppled, a perimeter wall had partly collapsed, the mosque's façade had numerous projectile impacts and its interior was gutted and open to the sky.[7009] The Trnova mosque's roof and wooden minaret were gone, its interior gutted and open to the sky, and the front façade contained projectile impacts.[7010] The Imam's house next to the Čirkići mosque burned down.[7011]

1653. According to an SJB Report on the security situation in Sanski Most Municipality, during October and November 1992, there were armed attacks on the Muslim villages of Trnova, Šehovci, Skucani Vakuf, and Stari Majdan.[7012] The attacks were perpetrated by groups composed of six to 30 reservists, using infantry weapons, heavy equipment, such as 60 millimetres mortars, hand-held rocket launchers, grenades, and explosives.[7013] Bombs were thrown in the yards of houses belonging to Muslims and, on three occasions, explosive devices were planted in houses and facilities belonging to Serbs.[7014] In Trnova, explosives were thrown at homes belonging to

[7005] P3611 (Ahmet Zulić, witness statement, 22 February 2010), paras 41-42.
[7006] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 42.
[7007] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 42.
[7008] P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 27; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[7009] P2511 (Survey database for expert report of András Riedlmayer).
[7010] P2511 (Survey database for expert report of András Riedlmayer).
[7011] P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 27.
[7012] P2506 (Report on the security situation in Sanski Most Municipality from the Chief of the Sanski Most SJB, 30 November 1992), pp. 2-3.
[7013] P2506 (Report on the security situation in Sanski Most Municipality from the Chief of the Sanski Most SJB, 30 November 1992), p. 3.
[7014] P2506 (Report on the security situation in Sanski Most Municipality from the Chief of the Sanski Most SJB, 30 November 1992), p. 5.

Muslims.[7015] Three mosques in Šehovci, Trnova, and Skucani Vakuf and a Catholic church in Stara Rijeka were blown up with a very large amount of explosives and mine.[7016] Some of the perpetrators, among whom were officers, were known to the SJB who recommended that the competent military organs and command deal with this matter.[7017] The operations were carried out to expel the Muslims from these densely populated villages.[7018] According to the report, some operations were carried out by local groups.[7019] The SJB patrols in the settlements could not prevent these attacks.[7020]

1654. **Jakov Marić** stated that when he passed through Šehovci on 29 June 1992, he saw that the town's mosque and most of the houses were destroyed.[7021] **Riedlmayer** testified that Serb forces destroyed the Šehovci mosque in October 1992.[7022] Photographs taken after the war show the roof of the Šehovci mosque had collapsed, its interior was gutted and open to the sky, the perimeter walls remained standing up to the roofline, and the base of the minaret, split apart by a blast, remained at the site.[7023] According to Riedlmayer, the buildings adjacent to the Šehovci mosque were in good condition.[7024]

Destruction in Čaplje, Lukavice, Kamengrad, and Tomina

1655. The Trial Chamber received further evidence on the destruction of religious buildings and monuments in the municipality. The mosques in the villages of Čaplje, Lukavice, Kamengrad, and Tomina were destroyed in 1992 by the Bosnian-Serb

[7015] P2506 (Report on the security situation in Sanski Most Municipality from the Chief of the Sanski Most SJB, 30 November 1992), p. 2.
[7016] P2506 (Report on the security situation in Sanski Most Municipality from the Chief of the Sanski Most SJB, 30 November 1992), p. 5.
[7017] P2506 (Report on the security situation in Sanski Most Municipality from the Chief of the Sanski Most SJB, 30 November 1992), p. 5.
[7018] P2506 (Report on the security situation in Sanski Most Municipality from the Chief of the Sanski Most SJB, 30 November 1992S), p. 3.
[7019] P2506 (Report on the security situation in Sanski Most Municipality from the Chief of the Sanski Most SJB, 30 November 1992), p. 2.
[7020] P2506 (Report on the security situation in Sanski Most Municipality from the Chief of the Sanski Most SJB, 30 November 1992), p. 2.
[7021] P3117 (Jakov Marić, witness statement, 11 March 2000), p. 3.
[7022] P2510 (Formatted entries to expert report of András Riedlmayer), p. 112; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 31; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[7023] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 112-114; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 31.

forces.[7025] **Riedlmayer** specified that the Čaplje mosque was burned and its minaret blown up.[7026] In mid-1992, the SDS ordered the destruction of the Donji Kamengrad mosque.[7027] Mladen Majkić, a military engineer, was ordered by a member of the SDS to set explosives in the mosque.[7028] **Witness RM-015** learned that Colonel Aničić, a member of the Sanski Most Crisis Staff, former JNA officer and Chief of the TO, had ordered Majkić, who was trained in the use of explosives, to set explosives at the Donji Kamengrad mosque. In mid-1992, Majkić destroyed the mosque with a team of Serbs who at that time were not part of the 6th Krajina Brigade and directly responsible to Colonel Aničić and the TO Staff. After the destruction of this mosque, Colonel Basara wanted to find the perpetrators and 'bring them to justice', which displeased the SDS.[7029] According to **Riedlmayer**, the new mosque in Donji Kamengrad was blown up.[7030] Photographs taken after the war show the Donji Kamengrad new mosque had collapsed, its roof and all but one perimeter wall were crushed, and only part of the damaged entrance façade and the domes on top of the collapsed roof remained.[7031] The Tomina mosque, as well as its minaret, was destroyed by a blast in July 1992.[7032] According to Riedlmayer, the buildings adjacent to the Tomina mosque were lightly damaged.[7033] **Witness RM-015** testified that Čaplje and Kamengrad were predominantly Muslim villages.[7034]

[7024] P2510 (Formatted entries to expert report of András Riedlmayer), p. 112; P2511 (Survey database for expert report of András Riedlmayer).
[7025] Adjudicated Facts I, no. 1192.
[7026] P2503 (Expert report of András Riedlmayer, December 2012), para. 28; P2510 (Formatted entries to expert report of András Riedlmayer), p. 104; P2511 (Survey database for expert report of András Riedlmayer); P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[7027] Adjudicated Facts I, no. 1193.
[7028] Adjudicated Facts I, no. 1193.
[7029] P2362 (Witness RM-015, witness statement, 13 March 2002), para. 152.
[7030] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 88-91; P2511 (Survey database for expert report of András Riedlmayer); P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[7031] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 88-91; P2511 (Survey database for expert report of András Riedlmayer).
[7032] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 94-95; P2511 (Survey database for expert report of András Riedlmayer); P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[7033] P2511 (Survey database for expert report of András Riedlmayer).
[7034] P2362 (Witness RM-015, witness statement, 13 March 2002), p. 12.

Destruction in Kerani, Sasina, and Poljak

1656. On 1 June 1992, **Witness RM-706** observed the mosque in Kerani partly damaged due to shelling.[7035] **Marić** stated that he heard that the Sasina Catholic church was blown up at the end of 1992.[7036] According to **Witness RM-016**, the Catholic church in the settlement of Poljak was destroyed, and no investigation took place.[7037]

Destruction of other religious buildings and sacred sites in the municipality

1657. The Trial Chamber received further evidence on the destruction of religious buildings and sacred sites from **Riedlmayer**. He testified that the Catholic church of St. Michael the Archangel in Kljevci was destroyed with explosives in September 1992, and that 'Serb troops' commanded by the VRS 6th Krajina Brigade commander, Branko Basara, mined the Roman Catholic Parish Church of Saint Anthony the Hermit in Stara Rijeka on 11 November 1992.[7038] Photographs taken after the war show the damage caused to these buildings: the Kljevci church's perimeter walls were damaged, the gables had collapsed, and its interior was gutted and filled with rubble; the Stara Rijeka church's steeple was destroyed and large holes could be seen in two of its façades.[7039]

1658. With regard to the perpetrators of some of the destruction, **Witness RM-015** learned that Majkić and his team destroyed 14 mosques in Sanski Most Municipality, including the Šehovci mosque with TNT obtained from the JNA, under orders from Colonel Aničić.[7040] According to the witness, 18 mosques were destroyed in Sanski Most Municipality.[7041] Four other mosques were destroyed by 'freelancers'.[7042] **Branko Basara** testified that all other mosques in the villages he came through had been knocked down except for the old mosque in Kamengrad, which was still standing,

[7035] P2499 (Witness RM-706, *Brđanin* transcript, 21 June 2002), pp. 7250-7254.
[7036] P3117 (Jakov Marić, witness statement, 11 March 2000), p. 3.
[7037] P2376 (Clarifications to statement of Witness RM-016).
[7038] P2503 (Expert report of András Riedlmayer, December 2012), para. 59; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 25; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[7039] P2511 (Survey database for expert report of András Riedlmayer).
[7040] P2362 (Witness RM-015, witness statement, 13 March 2002), para. 152; Witness RM-015, T. 17294-17298.
[7041] Witness RM-015, T. 17295, 17297-17298.
[7042] Witness RM-015, T. 17297-17298.

whereas the new mosque there had also been destroyed.[7043] Although the witness testified that he did not know who destroyed the mosques in Sanski Most, other than the mosque in Mahala, he testified that he knew that the perpetrators put masks on their heads, were equipped with machine guns and explosives, and would arrive in groups of 15 to 20 men and overpower the four guards the witness had appointed to secure the mosques at night.[7044] According to the witness, the religious facilities in the municipality were destroyed in agreement between politicians and the SOS forces.[7045]

1659. **Witness RM-015** testified that on 27 May 1992, Kljevci was attacked by Mićo 'Kudra' Praštalo's paramilitary unit from Lušci Palanka in cooperation with the battalions commanded by Captain Ranko Brajić of the 6th Krajina Brigade .[7046] In May or early June 1992, following a battle between the 6th Krajina Brigade and the Muslim forces at Golaja, Colonel Basara negotiated with the Muslim Captain Mir Avdić for the safe passage of 180 Muslim fighters. The SDS was furious with Colonel Basara for having let the Muslims go to Bihać instead of killing them. Colonel Aničić of the Sanski Most Crisis Staff ordered Mićo 'Kudra' Praštalo, the commander of the paramilitary unit from Lušci Palanka, to set up an ambush for the buses carrying the Muslim resistance fighters travelling on the road between Lušci Palanka and Bosansja Krupa and to kill them as they were being escorted by the Serbs.[7047]

The Trial Chamber's findings

1660. In addition to the evidence discussed above, the Trial Chamber also received evidence from Riedlmayer on the destruction of other religious buildings in Sanski Most Municipality during the Indictment period.[7048] With regard to that evidence, Riedlmayer identified the perpetrators of some of the destruction, referring to them as 'Serb forces' or 'Serb troops'. The Trial Chamber notes that Riedlmayer obtained his evidence for the dates and perpetrators of destruction from Husein-efendija Kovačević,

[7043] Branko Basara, T. 34512-34513. The Trial Chamber understands the witness's reference to the new mosque is a reference to the new mosque in Donji Kamengrad.
[7044] D1031 (Branko Basara, witness statement, 21 July 2014), paras 64-65; Branko Basara T. 34510.
[7045] D1031 (Branko Basara, witness statement, 21 July 2014), para. 65.
[7046] P2362 (Witness RM-015, witness statement, 13 March 2002), para. 128.
[7047] P2362 (Witness RM-015, witness statement, 13 March 2002), para. 103.
[7048] András Riedlmayer, T. 17903; P2503 (Expert report of András Riedlmayer, December 2012), paras 28, 46-47, 50-51, 56-57, 59; P2510 (Formatted entries to expert report of András Riedlmayer), pp. 83-87, 118-122; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András

Head Imam of Sanski Most; Don Ivica Božinović, Chancellor of the Roman Catholic Diocese of Banja Luka; Izet Veletanjlić, member of the board of the Islamic community of Bosanski Novi; and the Medžlis of the Islamic Community of Sanski Most. However, Riedlmayer's report and its annexes, including the database, do not contain information on how these persons and the Medžlis obtained this information and, consequently, whether there was a solid basis for the conclusions presented to Riedlmayer. For these reasons, the Trial Chamber has not relied on his evidence concerning the date of destruction and perpetrators of the destruction of these other religious buildings in the municipality.

1661. Concerning Witness RM-015's testimony on Mladen Majkić's involvement in the destruction of the Sanski Most Town mosque, Donji Kamengrad mosque, Šehovci mosque and the Roman Catholic parish church, the Trial Chamber finds it to be consistent with evidence received from witnesses Ahmet Zulić, Jakov Marić, Sakib Muhić, Witness RM-016, and Branko Basara. The Trial Chamber will therefore rely on Witness RM-015's evidence in this respect. With regard to Witness RM-015's evidence on the destruction of other mosques in the municipality, the Trial Chamber finds that it is vague in comparison to the other detailed evidence he provided on the destruction of religious buildings in the municipality. In particular, the witness does not identify the other mosques that he refers to as being destroyed. While the witness refers to four mosques being destroyed by 'freelancers', he does not list them all. He also states that 14 mosques were destroyed by Majkić and his team, bringing the number of destroyed mosques in the municipality to 18, which according to the witness was the total number of mosques in the municipality at the time. However, when calculating the number of mosques in the municipality on the basis of the evidence reviewed, the Trial Chamber found a higher number than the one provided by Witness RM-015. The evidence of the witness with regard to the destruction of the other 14 mosques is unclear and leaves considerable doubt as to which mosques the witness is referring. Therefore, the Trial Chamber finds that Witness RM-015's evidence is not reliable enough, as far as these other destructions are concerned, and will not rely on it in this respect.

1662. While Adjudicated Fact 1188 states that private property belonging to Bosnian Muslims were destroyed during the attack on Mahala, Basara testified that the burning

Riedlmayer's expert report, 30 September 2013), pp. 25-31; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).

and destruction of private property took place after the attack and the withdrawal of the 6th Krajina Brigade (*see* chapter 4.12.7). The Trial Chamber notes that Basara's testimony on this course of events contains internal inconsistencies. In particular, Basara testified that upon being fired at by mortars fire during the attack, the brigade's unit used all available weapons at their disposal and added that the village was shelled during the attack. Thus, the Trial Chamber finds Basara's testimony on the course of events described in Adjudicated Fact 1188 to be unreliable and not rebutting the latter. Therefore, it rejects the Defence's argument in this regard.

1663. Based on the foregoing, the Trial Chamber finds that at the end of May 1992, after calls for disarmament had been made, some by Dragan Praštalo, attacks were launched by Bosnian-Serb forces on the Bosnian-Muslim neighbourhoods and villages of Mahala, Muhići, Begići, Hrustovo, Vrhpolje, Čirkići, Lukavice, Otoka, and its hamlets and other small villages within the municipality. These attacks were planned well in advance by the VRS and the municipal crisis staff and were carried out by the 6th Krajina Brigade, commanded by Colonel Basara, acting jointly with the SOS. The attacks against Hrustovo and Vrhpolje were carried out in cooperation with paramilitary units subordinated to Basara; while the attacks against Mahala, Muhići, and Otoka were carried out in cooperation with the TO. Heavy shelling from outside the targeted neighbourhoods and villages caused severe damage, destroying some houses. Until 3 June 1992, at least, approximately 180 armed Muslims were in the Golaja woods near Hrustovo and Vrhpolje.

1664. Following the departure of the population of Mahala in late May 1992, the local police and the SOS set houses on fire. The perpetrators of the attack blew up houses in Vrhpolje and set houses on fire in Hrustovo. On 31 May 1992, they also set houses and barns on fire in Begići. Furthermore, on the same day, the perpetrators of the attack destroyed two mosques located in hamlets of Hrustovo: the old mosque in Kukavice burned and the Kerani mosque was shelled. They also destroyed the Lukavice mosque, shelled the new Hrustovo-Kukavice mosque, burned the Okreč mosque, and blew up the Mahala and Vhrpolje mosques. Due to disrepancies in Basara's evidence on the perpetrator of the destruction of the Mahala mosque whereby he attributed the destruction of the mosque to different perpetrators in a statement to the Prosecution and in court, the Trial Chamber will not rely on his evidence in this respect. Therefore, the Trial Chamber rejects the Defence's argument concerning the rebuttal of Adjudicated

Fact 1161. The Trial Chamber will also not rely on Seferović's evidence of a mosque burning while he was in Merdanovići, as it is unclear as to which mosque he is referring. The Trial Chamber further finds that the Čirkići mosque was mined and blown up and the Imam's house next to the mosque burned down.

1665. On 26 May 1992, Serb forces including Nikita Dobrijević attacked the predominantly Bosnian-Muslim village of Pobriježje. Shells were fired on houses, and in particular one owned by a Muslim. Around that date, Nikita Dobrijević participated in the destruction of the Pobriježje mosque, after which the ruins of the mosque were razed.

1666. In 1992, Bosnian-Serb forces destroyed mosques in the predominantly Bosnian-Muslim villages of Čaplje and Kamengrad as well as in Tomina. The Čaplje mosque was burned and its minaret was blown up, and the Tomina mosque was destroyed with explosives.

1667. With respect to the destruction of a mosque in Kamengrad, the Trial Chamber finds that in mid-1992, Mladen Majkić and his team from the TO blew up the new Donji Kamengrad mosque pursuant to an order from Colonel Aničić, a member of the Sanski Most Crisis Staff and chief of the TO.

1668. From 12 May until late May 1992, members of the SOS, commanded by Dušan Saović a.k.a. Nunja, blew up properties and businesses owned by non-Serbs in Sanski Most Town. While Adjudicated Fact 1191 states that members of the 6th Krajina Brigade destroyed the Sanski Most Town Mosque, Witness RM-015 testified that Mladen Majkić and his TO unit were responsible for its destruction. The Trial Chamber finds Adjudicated Fact 1191 to be rebutted with respect to the perpetrator of the destruction of Sanski Most Town Mosque. The Trial Chamber will therefore consider the evidence it received concerning the destruction of that mosque, namely Witness RM-015's evidence. With regard to Witness RM-015's evidence on the destruction of the Sanski Most Town mosque, the Trial Chamber considered the witness's source of knowledge and refers to the confidential annex in Appendix D for more specific reasoning in this respect. Considering that Witness RM-015 testified before the Trial Chamber, that the Defence had the opportunity to cross-examine him, and that his testimony, as far as this incident is concerned, does not contain any internal inconsistencies, the Trial Chamber finds the witness's evidence reliable with respect to

the perpetrators of its destruction. Thus, the Trial Chamber finds that in late May 1992, Mladen Majkić and his team from the TO blew up the Sanski Most Town mosque.

1669. With regard to the destruction of the Catholic church in Sanski Most Town, the Trial Chamber received divergent information from Jakov Marić, Ahmet Zulić, and Witness RM-015 with respect to the perpetrators and the date of the alleged destruction. The Trial Chamber will not rely on Marić's evidence on the date of destruction of the church as his knowledge is based on second hand information from an unidentified source. Furthermore, the Trial Chamber will not rely on Zulić's evidence on the alleged perpetrators of destruction in Sanski Most Town in 1992 with regard to this specific incident. The information he provided goes to the destruction of the town itself, and not the church. Concerning Witness RM-015, the Trial Chamber notes that the witness testified before the Trial Chamber, that the Defence had the opportunity to cross-examine him, and that his testimony, as far as this incident is concerned, does not contain any internal inconsistencies. Thus, the Trial Chamber finds the witness's evidence to be reliable with respect to the perpetrators of the destruction of this church and finds that Mladen Majkić and his TO unit destroyed the Catholic church in 1993 or 1994, after the attack on Sanski Most Town.

1670. In October or November 1992, a group composed of 6 to 30 reservists attacked the Muslim villages of Trnova and Skucani Vakuf. The Trial Chamber finds that the perpetrators of the attacks threw bombs in the yards of houses belonging to Muslims and, on three occasions, planted explosive devices in buildings belonging to Serbs. Furthermore, in Trnova, the perpetrators of the attack threw explosives at homes belonging to Muslims and blew up the Skucani Vakuf and the Trnova mosques. The perpetrators also blew up the Stara Rijeka Catholic church with explosives and mines.

1671. With regard to the Šehovci mosque, an SJB report, in evidence as exhibit P2506, mentioned that a group of reservists blew up the mosque while Witness RM-015 testified that Mladen Majkić and his TO unit destroyed the mosque. The Trial Chamber finds that the evidence of Witness RM-015 does not contradict the evidence in P2506 in so far as the TO units may have been referred to as reservists. Thus, the Trial Chamber finds that Mladen Majkić and his TO unit, pursuant to orders from Colonel Aničić, destroyed the Šehovci mosque with explosives in October or November 1992.[7049]

[7049] With regard to the Trial Chamber's approach on Riedlmayer's evidence with regard to this incident, *see* Appendix B.

1672. The Trial Chamber will further consider these incidents in relation to Count 3 of the Indictment in chapter 8 below.

1673. With regard to Riedlmayer's evidence on the destruction of other mosques and Muslim and Catholic religious buildings in Sanski Most Municipality[7050], and as explained previously, the Trial Chamber will not rely on the witness's evidence with regard to the date and perpetrators of these destructions. Furthermore, with regard to Witness RM-016's evidence on the destruction of the Poljak Catholic church, the Trial Chamber has not received any evidence on the date and perpetrators of the alleged destruction and will not consider it further. Thus, in the absence of additional evidence on the date and alleged perpetrators, the Trial Chamber will not further consider these incidents in relation to any counts of the Indictment.

4.12.4 Appropriation or plunder of property

1674. According to the Indictment, the Accused is responsible for the appropriation or plunder of property during and after take-overs, during arrests and detentions, and during or after deportations or forcible transfers of Bosnian Muslims and Bosnian Croats in Sanski Most Municipality between 12 May 1992 and 30 November 1995.[7051] The Defence argued that Adjudicated Fact 1188 is rebutted because the burning and looting of Mahala village in Sanski Most was committed after the VRS had left the area.[7052] The Trial Chamber took judicial notice of Adjudicated Facts numbers 1143, 1188 and 1190 (reviewed in chapter 4.12.3). It also received evidence from **Witness RM-015**, a Bosnian Serb from Sanski Most;[7053] **Ahmet Zulić**, a Bosnian Muslim from the village of Pobriježje near Sanski Most;[7054] **Witness RM-042**, a Bosnian Muslim from Sanski Most Municipality;[7055] **Witness RM-016**, a Bosnian Serb from Banja

[7050] These buildings are: the Palanka and Utriška mosques in Stari Majdan, Dževar mosque in Novo Naselje, Husimovci mosque, Sasina Catholic church, Budimlić Japra mosque, Naprelje mosque, Kijevo mosque, Vrše mosque, the new mosque in Modra, the Old mosque and the Sultan Mehmed II mosque in Donji Kamengrad, the Gornji Kamengrad mosque, the *mesdžid* in Zenkovići and Došci, and the Kljevci Catholic Church.
[7051] Indictment, paras 47, 59(i).
[7052] Defence Final Brief, para. 1221
[7053] P2362 (Witness RM-015, witness statement, 13 March 2002), paras 2, 6, 9, 111.
[7054] P3611 (Ahmet Zulić, witness statement, 22 February 2010), p. 1, paras 1-3.
[7055] P2497 (Witness RM-042, witness statement, 21 April 2001), pp. 1-2. The evidence of Witness RM-042 is reviewed in chapter 4.12.7.

Luka;[7056] **Tomislav Delić**, a member of the 6th Krajina Brigade,[7057] and **Branko Basara**, the Commander of the 6th Krajina Brigade from 29 October 1991 to mid-December 1992.[7058]

1675. **Witness RM-015** testified that on 30 May 1992, the Sanski Most Crisis Staff ordered the TO to block the Mahala region for everyone except the authorized persons working on the cleaning of the area.[7059] The witness 'learned later' that Mahala had been looted and that this looting 'was done under the command of' non-commissioned officer Dobrivoje Ribić of the first company of the 1st Battalion.[7060] **Ahmet Zulić** stated that on or about 1 June 1992_all property in the village of Mahala that had not been damaged by the shelling was looted and taken away.[7061] **Tomislav Delić** testified that he saw 'criminals' from Banja Luka in SOS uniforms looting the deserted Muslim houses in Mahala.[7062] At the time of the fall of Sanski Most, the witness saw Arkan's men in town.[7063] Arkan's men robbed the Muslims of Sanski Most of their jewellery, money, automobiles, trucks, and other domestic appliances.[7064]

1676. Based on the foregoing, the Trial Chamber finds that on 31 May 1992, Bosnian-Serb forces entered the village of Begići and looted houses there. Considering that Begići was a Bosnian-Muslim village, the Trial Chamber finds that the property looted belonged to the Bosnian-Muslim inhabitants of the village. That same day, in Kljevci, about 100 Serb soldiers in olive grey-green uniforms and camouflage uniforms with red scarves and black armbands robbed 120 Bosnian-Muslim villagers they had taken to Kukavice of their jewellery and other valuables. The Trial Chamber understands from Witness RM-042's evidence that the soldiers took these items, and that they were not returned to the villagers. The soldiers told the villagers that this was for their own safety so that no one could commit suicide. The Trial Chamber further finds that from 12 May through June 1992, the neighbourhood of Mahala was looted by the local police and the

[7056] P2375 (Witness RM-016, witness statement, 5 August 2013), p. 1, paras 4, 11, 16; Witness RM-016, T. 17398. The evidence of Witness RM-016 is reviewed in chapter 4.12.3.
[7057] D929 (Tomislav Delić, witness statement, 17 July 2014), p.1, paras 1, 6; Tomislav Delić, T. 32926.
[7058] D1031 (Branko Basara, witness statement, 21 July 2014), para. 4; Branko Basara, T. 34386, 34401. The evidence of Branko Basara is also reviewed in chapter 4.12.7.
[7059] P2362 (Witness RM-015, witness statement, 13 March 2002), para. 132; P2408 (Sanski Most Crisis Staff order to the Serb TO, 31 May 1992), p. 2.
[7060] P2362 (Witness RM-015, witness statement, 13 March 2002), para. 132.
[7061] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 39.
[7062] D929 (Tomislav Delić, witness statement, 17 July 2014), para. 15.
[7063] D929 (Tomislav Delić, witness statement, 17 July 2014), para. 19.
[7064] D929 (Tomislav Delić, witness statement, 17 July 2014), para. 20.

Sanski Most SOS.[7065] Considering that Mahala was a Bosnian-Muslim neighbourhood, the Trial Chamber finds that the property looted belonged to the Bosnian-Muslim inhabitants of the neighbourhood. Some looting was carried out under the command of non-commissioned officer Dobrivoje Ribić of the first company of the 1st Battalion. The Trial Chamber will further consider these incidents in relation to Count 3 of the Indictment in chapter 8 below.

4.12.5 Forced labour and human shields

1677. According to the Indictment, the Accused is responsible for subjecting Bosnian Muslims and Bosnian Croats in Sanski Most municipality to forced labour, including digging graves and trenches and other forms of forced labour at front lines between 12 May 1992 and 30 November 1995.[7066] The Trial Chamber received evidence from **Jakov Marić**, a Catholic Bosnian Croat from Sasina in Sanski Most Municipality,[7067] which is reviewed in chapter 4.12.7, and **Boro Tadić**, Commander of the 1st Battalion of the 6th Krajina Brigade in 1992.[7068]

1678. **Boro Tadić** testified that he selected from the non-Serb population in Sanski Most those considered to be fit for various jobs and handed them over to, among others, the VRS.[7069] They were then used by the VRS to perform tasks at the front lines, which included digging trenches, carrying and delivering food and water, and chopping wood.[7070] From early September 1993 until October 1994, over a hundred Muslims were mobilised into 'work obligation units' and deployed to the battlefield.[7071]

1679. Based on the foregoing, the Trial Chamber finds that from early September 1993 until at least October 1994, Boro Tadić, Commander of the 1st Battalion of the 6th Krajina Brigade, selected Bosnian Muslims from Sanski Most considered to be 'fit for various jobs' to perform different types of manual labour for the VRS, including digging trenches, carrying and delivering food and water, and chopping wood at the

[7065] In light of the Trial Chamber's finding that the perpetrators of the plunder in Mahala were members of the local police and the Sanski Most SOS, the Trial Chamber will not further consider the Defence argument that the plunder in Mahala was not committed by members of VRS.
[7066] Indictment, paras 39(c), 47, 59(h).
[7067] P3117 (Jakov Marić, witness statement, 11 March 2000), pp. 1-2.
[7068] Boro Tadić, T. 29961.
[7069] Boro Tadić, T. 30010-30012, 30023; P7022 (MoD report, 5 October 1994).
[7070] Boro Tadić, T. 30010-30011, 30014-30015; P7022 (MoD report, 5 October 1994), p. 2.
[7071] Boro Tadić, T. 30011-30012, 30014-30015; P7022 (MoD report, 5 October 1994).

front lines. The Trial Chamber will further consider this incident in relation to Count 3 of the Indictment in chapter 8 below.

1680. With regard to Marić's evidence that in May 1992, non-Serb inhabitants of Sanski Most Municipality were required to perform various tasks without receiving any payment, the Trial Chamber has not received any evidence on who required the non-Serbs to carry out the labour in that period, and therefore will not further consider it in relation to any count of the Indictment.

4.12.6 Imposition and maintenance of restrictive and discriminatory measures

1681. According to the Indictment, the Accused is responsible for imposition and maintenance of restrictive and discriminatory measures on Bosnian Muslims and/or Bosnian Croats in Sanski Most Municipality between 12 May 1992 and 30 November 1995.[7072] The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this charge. It also received evidence from **Witness RM-015**, a Bosnian Serb from Sanski Most;[7073] **Witness RM-028,** a Bosnian Muslim from Hrustovo;[7074] **Witness RM-016**, a Bosnian Serb from Banja Luka;[7075] **Ahmet Zulić**, a Bosnian Muslim from the village of Pobriježje near Sanski Most;[7076] **Adil Draganović**, a Muslim Judge, President of the Sanski Most Municipal Court, who was and detained in Manjača camp from 17 June 1992 to 14 December 1992;[7077] and **Grgo Stojić**, a Croat from Škrljevita,[7078] and finds that this evidence is consistent with the Adjudicated Facts.[7079] The Trial Chamber further received evidence from **Witness RM-001**, a Bosnian

[7072] Indictment, paras 47, 59(k).
[7073] P2362 (Witness RM-015, witness statement, 13 March 2002), paras 2, 6, 9, 111.
[7074] P2489 (Witness RM-028, *Brđanin* transcript, 5 July 2002), pp. 8046-8048; P2490 (Witness RM-028, *Karadžić* transcript, 19 September 2011), pp. 19074-19075; P2491 (Pseudonym Sheet for Witness RM-028 in the *Brđanin* case); P2492 (Pseudonym Sheet for Witness RM-028 in *Karadžić* case); P2493 (Map of Hrustovo-Vrhpolje).
[7075] P2375 (Witness RM-016, witness statement, 5 August 2013), p. 1, paras 4, 11, 16; Witness RM-016, T. 17398.
[7076] P3611 (Ahmet Zulić, witness statement, 22 February 2010), p. 1, paras 1-3.
[7077] P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, pp. 1-2, 7, 10, 12, witness statement of 6 October 2000, p. 1, witness statement of 7 July 2000, pp. 1, 3.
[7078] P365 (Grgo Stojić, *Brđanin* transcript, 6-7 June 2002), p. 6763.
[7079] **Witness RM-028**: P2489 (Witness RM-028, *Brđanin* transcript, 5 July 2002), pp. 8050-8051. **Witness RM-015**: P2362 (Witness RM-015, witness statement, 13 March 2002), para. 118. **Witness RM-016**: P2375 (Witness RM-016, witness statement, 5 August 2013), paras 64, 69. **Ahmet Zulić:** P3611 (Ahmet Zulić, witness statement, 22 February 2010), paras 8-9. **Adil Draganović**: P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 10. **Grgo Stojić**: P365 (Grgo Stojić, *Brđanin* transcript, 6-7 June 2002), pp. 6767-6769.

Muslim from Lukavica in Sanski Most Municipality; [7080] and **Jakov Marić**, a a Catholic Bosnian Croat from Sasina in Sanski Most Municipality.[7081] The evidence of Jakov Marić is reviewed in chapter 4.12.7.

1682. In March and April 1992, Serb forces, including soldiers of the JNA 6th Krajina Brigade, and Serb police, erected checkpoints in the town of Sanski Most and around non-Serb villages where armed Serb forces checked the Muslims who went through.[7082] The crisis staff established a curfew prohibiting movement at night.[7083] **Ahmet Zulić** stated that as of April 1992, the checkpoints were manned by Serb members of the military police and that there were no longer any Muslims among them.[7084] At these checkpoints, Muslims were stopped and checked, while Serbs were allowed to pass without being checked.[7085] One checkpoint towards the Stari Majdan, on the Sanski Most-Prijedor road, was manned by the White Eagles or 'Šešelj's chetniks'.[7086] **Witness RM-028** stated that only Muslims were checked.[7087] **Zulić** stated that during the second half of May 1992, the freedom of movement of Muslim inhabitants of Sanski Most was more and more restricted and they could not pass through the checkpoints.[7088] **Witness RM-001** specified that at the end of May 1992, 'local Serbs' established four checkpoints on the main roads around the predominantly Muslim village of Lukavica, thereby preventing the villagers from leaving the village.[7089] These checkpoints were manned by 'local Serbs' and 'Martić's men', all wearing olive-grey or olive-green camouflage uniforms.[7090] In order to leave the village, Muslims had to obtain permission from Dragan Praštalo, who would then issue a certificate or assign a Serb soldier as an escort.[7091]

1683. The Serb crisis staff dismissed many Muslims and Croats from their jobs, including judges and directors of public companies, the local radio, and the health

[7080] P2487 (Witness RM-001, witness statement, 16 March 2000), pp. 1-2; P2486 (Witness RM-001, *Brđanin* transcript, 31 May 2002), p. 6405.
[7081] P3117 (Jakov Marić, witness statement, 11 March 2000), pp. 1-2.
[7082] Adjudicated Facts I, no. 1158.
[7083] Adjudicated Facts I, no. 1158.
[7084] P3611 (Ahmet Zulić, witness statement, 22 February 2010), paras 8-9.
[7085] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 9.
[7086] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 10.
[7087] P2489 (Witness RM-028, *Brđanin* transcript, 5 July 2002), p. 8051.
[7088] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 28.
[7089] P2487 (Witness RM-001, witness statement, 16 March 2000), p. 2; P2486 (Witness RM-001, *Brđanin* transcript, 31 May 2002), pp. 6412-6413.
[7090] P2487 (Witness RM-001, witness statement, 16 March 2000), p. 2; P2486 (Witness RM-001, *Brđanin* transcript, 31 May 2002), pp. 6413-6414.
[7091] P2486 (Witness RM-001, *Brđanin* transcript, 31 May 2002), pp. 6411-6413.

centre; others were put off from going to work by the treatment they received there, and were replaced with Serbs.[7092] Serb managers who had allowed Croats and Muslims to work in their companies were also dismissed.[7093] **Witness RM-015** testified that this happened in April and May 1992 and that the municipal crisis staff in this respect implemented decisions of the ARK Crisis Staff.[7094] SDS president Vrkeš, accompanied by SOS members and the Serb police, forced out the Croat director of the municipal SDK, appointing a Serb in her place.[7095] **Witness RM-016** testified that the dismissal of non-Serbs in the municipality continued during the summer of 1992.[7096]

1684. On 11 April 1992, Adil Draganović, the Muslim President of the Sanski Most Municipal Court, received a threatening letter signed by members of the White Eagles stating that he and the municipal deputy prosecutor, Enver Cerić, also a Muslim, were to leave Sanski Most by 15 May 1992 or their families would be harmed.[7097] **Draganović** stated that around 30 April 1992, the Muslim staff of the Sanski Most Municipal Court, including the witness, was not permitted to enter the court. [7098] A few days before 15 May 1992 offices of non-Serbs working at the courthouse were searched.[7099] On 15 May 1992, armed soldiers barricaded the courthouse and forced non-Serb employees, including the witness, out of their offices onto the streets.[7100] On the same day, the Muslim employees of the court were informed by the Serb police that they had to take mandatory leave.[7101] Vlado Vrkeš and a Serb judge read out a decision from the Serb Crisis Staff mentioning that they had to take the judicial authorities by force.[7102] **Witness RM-016** heard that Vlado Vrkeš had said, at a meeting held in Sanski Most, that only loyal Serbs could be employed in the court in Sanski Most.[7103] Draganović was dismissed from his post and the judicial authority was transferred to the Serbs, upon

[7092] Adjudicated Facts I, no. 1151.
[7093] Adjudicated Facts I, no. 1151.
[7094] P2362 (Witness RM-015, witness statement, 13 March 2002), paras 49, 118. See also P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 21.
[7095] Adjudicated Facts I, no. 1151.
[7096] P2375 (Witness RM-016, witness statement, 5 August 2013), paras 60, 64.
[7097] Adjudicated Facts I, no. 1152.
[7098] P3293 (Adil Draganović, witness statements), witness statement of 7 July 2000, p. 16; P3294 (Diary of Nedeljko Rašula, entries from 28 December 1991-14 April 1992), p. 32.
[7099] P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 10.
[7100] P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 10.
[7101] Adjudicated Facts I, no. 1152.
[7102] P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 10.
[7103] P2375 (Witness RM-016, witness statement, 5 August 2013), para. 64.

an order of the crisis staff.[7104] He heard on the radio that they were being accused of illegal possession of weapons and of shooting at Serbs.[7105]

1685. On 22 June 1992, the Sanski Most Crisis Staff decided to deny access to the areas of Mahala, Hrustovo, and Vrhpolje to civilians without movement permission.[7106] On 14 July 1992, the Sanski Most War Presidency decided that Croat and Muslim pensioners, who did not have a certificate confirming their permanent residence in Sanski Most, would not receive their pensions until further notice.[7107] Croat and Muslim employees, whose war assignments did not envisage that they remained at their work posts in their companies, were considered to be on unpaid leave, whereas Serb employees were considered to be on paid leave.[7108]

1686. Based on the foregoing, the Trial Chamber finds that from 12 May to the end of May 1992, soldiers of the 6th Krajina Brigade; Serb policemen; local Serbs from Lukavica and persons described as Martić's men, both of whom wore olive-grey or olive-green camouflage uniforms; the White Eagles; and persons described as Šešelj's Chetniks, maintained checkpoints in and around the town of Sanski Most and around non-Serb villages. Only Bosnian Muslims were checked and during the second half of 1992 Bosnian-Muslim inhabitants of the municipality could no longer pass through the checkpoints, at least not without a special permission from Dragan Praštalo or with a Serb soldier as an escort.

1687. The Trial Chamber further finds that on 15 May 1992, the Sanski Most Crisis Staff implemented decisions from the ARK Crisis Staff and dismissed Muslim employees of the municipal court, including its president, and transferred judicial authority to the Serbs.

1688. The Trial Chamber will further consider these incidents in relation to Count 3 of the Indictment in chapter 8 below.

[7104] Adjudicated Facts I, no. 1152.
[7105] P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 10.
[7106] P3787 (Decisions of the Crisis Staff of the Serbian municipality of Sanski Most, 23 June 1992), pp. 1, 3.
[7107] P3998 (Decision of the Sanski Most War Presidency, 14 July 1992), p. 1.
[7108] P3998 (Decision of the Sanski Most War Presidency, 14 July 1992), p. 2.

4.12.7 Forcible transfer and deportation

1689. According to the Indictment, the Accused is responsible for the forcible transfer and deportation of Bosnian Muslims and Bosnian Croats from Sanski Most Municipality between 12 May 1992 and 30 November 1995.[7109] The forcible transfers and deportations were implemented by the imposition of restrictive and discriminatory measures, arbitrary arrest and detention, harassment, torture, rape and other acts of sexual violence, killing, the destruction of houses and cultural monuments and sacred sites, and the threat of further such acts, which caused Bosnian Muslims and Bosnian Croats to flee in fear.[7110] Others were physically driven out.[7111] The Defence argued that: (i) the perpetrators of these alleged crimes were insufficiently identified and, in particular, that the VRS bears no responsibility; (ii) there was no evidence indicating that displaced persons were forcibly moved or moved across national borders and that evidence shows that some civilians were moved for their own safety; (iii) the displacement of the population was not intended to be permanent; (iv) people left the municipality voluntarily in fear of the general circumstances relating to the war; and (v) Bosnian Muslims and Bosnian Croats were extended as much protection as possible by the Sanski Most Municipality authorities and the VRS.[7112] The Trial Chamber took judicial notice of a number of Adjudicated Facts related to this charge.[7113] It received evidence from **Witness RM-015**, a Bosnian Serb from Sanski Most;[7114] **Adil Draganović**, a Muslim Judge, President of the Sanski Most Municipal Court, who was detained in Manjača camp from 17 June 1992 to 14 December 1992;[7115] **Witness RM-042,** a Bosnian Muslim from Sanski Most Municipality;[7116] **Witness RM-016**, a Bosnian Serb from Banja Luka;[7117] **Jakov Marić**, a Bosnian Croat from Sasina in Sanski Most Municipality;[7118] **Edward Vulliamy**, a journalist for the Guardian who

[7109] Indictment, paras 47, 59(f), 67-71.
[7110] Indictment, para. 70.
[7111] Indictment, para. 70.
[7112] Defence Final Brief, paras 1231-1232.
[7113] Adjudicated Facts numbers 492 and 493 are reviewed in chapter 4.1.7. Adjudicated Fact number 1144 is reviewed in chapter 4.12.3.
[7114] P2362 (Witness RM-015, witness statement, 13 March 2002), paras 2, 6, 9, 111.
[7115] P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, pp. 1-2, 7, 10, 12, witness statement of 6 October 2000, p. 1, witness statement of 7 July 2000, pp. 1, 3.
[7116] **Witness RM-042**: P2497 (Witness RM-042, witness statement, 21 April 2001), pp. 1-2.
[7117] P2375 (Witness RM-016, witness statement, 5 August 2013), p. 1, paras 4, 11, 16; Witness RM-016, T. 17398.
[7118] P3117 (Jakov Marić, witness statement, 11 March 2000), pp. 1-2.

covered events in Bosnia-Herzegovina between 1992 and 1995;[7119] **Mirzet Karabeg**, a Bosnian Muslim who served as the SDA President of the Executive Board of the Sanski Most Municipal Assembly from 1 January 1991 until 17 April 1992 and as the President of the Sanski Most War Presidency in Zenica and Travnik from 30 March 1993 until 15 March 1996;[7120] and finds that this evidence is consistent with the Adjudicated Facts.[7121] The Trial Chamber further received evidence from **Ahmet Zulić** and **Witness RM-001**, Bosnian Muslims from Sanski Most Municipality;[7122] **Duško Čorokalo**, a reserve Second Lieutenant in the command of the 6th Krajina Brigade;[7123] **Nenad Davidović**, the Chief of Medical Service in the 6th Sana Infantry Brigade from June 1992 until the end of the war;[7124] **Grgo Stojić**, a Bosnian-Croat from Škrljevita in Sanski Most Municipality;[7125] **Bekir Delić**, **Rajif Begić** and **Sakib Muhić**, Bosnian Muslims from Sanski Most Municipality;[7126] **Branko Basara**, the Commander of the 6th Krajina Brigade from 29 October 1991 to mid-December 1992;[7127] **Boro Tadić**, the Commander of the 1st Battalion of the 6th Krajina Brigade in 1992;[7128] **Radoslav Daničić**, a driver for Branko Basara who was stationed in Sanski Most Municipality;[7129] **Vinko Nikolić**, a member of the SOS from November 1991 to mid-May 1992 and a member of the Sanski Most Crisis Staff from its creation on 14 April 1992;[7130] **Charles Kirudja**, a UN

[7119] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7899-7904, 7989-7990, 8035.
[7120] P3248 (Mirzet Karabeg, witness statement, 25 July 1999), pp. 1-2; P3249 (Mirzet Karabeg, witness statement, 23 May 2002), pp. 1-2.
[7121] **Witness RM-015**: P2362 (Witness RM-015, witness statement, 13 March 2002), paras 57, 75; P2409 (Sanski Most Crisis Staff decisions no. 29/92, 4 June 1992). **Adil Draganović**: P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 2. **Witness RM-042**: P2497 (Witness RM-042, witness statement, 21 April 2001), pp. 2, 4-6; P2498 (Photographs), p. 5. **Witness RM-016**: P2375 (Witness RM-016, witness statement, 5 August 2013), para. 72. **Edward Vulliamy:** P199 (Edward Vulliamy, Stakić transcript, 16-18 September 2002), pp. 7980-7982, 8055-8056. Mirzet Karabeg: P3252 (Mirzet Karabeg, Karadžić transcript, 13 September 2011), pp. 18707-18708. **Jakov Marić**: P2375 (Witness RM-016, witness statement, 5 August 2013), para. 72. **Mirzet Karabeg**: P3252 (Mirzet Karabeg, *Karadžić* transcript, 13 September 2011), pp. 18707-18708.
[7122] **Ahmet Zulić**: P3611 (Ahmet Zulić, witness statement, 22 February 2010), p. 1, paras 1-3. **Witness RM-001**: P2487 (Witness RM-001, witness statement, 16 March 2000), pp. 1-2; P2486 (Witness RM-001, *Brđanin* transcript, 31 May 2002), p. 6405.
[7123] D785 (Duško Čorokalo, witness statement, 6 February 2014), para. 3.
[7124] D897 (Nenad Davidović, witness statement, 4 March 2014), para. 3.
[7125] P365 (Grgo Stojić, *Brđanin* transcript, 6-7 June 2002), p. 6763.
[7126] **Bekir Delić**: P3432 (Bekir Delić, witness statement, 13 September 2001), pp. 1-2. **Rajif Begić**: Rajif Begić, T. 2139, 2141, 2143. **Sakib Muhić**: P3426 (Sakib Muhić, witness statement, 11 April 2000), pp. 1-2.
[7127] D1031 (Branko Basara, witness statement, 21 July 2014), para. 4; Branko Basara, T. 34386, 34401.
[7128] Boro Tadić, T. 29961.
[7129] D1321 (Radoslav Daničić, witness statement, 19 June 2014), paras 1, 5.
[7130] D892 (Vinko Nikolić, witness statement, 13 January 2014), paras 5, 28; Vinko Nikolić, T. 31248-31249; P7111 (Crisis Staff decision on the appointment of Vinko Nikolić as transport commissioner, 19 June 1992)

Civil Affairs Officer in Croatia between April 1992 and March 1994;[7131] **Branko Davidović**, Assistant Commander for Morale, Legal Affairs and Information of the 6th Krajina Brigade since June 1992;[7132] and **Enis Šabanović**, a Bosnian Muslim from Trnova in Sanski Most Municipality who was detained at Manjača camp from about 6 June to 24 November 1992.[7133] The Trial Chamber also considered documentary evidence relating to this charge.[7134]

1690. According to the 1991 census in Bosnia-Herzegovina, the ethnic composition of Sanski Most Municipality was 28,136 (47 per cent) Muslims, 25,363 (42 per cent) Serbs, 4,322 (7 per cent) Croats, 1,247 Yugoslavs, and 1,239 persons of other or unknown ethnicity.[7135] **Adil Draganović** stated that the town of Sanski Most had a slight Muslim majority.[7136]

Departures related to attacks on and actions by the VRS and MUP in towns and villages

1691. In May or June 1992, Bosnian-Serb police were seen forcing people out of their homes in a Muslim area of Sanski Most.[7137] **Witness RM-016** testified that around June 1992, Serb military police took out people from their homes in the Muslim neighbourhoods of Sanski Most and drove them away.[7138] Specifically with regard to Sasina, **Jakov Marić** stated that in May 1992 the inhabitants were not permitted to leave their village, all roads were closed, and Serbs had formed checkpoints above the village.[7139] The municipal assembly in Sanski Most allowed non-Serbs to leave if they could provide a written guarantee from their relatives or friends outside of Bosnia-Herzegovina. Those that were allowed to leave were required to sign a document that stated that they were leaving voluntarily and that their property was 'signed off'. The 'Serbs' organized convoys which took people to different places. Those inhabitants who remained in Sanski Most Municipality had to carry out, and carried out, unpaid work for the 'Serbs'. Such work included wood cutting, trench digging, carrying of ammunition,

[7131] P3587 (Charles Kirudja, witness statement, 17 November 2010), para. 2. The evidence of Charles Kirudja is also reviewed in chapter 4.1.7.
[7132] D675 (Branko Davidović, witness statement, 30 June 2014), paras 14-16; Branko Davidović, T. 26504. Branko Davidović's evidence is also reviewed in chapter 4.12.3.
[7133] P3124 (Enis Šabanović, witness statement, 19 February 2001), pp. 1-2.
[7134] D422, D423 are reviewed in chapter 4.1.6. P885 is reviewed in chapter 4.1.7.
[7135] Adjudicated Facts I, no. 1138.
[7136] P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 2.
[7137] Adjudicated Facts I, no. 1198.
[7138] P2375 (Witness RM-016, witness statement, 5 August 2013), para. 58.

or any other work required. At the end of May or beginning of June 1992, the Serb police came to Sasina and arrested people. At the end of May or beginning of June 1992, Marić heard shelling in the village.[7140]

1692. **Branko Basara** testified that on 26 May 1992, the 6th Krajina Brigade launched a disarming operation against Mahala after the inhabitants had been told that those who did not wish to fight should leave Mahala during a three-hour evacuation period.[7141] According to the witness, those who evacuated, including women, children, elderly people, and able-bodied men, were protected by the army and not mistreated.[7142] The witness claimed that after the evacuation, the Green Berets and forces from Golaja (*see* chapter 4.12.1 *Schedule A.7.2*) remained in Mahala. The units of the 6th Krajina Brigade were fired at and then the attack on Mahala began. The brigade used all weapons available to them and charged forward.[7143] The brigade shelled the village and as a consequence, civilians in Mahala died.[7144] During the night after the attack and after the troops of the 6th Krajina Brigade had withdrawn, private property in Mahala was burned and looted.[7145] The witness was sure that no one from his brigade engaged in the burning and looting of private property in Mahala.[7146]

1693. **Witness RM-016** testified that the populations of Mahala and of the neighbouring Muslim area, Muhići, were 'forcibly expelled'.[7147] According to **Adil Draganović**, people from the Mahala, Muhići, and Otoke neighbourhoods were expelled.[7148] Men were taken in different groups to Manjača camp.[7149] **Ahmet Zulić** stated that on 27 May 1992, he heard on the radio that the 'regular army and reservists' gathered the population of Mahala and Muhići at a soccer field located in Krkojevći and at a driving school training ground on the road to Ključ, respectively.[7150] On 29 May 1992, about 1,200 'refugees' comprising women, children, and elderly people from

[7139] P3117 (Jakov Marić, witness statement, 11 March 2000), pp. 1-3.
[7140] P3117 (Jakov Marić, witness statement, 11 March 2000), p. 3.
[7141] D1031 (Branko Basara, witness statement, 21 July 2014), paras 36-37; Branko Basara, T. 34494-34496.
[7142] D1031 (Branko Basara, witness statement, 21 July 2014), para. 36.
[7143] D1031 (Branko Basara, witness statement, 21 July 2014), para. 37.
[7144] Branko Basara, T. 34494-34496, 34562.
[7145] D1031 (Branko Basara, witness statement, 21 July 2014), para. 38.
[7146] D1031 (Branko Basara, witness statement, 21 July 2014), para. 38.
[7147] P2375 (Witness RM-016, witness statement, 5 August 2013), para. 57; P2376 (Clarifications to statement of Witness RM-016).
[7148] P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 12.
[7149] P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 12.
[7150] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 32.

Mahala started to arrive in Pobriježje.[7151] The Serb police used loud speakers to inform the refugees where they were supposed to go.[7152] On the same day, the Serb police escorted about 700 'refugees' to Stari Majdan, namely women, children, and elderly, as there was no space left anymore to shelter them in Pobriježje.[7153] In Pobriježje, the Serb police informed the 'refugees', using speakers, that they should gather near the cultural centre and that they would go to Jajce. They went to Jajce and were then brought back again; some to Pobriježje and others to Stari Majdan. After three days, the Serb police made another announcement that the refugees should gather in Pobriježje so that they could be taken to Velika Kladuša. Once, however, the refugees realized that they were to be 'expelled' they did not want to leave. The Serb police had organized buses and soldiers went from house to house, forcing the refugees out. Once the buses were full, the remaining refugees were chased across the river to the *Krings* company where new buses would arrive and take them to Velika Kladuša. According to the witness, the soldiers had five-coronet stars and were reservists and he knew that the 6th Krajina Brigade was operating in that area.[7154]

1694. On 27 May 1992, between 50 and 100 Serb soldiers surrounded the majority-Muslim village of Lukavica and ordered the village be evacuated for the purpose of searching the houses for weapons.[7155]

1695. **Witness RM-042** stated that Hrustovo was composed of the following hamlets: Merdanovići, Keranovići, Jelečevići, Kukavice, Handanovići, and Zukići.[7156] **Basara** testified that as resistance was expected in Hrustovo, the 6th Krajina Brigade disarmed Muslims there on 31 May 1992, while the other villages adjacent to Sanski Most had already been disarmed by the TO and security services.[7157] In May 1992, after the shelling of Hrustovo, between 50 and 100 Serb soldiers escorted the survivors and around 200 inhabitants of neighbouring villages to the hamlet of Kljevci, where their valuables were confiscated.[7158] **Witness RM-042** stated that the shelling happened on

[7151] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 37.
[7152] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 40.
[7153] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 38.
[7154] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 40.
[7155] Adjudicated Facts I, no. 1162.
[7156] P2497 (Witness RM-042, witness statement, 21 April 2001, p. 2.
[7157] D1031 (Branko Basara, witness statement, 21 July 2014), paras 33-35; Branko Basara, T. 34474-34475, 34489.
[7158] Adjudicated Facts I, no. 1201. The evidence on the shelling of Hrustovo is reviewed in chapter 4.12.3.

31 May 1992.[7159] The survivors of the shelling included Muslim women and children.[7160] The witness, along with other survivors, fled to Kukavice.[7161] Upon arrival, the witness saw that all of the villagers had been gathered at a school and that the men were separated from the women and children. The Serb soldiers were dressed in olive grey-green uniforms or camouflage uniforms with red scarves or wearing black armbands. The witness heard shooting coming from other villages. On the way, the Serb soldiers said that they wanted to take women and girls from the group to rape them and that there was no use for them to be alive.[7162] Also on the way, the witness saw a mosque burning in Kukavice. The minaret was still standing. The witness heard gunfire around the mosque.[7163] In Kljevci, the 200 women, children, infants, elderly people, and the disabled persons were ordered to sit in a field where they were guarded by soldiers.[7164] The Serb soldiers told those who were in good condition to go to the church while the weak ones would be driven by trucks to Sanski Most.[7165] At the church, a soldier asked the group of 120 people to remove their jewellery and other valuables, and that this was for their own safety so that no one could commit suicide.[7166] Serb soldiers detained the villagers at various locations before transporting them by bus and train to Doboj, where they were ordered to find their way to Muslim-held territory.[7167] In Gračanica they were met by Muslim soldiers.[7168] About 15 days later, Witness RM-042 left Bosnia-Herzegovina.[7169]

The involvement of local civilian authorities and the military in departures

1696. **Draganović** stated that, according to an entry in the diary of Nedeljko Rašula, on 19 May 1992, Boško Banjac, a member of the Crisis Staff, was dealing with 3,000

[7159] P2497 (Witness RM-042, witness statement, 21 April 2001), pp. 2, 4-5. The evidence of Witness RM-042's flight from Hrustovo is reviewed in chapter 4.12.1 *Schedule A.7.2*.
[7160] P2497 (Witness RM-042, witness statement, 21 April 2001), pp. 2, 4-5.
[7161] P2497 (Witness RM-042, witness statement, 21 April 2001), p. 5. The evidence of Witness RM-042's flight from Hrustovo is reviewed in chapter 4.12.1 *Schedule A.7.2*.
[7162] P2497 (Witness RM-042, witness statement, 21 April 2001), p. 5.
[7163] P2497 (Witness RM-042, witness statement, 21 April 2001), pp. 4-5; P2498 (Photographs), p. 5.
[7164] P2497 (Witness RM-042, witness statement, 21 April 2001), p. 6. The Trial Chamber understands this to be a reference to the village of Kljevci.
[7165] P2497 (Witness RM-042, witness statement, 21 April 2001), p. 6.
[7166] P2497 (Witness RM-042, witness statement, 21 April 2001), p. 6.
[7167] Adjudicated Facts I, no. 1201.
[7168] P2497 (Witness RM-042, witness statement, 21 April 2001), p. 6.
[7169] P2497 (Witness RM-042, witness statement, 21 April 2001), p. 6.

Muslims and 700 unidentified 'refugees' who had arrived in Sanski Most.[7170] The witness later found out that the Muslims were from the villages surrounding Bosanska Krupa and Sanski Most and were accommodated in the village of Kamengrad which was patrolled by Serb forces.[7171] A week later, the Muslims were transported on trucks and tractors to Bihać Municipality under escort by Serb soldiers.[7172]

1697. **Nenad Davidović** testified that between 20 and 24 May 1992, the Sanski Most Crisis Staff decided to guarantee safety only to 'loyal citizens'.[7173] Around 24 May 1992, Colonel Basara issued a decree calling for Muslim and Croat citizens in Sanski Most to be expelled from the municipality forever.[7174]

1698. On 27 May 1992, Radio Sanski Most broadcast announcements stating that the departure of Muslims and Croats from Sanski Most Municipality would be made possible and asking interested persons to report to the municipality building on 1 June 1992.[7175] Another announcement mentioned that most women and children had fled Sanski Most.[7176] Another one indicated that the Sanski Most authorities would assist Muslims and Croats to move to another part of Bosnian-Herzegovina or a state of their choice, 'where there would be no inter-ethnic division in order for all the three peoples to feel safe and secure in their areas'.[7177] Bosnian Muslims and Bosnian Croats were asked to move to a state they could be loyal to, as living with mutual hatred was 'impossible'.[7178] 'Refugees' housed in various neighbourhoods of Sanski Most were asked to report with their belongings to *Narodni Front* Elementary School to be transported to new accommodations in Pobriježje and Stari Majdan.[7179] An announcement broadcasted on 27 or 28 May 1992 on Radio Sanski Most called on Muslims temporarily housed in Stari Majdan, Pobriježje, and Zdena to gather at the

[7170] P3293 (Adil Draganović, witness statements), witness statement of 7 July 2000, pp. 9, 17; P3294 (Diary of Nedeljko Rašula, entries from 28 December 1991-14 April 1992), p. 47.
[7171] P3293 (Adil Draganović, witness statements), witness statement of 7 July 2000, p. 17.
[7172] P3293 (Adil Draganović, witness statements), witness statement of 7 July 2000, p. 17.
[7173] P7418 (Excerpts from diary of Nenad Davidović, 5 May 1992 to 3 March 1993), pp. 3-4, 6; Nenad Davidović, T. 31550.
[7174] P7418 (Excerpts from diary of Nenad Davidović, 5 May 1992 to 3 March 1993), p. 5; Nenad Davidović, T. 31554-31555, 31558-31560.
[7175] P3301 (Audio tape of a radio recording of Vlado Vrkeš), pp. 7-8; P3302 (Audio tape of Sanski Most radio recordings), p. 2; P3293 (Adil Draganović, witness statements), witness statement of 6 October 2000, p.4.
[7176] P3302 (Audio tape of Sanski Most radio recordings), p. 1.
[7177] P3302 (Audio tape of Sanski Most radio recordings), p. 2.
[7178] P3302 (Audio tape of Sanski Most radio recordings), p. 2.
[7179] P3301 (Audio tape of a radio recording of Vlado Vrkeš), p. 8.

entrance of Stari Majdan and in front of the sports hall.[7180] **Vinko Nikolić** testified that around the end of May 1992, the Red Cross and the civilian protection secured the convoys of people who requested to voluntarily leave Sanski Most Municipality.[7181]

1699. On 30 May 1992, the Crisis Staff of Sanski Most Municipality discussed 'the problem of refugees' from the Mahala area, as well as that of Muslims and Croats who were disloyal to the Bosnian-Serb Republic and its laws.[7182] The Crisis Staff decided that all persons who had not taken up arms and who wished to leave the municipality would be allowed to do so.[7183] It also decided to contact the ARK leadership regarding population resettlement.[7184] On 4 June 1992, the Sanski Most Municipality Crisis Staff tasked Mirko Vrućinić, Nedjeljko Rašula, and Colonel Aničić with specifying categories of detained persons, including 'politicians', 'nationalist extremists', and people 'unwelcome' in Sanski Most Municipality, for transfer to Manjača camp.[7185]

1700. **Davidović** testified that the Sanski Most Municipal Assembly's conclusion on moving the Muslim and Croat population was discussed in a Crisis Staff meeting on 8 June 1992 and subsequently issued by the Sanski Most Municipal Assembly on 14 August 1992.[7186] It stated that all persons who had expressed a wish to move out voluntarily would be allowed to do so as long as they had the required documentation, *i.e.* a telex guaranteeing them accommodation.[7187] It added that the first group of about 3,000 people was expected to leave on 18 August 1992 and *Sanatrans* was in charge of providing buses.[7188] Each departing household had to pay 1,000 dinars into the *Sana* Sanski Most solidarity fund giro account.[7189]

1701. **Witness RM-016** testified that meetings of the ARK Crisis Staff in Banja Luka, which were attended by Rašula concerned, *inter alia*, 'population issues', including the expulsions of the non-Serb population.[7190] On 22 June 1992, the Sanski Most Municipality Crisis Staff was informed about the ARK Crisis Staff's decision that every

[7180] P3302 (Audio tape of Sanski Most radio recordings), p. 3.
[7181] D892 (Vinko Nikolić, witness statement, 13 January 2014), para. 17.
[7182] Adjudicated Facts I, no. 1196.
[7183] Adjudicated Facts I, no. 1197.
[7184] Adjudicated Facts I, no. 1197.
[7185] Adjudicated Facts I, no. 1205.
[7186] P7418 (Excerpts from diary of Nenad Davidović, 5 May 1992 to 3 March 1993), p. 24; P7125 (Conclusion of the Sanski Most Municipal Assembly, 14 August 1992).
[7187] P7418 (Excerpts from diary of Nenad Davidović, 5 May 1992 to 3 March 1993), p. 24; P7125 (Conclusion of the Sanski Most Municipal Assembly, 14 August 1992).
[7188] P7125 (Conclusion of the Sanski Most Municipal Assembly, 14 August 1992).
[7189] P7125 (Conclusion of the Sanski Most Municipal Assembly, 14 August 1992).
[7190] P2375 (Witness RM-016, witness statement, 5 August 2013), paras 56, 57.

municipality in the region was to appoint a person responsible for matters relating to the removal and exchange of populations and prisoners, and that this person was to report to Vojo Kuprešanin of the ARK.[7191] The Crisis Staff of Sanski Most Municipality appointed Vlado Vrkeš for this purpose and established a five-member committee for population migration.[7192] On 2 July 1992, the Crisis Staff of Sanski Most Municipality decided that departure from the municipality would be granted to persons who had given a statement to the municipal authority that they were permanently leaving the municipality and who had exchanged their immovable property or surrendered it to the municipality.[7193]

1702. Between June and August 1992, in Sanski Most Municipality, Bosnian-Muslim representatives met with Bosnian-Serb municipal authorities and representatives of the SDS on several occasions, during which they requested that the Bosnian-Serb municipal authorities organize convoys so that Bosnian Muslims could safely leave the area.[7194] In June 1992, Besim Islamčević, a Muslim from Podbriježje, organized a meeting attended by Vrkeš during which a procedure for the departure of the Muslims was discussed.[7195] Muslims wishing to stay had to sign an oath of loyalty to the Serb authorities in the municipality.[7196] **Duško Čorokalo** testified that he was aware of civilian and military organs in Sanski Most launching an initiative in August 1992 that required Muslims and Croats who wished to stay in the municipality to provide a written request and a declaration of loyalty.[7197]

1703. **Kirudja** stated that on 19 August 1992, UNHCR and 'Civil Affairs' received a delegation of nine representatives, comprising both Serbs and Muslims from Bosanska Krupa, Prijedor, and Sanski Most, including: Vrkeš, the SDS President in Sanski Most; Dragan Majkić, the Police Chief of Sanski Most; and Besim Islamčević, the representative of Muslims and Croats willing to leave Sanski Most.[7198] According to Kirudja, the delegation intended to convince the UN to assist in the evacuation of up to

[7191] Adjudicated Facts I, no. 1202.
[7192] Adjudicated Facts I, no. 1202.
[7193] Adjudicated Facts I, no. 1203.
[7194] Adjudicated Facts I, no. 1194.
[7195] Adjudicated Facts I, no. 1199.
[7196] Adjudicated Facts I, no. 1199.
[7197] Duško Čorokalo, T. 28468-28469. *See also* P3597 (Official letter by Mirko Vrućinić, Sanski Most SJB to Banja Luka CSB, 17 August 1992).
[7198] P3587 (Charles Kirudja, witness statement, 17 November 2010), paras 111, 120; P3599 (Chart by Charles Kirudja regarding evacuations through sector north, undated).

11,000 mostly Muslim people from Sanski Most and 8,000 from Prijedor.[7199] They handed over a printed list detailing 7,782 names of people allegedly ready to leave voluntarily.[7200] Islamčević said that those requesting evacuation did not want to be moved to another part of Bosnia-Herzegovina and that the Serb authorities were treating them fairly.[7201] Vrkeš claimed that non-Serbs feared 'forcible developments' and effects of war.[7202] He further explained that the Sanski Most authorities offered those people who wished to leave the possibility to sign a declaration, which stated that the signatories were leaving the area voluntarily, that they had no wish to come back to the area, and that they were leaving their property to the authorities.[7203] The process of offering such declaration for the people to sign was identical to the process employed in Bosanski Novi.[7204] He also claimed that historically, Muslims were not part of the region of Sanski Most. According the Kirudja, Vrkeš that felt Muslims and Croats posed a danger to Serbs. This feeling was consistent with the 30 July 1992 Decision from the Execeutive Committee of the Sanski Most Municipal Assembly which stated that there were currently 18,000 Muslims and Corats in Sanski Most Municipality and that 'in order to avoid a danger to the Serbian people it is necessary to organise their voluntary resettlement.'[7205] During the 19 August 1992 meeting, the UNHCR representative specifically mentioned that the UNHCR would not assist with the removal of people but would rather assist people in the location of their present residence.[7206] These offers of assistance to help the people to stay in Bosnia-Herzegovina were ignored.[7207] Kirudja stated that the systematic nature of the whole process of ethnic cleansing was clear and that the population was not leaving voluntarily.[7208]

1704. Between the end of May and August 1992, around 3,000 Muslims and Croats left the municipality, and as of 16 August 1992 the SJB had approved the applications of

[7199] P3587 (Charles Kirudja, witness statement, 17 November 2010), paras 112, 120; P3599 (Chart by Charles Kirudja regarding evacuations through sector north, undated).
[7200] P3587 (Charles Kirudja, witness statement, 17 November 2010), paras 112, 120; P3599 (Chart by Charles Kirudja regarding evacuations through sector north, undated).
[7201] P3587 (Charles Kirudja, witness statement, 17 November 2010), para. 113.
[7202] P3587 (Charles Kirudja, witness statement, 17 November 2010), para. 114.
[7203] P3587 (Charles Kirudja, witness statement, 17 November 2010), paras 114, 120; P3599 (Chart by Charles Kirudja regarding evacuations through sector north, undated).
[7204] P3587 (Charles Kirudja, witness statement, 17 November 2010), para. 114.
[7205] P3587 (Charles Kirudja, witness statement, 17 November 2010), para. 116.
[7206] P3587 (Charles Kirudja, witness statement, 17 November 2010), para. 115.
[7207] P3587 (Charles Kirudja, witness statement, 17 November 2010), para. 115.
[7208] P3587 (Charles Kirudja, witness statement, 17 November 2010), para. 114.

12,000 people, mostly Muslims, who wished to leave the municipality but had not been able to do so.[7209] According to a report by the Prijedor, Bosanski Novi, and Sanski Most SJB and the Commission for the Inspection of the Municipalities from 18 August 1992, about 3,000 persons had moved away from the municipality since the beginning of the armed conflict without applying to the SJB to 'de-register' their permanent residence in the municipality.[7210] In the last 20 days preceding 18 August 1992, about 12,000 persons, mainly Muslims but also Croats, had applied to Sanski Most SJB to 'de-register' their place of residence.[7211] **Mirzet Karabeg** stated that in 1992, non-Serbs who wanted to remain in Sanski Most or Banja Luka had to sign a 'statement of loyalty', or would otherwise be threatened.[7212] No one left the municipality 'voluntarily'; the pressure to leave was great, whoever refused to sign over their property received threats that their homes would be blown up or that hand grenades would be thrown at them.[7213] On 2 July 1992, the Crisis Staff of Sanski Most Municipality issued a decision which stated that voluntary departure from Sanski Most was to be permitted to persons who gave a 'statement' to the municipal administrative body leaving their immovable property at the disposal of the municipality.[7214]

1705. **Witness RM-016**, **Bekir Delić**, **Witness RM-001**, **Edward Vulliamy**, **Kirudja**, **Marić**, and **Karabeg** provided evidence about convoys leaving the municipality during this period.

1706. **Witness RM-016** testified that at a certain time, people were asked to report to the municipal authorities and register their intention to leave, and transportation to Travnik and Zenica was organized.[7215] Croats and Muslims left following the release of perpetrators of crimes against non-Serbs.[7216] Vrkeš told the witness that Muslims needed to be resettled away from Sanski Most so that the town could become a purely Serb town.[7217]

1707. **Delić** stated that two or three days prior to 5 or 7 June 1992, when he was released from his detention in the sports hall of the Sanski Most school, he saw a

[7209] Adjudicated Facts I, nos 1204, 1206.
[7210] P2900 (Banja Luka CSB report, 18 August 1992), pp. 8, 12, 15.
[7211] P2900 (Banja Luka CSB report, 18 August 1992), p. 15.
[7212] P3252 (Mirzet Karabeg, *Karadžić* transcript, 13 September 2011), p. 18701.
[7213] P3252 (Mirzet Karabeg, *Karadžić* transcript, 13 September 2011), pp. 18701, 18706-18707.
[7214] P3252 (Mirzet Karabeg, *Karadžić* transcript, 13 September 2011), pp. 18701, 18703-18706; P3256 (Decision of the Crisis Staff of Sanski Most, 2 July 1992).
[7215] P2375 (Witness RM-016, witness statement, 5 August 2013), para. 59.
[7216] P2375 (Witness RM-016, witness statement, 5 August 2013), para. 65.

convoy of 12 buses, led by Nemanja Tripković, wearing a uniform, transporting hundreds of non-Serb 'civilians' out of Sanski Most to be exchanged in Jajce.[7218]

1708. In a meeting at the local Red Cross headquarters in Velika Kladuša on 19 June 1992 held between local UN representatives, the local Red Cross, and representatives of the displaced persons from Sanski Most, a representative of 850 displaced persons from Sanki Most mentioned that on 11 June 1992 in Sanski Most, guards under the direction of Davidović, the Commander of the Serb Crisis Committee of Banja Luka, forced a group of 850 Muslim women, children, and men above 60 years to get on buses, while threatening them with heavy guns. The buses travelled to Bosanska Krupa, where the people were forced to get off the buses and local authorities arranged further transport. On 12 June 1992, the group arrived in Velika Kladuša.[7219] The representative explained that all of the 850 people from Sanski Most wanted to return to their houses or, alternatively, be evacuated to Croatia.[7220]

1709. On 3 August 1992, Pero Maličević informed the 6th Krajina Brigade Command that '[t]he Muslim and Croatian populations are moving out on a massive scale. This, in our opinion, should be done selectively, in accordance with set criteria. There is a potential threat coming from those who are combat ready and likely to join the enemy's ranks'[7221] Bosnian-Serb municipal authorities organised a convoy of approximately 2,000 Muslim men, women, children, and elderly that left for Travnik at the beginning of August 1992.[7222]

1710. **Witness RM-001** was one of those leaving with the convoys. He testified that on 3 August 1992, one villager asked Dragan Praštalo if the women and children from the hamlet of Alibegovići could move to another village but Praštalo told him to stay in the hamlet until the next day.[7223] At night, Praštalo, Lučić and other men shelled Hajrudin Alibegović's house, which was empty at the time.[7224] The witness and women and children from Alibegovići were allowed to go to the hamlets of Okrač and Došći two

[7217] P2375 (Witness RM-016, witness statement, 5 August 2013), para. 71.
[7218] P3432 (Bekir Delić, witness statement, 13 September 2001), p. 5.
[7219] P3588 (Report about meeting with the representative from Sanski Most, 20 June 1992), p. 1.
[7220] P3588 (Report about meeting with the representative from Sanski Most, 20 June 1992), p. 2.
[7221] P6924 (Performance Report to the 6th Krajina Brigade Command, 3 August 1992).
[7222] Adjudicated Facts I, no. 1194.
[7223] P2487 (Witness RM-001, witness statement, 16 March 2000), p. 4; P2486 (Witness RM-001, *Brđanin* transcript, 31 May 2002), p. 6433.
[7224] P2487 (Witness RM-001, witness statement, 16 March 2000), p. 4; P2486 (Witness RM-001, *Brđanin* transcript, 31 May 2002), p. 6435.

days later.[7225] They had to fill out a form stipulating that they would pay their bills and taxes, and leave their property to the Bosnian-Serb Republic, except for personal belongings which could be packed in their bags.[7226] They were told they would be allowed to leave in a convoy for Travnik.[7227] The witness filled out all of the forms in Sanski Most Municipality.[7228] Some women who had relatives in Lukavica stayed.[7229] From Došći, he left with a convoy to Travnik and then to another country.[7230]

1711. **Vulliamy** testified that on 17 August 1992 he saw a convoy in Prijedor Municipality.[7231] The convoy was escorted by armed guards he believed to be police units in light blue uniforms, with some wearing jackets of a darker blue colour.[7232] The people whom he spoke with in this convoy told him that they were from Sanski Most Town, south of Prijedor, and that they had been told to leave the town early that morning.[7233] Most of the people the witness spoke to did not know where they were going; it became clear to some people later in the day that the convoy was heading to Travnik.[7234] Based on his conversations with between 20 and 30 people in the convoy during that day and night, the witness believed that the people travelling in the convoy were not doing so voluntarily.[7235] The witness estimated that there were about 1,600 people in the convoy, travelling in 58 cars and approximately eight buses and trucks.[7236] The convoy moved through Banja Luka, took a turn off the main road into a hillier terrain, and passed by the town of Skender Vakuf.[7237] On the way, the witness observed several Serb 'gun positions' on hilltops, as well as trucks and people giving the Serb salute, spitting and shouting at the convoy.[7238] Passing the town of Vitovlje, he observed people running across the fields towards the column shouting something which he was told meant 'slaughter them', and using a term which applied to animals.[7239] As dusk fell,

[7225] P2487 (Witness RM-001, witness statement, 16 March 2000), p. 4.
[7226] P2486 (Witness RM-001, *Brđanin* transcript, 31 May 2002), p. 6434.
[7227] P2486 (Witness RM-001, *Brđanin* transcript, 31 May 2002), pp. 6433-6434.
[7228] P2486 (Witness RM-001, *Brđanin* transcript, 31 May 2002), p. 6434.
[7229] P2486 (Witness RM-001, *Brđanin* transcript, 31 May 2002), p. 6434.
[7230] P2486 (Witness RM-001, *Brđanin* transcript, 31 May 2002), p. 6435.
[7231] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7980-7982.
[7232] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7983.
[7233] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7982-7983.
[7234] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7983.
[7235] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 8056-8057.
[7236] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7985, 8057.
[7237] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7983-7984.
[7238] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7984.
[7239] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7984.

they heard shooting over the top of the convoy.[7240] The convoy was stopped and the units accompanying the convoy to that point, which he believed to be police, went through the convoy taking property.[7241] The shooting increased as the convoy moved towards the front line at Smet.[7242] There, the police units left.[7243] The convoy then fell into the hands of what the witness described as 'a different lot of people, some irregulars, and others in a sort of paramilitary uniform', or 'a fairly rough lot' in 'military, khaki camouflage' uniforms.[7244] These groups pulled the people in the convoy out of their cars at gunpoint and drove the cars away.[7245] At this stage, the convoy consisted only of a few cars with the rest of the people travelling on foot.[7246] The convoy crossed the demarcation point marking the front line, and entered the village of Kozice, which was being shelled.[7247] The witness observed recently-shed blood on the road and stepped on a body part, which he believed was the result of mortar fire.[7248] Because of the heavy fighting in the valley into which the convoy had moved, they were told to move up Mount Vlašić.[7249] Across Mount Vlašić, the convoy was met by members of the ABiH who told them that they had arranged for buses to take them the rest of the way, welcoming them to Travnik.[7250] Facilities had been arranged for the arrival of the people from the convoy; these facilities were already packed with people the witness identified as civilians, including elderly people and children, and there was little space left.[7251] On the basis of the number of people gathered in Travnik, and the facilities that had been arranged for their arrival, the witness concluded that the arrival of convoys in Travnik had been a matter of regularity.[7252] The witness was told that at this point, there were already approximately 36,000 refugees in Travnik.[7253]

[7240] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7985.
[7241] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7983, 7985.
[7242] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7985.
[7243] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7985; Edward Vulliamy, T. 2603.
[7244] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7985; Edward Vulliamy, T. 2604.
[7245] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7985; Edward Vulliamy, T. 2604.
[7246] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7986.
[7247] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7986; Edward Vulliamy, T. 2605.
[7248] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7986; Edward Vulliamy, T. 2605.
[7249] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7988.
[7250] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7988.
[7251] Edward Vulliamy, T. 2605.
[7252] Edward Vulliamy, T. 2605.
[7253] Edward Vulliamy, T. 2605, 2739.

1712. During September 1992, convoys of thousands of Muslims left the municipality and they were forced to surrender their property to the municipality.[7254] Bosnian-Serb civilian and military police escorted a Travnik-bound convoy of approximately 2,500 Bosnian-Muslim men, women, children and elderly on 2 and 3 September 1992.[7255] **Kirudja** stated that well into September 1992, people seeking refuge from Prijedor and Sanski Most arrived daily in Dvor and that the UN estimated that between 30 and 50 people crossed the border into Dvor each day during this period.[7256] In September 1992, the witness still received reports from 'refugees' regarding 'ethnic cleansing' taking place in these municipalities.[7257] On 26 September 1992, the witness reported that the flow of small groups of refugees from Bosnia-Herzegovina had continued unabated.[7258]

1713. **Marić** stated that at the end of 1992, the Municipal Assembly in Sanski Most allowed non-Serbs to leave if they could provide a written guarantee from their relatives or friends outside of Bosnia-Herzegovina. Those who were allowed to leave were required to sign a document stating that they were leaving voluntarily and that their property was 'signed off'. The Serbs organized convoys which took people to different places. Inhabitants remaining in Sanski Most had to carry out unpaid work for the Serbs. Such work included wood cutting, trench digging, carrying of ammunition, and any other work required.[7259]

1714. **Grgo Stojić** testified that sometime after the first attack against Sanski Most Municipality around 27 to 29 May 1992, he heard announcements over the Serb radio in Sanski Most advising people to go to Room 26 in the municipality building if they wanted to leave the municipality.[7260] Those who stayed needed a permanent permit of residence which, according to the witness, was rumoured to protect that person from harm.[7261] The witness, his brother, and his mother received permission to leave on 21 September 1992, however they remained in Škrljevita because their local representative was unable to organise a convoy.[7262] On 11 November 1992, the Croatian Office for

[7254] Adjudicated Facts I, no. 1206.
[7255] Adjudicated Facts I, no. 1195.
[7256] P3587 (Charles Kirudja, witness statement, 17 November 2010), paras 120, 122; P3599 (Chart by Charles Kirudja regarding evacuations through sector north, undated).
[7257] P3587 (Charles Kirudja, witness statement, 17 November 2010), para. 122.
[7258] P3601 (UNPROFOR Situation report no. 6, 26 September 1992), p. 6.
[7259] P3117 (Jakov Marić, witness statement, 11 March 2000), p. 3.
[7260] P365 (Grgo Stojić, *Brđanin* transcript, 6-7 June 2002), pp. 6766, 6771.
[7261] P365 (Grgo Stojić, *Brđanin* transcript, 6-7 June 2002), p. 6771.
[7262] P365 (Grgo Stojić, *Brđanin* transcript, 6-7 June 2002), pp. 6772-6773; P368 (Certificate of permission to leave, 21 September 1992).

Displaced Persons and Refugees approved the witness's entry into the Republic of Croatia.[7263] The witness left Sanski Most on or soon after 11 December 1992 and went to Croatia.[7264]

1715. **Zulić** stated that in December 1992, his wife decided to leave the municipality to ensure a safer life for their four children. In order to be allowed to leave, she first had to sign-off their house, its contents, their land, car and machinery, to the Serb resettlement authorities in Sanski Most. After she had paid 22,500 dinars for bureau expenditures and 175,000 dinars for transport costs, on top of the bus fare, the witness's family was allowed to 'resettle'.[7265]

1716. In 1992 almost all Muslims had left Sanski Most Municipality.[7266] **Karabeg** stated that from the end of 1992 until March 1995, people in four to five convoys consisting of five to ten buses each, were exchanged on an annual basis from Travnik to Turbe.[7267] Karabeg, in his capacity as President of the 'War Presidency', received these convoys himself and it was from the people in these convoys that he learned the details of the situation in Sanski Most.[7268] On 13 October 1995 only 575 non-Serbs remained in the municipality.[7269] **Vinko Nikolić** estimated that more than 8,000 Muslims and Croats continued to live in Sanski Most Municipality during the war.[7270] **Boro Tadić** testified that Muslims and Croats from all municipalities moved to areas controlled by their armies and where their ethnicities were in the majority.[7271] The people moved because of fear of the ensuing conflicts, the worsening of the general security situation, and the economic and social conditions.[7272] By February 1995, the MUP estimated that some 3,350 Bosnian Muslims and 1,050 Bosnian Croats remained in the municipality.[7273]

1717. **Radoslav Daničić** stated that considerable number of Muslims stayed in Sanski Most throughout the war.[7274]

[7263] P376 (Permit to enter Croatia, 11 November 1992).
[7264] P365 (Grgo Stojić, *Brđanin* transcript, 6-7 June 2002), pp. 6806, 6829,
[7265] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 140.
[7266] Adjudicated Facts I, no. 1207.
[7267] P3252 (Mirzet Karabeg, *Karadžić* transcript, 13 September 2011), p. 18700.
[7268] P3252 (Mirzet Karabeg, *Karadžić* transcript, 13 September 2011), p. 18700.
[7269] P3252 (Mirzet Karabeg, *Karadžić* transcript, 13 September 2011), pp. 18707-18708.
[7270] D892 (Vinko Nikolić, witness statement, 13 January 2014), para. 12; Vinko Nikolić, T. 31279-31280.
[7271] D861 (Boro Tadić, witness statement, 2 July 2014), paras 13, 27.
[7272] D861 (Boro Tadić, witness statement, 2 July 2014), para. 27.
[7273] P3850 (Population by municipality for 1991 and 1995, MUP, Department of the State Security Centre, February 1995), p. 8.

Departure from the municipality following detention

1718. The Trial Chamber also received evidence about a number of people from Sanski Most Municipality who left, following their detention in facilities in the municipality or elsewhere, such as in Manjača camp in Banja Luka Municipality. For example, **Karabeg**, who was detained at Manjača camp, stated that on 31 October 1992, he was part of a convoy of detainees sent from Manjača camp to Travnik as part of an exchange.[7275] **Sakib Muhić** stated that detainees born prior to 1953, including himself, were released from Manjača camp already in November while others were released one month later.[7276] The witness left for Karlovac and then abroad.[7277] **Enis Šabanović** stated that as many as 1,400 detainees, including himself, were released from Manjača on 24 November 1992 and transferred to Karlovac.[7278] After a few days, he went abroad and only returned permanently to Sanski Most after 20 June 1996.[7279] **Draganović**, who also had been detained at Manjača camp, stated that the camp was closed on 16 December 1992 after international pressure.[7280] He travelled to Germany on 25 December 1992.[7281] **Rajif Begić** testified that together with others from his area, he was transferred from *Krings* camp in Sanski Most to Manjača camp in July 1992.[7282] Before that, his mother and youngest brother had been transferred from *Krings* camp to central Bosnia-Herzegovina.[7283] The Sanski Most SJB was responsible for the transportation of 'POWs' from Betonirka facility, *Krings* factory, and the sports hall to Manjača camp, and provided security and escorts for resettlement transports going to other areas.[7284] Around 18 August 1992, the Sanski Most SJB also provided security and escorts for the transport of people resettling in other areas.[7285] **Begić** stayed at Manjača camp until 16 December 1992, when he was released as the camp was disbanded and went to Karlovac with other detainees.[7286]

[7274] D1321 (Radoslav Daničić, witness statement, 19 June 2014), para. 25.
[7275] P3252 (Mirzet Karabeg, *Karadžić* transcript, 13 September 2011), p. 18700; P3248 (Mirzet Karabeg, witness statement, 25 July 1999), p. 1.
[7276] P3426 (Sakib Muhić, witness statement, 11 April 2000), pp. 1-2, 10.
[7277] P3426 (Sakib Muhić, witness statement, 11 April 2000), p. 10.
[7278] P3124 (Enis Šabanović, witness statement, 19 February 2001), pp. 1-2, 17-18.
[7279] P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 18.
[7280] P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 15.
[7281] P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 15, witness statement of 7 July 2000, p. 6.
[7282] Rajif Begić, T. 2172.
[7283] Rajif Begić, T. 2173.
[7284] P2900 (Banja Luka CSB report, 18 August 1992), pp. 8, 11, 16.
[7285] P2900 (Banja Luka CSB report, 18 August 1992), p. 16.
[7286] Rajif Begić, T. 2172-2173.

1719. **Marić**, who had been detained in Batković camp, stated that he was transferred from the camp to Kamenica on 23 June 1993 and on 20 July 1993, at approximately 2 a.m., he and approximately 60 other Catholics were exchanged at Čelebići near Livno.[7287]

The Trial Chamber's findings

1720. The Trial Chamber took judicial notice of Adjudicated Fact 1207 which states that by the end of 1992 almost all Bosnian Muslims had left Sanski Most. The Trial Chamber received evidence from Daničić that a considerable number of Muslims stayed in Sanski Most Municipality throughout the war which contradicts Adjudicated Fact 1207. The Trial Chamber notes that: (a) Daničić's assertion about a 'considerable number' of Bosnian Muslims remaining in Sanski Most is ambiguous; and (b) in view of the proportion of Bosnian Muslims to the population of Sanski Most as a whole, the Trial Chamber is unable to assess, without further details, how many Bosnian Muslims would have been sufficient to constitute a 'considerable number' overall.Therefore, the Trial Chamber does not consider Daničić's evidence sufficiently reliable in this respect to rebut the Adjudicated Fact. The Trial Chamber also received evidence from Vinko Nikolić that some 8,000 Bosnian Muslims and Bosnian Croats remained in the municipality during the war. The Trial Chamber notes that the witness: (a) could not provide any details, when cross examined, as to how many of those 8,000 were Bosnian Muslims; (b) had no basis for this figure other than it was a 'free estimate' that he had come up with 'spontaneously'; (c) was unable to justify the figure in light of other evidence presented to him indicating that the figure was significantly lower than he claimed. Therefore, the Trial Chamber does not consider Nikolić's evidence sufficiently reliable in this respect to rebut the Adjudicated Fact.

Policies of the Sanski Most Crisis Staff and actions of the VRS

1721. Based on the foregoing, the Trial Chamber finds that decisions of the civilian and military organs operating in Sanski Most from 20 May 1992 onwards called for the departure of Bosnian Muslims and Bosnian Croats from Sanki Most Municipality as

[7287] P3117 (Jakov Marić, witness statement, 11 March 2000), p. 5; P3118 (Jakov Marić, *Brđanin* testimony, 16 October 2002), pp. 10837, 10839.

demonstrated below and specifically as indicated by the decree of 24 May 1992 signed by Branko Basara as well as decisions and directions, such as requirements for oaths of loyalty, issued by the Sanski Most Crisis Staff.

1722. Vrkeš, President of the local SDS with responsibility for the removal and exchange of populations and detainees, stated that Muslims were historically not part of the Sanski Most region and needed to be resettled away from Sanski Most so that the town could become a purely Serb town. Announcements were broadcast on Sanski Most Radio declaring that the departure of Bosnian Muslims and Bosnian Croats from Sanski Most Municipality would be made possible and that interested persons were to report to the municipal authorities to register their intention to leave. The Trial Chamber recalls its findings in chapter 4.1.7 relating to the decisions of the ARK Crisis Staff in respect of the moving of people from the ARK territory. On 29 May 1992, the ARK Crisis Staff adopted a 'family for family' principle allowing Bosnian Muslims and Bosnian Croats to move out of the ARK on the condition that Serbs from outside 'Serbian autonomous districts and regions' were allowed to move into the ARK and the Bosnian-Serb Republic. The Sanski Most Crisis Staff required non-Serbs to pay, including fees or outstanding bills, or sign declarations handing over their movable and immovable property to the Bosnian-Serb Republic in order to leave the municipality. Those who were allowed to leave were required to sign a document that stated that they were leaving permanently and voluntarily.

1723. The Trial Chamber recalls its findings on destruction in the municipality (*see* chapter 4.12.3) with regard to the actions of the military organs operating in Sanski Most Municipality. The Trial Chamber finds that the VRS 6th Krajina Brigade, along with the TO and paramilitary groups including the SOS, carried out attacks and shelling campaigns in order to 'mop up' predominantly Muslim villages and hamlets pursuant to policies of the Crisis Staff and the SDS. The 6th Krajina Brigade, the TO, and paramilitaries carried out transfers and evacuations.[7288] Furthermore, heavy shelling from outside the targeted neighbourhoods and villages caused severe damage and killed people, forcing the inhabitants to flee.

[7288] The Trial Chamber received evidence from Branko Basara that 'expulsions and arrests' of Bosnian Muslims and Bosnian Croats were carried out by paramilitary groups and the municipal authorities, and that the VRS did not take part. The Trial Chamber, however, received a large amount of reliable evidence demonstrating that the VRS was involved in a number of actions including transfers and evacuations. Therefore, the Trial Chamber does not consider Basara's evidence, in this respect, to be persuasive and will not consider it further.

1724. The Trial Chamber also recalls its findings on murders, unlawful detention, destruction, appropriation or plunder of property and the imposition and maintenance of restrictive and discriminatory measures in the municipality in chapters 4.12.1, 4.12.2, 4.12.3, 4.12.4, and 4.12.6.

Specific attacks in Sanski Most Municipality

1725. The Trial Chamber recalls its findings on the attacks on Mahala, Muhići, and Otoka, all Bosnian-Muslim neighbourhoods of Sanski Most Town, on 26 and 27 May 1992 (*see* chapter 4.12.3) and finds that the 6th Krajina Brigade made inhabitants of these neighbourhoods leave their homes. The Trial Chamber finds that the inhabitants of Mahala were told by the 6th Krajina Brigade that those who did not wish to fight should leave the neighbourhood during a three-hour evacuation period before the 6th Krajina Brigade attacked. The 6th Krajina Brigade, after gathering them in Krkojevći, evacuated women, children, the elderly and able-bodied men; first to Pobriježje on 29 May 1992. Around 2 June 1992, they were later all rounded up and transferred in buses to Velika Kladuša.

1726. The Trial Chamber recalls its finding on the attack on the Bosnian-Muslim village of Hrustovo in chapters 4.12.1 *Schedule A.7.2*, 4.12.3, and 4.12.4 and finds that the perpetrators of this attack made the surviving inhabitants of the village, along with approximately 200 inhabitants of neighbouring villages, go to Doboj from where they followed an order by Serb soldiers to find their way to Muslim-held territory, which they did.

1727. The Trial Chamber also recalls its finding on the imposition and maintenance of restrictive and discriminatory measures in the municipality in chapter 4.12.6and finds that one Bosnian Croat from Sanski Most obtained permission to leave the municipality on 21 September 1992, following the imposition of the measures specified in chapter 4.12.6 and the broadcasting of announcements informing non-Serbs what to do in order to leave the municipality. The Trial Chamber finds that he went to Croatia in December 1992.

Specific convoys leaving Sanski Most Municipality

1728. The Trial Chamber finds that on 19 May 1992, Boško Banjac, a member of the Sanski Most Crisis Staff, arranged for the departure of part of a group of Bosnian Muslims[7289] from the municipality. These people were transported by truck to Bihać Municipality at the end of May under escort from Serb soldiers.

1729. The Trial Chamber further finds that in May and June 1992, at least two convoys of Bosnian Muslims and Bosnian Croats left Sanski Most Municipality for Velika Kladuša. The first convoy was made up of approximately 1,200 women, children, and elderly people from Mahala, who were escorted out of the town against their will by the Bosnian-Serb police in May 1992. The second convoy, which left on 11 June 1992, contained 850 Bosnian Muslims who were threatened at gunpoint and forced into buses by guards under the direction of Davidović, the Commander of the Serb Crisis Committee of Banja Luka.

1730. The Trial Chamber also finds that in August and September 1992, at least three convoys organized by the Bosnian-Serb municipal authorities and escorted by Bosnian-Serb civilian and military police, transported a total of at least 6,100 Bosnian Muslims from Sanski Most Municipality to Travnik. The Trial Chamber understands that the above reference to 'Bosnian-Serb municipal authorities' refers to the Sanski Most Crisis Staff and the SDS. The Trial Chamber makes this inference on the basis of evidence that has been led demonstrating their specific role in organizing convoys during this period. One of the three convoys, which left on 17 August 1992, was made up of at least 1,600 people from Sanski Most Town who had been ordered to leave the town early that morning. One of the Bosnian Muslims who went to Travnik in the August convoy with the permission of the municipal authorities left due to threats and the shelling of houses in Lukavica.

1731. The Trial Chamber additionally finds that in July 1992, 'Mitra' and another soldier took one Bosnian-Muslim woman from Hrustovo to Tomina along with her children, following the attack on Hrustovo (*see* chapters 4.12.3 and 4.12.4). Two weeks later, the Serb soldiers instructed them to walk to Muslim-held territory.

[7289] The Trial Chamber notes the group comprised 3,000 Muslims, an undetermined number of whom originated from Sanski Most Municipality.

1732. The Trial Chamber received evidence that, every year from the end of 1992 until March 1995, four to five convoys from Sanski Most Municipality, consisting of five to ten buses each, were exchanged in Turbe. These convoys included one on 3 September 1994, in which 500 non-Serbs, the majority of whom were Bosnian Muslims and Bosnian Croats, and some of whom were from Sanski Most, were made to leave Sanski Most Municipality and arrived in Turbe.[7290] Given the reliable evidence on the organisation of the transport of Bosnian Muslims and Bosnian Croats from the municipality to destinations both inside and outside Bosnia-Herzegovina by the Sanski Most Crisis Staff and the SDS from May 1992 until September 1992, the Trial Chamber infers that the Sanski Most Crisis Staff and the SDS organized the transport of people to Turbe.

The Trial Chamber's conclusion concerning departures from Sanski Most Municipality

1733. In conclusion, the Trial Chamber finds that Bosnian Muslims and Bosnian Croats left Sanski Most Municipality following the implementation of decisions of the Crisis Staff and SDS and actions of VRS units, TO, MUP, and paramilitary groups operating in the municipality which included threats, shelling, burning of private property, killings, and arrests (*see* the Trial Chamber's findings in chapters 8.3 and 8.9), as well as transferrals via convoys, as further specified above. Between 27 May 1992 and 13 October 1995, almost all Bosnian Muslims and Bosnian Croats left Sanski Most Municipality. In particular, the vast majority of Bosnian Muslims and Bosnian Croats in Sanski Most Municipality had left the municipality by the end of 1992.

1734. The Trial Chamber will further consider the incidents, as set out in further details in the previous sections above, in relation to Counts 3 and 7-8 of the Indictment in chapter 8 below.

Exchanges and departures from detention facilities

1735. The Trial Chamber finds that on 31 October 1992, a Bosnian Muslim from Sanski Most Municipality, detained in Manjača camp, was sent to Travnik as part of an exchange . In November and December 1992, three Bosnian Muslim detainees from

[7290] The Trial Chamber notes that it received evidence that some non-Serbs, including Bosnian Muslims, from Sanski Most Municipality were part of the 3 September 1994 convoy.

Sanski Most Municipality, who had been detained at Manjača camp, went to Karlovac in Croatia. The Trial Chamber recalls its finding in chapters 4.1.2 *Schedule C.1.2* and 4.1.7 and finds that the authorities at Manjača camp exchanged the four detainees.[7291]

1736. The Trial Chamber finds that on 20 July 1993, one Bosnian Croat from Sanski Most Municipality, who had been detained in Batković camp, was exchanged at Čelebići, near Livno. The Trial Chamber recalls its finding in chapter 4.2.2 *Schedule C.2.1* and finds that the authorities at Batković camp exchanged this detainee.

1737. The Trial Chamber will further consider the above incidents in relation to Counts 3 and 7 to 8 of the Indictment in chapter 8 below.

1738. The Trial Chamber received evidence about the exchange of detainees from Manjača camp to Travnik on 31 October 1992, the exchange of 60 Catholics detained in Batković camp on 20 July 1993, and the departure of approximately 1,400 detainees from Manjača camp to Croatia in November and December 1992. The Trial Chamber, however, has not received evidence regarding the municipalities of origin of these detainees.[7292] Therefore, the Trial Chamber will not further consider these incidents in relation to any count of the Indictment.

[7291] With regard to the evidence of Adil Draganović concerning the departure of one Bosnian Muslim detained in Manjača camp, the Trial Chamber has not received any evidence on the circumstances of his departure and will not consider it further.
[7292] With regard to the Trial Chamber's approach concerning counts 7 and 8, *see* Appendix B.

4.13 Sokolac Municipality

4.13.1 Murder

Schedule A.8.1

1739. According to the Indictment, the Accused is responsible for the killing of at least least 40 men in the village of Novoseoci in Sokolac Municipality on or about 22 September 1992.[7293] The charge of murder is however not limited to the Scheduled Incidents.[7294] Accordingly, the Trial Chamber has not disregarded evidence falling outside the scope of Scheduled Incident A.8.1. The Defence argued that the evidence presented by the Prosecution is insufficient to establish that the perpetrators of this incident were VRS soldiers.[7295] The Trial Chamber took judicial notice of Adjudicated Facts 1237 and 1238 with regard to this incident. Further, it received evidence from **Munira Selmanović**, a Bosnian Muslim from the Muslim village Novoseoci in Sokolac Municipality;[7296] **Milan Tupajić**, President of the Sokolac Municipal Assembly from 1991 and President of the Sokolac Crisis Staff from April 1992 until 1996;[7297] **John Clark**, a forensic pathologist;[7298] **Ewa Tabeau**, a demographer and statistician;[7299] as well as documentary evidence and finds that this evidence does not rebut the Adjudicated Facts.[7300]

[7293] Indictment, paras 39, 59(a), 62, Schedule A.8.1.
[7294] Further on this issue, *see* Appendix B.
[7295] Defence Final Brief, paras 1492-1498.
[7296] P717 (Munira Selmanović, witness statement, 23 January 2009), p. 1, paras 1-2.
[7297] P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), pp. 15321, 15469, 15471; P3182 (Letter of resignation by Milan Tupajić, 9 October 1992).
[7298] John Clark, T. 17185; P2236 (Curriculum vitae of John Clark); P2257 (John Clark, Krstić transcript, 30 and 31 May 2000), pp. 3897-3899; P2258 (John Clark, Karadžić transcript, 10 January 2012), pp. 22692-22693.
[7299] Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).
[7300] **Munira Selmanović**: P717 (Munira Selmanović, witness statement, 23 January 2009), paras 1, 7-10, 12-13, 17-23; Munira Selmanović, T. 6715, 6719, 6723-6727, 6817-6828, 6835-6836; P726 (List of people killed in Novoseoci on 22 September 1992 prepared by Munira Selmanović, 16 November 2012), pp. 1-2; P727 (Exhumation report from Ivan Polje, 4-8 September 2000). **Milan Tupajić**: P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), pp. 15321, 15427-15430, 15435-15439, 15469, 15471; P3182 (Letter of resignation by Milan Tupajić, 9 October 1992). **John Clark**, **Ewa Tabeau, and forensic documentary evidence**: P2262 (John Clark, Report on autopsies of human remains from Paklenik Cave and Ivan Polje grave sites, 2000), pp. 1, 14-17; P2791 (Ewa Tabeau, revised table of names to the proof of death expert report, 30 August 2013), p. 3; P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 3, 20-21, 32-33; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 279-287; All forensic documentation relating to this scheduled incident admitted into evidence pursuant to the Trial Chamber's bar table decisions both dated 31 January 2014; P7529 (Exhumation report by Judge Ibrahim Hadžić, 2000), pp. 9-11. **Documentary evidence**: P3822 (Combat report of the 2nd Romanija Motorised Brigade Command, 22 September 1992), pp. 1-2; P4162 (Associated Press, '41 Muslims finally buried in Bosnia', 5 November 2000), pp. 1-3; P4106 (DK Command, 'Proposal for exceptional Promotion', 12 September 1995).

1740. On 14 September 1992, Galić issued an operational order to all units of the SRK instructing *inter alia* that the 2nd Romanija Brigade '[c]reate conditions and extend operations with the aim of taking Olovo'.[7301] On 20 September 1992, Krstić, Commander of the 2nd Romanija Brigade, ordered that an attack along the Kruševo-Olovo-Paklenik-Grabovica axis in Sokolac Municipality be extended by applying various offensive combat actions.[7302] The combat operations were to be carried out by the 1st Motorised Battalion, the 5th Motorised Battalion, the Armoured Battalion, and the Brigade Artillery Group within four to five days.[7303]

1741. On 22 September 1992, members of the VRS 2nd Romanija Brigade surrounded the village of Novoseoci and, despite there being no armed resistance, killed 40 to 45 Muslim civilian men, and put the women and children on buses and transported them to Sarajevo.[7304] **Munira Selmanović** testified that Momčilo Pajić, a Serb from Sokolac who had often visited Novoseoci, appeared to be the one in charge of those surrounding the village.[7305] Before the killings, Pajić told the villagers that he was waiting on 'orders from Sokolac'.[7306] At a certain time before the killings, Pajić sent Devla Karić to get her husband, Nail Karić, who was not among the detained villagers in Metaljka, which was an area located close to Novoseoci.[7307] The witness heard two gun shots from the direction in which Devla Karić had gone, and when Nail Karić later joined the villagers he told them that he had seen the body of his dead wife on the way from Pavičići to Metaljka.[7308] Nail Karić told them that she had been shot and her throat cut.[7309] According to an entry in the logbook of the Stari Grad SJB, on 22 or 23 September 1992, 'a refugee named Delva Karić' was killed by 'Chetniks' when refugees were passing from Novoseoci to Hrešo.[7310] General Krstić informed the VRS Main Staff on

[7301] P7408 (SRK Combat Order by Galić, 14 September 1992).
[7302] P6641 (2nd Romanija Brigade order for attack, 20 September 1992), pp. 1-2, 4.
[7303] P6641 (2nd Romanija Brigade order for attack, 20 September 1992), pp. 1-2.
[7304] Adjudicated Facts I, no. 1237.
[7305] P717 (Munira Selmanović, witness statement, 23 January 2009), para. 12.
[7306] P717 (Munira Selmanović, witness statement, 23 January 2009), paras 12, 17; Munira Selmanović, T. 6726.
[7307] P717 (Munira Selmanović, witness statement, 23 January 2009), paras 8, 14; Munira Selmanović, T. 6724.
[7308] P717 (Munira Selmanović, witness statement, 23 January 2009), para. 14; P549 (Stari Grad police station notebooks, April 1992), p. 140; P726 (List of people killed in Novoseoci on 22 September 1992 prepared by Munira Selmanović, 16 November 2012), p. 2.
[7309] P717 (Munira Selmanović, witness statement, 23 January 2009), para. 14; P549 (Stari Grad police station notebooks, April 1992), p. 140.
[7310] P549 (Stari Grad police station notebooks, April 1992), p. 140.

22 September 1992 that 'during the day, the village of Novoseoci was cleansed'.[7311] **Milan Tupajić** stated that he was informed of the killings in Novoseoci on the evening of 22 September 1992.[7312]

1742. Based on the foregoing, the Trial Chamber finds that on 22 September 1992, members of the VRS 2nd Romanija Brigade, including Momčilo Pajić, surrounded the Bosnian-Muslim village of Novoseoci and, despite there being no armed resistance, killed 40 to 45 Bosnian-Muslim civilian men. One woman, Devla Karić, had previously been sent by Pajić to get her husband. After she left, gunshots were heard and her husband found her body. Based on the fact that the VRS 2nd Romanija Brigade had surrounded the village and proceeded to kill 40-45 men there, the Trial Chamber finds that Devla Karić was also killed by a member of this unit. The Trial Chamber will further consider these incidents in relation to Counts 3-6 of the Indictment in chapter 8 below.

4.13.2 Unlawful detention and cruel or inhumane treatment in detention facilities

1743. Scheduled Incidents C.18.1 and C.18.2 are not part of the Indictment, as a result of the decision pursuant to Rule 73*bis* (D) of 2 December 2011. The Prosecution has not presented evidence with regard to any detention centres in Sokolac Municipality. The Trial Chamber therefore finds that the charges in relation to detention in this municipality have not been proven.

4.13.3 Destruction of private and public property, including cultural monuments and sacred sites

1744. According to the Indictment, the Accused is responsible for wanton acts of destruction of private property, including homes and business premises, and public property, including cultural monuments and sacred sites, listed in Scheduled Incident D.14, in Sokolac Municipality, between 12 May 1992 and 30 November 1995..[7313] In particular, the Indictment sets out that the Kruševci, Knežina, Kaljina, Novoseoci, and

[7311] Adjudicated Facts I, no. 1238.
[7312] P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), pp. 15428-15429.
[7313] Indictment, paras 47, 52, 59(j), Schedule D.14.

Koštica mosques were destroyed between at least August and September 1992.[7314] The Trial Chamber took judicial notice of Adjudicated Fact number 1239 in relation to this charge. It further received evidence from **Milan Tupajić**, President of the Sokolac Municipal Assembly in 1991 and President of the Sokolac Crisis Staff from April 1992 until 1996;[7315] and **András Riedlmayer**, bibliographer and art documentation specialist,[7316] and finds that this evidence is consistent with the Adjudicated Fact.[7317]

1745. In the period from the end of July to the end of September 1992, the VRS 2nd Romanija Brigade attacked and destroyed several Muslim villages in Sokolac Municipality, including Pihlice, Kaljina, Šahbegovići, Mangurići, and Meljine.[7318] **Milan Tupajić** added that clashes occurred between the brigade and locals in the village of Donje Babine and that the villages of Šaševci, Pridvorica, Grabenice, Išerić Brdo, and Ivazovići were burned and destroyed.[7319] Attacks began with artillery fire, followed by infantry incursions and lastly, the villages were burnt.[7320] **Tupajić** specified that after the villages were hit by artillery fire, the inhabitants withdrew and the infantry therefore met little resistance.[7321] The witness also specified that engineers from the brigade blew up the Novoseoci mosque.[7322] All five mosques in Sokolac Municipality, namely in Knežina, Kruševci, Kaljina, Novoseoci, and Košutica, were blown up or destroyed during these attacks.[7323] According to **András Riedlmayer**, the buildings adjacent to the Knežina mosque remained in good condition.[7324]

1746. Based on the foregoing, the Trial Chamber finds that from the end of July to the end of September 1992, engineers of the VRS's 2nd Motorised Romanija Brigade attacked and destroyed several Muslim villages in Sokolac Municipality, including

[7314] Indictment, Schedule D.14.
[7315] P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), pp. 15321, 15469, 15471.
[7316] P2503 (Expert report of András Riedlmayer, December 2012), para. 75; András Riedlmayer, T. 17888; P2504 (*Curriculum vitae* of András Riedlmayer), p. 1.
[7317] **Milan Tupajić**: P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), pp. 15403-15409, 15413, 15427-15431. **András Riedlmayer**: P2503 (Expert report of András Riedlmayer, December 2012), paras 47-48; P2510 (Formatted entries to expert report of András Riedlmayer), pp. 123-128, 130-135; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 32;
P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[7318] Adjudicated Facts I, no. 1239.
[7319] P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), pp. 15403-15404, 15409.
[7320] Adjudicated Facts I, no. 1239.
[7321] P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), pp. 15409, 15413-15414, 15417.
[7322] P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), p. 15431.
[7323] Adjudicated Facts I, no. 1239.
[7324] P2510 (Formatted entries to expert report of András Riedlmayer), p. 125; P2511 (Survey database for expert report of András Riedlmayer).

Pihlice, Kaljina, Šahbegovići, Mangurići, and Meljine, as well as the villages of Šaševci, Pridvorica, Grabenice, Išerić Brdo, and Ivazovići. Attacks began with artillery fire after which the inhabitants withdrew and the infantry arrived, encountering little resistance. The villages were then burnt. During these attacks, the members of the brigade also destroyed the Knežina, Kruševci, Kaljina, Novoseoci, and Košutica mosques.[7325] The Trial Chamber will further consider these incidents in relation to Count 3 of the Indictment in chapter 8 below.

4.13.4 Appropriation or plunder of property

1747. The Trial Chamber finds that the Prosecution has presented insufficient evidence to prove this charge.

4.13.5 Forced labour and human shields

1748. The Trial Chamber finds that the Prosecution has presented insufficient evidence to prove this charge.

4.13.6 Imposition and maintenance of restrictive and discriminatory measures

1749. According to the Indictment, the Accused is responsible for imposition and maintenance of restrictive and discriminatory measures on Bosnian Muslims and/or Bosnian Croats in Sokolac Municipality between 12 May 1992 and 30 November 1995.[7326] The Trial Chamber received evidence from **Milan Tupajić**, President of the Sokolac Municipal Assembly from 1991 and President of the Sokolac Crisis Staff from April 1992 until 1996,[7327] and documentary evidence in relation to this charge.

1750. According to the minutes of a meeting of the Sokolac Crisis Staff on 15 May 1992, Dragan Podinić informed the Sokolac Crisis Staff that the SDS Sokolac Municipal Board had formed a personnel commission to nominate candidates for 'certain managerial positions in the economy and elsewhere', and that the Municipal

[7325] The Trial Chamber understands that Košutica and Koštica refer to the same mosque.
[7326] Indictment, paras 47, 59(k).
[7327] P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), pp. 15321, 15469, 15471; P3182 (Letter of resignation by Milan Tupajić, 9 October 1992).

Board had decided that ethnic Muslim workers 'may work and receive tasks'.[7328] It was noted at the meeting that the crisis staff of the Romanija wood processing company had decided that Muslim workers should not come to work but that the company 'should have better co-ordination with the authorities' and was obliged to implement the decisions of the Sokolac Crisis Staff, rather than acting alone.[7329] **Milan Tupajić** stated that there were groups of 'Serb workers' that were harassing Muslim workers, trying to prevent them from coming to work, but that the Sokolac Crisis Staff tried to eliminate such incidents.[7330]

1751. Based on the foregoing, the Trial Chamber finds that the crisis staff of the Romanija wood processing company in Sokolac Municipality decided that Muslim workers should not come to work. However, the Trial Chamber does not consider that the evidence establishes that Muslim workers were actually dismissed from their employment, especially considering that the Sokolac Crisis Staff took steps to counter the company crisis staff's decision. Therefore, the Trial Chamber will not further consider this incident in relation to any count of the Indictment.

4.13.7 Forcible transfer and deportation

1752. According to the Indictment, the Accused is responsible for forcible transfer and deportation of Bosnian Muslims and Bosnian Croats from Sokolac Municipality between 12 May 1992 and 30 November 1995.[7331] The forcible transfers and deportations were implemented through the imposition of restrictive and discriminatory measures, arbitrary arrest and detention, harassment, torture, rape and other acts of sexual violence, killing, the destruction of houses and cultural monuments and sacred sites, and the threat of further such acts – all aimed at Bosnian Muslims and Bosnian Croats. Others were physically driven out.[7332] The Defence submitted that forcible transfer of Bosnian Muslims and Bosnian Croats was not evidenced in Sokolac as the Bosnian Muslims and Bosnian Croats themselves requested to be 'deported' and that, therefore, they were transferred voluntarily.[7333] The Trial Chamber took judicial notice

[7328] P3175 (Minutes of the Sokolac Crisis Staff session, 15 May 1992), p. 1.
[7329] P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), p. 15384; P3175 (Minutes of the Sokolac Crisis Staff session, 15 May 1992), pp. 2-3.
[7330] P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), pp. 15383-15384.
[7331] Indictment, paras 47, 59(f), 67-68, 70.
[7332] Indictment, para. 70.
[7333] Defence Final Brief, paras 1486-1487.

of a number of Adjudicated Facts with regard to this incident. Further, it received evidence from **Safet Gagula**, a Bosnian Muslim from Knežina, Sokolac Municipality (also reviewed in chapter 4.2.2 *Schedule C.2.1* and 4.4.2 *Schedule C.8.1*);[7334] **Milan Tupajić**, President of the Sokolac Municipal Assembly from 1991 and President of the Sokolac Crisis Staff from April 1992 until 1996;[7335] and **Munira Selmanović**, a Bosnian Muslim from Novoseoci, a Muslim village in Sokolac Municipality;[7336] as well as documentary evidence in relation to alleged forcible transfer and deportation from Sokolac Municipality and finds that this evidence is consistent with the Adjudicated Facts.[7337]

1753. **Safet Gagula** stated that Sokolac Municipality was predominantly Serb and the village of Knežina was a predominantly Muslim settlement of around 2,000 people.[7338] In March 1992, barricades were set up in Sokolac and some local Serbs began appearing in JNA and camouflage uniforms carrying automatic weapons.[7339] During April 1992, several paramilitary units including Arkan's men, the White Eagles, and some local groups, based themselves in Sokolac town and its surrounding villages.[7340] The threat of violence felt by the Muslim population in the town of Sokolac and the village of Knežina, and the lack of protection from the municipal authorities, forced them to leave their homes from May 1992 onwards.[7341] **Gagula** confirmed that many Muslims left Knežina in the second half of May 1992 which became more pronounced at the end of June 1992.[7342] Most Muslims from the town of Sokolac left for Olovo by the end of May 1992 while most Muslims from the surrounding villages stayed.[7343] At the end of May or early June 1992, a meeting was held between Muslims and Serbs at the

[7334] P2525 (Safet Gagula, witness statements), witness statement of 12 June 2001, pp. 1-2, Bosnia-Herzegovina statement of 20 August 1993, p. 1.
[7335] P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), pp. 15321, 15469, 15471; P3182 (Letter of resignation by Milan Tupajić, 9 October 1992).
[7336] P717 (Munira Selmanović, witness statement, 23 January 2009), p. 1, paras 1-2.
[7337] **Safet Gagula**: P2525 (Safet Gagula, witness statements), witness statement of 12 June 2001, p. 4. **Milan Tupajić**: P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), pp. 15374, 15376, 15399-15400, 15427-15430, 15435-15439. **Munira Selmanović**: P717 (Munira Selmanović, witness statement, 23 January 2009), paras 1, 9-10, 12-16, 18-21; Munira Selmanović, T. 6715, 6719, 6723-6727, 6821-6826, 6828; P726 (List of people killed in Novoseoci on 22 September 1992 prepared by Munira Selmanović, 16 November 2012), pp. 1-2. **Documentary evidence**: P3178 (Minutes of the Sokolac Crisis Staff meeting, 22 June 1992).
[7338] P2525 (Safet Gagula, witness statements), witness statement of 12 June 2001, pp. 2-3.
[7339] Adjudicated Facts I, no. 1234.
[7340] Adjudicated Facts I, no. 1236.
[7341] Adjudicated Facts I, no. 1240.
[7342] P2525 (Safet Gagula, witness statements), witness statement of 12 June 2001, p. 5, Bosnia-Herzegovina statement of 20 August 1993, p. 1.

elementary school in Knežina, called by the local community office and military command of Sokolac, in which the Serb representatives stated that they would protect the Muslim population of Knežina from the paramilitaries stationed there.[7344] The witness did not believe that they would be protected but thought that the Serb representatives wanted Muslims to stay to perform agricultural work.[7345] On one occasion, the witness met the President of the municipality, Milan Tupajić, and when he mentioned that Muslims were scared and leaving the municipality, Tupajić said 'Let leave to wherever they want to. If you ever try anything against us, we will destroy you.'[7346] **Milan Tupajić** stated that in 1992, all Muslim villagers left the village of Knežina, except for two elderly infirm women, who were later taken to the village of Burate, situated between the municipalities of Sokolac and Rogatica, where Muslims were still present.[7347] He also stated that, as President of the Sokolac Crisis Staff and despite formal executive authority, he had little influence or control over the security of Muslim civilians. They could have been endangered as a result of actions of the Sokolac municipal police prior to 21 May 1992 and of the 2nd Motorised Romanija Brigade and state security of the VRS as of this date.[7348] Muslim civilians could also have been endangered by some 4,000 Serb refugees who had arrived in Sokolac in mid-May 1992 who were harassing Muslims.[7349] On 5 August 1992, Radislav Krstić, Commander of the 2nd Romanija Motorised Brigade, instructed the 4th Motorised Battalion Command to take charge of and escort a bus carrying 'Muslim people' and 'deport' them from Parževići in Sokolac Municipality to Sarajevo.[7350] According to Krstić, the people were being 'deported' at the explicit request of the Muslims.[7351] **Gagula** stated that, following detention in various places (for further details, *see* chapters 4.2.2 *Schedule C.2.1* and 4.4.2 *Schedule C.8.1*), he was exchanged on 20 August 1993 at Sarajevo airport.[7352]

1754. Based on the foregoing, the Trial Chamber finds that in March 1992, barricades and local armed Serbs in JNA and camouflage uniforms appeared in Sokolac, and

[7343] P2525 (Safet Gagula, witness statements), witness statement of 12 June 2001, p. 5, Bosnia-Herzegovina statement of 20 August 1993, p. 1.
[7344] P2525 (Safet Gagula, witness statements), witness statement of 12 June 2001, p. 5.
[7345] P2525 (Safet Gagula, witness statements), witness statement of 12 June 2001, p. 5.
[7346] P2525 (Safet Gagula, witness statements), witness statement of 12 June 2001, p. 5.
[7347] P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), pp. 15417-15418.
[7348] P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), pp. 15375-15382.
[7349] P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), pp. 15383-15384, 15387-15388.
[7350] P6639 (2nd Romanija Brigade order to 4th Motorised Battalion Command, 5 August 1992), p. 1.
[7351] P6639 (2nd Romanija Brigade order to 4th Motorised Battalion Command, 5 August 1992), p. 1.

during April 1992, several paramilitary units based themselves in Sokolac town and its surrounding villages. From mid-May 1992, many Muslims were leaving Sokolac town and by the end of May 1992, most had left for Olovo. Specifically in relation to Knežina, in late May or early June 1992, Serb representatives stated that they would protect the Muslim population from the paramilitaries stationed there. When Safet Gagula, a Bosnian Muslim, however, met Milan Tupajić and explained that Muslims were scared and leaving the municipality, Tupajić said, 'Let [them] leave to wherever they want to. If you ever try anything against us, we will destroy you.' He also claimed that he had no way of protecting Muslim civilians. The Muslim villagers of Knežina began to leave in May and June 1992, and all Muslims left this village in 1992. Therefore, the Trial Chamber finds that the threat of violence perceived by the Muslim population in the town of Sokolac and the village of Knežina, and the lack of protection from the municipal authorities including the Crisis Staff and its President, Milan Tupajić, led them to leave their homes from 12 May 1992 onwards. Concerning the Defence's argument that Bosnian Muslims and Bosnian Croats themselves requested to be 'deported', the Trial Chamber considers that this is merely based on a 5 August 1992 2nd Romanija Brigade order and only concerns an incident in Parževići. This evidence does not affect the Trial Chamber's findings above.

1755. The Trial Chamber recalls its finding that on 22 September 1992, members of the VRS 2nd Romanija Brigade, including Momčilo Pajić, surrounded the Muslim village of Novoseoci, and further finds that the members put the women and children on buses and transported them to Sarajevo.

1756. With regard to Safet Gagula, a Bosnian Muslim from Knežina, the Trial Chamber finds that he was arrested in July 1992 and detained in various detention centres until 15 March 1993 when he was transferred to the Batković camp near Bijeljina and later, on 23 June 1993, to the Kula prison. He was finally exchanged on 20 August 1993 at Sarajevo airport.

1757. The Trial Chamber will consider these incidents further in relation to Counts 3 and 7-8 of the Indictment, in chapter 8 below.

[7352] P2525 (Safet Gagula, witness statements), Bosnia-Herzegovina statement of 20 August 1993, p. 3.

4.14 Vlasenica Municipality

4.14.1 Murder

Schedule A.9.1

1758. According to the Indictment, the Accused is responsible for the killing of at least 20 men in the village of Drum in Vlasenica Municipality on or about 2 June 1992.[7353] The Defence argued that the evidence does not clearly identify the perpetrator of this killing.[7354] The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this incident. It also received evidence from **Ibro Osmanović**, a Bosnian Muslim from Vlasenica;[7355] **Witness RM-004**, a Bosnian Muslim from Vlasenica Municipality;[7356] **Witness RM-066**, a Serb from Vlasenica;[7357] **Mane Đurić**, Head of the SJB Vlasenica as of 20 May 1992;[7358] and **Ewa Tabeau**, a demographer and statistician;[7359] as well as documentary evidence, and finds that the received evidence is consistent with the Adjudicated Facts.[7360]

[7353] Indictment, paras 39(a)(i), 47, 59(a)(i), 62(a), Schedule A.9.1.
[7354] Defence Final Brief, paras 1661, 1663.
[7355] P207 (Ibro Osmanović, witness statement, 10 October 1994), p. 1, para. 1; P208 (Ibro Osmanović, witness statement, 11 October 1995), p. 1; Ibro Osmanović, T. 2747; D49 (Statement by Ibro Osmanović to the Lukavac war crimes office, 4 August 1993), p. 1; D50 (Statement by Ibro Osmanović to the ABiH, 23 July 1993), p. 1.
[7356] P3391 (Witness RM-004, witness statement, 30 August 2011), p. 1, paras 1-2; P3392 (Witness RM-004, witness statement, 3 April 2013), p. 1.
[7357] P182 (Witness RM-066, witness statement, 7 April 2010), p. 1.
[7358] Mane Đurić, T. 27630.
[7359] Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).
[7360] **Ibro Osmanović**: P207 (Ibro Osmanović, witness statement, 10 October 1994), paras 26, 28; Ibro Osmanović, T. 2757-2758, 2789. **Witness RM-004**: P3391 (Witness RM-004, witness statement, 30 August 2011), paras 2, 8, 22-23; P3393 (Witness RM-004, *Karadžić* transcript, 1 September 2011), p. 18132. **Mane Đurić**: D732 (Mane Đurić, witness statement, 30 July 2014), para. 39; Mane Đurić, T. 27698-27701, 27703. **Witness RM-066**: P182 (Witness RM-066, witness statement, 7 April 2010), paras 35, 41-42, 48. **Ewa Tabeau**: P2793 (Ewa Tabeau, table of corrections to proof of death expert report and annex, 7 November 2013), pp. 4-5; P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 2-3, 10, 12, 21, 32-33; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 288-293. **Documentary evidence**: P4687 (Autopsy report for case number V.ORG-01/128B, 23 September 2005); P4688 (ICMP Notice of DNA Identifications for Ekrem Jahić, undated); P4689 (Identification report for Huso Aličević, 4 April 2008); P5945 (Identification report for Fahro Salihović, 6 April 2007); P5946 (Identification report for Selver Salihović, 28 March 2008); P5947 (Identification report for Amir Džamdžić, 13 July 2000); P5948 (Identification report for Hasan Džamdžić, 13 July 2000); P5949 (Identification report for Jasmin Mahmutović, 28 March 2008); P5950 (Identification report for Hadžo Smaljović, 25 March 2010); P5951 (Identification report for Nedžad Hodžić, 11 July 2000); P5952 (Death certificate for Nedžad Hodžić, 14 July 2000); P5953 (Identification report for Mujo Kuljančić, 13 July 2000); P5954 (Death certificate for Mujo Kuljančić, 14 July 2000); P5955 (Autopsy report for Mujo Kuljančić, 6 June 2000); P5956 (Death certificate for Hasan Džamdžić, 14 July 2000); P5958 (Death certificate for Amir Džamdžić, 14 July 2000); P5959 (Autopsy report for body marked Džam-4/2, 11 July 2000); P5960 (Court record of exhumation and autopsy reports, 6 June 2000); P5961 (Autopsy reports for case numbers V.0GR-01/169B, V.OGR-01/190B, V.OGR-01/253B, V.OGR-01/257B, V.OGR-01/154B, undated); P5962 (Identification report for Ekrem Jahić, 2 December 2005); P5963 (Identification report

1759. In May and June 1992, a 'MUP special unit' led by Mićo Kraljević conducted two operations, one in Sušica, and another in Gradina and other Muslim hamlets in the municipality, occasionally encountering armed resistance.[7361] **Witness RM-066** explained that Kraljević was directly subordinate to Radenko Stanić, the police station commander, who was in turn subordinate to Mane Đurić, the Chief of SJB Vlasenica since May 1992 and a member of the Crisis Staff.[7362] However, the witness did not know whether or to what extent Đurić was influenced in making decisions by the Crisis Staff.[7363] **Đurić** testified that the unit led by Kraljević was under the TO command and only in mid-June 1992, half of the unit was attached in a formal way to the SJB and the other half was put on leave.[7364]

1760. **Witness RM-066** testified that on 30 or 31 May 1992, Kraljević gave orders to his unit with regard to the takeover of Gradina.[7365] The orders were to search for weapons, detain men who surrendered for questioning, kill men trying to escape, and send women and children to Vlasenica town.[7366] The unit was also explicitly ordered to burn all the houses to prevent the owners from returning.[7367] **Witness RM-066** testified that Kraljević also told his unit that the territory had to be '100 per cent clean' without any Muslims remaining in the area.[7368] During a meeting later that day, Kraljević made it clear that there was no intention to take prisoners but instead to kill any Muslim men from the area who did not manage to escape.[7369] During the operation Kraljević's unit was supported by a VRS unit as well as the SJB.[7370] The operation also involved the TO and local Serbs from Piskavice.[7371]

1761. In Hrastovac, before reaching Gradina, police officers from SJB Vlasenica brought three Muslim prisoners from the Vlasenica prison so that the witness's unit could interrogate them about the locations of Muslim armed formations. The witness testified that the three prisoners were taken to a house in Barice where they were

for Meho Jahić, 6 April 2007); P5964 (Identification report for Fadil Salihović, 6 April 2007); P5965 (ICMP Notice of DNA Reports), Reports for Osmo Hodžić and Fadil Salihović, 5 August 2005, pp. 4-7.
[7361] Adjudicated Facts I, no. 1251.
[7362] P182 (Witness RM-066, witness statement, 7 April 2010), paras 15, 17.
[7363] P182 (Witness RM-066, witness statement, 7 April 2010), para. 17.
[7364] D732 (Mane Đurić, witness statement, 30 July 2014), paras 27, 29; Mane Đurić, T. 27626, 27651.
[7365] P182 (Witness RM-066, witness statement, 7 April 2010), paras 35, 41.
[7366] Adjudicated Facts I, no. 1251.
[7367] Adjudicated Facts I, no. 1251.
[7368] P182 (Witness RM-066, witness statement, 7 April 2010), para. 35.
[7369] P182 (Witness RM-066, witness statement, 7 April 2010), para. 36.
[7370] P182 (Witness RM-066, witness statement, 7 April 2010), paras 8, 37, 41.
[7371] P182 (Witness RM-066, witness statement, 7 April 2010), paras 8, 41.

interrogated and beaten for approximately 15 minutes before being executed by the police officers from SJB Vlasenica. The witness saw the execution from 20 to 30 metres away.[7372] The witness also saw three other Muslim men being killed by members of the special police platoon, following Kraljević's orders.[7373]

1762. During the operation, they met no organized or significant resistance and soon after entering Gradina they started to torch the houses.[7374] Many Muslim houses in Gradina and the surrounding villages, including Barice, were burnt down.[7375] Witness RM-066 personally set fire to five or six houses and his group burned almost 50 with the operational objective to destroy as much Muslim property as possible in order to prevent the Muslims from returning to their homes.[7376] In Piskavice, which was a mixed Serb and Muslim village, they only torched the Muslim houses and the Serbs continued to live in theirs.[7377] Almost all the Muslim houses in the area were destroyed.[7378] Mainly Muslim women and elderly were captured during the operation, as well as 20 unarmed Muslim men who were detained in the prison behind the courthouse.[7379] All together 500 Muslims were captured and taken to either Sušica camp or transported to the Vlasenica bus station of the football field before they were taken to Kladanj.[7380] In addition, many corpses were scattered around the villages in the Gradina area that day.[7381] The witness testified that as his unit continued to take over villages they 'basically killed everything that moved'.[7382]

1763. Early in the morning on 2 June 1992, Serb soldiers supported by an APC with a machine gun, attacked the predominantly Muslim hamlet of Drum near the town of Vlasenica.[7383] Kraljević's unit had been split into groups of 10-12 men and the group that went in the direction of Drum had the support of VRS members.[7384] **Witness RM-004** stated that after the soldiers had arrived in Drum, the arrival of the APC acted as a

[7372] P182 (Witness RM-066, witness statement, 7 April 2010), para. 44.
[7373] P182 (Witness RM-066, witness statement, 7 April 2010), para. 45.
[7374] P182 (Witness RM-066, witness statement, 7 April 2010), paras 37-38, 43.
[7375] P182 (Witness RM-066, witness statement, 7 April 2010), para. 38.
[7376] P182 (Witness RM-066, witness statement, 7 April 2010), paras 38, 47.
[7377] P182 (Witness RM-066, witness statement, 7 April 2010), para. 48.
[7378] Adjudicated Facts I, no. 1251.
[7379] P182 (Witness RM-066, witness statement, 7 April 2010), para. 39.
[7380] P182 (Witness RM-066, witness statement, 7 April 2010), para. 43.
[7381] P182 (Witness RM-066, witness statement, 7 April 2010), para. 45.
[7382] P182 (Witness RM-066, witness statement, 7 April 2010), para. 46.
[7383] Adjudicated Facts I, no. 1252.
[7384] P182 (Witness RM-066, witness statement, 7 April 2010), paras 41-42.

signal for things to start happening.[7385] The machine gunner in the APC opened fire.[7386] The soldiers moved from house to house firing automatic weapons, and breaking into homes.[7387] **Witness RM-004** stated that they dragged people out and killed some.[7388] More than 20 Muslim males were killed in a few minutes and only three of the male residents of Drum survived the attack.[7389] The Serb soldiers took the three male survivors and 20 Muslim women by bus to Sušica camp.[7390]

1764. While detained in a prison in Vlasenica Municipality, uniformed Serbs from the prison took **Ibro Osmanović** to Drum on or about 2 June 1992.[7391] There, he had to bury 22 male bodies, which he estimated to be between the ages of 20 and 60, and all had a single gunshot wound between the eyes except for one who was shot in the chest.[7392] The bodies, wearing civilian clothes, were placed next to each other in front of the local bar.[7393] It appeared to the witness from their dirty clothing, which was ripped at the back, as if they had been dragged to the bar.[7394] The witness loaded the bodies onto a tractor and drove to the Rakite cemetery behind the Boksit stadium in Vlasenica.[7395] At the cemetery, the guards Zoran Obrenović, Zoran Stupar, Dragan Pečenica, and 'Simo' were present. The guards asked the witness to search the bodies and to take all valuables and documents before placing them in a hole that had already been dug. They poured lime on the bodies, put some soil on top and then used a large motorized vehicle for digging to cover the bodies.[7396] According to **Ewa Tabeau** and forensic evidence, the remains of 13 bodies, associated with this incident, were exhumed from two sites in Vlasenica Municipality and subsequently identified.[7397] Five

[7385] P3391 (Witness RM-004, witness statement, 30 August 2011), para. 9.
[7386] P3391 (Witness RM-004, witness statement, 30 August 2011), para. 9.
[7387] Adjudicated Facts I, no. 1252.
[7388] P3391 (Witness RM-004, witness statement, 30 August 2011), paras 10-13, 15.
[7389] Adjudicated Facts I, no. 1252.
[7390] Adjudicated Facts I, no. 1253.
[7391] P207 (Ibro Osmanović, witness statement, 10 October 1994), paras 26, 28; Ibro Osmanović, T. 2757, 2789.
[7392] P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 28; Ibro Osmanović, T. 2757-2758.
[7393] P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 28; Ibro Osmanović, T. 2757-2758.
[7394] P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 28; Ibro Osmanović, T. 2773.
[7395] P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 28; Ibro Osmanović, T. 2758, 2789.
[7396] P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 28.
[7397] The following people were identified at the Ogradice mass grave: Huso Aličević (1944), Osmo Hodžić (1966), Ekrem Jahić (1959), Meho Jahić (1927), Jasmin Mahmutović (1974), Fadil Salihović (1938), Fahro Salihović (1968), Selver Salihović (1973) and Hadžo Smaljović (1937). The following person was identified at the grave identified by Tabeau as Džamdžići: Mujo Kuljančić (1927). The

victims were found in civilian clothing.[7398] Three victims were older than 60 in 1992.[7399]

1765. Based on the foregoing, the Trial Chamber finds that on 2 June 1992, a unit under the command of Mićo Kraljević, the TO, the SJB Milići, as well as local Serbs from Piskavice participated in an operation covering a large area, including the Bosnian-Muslim village of Drum.[7400] The Trial Chamber recalls its finding in chapter 4.14.7 and the evidence of Witness RM-066 above that on 2 June 1992 Kraljević's unit was operationally under the command of SJB Vlasenica and working from the SJB Vlasencia building from at least mid-May 1992. Based on the evidence of Mane Đurić, Mićo Kraljević's unit was under TO command until later in June when it was formally attached to the SJB.

1766. Kraljević ordered his unit to clean the territory from Muslims and to kill fleeing persons. Kraljević also told his unit in respect of an operation in the Gradina area that the territory had to be '100 per cent clean' without any Muslims remaining in the area**.** In a meeting Kraljević made it clear that there was no intention to take prisoners but instead to kill any Bosnian-Muslim men from the area who did not manage to escape. Kraljević's unit was split into different groups and the one heading for Drum was supported by VRS members. In Drum, members of Kraljević's unit or the VRS members fired automatic weapons and dragged people out of their houses. They killed at least 20 Bosnian-Muslim males, almost all with a single gunshot to the head. All victims wore civilian clothes. The Trial Chamber will further consider this incident in relation to Counts 1 and 3-6 of the Indictment in chapter 8 below.

following person was identified at the Džamdžići I grave: Nedžad Hodžić (1961). The following persons were identified at the Džamdžići IV grave: Amir Džamdžić (1956) and Hasan Džamdžić (1931).

[7398] P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 289-293; P4687 (Autopsy report for case number V.OGR-01/128B, 23 September 2005); P5947 (Identification report for Amir Džamdžić, 13 July 2000); P5948 (Identification report for Hasan Džamdžić, 13 July 2000); P5955 (Autopsy report for Mujo Kuljančić, 6 June 2000), p. 2; P5957 (Autopsy report for body marked Džam-4/1, 11 July 2000), p. 2; P5959 (Autopsy report for body marked Džam-4/2, 11 July 2000), p. 2; P5963 (Identification report for Meho Jahić, 6 April 2007); P5964 (Identification report for Fadil Salihović, 6 April 2007); P5965 (ICMP Notice of DNA Reports), Report for Fadil Salihović, 5 August 2005, pp. 4-5, 7.

[7399] P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 288-293.

[7400] The Trial Chamber notes that in the Defence Final Brief, the Defence refers to Mane Đurić who could not confirm whether 'this was an action by the army or some paramilitary unit'. With regard to perpetrators, the Trial Chamber has relied on other evidence, in particular Witness RM-066.

Schedule B.16.1

1767. According to the Indictment, the Accused is responsible for the killing of approximately nine men from Sušica camp between June and August 1992.[7401] The Defence argued that the police rather the VRS had control over the camp and that therefore, the killings alleged cannot be attributed to the Accused.[7402] The Defence further argued that the killings were motivated by personal reasons and that two of the alleged victims died as a result of heart attacks rather than beatings.[7403] The Trial Chamber took judicial notice of two Adjudicated Facts with regard to this incident. It further received evidence from **Witness RM-066**, a Serb from Vlasenica;[7404] **Witness RM-030**, **Witness RM-004**, and **Ibro Osmanović**, all Bosnian Muslims from Vlasenica;[7405] **Witness RM-088**, a Bosnian Muslim from Šekovići Municipality;[7406] **Ewa Tabeau**, a demographer and statistician;[7407] and **John Clark**, a forensic pathologist who worked for the Prosecution as the Chief Pathologist for Bosnia-Herzegovina Exhumations from 1999-2001;[7408] as well as documentary evidence, and finds that the evidence does not rebut the Adjudicated Facts.[7409]

[7401] Indictment, paras 39, 47, 59, 62, Schedule B.16.1.
[7402] Defence Final Brief, paras 1669-1674.
[7403] Defence Final Brief, paras 1669-1674.
[7404] P182 (Witness RM-066, witness statement, 7 April 2010), p. 1.
[7405] P207 (Ibro Osmanović, witness statement, 10 October 1994), p. 1, para. 1; P208 (Ibro Osmanović, witness statement, 11 October 1995), p. 1; Ibro Osmanović, T. 2747; D49 (Statement by Ibro Osmanović to the Lukavac war crimes office, 4 August 1993), p. 1; D50 (Statement by Ibro Osmanović to the ABiH, 23 July 1993), p. 1; P1610 (Witness RM-030, witness statement, 29 September 1994), p. 1; P1612 (Witness RM-030, MUP statement, 25 November 1993), p. 1; P3391 (Witness RM-004, witness statement, 30 August 2011), p. 1, paras 1-2; P3392 (Witness RM-004, witness statement, 3 April 2013), p. 1.
[7406] P524 (Witness RM-088, witness statement, 17 October 1994), p. 1, para. 1.
[7407] Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).
[7408] P2258 (John Clark, *Karadzić* transcript, 10 January 2012), p. 2; P2264 (John Clark, report on Vlasenica grave-site, 30 September 2002), p. 5; P2265 (John Clark, report on Jama Lisac grave-site, 21 September 2000), p. 4.
[7409] **Witness RM-066**: P182 (Witness RM-066, witness statement, 7 April 2010), paras 108, 114-115, 117-118; Witness RM-066, T. 2516, 2530; P187 (Legal documentation), 14-16. **Witness RM-030**: P1610 (Witness RM-030, witness statement, 29 September 1994), pp. 2-5; P1611 (Witness RM-030, witness statement, 7 October 1997), pp. 2-3. **Witness RM-004**: P3391 (Witness RM-004, witness statement, 30 August 2011), paras 7, 17, 24, 29, 35. **Ibro Osmanović**: P207 (Ibro Osmanović, witness statement, 10 October 1994), paras 34, 37- 38; Ibro Osmanović, T. 2758-2761, 2789, 2805, 2813; P210 (Report by Veljko Bašić concerning the deaths of Durmo Handžić and Asim Zildžić at Sušica camp, 22 June 1992); D49 (Statement by Ibro Osmanović to the Lukavac war crimes office, 4 August 1993), pp. 2-3; D50 (Statement by Ibro Osmanović to the ABiH, 23 July 1993), p. 2. **Witness RM-088**: P524 (Witness RM-088, witness statement, 17 October 1994), paras 37-39; P525 (Witness RM-088, Clarification chart relating to ICTY witness statement). **Ewa Tabeau, John Clark, and documentary evidence**: P2264 (John Clark, report on Vlasenica grave-site, 30 September 2002), pp. 1-5; P2335 (Autopsy report for Ismet Zekić, 6 October 2000), pp. 1-3; P2336 (Autopsy report for Dževad Šarić, 6 October 2000), pp. 1-3; P2337 (Autopsy report for Muharem Kolarević, 6 October 2000), pp. 1-3; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 594-597; P4840 (Identification report pertaining to the

1768. Nine detainees in Sušica camp were killed by camp guards or died from mistreatment.[7410] Specifically, **Witness RM-066**, **Witness RM-088**, and **Ibro Osmanović** testified that one evening on or about 22 June 1992, Dragan Nikolić and other camp guards subjected Durmo Handžić and Asim Zildžić to severe physical abuse for over 45 minutes, which resulted in the death of both detainees shortly thereafter.[7411] **Witness RM-030** specified that he saw both Dragan Nikolić and Goran Tešić, a.k.a. Goce, take the two detainees out and brutally beat them.[7412] On the night of 23-24 June 1992, Tešić took out Muharem Kolarević and Dževad Šarić.[7413] The witness heard screams over the next 30 minutes, followed by a gunshot after another 15 minutes.[7414] The witness later found the bodies of Kolarević and Šarić with gunshot wounds to the chest, and the latter also had wounds in the stomach and back.[7415] Tešić then ordered a detainee to bring Ibrahim Zekić, a.k.a. Musa, outside, where Tešić shot him dead after interrogating him and accusing him of killing a Serb.[7416] **Witness RM-066** and **Witness RM-030** testified that on the same night, Nikolić, Tešić, and some local policemen entered the hangar, picked out Rašid Ferhatbegović, took him outside, and shot him.[7417] **Witness RM-066** testified that during the first and second week of July 1992, Dragan Nikolić severely beat Ismet Dedić, Mevludin Hatunić, and Galib Musić, a 59-year-old

remains of Galib Musić, 10 April 2012); P4841 (Identification report pertaining to the remains of Mevludin Hatunić, 20 March 2012); P4842 (Court record of exhumation pertaining to Durmo Handžić, 15 March 2002), p. 2; P4843 (Bosnia-Herzegovina State Commission for the Search of Missing Persons, regarding 4 exhumed bodies from Vlasenica (Sušica), 21 November 2001); P4844 (Record of identification for Asim Zildžić, 3 March 2001); P4888 (Missing Persons List for Vlasenica in 1992), pp. 4, 9, 13, 16, 19, 21; P6456 (Death certificate for Ismet Dedić, 18 February 2011); P6457 (Autopsy report for Durmo Handžić, 18 March 2002), pp. 2-3; P6458 (Death certificate for Durmo Handžić, 20 March 2002), pp. 1, 3; P6459 (Court record of post-mortem examination for Asim Zildžić, 8 February 2001), pp. 1, 3; P6460 (Death certificate for Asim Zildžić, 8 March 2001), pp. 1, 3.

[7410] Adjudicated Facts I, no. 1265.

[7411] **Witness RM-066**: P182 (Witness RM-066, witness statement, 7 April 2010), para. 114; P187 (Legal documentation), p. 14. **Witness RM-088**: P524 (Witness RM-088, witness statement, 17 October 1994), paras 37-38. **Ibro Osmanović**: P207 (Ibro Osmanović, witness statement, 10 October 1994), paras 34, 37-38; Ibro Osmanović, T. 2759-2761, 2805, 2813; D49 (Statement by Ibro Osmanović to the Lukavac war crimes office, 4 August 1993), pp. 2-3; D50 (Statement by Ibro Osmanović to the ABiH, 23 July 1993), p. 2

[7412] P1610 (Witness RM-030, witness statement, 29 September 1994), pp. 2-3.

[7413] P1610 (Witness RM-030, witness statement, 29 September 1994), p. 4; P1611 (Witness RM-030, witness statement, 7 October 1997), p. 2.

[7414] P1611 (Witness RM-030, witness statement, 7 October 1997), p. 2.

[7415] P1610 (Witness RM-030, witness statement, 29 September 1994), p. 4.

[7416] P1610 (Witness RM-030, witness statement, 29 September 1994), p. 5; P1611 (Witness RM-030, witness statement, 7 October 1997), p. 2.

[7417] **Witness RM-066**: P182 (Witness RM-066, witness statement, 7 April 2010), para. 114; P187 (Legal documentation), p. 15. **Witness RM-030**: P1610 (Witness RM-030, witness statement, 29 September 1994), pp. 4-5; P1611 (Witness RM-030, witness statement, 7 October 1997), pp. 2-3.

detainee, as a result of which they all died.[7418] All these deaths were reported to warden Bašić with no consequences.[7419] **Witness RM-066** testified that Dragan Nikolić and Goran Tešić were members of the Bosnian-Serb MUP and of Mićo Kraljević's unit.[7420] Dragan Nikolić was a member of this unit from 15-20 May 1992.[7421] Nikolić and Tešić were the only representatives of the Bosnian-Serb MUP permanently stationed at the camp and both were at Sušica camp under orders from Kraljević from 15-18 June to September 1992 when Sušica camp was closed.[7422]

1769. **Ibro Osmanović** testified that all detainees who had been killed or mistreated in the Sušica camp were of Muslim ethnicity.[7423] According to **Ewa Tabeau**, **John Clark**, and forensic evidence, five of the victims associated with this incident wore civilian clothing when they were exhumed from Sušica and Rakita Groblje, both in Vlasenica Municipality.[7424] The victims were between 29 and 59 years old in 1992.[7425]

1770. Based on the foregoing, the Trial Chamber finds that in June and July 1992, Dragan Nikolić and Goran Tešić, both members of the Bosnian-Serb MUP and Kraljević's unit, killed eight Muslim detainees in the Sušica camp, either through shooting or severe mistreatment. Nikolić and Tešić were permanently stationed at the camp under orders from Kraljević from 15-18 June to September 1992 when Sušica camp was closed. The Trial Chamber recalls its finding in chapter 4.14.2 *Schedule C.19.3* that Dragan Nikolić was directly accountable to Kraljević and was subordinate to him. One of the victims was shot dead after Tešić accused him of killing a Serb. On the night of 23-24 June 1992, Nikolić, Tešić, or some local policemen killed a ninth Muslim civilian detainee at the camp. The detainees were between 29 and 59 years old and five of them wore civilian clothing when exhumed. With regard to the status of the victims, the Trial Chamber has also considered its finding in chapter 4.14.2 *Schedule C.19.3*

[7418] P182 (Witness RM-066, witness statement, 7 April 2010), paras 114, 117-118; P187 (Legal documentation), pp. 15-16. *See also* P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), p. 595.
[7419] Adjudicated Facts I, no. 1265.
[7420] P182 (Witness RM-066, witness statement, 7 April 2010), paras 8, 10, 71, 76, 77.
[7421] P182 (Witness RM-066, witness statement, 7 April 2010), paras 8, 10.
[7422] P182 (Witness RM-066, witness statement, 7 April 2010), paras 8, 10, 71-73, 76, 77.
[7423] Ibro Osmanović, T. 2762.
[7424] P2264 (John Clark, report on Vlasenica grave-site, 30 September 2002), pp. 1-5; P2335 (Autopsy report for Ismet Zekić, 6 October 2000), pp. 1-3; P2336 (Autopsy report for Dževad Šarić, 6 October 2000), pp. 1-3; P2337 (Autopsy report for Muharem Kolarević, 6 October 2000), pp. 1-3; P4842 (Court record of exhumation pertaining to Durmo Handžić, 15 March 2002), p. 2; P6457 (Autopsy report for Durmo Handžić, 18 March 2002), p. 3; P6459 (Court record of post-mortem examination for Asim Zildžić, 8 February 2001), pp. 1, 3.
[7425] P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 594-597.

concerning the detainees at Sušica camp. The Trial Chamber recalls its finding in chapter 4.14.2 *Schedule C.19.3* with respect to the conditions in which the detainees were kept. The Trial Chamber will further consider this incident in relation to Counts 1 and 3-6 of the Indictment in chapter 8 below.

Schedule B.16.2

1771. According to the Indictment, the Accused is responsible for the killing of up to 140 detainees in Sušica camp on or about 30 September 1992.[7426] The Defence argued that the killings cannot be attributed to the Accused because the camp was not under the control of the VRS and the VRS had no knowledge of the killings.[7427] The Trial Chamber understands Scheduled Incident B.16.2 as referring to the alleged killing of up to 140 persons in relation to their detention in Sušica camp, and thus not limited to killings inside the camp. The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to this incident. It also received evidence from **Witness RM-066**, a Serb from Vlasenica,[7428] and **Ewa Tabeau**, a demographer and statistician,[7429] as well as documentary evidence and finds that the evidence does not rebut the Adjudicated Facts.[7430]

[7426] Indictment, paras 39(a)ii, 47, 59(a)ii, 62, Schedule B.16.2.
[7427] Defence Final Brief, para. 1670.
[7428] P182 (Witness RM-066, witness statement, 7 April 2010), p. 1.
[7429] Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).
[7430] **Witness RM-066**: P182 (Witness RM-066, witness statement, 7 April 2010), paras 120, 128-130, 134-137; Witness RM-066, T. 2430-2431, 2455-2456, 2495, 2528-2529; P197 (List of missing civilians in Vlasenica Municipality). **Ewa Tabeau and forensic documentary evidence**: P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 598-615; P4845 (Certificate of a missing person for Nedžmin Aganović, 23 May 2013); P4846 (Certificate of a missing person for Amir Alihodžić, 23 May 2013); P4847 (Certificate of a missing person for Jakub Alihodžić, 23 May 2013); P4848 (Certificate of a missing person for Salko Arifhodžić, 23 May 2013); P4849 (Certificate of a missing person for Naser Atalov, 23 May 2013); P4850 (Record of DNA identification for Osmo Efendić, 7 November 2008); P4851 (Certificate of a missing person Osmo Efendić, 30 May 2013); P4852 (Record of identification for Salko Efendić, 25 March 2009); P4853 (Record of identification for Ragib Fehratbegović, 17 April 2008); P4854 (Certificate of a missing person for Bernes Hadžić, 23 May 2013); P4855 (Record of identification for Enes Hadžić, 1 April 2009); P4856 (Certificate of a missing person for Namko Hadžić, 23 May 2013); P4857 (Record of identification for Armin Hasanbegović, 16 February 2007); P4858 (Record of identification for Mevludin Hasanbegović, 22 March 2007); P4859 (Record of DNA identification for Mevludin Hodžić, 25 October 2011); P4860 (Certificate of a missing person for Mevludin Hodžić, 30 May 2013); P4861 (Record of identification for Sead Mehanović, 16 April 2010); P4862 (Certificate of a missing person for Seid Mehanović, 23 May 2013); P4863 (Record of identification for Sejfo Mehanović, 17 April 2008); P4864 (Certificate for a missing person for Hasan Parić, 23 May 2013); P4865 (Record of Identification for Edhem Šahbegović, 10 April 2008); P4866 (Record of identification for Esad Šahinpašić, 12 April 2007); P4867 (Certificate of a missing person for Mersudin Šahinpašić, 23 May 2013); P4868 (Record of identification for Nedim Šahinpašić, 17 April 2013); P4869 (Record of identification for Senahid Šahinpašić, 17 April 2013); P4870 (Record of identification for Alija Smajlović, 6 April 2007); P4871 (Record of identification for Muhamed Telalović,

1772. On 30 September 1992, a public burial of more than 20 Serb soldiers killed in an ambush by the ABiH was held in Vlasenica town.[7431] After concerns about the safety of the detainees of Sušica camp had been raised with Mane Đurić and it had been recommended to him that they be transferred somewhere else until things calmed down, he promised to send vehicles to have the detainees transferred.[7432] During the night, three MUP officers arrived at the Sušica camp with a bus.[7433] According to **Witness RM-066**, the MUP officers were from SJB Vlasenica, and included a man nicknamed 'Chetnik', a man called Garić, and Pedrag Bastah, and they arrived with an order from Đurić that the detainees were to be removed as soon as possible.[7434] The MUP officers removed all 140-150 inmates in four loads and killed them.[7435] **Witness RM-066** testified that the last group of detainees was loaded onto a small bus owned by the Birać company and escorted by a police car carrying Bastah, Garić, and 'Chetnik'.[7436] A number of Serbs wearing military and police uniforms were on the bus.[7437] The last group consisted mostly of local Muslims from Vlasenica town.[7438] Soon after the police took away the last group, a group of soldiers arrived at the camp and demanded to know where the Muslims were.[7439] The massacre was reported to the Vlasenica crisis staff members, who took no action except to order the dismantling of the camp and the concealment of its traces.[7440] **Witness RM-066** testified that a member of Kraljević's unit was told to quickly remove all traces of the camp, destroy any documents, knock

11 November 2005); P4872 (Certificate of a missing person for Ibrahim Zlatić, 23 May 2013); P4883 (Autopsy report for Armin Hasanbegović, 4 October 2004); P4884 (Autopsy report for Mujo Smajlović, 24 September 2005); P4885 (Autopsy report for Ahmet Taljić, 29 September 2005); P4886 (Autopsy report for Bego Topčić, 18 June 2003); P4887 (Autopsy report for Mensur Tutić, 24 September 2005); P4888 (List of missing civilians in Vlasenica municipality in 1992), pp. 1-2, 5-10, 15, 17-18, 20-21; P5588 (ICMP notice of DNA reports), part one, pp. 170, 172, 414, 428, 452, 454, 475-476, 481, 485; P5961 (Collection of autopsy reports pertaining to bodies exhumed from the Ogradice mass grave), pp. 7, 17, 22; P6461 (Record of DNA identification for Šaban Durmanović, 9 April 2013); P6462 (Certificate of a missing person for Šaban Durmanović, 23 May 2013); P6463 (Record of identification for Jasmin Fehratbegović, 17 April 2012); P6464 (Certificate of a missing person for Jusuf Gruhonjić, 23 May 2013); P6465 (Autopsy report for Šemsudin Hasanbegović, 4 October 2005); P6466 (Certificate of a missing person for Mehmed Mlačo, 23 May 2013); P6467 (Autopsy report for Osman Saračevic, 4 October 2005).

[7431] Adjudicated Facts I, no. 1266.

[7432] P182 (Witness RM-066, witness statement, 7 April 2010), para. 126.

[7433] Adjudicated Facts I, no. 1267.

[7434] P182 (Witness RM-066, witness statement, 7 April 2010), para. 128; Witness RM-066, T. 2528-2529.

[7435] Adjudicated Facts I, no. 1267.

[7436] P182 (Witness RM-066, witness statement, 7 April 2010), para. 132.

[7437] P182 (Witness RM-066, witness statement, 7 April 2010), para. 132.

[7438] P182 (Witness RM-066, witness statement, 7 April 2010), paras 132, 134; P197 (List of missing civilians in Vlasenica Municipality).

[7439] P182 (Witness RM-066, witness statement, 7 April 2010), para. 133.

[7440] Adjudicated Facts I, no. 1268.

down the latrines and burn any items left by detainees, and to report to the Crisis Staff once the order was completed.[7441]

1773. Based on the foregoing, the Trial Chamber finds that on the evening of 30 September 1992, Serb MUP officers from the SJB Vlasenica arrived at Sušica camp and, on the order of Mane Đurić, removed 140-150 non-Serb detainees in four trips. Serbs wearing military uniforms were also present when the last group of detainees was removed by the MUP officers. The MUP officers killed all the detainees. Considering that Sušica camp comprised only Bosnian-Muslim detainees, the Trial Chamber finds that those killed were Bosnian Muslims. The Trial Chamber recalls its finding in chapter 4.14.2 *Schedule C.19.3* with respect to the conditions in which the detainees were kept at Sušica camp. The Chamber will further consider this incident in relation to Counts 1 and 3-6 of the Indictment in chapter 8 below.

4.14.2 Unlawful detention and cruel or inhumane treatment in detention facilities

Schedule C.19.3

1774. According to the Indictment, the Accused is responsible for unlawful detention, torture, beating, abuse, rape, other acts of sexual violence, and subjecting Bosnian Muslims and Bosnian Croats to inhumane living conditions in Sušica camp in Vlasenica Municipality at least between 12 May and about 30 September 1992[7442] The Defence argued that Sušica was initially a reception center hastily established under international law temporarily for the safety of Bosnian-Serbs and Bosnian-Muslims.[7443] The Trial Chamber took judicial notice of a number of Adjudicated Facts relating to this charge.[7444] It also received evidence from **Witness RM-066**, a Serb from Vlasenica;[7445] **Mujo Ramić**, a Muslim school teacher from Šeher, Osmaci Municipality;[7446] **Witness RM-030**, **Ibro Osmanović**, and **Witness RM-004**, Bosnian Muslims from Vlasenica

[7441] P182 (Witness RM-066, witness statement, 7 April 2010), paras 135-136; Witness RM-066, T. 2430-2431, 2456.
[7442] Indictment, paras 39(b)-(c), 47, 53, 59(b)-(d), 59(g), Schedule C.19.3.
[7443] Defence Final Brief, para. 1665.
[7444] Adjudicated Facts nos 1252 and 1253 have been reviewed in chapter 4.14.1 *Schedule C.9.1*. Adjudicated Facts nos 1266-1268 have been reviewed in chapter 4.14.1 *Schedule B.16.1*.
[7445] P182 (Witness RM-066, witness statement, 7 April 2010), p. 1. Part of Witness RM-066's evidence is reviewed in chapter 4.14.1 *Schedule B.16.2*.
[7446] P2528 (Mujo Ramić, witness statement, 23 February 2010), p. 1, para. 1.

Municipality;[7447] **Elvir Pašić**, a Bosnian Muslim from Rogatica;[7448] **Mirsad Kuralić**, a Bosnian Muslim member of the ABiH;[7449] **Witness RM-088**, a Bosnian Muslim from Šekovići Municipality;[7450] **Tahir Ferhatbegović**, a Bosnian Muslim from Papraća in Šekovići Municipality;[7451] as well as documentary evidence, and finds that this evidence is consistent with the Adjudicated Facts.[7452] The Trial Chamber further received evidence from **Mane Đurić**, Head of the SJB Vlasenica as of 20 May 1992;[7453] **Svetozar Andrić**, Commander of the VRS Birač Brigade in Šekovići from 19 May 1992 to 6 August 1995, then Chief of Staff of the DK until March 1996;[7454] **Momir Deurić**, member of the Vlasenica TO until the beginning of the war in 1992 and assigned to providing security for one of the TO facilities in Sušica from April to

[7447] P1610 (Witness RM-030, witness statement, 29 September 1994), p. 1; P1612 (Witness RM-030, MUP statement, 25 November 1993), p. 1; P207 (Ibro Osmanović, witness statement, 10 October 1994), p. 1, para. 1; P208 (Ibro Osmanović, witness statement, 11 October 1995), p. 1; Ibro Osmanović, T. 2747; D49 (Statement by Ibro Osmanović to the Lukavac war crimes office, 4 August 1993), p. 1; D50 (Statement by Ibro Osmanović to the ABiH, 23 July 1993), p. 1; P3391 (Witness RM-004, witness statement, 30 August 2011), p. 1, paras 1-2; P3392 (Witness RM-004, witness statement, 3 April 2013), p. 1. Part of Witness RM-030's evidence is reviewed in chapter 4.14.1 *Schedule B.16.1*. Part of Ibro Osmanović's evidence is also reviewed in chapter 4.14.1 *Schedule B.16.1*.

[7448] P434 (Elvir Pašić, witness statement, 21 October 1994), p. 1, para. 1.

[7449] P2521 (Mirsad Kuralić, witness statement, 28 June 1996), pp. 1-3; P2521 (Mirsad Kuralić, witness statement, 28 June 1996), pp. 1-3; P2524 (Medical record of Mirsad Kuralić, 21 June 1993), p. 6. Part of Mirsad Kuralić's evidence is reviewed in chapter 4.2.2 *Schedule C.2.1*.

[7450] P524 (Witness RM-088, witness statement, 17 October 1994), p. 1, para. 1.

[7451] P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, pp. 1-2.

[7452] **Witness RM-066**: P182 (Witness RM-066, witness statement, 7 April 2010), paras 10, 67, 69, 71-72, 74, 76-77, 80, 87-88, 90-91, 139; Witness RM-066, T. 2446, 2449, 2458-2459, 2470-2471, 2482, 2512, 2517; P183 (Colour aerial of Sušica camp); P189 (VRS Main Staff order from Mladić to IBK Command, 17 June 1992), p. 1; P190 (Order dated 31 May 1992 setting up a camp in Vlasenica); P194 (Report from Vlasenica SJB Chief on holding centre Sušica camp); P186 (Strictly Confidential document no. 26 to Command of IBK regarding 640 prisoners in Vlasenica); P192 (Strictly Confidential document no. 19 to Command of the IBK regarding 640 prisoners in Vlasenica), p. 1; P193 (VRS assessment report on security at Sušica Camp), pp. 1-10. **Mujo Ramić**: P2528 (Mujo Ramić, witness statement, 23 February 2010), paras 8, 11. **Witness RM-030**: P1610 (Witness RM-030, witness statement, 29 September 1994), p. 2; P1612 (Witness RM-030, MUP statement, 25 November 1993), p. 1. **Ibro Osmanović**: P207 (Ibro Osmanović, witness statement, 10 October 1994), paras 31-32, 37, 39, 40, 42, 44, 52; P208 (Ibro Osmanović, witness statement, 11 October 1995), p. 3; Ibro Osmanović, T. 2759, 2761-2766, 2774-2776, 2802, 2805-2806, 2813; P211 (Photograph of Sušica camp with markings by Ibro Osmanović); D49 (Statement by Ibro Osmanović to the Lukavac war crimes office, 4 August 1993), pp. 1-2; D50 (Statement by Ibro Osmanović to the ABiH, 23 July 1993), p. 2. **Witness RM-004**: P3391 (Witness RM-004, witness statement, 30 August 2011), paras 7, 17-21, 24-25, 27-28, 30, 33-35. **Elvir Pašić**: P434 (Elvir Pašić, witness statement, 21 October 1994), paras 32-33. **Mirsad Kuralić**: P2521 (Mirsad Kuralić, witness statement, 27 June 1996), pp. 3-6. **Witness RM-088**: P524 (Witness RM-088, witness statement, 17 October 1994), paras 33, 35, 37; Witness RM-088, T. 5348, 5374, 5346; P526 (Video still taken from V000-8168 showing Sušica camp). **Tahir Ferhatbegović**: P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, pp. 6-7; P2527 (Tahir Ferhatbegović, supplemental information sheet, 21 August 2003), pp. 1-2. **Documentary Evidence**: P353 (Mladić notebook, 27 May - 31 July 1992), p. 232.

[7453] Mane Đurić, T. 27630.

[7454] D1033 (Svetozar Andrić, witness statement, 16 July 2013), para. 1; Svetozar Andrić, T. 34737; D1034 (Order of hand-over of duties as Commander of the 1st Birač Infantry Brigade from Andrić to Colonel Ljubomir Vlačić, 6 August 1995).

September 1992;[7455] **Milenko Stanić**, President of the Vlasenica Municipal Assembly from the beginning of 1991 to the beginning of 1993 and President of the SAO Birač Executive Council;[7456] and **Tomislav Savkić**, the former Commander of the First Infantry Battalion in Milići and from 1 November 1993 President of the Milići Municipal Assembly,[7457] and finds that this evidence is partially consistent with the Adjudicated Facts.[7458] The Trial Chamber will further address the evidence of Mane Đurić, Svetozar Andrić, Tomislav Savkić, Momir Deurić, and Milenko Stanić below.

Establishment and security at Sušica camp

1775. On 31 May 1992, Sušica camp was established in Vlasenica Municipality by order of Svetozar Andrić, Commander of the Birač Brigade, and pursuant to a decision of the Birač SAO which regulated the moving out of the Muslim population from the territory of Birač.[7459] Andrić's order specified that the camp was to be organised and secured in the spirit of international law.[7460] **Andrić** testified that the camp pre-existed his order, which only referred to the organization and not to the establishment of the camp.[7461] **Mane Đurić** testified that the camp fell under the control of the Birač Brigade.[7462] **Witness RM-066** testified that although the military was responsible for the administration of the camp, in fact the Vlasenica SJB determined how the camp was run.[7463] Detainees could be released, transferred or exchanged via a written order from Mane Đurić, Branislav Sokanović, Risto Vidović**,** Veljko Bašić, and Mićo Kraljević.[7464]

[7455] D797 (Momir Deurić, witness statement, 16 February 2012), paras 2-3, 15; Momir Deurić, T. 28702, 28725, 28733. Part of Momir Deurić's evidence is reviewed in chapter 4.14.1 *Schedule B.16.1*.
[7456] D884 (Milenko Stanić, witness statement, 16 February 2013), paras 1-2, 5; Milenko Stanić, T. 30850, 30883-30884, 30904. The evidence of Stanić is reviewed in chapter 9.2.11.
[7457] D699 (Tomislav Savkić, witness statement, 11 August 2014), para. 2.
[7458] **Mane Đurić**: D732 (Mane Đurić, witness statement, 30 July 2014), paras 47, 50; Mane Đurić, T. 27706-27707. **Svetozar Andrić**: D1033 (Svetozar Andrić, witness statement, 16 July 2013), para. 7; Svetozar Andrić, T. 34811, 34816-34817, 34823, 34830-34831, 34884-34887. **Momir Deurić**: D797 (Momir Deurić, witness statement, 16 February 2012), paras 17-19, 21; Momir Deurić, T. 28709, 28711-28712, 28721, 28723, 28728; P6936 (Excerpt of war diary of Novica Simić, 20 September 1992); P6937 (Inspection report of the CSCE mission in places of detention in Bosnia-Herzegovina, 29 August-4 September 1992), pp. 2-3. **Milenko Stanić**: D884 (Milenko Stanić, witness statement, 16 February 2013), paras 26, 28; Milenko Stanić, T. 30904-30905, 30907, 30909, 30912, 30915. **Tomislav Savkić**: D699 (Tomislav Savkić, witness statement, 11 August 2014), paras 33-37; Tomislav Savkić, T. 27177.
[7459] Adjudicated Facts I, no. 1254.
[7460] P190 (Order dated 31 May 1992 setting up a camp in Vlasenica).
[7461] Svetozar Andrić, T. 34811, 34816.
[7462] Mane Đurić, T. 27707.
[7463] P182 (Witness RM-066, witness statement, 7 April 2010), para. 69, 75; P193 (VRS assessment report on security at Sušica Camp, June 1992), pp. 6, 9. *See also* Svetozar Andrić, T. 34816.
[7464] P182 (Witness RM-066, witness statement, 7 April 2010), para. 139.

The Serb municipal crisis staff, led by Milenko Stanić, also made decisions concerning the camp and its detainees, such as decisions on release, visits, and exchanges.[7465] The local MUP and the crisis staff received regular reports on the situation at Sušica camp.[7466] **Andrić** ordered the security organ of the 4th Battalion to conduct interviews with detainees in order to provide information to the Chief of the Security Services in the Command.[7467] The Chief of Security and related officials took detainees out of the camp for these interviews.[7468]

1776. The guards at the camp, under camp warden Veljko Bašić and deputy Vidosav Mlađenović, were members of the MUP and VRS.[7469] **Witness RM-004** stated that Bašić was a former policeman.[7470] **Đurić** testified that Bašić was a retired police officer who had been mobilized into the TO.[7471] **Witness RM-066** testified that Bašić was a retired police officer who was mobilised back into the police force at the outbreak of the conflict.[7472] Bašić updated a list of detainees he kept daily and delivered it to SJB Vlasenica and the Crisis Staff.[7473] Prior to Bašić, during **Witness RM-004**'s first week at the camp, from 2 June 1992, the commander was an approximately 20-year-old man, who wore a green camouflage uniform similar to the ones used by IFOR and had a scar across his cheek.[7474] Sometime in June 1992, Dragan Nikolić was put in charge of Sušica camp.[7475] **Witness RM-066** testified that Dragan Nikolić was assigned by Mićo Kraljević.[7476] Dragan Nikolić was directly accountable to Kraljević and was subordinate to him and was given instructions to take whatever security measures he felt were necessary.[7477] Nikolić was the camp commander in charge of security and daily operations.[7478] **Witness RM-030** recognized the following camp guards: Nikolić's brother; Luka Majstrović; Mićo Gojgolović; and Goran Tešić, a.k.a. Goce.[7479] The camp

[7465] Adjudicated Facts I, nos 1256-1257.
[7466] Adjudicated Facts I, no. 1256.
[7467] Svetozar Andrić, T. 34817.
[7468] Svetozar Andrić, T. 34817-34818.
[7469] Adjudicated Facts I, no. 1255.
[7470] P3391 (Witness RM-004, witness statement, 30 August 2011), para. 34. *See also* D797 (Momir Deurić, witness statement, 16 February 2012), para. 17; Momir Deurić, T. 28709, 28728.
[7471] Mane Đurić, T. 27707.
[7472] P182 (Witness RM-066, witness statement, 7 April 2010), para. 75.
[7473] P182 (Witness RM-066, witness statement, 7 April 2010), para. 75.
[7474] P3391 (Witness RM-004, witness statement, 30 August 2011), paras 7, 17, 24, 34.
[7475] Adjudicated Facts I, no. 1263.
[7476] P182 (Witness RM-066, witness statement, 7 April 2010), para. 71; Witness RM-066, T. 2459, 2470-2471, 2512.
[7477] P182 (Witness RM-066, witness statement, 7 April 2010), paras 73-75.
[7478] P182 (Witness RM-066, witness statement, 7 April 2010), paras 75-76.
[7479] P1610 (Witness RM-030, witness statement, 29 September 1994), p. 2.

personnel had no rank insignia on their white armbands.[7480] **Witness RM-004** stated that one soldier waiting at the camp when he and others arrived was nicknamed Krune and was from Sušica.[7481] **Momir Deurić** testified that Pedrag Bastah and Goran Višković also worked as guards at Sušica camp.[7482]

Detainees at Sušica camp

1777. Approximately 2,000 to 2,500 Muslims of both genders and all ages passed through Sušica camp, which remained operational for four months, from June to September 1992.[7483] **Witness RM-066** testified that in June and July 1992 approximately 50 to 60 per cent of the detainees were men.[7484] This percentage increased to approximately 70 per cent in September 1992, and 98 per cent during the second half of September.[7485] **Mujo Ramić** stated that the camp housed many civilians.[7486] **Ibro Osmanović** testified that he was never given an explanation for his detention at the camp.[7487]

1778. The Trial Chamber has further taken judicial notice of a number of Adjudicated Facts and received evidence concerning the number of detainees held at Sušica camp in the first days of its existence, as well as concerning the transfer of detainees to and from the camp. In the first days of its existence, over 1,000 persons were detained at the camp.[7488] A few days later, Serb officials allowed the great majority of the women, more than 800, to leave, after they were stripped of their valuables and had signed a declaration that they were leaving the municipality voluntarily.[7489] **Witness RM-030** stated that on 2 June 1992, a man called Anđelko and Zoran Deurić a.k.a. Gehura, who was a member of the 'Serbian Army' in Vlasenica, arrested him, along with his family and some of their neighbours, took them to the camp, and ordered the adult men to place their hands behind their heads so that the 'Serbian police' (dressed in JNA uniforms)

[7480] P1610 (Witness RM-030, witness statement, 29 September 1994), p. 2.
[7481] P3391 (Witness RM-004, witness statement, 30 August 2011), paras 24-25.
[7482] Momir Deurić, T. 28723-28724.
[7483] Adjudicated Facts I, nos 1258-1259.
[7484] P182 (Witness RM-066, witness statement, 7 April 2010), para. 88.
[7485] P182 (Witness RM-066, witness statement, 7 April 2010), para. 88.
[7486] P2528 (Mujo Ramić, witness statement, 23 February 2010), para. 11.
[7487] Ibro Osmanović, T. 2759, 2762-2763.
[7488] Adjudicated Facts I, no. 1260.
[7489] Adjudicated Facts I, no. 1260.

could search them.[7490] Dragan Nikolić then ordered them to surrender all their possessions, threatening them with death if they refused.[7491]

1779. **Witness RM-066** testified that upon the establishment of the camp, approximately 300 people that the VRS had temporarily detained in a Vlasenica high school gym and who originated from Šekovići Municipality were brought there.[7492] Soon after this, the VRS and the Serb police began bringing more Muslims from Vlasenica Municipality.[7493] **Ramić** stated that he was among approximately 150 Muslims who had been previously detained at the Vlasenica secondary school gym and transferred to Sušica camp on about 7 or 8 June 1992.[7494] **Tahir Ferhatbegović** stated that on 8 June 1992, Veljko Bašić told him and the other men held in the school that they were to be transferred.[7495] Most of the men were transferred to Sušica camp where they arrived that day at about 3 p.m.[7496]

1780. **Mirsad Kuralić** stated that on 15 June 1992, Veljko Bašić brought him to the prison in Vlasenica.[7497] **Ferhatbegović** stated that on 27 June 1992, buses arrived and took about 450 men, including the witness, to Batković camp.[7498] **Witness RM-004** stated that on 28 June 1992, a group composed of approximately 200 Muslims from Kalejisa Municipality was transferred from the camp to Batković.[7499] The witness recalled that on the day he was taken from Sušica to Batković, there were five buses loaded with Muslims.[7500] Every bus, including the bus he was on, was accompanied by a man wearing a camouflage outfit.[7501] **Andrić** testified that on 12 and 17 June, respectively, Mladić ordered the Eastern Bosnia Corps Command that the 'question [of POWs] be resolved urgently and that POWs be relocated', after which, on 1 July, 400

[7490] P1610 (Witness RM-030, witness statement, 29 September 1994), p. 2; P1612 (Witness RM-030, MUP statement, 25 November 1993), p. 1.
[7491] P1610 (Witness RM-030, witness statement, 29 September 1994), p. 2.
[7492] P182 (Witness RM-066, witness statement, 7 April 2010), para. 67; Witness RM-066, T. 2482.
[7493] P182 (Witness RM-066, witness statement, 7 April 2010), paras 67, 91; P194 (Report from Vlasenica SJB Chief on holding centre Sušica camp).
[7494] P2528 (Mujo Ramić, witness statement, 23 February 2010), paras 8, 11.
[7495] P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, p. 6; P2527 (Tahir Ferhatbegović, supplemental information sheet, 21 August 2003), p. 1.
[7496] P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, p. 6; P2527 (Tahir Ferhatbegović, supplemental information sheet, 21 August 2003), p. 1. *See also* P524 (Witness RM-088, witness statement, 17 October 1994), para. 35.
[7497] P2521 (Mirsad Kuralić, witness statement, 27 June 1996), pp. 6-7.
[7498] P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, p. 8; P2527 (Tahir Ferhatbegović, supplemental information sheet, 21 August 2003), p. 2.
[7499] P3391 (Witness RM-004, witness statement, 30 August 2011), paras 7, 35.
[7500] P3391 (Witness RM-004, witness statement, 30 August 2011), para. 35.
[7501] P3391 (Witness RM-004, witness statement, 30 August 2011), para. 35.

'prisoners' from Sušica were transferred to Batković camp, on the basis of an order from the witness's unit.[7502]

Conditions at Sušica camp

1781. Detainees at Sušica camp were insufficiently fed, water was very scarce, sanitary conditions were poor, and medical care was not provided.[7503] **Witness RM-066** specified that there were no beds.[7504] According to a CSCE mission report, mattresses and blankets were available at the camp.[7505] According to **Deurić**, the detainees and the guards in charge of the security of the premises received the same food, prepared by a local company, and all detainees who were at the camp were fed.[7506] However, the witness did not observe when food was served, as the food was distributed outside, and also did not know whether the detainees who were out to perform work were fed.[7507] According to **Andrić**, there was not enough food in the municipality.[7508] With regard to the provision of medical care, on two occasions, **Deurić** saw from a distance of 20 to 30 metres a doctor and two nurses examining some detainees at the camp.[7509] The witness heard from the guards and the detainees that the detainees complained about stomach problems.[7510] The witness did not know who the doctor examining the detainees was.[7511] According to the CSCE report, the organization was told that a physician provided medical care but did not observe any clinic in the centre.[7512] On two occasions, members of international organizations visited Sušica camp, and on both visits, Nikolić managed to conceal many detainees and the true state of the conditions of detention.[7513] According to a VRS assessment report on security at Sušica Camp, recording devices,

[7502] Svetozar Andrić, T. 34884-34885.
[7503] Adjudicated Facts I, no. 1262.
[7504] P182 (Witness RM-066, witness statement, 7 April 2010), para. 74.
[7505] P6937 (Inspection report of the CSCE mission in places of detention in Bosnia-Herzegovina, 29 August-4 September 1992), p. 3.
[7506] Momir Deurić, T. 28701-28702, 28714, 28722.
[7507] Momir Deurić, T. 28722.
[7508] Svetozar Andrić, T. 34830-34831.
[7509] Momir Deurić, T. 28738-28739.
[7510] Momir Deurić, T. 28738-28740.
[7511] Momir Deurić, T. 28740.
[7512] P6937 (Inspection report of the CSCE mission in places of detention in Bosnia-Herzegovina, 29 August-4 September 1992), p. 3.
[7513] Adjudicated Facts I, no. 1264.

interviews, visits and extensive movement were to be prohibited in order to prevent the public from becoming aware of the prisoners' living conditions.[7514]

Treatment of detainees at Sušica camp

1782. **Ramić** described the conditions at Sušica camp as atrocious and Dragan Nikolić as 'particularly evil'.[7515] Nikolić told the detainees that he was 'God and the law', and subjected them to all kinds of mistreatment, including frequent beatings.[7516] **Witness RM-066** testified that Nikolić tortured a number of non-Serb detainees at Sušica camp in June and July 1992.[7517] **Ramić** added that women were raped and some detainees were taken out, never to return.[7518] **Witness RM-088** observed that every night, usually after 10 p.m., young women and girls were taken out and brought back after half an hour in a pitiful state, with creased clothes and bruises.[7519] The witness was later told by the families of these women and girls that they had been raped.[7520] **Witness RM-066** testified that between June and September 1992, Nikolić provided Serb guards, soldiers, and other men access to non-Serb female detainees at the camp, in order to commit rape and other acts of sexual violence.[7521] According to an excerpt of a judgment from the Court of Bosnia-Herzegovina, on 4 February 2010 Goran Višković was convicted of raping, including with a foreign object, in the presence of several guards, a female detainee from Sušica camp in the guard house in the first half of June 1992.[7522]

1783. **Witness RM-066** testified that most non-Serb detainees brought directly to Sušica camp were interrogated by police officers from the Vlasenica SJB.[7523] The police officers would beat the detainees during these interrogations.[7524] **Witness RM-088** testified that at the camp, the detainees who came from Vlasenica were taken out and beaten the most, including one who the witness heard Dragan Nikolić accuse of having

[7514] P193 (VRS assessment report on security at Sušica Camp, June 1992), pp. 3, 4.
[7515] P2528 (Mujo Ramić, witness statement, 23 February 2010), para. 11.
[7516] Adjudicated Facts I, no. 1263. The Trial Chamber notes that P6938, an excerpt of a judgment of the Court of Bosnia-Herzegovina, deals with ill-treatment of detainees by other guards. However, as explained in chapter 4.14.7, the Trial Chamber does not rely on the facts as set out therein.
[7517] P182 (Witness RM-066, witness statement, 7 April 2010), para. 108.
[7518] P2528 (Mujo Ramić, witness statement, 23 February 2010), para. 11.
[7519] P524 (Witness RM-088, witness statement, 17 October 1994), para. 36; Witness RM-088, T. 5347.
[7520] P524 (Witness RM-088, witness statement, 17 October 1994), para. 36; P525 (Witness RM-088, Clarification chart relating to ICTY witness statement).
[7521] P182 (Witness RM-066, witness statement, 7 April 2010), para. 108.
[7522] P6938 (Excerpt of the Court of Bosnia-Herzegovina Judgment in the case of Predrag Bastah and Goran Višković, 4 February 2010), p. 5.
[7523] P182 (Witness RM-066, witness statement, 7 April 2010), para. 111.

a Croatian flag on his car.[7525] **Witness RM-030** stated that a man called Đuro, who was not a guard but came to the camp from Vlasenica together with others every night, would beat the last ones to return from the toilet.[7526] The witness saw Nikolić physically assault detainees and scare them by putting a knife in their mouths if they asked questions.[7527] **Osmanović** described how Nikolić beat 'Cice' Arnaut; on one occasion he came into the hangar and told him to put his hands behind his head, kneel down on the floor and tilt his head back.[7528] Nikolić then put a bayonet in Arnaut's mouth so that he was coughing and spitting blood afterwards.[7529] **Elvir Pašić** testified that Nikolić[7530] lined up the witness's group from Rogatica consisting of 29 men and two women and together with two guards struck and kicked each of the men, including the witness. Some were assaulted with rifle butts. Nikolić and the two guards returned later on and took away young women.[7531] The next morning, the witness's entire group was transferred to Batković camp.[7532]

1784. **Witness RM-030** saw Goran Tešić and Đuro tie people up and heard Nikolić order people to be tied up – detainees would have their thumbs tied together behind their backs with wire and were then tied to rain spouts at the warehouse entrance.[7533] They would also have to kneel and remain in that position all day.[7534] A man called Goran, a.k.a. Vjetar, beat the detainees and referred to them as 'Balija's mother'.[7535] **Deurić** testified that there was no discipline at the camp as the guards, including Nikolić, were often drunk.[7536]

[7524] P182 (Witness RM-066, witness statement, 7 April 2010), para. 111.
[7525] P524 (Witness RM-088, witness statement, 17 October 1994), para. 37.
[7526] P1610 (Witness RM-030, witness statement, 29 September 1994), pp. 3, 6.
[7527] P1610 (Witness RM-030, witness statement, 29 September 1994), p. 5.
[7528] P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 40.
[7529] P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 40.
[7530] The witness referred to the man as 'Dragan' and testified that he appeared to be the chief of the camp because the guards consulted him when detainees were brought into and taken out of the camp, The Trial Chamber understands this to refer to Dragan Nikolić.
[7531] P434 (Elvir Pašić, witness statement, 21 October 1994), para. 34.
[7532] P434 (Elvir Pašić, witness statement, 21 October 1994), paras 33, 36; Elvir Pašić, T. 4497.
[7533] P1610 (Witness RM-030, witness statement, 29 September 1994), p. 5.
[7534] P1610 (Witness RM-030, witness statement, 29 September 1994), p. 5.
[7535] P1610 (Witness RM-030, witness statement, 29 September 1994), p. 6.
[7536] D797 (Momir Deurić, witness statement, 16 February 2012), para. 19.

The issue of detention at Sušica camp

1785. According to a VRS assessment report on security at Sušica camp, POWs were detained at the camp.[7537] On 25 June 1992, Mladić reported in his notebook that Milenko Stanić had informed him about problems in Vlasenica caused by the detention of over 800 prisoners, 200 of whom were women and children.[7538]

1786. Some witnesses addressed specifically whether people were held against their will at Sušica camp. In this respect, **Milenko Stanić** testified that when the military operations started in the villages surrounding Vlasenica, a large number of Muslims poured into Vlasenica Town, the majority of whom were housed in the 'holding centre' in Sušica.[7539] The centre was 'owned' by the JNA and served, in the beginning, as a reception centre.[7540] According to the witness, the municipal organs did not receive any further information about what went on in the centre.[7541] Muslim civilians from Kalesija, on the frontline, were also brought to the centre and Serbs 'expelled' from Goražde spent some time there as well.[7542] **Deurić** testified that in early May 1992, one of the two TO depots in Sušica was used as a reception centre to accommodate Serb refugees from Muslim villages from Vlasenica Municipality and from other municipalities, pending their relocation in the municipality, facilitated by the local authorities, or their departure to Serbia.[7543] The depot was secured by the police before the army took control of the facility, sometime in May 1992.[7544] According to the witness, starting May 1992, 'POWs' were detained at Sušica.[7545] There were also civilians and soldiers wearing civilian clothing detained at the camp.[7546] According to the witness, there were instances where some Muslim families stayed overnight of their own will until transport to Kladanj or Tuzla was arranged for them.[7547] Once there were

[7537] P193 (VRS assessment report on security at Sušica Camp, June 1992), pp. 1-10.
[7538] P353 (Mladić notebook, 27 May - 31 July 1992), p. 232. *See also* P182 (Witness RM-066, witness statement, 7 April 2010), para. 90; Milenko Stanić, T. 30907; P189 (VRS Main Staff order from Mladić to IBK Command, 17 June 1992), p. 1.
[7539] D884 (Milenko Stanić, witness statement, 16 February 2013), para. 26.
[7540] D884 (Milenko Stanić, witness statement, 16 February 2013), para. 28; Milenko Stanić, T. 30908.
[7541] D884 (Milenko Stanić, witness statement, 16 February 2013), para. 28.
[7542] D884 (Milenko Stanić, witness statement, 16 February 2013), paras 26, 28.
[7543] D797 (Momir Deurić, witness statement, 16 February 2012), paras 16-17.
[7544] D797 (Momir Deurić, witness statement, 16 February 2012), paras 16-18; Momir Deurić, T. 28711.
[7545] Momir Deurić, T. 28711.
[7546] Momir Deurić, T. 28711-28712, 28721, 28723; P6937 (Inspection report of the CSCE mission in places of detention in Bosnia-Herzegovina, 29 August-4 September 1992), p. 2.
[7547] D797 (Momir Deurić, witness statement, 16 February 2012), para. 18; Momir Deurić, T. 28712.

a lot of people in the camp, they would be 'sent for an exchange'.[7548] The witness was present at Sušica only during the day and spent most of the time at the premises where he was providing security, where there were no detainees.[7549] **Tomislav Savkić** testified that after the TO entered Vlasenica on 21 April 1992, some Muslims came to the municipality and police buildings requesting transport to Tuzla and Kladanj - while waiting for transport they would be put up in the Sušica camp.[7550] Several families would come to the TO facilities in Sušica every day in order to depart for the Muslim territory while others would come to spend the night at the facility because they felt safer there.[7551] These individuals would then return home the following morning.[7552] Organised transport was provided to Tuzla and Kladanj on a daily basis.[7553] 'Serb' refugees were also temporarily placed in the Sušica camp while waiting for accommodation in Vlasenica.[7554] The witness heard 'from a Muslim' that a number of Muslim soldiers, who had been detained near Zelina, were also held in the Sušica camp, and were later moved to the Batković camp in Bijeljina.[7555] **Đurić** testified that Sušica was not a camp but a reception centre offering shelter to Muslims, Serbs, and Croats, pending their departure from Vlasenica, their installation in the municipality, or for the night.[7556] However, the witness never visited the camp himself.[7557] **Andrić** testified that the women and children held at the camp were not prisoners.[7558] However, the witness had also never visited the camp himself.[7559] According to a CSCE mission report, the CSCE was told that the camp was used to hold and document prisoners as well as Serb 'refugees' for several days.[7560] The 'Serbian' authorities categorized the centre as a transfer site rather than a place of detention.[7561]

[7548] Momir Deurić, T. 28711.
[7549] D797 (Momir Deurić, witness statement, 16 February 2012), paras 19-20.
[7550] D699 (Tomislav Savkić, witness statement, 11 August 2014), paras 33, 36.
[7551] D699 (Tomislav Savkić, witness statement, 11 August 2014), para. 37; Tomislav Savkić, T. 27177.
[7552] D699 (Tomislav Savkić, witness statement, 11 August 2014), para. 37; Tomislav Savkić, T. 27177.
[7553] D699 (Tomislav Savkić, witness statement, 11 August 2014), para. 37.
[7554] D699 (Tomislav Savkić, witness statement, 11 August 2014), paras 34-36; Tomislav Savkić, T. 27177.
[7555] D699 (Tomislav Savkić, witness statement, 11 August 2014), para. 37; Tomislav Savkić, T. 27177.
[7556] D732 (Mane Đurić, witness statement, 30 July 2014), paras 45-47, 49; Mane Đurić, T. 27706-27707.
[7557] Mane Đurić, T. 27706-27707.
[7558] Svetozar Andrić, T. 34823-34824.
[7559] *See* Svetozar Andrić, T. 34827.
[7560] P6937 (Inspection report of the CSCE mission in places of detention in Bosnia-Herzegovina, 29 August-4 September 1992), p. 2.
[7561] P6937 (Inspection report of the CSCE mission in places of detention in Bosnia-Herzegovina, 29 August-4 September 1992), p. 4.

The Trial Chamber's findings

1787. The Trial Chamber received evidence from Mane Đurić and Svetozar Andrić disputing that the people at Sušica camp were detained against their will, which is in contrast to the Adjudicated Facts related to this charge. According to Đurić, Sušica was a reception centre, rather than a camp, offering temporary shelter to Muslims, Serbs, and Croats. However, the Trial Chamber notes that Đurić never visited the camp himself. Furthermore, his testimony on this issue is internally inconsistent, as he testified that pursuant to Andrić's order dated 31 May 1992, Sušica was defined as a camp.[7562] According to Andrić, the women and children held at the camp were not prisoners, but the witness could not give a plausible explanation why contemporary documents, some of which bear his signature, referred to them as such.[7563] Additionally, the Trial Chamber notes that Andrić had also never visited the camp. Under these circumstances, the Trial Chamber finds that the evidence of these two witnesses in this respect is not sufficiently reliable to rebut the Adjudicated Facts related to this charge.

1788. The Trial Chamber further received evidence from Momir Deurić and Tomislav Savkić that some Muslim families stayed overnight at Sušica camp of their own will, until transport to different locations was arranged for them. The Trial Chamber notes that Savkić also testified that he was told by a Muslim that Muslim soldiers were being detained at the camp. The Trial Chamber finds that while there may have been instances where some Muslims voluntarily spent the night at the camp, this does not mean that others could come and go according to their own free will. Under these circumstances, the Trial Chamber finds that Deurić and Tomislav's evidence does not contradict the Adjudicated Facts according to which people were detained at Sušica camp.

1789. The Trial Chamber also received evidence from Milenko Stanić, disputing that the people at Sušica camp were held against their will, as well as stating that the municipal organs did not receive information about the situation at Sušica. The Trial Chamber notes that Stanić's evidence is internally inconsistent in this respect, given that he admitted knowing in late May and June 1992 that the number of Muslims *detained* in Vlasenica Municipality, including at Sušica, was becoming a problem.[7564] The Trial Chamber therefore finds that this evidence is not sufficiently reliable to rebut the

[7562] *See* Mane Đurić, T. 27706-27707.
[7563] *See* Svetozar Andrić, T. 34823-34827, 34885-34887.
[7564] *See* Milenko Stanić, T. 30907, 30909.

Adjudicated Facts according to which people were held at the camp against their will and according to which the Serb municipal crisis staff received reports on the situation at the camp.

1790. The Trial Chamber further received evidence from Deurić that after May 1992, the police were no longer involved in providing security at the camp, which contradicts Adjudicated Fact number 1255, according to which the guards were members of the MUP and the VRS. Given that the witness provided security at the building storing military equipment and not at the camp itself and returned home at night, his knowledge of activities at the camp is limited. Under these circumstances, the Trial Chamber finds that his evidence in this respect is not sufficiently reliable to rebut Adjudicated Fact number 1255.

1791. Deurić also provided evidence that the detainees in Sušica camp were fed and received the same food as the guards. The witness's evidence, to the extent that it suggests that detainees were not insufficiently fed, contradicts part of Adjudicated Fact number 1262. The Trial Chamber notes however that Deurić provided no basis for his knowledge, as he did not personally observe when food was distributed, and did not know whether the detainees who were out to perform work were fed. Therefore, the Trial Chamber finds that his evidence in this respect is not sufficiently reliable to rebut Adjudicated Fact number 1262.

1792. The Trial Chamber further received evidence from Deurić that on two occasions he saw a doctor and two nurses examining some of the detainees, which contradicts part of Adjudicated Fact number 1262. Given that Deurić was, at least sporadically, present at the camp during the day, the Trial Chamber finds his evidence in this respect sufficiently reliable to rebut a part of the Adjudicated Fact. Under these circumstances, the Trial Chamber finds that Adjudicated Fact number 1262 is rebutted with respect to *no* medical care having been provided at Sušica camp. Accordingly, the Trial Chamber reviewed the evidence before it in order to make a determination on the matter.

1793. The Trial Chamber received evidence from Mane Đurić that Veljko Bašić was a former policeman mobilized into the TO. It also received evidence from Witness RM-066 that Veljko Bašić was a former policeman mobilized into the 'police force'. The Trial Chamber received evidence in chapter 4.14.1 *Schedules A.9.1* and *B.16.1* that members of the TO in Vlasenica were incorporated into the SJB Vlasenica in or around May 1992, such as Mićo Kraljević and Dragan Nikolić. The Trial Chamber observes

that the evidence regarding Bašić's affiliation is not necessarily contradictory. The Trial Chamber recalls its finding in chapter 4.14.2 that Veljko Bašić wore a blue police uniform. It also received evidence that Veljko Bašić relayed detailed information of prisoners daily to the SJB Vlasenica while at Sušica camp. Based on the foregoing, the Trial Chamber finds that Veljko Bašić was a member of the SJB Vlasenica during his time at Sušica camp.

1794. Based on the foregoing, the Trial Chamber finds that between 2,000 and 2,500 Bosnian Muslims of both genders and all ages, including civilians, were detained at Sušica camp. In June and July 1992, approximately half of the detainees were women. The detainees were kept in unhygienic conditions. There were no beds but mattresses and blankets were available. Water was scarce and the detainees were insufficiently fed. With respect to the provision of medical care, on two occasions, a doctor and two nurses examined some of the detainees at the camp.

1795. With regard to the responsibility for the camp, the Trial Chamber finds that Sušica camp was established on 31 May 1992, by order of Svetozar Andrić, Commander of the VRS Birač Brigade, pursuant to a decision of the Birač SAO.[7565] The camp was operational until 30 September 1992. The camp commanders included Veljko Bašić, a former policeman mobilized into SJB Vlasenica, and, from sometime in mid-June 1992, Dragan Nikolić, who was appointed by Mićo Kraljević. The Trial Chamber recalls that on 2 June 1992, Kraljević's unit was operationally under the command of SJB Vlasenica from at least mid-May 1992 (*see* chapter 4.14.1 *Schedule A.9.1*). The Trial Chamber also recalls from chapter 4.14.1 *Schedule B.16.1* that Dragan Nikolić was a member of the Bosnian-Serb MUP and Kraljević's unit. The Trial Chamber finds that Nikolić was the camp commander in charge of security and daily operations. Nikolić was directly accountable to Kraljević and was subordinate to him and was given instructions to take whatever security measures he felt were necessary. With regard to the authorities in charge of the camp, the Trial Chamber has considered the Adjudicated Fact stating that the Serb municipal crisis staff made decisions concerning the camp and its detainees, the evidence of Andrić that the VRS made decisions about taking

[7565] The Trial Chamber notes that in his testimony, Svetozar Andrić disputed the fact that Sušica camp was established pursuant to his order, which is in contrast to Adjudicated Fact no. 1254. However, the witness's testimony on the matter is internally inconsistent and contradicted by the claim made by Dragan Nikolić in the Plea Hearing from the *Nikolić* case, which Andrić referred to in order to support his assertion, *see* Svetozar Andrić, T. 34811-34815. The Trial Chamber therefore considers that Andrić's evidence in this respect is not sufficiently reliable to rebut the Adjudicated Fact.

detainees out of the camp for questioning and about transferring detainees to Batković and the evidence of RM-066 that the VRS, the SJB, the police, and the special police platoon had the authority to release, transfer or exchange detainees. It has further considered the Adjudicated Fact stating that members of the MUP and the VRS served as camp guards. The Trial Chamber finds that the Vlasenica crisis staff and guards, consisting of members of the VRS and the MUP, kept individuals detained at Sušica camp and were responsible for the conditions at the camp.

1796. Nikolić and camp guards, including Goran Tešić, a.k.a. Goce, a member of the Bosnian-Serb MUP and Kraljević's unit (*see* the Trial Chamber's finding in chapter 4.14.1 *Schedule B.16.1*), and other police officers, who were often drunk, frequently and severely beat several detainees, including during interrogations, and subjected them to mistreatment, such as scaring them by putting a knife in their mouths if they asked questions; tying the detainees' thumbs together behind their backs with wire and then tying them to rain spouts at the warehouse entrance; forcing them to remain in a kneeling position all day; and stabbing them in the mouth.[7566] Others beating the detainees were Goran a.k.a. Vjetar and Đuro. Vjetar referred to the detainees as 'Balija's mother'. One of the detainees who was frequently beaten had been accused by Nikolić of having a Croatian flag on his car. The guards and people coming from outside the camp also raped female detainees.

1797. The Trial Chamber will further consider the above in relation to Counts 1 and 3 of the Indictment in chapter 8 below.

Other detention incidents – Vlasenica secondary school

1798. In addition to Scheduled Incident C.19.3, discussed above, the Indictment also includes that the Accused is responsible for unlawful detention, torture, beating, abuse, rape, other acts of sexual violence, and subjecting Bosnian Muslims and Bosnian Croats to inhumane living conditions in other detention centres in Vlasenica Municipality between 12 May 1992 and 30 November 1995.[7567] The Defence generally submitted that the VRS was not involved in any of the Serbs' activities in Vlasenica and that Mladić had warned the then President of the Municipal Assembly to protect Bosnian

[7566] As it is unclear on what evidentiary basis the Court of Bosnia-Herzegovina convicted Predrag Bastah and Goran Višković, the Trial Chamber does not rely on further details contained in P6938.
[7567] Indictment, paras 39(b)-(c), 47, 53, 59(b)-(d), (g).

Muslims and Bosnian Croats.[7568] In this respect, the Trial Chamber received evidence from **Tahir Ferhatbegović** and **Witness RM-088**, both Bosnian Muslims from Papraća in Šekovići Municipality,[7569] about their detention at the Vlasenica secondary school,[7570] as well as **Mujo Ramić**, a Muslim school teacher from Šeher, Osmaci Municipality;[7571] and **Witness RM-066**, a Serb from Vlasenica.[7572]

1799. **Witness RM-088** testified that on 31 May 1992, he was arrested by Serb soldiers from the village of Željeznik, who entered through the backyard of his house in the village of Odžaci, informed him that he would be exchanged for Serb soldiers, and took him to the town centre where he joined his Muslim neighbours.[7573] The Serb soldiers did not allow the witness to take anything with him.[7574] The Serb army platoon commander, Lieutenant Ćirković from Šekovići, was present and in charge of arresting and cleansing the Muslims.[7575] Men and women were separated and the men were taken to the Papraća primary school gym.[7576] While at the gym, the witness heard Predrag Bunijevac, who introduced himself as the commander, ordered the guards to register the detainees and to take away all of their identification and personal property.[7577] The witness also testified that Veljko Bašić came to the school and introduced himself as the commander of all detention centres in Vlasenica, including the school.[7578] The second time Bašić came, he was accompanied by Dragan Nikolić, who asked Bašić: 'Are there any bad ones here for me?' and then he heard Nikolić state to the detainees: 'Veljko is the head of all the prisons.'[7579] **Ferhatbegović** stated that Bašić wore a blue police uniform.[7580] **Witness RM-088** testified tha they remained at the school only for a few hours after which Aleksandar Vukašinović and the White Eagles loaded the detainees

[7568] Defence Final Brief, para. 1681.
[7569] P524 (Witness RM-088, witness statement, 17 October 1994), p. 1, para. 1.
[7570] The evidence of Tahir Ferhatbegović and of Witness RM-088 is also reviewed in chapter 4.14.2 *Schedule C.19.3*.
[7571] P2528 (Mujo Ramić, witness statement, 23 February 2010), p. 1, para. 1. Mujo Ramić's evidence is reviewed in chapter 4.14.2 *Schedule C.19.3*.
[7572] P182 (Witness RM-066, witness statement, 7 April 2010), p. 1. Witness RM-066's evidence is also reviewed in chapter 4.14.2 *Schedule C.19.3*.
[7573] P524 (Witness RM-088, witness statement, 17 October 1994), paras 14, 30-31; Witness RM-088, T. 5372.
[7574] P524 (Witness RM-088, witness statement, 17 October 1994), para. 31
[7575] P524 (Witness RM-088, witness statement, 17 October 1994), para. 31.
[7576] P524 (Witness RM-088, witness statement, 17 October 1994), para. 32; Witness RM-088, T. 5373.
[7577] P524 (Witness RM-088, witness statement, 17 October 1994), para. 32; Witness RM-088, T. 5373.
[7578] P524 (Witness RM-088, witness statement, 17 October 1994), para. 33; Witness RM-088, T. 5374.
[7579] P524 (Witness RM-088, witness statement, 17 October 1994), para. 33; Witness RM-088, T. 5346.
[7580] P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, p. 6; P2527 (Tahir Ferhatbegović, supplemental information sheet, 21 August 2003), p. 1.

onto buses and took them to the Vlasenica secondary school gym.[7581] The women and the children were transferred from Papraća to Kladanj.[7582] **Ferhatbegović** stated that on 31 May 1992, he and the other men, aged between 13 and 87 years, Muslims from Papraća, as well as a Roma man and his wife detained at the Papraća primary school were loaded on three buses and driven to Vlasenica secondary school.[7583] On the bus, the witness saw only one Serb soldier with a weapon.[7584] The detainees were not allowed to take any personal belongings, as they were told that they 'would not need them'.[7585] When the bus passed a checkpoint, the witness heard soldiers saying, '[L]et's kill them all; why are we protecting the Ustaša'. Upon arrival at the school, the men were forced to sit on the floor in the gym with their legs out in front and heads down. People from the villages of Osmaci, Borogovo, Matkovac, and Kusonje were also at the gym.[7586] According to census data, in 1991 the villages of Osmaci, Borogovo, Matkovac, and Kusonje were in Kalesija Municipality.[7587] Osmaci and Borogovo were composed of 798 Bosnian Serbs out of 844 inhabitants and 275 Bosnian Serbs out of 276 inhabitants, respectively.[7588] Matkovac was composed of 278 Bosnian Muslims and 213 Bosnian Serbs.[7589] Kusonje was composed of 371 Bosnian Muslims and 42 Bosnian Serbs.[7590]

1800. The witness recalled several occasions on which men were taken out of the gym and beaten severely; some of them did not return. Emin Kuduzović was beaten because he was found smoking in the toilet. Nusret Hodžić was also beaten. The witness stated that he heard the beating and the screams of the men. A soldier said to Hodžić, '[I]f you don't lick this blood by the time I return, I will cut your throats.' Hodžić then started licking his blood. The guards put cigarettes out on the hands of Mirsad Kuralić. At times the detainees had to sing 'Chetnik' songs and if they refused, they were beaten. The about 160 men in the school received two litres of water per day. They were fed a

[7581] P524 (Witness RM-088, witness statement, 17 October 1994), para. 32.
[7582] Witness RM-088, T. 5345.
[7583] P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, pp. 3-5.
[7584] P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, p. 4.
[7585] P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, pp. 4-5.
[7586] P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, p. 5.
[7587] P7354 (Excerpt from census data by Municipalities published in Zagreb in 1995), pp. 1-4. *See also* P7353 (1991 Census Map for Kalesija Municipality).
[7588] P7354 (Excerpt from census data by Municipalities published in Zagreb in 1995), pp. 1-4. *See also* P7353 (1991 Census Map for Kalesija Municipality).
[7589] P7354 (Excerpt from census data by Municipalities published in Zagreb in 1995), pp. 3-4. *See also* P7353 (1991 Census Map for Kalesija Municipality).
[7590] P7354 (Excerpt from census data by Municipalities published in Zagreb in 1995), pp. 3-4. *See also* P7353 (1991 Census Map for Kalesija Municipality).

small slice of bread and a small portion of egg each day and they were not allowed to maintain personal hygiene. Some of the detainees did not have enough clothing.[7591] **Witness RM-066** stated that there was no functioning lavatories at the school and described the condition of the detainees as 'horrible'.[7592]

1801. The guards in the school wore camouflage uniforms and white masks over their noses and mouths.[7593] Among the guards were, Vojin Grabovica, a person called Zoran, Milorad Petrović and Dragan Lukić.[7594] On one occasion, Dragan Nikolić, who the witness recognized from having seen him in bars before, came to the school and asked, '[W]hen are those to come to me?'[7595]

1802. Based on the foregoing, the Trial Chamber finds that between 31 May 1992 and 8 June 1992, about 160 men were detained in Vlasenica secondary school, after which they were transferred to Sušica camp. The detainees included Bosnian-Muslim men, aged between 13 and 87, from Papraća; a Roma couple; and people from the villages of, Osmaci, Borogovo, Matkovac, and Kusonje. In light of the ethnic composition of these villages, the Trial Chamber finds that the detainees at Vlasenica secondary school included Bosnian Serbs from Osmaci and Borogovo, and Bosnian Muslims from Kusonje. During their detention, the detainees were not allowed to maintain personal hygiene with no functioning lavatories provided in the building. They were fed a small slice of bread and a small portion of egg each day. There were two litres of water for 160 people each day. The Trial Chamber finds that the guards at the school severely beat the detainees. Detainees were beaten when they refused to sing songs, identified as 'chetnik' songs by Tahir Ferhatbegović, and the guards put out cigarettes on the hands of Mirsad Kuralić. A soldier said to Hodžić, '[I]f you don't lick this blood by the time I return, I will cut your throats.'[7596] The Trial Chamber finds that Veljko Bašić was the commander at the Vlasenica secondary school at this time. Bašić wore a blue police uniform. The Trial Chamber recalls its finding in chapter 4.14.2 *Schedule C.19.3* that Veljko Bašić was a member of the SJB Vlasenica. The guards wore camouflage uniforms. Among the guards were Vojin Grabovica, a person called Zoran, Milorad

[7591] P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, p. 5.
[7592] P182 (Witness RM-066, witness statement, 7 April 2010), para. 67.
[7593] P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, p. 5.
[7594] P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, p. 5.
[7595] P2527 (Tahir Ferhatbegović, supplemental information sheet of 21 August 2003), p. 2.
[7596] P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, p. 5.

Petrović, and Dragan Lukić. The Trial Chamber will further consider the above in relation to Counts 1 and 3 of the Indictment in chapter 8 below.

4.14.3 Destruction of private and public property, including cultural monuments and sacred sites

1803. According to the Indictment, the Accused is responsible for wanton acts of destruction of private property, including homes and business premises, and public property, including cultural monuments and sacred sites in Vlasenica Municipality, between 12 May 1992 and 30 November 1995.[7597] The Trial Chamber took judicial notice of Adjudicated Fact number 1251 in relation to these incidents. It also received evidence from **Witness RM-066**, a Serb from Vlasenica,[7598] and finds that this evidence is consistent with the Adjudicated Fact.[7599] The Trial Chamber also received evidence from **Ibro Osmanović**, a Bosnian Muslim from Vlasenica[7600], and **Mane Đurić**, Head of the SJB Vlasenica as of 20 May 1992.[7601] The Adjudicated Fact, the evidence of Witness RM-066, and parts of the evidence of Mane Đurić are reviewed in chapters 4.14.1 *Schedule A.9.1* and 4.14.7.

1804. **Ibro Osmanović** testified that one day while he was detained at Sušica camp, between 18 and 30 June 1992, he and Emin Gobeljić were called out by some of the guards.[7602] They were taken to the apartment of Jusuf Dautović, a Muslim, on Trg Oslobodjenja and told to carry almost everything away.[7603] Zoran Obrenović, Bato Milić, and 'another soldier' were also there.[7604] The items were then transported back to Sušica camp and all burned, except for a mattress which was taken to an invalid at the camp.[7605]

[7597] Indictment, paras 47, 52, 59(j).
[7598] P182 (Witness RM-066, witness statement, 7 April 2010), p. 1.
[7599] P182 (Witness RM-066, witness statement, 7 April 2010), paras 35, 38.
[7600] P207 (Ibro Osmanović, witness statement, 10 October 1994), p. 1, para. 1; P208 (Ibro Osmanović, witness statement, 11 October 1995), p. 1; Ibro Osmanović, T. 2747; D49 (Statement by Ibro Osmanović to the Lukavac war crimes office, 4 August 1993), p. 1; D50 (Statement by Ibro Osmanović to the ABiH, 23 July 1993), p. 1.
[7601] Mane Đurić, T. 27630.
[7602] P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 41.
[7603] P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 41.
[7604] P207 (Ibro Osmanović, witness statement, 10 October 1994), paras 28, 41.
[7605] P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 41.

1805. **Mane Đurić** testified that the Vlasenica Town mosque was destroyed by explosives in August 1992.[7606] The Vlasenica SJB was given a two or three-hour notice from a VRS unit and asked the population to leave the area.[7607] In its report, the SJB recorded that the mosque was blown up by unidentified perpetrators.[7608] According to the witness, in order to avoid a conflict of authority with the VRS, the SJB did not undertake any preventative action.[7609]

1806. Based on the foregoing, the Trial Chamber finds that during the Gradina operations at the end of May and early June 1992, Kraljević ordered his unit to burn all the Muslim houses in order to prevent the owners from returning (*see* chapter 4.14.1 *Schedule A.9.1*). The unit was supported by a VRS unit as well as police officers from the SJB Vlasenica. Many Muslim houses in Gradina and the surrounding villages, including Barice and Turalići, were burnt down. In Piskavice, a mixed Serb and Muslim village, they torched only the Muslim houses. The Trial Chamber will further consider these incidents in relation to Count 3 of the Indictment in chapter 8 below.

1807. The Trial Chamber further finds that sometime between 18 and 30 June 1992, Ibro Osmanović, a Bosnian Muslim detained at the Sušica camp, together with Emin Gobelji were called out by some of the guards, taken to the apartment of Jusuf Dautović in Vlasenica and told to take almost everything away. The items were then transported to Sušica camp and almost everything was burned. The Trial Chamber recalls its finding from chapter 4.14.2 *Schedule C.19.3* that the Vlasenica crisis staff and guards, consisting of members of the VRS and the MUP, were responsible for the conditions at the camp. The Trial Chamber will further consider this incident in relation to Count 3 of the Indictment in chapter 8 below.

1808. The Trial Chamber also finds that in August 1992, a VRS unit ordered the destruction of the Vlasenica Town mosque, after giving a two-three hour notice to the SJB Vlasenica and asking the population to leave the area. The mosque was destroyed by explosives. The Trial Chamber will further consider this incident in relation to Count 3 of the Indictment.

[7606] Mane Đurić, T. 27679.
[7607] Mane Đurić, T. 27679-27682, 27685.
[7608] Mane Đurić, T. 27680.
[7609] Mane Đurić, T. 27685.

4.14.4 Appropriation or plunder of property

1809. According to the Indictment, the Accused is responsible for appropriation or plunder of property during and after take-overs, during arrests and detentions, and during or after deportations or forcible transfers of Bosnian Muslims and Bosnian Croats in Vlasenica Municipality between 12 May 1992 and 30 November 1995.[7610] The Trial Chamber has taken judicial notice of Adjudicated Facts[7611] and received evidence from **Witness RM-030** and **Ibro Osmanović**, both Bosnian Muslims from Vlasenica Municipality,[7612] in relation to alleged incidents of appropriation or plunder, in chapters 4.14.2 *Schedule C.19.3*, 4.14.6, and 4.14.7.[7613]

1810. In addition, **Witness RM-066**, a Serb from Vlasenica,[7614] testified that during his time at Sušica camp, sometime after 31 May 1992, Đurić and Stanić permitted members of the reserve and special police, including the witness, to loot non-Serb property.[7615] In June 1992, 20 members of 'the special police platoon' of the SJB Vlasenica participated in an operation in which they searched approximately 30 Muslim residences near the Panorama hotel, from which they took televisions and other property.[7616] One of the members of this platoon claimed a Muslim house for himself, into which he later moved.[7617] The witness further testified that the platoon was allowed to take personal property from non-Serb houses only after Mićo Kraljević and his brothers had taken their share, mostly consisting of electronic devices and weapons.[7618] It appeared to the witness that Kraljević and the other members of the platoon were allowed to loot non-Serb property primarily as a reward for doing certain jobs.[7619]

[7610] Indictment, paras 47, 59(i).
[7611] Adjudicated Facts I, nos 1247, 1259-1260, 1269.
[7612] **Witness RM-030**: P1610 (Witness RM-030, witness statement, 29 September 1994), p. 1; P1612 (Witness RM-030, MUP statement, 25 November 1993), p.1. **Ibro Osmanović**: P207 (Ibro Osmanović, witness statement, 10 October 1994), p. 1, para. 1; P208 (Ibro Osmanović, witness statement, 11 October 1995), p. 1; Ibro Osmanović, T. 2747; D49 (Statement by Ibro Osmanović to the Lukavac war crimes office, 4 August 1993), p. 1; D50 (Statement by Ibro Osmanović to the ABiH, 23 July 1993), p. 1.
[7613] Adjudicated Facts nos 1259-1260 and the evidence of Witness RM-030 are reviewed in chapter 4.14.2 *Schedule C.19.3*. The evidene of Ibro Osmanović is reviewed in chapter 4.14.6. Adjudicated Fact nos 1247 and 1269 are reviewed in chapter 4.14.7.
[7614] P182 (Witness RM-066, witness statement, 7 April 2010), p. 1.
[7615] P182 (Witness RM-066, witness statement, 7 April 2010), paras 51, 67; P190 (Order dated 31 May 1992 setting up a camp in Vlasenica).
[7616] P182 (Witness RM-066, witness statement, 7 April 2010), paras 8, 10, 26.
[7617] P182 (Witness RM-066, witness statement, 7 April 2010), para. 26.
[7618] P182 (Witness RM-066, witness statement, 7 April 2010), paras 15, 51.
[7619] P182 (Witness RM-066, witness statement, 7 April 2010), para. 51.

1811. Based on the foregoing, the Trial Chamber finds that on or shortly after 17 May 1992 the Vlasenica municipal authorities forced a group of Bosnian-Muslim women[7620] from Zaklopač to sign over their houses and properties to Serbs.

1812. Based on Witness RM-066's evidence, the Trial Chamber further finds that in June 1992, members of Kraljević's unit took televisions and other property from Bosnian-Muslim residences in Vlasenica Town, and that one of the members claimed, and subsequently moved into, a Bosnian-Muslim house in Vlasenica Town. Members of the unit were permitted to take property from non-Serbs. Based on Adjudicated Facts 1259 and 1260, and evidence of Witness RM-030, the Trial Chamber finds that in early June 1992, Dragan Nikolić ordered Bosnian-Muslim detainees at Sušica camp to surrender all of their possessions. The Trial Chamber understands from Witness RM-030's evidence that the possessions were taken and were not returned to the detainees. Further, the Trial Chamber finds that Sušica camp guards, members of the VRS and MUP, stripped more than 800 Bosnian-Muslim women of their valuables. The Trial Chamber will further consider these incidents in relation to Count 3 of the Indictment in chapter 8 below.

4.14.5 Forced labour and human shields

1813. According to the Indictment, the Accused is responsible for subjecting Bosnian Muslims and Bosnian Croats in Vlasenica municipality to forced labour, including digging graves and trenches and other forms of forced labour at front lines, and using them as human shields between 12 May 1992 and 30 November 1995.[7621] The Defence argued that detainees at Sušica camp volunteered to work and were not forced.[7622] The Defence further argued that at the camp, all ethnicities, Bosnian Serbs included, were equally subjected to comparable work obligations.[7623] The Trial Chamber took judicial notice of adjudicated fact no. 1216 related to forced labour for detainees at the Sušica camp. It also received evidence from **Witness RM-066**, a Serb from Vlasenica,[7624]

[7620] According to P6870, Zaklopac consisted of 288 Muslims and 146 Serbs (and 3 others or unknown). Considering this, and that the women were forced to sign over the property to Serbs, the Trial Chamber concludes that the women were Bosnian Muslims.
[7621] Indictment, paras 39(c), 47, 59(h).
[7622] Defence Final Brief, para. 1675.
[7623] Defence Final Brief, para. 1675.
[7624] P182 (Witness RM-066, witness statement, 7 April 2010), p. 1.

Witness RM-030, a Bosnian Muslim from Vlasenica,[7625] and **Witness RM-004**, a Bosnian Muslim from Vlasenica municipality,[7626] as well as documentary evidence and finds that the evidence is consistent with the Adjudicated Fact.[7627]

1814. The detainees at Sušica camp performed several types of forced labour, including burial of the men killed in Drum, digging of trenches, and carrying munitions at the front lines.[7628] According to a judgement before a local court in 2010, Goran Višković was convicted of, among others, ordering 20 detainees to get on a truck to perform forced labour on 27 June 1992.[7629] **Witness RM-066** specified that by the second half of July 1992, a group of 50-100 detainees was taken to work on various projects on a daily basis, such as the VRS barracks, the Alpro factory, the hospital, or agricultural work.[7630] Mane Đurić, Branislav Sokanović, and Risto Vidović could authorize the use of Sušica camp detainees through written order.[7631] Police or battalion commanders, Milanko Sargić or Radenko Stanić**,** personally came to the camp to take detainees.[7632] Vojislav Nikolić and Veljko Bašić could also take detainees for work without a written order.[7633] The persons taking them to carry out labour had to provide this order, specifying the number of detainees to be taken, and sign a list of the detainees taken prior to the departure of the detainees so that it could be confirmed whether all were returned in the evening.[7634] Veljko Bašić was informed if a detainee was missing and would require explanations as to whether the detainee was released, taken by the SJB, or killed.[7635]

1815. The Trial Chamber finds that detainees at the Sušica camp performed several types of forced labour, including burial of the men killed in Drum, digging of trenches,

[7625] P1610 (Witness RM-030, witness statement, 29 September 1994), p. 1; P1612 (Witness RM-030, MUP statement, 25 November 1993), p.1.
[7626] P3391 (Witness RM-004, witness statement, 30 August 2011), p. 1, paras 1-2; P3392 (Witness RM-004, witness statement, 3 April 2013), p. 1.
[7627] **Witness RM-066**: Witness RM-066, T. 2520; P182 (Witness RM-066, witness statement, 7 April 2010), paras 71-72, 99. **Witness RM-030**: P1610 (Witness RM-030, witness statement, 29 September 1994), pp. 2, 5-6. **Witness RM-004**: P3391 (Witness RM-004, witness statement, 30 August 2011), paras 7, 17, 24, 27, 32, 35. **Documentary evidence**: P6938 (Excerpt from Bosnia-Herzegovina State Court verdict against Predrag Bastah and Goran Višković, 4 February 2010), pp. 1, 4-5; and P7532 (Report of UN Commission of Experts investigative mission into treatment of Muslim women in former Yugoslavia), p. 10.
[7628] Adjudicated Facts I, no. 1261; P182 (Witness RM-066, witness statement, 7 April 2010), para. 28.
[7629] P6938 (Excerpt of the Court of Bosnia-Herzegovina Judgment in the case of Predrag Bastah and Goran Višković, 4 February 2010), p. 5.
[7630] P182 (Witness RM-066, witness statement, 7 April 2010), para. 99; Witness RM-066, T. 2520.
[7631] P182 (Witness RM-066, witness statement, 7 April 2010), para. 100; Witness RM-066, T. 2521.
[7632] P182 (Witness RM-066, witness statement, 7 April 2010), para. 100.
[7633] P182 (Witness RM-066, witness statement, 7 April 2010), para. 100.
[7634] P182 (Witness RM-066, witness statement, 7 April 2010), para. 101.
[7635] P182 (Witness RM-066, witness statement, 7 April 2010), para. 101; Witness RM-066, T. 2521.

and carrying munitions at the front lines.[7636] From at least mid-June until the end of September 1992, Vojislav Nikolić, Veljko Bašić, a member of the SJB Vlasenica during his time at Sušica camp as established in chapter 4.14.2 *Schedule C.19.3*, Milanko Sargić, and Radenko Stanić, personally selected and/or took out non-Serb detainees from Sušica camp to carry out forced labour.[7637] From the second half of July onwards, some of these individuals forced a group of 50-100 detainees to work on various projects on a daily basis. In this respect, the Trial Chamber also recalls its findings in chapter 4.14.2 *Schedule C.19.3* concerning the conditions of detention. The Trial Chamber will further consider these incidents in relation to Count 3 of the Indictment in chapter 8 below.

4.14.6 Imposition and maintenance of restrictive and discriminatory measures

1816. According to the Indictment, the Accused is responsible for imposition and maintenance of restrictive and discriminatory measures on Bosnian Muslims and/or Bosnian Croats in Vlasenica Municipality between 12 May 1992 and 30 November 1995.[7638] Such measures included, but were not limited to, the denial of freedom of movement, the removal from positions of authority in local government institutions and the police, the general dismissal from employment, the invasion of privacy through arbitrary searches of homes, unlawful arrest and/or the denial of the right to judicial process, and the denial of equal access to public services.[7639] The Trial Chamber took judicial notice of a number of Adjudicated Facts. It also received evidence from **Ibro Osmanović** and **Witness RM-004,** both Bosnian Muslims from Vlasenica;[7640] as well

[7636] The Trial Chamber notes that Ibro Osmanović was one of the detainees involved in the burial of the men killed at Drum, as described in chapter 4.14.1 *Schedule A.9.1* . It also observes that Osmanović was held at a detention facility that was stricken from the Indictment. The Trial Chamber has therefore not considered Osmanović's evidence for its finding on the occurrence of forced labour in Vlasenica and refers to its considerations regarding this type of evidence set out in Appendix B. The Trial Chamber has relied on the unrebutted adjudicated fact that detainees at the Sušica camp performed several types of forced labour, including burial of the men killed in Drum.
[7637] As it is unclear on what evidentiary basis the Court of Bosnia-Herzegovina convicted Predrag Bastah and Goran Višković, the Trial Chamber does not rely on further details contained in P6938.
[7638] Indictment, paras 47, 59(k).
[7639] Indictment, para. 59(k).
[7640] P207 (Ibro Osmanović, witness statement, 10 October 1994), p. 1, para. 1; P208 (Ibro Osmanović, witness statement, 11 October 1995), p. 1; Ibro Osmanović, T. 2747; D49 (Statement by Ibro Osmanović to the Lukavac war crimes office, 4 August 1993), p. 1; D50 (Statement by Ibro Osmanović to the ABiH, 23 July 1993), p. 1; P3391 (Witness RM-004, witness statement, 30 August 2011), p. 1, paras 1-2; P3392 (Witness RM-004, witness statement, 3 April 2013), p. 1.

as **Witness RM-066**, a Serb from Vlasenica;[7641] and finds that the evidence is consistent with the Adjudicated Facts.[7642] The Trial Chamber further received evidence from **Mane Đurić**, Head of the SJB Vlasenica as of 20 May 1992.[7643] The evidence of Witness RM-004 and Witness RM-066 is reviewed in chapter 4.14.7.

1817. From late 1991 and up to May 1992, Muslims working in state-owned companies and other public services in Vlasenica Municipality were dismissed from their jobs.[7644] According to **Đurić**, following the adoption of the decision of 19 April 1992 to take over the municipality, Muslims no longer reported to their workplace in the municipality, partly because a majority had already left.[7645] Muslim shopkeepers feared keeping their businesses open.[7646] **Ibro Osmanović** testified that after a Serb-only JNA unit had collected weapons with the help of local Serbs, Serb shops and bars began to re-open, but the Muslims were afraid to open their stores because the stores of those Muslims who had left, had been broken into and their homes and shops had signs posted or painted on them saying 'Muslims leave' and 'We will kill all *Ustaša*.'[7647]

1818. **Osmanović** testified that around 17 or 18 May 1992, all the former Serb police officers and MUP personnel were called back to work, while Muslims, even those that worked there, were not allowed to enter the building containing the police station.[7648] According to **Đurić**, following the disarmament of policemen in execution of the Crisis Staff's decision on disarming active and reserve police forces on 19 April 1992, the non-Serb policemen did not report for work at the police station.[7649] Rade Bjelanović, the Chief of the SJB, was authorised to establish the police station with new personnel.[7650] The police officers with a Serb ethnic background were re-employed.[7651]

1819. The crisis staff, under Milenko Stanić, issued passes which Muslims were required to use in order to move around Vlasenica Municipality or to travel to other

[7641] P182 (Witness RM-066, witness statement, 7 April 2010), p. 1.
[7642] **Ibro Osmanović**: P207 (Ibro Osmanović, witness statement, 10 October 1994), paras 6-7, 9, 13; **Witness RM-004**: P3391 (Witness RM-004, witness statement, 30 August 2011), para. 31; **Witness RM-066**: P182 (Witness RM-066, witness statement, 7 April 2010), para. 20.
[7643] Mane Đurić, T. 27630. Mane Durić's evidence is also reviewed in chapter 4.14.7.
[7644] Adjudicated Facts I, no. 1242.
[7645] Mane Đurić, T. 27648.
[7646] Adjudicated Facts I, no. 1242.
[7647] P207 (Ibro Osmanović, witness statement, 10 October 1994), paras 6-7.
[7648] P207 (Ibro Osmanović, witness statement, 10 October 1994), paras 12, 14.
[7649] D732 (Mane Đurić, witness statement, 30 July 2014), paras 20, 22; Mane Đurić, T. 27644-27647, 27650, 27677; P6875 (Decision of the Vlasenica Crisis Staff to disarm the active and reserve forces of the Vlasenica SJB, 19 April 1992).
[7650] D732 (Mane Đurić, witness statement, 30 July 2014), para. 20.

municipalities.[7652] Checkpoints were erected under the authority of Dragiša Milaković, an SDS member.[7653] **Osmanović** confirmed that contrary to the 'Serbian' population, the Muslim population of Vlasenica was not allowed to move freely within the municipality.[7654] At some point between 17 May and 22 May 1992, Milaković showed him a list containing the witness's name and the names of other Muslim men between the ages of about 18 and 55, who had remained in Vlasenica after the JNA occupation.[7655] Milaković warned the witness not to walk around the town at night, to ignore anyone breaking into houses and taking property, and to take care of his life, because it was uncertain who had weapons now.[7656]

1820. Based on the foregoing, the Trial Chamber finds that following a Crisis Staff's decision, dated 19 April 1992, on disarming active and reserve police forces, non-Serb policemen did not report for work at the police station. Rade Bjelanović, the Chief of the SJB, was authorised to establish the police station with new personnel. Around 17 or 18 May 1992, all the former Serb police officers and MUP personnel were called back to work, whereas Bosnian Muslims, even those that worked there, were not allowed to enter the police station. The Trial Chamber therefore finds that the Bosnian-Muslim staff members of the police were dismissed.

1821. The Trial Chamber further finds that around the time of the takeover of the municipality, on 23 April 1992, checkpoints were established under the authority of Dragiša Milaković, an SDS member. On 19 May 1992, the Serb Crisis Staff issued instructions on the procedure for persons to leave Vlasenica, requiring all Bosnian Muslims to sign a statement admitting that they were leaving of their own free will, before they were issued a pass to leave the Municipality. The Crisis Staff, under Milenko Stanić, issued passes which Bosnian Muslims were required to use in order to move around Vlasenica Municipality or to travel to other municipalities, whereas this requirement was not imposed on the Serb population.

1822. The Trial Chamber will further consider these incidents in relation to Count 3 in chapter 8 below.

[7651] Mane Đurić, T. 27645.
[7652] Adjudicated Facts I, no. 1248.
[7653] Adjudicated Facts I, no. 1249.
[7654] P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 10; Ibro Osmanović, T. 2755-2756, 2781. See e.g. P209 (Vlasenica Crisis Staff document no. 25, undated).
[7655] P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 8.
[7656] P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 9.

4.14.7 Forcible transfer and deportation

1823. According to the Indictment, the Accused is responsible for forcible transfer and deportation of Bosnian Muslims and Bosnian Croats from Vlasenica Municipality between 12 May 1992 and 30 November 1995.[7657] The forcible transfers and deportations were implemented by the imposition of restrictive and discriminatory measures, arbitrary arrest and detention, harassment, torture, rape and other acts of sexual violence, killing, the destruction of houses and cultural monuments and sacred sites, and the threat of further such acts - aimed at Bosnian Muslims and Bosnian Croats.[7658] Others were physically driven out.[7659] The Defence argued that large numbers of Bosnian Muslims had already left Vlasenica by 19 April 1992, following an imminent threat of war by the Crisis Staff.[7660] The movement of civilians was voluntarily and caused by natural fear and panic to the rising of political tension and chaotic armed conflict in the municipality.[7661] The Trial Chamber took judicial notice of a number of Adjudicated Facts related to this charge.[7662] It received evidence from **Witness RM-066**, a Serb from Vlasenica (also reviewed in chapter 4.14.1 *Schedule A.9.1*);[7663] **Witness RM-030**, a Bosnian Muslim from Vlasenica (also reviewed in chapter 4.2.2 *Schedule C.2.1*);[7664] **Ibro Osmanović**, a Bosnian Muslim from Vlasenica (also reviewed in chapter 4.14.6);[7665] **Mane Đurić**, Head of the Vlasenica SJB as of 20 May 1992 (also reviewed in chapters 4.14.1 *Schedule A.9.1* and 4.14.6);[7666] and **Momir Deurić**, member of the Vlasenica TO until the beginning of the war in 1992 and assigned to providing security for one of the TO facilities in Sušica from April to September 1992,[7667] and finds that this evidence is consistent with the Adjudicated

[7657] Indictment, paras 47, 59(f), 67-68, 70-71.
[7658] Indictment, para. 70.
[7659] Indictment, para. 70.
[7660] Defence Final Brief, para. 1678.
[7661] Defence Final Brief, para. 1678.
[7662] These are set out below but also include Adjudicated Facts 1242, set out in chapter 4.14.6 and Adjudicated Facts 1251 and 1252, set out in chapter 4.14.1 Schedule A.9.1.
[7663] P182 (Witness RM-066, witness statement, 7 April 2010), p. 1.
[7664] P1610 (Witness RM-030, witness statement, 29 September 1994), p. 1; P1612 (Witness RM-030, MUP statement, 25 November 1993), p.1.
[7665] P207 (Ibro Osmanović, witness statement, 10 October 1994), p. 1, para. 1; P208 (Ibro Osmanović, witness statement, 11 October 1995), p. 1; Ibro Osmanović, T. 2747; D49 (Statement by Ibro Osmanović to the Lukavac war crimes office, 4 August 1993), p. 1; D50 (Statement by Ibro Osmanović to the ABiH, 23 July 1993), p. 1.
[7666] Mane Đurić, T. 27630.
[7667] D797 (Momir Deurić, witness statement, 16 February 2012), paras 2, 15; Momir Deurić, T. 28702, 28725, 28733.

Facts.[7668] The Trial Chamber also received evidence from **Witness RM-004**, a Bosnian Muslim from Vlasenica Municipality (also reviewed in chapters 4.2.2 *Schedule C.2.1* and 4.14.1 *Schedule A.9.1*, and 4.14.2 *Schedule C.19.3*);[7669] **Tomislav Savkić**, the former Commander of the First Infantry Battalion in Milići and from 1 November 1993 President of the Milići Municipal Assembly (also reviewed in chapter 4.14.2 *Schedule C.19.3*);[7670] **Mirsad Kuralić**, a Bosnian-Muslim member of the ABiH from Tojšići in Kalesija Municipality (reviewed in chapter 4.2.2 *Schedule C.2.1*);[7671] and **Milenko Stanić,**President of the Vlasenica Municipal Assembly from the beginning of 1991 to the beginning of 1993 and President of the SAO Birač Executive Council (also reviewed in chapter 4.14.2 *Schedule C.19.3*),[7672] as well as documentary evidence.

Transfer of people in connection with and following the attack on the municipality

1824. In accordance with the 1991 census in Bosnia-Herzegovina, the ethnic composition of Vlasenica Municipality was: 18,727 (55 per cent) Muslims, 14,359 (42 per cent) Serbs, 39 Croats, 340 Yugoslavs, and 477 persons of other or unknown ethnicity.[7673] After 24 October 1991, members of the Vlasenica SDS founded an Assembly of the Serbian people.[7674] **Mane Đurić** testified that the Assembly started functioning in mid-April 1992.[7675]

1825. During the first days of April 1992, tanks, artillery, and armed vehicles from Milići, Han Pijesak, and Šekovići were deployed in the municipality.[7676] A large

[7668] **Witness RM-066**: P182 (Witness RM-066, witness statement, 7 April 2010), para. 13; P182 (Witness RM-066, witness statement, 7 April 2010), paras 38, 47. **Witness RM-030**: P1610 (Witness RM-030, witness statement, 29 September 1994), p. 2. **Ibro Osmanović**: P207 (Ibro Osmanović, witness statement, 10 October 1994), paras 5-6; Ibro Osmanović, T. 2778, 2782; D49 (Statement by Ibro Osmanović to the Lukavac war crimes office, 4 August 1993), p. 1. **Mane Đurić**: D732 (Mane Đurić, witness statement, 30 July 2014), paras 3-4; Mane Đurić, T. 27634-27635; P6870 (Excerpt from 1991 Census Data), pp. 2-4, 23. **Momir Deurić**: D797 (Momir Deurić, witness statement, 16 February 2012), para. 14.
[7669] P3391 (Witness RM-004, witness statement, 30 August 2011), p. 1, paras 1-2; P3392 (Witness RM-004, witness statement, 3 April 2013), p. 1.
[7670] D699 (Tomislav Savkić, witness statement, 11 August 2014), para. 2.
[7671] P2521 (Mirsad Kuralić, witness statement, 28 June 1996), pp. 1-3; P2524 (Medical record of Mirsad Kuralić, 21 June 1993), p. 6.
[7672] D884 (Milenko Stanić, witness statement, 16 February 2013), paras 1-2, 5; Milenko Stanić, T. 30850, 30883-30884, 30904.
[7673] Adjudicated Facts I, no. 1241.
[7674] P6871 (Decision of the Vlasenica Crisis Staff to found an Assembly of the Serbian People in the Municipality of Vlasenica).
[7675] Mane Đurić, T. 27637-27638.
[7676] Adjudicated Facts I, no. 1243.

number of soldiers and reservists were already present there.[7677] In the beginning of that month, SDS and local Muslims negotiated the division of the municipality into Serb and Muslim parts.[7678] During the negotiations, Milenko Stanić, the SDS-appointed President of the Municipal Assembly, consulted with Rajko Dukić, President of the SDS Executive Board.[7679] Dukić told Izet Redžić, SDA-appointed President of the executive board of Vlasenica Municipality, that he was following orders coming from 'higher up'.[7680] According to **Momir Deurić**, the Serb representatives in the municipal government proposed to divide the territory of the municipality into a Serb and a Muslim municipality.[7681] Redžić received threats from Tomislav Savkić, the Vlasenica SDS President, that if the Muslims refused the partition, armed intervention would follow.[7682] **Deurić** testified that Muslims accepted the proposal but started leaving Vlasenica *en masse* for Kladanj, Tuzla, and Cerska shortly thereafter.[7683] **Đurić** testified that around 13 April 1992, the municipality was split into the Serb municipality of Vlasenica, the Muslim municipality of Vlasenica, and the Serb municipality of Milići.[7684] On 19 April 1992, the Vlasenica Crisis Staff adopted a decision on taking over power in the territory of Vlasenica Municipality.[7685] Power was taken over a day or two later by the Serb authorities.[7686] On or about 23 April 1992, JNA soldiers took over the town of Vlasenica with the assistance of local armed Serbs, by taking control of the municipality premises, the police station, the post office, and the bank.[7687] Immediately after that, the seat of the Serb municipality of Vlasenica was moved from Milići to Vlasenica town, and a Serb crisis staff was set up.[7688]

1826. **Deurić** testified that in mid-April 1992, people also left the municipality due to fighting in the area of Bijeljina and Zvornik: Serbs left for Serbia and Muslims left for Tuzla, Kladanj and other places.[7689] **Đurić** testified that by 19 April 1992, Serbs and large numbers of Muslims, including Muslim representatives from the municipal

[7677] Adjudicated Facts I, no. 1243.
[7678] Adjudicated Facts I, no. 1244.
[7679] Adjudicated Facts I, no. 1245.
[7680] Adjudicated Facts I, no. 1245.
[7681] D797 (Momir Deurić, witness statement, 16 February 2012), para. 14.
[7682] Adjudicated Facts I, no. 1246.
[7683] D797 (Momir Deurić, witness statement, 16 February 2012), para. 14.
[7684] D732 (Mane Đurić, witness statement, 30 July 2014), para. 11; Mane Đurić, T. 27638, 27645.
[7685] D732 (Mane Đurić, witness statement, 30 July 2014), para. 18.
[7686] Mane Đurić, T. 27648.
[7687] Adjudicated Facts I, no. 1247.
[7688] Adjudicated Facts I, no. 1247.
[7689] D797 (Momir Deurić, witness statement, 16 February 2012), paras 11-12. *See also* P3391 (Witness RM-004, witness statement, 30 August 2011), para. 5.

government, had left the Vlasenica area.[7690] According to him, the Muslims left voluntarily, without pressure, fearing for their safety.[7691] The Muslims left for Tuzla, Kladanj, Sarajevo, Olovo, or went abroad.[7692]

1827. **Ibro Osmanović** testified that between 21 and 23 April 1992, Serb JNA soldiers from the Sremska Mitrovica Motorized Unit of the Novi Sad Corps came from the direction of Šekovići Municipality and entered Vlasenica Town with tanks and an APC.[7693] During the night of 23 and 24 April 1992, the Serb soldiers occupied Vlasenica Town and took control of the municipal defense and justice departments, the police station, the post office, and the bank.[7694] **Witness RM-066** testified that it was the Serb police and TO that took control of Vlasenica with the aid of approximately 200 JNA soldiers from the Novi Sad Corps.[7695] There was no Muslim resistance to the take-over.[7696]

1828. According to **Đurić**, some departures of Muslims took place on 21 April 1992. Seeing the number of soldiers in town, Muslims became scared and started leaving towards Kladanj, Olovo, Tuzla, or Cerska. Those without transportation came to the municipal authorities asking for transportation, which was then secured for them.[7697] More departures took place following the take-over and, more particularly, the arrival of Serbs *en masse* at the end of April. The Muslims left because they were in a minority and feared for their safety. Others were forcibly removed from their houses and apartments by the arriving Serbs, who themselves had been evicted by Muslims elsewhere.[7698]

1829. **Osmanović** testified that following the take-over, the Serbs arranged a command structure and established the Serb Municipality Crisis Committee, which appeared to make all the final decisions in the town.[7699] According to **Witness RM-066**, the Crisis Staff, headed by Milenko Stanić, was the main municipal authority in Vlasenica in

[7690] D732 (Mane Đurić, witness statement, 30 July 2014), paras 16, 36; P6874 (Decision on an imminent threat of war, 19 April 1992); *See also* Witness RM-066, T.2475.
[7691] D732 (Mane Đurić, witness statement, 30 July 2014), para. 36.
[7692] D732 (Mane Đurić, witness statement, 30 July 2014), paras 16, 36.
[7693] P207 (Ibro Osmanović, witness statement, 10 October 1994), paras 5-6; Ibro Osmanović, T. 2778, 2782; D49 (Statement by Ibro Osmanović to the Lukavac war crimes office, 4 August 1993), p. 1.
[7694] P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 5; Ibro Osmanović, T. 2778-2780.
[7695] P182 (Witness RM-066, witness statement, 7 April 2010), paras 6, 20. *See also* D732 (Mane Đurić, witness statement, 30 July 2014), paras 24-25, 37.
[7696] P182 (Witness RM-066, witness statement, 7 April 2010), para. 20.
[7697] D732 (Mane Đurić, witness statement, 30 July 2014), para. 37.
[7698] D732 (Mane Đurić, witness statement, 30 July 2014), para. 38.
[7699] P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 66.

1992.[7700] Other members of the Crisis Staff included Savo Čeliković, Risto Vidović, and Miloš Savić.[7701] **Osmanović** believed Milomir Stanić to be in charge of all civil and military departments in Vlasenica. Mane Đurić and Kraljević reported to him. Mane Đurić, was in charge of civil affairs; another person with the name of Stanić reported to Đurić and Vojo Nikolić reported to the person named Stanić. Policemen reported to Vojo Nikolić. Kraljević was in charge of military affairs; Bašić reported to Kraljević.[7702] Kraljević commanded the Serb special forces, which were the only ones who wore camouflage uniforms and who were headquartered together with the Crisis Committee.[7703] Dragan Nikolić was the direct subordinate of Kraljević and a member of his special forces, as were Zoran Obrenović; Sladjan Pajić; Zoran Stupar; Ljubiša Vukotić; Slaviša Orašanin; Goran Višković; Goran Pajić; Elvis and Aleksandar, a.k.a. Aco, Đurić; two brothers called Sekulić; and a man called Simo from Piskavice.[7704] **Witness RM-066** testified that Dragan Nikolić received a summons to join Kraljević's unit between 15 and 20 May 1992.[7705] According to **Witness RM-066**, at 7 a.m. every morning, all members of this special police platoon reported to the Vlasenica SJB building, where Kraljević assigned groups to their daily tasks.[7706] Occasionally Radenko Stanić and Mane Đurić attended these morning roll calls.[7707] The orders to conduct operations against Muslim villages in the municipality were received from Stanić, but specific direction for these operations lay within Kraljević's discretion.[7708]

1830. The Crisis Staff ordered that the Muslims surrender their weapons and around 1 May 1992, the Serb police started arresting and mistreating Muslims suspected of weapons possession.[7709] According to Witness RM-066, many of these arrests were a pretext for obtaining information from Muslims about other things, such as where they hid their money.[7710] **Osmanović** testified that between 17 and 18 May 1992, the JNA

[7700] P182 (Witness RM-066, witness statement, 7 April 2010), para. 17.
[7701] P182 (Witness RM-066, witness statement, 7 April 2010), para. 19.
[7702] P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 65.
[7703] P207 (Ibro Osmanović, witness statement, 10 October 1994), paras 69-71.
[7704] P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 70. *See also* P182 (Witness RM-066, witness statement, 7 April 2010), paras 8, 10. The Trial Chamber considered the individual with first name 'Aleksandar' to be the same person as 'Aco' having been identified in similar terms and context by two witnesses, Ibro Osmanović and Witness RM-066.
[7705] P182 (Witness RM-066, witness statement, 7 April 2010), paras 8, 10.
[7706] P182 (Witness RM-066, witness statement, 7 April 2010), para. 13.
[7707] P182 (Witness RM-066, witness statement, 7 April 2010), paras 13, 15, 36.
[7708] P182 (Witness RM-066, witness statement, 7 April 2010), para. 13.
[7709] P182 (Witness RM-066, witness statement, 7 April 2010), paras 20, 25.
[7710] P182 (Witness RM-066, witness statement, 7 April 2010), para. 20.

started to leave Vlasenica, leaving all of its equipment behind.[7711] Some local Serbs put on their uniforms, others wrapped a white band around their arms, and eventually they took over the JNA's role in the municipality.[7712]

1831. **Witness RM-066** testified that Serb forces took over the following 16 Muslim villages in Vlasenica Municipality in 1992: Dragaši, Džemat, Drum, Alihadžić, Piskavice, Pijuci, Gradina, Turalići, Zaklopača, Kašaha, Neđeljište, Peševina, Hodžići, Mršići, Smajići, and Kuljančić.[7713] No non-Serb inhabitants remained in those villages after the take-overs and the ones that 'survived' either escaped or were taken to Sušica camp.[7714] While in Vlasenica, **Osmanović** heard that 'Chetniks' had cleansed several Muslim villages, killing 87 inhabitants in Zaklopača, 12 in Pijuci, 27 in Drum, 12 in Džamdžići, and about 30 in each Kula and Zeban.[7715] According to the witness, the special police platoon conducted the operation in Turalići in early May 1992, under the orders of Kraljević, and that village was burnt almost entirely to the ground.[7716] On 15 May 1992, Radovan Tačić, the Commander of the Birač Brigade Command, ordered the 3rd Infantry Battalion to control the territory of Milići municipality by fighting the renegade groups in coordination with the TO, in order to enable the functioning of the organs of the government.[7717] The following day on 16 May 1992, there was a take-over of Zaklopača killing 60 to 80 people, which, according to **Đurić,** encouraged Muslims to leave the area of Vlasenica.[7718] **Witness RM-066** heard that prior to the attack on Zaklopača, the Muslims from that village had expressed their wish to stay, signed an oath of loyalty to the Bosnian-Serb Republic and posed no threat to the Serbs.[7719] The Trial Chamber took judicial notice of Adjudicated Facts that, on 17 May 1992, in Zaklopača in Vlasenica Municipality, a group of women and children and one elderly man surrendered to the Serbs.[7720] The Serbs took them to the municipality building in Vlasenica town, where the women had to sign statements giving away their houses and

[7711] P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 16.
[7712] P207 (Ibro Osmanović, witness statement, 10 October 1994), paras 16, 69.
[7713] P182 (Witness RM-066, witness statement, 7 April 2010), paras 31-32; P185 (Two Maps of Vlasenica Municipality). The Trial Chamber replaced the reference to 'Piskavica' with 'Piskavice' as Piskavica was considered to be a typographical error and that the reference here could only relate to the village of Piskavice.
[7714] P182 (Witness RM-066, witness statement, 7 April 2010), paras 31-32.
[7715] D49 (Statement by Ibro Osmanović to the Lukavac war crimes office, 4 August 1993), p. 4.
[7716] P182 (Witness RM-066, witness statement, 7 April 2010), para. 32.
[7717] P4092 (Order of the Command of Birač Brigade, 15 May 1992), pp. 1,3,5.
[7718] Mane Đurić, T. 27694-27695.
[7719] P182 (Witness RM-066, witness statement, 7 April 2010), paras 49-50.
[7720] Adjudicated Facts I, no. 1269.

properties to 'the Serbs'.[7721] They were then put on a bus and dropped off at a point about ten kilometres outside Kladanj, from where they walked to Kladanj town.[7722] On 26 and 28 May 1992, Svetozar Andrić ordered the Osmaci Light Infantry Batallion and Zvornik TO Staff respectively to move women and children out of the Muslims villages to Kalesija and Gračanica and to bring the men to the collection centres.[7723] **Witness RM-066** testified that non-Serbs were harassed and did not feel their lives were secure in the municipality.[7724] Muslims from villages that were taken over by the end of May 1992 were fleeing for their lives although the Vlasenica municipal authorities were calling their departure voluntary.[7725] These Muslims waited with their belongings either at the bus station or on the football field for an opportunity to leave the municipality.[7726]

1832. **Witness RM-004** testified that during the attack in Drum on 2 June 1992, the Serbs were killing all of the men and moving every Muslim woman out of the village.[7727] He was taken to an area where the women and children were being gathered, put onto a bus, and later transferred to the Sušica camp.[7728] According to **Witness RM-066**, the primary goal of the operation in Drum and Gradina was to surround and round up all Muslims, including women and children, and to transport them from Vlasenica.[7729]

1833. According to **Đurić**, by August 1992, almost all Muslims had left Vlasenica.[7730] **Witness RM-066** testified that by October 1992, the only non-Serbs that remained in Vlasenica Town were a few Muslims who were married to Serbs and one Croat married to a Serb.[7731] By that time, no non-Serbs remained in the surrounding villages; the area that had been 'cleansed' of non-Serbs had expanded almost to Cerska.[7732] According to **Tomislav Savkić**, the departure of Muslims from Vlasenica took place in three stages: (i) those who did not support the war option and who saw that their extremist leadership was leading them into war left; (ii) those who were afraid of the revenge of the Serbs for what their ancestors had done to the Serbs in World Wars I and II left; and (iii)

[7721] Adjudicated Facts I, no. 1269.
[7722] Adjudicated Facts I, no. 1269.
[7723] P7086 (Order of the Command of Birač Brigade, 26 May 1992);
[7724] P182 (Witness RM-066, witness statement, 7 April 2010), para. 27.
[7725] P182 (Witness RM-066, witness statement, 7 April 2010), para. 54.
[7726] P182 (Witness RM-066, witness statement, 7 April 2010), para. 54.
[7727] P3391 (Witness RM-004, witness statement, 30 August 2011), para. 17.
[7728] P3391 (Witness RM-004, witness statement, 30 August 2011), paras 17, 21, 24.
[7729] P182 (Witness RM-066, witness statement, 7 April 2010), paras. 41-42.
[7730] Mane Đurić, T. 27709.
[7731] P182 (Witness RM-066, witness statement, 7 April 2010), para. 54, 58.

'Serbian' refugees who were expelled by Muslims from Goražde, Srebrenica, Kladanj, and Olovo started arriving in Vlasenica in mid-May 1992, which made Muslims feel unsafe because they were in the minority and they were afraid of revenge attacks by Serbs which resulted in Muslims leaving.[7733]

The involvement of the Vlasenica crisis staff in the transfer of people

1834. The Trial Chamber received some evidence about the involvement of the Vlasenica Crisis Staff in the departure of Muslims from the municipality. **Witness RM-066** testified that on 19 May 1992, the Crisis Staff issued instructions on the procedure for persons to leave the municipality, requiring all Muslims to sign a statement admitting that they were leaving of their own free will, before they were issued a pass to leave the municipality.[7734] Serb civilians did not need a pass to go through the checkpoints and move to another part of the municipality.[7735] On many occasions Muslims also had to pay a substantial amount of money in order to be permitted to leave.[7736] According to **Đurić**, the procedure laid out by the Crisis Staff was applicable to Muslims and Serbs and involved obtaining a certificate to allow a person to leave the municipality; it was applicable to Serbs to prevent them from leaving the municipality to avoid military service.[7737] Inhabitants could not obtain this certificate unless they signed a statement confirming that they were leaving the municipality voluntarily.[7738]

1835. On 4 February 2010, the Court of Bosnia and Herzegovina convicted Predrag Bastah of ordering a couple as well as a woman and her underage children to leave Vlasenica Municipality in late August 1992.[7739] He threatened to kill them and all of them were 'forced' to leave for Muslim-controlled territory.[7740]

[7732] P182 (Witness RM-066, witness statement, 7 April 2010), paras 56, 58.
[7733] D699 (Tomislav Savkić, witness statement, 11 August 2014), para. 38.
[7734] P182 (Witness RM-066, witness statement, 7 April 2010), para. 23; P196 (Letter from the Vlasenica Municipal Crisis Staff, 19 May 1992), para. 2.
[7735] Witness RM-066, T. 2474.
[7736] P182 (Witness RM-066, witness statement, 7 April 2010), para. 55.
[7737] D732 (Mane Đurić, witness statement, 30 July 2014), para. 35; Mane Đurić, T. 27627-27628, 27709.
[7738] D732 (Mane Đurić, witness statement, 30 July 2014), para. 35.
[7739] P6938 (Excerpt of the Court of Bosnia-Herzegovina Judgement in the case of Predrag Bastah and Goran Višković, 4 February 2010), p. 4.
[7740] P6938 (Excerpt of the Court of Bosnia-Herzegovina Judgement in the case of Predrag Bastah and Goran Višković, 4 February 2010), p. 4.

The transfer of people from Sušica camp

1836. The Trial Chamber also received evidence about people leaving the municipality after having been detained at Sušica camp in Vlasenica Municipality. In this respect, **Witness RM-066** testified that between 15 or 18 June 1992 until the end of September 1992, instructions were to release detainees for exchange or transfer only upon seeing a written order with the signature of Risto Vidović, Mane Đurić, Branislav Sokanović, Veljko Bašić, Mićo Kraljević, or Milenko Stanić.[7741] While the official position of the Bosnian-Serb authorities in Vlasenica was that the detainees were exchanged for Serb detainees, no 'real' prisoner exchanges took place while he was stationed at Sušica camp and the general policy was that the able-bodied men of military age were transferred to the Batković detention facility in Bijeljina, while women, children and the elderly were generally taken to the frontlines in Kladanj or Cerska and simply 'released'.[7742] When the Serb police or military would come to the Sušica camp for a group of detainees, they had a list of names, and would transport the majority of detainees by buses or trucks.[7743] On average, the trucks and buses arrived every seven to ten days, and excluding the smaller transportations of four or five detainees, the witness observed about 20 transports of between 20 to 300 detainees between 15 or 18 June 1992 until the end of September 1992.[7744]

1837. **Witness RM-004** stated that on 5 June 1992, at Sušica camp, a group of men, one of whom he identified as working for the Vlasenica Municipality, came to issue permits to people in order to leave Vlasenica.[7745] The witness and others were told by these people that such permits were needed in order to leave Vlasenica without being mistreated or sent back at a roadblock.[7746] Anyone could sign and leave the camp but mostly women, children, and the elderly did so; approximately 800 women left in this manner with only about 10 women choosing to remain.[7747] Those who signed up to leave went on a bus bound for Kladanj.[7748] The witness understood that if he signed, he

[7741] P182 (Witness RM-066, witness statement, 7 April 2010), paras 71-72, 139.
[7742] P182 (Witness RM-066, witness statement, 7 April 2010), para. 140; Witness RM-066, T. 2532-2533.
[7743] P182 (Witness RM-066, witness statement, 7 April 2010), para. 142.
[7744] P182 (Witness RM-066, witness statement, 7 April 2010), paras 71-72, 142.
[7745] P3391 (Witness RM-004, witness statement, 30 August 2011), para. 31.
[7746] P3391 (Witness RM-004, witness statement, 30 August 2011), para. 31.
[7747] P3391 (Witness RM-004, witness statement, 30 August 2011), paras 31-32.
[7748] P3391 (Witness RM-004, witness statement, 30 August 2011), para. 31.

would voluntarily abandon his home and property and leave without anyone driving him away.[7749]

1838. **Witness RM-030** stated that on 6 June 1992, the men were separated from the women and children at the camp. The women including the witness's wife, daughter, mother, and sister-in-law were made to sign a book stating that they were leaving of their own volition and transported to Luke in buses and trucks. From there, they travelled on foot to Kladanj. Others (including the witness's father) were taken to Cerska in Vlasenica Municipality.[7750] **Witness RM-066** testified that on one day in July 1992, 200 to 300 male detainees were taken in four or five buses to Batković camp.[7751] In July or August 1992, in the presence of camp warden Veljko Bašić and deputy camp warden Vidoslav Mlađenović, a large number of women, children, and elderly men were taken by Serb police or military in three separate buses.[7752] An order was issued by Drago Nikolić and two police officers from Vlasenica SJB to rob women in that transport of their jewellery and valuables.[7753] According to **Deurić**, when lots of detainees were arriving at Sušica camp, those who wanted to go to Kladanj or Cerska, especially women and children, were immediately taken away to be exchanged.[7754]

1839. **Milenko Stanić** testified that on 26 December 1991, the municipal assembly of Vlasenica Municipality decided to join the SAO Birač.[7755] On 13 April 1992, the municipal assembly of Vlasenica Municipality adopted an agreement on the division of the territory into three municipalities: a Muslim municipality, a Serbian municipality, and the municipality of Milići.[7756] According to the witness, the Muslim representatives gave up on its implementation shortly after its adoption under pressure from the SDA leadership and only the decision on the establishment of Milići Municipality was implemented.[7757]

[7749] P3391 (Witness RM-004, witness statement, 30 August 2011), para. 31.
[7750] P1610 (Witness RM-030, witness statement, 29 September 1994), p. 2.
[7751] P182 (Witness RM-066, witness statement, 7 April 2010), para. 143; P191 (List of persons detained in Batković camp).
[7752] P182 (Witness RM-066, witness statement, 7 April 2010), para. 142.
[7753] P182 (Witness RM-066, witness statement, 7 April 2010), para. 142.
[7754] Momir Deurić, T. 28711, 28715.
[7755] D884 (Milenko Stanić, witness statement, 16 February 2013), para. 13
[7756] D884 (Milenko Stanić, witness statement, 16 February 2013), para. 14.
[7757] D884 (Milenko Stanić, witness statement, 16 February 2013), para. 15.

1840. **Witness RM-030** stated that on 30 June 1992, he was transferred from Sušica detention camp in Vlasenica Municipality to Batković camp in Bijeljina Municipality.[7758]

The Trial Chamber's findings

1841. Based on the foregoing, the Trial Chamber finds that throughout May 1992, as Serb refugees arrived in Vlasenica, Bosnian Muslims left because they feared for their safety. The arriving Serb refugees forced some Bosnian Muslims from their homes. The Trial Chamber recalls its finding in chapter 4.14.6. The Trial Chamber also recalls its finding in chapter 4.14.1. A decision of the Vlasenica Crisis Staff, on 19 May 1992, compelled all Bosnian Muslims leaving Vlasenica to sign a statement admitting that they were leaving of their own volition.[7759] The Trial Chamber, accordingly, finds that Bosnian Muslims did not feel their lives were secure in Vlasenica Municipality and that, by August 1992, almost all Bosnian Muslims had left the municipality. The Trial Chamber notes, however, that many of the almost 19,000 Bosnian Muslims had departed Vlasenica prior to 12 May 1992. The Trial Chamber will further consider the departure of Bosnian Muslims from Vlasenica Municipality between 12 May and August 1992 in relation to Counts 3 and 7-8 of the Indictment.

1842. The Trial Chamber finds that the attack on the Bosnian-Muslim village of Zaklopača on 16 May 1992, which killed 60 to 80 people, had encouraged Muslims to leave Vlasenica. On 17 May 1992, Serbs took a group comprised of women, children, and one elderly man from Zaklopač in Vlasenica Municipality who had surrendered to them to the municipality building in Vlasenica town. There the women had to sign statements giving away their houses and properties to 'the Serbs'. They were then put on a bus and dropped off at a point approximately ten kilometres outside Kladanj, from where they walked to Kladanj town. The Trial Chamber will further consider this incident in relation to Counts 3 and 7-8 of the Indictment.

1843. The Trial Chamber finds that in May and June 1992, Kraljević, under the command of the Vlasenica Crisis Staff, led his unit, supported by a VRS unit, to take over Gradina, Sušica, and other Bosnian Muslim hamlets and send women and children

[7758] P1610 (Witness RM-030, witness statement, 29 September 1994), pp. 5-6.
[7759] The Trial Chamber notes that the procedure for obtaining permits was also required of Serbs in order to prevent them from avoiding military service.

to Vlasenica town. The Trial Chamber recalls its finding in chapter 4.14.1 *Schedule A.9.1*. Kraljević ordered the unit to torch all Muslim houses in order to prevent owners from returning. The Trial Chamber recalls its finding in chapter 4.14.3. In relation to the incidents on 2 June 1992, in the village of Drum in Gradina, approximately 500 Muslims were captured by Kraljević's unit, accompanied by other VRS forces, and were taken either to Sušica camp or transported to the Vlasenica bus station or the football field before they were taken to Kladanj. The Trial Chamber recalls its finding in chapter 4.14.1 *Schedule A.9.1* in relation to this incident and finds that it was aimed to kill all the men and transfer the women and children outside the village. The Trial Chamber will further consider this incident in relation to Counts 3 and 7-8 of the Indictment in chapter 8 below.

1844. The Trial Chamber makes the following findings in relation to the numerous incidents at Sušica camp. The Trial Chamber finds that on or around 6 June 1992, following the separation of men from women and children at Sušica camp, approximately 800 women were transported, in buses and trucks, to Luke. The Trial Chamber recalls its finding in chapter 4.14.2 *Schedule C.19.3* that those detaining the women were VRS and MUP members. The Trial Chamber recalls its finding in chapter 4.14.2 *Schedule C.19.3* that the detainees at Sušica camp were Bosnian Muslims. Some of the women continued to Kladanj on foot. Others were taken to Cerska in Vlasenica Municipality. Women and others were required to sign statements by camp authorities stating that they left of their own volition, which they understood to entail the abandonment of their property. The Trial Chamber will further consider this incident in relation to Counts 3 and 7-8 of the Indictment.

1845. The Trial Chamber finds that sometime after 28 June 1992, Witness RM-004, a Bosnian-Muslim man from Vlasenica was transferred from Sušica camp to Batković camp by a bus that was accompanied by a man wearing a camouflage outfit. On 30 June 1992, Witness RM-030, a Bosnian-Muslim man from Vlasenica was transferred from Sušica camp to the Batković camp. Between December 1992 and July 1993, Bosnian-Muslim detainees were released as part of an exchange after having been detained in both the Sušica camp and Batković camp, including Witness RM-004 and Witness RM-030 in Tuzla. The Trial Chamber will further consider the incidents related to the transfer of Witness RM-004 and Witness RM-030 in relation to Counts 3 and 7-8 of the Indictment in chapter 8 below.

1846. In relation to the incident in July or August 1992 at Sušica camp, the Trial Chamber finds that in the presence of camp wardens, a large number of women, children, and elderly men were taken in three separate buses from Sušica camp to either Kladanj or Cerska by Serb police or military. The Trial Chamber recalls its finding in chapter 4.14.2 *Schedule C.19.3* that the detainees at Sušica camp were Bosnian Muslims.

1847. With regard to the evidence on the transfer from Sušica camp to Batković camp of approximately 200 Bosnian-Muslim detainees from Kalejisa Municipality on 28 June 1992, the Trial Chamber notes that Kalejisa Municipality is not within the scope of the Indictment and the allegations concerning the forced transfer or deportation of those Bosnian Muslims therefore fall outside of the Indictment. Similarly, the Trial Chamber notes that Mirsad Kuralić was residing in Kalejisa Municipality until the war. Thus, the allegations that he was forcibly transferred or deported on 13 August 1992 after his detention at Sušica camp and Batković camp fall outside the scope of the Indictment. For these reasons, it will not further consider these incidents in relation to any count of the Indictment.

1848. As for the evidence provided by Witness RM-066 on the transfer of 200 to 300 male detainees from Sušica camp to Batković camp on a day in July 1992, the Trial Chamber notes that the witness did not specify from which Municipality the detainees originated. Since only a limited number of municipalities fall within the scope of the Indictment and some or all of the 200 to 300 detainees may have originated from a municipality that falls outside the scope of the Indictment, the Trial Chamber will not further consider this incident in relation to any count of the Indictment.

1849. In relation to the evidence of the incident of alleged forcible transfer involving Predrag Bastah, the Trial Chamber does not rely on the facts as set out in the excerpt of the Judgment of the Court of Bosnia-Herzegovina dated 4 February 2010, in evidence as exhibit P6938, as it is unclear on what basis the court found that Bastah ordered people to leave Vlasenica Municipality in late August 1992 and there is a lack of supporting evidence thereof. The Trial Chamber, therefore, will not further consider this incident in relation to any Count of the Indictment.

5. Sarajevo

5.1 Introduction

5.1.1 Conditions in Sarajevo

1850. In chapters 5.2 and 5.3 below, the Trial Chamber will address specific instances of sniping and shelling. In this chapter, it will review evidence and make findings concerning the general situation in Sarajevo. The Trial Chamber took judicial notice of a number of Adjudicated Facts relating to the conditions in Sarajevo.[7760] It further received evidence from **Tarik Kupusović**, a member of the Sarajevo town assembly from 1990 to 1994 and the mayor of Sarajevo from 1994 to 1996;[7761] **Sabina Šabanić**, **Witness RM-155**, and **Rasema Menzilović**, all Bosnian Muslims from Sarajevo;[7762] **Nedžib Đozo**, a former Bosnian-Muslim JNA mortar platoon commander and civilian police investigator;[7763] **Husein Abdel-Razek**, UNPROFOR Sector Sarajevo Commander from 21 August 1992 to 20 February 1993;[7764] and **David Fraser**, a Military Assistant to the UNPROFOR Commander in Sector Sarajevo from 17 April 1994 to 26 May 1995;[7765] as well as documentary evidence, and finds that this evidence is consistent with the Adjudicated Facts.[7766] It also received evidence from **John**

[7760] Adjudicated Facts 1673-1674, 1676-1677, 1679-1681, 1703, 1706, 1713-1714, 1745, 1756-1767, 1919, 1922, 1930-1932, 1936-1937, 2018, 2020-2021, 2023-2025, 2036-2037, 2039, 2045, 2047-2050, 2052, 2065, 2115, 2117, 2121-2122, 2134-2135, 2143, 2153-2154, 2159-2162, 2206. The Trial Chamber also considered Adjudicated Facts 1809-1810, 1813, 1855-1857, 1859, 1866, 1868-1869, 1881-1883, 1886-1889, 1891, 2053-2054, 2056, and 2865, which are reviewed in chapters 5.1.2 and 9.4.2.
[7761] P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), pp. 607, 609, 612.
[7762] **Sabina Šabanić**: P1913 (Sabina Šabanić, witness statements), witness statement of 16 November 1995, pp. 1-2, witness statement of 22 May 2006, p. 1, para. 7. **Witness RM-155**: P1925 (Witness RM-155, witness statement, 17 May 2006), p. 1, paras 2, 14-15, 22. **Rasema Menzilović**: P1921 (Rasema Menzilović, witness statements), witness statement of 5 May 2001, pp. 1-2, witness statement of 1 November 2001, p. 1; P1922 (Rasema Menzilović, *Galić* transcript, 10 April 2002), p. 6980.
[7763] P544 (Nedžib Đozo, witness statement, 7 December 2010), paras 4-7; Nedžib Đozo, T. 5539, 5563-5564.
[7764] P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, p. 1, paras 2, 65, supplemental witness statement of 16 July 2002, p. 1; Husein Abdel-Razek, T. 3578.
[7765] P576 (David Fraser, witness statement, 3 December 2012), paras 7, 11.
[7766] **Tarik Kupusović**: P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), pp. 648, 650; P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), pp. 641, 648, 651-653, 653. **Sabina Šabanić**: P1913 (Sabina Šabanić, witness statements), witness statement of 16 November 1995, p. 2, addendum of 24 April 2010 to the witness statement of 1995, witness statement of 22 May 2006, paras 6-7, addendum of 24 April 2010 to the witness statement of 2006. **Witness RM-155**: P1925 (Witness RM-155, witness statement, 17 May 2006), paras 16-22, 24-25. **Rasema Menzilović**: P1921 (Rasema Menzilović, witness statements), witness statement of 5 May 2001, p. 3; P1922 (Rasema Menzilović, *Galić* transcript, 10 April 2002), p. 7010. **Nedžib Đozo**: P544 (Nedžib Đozo, witness statement, 7 December 2010), para. 16; Nedžib Đozo, T. 5543-5544, 5550; P547 (Photograph marked by Nedžib Đozo, showing alleged VRS sniping position on Špicasta Stijena). **Husein Abdel-Razek**: P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, paras 116, 123, 144; Husein Abdel-Razek, T. 3643. **David Fraser**: P576 (David Fraser, witness statement, 3 December 2012), paras 19, 56-59, 60-61, 87; P577 (David Fraser, Clarifications to witness statement); P3 (Sarajevo map book), p. 30;

Wilson, the chief UNMO for UNPROFOR deployed to Sarajevo from 22 March to 24 June 1992;[7767] **Richard Gray**, the Senior Military Observer for UNPROFOR in Sector Sarajevo from 11 June to 20 September 1992, who was based in Sarajevo from 10 April 1992;[7768] **Sulejman Crnčalo**, a Bosnian Muslim from Radačići in Pale Municipality;[7769] **Youssef Hajir**, a Muslim surgeon from Palestine, who established the Dobrinja Hospital in Sarajevo in May 1992;[7770] **Fahra Mujanović**, a Bosnian Muslim who lived with her family in Vogošća in the suburbs of Sarajevo before the war;[7771] **Alen Gičević** and **Fatima Pita**, both Bosnian Muslims from Sarajevo;[7772] **Witness RM-126**, a Bosnian-Muslim policeman from Sarajevo;[7773] **Refik Sokolar,** a Bosnian-Muslim police officer who from the middle of 1993 onwards was tasked with investigating and reporting on shelling and sniping incidents in the Dobrinja area of Sarajevo;[7774] **Jan Segers**, a Belgian UNPROFOR officer and UNMO deployed in the former Yugoslavia from 1991 until 1995;[7775] **David Harland**, an UNPROFOR civil affairs officer assigned to Sarajevo as of May 1993;[7776] **Michael Rose**, the UNPROFOR Commander from 5 January 1994 to 23 January 1995;[7777] **Witness RM-163**, an UNPROFOR soldier stationed in Sarajevo in 1993 and 1994, and a member of the RRF in 1995;[7778] **Witness RM-120**, an UNPROFOR soldier stationed in Sarajevo in 1994 and 1995;[7779] **Thom Knustad**, a Norwegian UNMO stationed in Sarajevo between 21 June and 1 December

P596 (Map of Sarajevo, marked by David Fraser). **Documentary evidence**: P1079 (UNMO daily sitrep, 13 July 1994), p. 4.

[7767] P320 (John Wilson, witness statement, 26 March 2009), paras 6-8, 25, 64, 93; John Wilson, T. 3919, 4020.

[7768] D1413 (Richard Gray, witness statement, 22 April 2012), paras 2, 4-5; D1423 (Certification of UN medal for service with UNPROFOR – Richard Gray).

[7769] P260 (Sulejman Crnčalo, witness statement, 1 November 2009), p. 1, para. 3; Sulejman Crnčalo, T. 3229.

[7770] P2616 (Youssef Hajir, witness statement, 25 February 2010), p. 1, paras 1-2.

[7771] P387 (Fahra Mujanović, witness statement, 5 November 2008), p. 1, paras 1-2, 4.

[7772] **Alen Gičević**: P1935 (Alen Gičević, witness statements), witness statement of 15 November 1995, p. 1, witness statement of 21 April 2006, p. 1, para. 4. **Fatima Pita**: P2452 (Fatima Pita, witness statements), witness statement of 25 June 2001, pp. 1-2, witness statement of 25 September 2001, p. 1, witness statement of 10 August 2012, p. 1; P2453 (Fatima Pita, *Galić* transcript, 21 March 2002), p. 5875.

[7773] P1942 (Witness RM-126, witness statements), witness statement of 1 September 2000, p. 1, witness statement of 25 June 2000, p. 1, witness statement of 18 November 1995, pp. 1-2.

[7774] P567 (Refik Sokolar, witness statement, 8 November 1995), p. 1, para. 1; P568 (Refik Sokolar, witness statement, 4 September 2000), p. 1, paras 1, 3-4, 13, 16.

[7775] D1465 (Jan Segers, witness statement, 4 February 2016) p. 2; Jan Segers, T. 43744.

[7776] P1 (David Harland, witness statement, 4 September 2009), p. 1, para. 5; David Harland, T. 661.

[7777] P736 (Michael Rose, witness statement, 26 March 2009), paras 5, 195; Michael Rose, T. 6839.

[7778] P628 (Witness RM-163, witness statement, undated), paras 4, 6-7, 9-10.

[7779] P807 (Witness RM-120, witness statement, undated), p. 3.

1995 with prior training in weaponry and ballistics;[7780] **Richard Mole**, a senior UNMO in Sarajevo from 16 September 1992 to 26 December 1992;[7781] **Anton Brennskag**, a former lieutenant-colonel with the Royal Norwegian Army who was stationed as an UNMO in Sarajevo in 1995;[7782] **Francis Thomas**, a senior UNMO in Sarajevo between 15 October 1993 and 14 July 1994;[7783] **Witness RM-055**, an UNPROFOR soldier stationed in Sarajevo between 12 May and 28 September 1995;[7784] **Sergii Moroz**, a mission commander for the engineering section of UNPROFOR forces in Sarajevo from October 1993 to October 1994;[7785] **Witness RM-147**, a member of the VRS from June 1992 onwards;[7786] **Milenko Inđić**, a VRS liaison officer for cooperation with international organisations and institutions;[7787] and **Vladimir Radojčić**, the Commander of the VRS Ilidža Brigade from January 1993 until the end of the war.[7788] The Trial Chamber also considered the evidence included in chapters 5.2, 5.3, and 9.4.

General background

1851. Sarajevo was well-known as a multi-ethnic, multi-religious city, with a long history of religious and cultural tolerance.[7789] By 1992, Sarajevo had grown into the most important political, cultural, industrial, and commercial centre of Bosnia-Herzegovina.[7790] The central area of Sarajevo was composed of six municipalities, namely Sarajevo Centar, Ilidža, Novi Grad, Novo Sarajevo, Stari Grad, and Vogošća.[7791] The broader Sarajevo area included four other municipalities: Hadžići, Ilijaš, Pale, and Trnovo.[7792] **Tarik Kupusović** stated that in 1991 there were approximately 500,000 people living in Sarajevo.[7793] At that time, 40 per cent were of Muslim ethnicity, 32 per cent were of Serb ethnicity, and eight per cent were of Croat

[7780] P3158 (Thom Knustad, witness statement, 21 May 1996), pp. 1-2, 4; P3159 (Thom Knustad, *Dragomir Milošević* transcript, 12-13 February 2007), pp. 1986, 1989, 1992; P3164 (Thom Knustad, witness interview, 2 October 2003), p. 1.
[7781] P421 (Richard Mole, witness statement, 7 May 2010), paras 3-4; Richard Mole, T. 4302.
[7782] P992 (Anton Brennskag, witness statement, 26 October 2010), pp. 1-3.
[7783] P503 (Francis Thomas, witness statement, 15 May 2009), paras 1, 13, 82.
[7784] P749 (Witness RM-055, witness statement, undated), p. 3.
[7785] D1370 (Sergii Moroz, *Galić* transcript, 22-23 January 2003), p. 18116; Sergii Moroz, T. 42342-42344.
[7786] P107 (Witness RM-147, witness statement, 3 June 2012), p. 1, paras 3-4, 12.
[7787] D614 (Milenko Inđić, witness statement, 31 July 2014), paras 1-2.
[7788] D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 1.
[7789] Adjudicated Facts III, no. 1673.
[7790] Adjudicated Facts III, no. 1674.
[7791] Adjudicated Facts III, no. 1676.
[7792] Adjudicated Facts III, no. 1677.

ethnicity; the remainder of the population either identified themselves as Yugoslavs or belonged to other ethnic groups.[7794] According to the 1991 census, Pale Municipality was the only one in which Bosnian Serbs constituted an absolute majority, estimated at around 69 per cent of the population.[7795] According to the census, the Serbs were a simple majority in Ilidža and Ilijaš, while they were in approximately equal numbers to the Muslims in Novo Sarajevo.[7796]

Agreements and ceasefires

1852. Several witnesses provided evidence about agreements made between the Bosnian-Serb and the Bosnia-Herzegovina leadership or with the UN concerning the withdrawal of heavy weapons and ceasefires. **John Wilson** testified that following and pursuant to the airport agreement signed on 5 June 1992, Serb artillery was concentrated in a number of areas so that they could be observed by military liaison officers.[7797] **Husein Abdel-Razek** testified that according to 'the agreement', the airport was under the supervision and management of UNPROFOR.[7798] UNPROFOR used the airport for humanitarian relief purposes, for receiving the delegations of peacekeeping missions, and for facilitating the movement of Bosnian officials to attend peace negotiations outside of Sarajevo.[7799] Only liaison officers were allowed to be present in the airport facilities or on the runway; members of the armed forces of both parties were prohibited on the premises. Civilians were also not allowed to use the airport or to be present in and around it.[7800] **Richard Gray** stated that as early as 18 June 1992, the leadership of both parties signed an agreement providing for the continuation of a unilateral ceasefire and for concentration of all heavy weapons within range of the airport in five collection centres where the weapons would be under the observation of UNPROFOR.[7801]

[7793] P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), p. 610.
[7794] P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), pp. 610-611.
[7795] Adjudicated Facts III, no. 1679.
[7796] Adjudicated Facts III, nos 1680-1681.
[7797] John Wilson, T. 3926-3927, 3989, 3991, 3994; P334 (Agreement on the re-opening of Sarajevo airport, signed by Radovan Karadžić, 5 June 1992), p. 1.
[7798] Husein Abdel-Razek, T. 3650-3652.
[7799] P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, paras 133-134; Husein Abdel-Razek, T. 3650-3652.
[7800] Husein Abdel-Razek, T. 3651-3653.
[7801] D1413 (Richard Gray, witness statement, 22 April 2012), para. 24; D1420 (Agreement by the Bosnian-Serb Republic with regard to the opening of the Sarajevo airport); D1416 (Unilateral ceasefire reconfirmation, signed by Nikola Koljević, 15 June 1992); D1421 (Agreement by the Republic of Bosnia Herzegovina with regard to the concentration of all heavy weapons in and around Sarajevo).

Similarly, **Michael Rose** testified that in February 1994 both parties signed agreements concerning an immediate ceasefire in Sarajevo and the withdrawal of all heavy weapons from a 20-kilometre circle around Sarajevo.[7802] During the withdrawal, the Bosnian Serbs produced a far greater amount of weapons than the Bosnian Muslims[7803] but both sides concealed a certain number of weapons within the TEZ.[7804] **David Fraser** testified that on 14 August 1994, an anti-sniping agreement was signed between Bosnia-Herzegovina, represented by ABiH Corps Commander Karavelić, and the Bosnian Serbs, represented by SRK Commander General Dragomir Milošević, by which the parties undertook to issue, within 24 hours, orders explicitly forbidding sniping activities against military personnel, civilians, and UN personnel.[7805] The anti-sniping agreement led to a short-term improvement, but it did not eliminate sniping altogether.[7806] According to a 15 September 1994 UNPROFOR assessment, thanks to the anti-sniping agreement, the tram and bus transport began functioning properly and an average of 15 snipers' victims per week was reduced to four victims.[7807]

1853. Neither the SRK nor the ABiH adhered to the TEZ.[7808] On 24 May 1995, the SRK removed weapons from WCPs, following an increase in the fighting, and refused to return them.[7809] General Smith issued an ultimatum to re-establish the TEZ but this was ignored, resulting in NATO air strikes on bunkers in an ammunitions depot outside Pale on 25 May 1995.[7810] During the night of 25 May 1995, the shelling of safe areas in Bosnia-Herzegovina, including Sarajevo, by the VRS, continued.[7811] On 25 and 26 May 1995, the SRK took a number of heavy weapons from WCPs.[7812] NATO targeted the ammunitions depot outside Pale on 26 May 1995.[7813] The SRK and the ABiH kept

[7802] P736 (Michael Rose, witness statement, 26 March 2009), paras 40, 43-44, 47-49.
[7803] The Trial Chamber understands the witness's reference to Bosnians to refer to the ABiH.
[7804] P736 (Michael Rose, witness statement, 26 March 2009), para. 50.
[7805] P576 (David Fraser, witness statement, 3 December 2012), para. 90. *See also* P736 (Michael Rose, witness statement, 26 March 2009), para. 139; P1 (David Harland, witness statement, 4 September 2009), paras 129, 133; David Harland, T. 719-720; P15 (Milošević order, 18 August 1994).
[7806] P576 (David Fraser, witness statement, 3 December 2012), paras 92, 94. *See also* P736 (Michael Rose, witness statement, 26 March 2009), para. 141; P1 (David Harland, witness statement, 4 September 2009), paras 129, 133; David Harland, T. 719-720; P15 (Milošević order, 18 August 1994).
[7807] P594 (UNPROFOR Assessment of the anti-sniping agreement, 15 September 1994), p. 3.
[7808] Adjudicated Facts III, no. 1745.
[7809] Adjudicated Facts III, no. 1756.
[7810] Adjudicated Facts III, no. 1757.
[7811] Adjudicated Facts III, no. 1758.
[7812] Adjudicated Facts III, no. 1759.
[7813] Adjudicated Facts III, no. 1760.

heavy weaponry within the 20-kilometre zone around Sarajevo, and outside WCPs, at times between August 1994 and November 1995.[7814]

1854. During the night of 29 August 1995, air attacks against Bosnian-Serb positions began.[7815] These attacks lasted until 1 September 1995.[7816] The NATO attacks, targeting the wider area of Sarajevo, resumed on 5 September 1995 and lasted until 14 September 1995.[7817] On 15 September 1995, representatives of the VRS, including Dragomir Milošević, and UNPROFOR agreed to a ceasefire and withdrawal of VRS troops from the area surrounding Sarajevo.[7818] On 5 October 1995, a 60-day ceasefire was agreed upon; this was to come into force on 10 October 1995, on the condition that the utilities in Sarajevo were re-connected.[7819] On 11 October 1995, the parties agreed to a 60-day ceasefire as of 12 October 1995.[7820] The fighting subsided by 14 October 1995.[7821]

Shelling and sniping in Sarajevo

1855. On 6 April 1992, gunfire erupted in Sarajevo, with each side accusing the other of having started the hostilities.[7822] By the end of April, the contour of Sarajevo's siege was largely established.[7823] From 2 or 3 May and for several weeks onwards, Baščaršija, the centre of old Sarajevo, was set alight; the national and university libraries, the railway station, the post office, and many key buildings and apartment buildings in town were heavily shelled and destroyed.[7824] The above-mentioned buildings were scattered all over town, so one could not identify a particular part of town being targeted, except for the buildings the mselves, that were symbols of the town and were essential for its functioning, like the post office, the railway stations, the Zetra sports hall, and similar facilities.[7825]

[7814] Adjudicated Facts III, no. 1745.
[7815] Adjudicated Facts III, no. 1762. The Trial Chamber understands this to refer to air attacks carried out by NATO. It further notes that according to Adjudicated Facts 1757 and 1560, NATO had carried out air attacks in May 1995. Thus, it understands that the word 'began' in Adjudicated Fact 1762 is only applicable in the context of the air attacks that started in August 1995.
[7816] Adjudicated Facts III, no. 1762.
[7817] Adjudicated Facts III, no. 1763.
[7818] Adjudicated Facts III, no. 1764.
[7819] Adjudicated Facts III, no. 1765.
[7820] Adjudicated Facts III, no. 1766. The Trial Chamber understands 'parties' to refer to the parties of the conflict.
[7821] Adjudicated Facts III, no. 1767.
[7822] Adjudicated Facts III, no. 1703.
[7823] Adjudicated Facts III, no. 1706.
[7824] Adjudicated Facts III, no. 1713.
[7825] Adjudicated Facts III, no. 1714.

1856. Several witnesses provided extensive evidence about the situation in Sarajevo during the first months of the conflict. **Kupusović** stated that in the beginning of May 1992, there was shooting from armoured vehicles from Maršal Tito Barracks.[7826] All areas of the town within reach of the barracks were targeted and shots were fired in all directions.[7827] Throughout this time, the city was also shelled, often from various positions arou nd Sarajevo, but also from barracks in the city that were still under the control of the JNA.[7828] Kupusović estimated that there were approximately 10 to 15 casualties per day that could be attributed to shelling and sniping incidents, 95 per cent of whom were civilian.[7829] He stated that the young men in the police force did not have heavy weapons.[7830] The shooting from the Maršal Tito Barracks continued for several weeks, until it was agreed that the JNA had to move to Serbia and the barracks were evacuated approximately in mid-June.[7831] The JNA were to leave behind their heavy weapons for the ABiH and only take personal weapons. Some JNA members remained in Grbavica.[7832]

1857. **Witness RM-147**, a VRS member from June onwards, testified that in May and June 1992, living in Grbavica as a Muslim or Croat meant to be under constant fear of being exposed to dangers such as being evicted, physically or psychologically abused, or killed by the VRS or the civilian or military police.[7833] Many were expelled from Grbavica or were forced to perform labour.[7834] Women were sometimes raped. Those taken away never returned.[7835] The witness testified that there were a lot of snipers in Grbavica and that sniping was incessant.[7836] Members of a VRS platoon used abandoned Muslim houses as shelter.[7837] Snipers also used these houses as firing positions and used various kinds of weaponry, such as a rifle with telescopic sights and some kind of binoculars, as well as a special machine gun with optic infrared sights fitted onto it which allowed them to also shoot at night.[7838] The snipers targeted persons

[7826] P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), p. 638.
[7827] P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), p. 640.
[7828] P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), pp. 641, 646.
[7829] P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), p. 646.
[7830] P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), pp. 640-641.
[7831] P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), p. 641.
[7832] P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), p. 643.
[7833] P107 (Witness RM-147, witness statement, 3 June 2012), paras 12, 23, 29.
[7834] P107 (Witness RM-147, witness statement, 3 June 2012), paras 23, 86-89.
[7835] P107 (Witness RM-147, witness statement, 3 June 2012), para. 23.
[7836] P107 (Witness RM-147, witness statement, 3 June 2012), para. 41.
[7837] P107 (Witness RM-147, witness statement, 3 June 2012), paras 43-44; Witness RM-147, T. 1698; P117 (Photograph marked by witness).
[7838] P107 (Witness RM-147, witness statement, 3 June 2012), para. 45.

at intersections despite there being containers or barriers which were set up for protection.[7839]

1858. **Kupusović** stated that narrower streets or streets with taller buildings were known by the inhabitants to be safer.[7840] The people who were shot crossing streets and moving around were civilians. People could not stay in their basements to wait for the situation to end because they had to go out to take care of the basic necessities of life. They had to continue living their lives in very risky conditions among all the sniping and shelling.[7841] There was no way to discern why sniping started or when it would start or stop.[7842] When the Sarajevo Presidency started functioning in early June 1992, it received reports as to where people were wounded or killed. If several people had been killed or wounded at a certain location, that location was given priority as a place for anti-sniping protection.[7843] Funerals and other gatherings were targeted with shells or sniper fire. As a result, people buried the dead at night when there was little or no visibility.[7844] The two main cemeteries could not be used because one was outside the Sarajevo encirclement and the other was very close to the separation lines. Temporary burials were organised at several locations in Sarajevo and many old cemeteries from the last century were used.[7845]

1859. **Sulejman Crnčalo** testified that when he and his family moved to Sarajevo in July 1992, there was constant shelling and sniping in the city.[7846] Civilians were targeted by snipers and shell-fire all the time, for example when they were out fetching water, in line waiting for bread, or while attending funerals.[7847] Children were also killed by snipers while playing.[7848] There was a risk of being hit by a shell or a sniper's bullet at almost every intersection in the city.[7849] Crnčalo witnessed corpses and blood all over the streets of Sarajevo; the corpses had not been buried because the ongoing shelling and sniping made it too dangerous to retrieve them and because of the high

[7839] P107 (Witness RM-147, witness statement, 3 June 2012), paras 46, 49, 51, and Appendix E; P110 (Photograph); P121 (Map marked by witness); P122 (Map marked by witness).
[7840] P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), p. 650.
[7841] P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), p. 648.
[7842] P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), p. 649.
[7843] P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), p. 652.
[7844] P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), p. 666. *See also* P260 (Sulejman Crnčalo, witness statement, 1 November 2009), paras 94-96.
[7845] P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), p. 666.
[7846] P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 86.
[7847] P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 91.
[7848] P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 92.
[7849] P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 88.

number of corpses to be collected.[7850] The witness testified that he was living in constant fear that he or his family members would be killed as a result of shelling or sniping.[7851] If he left the house, he was never sure that he would return alive or that those he left behind in the house would be alive when he returned.[7852]

1860. Between September 1992 and August 1994, civilians were shot at almost every day.[7853] Civilians in ABiH-held areas of Sarajevo were attacked from SRK-controlled territory. As a result, and at a minimum, hundreds of civilians were killed and thousands of others were injured.[7854] During this time, the conflict in the city of Sarajevo was mainly static and apart from some changes, most of the confrontation lines remained unchanged.[7855] The SRK's main forces were positioned around what was colloquially called the inner ring of Sarajevo, in particular in the area of Ilidža, Neđarići, and Grbavica.[7856] ABiH-held territory, including most of the city, was almost completely surrounded by SRK forces.[7857] Fire into ABiH-held areas of Sarajevo followed a temporal pattern.[7858] It was intense between September and December 1992.[7859] According to an UNPROFOR report, on 8 December 1992, 'indiscriminate shelling of the city' intensified.[7860] Fire into Sarajevo was still significant throughout 1993, with daily or weekly fluctuations (days of little shootings followed by days of extreme activity), followed by an intensification of fire in winter 1993 and up to the wake of the Markale shelling incident in February 1994 before subsiding.[7861] Although there were periods of relative inactivity in shelling during 1994, people venturing outside were still targeted.[7862]

1861. Between September 1992 and August 1994, throughout the city of Sarajevo, there were points in SRK-controlled territory, such as the Jewish Cemetery, the Orthodox Church and the School for the Blind in the areas of Neđarići, Špicasta Stijena, Mount Trebević, and Baba Stijena or Orahov Brijeg, which were prominent sources of

[7850] P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 85.
[7851] P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 87.
[7852] P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 87.
[7853] Adjudicated Facts III, no. 2018.
[7854] Adjudicated Facts III, nos 2036-2037.
[7855] Adjudicated Facts III, nos 1922, 2020.
[7856] Adjudicated Facts III, no. 1919.
[7857] Adjudicated Facts III, no. 2021.
[7858] Adjudicated Facts III, no. 2023.
[7859] Adjudicated Facts III, no. 2024.
[7860] P425 (UNPROFOR end of month report December 1992), para. 2.
[7861] Adjudicated Facts III, no. 2025.
[7862] Adjudicated Facts III, no. 2052.

sniper fire against civilians.[7863] The same pattern of regular fire at civilians from SRK-controlled positions or areas appeared consistently throughout ABiH-held areas of the city of Sarajevo.[7864]

1862. Grbavica was a neighbourhood in the municipality of Novo Sarajevo located in the southern-central part of the city of Sarajevo.[7865] Between September 1992 and August 1994, it was under SRK control.[7866] The confrontation line in Grbavica ran along the Miljacka River, with Grbavica lying to the south.[7867] During this period, civilians in Novo Sarajevo were targeted from the SRK-controlled area of Grbavica.[7868] The 'sky-scrapers' were located on Lenjinova Street, directly across the Maršal Tito Barracks.[7869] During the same period, in the general area of Grbavica, fire was opened against civilians from different high-rise buildings on the southern side of the Miljacka River, in the SRK-controlled neighbourhood of Grbavica.[7870] The Metalka building was located at the end of Franje Račkog Street, across the Miljacka River, about 300 metres from the Holiday Inn and the Museum.[7871] These positions allowed soldiers to 'literally shoot down streets' in the central part of Sarajevo, exposing all pedestrians at intersections, as well as cars, buses and trams travelling from the east to the west of the city, to sniper fire.[7872] The main thoroughfare of Sarajevo, part of which was then called the Maršal Tito Boulevard, became known as 'Sniper Alley' as it was particularly prone to regular gunfire.[7873] Containers were set up at intersections, such as near the Presidency and Energoinvest buildings and in proximity to the Holiday Inn, to shield civilians against fire coming from the tall buildings in Grbavica.[7874] The central district of Marin Dvor, in particular Marin Dvor square, was also particularly targeted from Grbavica.[7875] The area of Vraca, to the southwest of Grbavica, was also under the

[7863] Adjudicated Facts III, no. 2134.
[7864] Adjudicated Facts III, no. 2135.
[7865] Adjudicated Facts III, no. 1930.
[7866] Adjudicated Facts III, no. 1931.
[7867] Adjudicated Facts III, no. 1932.
[7868] Adjudicated Facts III, no. 2143.
[7869] Adjudicated Facts III, no. 2153.
[7870] Adjudicated Facts III, no. 2159.
[7871] Adjudicated Facts III, no. 2154.
[7872] Adjudicated Facts III, no. 2159.
[7873] Adjudicated Facts III, no. 2160.
[7874] Adjudicated Facts III, no. 2161.
[7875] Adjudicated Facts III, no. 2162.

control of the SRK.[7876] The neighbourhood of Hrasno was a residential area located in the south-western part of Sarajevo, adjacent to Grbavica.[7877]

1863. People in Sarajevo were affected by the knowledge that one might be killed or wounded any day and by living in a city under siege for such a long time without basic necessities.[7878] Between September 1992 and August 1994, no civilian activity and no area of Sarajevo held by the ABiH seemed to its residents to be safe from sniping or shelling attacks from SRK-held territory.[7879] Children were targeted in schools, or while playing outside, riding a bicycle, near their home, or in the street.[7880] There was an extensive destruction of civilian inhabitations in Sarajevo.[7881] The natural and urban topography of the city of Sarajevo, such as ridges and high-rise buildings, provided vantage-points to SRK forces to target civilians moving around the city.[7882] Civilians tilled at night, fetched water or collected wood at night or when the visibility was reduced or developed alternative routes to traverse the city to avoid sniping fire seen from SRK-controlled territory.[7883] The trams did not run during periods when there was combat activity and tram drivers were told to return to the depot if combat activity began.[7884] Although civilians adapted to that hostile environment by closing schools, living at night, hiding during the day in their apartments or cellars, moving around the city of Sarajevo as little as possible, setting up containers and barricades to provide shelter against sniping fire, they were still not safe from sniping and shelling fire from SRK-controlled territory.[7885] A bus line that was established to carry people on an alternative route to 'Sniper Alley' also came under fire.[7886] SRK soldiers shot without knowing whether the movements they saw on the runway[7887] were caused by civilians or by soldiers dressed as civilians.[7888] The SRK was well aware that civilians crossed the runway.[7889]

[7876] Adjudicated Facts III, no. 1936.
[7877] Adjudicated Facts III, no. 1937.
[7878] Adjudicated Facts III, no. 2206.
[7879] Adjudicated Facts III, no. 2039.
[7880] Adjudicated Facts III, no. 2045.
[7881] Adjudicated Facts III, no. 2047.
[7882] Adjudicated Facts III, no. 2048.
[7883] Adjudicated Facts III, no. 2050.
[7884] Adjudicated Facts III, no. 2115.
[7885] Adjudicated Facts III, no. 2049.
[7886] Adjudicated Facts III, no. 2117.
[7887] The Trial Chamber understands this to refer to the runway of the Sarajevo airport.
[7888] Adjudicated Facts III, no. 2121.
[7889] Adjudicated Facts III, no. 2122.

1864. In the city of Sarajevo, there was a functioning institute for public health.[7890] Its job, among other things, was to work with statistical data on citizens of Sarajevo who had died or who had been killed.[7891] It collected data according to its own methodology, from people in the field, and on the basis of reports received from hospitals, funeral parlours, and other institutions that had such information.[7892] In the course of the whole war in Sarajevo, from May 1992 until October 1995, reportedly 12,000 civilians were killed by shelling and sniping, including 1,600 children, and an additional 4,500 civilians died of natural causes due to the prevailing conditions.[7893] Furthermore, in the first two years of the war about 100,000 citizens left Sarajevo.[7894]

1865. From August 1994 to November 1995, sniper fire and shelling against civilians within the confrontation lines primarily came from SRK-held territory. As a result of the sniping and shelling, civilians were seriously injured or killed. The shots and shells, originating from SRK-held territory, were fired by members of the SRK.[7895]

1866. **Witness RM-155**, **Sabina Šabanić**, and **Fahra Mujanović** provided evidence that from the start of the war in 1992, life in Sarajevo was a continuous struggle and there was a constant fear of being hit by snipers or shells in Sarajevo as none of the neighbourhoods was safe and residential areas were also heavily targeted by VRS artillery.[7896] **Šabanić** testified that travelling by tram was particularly dangerous because trams were frequently shot by sniper fire.[7897] **Mujanović** stated that around April 1992, the shelling and sniping were constant and occurred on most days, reaching an intensity level of over 1,000 shells falling on their neighbourhood and its surroundings.[7898]

1867. **Kupusović** stated that the fire brigade and the ambulance service were still operating, but that their buildings were frequently shelled and often hit by snipers, and

[7890] P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), p. 667.
[7891] P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), pp. 667, 749.
[7892] P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), p. 749.
[7893] P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), pp. 666-667.
[7894] P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), p. 680.
[7895] Adjudicated Facts III, no. 2065.
[7896] **Witness RM-155**: P1925 (Witness RM-155, witness statement, 17 May 2006), para. 26. **Sabina Šabanić**: P1913 (Sabina Šabanić, witness statements), witness statement of 22 May 2006, paras 3, 7-8. **Fahra Mujanović**: P387 (Fahra Mujanović, witness statement, 5 November 2008), paras 6-7; P388 (Fahra Mujanović, *Karadžić* transcript, 1 November 2010), p. 8751.
[7897] P1913 (Sabina Šabanić, witness statements), witness statement of 16 November 1995, p. 2, witness statement of 22 May 2006, paras 3, 7.
[7898] P387 (Fahra Mujanović, witness statement, 5 November 2008), paras 6-7; P388 (Fahra Mujanović, *Karadžić* transcript, 1 November 2010), p. 8751.

that many fire brigade vehicles and ambulances were damaged as a result of sniping and shelling and lacked proper equipment.[7899] From time to time, hospitals, health centres, and clinics were also subjected to shelling and sniping and the staff and patients had to withdraw to basement areas and or lower floors.[7900] **Husein Abdel-Razek** testified that the Serbs also shelled a maternity hospital, which according to the witness was the main hospital for civilians. It comprised an intensive care unit and maternity units, and it was completely bombarded and had no electricity.[7901] According to the witness, Galić denied that the Serbs shelled the hospital and alleged that the shelling came from the Bosnian side. The Muslims had no artillery in that particular Sarajevo Sector and the shelling had come from the hills, which were controlled by the Serbs.[7902]

1868. Some witnesses provided evidence concerning the investigations into shelling and sniping incidents in Sarajevo. **Refik Sokolar** testified that his investigations as a police officer, carried out as part of a team, involved both on-site investigations and visiting victims in the hospital.[7903] Sokolar stated that he made over 200 investigations during the war.[7904] On the basis of these investigations and from spending many years in Dobrinja, Sokolar concluded that there were five locations from where sniper fire originated.[7905] These were Nedžarići, the Theological Faculty, the Ikića Kuće settlement, the Orthodox Church on Veljine, and buildings near the confrontation lines.[7906] In the witness's opinion, the sniping originated from Serb-controlled areas, including the Aerodrom area and Nedžarići, and most of the victims of sniping activity in Dobrinja that he investigated were civilians.[7907]

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[7899] P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), pp. 662-663.
[7900] P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), pp. 670-671.
[7901] P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, para. 79.
[7902] P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, para. 80.
[7903] P567 (Refik Sokolar, witness statement, 8 November 1995), paras 3-4; Refik Sokolar, T. 5633, 5636, 5658, 5661-5662.
[7904] P568 (Refik Sokolar, witness statement, 4 September 2000), para. 27; Refik Sokolar, T. 5638.
[7905] P568 (Refik Sokolar, witness statement, 4 September 2000), para. 29; Refik Sokolar, T. 5676, 5683.
[7906] P568 (Refik Sokolar, witness statement, 4 September 2000), para. 29; Refik Sokolar, T. 5623
[7907] P567 (Refik Sokolar, witness statement, 8 November 1995), para. 15; Refik Sokolar, T. 5635.
[7908] P567 (Refik Sokolar, witness statement, 8 November 1995), paras 3-4; Refik Sokolar, T. 5633, 5636, 5658, 5661-5662.

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1870. **Nedžib Đozo** testified that the Sedrenik neighbourhood of Sarajevo was a residential area in the area of responsibility of the Stari Grad police station and located approximately 500 to 700 metres below Špicasta Stijena hill.[7913] According to the witness, Špicasta Stijena was the only elevation with a clear line of sight to Sedrenik and was under the control of the VRS.[7914] Based on his numerous investigations into the injuries or killings of civilians, the witness estimated around 50 to 100 civilians in Sedrenik to have been killed or wounded by VRS sniping and shelling.[7915] Sniper fire from Špicasta Stijena made life in Sedrenik very difficult, forcing people to access their homes through windows and to come and go when it was dark. The civilian protection service hung blankets and sheets to block the line of sight of the snipers at Špicasta Stijena.[7916] These snipers rarely fired a single bullet, but instead fired multiple times at anything they could see moving.[7917]

1871. Several international observers provided evidence concerning sniping and shelling incidents in Sarajevo. **John Wilson** testified that during his six weeks in Sarajevo, from 14 May to 23 June 1992, heavy artillery, involving thousands of rounds and directed at virtually the whole city occurred on most days, with only brief respites.[7918] On some days, the attack would last for 16 to 20 hours.[7919] The witness estimated that, on days with particularly heavy attacks, such as 14 and 28 May 1992,

[7909] P568 (Refik Sokolar, witness statement, 4 September 2000), para. 27; Refik Sokolar, T. 5638.
[7910] P568 (Refik Sokolar, witness statement, 4 September 2000), para. 29; Refik Sokolar, T. 5676, 5683.
[7911] P568 (Refik Sokolar, witness statement, 4 September 2000), para. 29; Refik Sokolar, T. 5623
[7912] P567 (Refik Sokolar, witness statement, 8 November 1995), para. 15; Refik Sokolar, T. 5635.
[7913] P544 (Nedžib Đozo, witness statement, 7 December 2010), paras 16-19; Nedžib Đozo, T. 5543-5544, 5550, 5573, 5578; P547 (Photograph marked by Nedžib Đozo, showing alleged VRS sniping position on Špicasta Stijena).
[7914] P544 (Nedžib Đozo, witness statement, 7 December 2010), paras 16-17.
[7915] P544 (Nedžib Đozo, witness statement, 7 December 2010), paras 19-21.
[7916] P544 (Nedžib Đozo, witness statement, 7 December 2010), para. 22.
[7917] P544 (Nedžib Đozo, witness statement, 7 December 2010), para. 23.
[7918] P320 (John Wilson, witness statement, 26 March 2009), paras 56, 83; John Wilson, T. 3924, 3928, 3934, 3952, 4028.

5,000 to 10,000 rounds of artillery were fired into Sarajevo by the Bosnian Serbs.[7920] Most of Sarajevo's major buildings were hit by artillery.[7921] By 25 May 1992, Serb forces controlled Sarajevo and it was virtually impossible to move in or out of the city without their permission.[7922] In May 1992, sniper fire could be heard regularly in Sarajevo, restricting movement, and the streets were deserted.[7923] It was dangerous to move around the city centre and the Dobrinja area due to Bosnian-Serb sniper activity.[7924] On 14 May 1992, heavy fighting broke out in the Dobrinja area and fire appeared to be coming from outside the city.[7925] There was also heavy infantry and artillery fire in the Ilidža area where UNPROFOR staff was headquartered. The artillery fire began at 5 a.m. and lasted until well into the evening.[7926] Around 21 May 1992, there was high-volume, indiscriminate, and heavy artillery fire directed towards the centre of the city.[7927] In May and June 1992, the witness received regular reports from the Bosnian Presidency and occasional reports from local employees and travellers about Serb snipers injuring or killing civilians in Sarajevo.[7928] Later in 1992, the witness received reports from his military observers that the Serb forces moved gun crews by bus between the various firing positions, because they had more guns than men to fire them.[7929]

1872. **Abdel-Razek** testified that sniping and shelling occurred on almost a daily basis and heavily affected civilians when the witness arrived in Sarajevo in August 1992 and remained frequent until it calmed down a bit at the beginning of 1993.[7930] From his observations, the witness concluded that shelling was directed towards the city and not at specific military targets.[7931] The Serbs sniped at civilians, including women and children, who were crossing the airport.[7932] Colonel Sartre told the witness that the Serbs placed lights at the airport so that they would be able to shoot at targets crossing

[7919] P320 (John Wilson, witness statement, 26 March 2009), para. 56; John Wilson, T. 3934.
[7920] P320 (John Wilson, witness statement, 26 March 2009), paras 42-43; John Wilson, T. 3924, 4037.
[7921] P320 (John Wilson, witness statement, 26 March 2009), para. 49.
[7922] John Wilson, T. 3964-3965.
[7923] P320 (John Wilson, witness statement, 26 March 2009), paras 31, 40, 56.
[7924] John Wilson, T. 3935.
[7925] P320 (John Wilson, witness statement, 26 March 2009), para. 41; John Wilson, T. 3920-3921.
[7926] John Wilson, T. 3921.
[7927] P320 (John Wilson, witness statement, 26 March 2009), para. 66.
[7928] John Wilson, T. 3935.
[7929] John Wilson, T. 3955.
[7930] Husein Abdel-Razek, T. 3592-3593.
[7931] P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, para. 56.
[7932] P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, paras 91, 94-95.

the airport.[7933] The witness, Sartre, and Colonel Davout also discussed it with Galić, who said he would continue to shoot at civilians if they kept crossing the airport.[7934] Shelling and sniping was directed at the civilian population, the UN headquarters, and other UN centres and facilities.[7935] Both sides engaged in sniping, but according to the witness, the Serb side was most active.[7936] According to the witness, hardly a moment passed when there was not a sniping attack.[7937] Reports from observers indicated that there were a lot of women, children, and the elderly who were wounded as a result of sniping.[7938] There were several notorious sniper areas in Sarajevo, including the areas near the presidency as well as around the airport and the confrontation lines.[7939] As part of the continuous shelling of the city, the Serbs purposely shelled the market and the bus station on many occasions. According to the witness, professional units designated these targets and they used artillery and mortars in a careful manner to achieve their aim and it was done to retaliate.[7940] There was fighting around the airport, Butmir, and Ilidža.[7941] In early December 1992, shelling increased greatly and UNPROFOR reported 1,284 rounds fired by the parties, with the Serbs firing the preponderance of shells.[7942] Also in December 1992, Serb forces used tanks and artillery to shell Otes, a civilian Muslim area located near the airport.[7943]

1873. Turajlić, the Bosnian Deputy Prime Minister, was shot and killed while travelling in a UN armoured vehicle on the road close to the airport that was controlled by the UN.[7944] According to the witness, no investigation was conducted by the Serbs. Plavšić apologized for the incident but said that the soldier who killed Turajlić was arrested but not in a reasonable mental condition because he had lost many friends and family in the fighting.[7945]

[7933] P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, para. 145.
[7934] P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, paras 91-92, 96.
[7935] P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, paras 74, 78; Husein Abdel-Razek, T. 3642-3643.
[7936] P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, paras 124-125.
[7937] P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, para. 121.
[7938] Husein Abdel-Razek, T. 3642-3643.
[7939] P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, paras 123, 144; Husein Abdel-Razek, T. 3643.
[7940] P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, para. 102.
[7941] P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, para. 90.
[7942] P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, para. 53.
[7943] P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, para. 63.
[7944] P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, para. 135.
[7945] P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, para. 136.

1874. **Richard Mole** testified that there was always daily random shelling of the city during his tenure.[7946] **David Harland** testified that for well over the 95 per cent of casualties of those sniping incidents for which the direction of fire could be identified, the fire came from the Serb side.[7947] According to the witness, UNPROFOR and UNMOs counted an average of 1,000 shells falling on Sarajevo daily, mostly on the civilian areas during the period from 1993 to 1995, though there were significant lulls during the period of the 1994 ceasefire.[7948] **Michael Rose** testified that upon his arrival to Sarajevo on 23 January 1994, he observed the whole city being reduced to a state of siege: there was no water, electricity, or heating.[7949] There were 1,500 to 2,000 shells falling on Sarajevo per day, 'going both ways'.[7950] Even though both sides engaged in sniping activities, the level of sniping by the Bosnian Serbs was higher.[7951]

1875. **Witness RM-163** testified that between February and May 1994, following a ceasefire agreement, there was a period of calm and the situation in Sarajevo was almost normal.[7952] There was electricity and water, and the trams were running.[7953] The ceasefire agreement was generally complied with well until May 1994.[7954] During this period few light weapons were fired and no shelling took place.[7955] From May until at least the end of September 1994, the sniping and shelling of civilians and UNPROFOR resumed.[7956] From the beginning of May 1994, the situation in Sarajevo deteriorated gradually, but from the end of July until September it got worse.[7957] The largest area surrounding Sarajevo was under the control of the SRK.[7958]

1876. **Francis Thomas** testified that the indiscriminate nature of shelling by the Serbs was underscored by the fact that they never carried out target assessments, *i.e.* evaluated the damage done to a target and determining if further shelling was required.[7959] Serbs

[7946] P421 (Richard Mole, witness statement, 7 May 2010), para. 119.
[7947] David Harland, T. 901.
[7948] P1 (David Harland, witness statement, 4 September 2009), paras 34, 290; David Harland, T. 734, 904, 906.
[7949] P736 (Michael Rose, witness statement, 26 March 2009), paras 21-22, 30.
[7950] P736 (Michael Rose, witness statement, 26 March 2009), para. 30.
[7951] P736 (Michael Rose, witness statement, 26 March 2009), paras 23, 217.
[7952] P628 (Witness RM-163, witness statement, undated), paras 24, 70, 94; Witness RM-163, T. 6095-6096.
[7953] P628 (Witness RM-163, witness statement, undated), para. 70; Witness RM-163, T. 6095.
[7954] P628 (Witness RM-163, witness statement, undated), para. 94; Witness RM-163, T. 6095-6096.
[7955] P628 (Witness RM-163, witness statement, undated), para. 94.
[7956] P628 (Witness RM-163, witness statement, undated), paras 24, 70.
[7957] Witness RM-163, T. 6098.
[7958] P628 (Witness RM-163, witness statement, undated), para. 42.
[7959] P503 (Francis Thomas, witness statement, 15 May 2009), para. 72.

would often fire once into the city without any follow-up.[7960] According to Thomas, their use of artillery and tanks to shell Sarajevo in an attempt to affect the will of the Bosnian government had little impact. The resort to 'terror shelling' to discourage Bosnian infantry attacks in reality played into the hands of the Bosnians, in that the international media centred at the Holiday Inn in Sarajevo and they tended to report the war based on the situation in the city.[7961]

1877. **David Fraser** testified that there were several notorious sniping positions in Sarajevo, including Grdonj, and the airport.[7962] Sniper Alley was a three-kilometre road that ran in front of the Holiday Inn hotel and was located in the territory held by the ABiH.[7963] There were no ABiH military positions there and the only people using the road were Bosnian civilians and UN personnel; both groups were targeted by the Bosnian-Serb snipers.[7964] The witness learned from the UN troops stationed along Sniper Alley that the snipers would use a telephone pole or UN vehicles for target practice each morning, so that they could 'range' their weapons.[7965] Because of the number of incidents involving civilians in Sniper Alley, a special UN task-force was dedicated to this area.[7966] In Grbavica, the VRS snipers used the red-brick buildings opposite the Holiday Inn.[7967] UNPROFOR could not travel freely within Grbavica and UN personnel were always escorted by the VRS.[7968] The witness went on tours to the sniping positions in Grbavica.[7969] The sniping positions overlooked the ABiH-held territory and some UN positions.[7970] UNPROFOR received complaints that the ABiH was targeting Serb civilians in Grbavica, but the Bosnian Serbs did not allow them to investigate these incidents.[7971] According to the witness, except for the airport, where the parties had a roughly equal share in the sniping, the sniping in Sharpstone, Grdonj, the Jewish cemetery, and 'Sniper Alley' came predominantly from the Serb side and the

[7960] P503 (Francis Thomas, witness statement, 15 May 2009), paras 71-72.
[7961] P503 (Francis Thomas, witness statement, 15 May 2009), para. 71.
[7962] P576 (David Fraser, witness statement, 3 December 2012), paras 19, 56, 58, 60; P577 (David Fraser, Clarifications to witness statement); P596 (Map of Sarajevo, marked by David Fraser).
[7963] P576 (David Fraser, witness statement, 3 December 2012), paras 19, 56; P577 (David Fraser, Clarifications to witness statement); P596 (Map of Sarajevo, marked by David Fraser).
[7964] P576 (David Fraser, witness statement, 3 December 2012), para. 75.
[7965] P576 (David Fraser, witness statement, 3 December 2012), para. 74.
[7966] P576 (David Fraser, witness statement, 3 December 2012), para. 86.
[7967] P576 (David Fraser, witness statement, 3 December 2012), paras 25, 67; P3 (Sarajevo map book), p. 25; P577 (David Fraser, Clarifications to witness statement); P593 (Photograph of Sarajevo, marked by David Fraser).
[7968] P576 (David Fraser, witness statement, 3 December 2012), para. 68.
[7969] P576 (David Fraser, witness statement, 3 December 2012), para. 69.
[7970] P576 (David Fraser, witness statement, 3 December 2012), para. 73.

VRS sniped people engaged in civilian activities.[7972] The Muslims used cars, trenches, and screens to erect anti-sniping barricades and UNPROFOR tried to help in these activities, but the VRS snipers would overcome such obstacles by changing their positions.[7973] The ABiH held its positions at the base of Špicasta Stijena.[7974] The ABiH also had snipers, but as they moved around, UNPROFOR was not aware of their precise locations.[7975]

1878. When possible, the UN would investigate the shelling incidents and would in most cases be able to identify the responsible party as well as determine whether the target was legitimate.[7976] Although some of the shelling by the Bosnian Serbs was in response to offensive operations by the ABiH, in the witness's view it was generally disproportionate and indiscriminate.[7977] Fraser admitted that the fact that both warring factions were fighting each other in a city full of non-combatants made it extremely difficult to analyse the three criteria that should normally be taken into consideration in such a situation, which are military necessity, proportionality, and collateral damage.[7978] Having talked to the Muslim civilians employed at the UN headquarters in Sarajevo as well as other Bosnian civilians, Fraser opined that people in Sarajevo had lived in terror and were all visibly traumatised and stressed about the uncertainty of their future.[7979]

1879. **Witness RM-120** testified that according to UNPROFOR reports, almost all of the sniper fire in Sarajevo originated from Serb positions on the other side of the Miljacka River.[7980] As of November 1994 the population of Sarajevo was 'strangled' when it came to supplies.[7981] The Serbs completely blocked the city.[7982] Sniping was a permanent threat to the population.[7983] General Dragomir Milošević was regularly informed about conditions in Sarajevo.[7984] The witness also testified that the Muslim

[7971] P576 (David Fraser, witness statement, 3 December 2012), para. 96.
[7972] P576 (David Fraser, witness statement, 3 December 2012), para. 59.
[7973] P576 (David Fraser, witness statement, 3 December 2012), paras 61, 87.
[7974] P576 (David Fraser, witness statement, 3 December 2012), para. 58.
[7975] P576 (David Fraser, witness statement, 3 December 2012), para. 95.
[7976] P576 (David Fraser, witness statement, 3 December 2012), paras 100, 114.
[7977] P576 (David Fraser, witness statement, 3 December 2012), para. 103.
[7978] David Fraser, T. 5916-5920.
[7979] P576 (David Fraser, witness statement, 3 December 2012), paras 148-149.
[7980] P807 (Witness RM-120, witness statement, undated), p. 7.
[7981] P807 (Witness RM-120, witness statement, undated), pp. 27-28, 62.
[7982] P807 (Witness RM-120, witness statement, undated), pp. 27-28.
[7983] P807 (Witness RM-120, witness statement, undated), p. 42.
[7984] P807 (Witness RM-120, witness statement, undated), p. 31.

side was trying to portray that the situation in Sarajevo was worse than it actually was.[7985]

1880. **Thom Knustad** stated that after a number of investigations of shelling incidents he discerned that some of the targeted areas were those where people normally gathered, for example food pick-up points, water collection points, parks, cemeteries, and hospitals.[7986] **Anton Brennskag** testified that in June 1995, he observed up to 150 rounds being fired into Sarajevo within a 24-hour period, hitting both military and civilian targets.[7987] On 18 June 1995, UNPROFOR withdrew from all WCPs around Sarajevo because UNPROFOR units could no longer be deployed safely in isolated parts of SRK-held territory.[7988] On 8 July 1995, Harland notified Phillip Corwin that the Serbs continued to snipe and shell Sarajevo and that the sniping and shelling carried no military benefit but contributed to an atmosphere of terror in Sarajevo.[7989] During that week the Bosnian Ministry of Health reported 39 civilian deaths and 190 wounded.[7990] Serb 'gunners' were targeting UN convoys using the Igman road.[7991] Finally Harland reported that the humanitarian situation was poor and that UNHCR had no food to distribute.[7992]

1881. **Milenko Inđić** testified that during 1992, an UNMO office was established at the SRK Command, and there was regular communication between them. According to the witness, from the UNMOs' location, it was not possible to establish an approximate number of shells fired, and their reports were mainly based on information received from the parties to the conflict.[7993] The reporting on military fire only became objective when UNPROFOR installed artillery radars around Sarajevo.[7994]

Daily life of civilians in Sarajevo

1882. **Kupusović**, **Crnčalo**, **Alen Gičević**, **Fatima Pita**, **Witness RM-147**, **Sergii Moroz**, **Rasema Menzilović**, **Husein Abdel-Razek**, and **Michael Rose** all provided

[7985] Witness RM-120, T. 7718-7719.
[7986] P3159 (Thom Knustad, *Dragomir Milošević* transcript, 12-13 February 2007), p. 1993.
[7987] P992 (Anton Brennskag, witness statement, 26 October 2010), para. 31; Anton Brennskag, T. 9087.
[7988] Adjudicated Facts III, no. 1761.
[7989] P6620 (Fax message from David Harland of UNPROFOR, 8 July 1995), pp. 1-2.
[7990] P6620 (Fax message from David Harland of UNPROFOR, 8 July 1995), p. 2.
[7991] P6620 (Fax message from David Harland of UNPROFOR, 8 July 1995), p. 3.
[7992] P6620 (Fax message from David Harland of UNPROFOR, 8 July 1995), p. 5.
[7993] D614 (Milenko Inđić, witness statement, 31 July 2014), para. 18.
[7994] D614 (Milenko Inđić, witness statement, 31 July 2014), para. 19.

evidence that the living conditions in Sarajevo during the war were very difficult, as there was a shortage of electricity, water, and food, limited access to medical care, and constant shelling and sniper fire.[7995] From approximately mid-June 1992 onwards, the telephone lines were not functioning.[7996] **Kupusović** stated that when an individual had to go out to fetch bread or water or simply because they could not spend all of their time in a basement or some other safe part of an apartment, there was a fear that the person who went out would not return or would come back wounded. This level of stress was a regular occurrence.[7997] In October 1992, the electricity was shut down and therefore the people of Sarajevo had to face a winter without electricity and water because the pumps ran on electric power. In order to survive the winter, trees in the town, parks and gardens were cut down for firewood.[7998] The water supply was organised from the city brewery's old wells and fuel was provided by UN forces.[7999]

1883. While many children were evacuated by humanitarian organizations, many more children remained in Sarajevo.[8000] From May 1992 school buildings were out of commission and it was only in late autumn 1992 that 'they' were able to organise teaching in basements and secure apartments. The teaching took place once or twice a week; the rest of the time, children had to study with their parents.[8001] The type of education the children of Sarajevo received during the war was poor and the effects of this were felt for years to follow.[8002]

[7995] **Tarik Kupusović**: P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), p. 670. **Sulejman Crnčalo**: P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 82. **Alen Gičević**: P1935 (Alen Gičević, witness statements), witness statement of 21 April 2006, para. 13; P1937 (Alen Gičević, *Karadžić* transcript, 11 October 2010), pp. 7613-7614. **Fatima Pita**: P2453 (Fatima Pita, *Galić* transcript, 21 March 2002), p. 5880. **Witness RM-147**: P107 (Witness RM-147, witness statement, 3 June 2012), para. 20; Witness RM-147, T. 1718 **Sergii Moroz**: D1370 (Sergii Moroz, *Galić* transcript, 22-23 January 2003), p. 18129; Sergii Moroz, T. 42349, 42489. *See also* P7779 (UNPROFOR weekly political assessment, 17 February 1994), p. 3. **Rasema Menzilović**: P1922 (Rasema Menzilović, *Galić* transcript, 10 April 2002), p. 6981. **Husein Abdel-Razek**: P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, para. 18; Husein Abdel-Razek, T. 3620. **Michael Rose**: P736 (Michael Rose, witness statement, 26 March 2009), paras 21-22, 30.
[7996] **Witness RM-147**: P107 (Witness RM-147, witness statement, 3 June 2012), para. 20; Witness RM-147, T. 1718. *See also* **Tarik Kupusović**: P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), pp. 637-638, 660. **Fatima Pita**: P2453 (Fatima Pita, *Galić* transcript, 21 March 2002), p. 5880.
[7997] P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), p. 681.
[7998] P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), p. 660.
[7999] P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), pp. 660, 662.
[8000] P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), p. 672.
[8001] P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), pp. 671-672.
[8002] P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), p. 672.

1884. **Crnčalo** testified that he and his family received food from humanitarian supplies, but these supplies were sometimes cut off by the Serbs.[8003] The witness and his children stayed in Sarajevo until the siege of the city ended in 1996, but if the option had existed to leave Sarajevo during the siege they would have taken it.[8004] **Kupusović** stated that there were two large hospitals in Sarajevo: the clinical centre at Koševo and the state hospital at Marin Dvor. Several doctors from the Koševo clinical centre also established a provisional hospital in Dobrinja, which functioned during the war and then was dismantled.[8005] **Youssef Hajir**, one of the doctors who were involved in the provisional hospital in Dobrinja, stated that in May 1992, the conditions in Sarajevo were poor and the most basic medical equipment was unavailable.[8006] In July, the situation improved and more medical equipment became available.[8007] Driving an ambulance was considered a dangerous occupation, even if the ambulance was marked with a Red Cross sign; Hajir recalled two drivers being wounded and one being killed all while on duty.[8008]

1885. **Jan Segers** testified that when he arrived in Sarajevo in October 1992, most of the city had no water or electricity.[8009] Finding food and water would take hours, and people who went outside in search of these resources were wounded or killed by sniping and shelling.[8010] Civilians told the witness that they were living in constant panicked fear and were under the impression that they could get shot at any minute.[8011] **Witness RM-126** stated that Serb forces used loudspeakers to insult and threaten the inhabitants of Sarajevo.[8012] With regard to the situation in Sarajevo, he stated that people were afraid for their lives and that it was more than fear, but also a form of paranoia. Nevertheless, people still had to go out daily in order to get food, water, and fuel. According to the witness, it could be seen in their faces 'that it had passed beyond normal fear, it was a fatalism'.[8013] According to an UNPROFOR report dated 28 August 1994, on 26 August 1994, the gas supply to Sarajevo was cut off as of 26 August.[8014]

[8003] P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 84.
[8004] P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 97.
[8005] P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), pp. 664-665.
[8006] P2616 (Youssef Hajir, witness statement, 25 February 2010), paras 27-30.
[8007] P2616 (Youssef Hajir, witness statement, 25 February 2010), para. 30.
[8008] P2616 (Youssef Hajir, witness statement, 25 February 2010), para. 47.
[8009] Jan Segers, T. 43747, 43756.
[8010] Jan Segers, T. 43756-43757.
[8011] Jan Segers, T. 43758.
[8012] P1942 (Witness RM-126, witness statements), witness statement of 1 September 2000, p. 3.
[8013] P1942 (Witness RM-126, witness statements), witness statement of 1 September 2000, p. 2.
[8014] P887 (Political assessment of Bosnia-Herzegovina for 21-27 August 1994, 28 August 1994), para. 1.

1886. According to an UNPROFOR report from the headquarters in Sarajevo for the week of 29 May to 4 June 1995, the utilities situation in Sarajevo had been critical since 26 May 1995.[8015] On that day, Bosnian Serbs cut off the electricity supplies to the city and as a result water could not be pumped to the city.[8016] Gas supplies were completely disconnected by the Bosnian Serbs on 28 May, depriving the city of all utilities, and in retaliation the Bosnian authorities switched off the gas valve at Kladanj, which supplied the Serb side. The food situation was also unsatisfactory, and while reassurances were given by the Serb side that humanitarian agencies could continue their normal activities, the UNHCR had decided to suspend its convoys due to the security situation and the lack of UNPROFOR convoys.[8017]

1887. According to an UNPROFOR report of 24 June 1995, Sarajevo needed about 6,000 tonnes of food aid per month to meet basic needs. This target had not been met since the air lift had been stopped on 8 April 1995. On 22 June 1995, the first food convoys in four weeks arrived in Sarajevo, carrying 270 tonnes for Bosnian-controlled areas and 160 tonnes for Serb-controlled areas. After the ABiH shelled convoys that were approaching the UNHCR warehouse in the Serb-controlled area of Rajlovac, Koljević stated that there would be no more convoys until the Bosnians provide written guarantees that they would not shell the area again. The Bosnians stated that the convoys had been moving without UNPROFOR escort and had been attended by Serb police vehicles.[8018] On 2 July 1995, for the first time since the war began, a convoy arrived in Sarajevo without the express consent of the Serbs.[8019]

The Trial Chamber's findings

1888. Based on the foregoing, the Trial Chamber finds that the conflict erupted in Sarajevo around early May 1992. By 25 May 1992, the Bosnian-Serb forces were in control of Sarajevo and it was virtually impossible to enter the city without their permission. From at least 14 May to 23 June 1992, Sarajevo was targeted by heavy artillery almost daily. On some days, attacks would last for as long as 16 hours. On certain days during that period, thousands of rounds of artillery were fired into the city.

[8015] P6716 (Weekly situation report by UNPROFOR HQ in Sarajevo, 4 June 1995), pp. 1, 4.
[8016] P6716 (Weekly situation report by UNPROFOR HQ in Sarajevo, 4 June 1995), p. 4.
[8017] P6716 (Weekly situation report by UNPROFOR HQ in Sarajevo, 4 June 1995), p. 5.
[8018] P991 (UNPROFOR weekly situation report, 24 June 1995), p. 4.
[8019] P1089 (UNPROFOR weekly sitrep, 2 July 1995), p. 5.

Sniping fire could be heard regularly. The main thoroughfare of Sarajevo, part of which was then called the Maršal Tito Boulevard, was particularly prone to regular gunfire and therefore became known as 'Sniper Alley'. Sniper Alley was an approximately three-kilometre-long stretch of a road that ran in front of the Holiday Inn hotel and was located in ABiH-controlled territory. Trams were also frequently subjected to sniper fire. A bus line that was established to carry people on an alternative route to Sniper Alley also came under fire. From July 1992 until August 1994, sniping occurred almost every day. Many hundreds of civilians were killed, while thousands were injured. Sniping occurred in places where people would gather, such as food and water pick-up points, parks, cemeteries, hospitals, and schools. From 1993 to 1995, an average of at least 1,000 shells fell on Sarajevo on a daily basis, although there were significant breaks during the 1994 ceasefire. Following the ceasefire agreement of 18 February 1994, the situation in Sarajevo improved and the number of sniping and shelling incidents dropped significantly. From May 1994 onwards, the situation worsened again and sniping and shelling resumed. After August 1994, the sniping and shelling became even worse.

1889. The Trial Chamber further finds that between May 1992 and November 1995, the inhabitants of Sarajevo were forced to undertake daily activities, like fetching water or collecting wood, at night or when visibility was reduced, and hid in their apartments or basements during the day. They also developed alternative routes to traverse the city to avoid sniper fire. If people were forced to go outside, for instance to fetch water, there was a fear that they would be killed or injured and they would run across streets and seek shelter. In several instances, civilians were killed on the streets. Civilians were also forced to bury the dead at night, because it was considered too dangerous for funerals to take place during the day due to the risk of being targeted by sniping or shelling. Civilians hung blankets or sheets in front of their windows or in close proximity of their houses in order to block the line of sight of snipers. From May 1992 onwards, schools were closed and it was not until late autumn 1992 that classes were organized in basements and secure apartments, and these classes were only held once or twice per week. As a result, the level of education received by the children living in Sarajevo was of poor quality. Inhabitants of Sarajevo lived in constant fear that they or their loved ones would be hit by sniper or artillery fire. This constant fear inevitably took its toll on the population and caused them significant stress and trauma. Some

witnesses described their fear as going being normal fear and were fatalistic about the future. Inhabitants were severely hampered in their daily activities as a result of this.

1890. The Trial Chamber finds that the living conditions for the inhabitants of Sarajevo were extremely difficult as a result of living in constant fear and the lack of basic necessities, such as food, water, gas, and electricity, which forced them to go outside and be exposed to sniping and shelling. Only urgent medical care was provided, and hospitals and clinics were operating with very limited supplies. Hospitals, clinics, and ambulances were also targeted by snipers and shelled. As of mid-June 1992, telephone lines were cut. In October 1992, electricity was shut down, while there was no gas supply to Sarajevo as of 26 August 1994. In September 1995, the supply of water, electricity, and gas to the Bosnian-Muslim part of Sarajevo was halted.

1891. The Trial Chamber will further consider these findings when determining whether crimes were committed in Sarajevo.

5.1.2 Modified air bombs

1892. The Trial Chamber received evidence concerning modified air bombs used by the SRK in 1994 and 1995 in Sarajevo. In this section, the Trial Chamber will examine the evidence on accuracy and properties of modified air bombs. It will also discuss examples of the evidence it received regarding the production and distribution of these weapons within the VRS, in particular the SRK. The Defence argued that modified air bombs were well-designed, accurate, and valid weapons, having been extensively tested.[8020] The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to modified air bombs. It received documentary evidence which it finds consistent with the Adjudicated Facts.[8021] It also received evidence from **David Fraser,** a Military Assistant to the UNPROFOR Commander in Sector Sarajevo from 17 April 1994 to 26 May 1995;[8022] **Witness RM-159**, a police employee;[8023] **Ekrem Suljević**, a

[8020] Defence Final Brief, paras 2265-2267, 2275-2285, 2288.
[8021] P897 (SRK information to the VRS Main Staff about launching gear and aircraft weaponry, 15 June 1995); P902 (3rd Sarajevo Infantry Brigade report on possession of arms, 14 June 1995); P904 (Response to SRK Request for information about possession of arms, 9 June 1995); P907 (1st Ilidža Infantry Brigade report on possession of arms, 12 June 1995); P910 (1st Romanija Infantry Brigade report on possession of arms, 10 June 1995).
[8022] P576 (David Fraser, witness statement, 3 December 2012), paras 7, 11.
[8023] P1953 (Witness RM-159, witness statement, 21 October 2012), p. 1, paras 1-3.

mechanical engineer employed in the Bosnian MUP as of November 1993;[8024] **Đorđe Đukić**, the Assistant for Logistics of the VRS Main Staff;[8025] **Stevan Veljović**, Assistant Chief of Staff for Operations and Training of the 1st Romanija Brigade from 19 May 1992 until December 1994 and Commander of the 4th Sarajevo Light Infantry Brigade from early August 1995 until February 1996;[8026] **Nedžib Đozo**, a former JNA mortar platoon commander and civilian police investigator;[8027] **Thom Knustad**, a Norwegian UNMO stationed in Sarajevo between 21 June and 1 December 1995 with prior training in weaponry and ballistics;[8028] **Thorbjorn Overgard**, a Norwegian UNMO deployed to Sarajevo from late October 1994 until 1 May 1995;[8029] **Zorica Subotić**, a ballistics expert;[8030] **Vladimir Radojčić**, Commander of the VRS Ilidža Brigade from January 1993 until the end of the war;[8031] **Savo Simić**, an artillery officer in the SRK throughout the conflict;[8032] **Nikola Mijatović**, the Chief of Security of the Ilidža Brigade from the end of May or June 1993 until September 1994 and later its Chief of Staff;[8033] **Dragiša Masal**, chief of artillery at the VRS Main Staff during the war;[8034] and **Manojlo Milovanović**, the Chief of Staff and deputy commander of the VRS Main Staff from 1992 to 1996.[8035]

[8024] P889 (Ekrem Suljević, witness statement, 9 February 2010), p. 1, paras 2-3, 11; Ekrem Suljević, T. 8407-8408, 8410.
[8025] P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), p. 7.
[8026] D532 (Stevan Veljović, witness statement, 19 October 2012), para. 28; D533 (Stevan Veljović, witness statement, 10 May 2014), para. 13; P6610 (Stevan Veljović, *Dragomir Milošević* transcript, 30 May 2007), pp. 5834-5835.
[8027] P544 (Nedžib Đozo, witness statement, 7 December 2010), paras 4-7; Nedžib Đozo, T. 5539, 5563-5564.
[8028] P3158 (Thom Knustad, witness statement, 21 May 1996), pp. 1-2, 4; P3159 (Thom Knustad, *Dragomir Milošević* transcript, 12-13 February 2007), pp. 1986, 1989, 1992; P3164 (Thom Knustad, witness interview, 2 October 2003), p. 1.
[8029] P1047 (Thorbjorn Overgard, *Dragomir Milošević* transcript, 18-19 January 2007), pp. 626, 629, 631, 633.
[8030] D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 1-3.
[8031] D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 1.
[8032] D1062 (Savo Simić, witness statement, 4 November 2012), paras 1, 3; Savo Simić, T. 35932, 35935, 35944, 35949-35850.
[8033] D468 (Nikola Mijatović, witness statement, 10 May 2014), para. 11; Nikola Mijatović, T. 21445-21446; P6532 (Proofing note for Nikola Mijatović, 21 May 2014), para. 2f.
[8034] D942 (Dragiša Masal, witness statement, 20 July 2014), para. 2.
[8035] Manojlo Milovanović, T. 16889; P2211 (Signed *Curriculum Vitae* of Manojlo Milovanović), 22 April 2010, pp. 1-2; P2212 (VRS Main Staff Structure - organisation chart, July 1995).

Accuracy of modified air bombs

1893. **Vladimir Radojčić** testified that air bombs of 250 kilograms or more were designed as a weapon to be dropped from overhead by a plane flying over its target.[8036] They have no independent propulsion or guidance system and hit their target by the force of gravity; their accuracy is determined by how and when they are dropped.[8037] In the second phase of the war, modified air bombs were used because of shortage of other ammunition.[8038] These bombs were previously used by the JNA air force, and were adapted to be launched from the ground.[8039] The range of an air bomb fired from the ground was between 600 metres and 4 kilometres.[8040]

1894. Radojčić believed that one rocket would be attached to a 100-kilogram air bomb, whereas three rockets would be attached to a 250-kilogram air bomb.[8041] Air bombs could be fired by a *Plamen* rocket system, an *Orkan* system, and an *Oganj* system with the first two containing a system that made it possible to adjust the bearing of the tubes and achieve a specific azimuth.[8042] Every rocket system had its own firing table.[8043] The Ilidža Brigade used 250-kilogram bombs and, the witness believed, *Plamen* rockets, which were launched from a launcher that was mounted to the back of a trailer of a large vehicle.[8044] The launcher was built by the Ilidža Brigade on the basis of sketches it had received from the SRK Command.[8045] The Ilidža Brigade used provisional firing tables, which it had received from the SRK Command.[8046] There was no manual available for the firing tables.[8047] When the target was not visible, an artillery protractor and a compass were used to adjust the angle and the azimuth.[8048] The Ilidža Brigade had

[8036] Vladimir Radojčić, T. 22966-22967, 23141.
[8037] Vladimir Radojčić, T. 23141.
[8038] D535 (Vladimir Radojčić, witness statement, 11 May 2014), paras 54-55; Vladimir Radojčić, T. 23184.
[8039] Vladimir Radojčić, T. 23038, 23141.
[8040] Vladimir Radojčić, T. 23172.
[8041] Vladimir Radojčić, T. 23142.
[8042] Vladimir Radojčić, T. 23044, 23136-23140, 23149, 23298; P6616 (Photographs of rocket launchers, undated), pp. 2-4; D536 (Photograph of 'Plamen' rocket launcher, undated); D537 (Photographs of 'Oganj' rocket launcher, undated); D538 (Photograph of 'Plamen' rocket launcher, undated).
[8043] Vladimir Radojčić, T. 23164-23165.
[8044] Vladimir Radojčić, T. 23044, 23134, 23136, 23142, 23158, 23302; P6616 (Photographs of rocket launchers, undated), p. 1.
[8045] Vladimir Radojčić, T. 23044, 23143.
[8046] Vladimir Radojčić, T. 23039-23040, 23044, 23047, 23163, 23165, 23167.
[8047] Vladimir Radojčić, T. 23169.
[8048] Vladimir Radojčić, T. 23171, 23173.

at its disposal a 'laser gauge', a device that could measure the exact distance to the target.[8049]

1895. **Stevan Veljović** heard from brigade commanders in 1993 that 'craftsmen and engineers' were working on modified air bomb launchers.[8050] The witness heard from Dragomir Milošević that the air bombs were inaccurate and could be off-target by as much as two kilometres.[8051] The witness further testified that the engines of modified air bombs were very unreliable - sometimes one engine fired later than the other causing the bomb to drift either to the left or to the right; as a result, it was impossible to predict where the bomb would land.[8052] For this reason they were not meant to be used in urban areas as this would risk hitting their own men or civilians.[8053] The witness testified that modified air bombs had not been tested, and there were no firing tables for the modified air bombs and there were no rules detailing how the modified air bombs and accompanying launchers were to be used.[8054] The witness testified that as a result, modified air bombs were also dangerous to the artillery crew firing it; some artillery crews dealing with modified air bombs were killed as the bombs exploded when they were activated.[8055]

1896. **Dragiša Masal**, **Radojčić**, and **Savo Simić** testified that modified air bombs were professionally designed and were precise with regard to target firing.[8056] **Nikola Mijatović** testified that modified air bombs were less precise than conventional weapons.[8057]

1897. **Thom Knustad** stated that modified air bombs were highly inaccurate weapons.[8058] **Thorbjorn Overgard** added that a modified air bomb can be aimed at a general area but is very inaccurate because it descends whenever the fuel is finished or a

[8049] Vladimir Radojčić, T. 23036.
[8050] Stevan Veljović, T. 22955-22956.
[8051] Stevan Veljović, T. 22949-22950, 22953, 22966.
[8052] Stevan Veljović, T. 22949, 22952-22954.
[8053] Stevan Veljović, T. 22949, 22967.
[8054] Stevan Veljović, T. 22949-22950, 22953-22954.
[8055] Stevan Veljović, T. 22953.
[8056] Dragiša Masal, T. 33503-33506, 22437; D535 (Vladimir Radojčić, witness statement, 11 May 2014), paras. 55, 57; P6611 (Statement of Vladimir Radojčić from the *Karadžić* case, 8 December 2012), paras. 55, 57; Vladimir Radojčić, T. 23037-23040, 23044-23047, 23136-23137, 23157, 23165-23167, 23169-23173, 23182, 23184-23185; D1062 (Savo Simić, witness statement, 4 November 2012), para. 21; Savo Simić, T. 36046, 36054.
[8057] Nikola Mijatović, T. 21579.
[8058] P3159 (Thom Knustad, *Dragomir Milošević* transcript, 12-13 February 2007), pp. 1990-1992. *See also* P889 (Ekrem Suljević, witness statement, 9 February 2010), paras 40, 60; Ekrem Suljević, T. 8578.

set timer expires.[8059] **Nedžib Đozo** testified that he investigated modified aircraft bombs and examined one of the bombs at close range, as it had fallen into the Mošćanice River without exploding. The witness testified that these types of bombs were unguided aircraft bombs retrofitted with rocket motors and fired from multi-rocket launchers and opined that as such, the bombs were inherently inaccurate.[8060]

1898. **Zorica Subotić** testified that based on an analysis of firing tables at a distance of 6,000 metres modified air bombs were more precise than regular rockets in terms of target deviation.[8061] The witness testified that at one point, 'before they were being used in the war', she had been shown contemporaneous firing tables of modified air bombs by a colleague of her, an engineer from the *Pretis* factory who was working on modified air bombs; she further testified she believed that these bombs were tested at the Nikinći test site in Belgrade.[8062] The witness testified that for her research, she could not get a hold of these tables anymore, and did not know whether these tables still existed.[8063] The witness testified that as a result, she consulted firing tables from 2001 or 2002.[8064]

Destructive properties of modified air bombs

1899. Two types of air bombs were used in Sarajevo: the FAB-100 and the FAB-250. The numbers in the name indicate the approximate weight of the bombs in kilograms.[8065] Some of these air bombs carried fuel-air explosives, rather than only TNT.[8066] The FAB-100 air bomb had TNT as its explosive charge, whereas the typical explosive charge for a FAB-250 air bomb was a fuel-air mixture.[8067] Fuel-air explosions cause a lethal wave of overpressure and destroy everything and everyone in the blast.[8068] **David Fraser** testified that apart from having a devastating psychological effect on the civilian population, modified air bombs, which were aerial bombs propelled by rocket

[8059] P1047 (Thorbjorn Overgard, *Dragomir Milošević* transcript, 18-19 January 2007), p. 695. *See also* P1953 (Witness RM-159, witness statement, 21 October 2012), para. 14.
[8060] P544 (Nedžib Đozo, witness statement, 7 December 2010), paras 48-49.
[8061] Zorica Subotić, T. 39825-39826, 39920.
[8062] Zorica Subotić, T. 39536-39539, 39544. In relation to the Nikinći test site in Belgrade, *see* e.g. P4549 (Firing protocol of the Nikinći test centre, 28 March 1994); P5101 (Proposal by Mladić to the Chief of Staff of the VJ General Staff, 16 June 1995).
[8063] Zorica Subotić, T. 39536-39540, 39544, 39554-39558, 39809-39811, 39820-39821.
[8064] Zorica Subotić, T. 39539-39540
[8065] Adjudicated Facts III, no. 1882.
[8066] Adjudicated Facts III, no. 1881.
[8067] Adjudicated Facts III, no. 1887.
[8068] Adjudicated Facts III, no. 1888.

motors and launched from the ground, were capable of destroying much larger areas than conventional mortar artillery.[8069]

Production, distribution, and use of modified air bombs by the SRK and VRS

1900. In 1994 and 1995, the SRK possessed modified air bombs and air bomb launchers.[8070] During this time, the SRK requested and received 100/105 kilogram, 150 kilogram, and 250 kilogram air bombs. The VRS attached rockets to air bombs to enable their launch from the ground.[8071] Air bombs were produced in the *Pretis* factory, which was used by the SRK between August 1994 and November 1995.[8072] The ABiH did not possess modified air bombs.[8073]

1901. **Stevan Veljović** testified that the Igman and Ilidža Brigades, located west of Sarajevo, the 3rd Sarajevo and Ilijaš Brigades, located north of Sarajevo, and 'possibly' the 2nd Sarajevo Infantry Brigade, had modified air bomb launchers.[8074] According to **Radojčić**, the Ilidža Brigade had about ten modified air bombs available, but only launched three, including a first 'test bomb' on a cooler plant near Stup, which missed its target by a hundred metres and did not explode.[8075] **Veljović** testified that the use of modified air bombs had to be approved by the SRK Commander.[8076]

1902. **Đorđe Đukić** stated that as far as he remembered, the idea to use modified aerial bombs originated from the IBK, whose commander was Novica Simić.[8077] Mladić, who was in contact with commanders of the IBK, ordered that investigations be undertaken for producing launchers at the level of this corps.[8078] The fitting of the rocket engines to the aerial bombs was done in the *Pretis* factory.[8079] According to the witness, the first system with a single rocket engine for propulsion failed and therefore a modified system with two or three engines with a maximum range of around two kilometres was developed. Mladić personally ordered the construction of these launchers.[8080] The corps

[8069] P576 (David Fraser, witness statement, 3 December 2012), paras 127, 129.
[8070] Adjudicated Facts III, nos 1883, 2865.
[8071] Adjudicated Facts III, no. 1883.
[8072] Adjudicated Facts III, no. 1886.
[8073] Adjudicated Facts III, nos 1892, 2548, 2865.
[8074] Stevan Veljović, T. 22948, 22956.
[8075] Vladimir Radojčić, T. 23039-23042, 23049, 23174, 23188-23192.
[8076] Stevan Veljović, T. 22950-22951.
[8077] P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), pp. 4, 23.
[8078] P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), p. 4.
[8079] P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), pp. 4, 24.
[8080] P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), p. 23.

commanders would propose that launchers be used and every single use was approved personally by Mladić.[8081] With regard to the reporting on the use of this system, the language commonly used would not directly mention aerial bombs; instead the corps commanders would give their reports to Mladić using phrases such as 'Boss, what we had agreed on has been used'.[8082] The witness believed that apart from Mladić and VRS Main Staff Chief of Artillery Rajko Balać, no one from the VRS Main Staff worked on this program.[8083]

1903. **Manojlo Milovanović** testified that the VRS did not have launchers capable of firing four aerial bombs at the same time.[8084] With regard to a specific makeshift device to transport aerial bombs from the firing position to a target, Milovanović testified that he had neither seen the device after it was manufactured and assembled, nor had he ever seen it in action.[8085] According to Milovanović, the device was not very precise and could only target an area.[8086]

1904. A large number of documents were admitted regarding the production, distribution, and use of modified air bombs. On 27 December 1993, following a meeting with VJ General Perišić in Belgrade, Mladić recorded that the matter of fuel-air bombs, and FAB air bombs which would come with blueprints, had been resolved.[8087] Pursuant to an order from the VRS headquarters to proceed with the construction of launching systems, on 26 May 1994 Ratko Savić, the Director of the Technical Repair Institute in Hadžići, asked the Director of the 'Ironworks' company in Ilijaš for six pieces of six metre long INP-140 launchers. These launchers could not be acquired elsewhere and were intended to be built into the launching systems to meet VRS needs.[8088] On 7 October 1994 – following a meeting in Belgrade with Slobodan Milošević, Momčilo

[8081] P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), pp. 4, 24.
[8082] P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), p. 24.
[8083] P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), p. 23. *See* Manojlo Milovanović, T. 17017.
[8084] Manojlo Milovanović, T. 17013-17015. The Trial Chamber notes that while at first, it appeared that the witness testified that the VRS did not possess FAB-250 air bombs, the witness corrected this impression and later testified that the VRS did not have launchers capable of firing four FAB-250 air bombs at the same time.
[8085] Manojlo Milovanović, T. 17014, 17017.
[8086] Manojlo Milovanović, T. 17017.
[8087] P359 (Mladić notebook, 28 October 1993-15 January 1994), p. 108.
[8088] P895 (Hadžići Technical Repair Institute Request to Ilijaš 'Ironworks' company to manufacture and deliver INP-140 launchers, 26 May 1994).

Perišić, and Jovica Stanišić – Mladić recorded a request for ammunition, which included air bombs.[8089]

1905. On 11 January 1995, pursuant to a VRS Main Staff request for information, the SRK Command was informed of the ammunition consumption by the SRK in November and December 1994, which included three aerial bombs.[8090]

1906. The Trial Chamber received evidence detailing the process through which the VRS Main Staff organized the logistics of procuring VRS and SRK units with modified air bombs in 1995, which included organizing the provision of components,[8091] storage,[8092] assembly,[8093] inspection,[8094] collection,[8095] and, ultimately, the distribution[8096] of modified air bombs. When the *Pretis*-Vogošća – a factory which was contracted by the VRS in the manufacturing of modified air bombs as discussed in chapter 9.2.6 – came under attack, the VRS Main Staff ordered that modified air bombs be moved to another location.[8097] The Trial Chamber also received evidence of Mladić's involvement in procuring modified air bombs from the VJ. The Trial Chamber will further discuss Mladić's involvement in procuring materiel from the VJ, including modified air bombs, in chapter 9.3.6.

1907. The Trial Chamber further received evidence detailing how the VRS Main Staff assessed the necessary levels of production of modified air bombs; to this end, the VRS Main Staff instructed Corps Commanders to report on their current stock and their

[8089] P362 (Mladić notebook, 4 September 1994-28 January 1995), pp. 81, 100-101.
[8090] P4520 (SRK Command information regarding ammunition spending for November and December 1994, 11 January 1995.
[8091] *See e.g.* P909 (Letter from VRS Main Staff Logistics Sector, 19 April 1995); P4525 (Request of the Pretis Vogošća manufacture for supplies, 18 January 1995).
[8092] *See e.g.* P911 (VRS Main Staff order to the SRK to collect and transport air bombs, 16 May 1995); P915 (VRS Main Staff order for the take over of air bombs from 'Pretis' Holding Company, 20 June 1995).
[8093] *See e.g.* P894 (VRS Main Staff Logistics Sector order for the completion of air bombs, 18 June 1995); P901 (VRS Main Staff order of the collection of air bombs, 4 June 1995); P911 (VRS Main Staff order to the SRK to collect and transport air bombs, 16 May 1995).
[8094] P901 (VRS Main Staff order of the collection of air bombs, 4 June 1995). *See also* Adjudicated Facts III, no. 1883.
[8095] *See e.g.* P906 (SRK instructions for the collection of assets from 'Pretis' Holding Company, 4 June 1995); P911 (VRS Main Staff order to the SRK to collect and transport air bombs, 16 May 1995).
[8096] *See e.g* P901 (VRS Main Staff order of the collection of air bombs, 4 June 1995); P906 (SRK instructions for the collection of assets from 'Pretis' Holding Company, 4 June 1995); P915 (VRS Main Staff order for the take over of air bombs from 'Pretis' Holding Company, 20 June 1995); P920 (VRS Main Staff order to 'Pretis' to issue ammunition, 23 July1995), pp. 1-2.
[8097] P928 (SRK Command order to return air bombs to 'Pretis', 27 August 1995), pp. 1-2; *see also* P913 (SRK order to issue air bombs, 24 August 1995); P914 (SRK Request for VRS approval for the issuing of air bombs, 18 June 1995).

needs for modified air bombs.[8098] This order was passed down to the individual units,[8099] who in turn promptly reported on their needs to the Corps Commander.[8100] The Corps Commander would pass on the information to the VRS Main Staff.[8101] If a corps (deputy) commander believed more air bombs were necessary for combat activities, he could indicate the same to the VRS Main Staff. For example, on 18 June 1995, the SRK Chief of Staff Čedomir Sladoje requested approval from the VRS Main Staff to issue a large number of air bombs (50 pieces) to the SRK in order to 'crush the Muslim offensive'.[8102]

1908. The Trial Chamber received evidence regarding the development and deployment of air bombs which carried 500 kilograms of explosives. On 23 July 1995, Radoslav Pandžić of the SRK IKM, informed the SRK Commander about Colonel Savić's visit, during which Savić informed them that the Maintenance and Repair Depot Hadžići had manufactured a launcher with the capacity of launching air bombs up to 500 kilogram. The launcher was mounted on a FAP-2226 vehicle taken from the Igman Infantry Brigade. Pandžić suggested that a commission be founded to test its functions. Following testing, the launcher would be deployed to one of the Corps artillery units.[8103]

1909. The Trial Chamber received evidence of the active involvement of SRK staff in the manufacturing of air bombs. Following a request from the 1st Sarajevo Motorised Brigade for the manufacturing of air bomb launchers on 9 August 1995, on 10 August 1995 the SRK head of artillery, Tadija Manojlović, ordered that the brigade carry out all material preparations, in the shortest possible time period, for the manufacturing of such launchers. Such preparations included securing vehicles, rails, cranes, and other means necessary, which the brigade would regulate in contact with responsible persons of the Maintenance and Repairs Depot Hadžići. Manojlović ordered the 4th Mixed Artillery Regiment to dismantle one irregular Howitzer 155 and hand it over the howitzer to the 1st Sarajevo Motorised Brigade, after which the brigade was to transport it to the

[8098] *See e.g* P908 (VRS Main Staff Request for information about possession of arms, 7 June 1995).
[8099] *See e.g* P899 (SRK Request for information about possession of arms, 8 June 1995), p. 1.
[8100] *See e.g* P902 (3rd Sarajevo Infantry Brigade report on possession of arms, 14 June 1995); P904 (Response to SRK Request for information about possession of arms, 9 June 1995); P907 (1st Ilidža Infantry Brigade report on possession of arms, 12 June 1995); P910 (1st Romanija Infantry Brigade report on possession of arms, 10 June 1995).
[8101] *See e.g* P897 (SRK information to the VRS Main Staff about launching gear and aircraft weaponry, 15 June 1995).
[8102] P914 (SRK Request for VRS approval for the issuing of air bombs, 18 June 1995).
[8103] P903 (SRK Letter suggesting testing of a 500 kilogram air bomb launcher, 23 July 1995); P926 (SRK proposal to test functions of air bomb launcher, 23 July 1995).

Maintenance and Repairs Depot Hadžići. After approval from the VRS Main Staff, the parts required for manufacturing would be transported to the Maintenance and Repairs Depot Hadžići. Further, Manojlović ordered the head of the 1st Sarajevo Motorised Brigade to select staff to be trained to make arms and bombs 'ready for action', together with staff from the Igman Infantry Brigade, at the Maintenance and Repairs Depot Hadžići.[8104]

The Trial Chamber's findings

1910. Before turning to its findings on the accuracy of modified air bombs, the Trial Chamber will first discuss the evidence of Zorica Subotić, who testified that modified air bombs could hit a target more precisely than regular rockets. In order to arrive at this conclusion, Subotić calculated the distance between the 'most probable target' and the 'point of impact', and assumed that the average range of modified air bombs of any type was 6,000 metres.[8105] The Trial Chamber observes that the calculations made by the witness in her report to determine the accuracy of modified air bombs appear to ignore significant circumstances on the ground that could have affected their accuracy when fired.[8106] It further observes that in her research on the accuracy of modified air bombs, Subotić relied on firing tables that she testified she had access to at some point in time, but conceded that she could not produce them.[8107] The Trial Chamber notes that following the witness's testimony, it has not been furnished with these tables. More importantly, however, the Trial Chamber was not assisted by Subotić's assumptions regarding targets. Subotić assumed that military targets near the points of impact were in fact the targets. In doing so, the witness ignored the possibility that the projectiles had been aimed at a civilian object or that the firing was so inaccurate that it missed its target by far.[8108] The Trial Chamber observes that these assumptions, which touch on the core issues which keep the parties in this case apart, were used by the witness as a starting point for determining the accuracy of modified air bomb; as such, they were

[8104] P905 (SRK order for the manufacturing of launchers, 10 August 1995).
[8105] *See* D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 217-218.
[8106] *See* Subotić's testimony on calculating the 'probable deviation by range' for each of the modified air bombs she examined. The factors not considered in this calculation included: the type of air bomb used, the weight of the air bomb (e.g. 100 kilograms or 250 kilograms), and the number of rockets attached to the bomb, D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), p. 218. *See also* Zorica Subotić, T. 39804-39806, 39818-39820.
[8107] *See* Zorica Subotić, T. 39536-39539, 39554-39555, 39588-39589, 39809-3911, 39817-39818.

self-serving the witness's conclusion that modified air bombs are accurate. Based on the foregoing, the Trial Chamber finds that Subotić's evidence regarding the accuracy of modified air bombs is insufficiently reliable.

1911. In relation to the accuracy of modified air bombs, the Trial Chamber received contradictory evidence. The evidence of Masal, Radojčić, and Simić suggests that the bombs were precise in targeting, whereas the evidence of Veljović, Knustad, Overgard, Đozo, and Mijatović suggests that they were not. The Trial Chamber considered that those witnesses testifying that the modified air bombs were imprecise were not only witnesses affiliated with the Bosnian-Muslim side, but also those affiliated with the UN, and even those employed by the VRS. On the other hand, the evidence suggesting that modified air bombs were precise only stemmed from witnesses affiliated with the Bosnian-Serb side. Furthermore, the evidence on the accuracy from Masal, Radojčić, and Simić is mainly based on conjecture following apparent knowledge with regard to testing and manufacture, rather than the actual firing in combat situations. Under these circumstances, also considering that despite the repeated references to firing tables of modified air bombs, such tables were not submitted to the Trial Chamber, the Trial Chamber considers the evidence of Masal, Radojčić, and Simić insufficiently reliable in this respect.

1912. The Trial Chamber observes that the Defence argued in its final brief that the ABiH possessed and used modified air bombs.[8109] In support, the Defence referred to the evidence of Milorad Šehovac and Vladimir Radojčić that the ABiH had 'modified naval bombs', as well as the statement of Mile Sladoje that the ABiH used 'some sort of modified projectiles'.[8110] Additionally, the Defence referred to a statement of Nikola Mijatović, who stated that he received reports from intelligence sources and that he saw

[8108] *See* e.g. D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), p. 219, table 5, row 14; Zorica Subotić, T. 39814-39818.
[8109] Defence Final Brief, paras 1819-1821.
[8110] D453 (Mile Sladoje, witness statement, 10 May 2014), para. 13 (referring to 'some sort of modified projectiles'); D559 (Milorad Šehovac, witness statement, 13 May 2014), para. 47 (referring to 'modified naval shells'); D560 (Milorad Šehovac, corrections to witness statement, 10 July 2014), para. 13 (referring to 'naval mines'); D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 59 (referring to 'modified naval bombs'); P6611 (Statement of Vladimir Radojčić from the *Karadžić* case, 8 December 2012), para. 59 (referring to 'modified naval bombs' and 'modified projectiles'). The Trial Chamber observes that the foregoing Defence witnesses did not provide further specifics in relation to this topic. It further observes, in relation to Vladimir Radojčić, that the witness was deeply familiar with the subject-matter of modified air bombs, yet with regard to the ABiH used different terminology, i.e. 'modified *naval* bombs'.

a television program after the war claiming that the ABiH used modified air bombs.[8111] The Trial Chamber finds that the evidence of Šehovac, Radojčić, and Sladoje in this respect does not relate to modified air bombs, and finds that the general statement of Mijatović on this subject is not sufficiently reliable to rebut the adjudicated fact that the ABiH did not possess modified air bombs.[8112]

1913. Based on the foregoing, the Trial Chamber finds that in 1994 and 1995, the VRS and SRK possessed and used modified air bombs in Sarajevo. Air bombs are designed to be dropped from the air; they have no independent propulsion or guidance system. Modified air bombs were essentially unguided aircraft bombs retrofitted with rocket motors and fired from multi-rocket launchers. They could be aimed at a general area and would descend whenever the fuel ran out or a set timer expired. As a result of their make-shift design, modified air bombs were highly inaccurate and had a devastating effect on impact. This was particularly the case when the explosive charge of the air bomb (TNT) was replaced by a fuel-air mixture which caused a lethal wave of overpressure and destroyed everything and everyone in the blast. The Trial Chamber further finds that the ABiH did not possess modified air bombs. In light of this, the Trial Chamber rejects the Defence's arguments.

1914. The Trial Chamber will address Mladić's personal involvement with regard to the production and use of modified air bombs in chapter 9.

[8111] D468 (Nikola Mijatović, witness statement, 10 May 2014), para. 20.
[8112] The Trial Chamber notes that in its Final Brief at para. 1819 (and corresponding footnote 5228), the Defence referenced an erroneous representation of an exhibit given by the Prosecution at T. 23124, which the Prosecution corrected at T. 23131-23132. Accordingly, the Trial Chamber will not further address the Defence's submission in this respect.

5.2 Sniping incidents

5.2.1 Schedule F.1

1915. According to the Indictment, the Accused is responsible for shooting and wounding Anisa Pita, a three-year-old girl, in her right leg when she was on the porch of her residence on Žagrići Street in the Širokača area of Sarajevo on 13 December 1992.[8113] The Defence argued that (i) the evidence regarding this incident is contradictory in various respects, (ii) based on the evidence of Poparić, the house on Žagrići Street was not visible from VRS positions, and (iii) based on the evidence of Poparić, Pita was not targeted but hit by a combat ricochet.[8114] The Trial Chamber has taken judicial notice of a number of Adjudicated Facts with regard to this incident. Furthermore, it received evidence from **Fatima Pita**, a Bosnian Muslim from Sarajevo,[8115] and **Patrick van der Weijden**, an expert in sniping,[8116] and finds that this evidence is consistent with the Adjudicated Facts.[8117] The Trial Chamber also received evidence from **Miloš Škrba**, the Commander of the 2nd Infantry Company of the 2nd Infantry Battalion in the 1st Sarajevo Mechanised Brigade of the SRK,[8118] and **Mile Poparić**, a weapons and military equipment expert.[8119]

1916. On 13 December 1992, Anisa Pita, three-and-a-half years old, was targeted and injured by a shot from an area that SRK soldiers had access to.[8120] **Fatima Pita** stated that in the morning, Anisa was in front of the door of her parents' house on the open

[8113] Indictment, paras 15-17, 76, 81, Schedule F.1.
[8114] Defence Final Brief, paras 2115-2125. In the context of challenging the alleged campaign of sniping and shelling against the civilian population of Sarajevo, the Defence submits that the SRK did not deliberately target or fire upon civilians or civilian features at any stage during the conflict (Defence Final Brief, paras 1759, 1762). The Trial Chamber addressed this submission in chapter 9.4.2, rather than in each of the sniping and shelling incidents.
[8115] P2452 (Fatima Pita, witness statements), witness statement of 25 June 2001, pp. 1-2, witness statement of 25 September 2001, p. 1, witness statement of 10 August 2012, p. 1; P2453 (Fatima Pita, *Galić* transcript, 21 March 2002), p. 5875.
[8116] Patrick van der Weijden, T. 6463.
[8117] **Fatima Pita**: P2452 (Fatima Pita, witness statements), witness statement of 25 June 2001, pp. 2-3, witness statement of 25 September 2001, p. 2, witness statement of 10 August 2012, p. 2; P2453 (Fatima Pita, *Galić* transcript, 21 March 2002), pp. 5879, 5907; P2454 (Video of witness Fatima Pita and ICTY investigator Barry Hogan). **Patrick van der Weijden**: P1130 (Patrick van der Weijden, expert report), pp. 13-15; Patrick van der Weijden, T. 6564-6565; D125 (Photograph marked by witness as to sniping incident F1).
[8118] D524 (Miloš Škrba, witness statement, 10 May 2014), paras 1, 6, 15; Miloš Škrba, T. 22797-22798, 22803-22804, 22822, 22902, 22887.
[8119] D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 1-4
[8120] Adjudicated Facts III, no. 2222.

porch to take her shoes off, and visibility was clear.[8121] Although it had been foggy earlier in the day, the fog had lifted by the time of the incident.[8122] She was wearing a pair of overall jeans and a red jacket.[8123] She was standing on the porch alone when she was shot, and there was no one nearby carrying a weapon or wearing a uniform. There were no military positions around her house and Fatima did not see ABiH soldiers in the area during the period 1992 to April 1994, when she lived there.[8124] The shot was fired from the area of the ridge known as Baba Stijena.[8125] The entrance to the Pitas' house was completely walled in by neighbouring houses and structures such as fences, offering only a narrow line of sight in the direction of Baba Stijena.[8126] The distance from the house to Baba Stijena was 895 or 900 metres.[8127] In this respect, the Trial Chamber has also considered Adjudicated Facts numbers 1943 and 2134.

1917. **Miloš Škrba** testified that the 2nd Infantry Company of the 2nd Infantry Battalion of the VRS 1st Sarajevo Mechanised Brigade reached its positions in 1992 and did not move from there until 1995.[8128] Baba Stijena was within its zone of responsibility.[8129] The witness estimated that the distance between Baba Stijena and Zagrići Street was over 1,000 metres and that his unit's visibility was only about 800 metres.[8130] He testified that his unit was not in a position to snipe from Baba Stijena because its positions did not offer a clear line of sight, but he also acknowledged that it had an excellent view from there to the parts of Sarajevo to the north.[8131] The witness also testified that his unit at Baba Stijena was under constant sniper and mortar fire from

[8121] P2452 (Fatima Pita, witness statements), witness statement of 25 June 2001, p. 2, witness statement of 25 September 2001, p. 2; P2454 (Video of witness Fatima Pita and ICTY investigator Barry Hogan), 15:45-16:00.
[8122] P2452 (Fatima Pita, witness statements), witness statement of 25 June 2001, p. 2, , witness statement of 25 September 2001, p. 2, witness statement of 10 August 2012, p. 2; P2453 (Fatima Pita, *Galić* transcript, 21 March 2002), pp. 5879, 5889, 5907; P2454 (Video of witness Fatima Pita and ICTY investigator Barry Hogan), 15:45-16:00.
[8123] P2452 (Fatima Pita, witness statements), witness statement of 25 September 2001, p. 2.
[8124] P2452 (Fatima Pita, witness statements), witness statement of 25 June 2001, p. 3; P2453 (Fatima Pita, *Galić* transcript, 21 March 2002), pp. 5877, 5906.
[8125] Adjudicated Facts III, no. 2221.
[8126] Adjudicated Facts III, no. 2219.
[8127] Adjudicated Facts III, no. 2220.
[8128] D524 (Miloš Škrba, witness statement, 10 May 2014), para. 6; Miloš Škrba, T. 22789-22790; D527 (Map of Zone of Responsibility for the 2nd Infantry Company of the 2nd Infantry Battalion of the 1st Sarajevo Mechanised Brigade).
[8129] D524 (Miloš Škrba, witness statement, 10 May 2014), para. 16; Miloš Škrba, T. 22789, 22835-22836, 22902-22903; D527 (Map of Zone of Responsibility for the 2nd Infantry Company of the 2nd Infantry Battalion of the 1st Sarajevo Mechanised Brigade).
[8130] Miloš Škrba, T. 22790-22793; D531 (Map marked by Miloš Škrba).
[8131] D524 (Miloš Škrba, witness statement, 10 May 2014), para. 16; Miloš Škrba, T. 22789, 22795-22796, 22836-22839; P6600 (Excerpt from DVD titled Radovan Karadžić Items 1-31).

the ABiH positions, located exclusively in civilian houses and facilities.[8132] According to him, his unit returned enemy fire but he also claimed that no sniper or infantry weapon was fired from Baba Stijena while he was in command.[8133] The witness did not notice any other VRS unit, or member of a VRS unit, firing from Baba Stijena.[8134] The witness further testified that there was no sniper or sniper rifles in his company throughout the entire war.[8135] He never issued any order for fire to be opened on civilian targets from this or any other location.[8136] Also, he never received any written or oral orders from the battalion command to open fire on civilians.[8137] The task of the witness's company was of a defensive nature.[8138]

1918. **Mile Poparić** testified that (i) there was no line of sight from the actual location of Baba Stijena to Žagrić Street 38 and therefore to the door where Anisa Pita was shot;[8139] and (ii) even if there was a line of sight, fences, the weather, and Anisa Pita's appearance would have made it impossible to shoot her from Baba Stijena.[8140] Using Google Earth and landmarks such as the Lukavica-Pale road, the Osmice Motel, the Orthodox Church, and the Cathedral, Poparić drew a line from the site he identified as Baba Stijena to Žagrić Street 38.[8141] Relying on topographic maps of Sarajevo issued by the JNA Military and Geographic Institute in Belgrade, 'NIMA', and Google Earth, Poparić determined that even if all the trees and buildings were removed, there would still be no line of sight from Baba Stijena to Žagrić Street 38 due to a topographic elevation of 2-4.2 metres, depending on the map used.[8142]

1919. Some of the evidence received stands in stark contrast to the Adjudicated Facts. Adjudicated Fact numbers 1943, 2134, 2219, 2221, and 2222 indicate that the shot was

[8132] D524 (Miloš Škrba, witness statement, 10 May 2014), para. 7; Miloš Škrba, T. 22790, 22794-22796, 22805-22806, 22823, 22839, 22843-22844.
[8133] D524 (Miloš Škrba, witness statement, 10 May 2014), para. 7; Miloš Škrba, T. 22789, 22840-22841, 22843-22844, 22902-22903.
[8134] Miloš Škrba, T. 22902.
[8135] D524 (Miloš Škrba, witness statement, 10 May 2014), para. 16; Miloš Škrba, T. 22793, 22795, 22826.
[8136] D524 (Miloš Škrba, witness statement, 10 May 2014), paras 9 (as printed), 16.
[8137] D524 (Miloš Škrba, witness statement, 10 May 2014), para. 9 (as printed).
[8138] D524 (Miloš Škrba, witness statement, 10 May 2014), para. 16; Miloš Škrba, T. 22795.
[8139] D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), paras 30, 34, 36, 262; Mile Poparić, T. 40396, 40404, 40406.
[8140] D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), paras 28, 30, 35.
[8141] D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), paras 30, 36, 262.
[8142] D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), paras 34, 36, 262; Mile Poparić, T. 40405-40406, 40409-40414.

fired from SRK-controlled Baba Stijena. Poparić testified that there was no such line of sight and Škrba, who was stationed at Baba Stijena, testified that no sniper fire was opened from there. When examined on this topic, the Trial Chamber found that Škrba's testimony contained numerous internal contradictions. For example, the witness testified that his unit could not snipe from Baba Stijena because its position there did not offer any clear line of sight to ABiH-controlled territory. However, he also testified that his unit was targeted by the ABiH, which would mean that there was a line of sight enabling the opposing forces to shoot at each other. When questioned about this apparent contradiction, the witness was unable to provide a plausible explanation.[8143] Further, the witness testified that no sniper or infantry weapon was fired from Baba Stijena while he was in command, but upon questioning he acknowledged that his unit had returned enemy fire. The Trial Chamber therefore finds that the evidence of Miloš Škrba in this respect is not sufficiently reliable to rebut the above-mentioned Adjudicated Facts.

1920. In relation to Poparić's evidence, the Trial Chamber observed that his conclusions are based on an examination of three topographical maps, all of which produced differing results in relation to the topographic elevation. The Trial Chamber notes that Poparić was unable to visit the precise location where Anisa Pita was shot. It also considers that Poparić's main expertise is not related to drawing conclusions on differences between various topographical maps. Although Poparić refers to obstructions to any line of sight, he did not appear to have considered other reasonable possibilities for compensating any difference in elevation and simply assumed that 'one needs to lie down during combat'.[8144] In this regard, the Trial Chamber notes that Poparić conceded that a small change in positioning from the origin of fire would have overcome obstacles to a line of sight.[8145] The Trial Chamber finds that Poparić's evidence about this incident is not sufficiently reliable to rebut the above-mentioned Adjudicated Facts.

1921. The Defence's arguments regarding contradictions in the evidence relate to immaterial details of this incident with respect to determining whether the charge has been proven, namely the exact time of the shooting or the exact time the victim prior to

[8143] *See* Miloš Škrba, T. 22795-22796.
[8144] Mile Poparić, T. 40411.
[8145] Mile Poparić, T. 40415.

being shot went to fetch water with her father. Accordingly, the Trial Chamber will not further consider this argument.

1922. Based on the foregoing, the Trial Chamber finds that on 13 December 1992, Anisa Pita, who was three-and-a-half years old at the time, was targeted and injured by a single bullet while she was standing on the porch of her parents' house. The Trial Chamber finds that the shot was fired from Baba Stijena. On the basis of Adjudicated Fact number 2134 and the evidence of Miloš Škrba, who acknowledged that his VRS unit was stationed at Baba Stijena, the Trial Chamber finds that Anisa Pita was shot by a member of the SRK. Anisa was alone on the porch when she was shot and there were no armed personnel in the vicinity. The Trial Chamber will further consider this incident in relation to Counts 9 and 10 of the Indictment in chapter 8, below.

5.2.2 Schedule F.3

1923. According to the Indictment, the Accused is responsible for shooting dead Munira Zametica, a 48-year-old woman, while she was collecting water from the Dobrinja River in the area of Dobrinja on 11 July 1993.[8146] The Defence argued that (i) Zametica was not deliberately targeted by the SRK; and (ii) there were ABiH positions at the bridge.[8147] The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to this incident. In addition, it received evidence from **Sadija Šahinović**, who lived in Dobrinja II in Sarajevo in 1993;[8148] **Patrick van der Weijden**, an expert in sniping;[8149] and documentary material and finds that this evidence is consistent with the Adjudicated Facts.[8150] The Trial Chamber also received evidence from **Mile Poparić**, a weapons and military equipment expert.[8151]

[8146] Indictment, paras 15-17, 64, 76, 81, Schedule F.3.
[8147] Defence Final Brief, paras 2128-2137.
[8148] P1904 (Sadija Šahinović, witness statements), witness statement of 25 February 1996, p. 2; P1905 (Sadija Šahinović, *Galić* transcript, 11 February 2002), p. 3414.
[8149] Patrick van der Weijden, T. 6463.
[8150] **Sadija Šahinović**: P1904 (Sadija Šahinović, witness statements), witness statement of 25 February 1996, p. 2; P1905 (Sadija Šahinović, *Galić* transcript, 11 February 2002), pp. 3416, 3422-3424, 3434, 3436-3437, 3453; P1906 (Video of Sadija Šahinović and ICTY investigator); P1907 (360-degree photograph shot from approximate location of the victim Munira Zametica at the time of the shooting); P1908 (Photograph marked by Sadija Šahinović in the case of *Prosecutor v. Stanislav Galić*). **Patrick van der Weijden**: P1130 (Patrick van der Weijden, expert report), pp. 19-20. **Documentary evidence**: P973 (Investigative file, 11 July 1993), pp. 2-4; P2389 (ABiH report, 2 October 1993), p. 2; P2390 (ABiH report, 30 December 1993), pp. 2, 5.
[8151] D1330 (Zorica Subotić and Mile Poparić, sniping report, 25 April 2014), p. 1.

1924. On 11 July 1993, **Sadija Šahinović** and Munira Zametica, a 48-year-old woman in 1993,[8152] went to the Dobrinja River, where they joined a group of six or seven civilians who had found shelter below a bridge connecting Dobrinja II with Dobrinja III.[8153] Those people said that they had seen bullets hit the river. After some time had passed without sniping, the group decided to go for water one by one.[8154] Zametica was filling her bucket with water when she was shot.[8155] She was hit by a bullet in the right side of her chest.[8156] Šahinović saw her suddenly putting her hands on her chest and crying for a moment.[8157] Then Zametica turned around and was hit by another bullet in the right side of her neck.[8158] She tried to get out of the water and fell on the concrete embankment at the side of the river.[8159] The perpetrator repeatedly shot toward Zametica, preventing rescuers from approaching her.[8160] Soon after, two or three soldiers who passed by, stopped and shot back into the direction of a church in order to cover the persons who pulled Zametica out of the river.[8161] She died later that afternoon.[8162] The area of the Orthodox Church from where the fire came, Dobrinja IV, was within SRK-controlled territory.[8163] There were SRK firing positions on the tower of the church and nearby high-rise buildings.[8164] There was a line of sight between the tower and the spot where the victim was shot.[8165] **Mile Poparić** testified that the spot where Zametica was shot was 1,100 metres away from the Orthodox Church at Dobrinja IV.[8166] Poparić concluded that the likelihood that Munira Zametica was shot from a

[8152] P973 (Investigative file, 11 July 1993), pp. 2-4.
[8153] P1904 (Sadija Šahinović, witness statements), witness statement of 25 February 1996, p. 2; P1905 (Sadija Šahinović, *Galić* transcript, 11 February 2002), pp. 3417, 3440, 3448; P1906 (Video of Sadija Šahinović and ICTY investigator).
[8154] P1904 (Sadija Šahinović, witness statements), witness statement of 25 February 1996, p. 2; P1905 (Sadija Šahinović, *Galić* transcript, 11 February 2002), p. 3417.
[8155] Adjudicated Facts III, no. 2238.
[8156] P1904 (Sadija Šahinović, witness statements), witness statement of 25 February 1996, p. 2, witness statement of 8 October 2001, p. 1; P1905 (Sadija Šahinović, *Galić* transcript, 11 February 2002), p. 3417; P973 (Investigative file, 11 July 1993), pp. 2-3; P1907 (360-degree photograph shot from approximate location of the victim Munira Zametica at the time of the shooting).
[8157] P1904 (Sadija Šahinović, witness statements), witness statement of 25 February 1996, p. 2; P1905 (Sadija Šahinović, *Galić* transcript, 11 February 2002), p. 3417.
[8158] P1904 (Sadija Šahinović, witness statements), witness statement of 8 October 2001, p. 1.
[8159] P1905 (Sadija Šahinović, *Galić* transcript, 11 February 2002), p. 3417.
[8160] Adjudicated Facts III, no. 2237.
[8161] P1905 (Sadija Šahinović, *Galić* transcript, 11 February 2002), pp. 3418, 3434, 3453.
[8162] Adjudicated Facts III, no. 2227.
[8163] Adjudicated Facts III, nos 2233, 2238.
[8164] Adjudicated Facts III, no. 2230.
[8165] Adjudicated Facts III, no. 2231.
[8166] D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 90, 95; Mile Poparić, T. 40416, 40444.

distance of 1,100 metres was extremely small and that she was most probably killed by projectiles that were the result of a ricochet of a burst of fire from a shorter distance.[8167]

1925. Based on the foregoing, the Trial Chamber finds that on 11 July 1993, Munira Zametica, a 48-year-old woman, was shot and killed when collecting water from the Dobrinja River. After hitting Munira Zametica twice, the shooting continued, preventing rescuers from approaching her. On the basis that the shot originated from an SRK position, the Trial Chamber finds that she was shot by a member of the SRK. The Trial Chamber considered in this regard that Poparić's expressions of likelihoods do not contradict the Adjudicated Facts with regard to this incident. The Trial Chamber will further consider this incident in relation to Counts 5, 6, 9, and 10 of the Indictment in chapter 8, below, where it will also address the Defence arguments with respect to whether Zametica was targeted.

5.2.3 Schedule F.4

1926. According to the Indictment, the Accused is responsible for shooting and wounding Nafa Tarić, a 35-year-old woman, and her eight-year-old daughter Elma Tarić, by a single bullet while they were walking together on Ivana Krndelja Street, in the centre of Sarajevo on 3 September 1993. The bullet wounded the mother in her left thigh and the daughter on her right hand and in her abdomen.[8168] The Defence argued, based on Poparić's evidence, that the shot was not fired by an SRK member.[8169] The Trial Chamber took judicial notice of a number Adjudicated Facts in relation to this incident. It also received evidence from **Mile Poparić**, a weapons and military equipment expert.[8170]

1927. On 3 September 1993, Nafa Tarić and her eight-year-old daughter Elma were targeted and injured by a shot fired from an SRK-controlled position in the area of Ozrenska Street on Hrasno Hill.[8171] At approximately 5 p.m., Nafa and Elma went to get school books. They walked from their apartment in Hrasno through the neighbourhood

[8167] D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 94-95, 97, 269; Mile Poparić, T. 40445-40446.
[8168] Indictment, paras 15-17, 76, 81, Schedule F.4.
[8169] Defence Final Brief, paras 2140-2150.
[8170] D1330 (Mile Poparić and Zorica Subotić, Expert Report for the Defence Small Arms Fire on the Sarajevo Area 1992-1995, 25 April 2014), pp. 1-4.
[8171] Adjudicated Facts III, no. 2256.

and down Ivana Krndelja Street.[8172] Nafa was wearing jeans, a denim waistcoat, and white T-shirt, while Elma was dressed in a red tracksuit.[8173] Nafa recalled it was a sunny and peaceful day.[8174] They crossed the street holding hands behind a line of containers installed to provide protection against SRK snipers.[8175] As they emerged from the cover of the containers, they were shot.[8176] A single bullet hit Nafa's left thigh, then grazed her daughter's hand and penetrated her stomach.[8177] They fell to the ground. Nafa said that another bullet 'whizzed past our bodies as we lay there'.[8178] People who witnessed the incident did not dare approach them.[8179] The two managed to crawl away from the exposed position and were taken to the hospital.[8180] Nafa and Elma were civilians.[8181] There was no on-going military activity at the time of the incident. There were neither soldiers, uniformed personnel, nor any military equipment present in the immediate vicinity.[8182] There was an unobstructed line of sight from SRK positions on Hrasno Hill to the location of the incident.[8183]

1928. **Mile Poparić** testified that based on his review of Nafa Tarić's testimony and Google Earth, he concluded that the maximum distance at which a shooter could see and target the incident site was around 540 metres, due to obstructions from houses and trees.[8184] According to Poparić, only positions in ABiH-controlled territory afforded a line of sight within that distance as the closest VRS positions were located at 680 metres from the incident site.[8185] Based on footage of a reconstruction of the incident, Poparić calculated that it took Nafa Tarić 1.02 seconds to get from the barrier to the place where she was shot.[8186] The shortest time required for a bullet to cover a distance of 680

[8172] Adjudicated Facts III, no. 2239.
[8173] Adjudicated Facts III, no. 2240.
[8174] Adjudicated Facts III, no. 2241.
[8175] Adjudicated Facts III, no. 2242.
[8176] Adjudicated Facts III, no. 2243.
[8177] Adjudicated Facts III, no. 2244.
[8178] Adjudicated Facts III, no. 2245.
[8179] Adjudicated Facts III, no. 2246.
[8180] Adjudicated Facts III, no. 2247.
[8181] Adjudicated Facts III, no. 2248.
[8182] Adjudicated Facts III, no. 2249.
[8183] Adjudicated Facts III, no. 2252.
[8184] D1330 (Mile Poparić and Zorica Subotić, Expert Report for the Defence Small Arms Fire on the Sarajevo Area 1992-1995, 25 April 2014), pp. 100-103, 119-120, 270.
[8185] D1330 (Mile Poparić and Zorica Subotić, Expert Report for the Defence Small Arms Fire on the Sarajevo Area 1992-1995, 25 April 2014), pp. 103-104, 120, 270-271; Mile Poparić, T. 40448, 40473.
[8186] D1330 (Mile Poparić and Zorica Subotić, Expert Report for the Defence Small Arms Fire on the Sarajevo Area 1992-1995, 25 April 2014), pp. 99, 104, 119-120, 270-271; Mile Poparić, T. 40450, 40452-40453, 40455, 40561.

metres was 1.2 seconds.[8187] According to Poparić, Nafa Tarić could therefore not have been deliberately targeted from VRS positions.[8188]

1929. In relation to the origin of fire, the Trial Chamber notes that Poparić's evidence is contradictory to Adjudicated Fact number 2256. Poparić's specific calculations are based on an assumption of where exactly the VRS positions were located. In relation to these positions, Poparić excluded certain positions because '[i]t doesn't make sense to have positions there'.[8189] Poparić's conclusion that fire could not have originated from VRS positions because such positions were too far away to allow a shooter to see and target the victim, is also based on his interpretation of the victim's testimony and Google Earth. According to Poparić, Google Earth shows houses and trees obstructing the view. However, it is unclear whether any such possible obstructions were already present at the time of the incident.[8190] Turning to Poparić's calculation of the time it took Nafa Tarić to get from the barrier to the place where she was shot and his inference that she was therefore not 'deliberately' targeted from VRS positions, the Trial Chamber finds that his specific calculations lack consideration of important other factors, such as whether the speed of walking at the time of the incident matched that during the reconstruction, or whether the impact spot was indeed indicated with such precision that would allow this kind of very specific calculation. Under these circumstances, the Trial Chamber finds that Poparić's evidence about the origin of fire is not sufficiently reliable to rebut Adjudicated Fact number 2256 in this respect.

1930. Based on the foregoing, the Trial Chamber finds that on 3 September 1993, Nafa Tarić and her eight-year-old daughter Elma were targeted and injured by a single bullet. On the basis that the shot originated from an SRK position, the Trial Chamber finds that they were shot by a member of the SRK. The victims, both civilians, were shot when they were on their way to get school books. They had just emerged from the cover of containers installed to provide shelter against SRK snipers when they were hit by the bullet. The bullet hit Nafa's left thigh, then grazed her daughter's hand and penetrated her stomach. A second bullet flew past them when they were lying on the ground wounded. People who witnessed the incident did not dare approach them. The Trial

[8187] D1330 (Mile Poparić and Zorica Subotić, Expert Report for the Defence Small Arms Fire on the Sarajevo Area 1992-1995, 25 April 2014), pp. 99, 104, 119, 270; Mile Poparić, T. 40449-40457, 40461.
[8188] D1330 (Mile Poparić and Zorica Subotić, Expert Report for the Defence Small Arms Fire on the Sarajevo Area 1992-1995, 25 April 2014), pp. 104, 120, 271; Mile Poparić, T. 40449, 40476.
[8189] Mile Poparić, T. 40580-40581.
[8190] *See* Mile Poparić, T. 40754.

Chamber understands that this was due to the risk of being shot. In the immediate vicinity of the location of the incident there was no ongoing military activity at the time and no soldiers, uniformed personnel, or any military equipment were present. The Trial Chamber will further consider the incident in relation to Counts 9 and 10 of the Indictment in chapter 8, below.

5.2.4 Schedule F.5

1931. According to the Indictment, the Accused is responsible for shooting and wounding Ramiza Kundo, a 38-year-old woman, in her left leg, while she was carrying buckets of water across Briješko Street in the west end of Sarajevo on 2 November 1993.[8191] The Defence argued that the evidence received in relation to this incident is contradictory and inconclusive and, with regard to the origin of fire, unclear.[8192] The Trial Chamber took judicial notice of some Adjudicated Facts with regard to this incident. It further received evidence from **Ramiza Kundo** herself, a Muslim resident of Briješće, which was an exclusively Muslim area of Sarajevo in 1993,[8193] and **Rasema Menzilović**, a Bosnian Muslim from Sarajevo,[8194] and finds that this evidence is consistent with the Adjudicated Facts.[8195] The Trial Chamber also received evidence from **Patrick van der Weijden**, an expert in sniping;[8196] **Milan Mandilović**, a Serb surgeon at the Sarajevo State Hospital from May 1992 until the end of the war;[8197] **Mile Poparić**, an expert in weapons and military equipment;[8198] and documentary evidence.

1932. At approximately 4 p.m. on 2 November 1993, Ramiza Kundo and Rasema Menzilović were returning from a well around 50 to 60 metres from Kundo's house.[8199]

[8191] Indictment, paras 15-17, 76, 81, Schedule F.5.
[8192] Defence Final Brief, paras 1675-1687.
[8193] P1916 (Ramiza Kundo, witness statements), witness statement of 4 May 2001, pp. 1-3, witness statement of 30 October 2001, p. 1.
[8194] P1921 (Rasema Menzilović, witness statements), witness statement of 5 May 2001, pp. 1-2, witness statement of 1 November 2001, p. 1; P1922 (Rasema Menzilović, *Galić* transcript, 10 April 2002), p. 6980.
[8195] **Ramiza Kundo:** P1916 (Ramiza Kundo, witness statements), witness statement of 4 May 2001, pp. 2-3. **Rasema Menzilović**: P1921 (Rasema Menzilović, witness statements), witness statement of 5 May 2001, p. 3; P1922 (Rasema Menzilović, *Galić* transcript, 10 April 2002), pp. 6989, 6999-7000; P1923 (Two photographs, marked by Rasema Menzilović).
[8196] Patrick van der Weijden, T. 6463.
[8197] P679 (Milan Mandilović, witness statement, 24 February 2010), p. 1, paras 1, 4-6, 84; P680 (Milan Mandilović, corrections to witness statement dated 24 February 2010, 9 January 2013), p. 1.
[8198] D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 1-4.
[8199] P1916 (Ramiza Kundo, witness statements), witness statement of 4 May 2001, p. 2; P1917 (Ramiza Kundo, *Galić* transcript, 22 March 2002), p. 5939. *See* also P1921 (Rasema Menzilović, witness

It was a cold day with clear visibility.[8200] The well was mainly used by women, children, and elderly, and sometimes by men, none of whom were dressed in uniform.[8201] Kundo was wearing a long colourful skirt (red or violet), a shirt, and a pullover.[8202] The well was downhill across the road from her house and sheltered by a protective ditch, which had been dug by the inhabitants at the beginning of the war.[8203] According to Kundo, a Serb-held position was in the train depot in Sarajevsko Polje, about 800 metres down the hill from her house.[8204] There were no Muslim-held positions near her house or the well.[8205] There were neither soldiers nor military vehicles nearby at the time of the incident.[8206] On her way back, coming up the hill from the well with two buckets of water, Kundo was shot in her leg and wounded.[8207] This happened when the two women were about to cross the Briješćo Brdo road.[8208] Kundo was able to cross the road where she lay down in a garage close to her house.[8209] Menzilović and other people helped her and took her to Koševo Hospital.[8210] Kundo was diagnosed with a gunshot wound in her left leg below her knee and discharged after three days.[8211] She was targeted and injured by a bullet fired from SRK-held territory in the field area where Briješće and Bačići are.[8212] The ABiH confrontation line was

statements), witness statement of 5 May 2001, p. 3; P1922 (Rasema Menzilović, *Galić* transcript, 10 April 2002), pp. 6983, 6988-6989.

[8200] P1916 (Ramiza Kundo, witness statements), witness statement of 4 May 2001, pp. 2-3. *See* also P1921 (Rasema Menzilović, witness statements), witness statement of 5 May 2001, p. 3; P1922 (Rasema Menzilović, *Galić* transcript, 10 April 2002), p. 6989.

[8201] P1916 (Ramiza Kundo, witness statements), witness statement of 4 May 2001, p. 2.

[8202] Adjudicated Facts III, no. 2265.

[8203] P1916 (Ramiza Kundo, witness statements), witness statement of 4 May 2001, p. 2; P1920 (360 degree photograph of Schedule F.5 incident area).

[8204] P1916 (Ramiza Kundo, witness statements), witness statement of 4 May 2001, p. 2; P1917 (Ramiza Kundo, *Galić* transcript, 22 March 2002), p. 5949; P1920 (360 degree photograph of Schedule F.5 incident area).

[8205] P1916 (Ramiza Kundo, witness statements), witness statement of 4 May 2001, p. 2.

[8206] P1922 (Rasema Menzilović, *Galić* transcript, 10 April 2002), pp. 6989-6990.

[8207] P1916 (Ramiza Kundo, witness statements), witness statement of 4 May 2001, pp. 2-3; P1917 (Ramiza Kundo, *Galić* transcript, 22 March 2002), p. 5942, 5945-5946; P1920 (360 degree photograph of Schedule F.5 incident area).

[8208] P1921 (Rasema Menzilović, witness statements), witness statement of 5 May 2001, p. 3; P1922 (Rasema Menzilović, *Galić* transcript, 10 April 2002), pp. 6984-6985, 6990-6991, 7058-7059; P1923 (Two photographs, marked by Rasema Menzilović).

[8209] P1916 (Ramiza Kundo, witness statements), witness statement of 4 May 2001, p. 2, witness statement of 30 October 2001, p. 2; P1917 (Ramiza Kundo, *Galić* transcript, 22 March 2002), pp. 5945-5950, 5956-5957, 6000-6001; P1919 (Photograph of Schedule F.5 incident area); P1920 (360 degree photograph of Schedule F.5 incident area).

[8210] P1916 (Ramiza Kundo, witness statements), witness statement of 4 May 2001, pp. 2-3.

[8211] P1916 (Ramiza Kundo, witness statements), witness statement of 4 May 2001, p. 2; P1918 (Medical registration from Koševo Hospital). *See also* Milan Mandilović, T. 6649-6651; P683 (Chart listing documents reviewed by witness Milan Mandilović during proofing, dated 9 January 2013), p. 4; P691 (Medical Records regarding Ramiza Kundo), p. 1.

[8212] Adjudicated Facts III, nos 2263, 2266.

between 300 and 400 metres away from the site of the incident.[8213] There was no line of sight to nearby ABiH-controlled areas.[8214] **Van der Weijden** testified that several locations at the alleged shooting position offered an unobstructed view on the road where the incident took place.[8215] A shooter at such positions, the furthest of which would be at a distance of 825 metres, would have easily been able to identify a woman carrying two containers of water.[8216] **Mile Poparić** testified that the incident site had lines of sight to both ABiH and VRS sniper positions.[8217] Poparić further assessed that the shot could not have come from Serb-held positions because the 'lie of the land' did not afford a line of sight for a sniper to shoot a person in the lower leg at the incident site.[8218]

1933. Poparić's argument that there was a line of sight from ABiH-held territory to the impact site stands in stark contrast with Adjudicated Fact number 2262 which stipulates that there was no such line of sight. The Trial Chamber considers, however, that whether there was a line of sight from ABiH-held territory does not need to be established in light of Adjudicated Facts numbers 2263 and 2266 which clearly establish the origin of fire.

1934. With regard to Poparić's claim that the shot could not have been fired from SRK-held territory due to the 'lie of the land', the Trial Chamber notes that this evidence stands in stark contrast with Adjudicated Facts numbers 2263 and 2266 which stipulate that the shot was fired from SRK-held territory. In this regard, the Trial Chamber considered that Poparić had plotted the impact site some 130 metres down along the road from actual site. Later, he testified that he had merely made a plotting mistake and that his calculations had in fact taken into account the correct impact site.[8219] Further, the Trial Chamber considers Poparić's evidence in this respect to be very unclear, despite having been extensively questioned while in court. In light of this and the Trial Chamber's assessment of Poparić's evidence and methodology as set out in other incidents dealt with in chapter 5.2, the Trial Chamber finds that Poparić's evidence in

[8213] Adjudicated Facts III, no. 2260.
[8214] Adjudicated Facts III, no. 2262.
[8215] P1130 (Patrick van der Weijden, expert report), pp. 30-31.
[8216] P1130 (Patrick van der Weijden, expert report), pp. 31-32.
[8217] D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 128, 274; Mile Poparić, T. 40485, 40487, 40502.
[8218] D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 128, 274.
[8219] Mile Poparić, T. 40584-40591, 40597, 40600-40608, 40867-40870, 40875-40877.

this respect is not sufficiently reliable to rebut Adjudicated Facts numbers 2263 and 2266.

1935. The Defence further submits that the evidence is too contradictory and unclear to serve as a basis for finding that the charge has been proven. The Trial Chamber notes that, with regard to the origin of fire and the question whether Kundo was targeted and injured, it relied on the unrebutted Adjudicated Facts numbers 2263 and 2266, as opposed to the evidence pointed to by the Defence.

1936. With regard to the remainder of the Defence's submission, the Trial Chamber considers that even if the evidence could be seen as contradictory with regard to certain matters, such contradictions relate to marginal aspects of this incident (for example which leg was injured, where the exact location of the well was, or whether Kundo was on her way to or from the well) and do not affect the outcome of this finding. Accordingly, the Trial Chamber will not further consider this Defence submission.

1937. Based on the foregoing, the Trial Chamber finds that on 2 November 1993, Ramiza Kundo was targeted, shot, and injured in her leg. The victim was a Bosnian-Muslim woman, dressed in civilian clothes, who was shot between her house and a well, carrying two water buckets. There were neither soldiers nor any military vehicles present in the immediate vicinity. On the basis that the shot originated from SRK-held territory, the Trial Chamber finds that Ramiza Kundo was shot by a member of the SRK.[8220] The Trial Chamber will further consider this incident in relation to Counts 9 and 10 of the Indictment in chapter 8, below.

5.2.5 Schedule F.9

1938. According to the Indictment, the Accused is responsible for shooting and wounding Sanela Muratović, a 16-year-old girl, while she was walking with a friend on Đure Jakšića Street in the west end of Sarajevo on 26 June 1994.[8221] The Defence argued, based on the evidence of Poparić, that Sanela Muratović was shot during

[8220] The Trial Chamber also considered its finding in relation to the functioning command and control in the SRK, as set out in chapter 3.1.2 in coming to this conclusion. Furthermore, the Trial Chamber noted that the Defence's only citation when arguing that ABiH units sneaked into SRK-held territory and fired from there into the city (Defence Final Brief, para. 1814) is transcript page 42345, which is not evidence, but merely the Defence's summary of Witness Moroz's Rule 92 *ter* material. The actual evidence this summary references is D1370 (Moroz's *Galić* transcript) at pp. 18187-18188. However, that hearsay evidence is very vague and insufficiently probative to affect the Trial Chamber's finding in this regard.

combat activity by a bullet which ricocheted off a building.[8222] The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to this incident. Further, it received evidence from **Medina Omerović**, a Bosnian Muslim from Sarajevo;[8223] **Milan Mandilović**, a Serb surgeon at the Sarajevo State Hospital from May 1992 until the end of the war;[8224] **Mile Sladoje**, a member of the 1st Battalion of the Ilidža Brigade as of April 1992 until the end of the war;[8225] **Youssef Hajir**, a Muslim surgeon from Palestine who established the Dobrinja Hospital in Sarajevo in May 1992;[8226] **Patrick van der Weijden**, an expert in sniping,[8227] and finds that this evidence is consistent with the Adjudicated Facts.[8228] The Trial Chamber also received evidence from **Mile Poparić**, a weapons and military equipment expert;[8229] and documentary evidence.

1939. On 26 June 1994, on a sunny early evening between 7 and 7:30 p.m., Sanela Muratović, age 16, and Medina Omerović, age 17, were walking side by side to Omerović's apartment in Đure Jakšića street 17 (on the eastern side of Lukavička Road), in the neighbourhood of Vojničko Polje (Novi Grad).[8230] Muratović was wearing a T-shirt, trousers, and sneakers, while Omerović was wearing shorts.[8231] As the two young women were about to cross the street towards Omerović's apartment block, some ABiH uniformed soldiers warned them that 'sniper fire had started and to hurry up'. They started running.[8232] Muratović was hit by a single shot in her right shoulder, from

[8221] Indictment, paras 15-17, 76, 81, Schedule F.9.
[8222] Defence Final Brief, paras 2165-2171.
[8223] P1931(Medina Omerović, witness statements), 8 November 1995 statement, p. 1, 26 September 2001 statement, p. 1.
[8224] P679 (Milan Mandilović, witness statement, 24 February 2010), p. 1, paras 1, 4-6, 84; P680 (Milan Mandilović, corrections to witness statement dated 24 February 2010, 9 January 2013), p. 1.
[8225] D453 (Mile Sladoje, witness statement, 10 May 2014), para. 5.
[8226] P2616 (Youssef Hajir, witness statement, 25 February 2010), p. 1, paras 1-2.
[8227] Patrick van der Weijden, T. 6463.
[8228] **Medina Omerović**: P1931 (Medina Omerović, witness statements), 8 November 1995 statement, p. 2 and 26 September 2001 statement, p. 2; P1932 (Medina Omerović, *Galić* transcript, 15 February 2002), pp. 3851-3852; P1933 (Photograph of building in Sarajevo); P1934 (Video pertaining to sniping incident). **Milan Mandilović**: P679 (Milan Mandilović, witness statement, 24 February 2010), paras 118-119; Milan Mandilović, T. 6647-6648; P681 (Milan Mandilović, table of concordance to 2010 witness statement, 12 December 2012); P707 (Medical records issued by the Dobrinja General Hospital for Sanela Muratović, Elma Tarić and Nafa Tarić, 26 June 1994). **Mile Sladoje:** Mile Sladoje, T. 21058, 21098-21101; P6512 (Marked photograph); D457 (Marked map). **Youssef Hajir**: P2616 (Youssef Hajir, witness statement, 25 February 2010), para. 69. **Patrick van der Weijden**: P1130 (Patrick van der Weijden, expert report), pp. 35, 37-38.
[8229] D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 1-4.
[8230] Adjudicated Facts III, no. 2267.
[8231] Adjudicated Facts III, no. 2268.
[8232] Adjudicated Facts III, no. 2269.

the front.[8233] Omerović, walking to Muratović's left, was not injured.[8234] Both young women went on and took shelter in a trench located to their right.[8235] Muratović was admitted to the Dobrinja General Hospital for emergency treatment on the same day.[8236]

1940. Muratović was targeted from SRK-controlled territory.[8237] The shot originated from the area of the Institute for the Blind.[8238] The distance between the area of the Institute for the Blind and the position of the victim at the time of the incident was about 200 metres.[8239] According to **Mile Sladoje**, the institute was never used as a sniper's nest. However, he acknowledged that members of the 1st Battalion of the Ilidža Brigade were positioned there.[8240] No fighting was going on in the area at the time of the incident.[8241] Soldiers were not garrisoned in the immediate vicinity of the spot where the incident occurred, and there was no military facility nearby.[8242] According to **Sladoje**, the 101st Brigade of the 1st Corps of the ABiH had a trench on Đure Jakšića Street.[8243]

1941. **Mile Poparić** testified that based on a photograph of the Institute for the Blind taken after the war, there was only one potential spot from which fire could be opened in the direction of the trench, and only if the position of the shooter was inside the room and on a platform.[8244] Based on the traces on buildings surrounding the Institute for the Blind, Poparić concluded that fire was opened from VRS-controlled territory in the vicinity of the Institute for the Blind during an exchange of fire between the warring sides and that Muratović was 'most probably' hit by a projectile ricocheting off the building located at Đure Jakšića Street No. 17.[8245]

1942. Poparić's conclusion that Muratović was hit by a combat ricochet contradicts Adjudicated Fact number 2283, which states that she was targeted. The basis of

[8233] Adjudicated Facts III, nos 2270, 2277.
[8234] Adjudicated Facts III, no. 2271.
[8235] Adjudicated Facts III, no. 2273.
[8236] P707 (Medical records issued by the Dobrinja General Hospital for Sanela Muratović, Elma Tarić and Nafa Tarić, 26 June 1994). The records were authenticated by Milan Mandilović, *see* P679 (Milan Mandilović, witness statement, 24 February 2010), paras 118-119; Milan Mandilović, T. 6647-6648; P681 (Milan Mandilović, table of concordance to 2010 witness statement, 12 December 2012), p. 2.
[8237] Adjudicated Facts III, no. 2283.
[8238] Adjudicated Facts III, no. 2275.
[8239] Adjudicated Facts III, no. 2281.
[8240] Mile Sladoje, T. 21100-21101.
[8241] Adjudicated Facts III, no. 2278.
[8242] Adjudicated Facts III, no. 2280.
[8243] D453 (Mile Sladoje, witness statement, 10 May 2014), para. 31.
[8244] D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 170-173, 178, 282; Mile Poparić, T. 40494, 40710-40712.
[8245] D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 174-176, 178, 283; Mile Poparić, T. 40489, 40494, 40684-40685, 40709-40710, 40712-40718.

Poparić's conclusion is that he observed firing traces on buildings surrounding the Institute for the Blind. The Trial Chamber notes that Poparić conceded that there was no evidence of an exchange of fire on the day of the incident.[8246] He concluded though that there must have been an exchange of fire and that consequently Muratović's hit was a combat-related ricochet. The Trial Chamber considers this line of reasoning to be purely speculative and therefore insufficiently reliable to rebut Adjudicated Fact number 2283.

1943. Based on the foregoing, the Trial Chamber finds that on 26 June 1994, 16-year-old Sanela Muratović was, at a distance of 200 metres, targeted, shot, and injured from the Institute for the Blind, where the 1st Battalion of the SRK Ilidža Brigade held positions.[8247] On the basis that the shot originated from an SRK position, the Trial Chamber finds that Muratović was shot by a member of the SRK. The victim was wearing civilian clothes and was shot when she was on her way home with a friend. The Trial Chamber will further consider this incident in relation to Counts 9 and 10 of the Indictment in chapter 8, below.

5.2.6 Schedule F.11

1944. According to the Indictment, the Accused is responsible for shooting and wounding Alma Ćutuna, a 43-year-old woman, in her right upper leg when she was travelling on the tram on Zmaja od Bosne Street on 8 October 1994.[8248] The Defence argued, mainly based on Poparić's evidence, that the ABiH shot at the tram.[8249] Scheduled Incident F.11 is limited to the shooting of Alma Ćutuna on 8 October 1994. The Indictment is, however, not limited to the Scheduled Incidents.[8250] Accordingly, the Trial Chamber also considered Adjudicated Facts and evidence about two other shootings at the same time and place. The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to this incident. It also received evidence from **Witness RM-112**, a Bosnian Muslim living in Sarajevo from April 1992;[8251] **Patrick**

[8246] *See* Mile Poparić, T. 40712-40713.
[8247] In light of the finding that Muratović was targeted (which is based on an Adjudicated Fact), it is immaterial whether ABiH soldiers were nearby.
[8248] Indictment, paras 15-17, 76, 81, Schedule F.11. Although the text of Schedule F.11 of the Indictment does not specify that the victim was shot, the Trial Chamber understands the charge to cover this from this incident's inclusion as one of the sniping examples in Schedule F.
[8249] Defence Final Brief, paras 2173-2187.
[8250] Further on this issue, *see* Appendix B.
[8251] P1948 (Witness RM-112, witness statements), 2006 statement, para. 5, 1996 statement, pp. 1-2.

van der Weijden, an expert in sniping;[8252] and documentary evidence and finds that this evidence is consistent with the Adjudicated Facts.[8253] The Trial Chamber also received evidence from **Michael Rose**, the UNPROFOR Commander from 5 January 1994 to 23 January 1995,[8254] and **Mile Poparić**, a weapons and military equipment expert.[8255]

1945. On 8 October 1994, a tram was shot at the S-curve on Zmaja od Bosne Street with machinegun fire and Alma Ćutuna was hit and seriously injured in her right upper leg.[8256] The tram was crowded and came under fire when it approached the Faculty of Philosophy.[8257] A cease-fire was in place and there were no military vehicles or equipment in the area at the time.[8258] Two other sniping incidents took place in the same area and within minutes of each other.[8259] Two to three minutes after the tram was hit, another tram travelling between the Faculty of Philosophy and the museum was hit by a burst of gunfire and several passengers were wounded.[8260] Shortly after the second tram was hit, four children between 12 and 14 years of age, running in the same area, near the Faculty of Philosophy and the Executive Council, were shot and wounded.[8261] In total, eleven people were injured.[8262] Nedžad Hadžibajrić died from a perforating wound to the right of his head.[8263] During the on-site investigation, the investigation team found two stationary trams that were damaged, with traces of fire, blood stains, and broken glass on the inside.[8264] The shots came from the direction of the Metalka Building,

[8252] Patrick van der Weijden, T. 6463.
[8253] **Witness RM-112:** P1948 (Witness RM-112, witness statements), 2006 statement, paras 8-10, 1996 statement, pp. 2-3; P1949 (Witness RM-112, *Dragomir Milošević* transcript, 22 January 2007), pp. 824, 826-828, 832. **Patrick van der Weijden:** P1130 (Patrick van der Weijden, expert report), pp. 40, 42, 46-48. **Documentary evidence:** P493 (Official Report of MUP Sarajevo, 10 October 1994), pp. 1-2; P670 (UNPROFOR report, October 1994), pp. 2, 5-6; P1952 (Letter of hospital discharge), p. 1.
[8254] P736 (Michael Rose, witness statement, 26 March 2009), paras 5, 195; Michael Rose, T. 6839.
[8255] D1330 (Zorica Subotić and Mile Poparić, sniping report, 25 April 2014), p. 1.
[8256] Adjudicated Facts III, nos 2302, 2304. The Trial Chamber understands *Zmaja od Bosne* to refer to the same street as *Zmaja od Bosne*, as mentioned in the Indictment.
[8257] P1948 (Witness RM-112, witness statements), 2006 statement, para. 8, 1996 statement, p. 2; P1949 (Witness RM-112, *Dragomir Milošević* transcript, 22 January 2007), pp. 826-828.
[8258] P1948 (Witness RM-112, witness statements), 2006 statement, para. 9, 1996 statement, p. 2; P1949 (Witness RM-112, *Dragomir Milošević* transcript, 22 January 2007), p. 827.
[8259] Adjudicated Facts III, no. 2297.
[8260] P493 (Official Report of MUP Sarajevo, 10 October 1994), p. 2.
[8261] Adjudicated Facts III, no. 2300.
[8262] P493 (Official Report of MUP Sarajevo, 10 October 1994), pp. 2-4. *See also* P736 (Michael Rose, witness statement, 26 March 2009), para. 156; P771 (UN cable on discussion of sniping incident, 11 October 1994).
[8263] P493 (Official Report of MUP Sarajevo, 10 October 1994), p. 3. *See also* P736 (Michael Rose, witness statement, 26 March 2009), para. 156; P771 (UN cable on discussion of sniping incident, 11 October 1994).
[8264] Adjudicated Facts III, no. 2299.

which was held by the SRK. The shots were fired by a member of the SRK.[8265] Visibility on the day was sufficient to allow a sniper at the Metalka Building to identify and target a tram negotiating the S-curve.[8266]

1946. The first shooting was heard by UNPROFOR staff on the ground.[8267] The burst of fire was very loud and seemed to have come from very close.[8268] Later, investigators on the ground using antenna rods were able to determine that the fire for all three shootings came from 'directions that converged toward house number 14', which was situated in Serb territory. Investigators placed these antenna rods into six fresh traces of impact in the ground near the impact location.[8269] **Patrick van der Weijden** commented that this location indicated by UNPROFOR was inaccurate.[8270] There was no line of sight to the location of the incident due to the presence of buildings in between. Furthermore, the suggested location was over 600 metres away from the location of the incident. According to van der Weijden, '[f]ire from that distance has lost its very loud crack and most of the noise will be the sound of bullets flying at supersonic speed which has a distinctively different sound'. Since the Metalka building was 290 metres away from the S-curve, the noise of the shot would have been clearly 'noticeable' for the UNPROFOR personnel on the ground.[8271] According to UNPROFOR, a total of six people were wounded during the shooting of the two trams.[8272]

1947. **Michael Rose** testified that Serbs fired at the two trams from their positions located at the Jewish cemetery.[8273] According to a report of a meeting between UNPROFOR and Mladić on 10 October 1994, UNPROFOR condemned the incident of 8 October 1994 in which the Sarajevo tramway was shot at. In response, Mladić denied that the Serbs were involved, claimed that the shooting had come from the Holiday Inn,

[8265] Adjudicated Facts III, no. 2303.
[8266] Adjudicated Facts III, no. 2302.
[8267] P670 (UNPROFOR report, October 1994), pp. 2, 5-6.
[8268] P670 (UNPROFOR report, October 1994), p. 6.
[8269] P670 (UNPROFOR report, October 1994), pp. 3, 6-7.
[8270] P1130 (Patrick van der Weijden, expert report), pp. 41, 46-47; Patrick van der Weijden, T. 6473-6474.
[8271] P1130 (Patrick van der Weijden, expert report), p. 47.
[8272] P670 (UNPROFOR report, October 1994), p. 5.
[8273] P736 (Michael Rose, witness statement, 26 March 2009), para. 156; P771 (UN cable on discussion of sniping incident, 11 October 1994); P784 (Video clip depicting General Rose and General Gobillard visiting a tram-sniping incident scene).

i.e. from the Bosnian side, and that it was all a 'scenario' engineered by the other side. He added that Rose should not be duped by 'Muslim propaganda'.[8274]

1948. **Mile Poparić** testified that based on his review of statements and other evidence, both trams were hit at locations that had no line of sight to positions of the VRS.[8275] Poparić concluded that the trams were hit from the executive council building, which was under the control of the ABiH.[8276]

1949. In relation to the origin of fire, the Trial Chamber notes that the Adjudicated Facts and some of the evidence differ. The origin of fire may be an important element in establishing the affiliation of the perpetrator. According to the Adjudicated Facts, the shots were fired from the direction of the Metalka Building by a member of the SRK. According to an UNPROFOR report, the shooting came from 'house number 14'. Rose testified that the shots came from the Jewish Cemetery. Mladić claimed that they originated from the Holiday Inn. Poparić testified that there was no line of sight to VRS positions and that the shots came from the ABiH.

1950. There is no indication on what basis Rose concludes that the shooting came from the Jewish Cemetery, or why Mladić, according to a report, concluded that it came from the Holiday Inn. The Trial Chamber finds that neither Rose's evidence nor the evidence of Mladić as set out in a report is sufficiently reliable to rebut the Adjudicated Facts in this respect.

1951. In relation to the UNPROFOR report, the Trial Chamber notes that UNPROFOR was present at the scene of the shootings. However, UNPROFOR did not observe the shooting in determining its origin but employed a test using antenna rods. The Trial Chamber considered the description of this method of establishing the origin of fire as given by UNPROFOR and the exact phrasing of the results. The Trial Chamber is not convinced that this method could yield the kind of precision in the origin of fire that UNPROFOR put forward. Accepting that the antenna rod test lacks precision, the Trial Chamber finds that the UNPROFOR report is not sufficiently reliable to rebut the Adjudicated Fact that the shots were fired from the *direction* of the Metalka Building.

[8274] P16 (UNPROFOR report, 10 October 1994), p. 2.
[8275] D1330 (Zorica Subotić and Mile Poparić, sniping report, 25 April 2014), pp. 208, 286; Mile Poparić, T. 40496-40497.
[8276] Mile Poparić, T. 40497, 40510-40511, 40802.

1952. Poparić's conclusions are mainly based on an analysis of (i) the location of shattered glass from the tram windows, (ii) the angle of entry wounds on a victim, and (iii) the shape of a dust column caused by the bullets as observed on a video.[8277] In relation to (i), Poparić assumed that the tram stopped immediately upon impact arguing that '[the tram driver] was probably scared and stopped because of his instinct'.[8278] In relation to (ii), Poparić argued that one civilian was hit in his lip with the bullet ending up in his shoulder, suggesting that this must mean a large angle of descent. In relation to (iii), Poparić argues that the shape of the dust column indicates a short, high-angle shooting.[8279] The Trial Chamber considers that Poparić, in reaching his conclusion, made a number of assumptions so that only his conclusion seems reasonable. For (i), Poparić conceded that glass can also shatter at a later moment and not directly upon impact and failed to convincingly explain why the tram windows in this incident must have shattered upon impact.[8280] For (ii), Poparić did not seem to consider the possibility of a ricochet and also seemed to assume that the victim's head was upright when hit. Poparić conceded that a different position of the victim would affect his conclusion and failed to convincingly explain why the victim must have been upright.[8281] For (iii), other factors which may affect a dust column, such as wind conditions or composition of the ground, do not seem to have been considered by Poparić. Under these circumstances, the Trial Chamber finds that Poparić's evidence about the origin of fire is not sufficiently reliable to rebut the Adjudicated Facts in this respect.

1953. Based on the foregoing, the Trial Chamber finds that on 8 October 1994, an SRK member, from the direction of the Metalka building, shot and seriously wounded Alma Ćutuna who was travelling on a crowded tram at Zmaja od Bosne Street. The shot was part of a set of shootings which also hit another tram and four children running in the area. A total of eleven people were wounded and one died.[8282] The shootings took place during a cease-fire and there were no military vehicles or equipment, apart from those of UNPROFOR, near the location of the incidents at that time. The Trial Chamber will

[8277] Mile Poparić, T. 40802-40803.
[8278] Mile Poparić, T. 40506.
[8279] Mile Poparić, T. 40511.
[8280] Mile Poparić, T. 40806-40808. When asked why in this case the glass shattered immediately, the witness answered 'Because the shards are next to the tram'.
[8281] Mile Poparić, T. 40815-40819.
[8282] In relation to the number of wounded, the Trial Chamber considered the official report of the MUP (P493) more reliable than the UNPROFOR report (P670), given that the former provides the names of all wounded.

further consider these incidents in relation to Counts 5, 6, 9, and 10 of the Indictment in chapter 8, below.

5.2.7 Schedule F.12

1954. According to the Indictment, the Accused is responsible for firing at Dženana Sokolović, a 31-year-old woman, and her seven-year-old son Nermin Divović, while they were walking on Zmaja od Bosne Street on 18 November 1994. Dženana Sokolović was wounded by a bullet in the abdomen, which passed through her and hit her son in the head, killing him. The two were walking home from Hrasno, where they had gone to collect firewood the previous day.[8283] The Defence argued that the evidence is contradictory and inconclusive, suggesting that the fire did not come from the SRK.[8284] The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to this incident. It also received evidence from **Dženana Sokolović**, a Bosnian Muslim from Sarajevo,[8285] **Šefik Bešlić**, a Bosnian-Muslim doctor and surgeon who worked as the head of abdominal surgery at Koševo Hospital in Sarajevo from 1980 to 2004,[8286] as well as documentary evidence and finds that this evidence is consistent with the Adjudicated Facts.[8287] The Trial Chamber further received evidence from **John Jordan**, a volunteer firefighter in Sarajevo from 1992 until 1995;[8288] **Patrick van der Weijden**, an expert in sniping;[8289] **Barry Hogan**, an investigator for the Prosecution;[8290] and **Mile Poparić**, a weapons and military equipment expert.[8291]

1955. On 18 November 1994, Dženana Sokolović was returning home to Bistrik from Hrasno in Sarajevo, walking on the right side of the road with her seven-year-old son,

[8283] Indictment, paras 15-17, 76, 81, Schedule F.12.
[8284] Defence Final Brief, paras 2189-2198.
[8285] P1909 (Dženana Sokolović, witness statement, 14 November 1995), pp. 1-2; P1910 (Dženana Sokolović, *Dragomir Milošević* transcript, 22 January 2007), p. 763.
[8286] P2609 (Šefik Bešlić, witness statement, 30 January 2007), p. 1, para. 1; P2610 (Šefik Bešlić, *Dragomir Milošević* transcript, 3 April 2007), pp. 4416-4418.
[8287] **Dženana Sokolović:** P1909 (Dženana Sokolović, witness statement, 14 November 1995), p. 2; P1910 (Dženana Sokolović, *Dragomir Milošević* transcript, 22 January 2007), pp. 797-798, 812. **Šefik Bešlić:** P2609 (Šefik Bešlić, witness statement, 30 January 2007), paras 2-5; P2610 (Šefik Bešlić, *Dragomir Milošević* transcript, 3 April 2007), pp. 4418-4419, 4421-4423, 4425, 4428-4429, 4436. **Documentary evidence**: P951 (Criminal investigation file, 18 November 1994), pp. 1-3, 5, 14.
[8288] P126 (John Jordan, witness statement, 24 August 2006), paras 2, 4-6; John Jordan, T. 1762.
[8289] Patrick van der Weijden, T. 6463.
[8290] P2379 (Barry Hogan, *Karadžić* transcript, 3 February 2011), p. 11192; Barry Hogan, T. 17489, 17492.
[8291] D1330 (Zorica Subotić and Mile Poparić, sniping report, 25 April 2014), p. 1.

Nermin Divović, by her side and her eight-year-old daughter nearby.[8292] At the crossroads of Zmaj (Zmaja) od Bosne Street, formerly Vojvode Putnika Street, and Franjo Rački (Račkog) Street in the area of the Holiday Inn, she heard gunfire and saw her son fall down immediately.[8293] She was shot in the right side of her body and the bullet went through her abdomen and exited on the left side, continuing through her son's head.[8294] Dženana Sokolović was severely wounded and her son was killed.[8295] She stated that the shooting originated from Grbavica, which was under the control of 'Chetniks'.[8296] According to a criminal investigation file, dated 18 November 1994, in evidence as P951, the shot originated from the direction of the Metalka building in that neighbourhood.[8297] According to one Adjudicated Fact, the shot was fired by a member of the SRK.[8298] To **Dženana Sokolović**'s knowledge, there were no soldiers present, no fighting was taking place, and she had assumed there was a truce because other people were on the streets and trams were running.[8299] Similarly, according to the criminal investigation file, at the time of the incident there was no combat action or ABiH military formations reported in the area, the intersection was guarded by UNPROFOR, and was one of the few intersections which residents could use at great risk.[8300] It was not a foggy day, and there was little leaf coverage on the trees.[8301] **John Jordan** testified that some firefighters of his NGO 'Global Operation Fire Rescue Services' were on the scene at the time of the incident and that they were often positioned at that location on days with good weather because of increased sniper activity.[8302] **Patrick van der Weijden** testified that within the Grbavica neighbourhood, the Metalka

[8292] P1909 (Dženana Sokolović, witness statement, 14 November 1995), p. 2; P1910 (Dženana Sokolović, *Dragomir Milošević* transcript, 22 January 2007), pp. 763, 766, 773-774, 784-785; P1912 (Colour photo of Sarajevo).
[8293] P1909 (Dženana Sokolović, witness statement, 14 November 1995), p. 2; P1910 (Dženana Sokolović, *Dragomir Milošević* transcript, 22 January 2007), p. 766; P951 (Criminal investigation file, 18 November 1994), pp. 1, 3, 10-13.
[8294] Adjudicated Facts III, no. 2317.
[8295] P1909 (Dženana Sokolović, witness statement, 14 November 1995), p. 2; P1910 (Dženana Sokolović, *Dragomir Milošević* transcript, 22 January 2007), pp. 763, 779-780; P951 (Criminal investigation file, 18 November 1994), pp. 1-4, 9; P1911 (Photo of shot child); P6478 (Autopsy report for Nermin Divović, 16 March 1995).
[8296] P1909 (Dženana Sokolović, witness statement, 14 November 1995), p. 2.
[8297] P951 (Criminal investigation file, 18 November 1994), pp. 1, 3, 10-13.
[8298] Adjudicated Facts III, no. 2319.
[8299] P1909 (Dženana Sokolović, witness statement, 14 November 1995), p. 2; P1910 (Dženana Sokolović, *Dragomir Milošević* transcript, 22 January 2007), pp. 766, 810.
[8300] P951 (Criminal investigation file, 18 November 1994), pp. 2-3, 11.
[8301] P1910 (Dženana Sokolović, *Dragomir Milošević* transcript, 22 January 2007), p. 773.
[8302] P126 (John Jordan, witness statement, 24 August 2006), paras 2, 12; John Jordan, T. 1777; P127 (World & Nation report); P136 (Video of scheduled incident F.12).

building offered a direct line of sight to the location where the victims were shot.[8303] **Barry Hogan** confirmed this.[8304] According to van der Weijden, at a distance of 320 metres from the Metalka building it would have been possible to determine with the naked eye that the victim and her two children were not combatants.[8305]

1956. **Mile Poparić** testified that based *inter alia* on his own estimate of the height of the victims, established during his review of the evidence, and Divović's entry wound, it is impossible to conclude that the victims were both hit by the same shot.[8306] He further testified that based on his interpretation of the evidence related to the bullet trajectory, including audiovisual evidence and photographs, and the uncertainties as to whether one or more projectiles hit the victims, he concluded that the shot may have come from the opposite side of the Metalka building.[8307]

1957. The Trial Chamber has considered Adjudicated Facts 2317 and 2319, according to which both victims were shot with the same projectile originating from Grbavica. It has also considered Poparić's evidence on the number of projectiles and direction of fire. The Trial Chamber notes that Poparić draws his conclusions from the identification of inconsistencies in the evidence and from his own assumptions. Drawing conclusion from evidence is not part of Poparić's expertise. Accordingly, the Trial Chamber finds the witness's conclusions to be insufficiently founded. Therefore, the Trial Chamber finds the witness's conclusions on the number of projectiles and direction of fire to be insufficiently reliable to rebut Adjudicated Facts 2317 and 2319.

1958. In relation to the Defence's argument about contradictions in the evidence, the Trial Chamber notes that its finding on the affiliation of the perpetrator is solely based on the Adjudicated Facts. The Defence did not present reliable evidence rebutting this fact. Accordingly, any inconsistencies in the evidence, as submitted by the Defence, do not impact the Trial Chamber's findings in this respect. Under these circumstances, the Trial Chamber will not further consider the Defence submissions.

1959. Based on the foregoing, the Trial Chamber finds that on 18 November 1994, a member of the SRK shot and wounded Dženana Sokolović, a Bosnian-Muslim woman,

[8303] P1130 (Patrick van der Weijden, expert report), p. 53.
[8304] Barry Hogan, T. 17777-17778; P2401 (Marked photograph).
[8305] P1130 (Patrick van der Weijden, expert report), p. 54.
[8306] D1330 (Zorica Subotić and Mile Poparić, sniping report, 25 April 2014), pp. 215-217, 223-225, 288-290; Mile Poparić, T. 40527-40528, 40533-40535.
[8307] D1330 (Zorica Subotić and Mile Poparić, sniping report, 25 April 2014), pp. 211-213, 217, 223-225, 288-290; Mile Poparić, T. 40536.

with a single bullet which passed through her abdomen and hit her seven-year-old son Nermin Divović in the head, killing him, while they were walking on Zmaj (Zmaja) od Bosne Street on their way home. Her eight-year-old daughter was also nearby. There was no combat at the time and place of the incident and there were no military personnel or equipment present in the immediate vicinity. The Trial Chamber will further consider this incident in relation to Counts 5, 6, 9, and 10 of the Indictment in chapter 8, below.

5.2.8 Schedule F.13

1960. According to the Indictment, the Accused is responsible for shooting and wounding Afeza Karačić, a 31-year-old woman, and Sabina Šabanić, a 26-year-old woman, both in the right shoulder when the tram they were travelling in came under fire on Zmaja od Bosne Street, between the Technical School and Maršal Tito Barracks on 23 November 1994.[8308] The Defence argued that in relation to the tram the victims were travelling on the evidence is contradictory and inconclusive with regard to the origin of fire, excluding SRK responsibility.[8309] Scheduled Incident F.13 is limited to the shooting of tram 263 on 23 November 1994. The Indictment is, however, not limited to the Scheduled Incidents.[8310] Accordingly, the Trial Chamber also considered the evidence with regard to the shooting of tram 238 shortly after the shooting of the first tram. The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to the first shooting. Further, it received evidence from **Sabina Šabanić**, a Bosnian Muslim from Sarajevo;[8311] **Dragan Mioković**, a Bosnian-Serb police inspector at the Sarajevo CSB since 1993;[8312] **Mirza Sabljica**, a mechanical engineer specialised in ballistics and mechanical traces employed by the Bosnia-Herzegovina MUP's criminal forensics department in Sarajevo from June 1993 to July 1996;[8313] **Patrick van der Weijden**, an expert in sniping; [8314] and finds that this evidence is consistent with the

[8308] Indictment, paras 15-17, 76, 81, Schedule F.13.
[8309] Defence Final Brief, paras 2201-2216.
[8310] Further on this issue, *see* Appendix B.
[8311] P1913 (Sabina Šabanić, witness statements), witness statement of 16 November 1995, pp. 1-2, witness statement of 22 May 2006, p. 1, para. 7.
[8312] P609 (Dragan Mioković, witness statement, 14 November 1995), p. 1, para. 2; P610 (Dragan Mioković, witness statement, 25 February 1996), p. 1, para. 1; Dragan Mioković, T. 5957, 5997-6000.
[8313] P855 (Mirza Sabljica, witness statement, 11 February 2010), pp. 1-3; Mirza Sabljica, T. 8039-8040, 8047.
[8314] Patrick van der Weijden, T. 6463.

Adjudicated Facts.[8315] The Trial Chamber further received evidence from **Mile Poparić**, a weapons and military equipment expert.[8316]

1961. On 23 November 1994, a tram was hit at the intersection in front of the Holiday Inn, or shortly thereafter, in front of the Maršal Tito Barracks between the two museums.[8317] Sabina Šabanić and Afeza Karačić, who were on the tram, sustained serious injuries.[8318] **Šabanić** stated that panic erupted and many people around her were bleeding heavily.[8319] The passengers could not exit the tram directly and lay down on the floor as the tram driver continued driving until he reached a safer place for passengers to disembark near the Maršal Tito Barracks, by the museum.[8320] When Šabanić left the tram, she felt dizziness and pain and realised she had been shot.[8321] The bullet had entered the front of her right shoulder and exited on the back, without hitting the bone. UNPROFOR soldiers took her to Koševo Hospital, before she was transferred to the Koševo trauma clinic, where she underwent surgery and had to stay for four days. She is 50 per cent disabled as a consequence of the wounding.[8322] Karačić suffered a fracture in the upper arm and was admitted to the Koševo trauma clinic.[8323] According to Šabanić, trams were only running during cease-fire periods and the passengers were exclusively civilian, mostly women, and she did not see anyone carrying a weapon on

[8315] **Sabina Šabanić**: P1913 (Sabina Šabanić, witness statements), witness statement of 16 November 1995, witness statement of 22 May 2006, addendum of 24 April 2010 to the witness statements of 1995 and 2006; P1914 (Sabina Šabanić, *Dragomir Milošević* transcript, 2 February 2007), p. 1450. **Dragan Mioković**: Dragan Mioković, T. 5973-5977, 6042-6045; P614 (Sarajevo CSB report concerning a tram shooting in Zmaja od Bosne Street, 24 November 1994); P615 (MUP Bosnia-Herzegovina photo documentation concerning a tram shooting in Zmaja od Bosne Street, 23 November 1994); P616 (MUP Bosnia-Herzegovina photo documentation concerning a tram shooting in Zmaja od Bosne Street, 23 November 1994); P617 (Sarajevo CSB criminal investigation report concerning a tram shooting in Zmaja od Bosne Street, 28 November 1994); P618 (Centar SJB criminal investigation report concerning a tram shooting in Zmaja od Bosne Street, 24 November 1994); P619 (Sarajevo CSB official note concerning a tram shooting in Zmaja od Bosne Street, 15 December 1994). **Mirza Sabljica**: P855 (Mirza Sabljica, witness statement, 11 February 2010), pp. 60-61, 63, 67, 69, 71-72; Mirza Sabljica, T. 8065-8066. **Patrick van der Weijden**: P1130 (Patrick van der Weijden, expert report), pp. 56-57.
[8316] D1330 (Zorica Subotić and Mile Poparić, sniping report, 25 April 2014), p. 1.
[8317] Adjudicated Facts III, no. 2334.
[8318] Adjudicated Facts III, no. 2336.
[8319] P1913 (Sabina Šabanić, witness statements), witness statement of 16 November 1995, p. 2; P1914 (Sabina Šabanić, *Dragomir Milošević* transcript, 2 February 2007), pp. 1448-1450; P1915 (Photograph marked by Sabina Šabanić).
[8320] P1913 (Sabina Šabanić, witness statements), witness statement of 16 November 1995, p. 2; P1914 (Sabina Šabanić, *Dragomir Milošević* transcript, 2 February 2007), pp. 1448, 1450.
[8321] P1913 (Sabina Šabanić, witness statements), witness statement of 16 November 1995, p. 2; P1914 (Sabina Šabanić, *Dragomir Milošević* transcript, 2 February 2007), p. 1450.
[8322] P1913 (Sabina Šabanić, witness statements), witness statement of 16 November 1995, p. 2, addendum of 24 April 2010 to the witness statement of 1995.
[8323] P614 (Sarajevo CSB report concerning a tram shooting in Zmaja od Bosne Street, 24 November 1994), p. 2.

tram 263.[8324] Visibility was clear.[8325] The origin of fire was either the high-rise buildings on Lenjinova Street or the Metalka Building, both held by the SRK.[8326] Both these locations are in Grbavica.[8327] The shots were fired by a member of the SRK.[8328] **Dragan Mioković** specified that fire had been opened twice from Grbavica in Novo Sarajevo Municipality, first hitting tram 263 at 3:30 p.m. and then tram 238 at 3:45 p.m. on Zmaja od Bosne Street, near the Holiday Inn hotel and between the Philosophy Faculty and Museum respectively.[8329] A man and his wife, both born in 1934, travelling on tram 238 were respectively fatally wounded and seriously wounded in the left shoulder.[8330] According to the witness, between 1992 and 1995, tram passengers were generally civilians, often elderly people and women.[8331]

1962. **Mile Poparić** testified that during his review of the evidence, he identified contradictory statements concerning the origin of fire. Based on his own estimate of the angle of descent on the basis of the evidence concerning Šabanić and Karačić's entry and exit wounds and of the unspecified height of the buildings from which the shots were allegedly fired, Poparić concluded that the shots could not have been fired from VRS positions but only from the ABiH positions in the Executive Council Building or on Golo Brdo, in the east.[8332]

1963. The Trial Chamber notes that Poparić's evidence contradicts Adjudicated Fact number 2335 in relation to the affiliation of the perpetrator. Poparić drew his conclusions from assumed contradictions in the evidence and his review of evidence in general (as opposed to on-site analyses). Given his field of expertise, the Trial Chamber

[8324] P1913 (Sabina Šabanić, witness statements), witness statement of 22 May 2006, paras 2, 5.
[8325] P1913 (Sabina Šabanić, witness statements), witness statement of 22 May 2006, para. 4.
[8326] Adjudicated Facts III, no. 2335.
[8327] P3 (Sarajevo map book), p. 6.
[8328] Adjudicated Facts III, no. 2335.
[8329] Dragan Mioković, T. 5973-5977, 6042-6045; P614 (Sarajevo CSB report concerning a tram shooting in Zmaja od Bosne Street, 24 November 1994); P615 (MUP Bosnia-Herzegovina photo documentation concerning a tram shooting in Zmaja od Bosne Street, 23 November 1994); P616 (MUP Bosnia-Herzegovina photo documentation concerning a tram shooting in Zmaja od Bosne Street, 23 November 1994); P617 (Sarajevo CSB criminal investigation report concerning a tram shooting in Zmaja od Bosne Street, 28 November 1994); P618 (Centar SJB criminal investigation report concerning a tram shooting in Zmaja od Bosne Street, 24 November 1994); P619 (Sarajevo CSB official note concerning a tram shooting in Zmaja od Bosne Street, 15 December 1994).
[8330] Dragan Mioković, T. 5973, 6044; P614 (Sarajevo CSB report concerning a tram shooting in Zmaja od Bosne Street, 24 November 1994); P617 (Sarajevo CSB criminal investigation report concerning a tram shooting in Zmaja od Bosne Street, 28 November 1994); P619 (Sarajevo CSB official note concerning a tram shooting in Zmaja od Bosne Street, 15 December 1994).
[8331] Dragan Mioković, T. 5958.
[8332] D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 230-232, 291-292.

finds the witness's conclusions to be insufficiently reliable to rebut Adjudicated Fact number 2335 with respect to the origin of fire. In this context, the Trial Chamber also notes that it will not further consider the Defence submission with respect to inconsistencies in the evidence regarding origin of fire of the shooting of tram 263, as the Trial Chamber relied on the unrebutted Adjudicated Fact and not on the evidence in this respect.

1964. Based on the foregoing, the Trial Chamber finds that on 23 November 1994, a member of the SRK fired shots at tram 263, which was travelling on Zmaja od Bosne Street in Sarajevo. Two women, Afeza Karačić and Sabina Šabanić, were seriously wounded. After the shots, panic erupted and many people were bleeding heavily. The passengers could not exit the tram directly and lay down on the floor as the tram driver continued driving until he reached a safer location. Shortly thereafter, tram 238 was also hit on the same street. A man and his wife, both born in 1934, were respectively fatally wounded and seriously injured. Considering the proximity of the trams and the limited time between the two shootings, as well as Mioković's evidence that both shootings came from Grbavica, the Trial Chamber finds that the firing at tram 238 and tram 263 originated from the same SRK source. There was a cease-fire at the time of the incidents and visibility was clear. The Trial Chamber will further consider these incidents in relation to Counts 5-6, 9, and 10 of the Indictment in chapter 8, below.

5.2.9 Schedule F.15

1965. According to the Indictment, the Accused is responsible for shooting and wounding Azem Agović, a 46-year-old man, and Alen Gičević, a 33-year-old man, travelling on Zmaja od Bosne Street in an eastbound tram, which was near the Holiday Inn at the time of the incident on 3 March 1995.[8333] The Prosecution argued that the bullets were fired from Serb-controlled Grbavica, and more specifically from the Metalka building.[8334] The Defence, based on the evidence of Poparić, argued that it is impossible that the tram was hit from the direction of the Metalka building and that it was in fact hit from ABiH territory.[8335] The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to this incident. Further it received evidence

[8333] Indictment, paras 15-17, 76, 81, Schedule F.15.
[8334] Prosecution Final Brief, para. 868.
[8335] Defence Final Brief, paras 2219-2222.

from **Alen Gičević** himself, a Bosnian Muslim from Sarajevo;[8336] **Dragan Mioković**, a Bosnian-Serb police inspector at the Sarajevo CSB since 1993;[8337] **Zlatko Međedović**, a ballistic expert employed by the Secretary of the Interior in Sarajevo from 1978 until 1998;[8338] **Patrick van der Weijden**, an expert in sniping,[8339] as well as documentary evidence and finds that the evidence is consistent with the Adjudicated Facts.[8340] The Trial Chamber also received evidence from **Mile Poparić**, an expert in weapons and military equipment.[8341]

1966. **Alen Gičević** stated that at around 12:30 p.m. on 3 March 1995 he was travelling in a crowded tram from Čengić Vila to Baščaršija, when it came under fire.[8342] He and Azem Agović, both civilians, were seriously injured by the shots.[8343] Gičević was hit above the right knee.[8344] He stayed in the Sarajevo State Hospital for 15 days and was operated on twice in order to remove the bullet fragment in his knee.[8345] The shots came from Grbavica, which was SRK-held territory, and were fired by a member of the SRK.[8346] Visibility on the day of the incident was sufficient for a shooter from Grbavica to identify the victims as civilians.[8347] It was the beginning of the Bajram holiday and there was a cease-fire on that day.[8348] According to a Bosnia-Herzegovina MUP criminal investigation file, the tram driver stated that the only military formations in the

[8336] P1935 (Alen Gičević, witness statements), witness statement of 15 November 1995, p. 1, witness statement of 21 April 2006, p. 1, para. 4.
[8337] P609 (Dragan Mioković, witness statement, 14 November 1995), p. 1, para. 2; P610 (Dragan Mioković, witness statement, 25 February 1996), p. 1, para. 1; Dragan Mioković, T. 5957, 5997-6000.
[8338] P3165 (Zlatko Međedović, witness statement, 20 November 1995), p. 2; P3166 (Zlatko Međedović, witness statement, 5 September 2000), pp. 1, 3.
[8339] Patrick van der Weijden, T. 6463.
[8340] **Alen Gičević:** P1935 (Alen Gičević, witness statements), witness statement of 15 November 1995, p. 2, witness statement of 21 April 2006, paras 8-9, 11; P1936 (Alen Gičević, *Perišić* transcript, 28 October 2008), pp. 801-802, 811-813; P1938 (Medical record of Alen Gičević, 15 November 1995); P1939 (Photograph of Sarajevo, marked by Alen Gičević. **Dragan Mioković:** Dragan Mioković, T. 5962-5964, 5966, 6023-6027; P612 (MUP Bosnia-Herzegovina criminal investigation file, March 1995), pp. 1-2, 4-5, 7-9, 11-20, 22-26, 31-32; D109 (Map showing where Tram 268 was hit by sniper bullets). **Zlatko Međedović:** P3165 (Zlatko Međedović, witness statement, 20 November 1995), p. 3; P3167 (MUP report of 10 March 1995), pp. 2-4. **Patrick van der Weijden:** P1130 (Patrick van der Weijden, expert report), pp. 59-61. **Documentary evidence**: P954 (Medical notes concerning Azem Agović and Alen Gičević), pp. 1-2.
[8341] D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 1-4.
[8342] P1935 (Alen Gičević, witness statements), witness statement of 15 November 1995, p. 2, witness statement of 21 April 2006, para. 8.
[8343] Adjudicated Facts III, nos 2345, 2352.
[8344] P1935 (Alen Gičević, witness statements), witness statement of 15 November 1995, p. 2.
[8345] P1935 (Alen Gičević, witness statements), witness statement of 15 November 1995, p. 2, witness statement of 21 April 2006, para. 9; P1938 (Medical record of Alen Gičević, 15 November 1995).
[8346] Adjudicated Facts III, no. 2351.
[8347] Adjudicated Facts III, no. 2353.
[8348] P1935 (Alen Gičević, witness statements), witness statement of 21 April 2006, paras 6, 8.

area had been UNPROFOR vehicles and UNPROFOR soldiers.[8349] There were no military assets or ABiH personnel involved in combat operations in this part of town at the time.[8350] **Gičević** confirmed that there were no military institutions, vehicles, or other military equipment in the area and that the Tito barracks was the closest military facility and was situated about 500 metres away.[8351]

1967. **Mile Poparić** testified that the seat in which Azem Agović sat when the tram was hit was positioned at an angle of 45 degrees relative to the axis of the tram.[8352] The angle of descent at which it was possible to hit the tram was between 8 and 45 degrees in order to inflict a wound like the one sustained by Agović.[8353] Based on the angle of his seat and the injury sustained by Agović, Poparić narrowed the range of possible trajectories at which the tram was hit to between 15 and 30 degrees, which correspond to locations in ABiH-held territory.[8354] The angle of descent at which it was possible to hit the tram on the specific stretch of the tracks from the direction of the Metalka building was between 80 and 90 degrees.[8355] The witness therefore concluded that it was impossible that the tram was hit by a projectile fired from the Metalka building.[8356]

1968. In relation to the origin of fire, the Trial Chamber notes that Poparić's evidence is contradictory to Adjudicated Fact number 2351. Poparić's conclusion that the fire came from ABiH territory is premised on his understanding of: (i) where exactly the tram at the time of the shooting was located;[8357] (ii) how Agović was positioned in the tram seat;[8358] and (iii) what the possible angles of fire were.[8359] In relation to (i), Poparić conceded that there was no consistent evidence on the exact location of the tram at the

[8349] P612 (MUP Bosnia-Herzegovina criminal investigation file, March 1995), p. 24.
[8350] P612 (MUP Bosnia-Herzegovina criminal investigation file, March 1995), pp. 31-32.
[8351] P1935 (Alen Gičević, witness statements), witness statement of 15 November 1995, p. 2, witness statement of 21 April 2006, para. 11; P1936 (Alen Gičević, *Perišić* transcript, 28 October 2008), pp. 801-802; P1939 (Photograph of Sarajevo, marked by Alen Gičević).
[8352] D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 240-241, 246, 294.
[8353] D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 242, 246, 294.
[8354] D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 240-247, 294-295.
[8355] D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 240-242, 245-246, 294.
[8356] D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 242, 246, 294-295.
[8357] D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 239-240.
[8358] D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 240-241.

time of the shooting, yet made very specific calculations about shooting angles. In relation to (ii), Poparić merely assumed how Agović was positioned inside the tram and also did not seem to account for possible ricochets. In relation to (iii), the Trial Chamber notes that Poparić's specific calculations are based on a number of unsubstantiated assumptions. Under these circumstances, the Trial Chamber finds that Poparić's evidence about the origin of fire is not sufficiently reliable to rebut Adjudicated Fact number 2351 in this respect.

1969. Based on the foregoing, the Trial Chamber finds that on 3 March 1995 at around 12:15 p.m., at the beginning of the Bajram holiday, a member of the SRK, from Grbavica, shot and injured the civilians Azem Agović and Alen Gičević who were travelling on a crowded tram. There was no ABiH presence at the time and place of the incident. The closest military facility was at a distance of about 500 metres and visibility on the day of the incident was sufficient for a shooter to identify the victims as civilians. The Trial Chamber will further consider this incident in relation to Counts 9 and 10 of the Indictment in chapter 8, below.

5.2.10 Schedule F.16

1970. According to the Indictment, the Accused is responsible for shooting and wounding Tarik Žunić, a 14-year-old boy, in the hand while he was walking home from school at Sedrenik Street in Sarajevo on 6 March 1995. He was hit when he emerged from behind a protective screen about 100 metres from his house.[8360] The Trial Chamber took judicial notice of two Adjudicated Facts in relation to this incident. It further received evidence from **Tarik Žunić** himself, a Muslim resident of Sarajevo in 1995;[8361] **Siniša Maksimović**, a Bosnian Serb from Blažuj, Ilidža Municipality and member of the VRS from the beginning of the war;[8362] as well as documentary material and finds that this evidence is consistent with the Adjudicated Facts.[8363] The Trial

[8359] D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 241-242.
[8360] Indictment, paras 15-17, 76, 81, Schedule F.16.
[8361] P1945 (Tarik Žunić, witness statements), witness statement of 10 November 1995, pp. 1-2, witness statement of 21 April 2006, pp. 1-2.
[8362] D547 (Siniša Maksimović, witness statement, 20 May 2014), pp. 1, 4, paras 1-2.
[8363] **Tarik Žunić:** P1945 (Tarik Žunić, witness statements), witness statement of 10 November 1995, p. 2, witness statement of 21 April 2006, p. 2, addendum witness statement, 25 April 2010. **Siniša Maksimović:** Siniša Maksimović, T. 23531-23532. **Documentary evidence:** P955 (Findings and

Chamber also received evidence from **Patrick van der Weijden**, an expert in sniping;[8364] **Slavko Gengo**, the Commander of the 7th Infantry Battalion of the 1st Romanija Infantry Brigade from the end of January 1994 until May 1995;[8365] and **Mile Poparić**, an expert in weapons and military equipment.[8366]

1971. On 6 March 1995, Tarik Žunić, aged 14 years and wearing jeans and a green jacket, was shot and seriously wounded by machine gun fire from SRK-held positions at Špicasta Stijena when he was walking on Sedrenik Street and appeared from behind a sheet of canvas.[8367] **Slavko Gengo** testified that it was his battalion which was deployed at Špicasta Stijena, a position held by the VRS throughout 1992 until 1995.[8368] The evening of 18 September 1994 was the only time when this feature shortly fell under the control of the ABiH.[8369] **Patrick van der Weijden** testified that the ridgeline along which the Serb positions were at the time of the shooting was approximately 650-900 metres from the incident site.[8370] **Tarik Žunić** opined that the confrontation line was 800 metres from the street.[8371] Further, there were no trenches, military installations, guns, or barracks close to the place where he was shot or in the surrounding areas.[8372] Žunić clarified that the jacket he was wearing was a normal green more akin to 'Benetton green' than olive-drab and that he had a blue rucksack on his right shoulder.[8373] Žunić did not receive any help for half an hour as the shooting continued. A civilian vehicle approached as people wanted to pick him up but the car was immediately forced to leave due to heavy shooting from the snipers.[8374] Some other people tried to help, but one of them, a man who Žunić believed may have been Sefo

Opinion of Specialist pertaining to Tarik Žunić, 6 March 1995); P674 (UNMO daily situation report, 6 March 1995), paras 3, 8.
[8364] Patrick van der Weijden, T. 6463.
[8365] D473 (Slavko Gengo, witness statement, 10 May 2014), paras 3, 30; Slavko Gengo, T. 21613.
[8366] D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 1-4.
[8367] Adjudicated Facts III, nos 2354, 2362.
[8368] D473 (Slavko Gengo, witness statement, 10 May 2014), para. 18; Slavko Gengo, T. 21635.
[8369] Slavko Gengo, T. 21636.
[8370] Patrick van der Weijden, T. 6505-6506; P1130 (Patrick van der Weijden, expert report), pp. 65-68.
[8371] P1945 (Tarik Žunić, witness statements), witness statement of 10 November 1995, p. 2, witness statement of 21 April 2006, p. 2.
[8372] P1945 (Tarik Žunić, witness statements), witness statement of 10 November 1995, p. 3, witness statement of 21 April 2006, pp. 2-3.
[8373] P2980 (Tarik Žunić, *Dragomir Milošević* transcript, 7 February 2007), pp. 1724-1725.
[8374] P1945 (Tarik Žunić, witness statements), witness statement of 10 November 1995, p. 2, witness statement of 21 April 2006, p. 2.

Pašić, was hit.[8375] Finally, an APC driven by Egyptian UNPROFOR soldiers picked Žunić up and brought him to the Koševo Hospital.[8376]

1972. **Mile Poparić** testified that based on Žunić's statement and medical files, he concluded that the victim was shot with a bullet whose incoming trajectory extended from right to left and upwards, meaning that Žunić was shot with a bullet fired from the direction of Sedrenik, which was under ABiH control, instead of Špicasta Stijena, which was under VRS control.[8377]

1973. Poparić's evidence that the shots came from ABiH territory contradicts Adjudicated Fact numbers 2354 and 2362 that state they were fired from the SRK side. Poparić bases his conclusion of the direction of fire on an interpretation of Zunić's statement and medical files. The Trial Chamber considers that a determination on the direction of fire cannot be reliably made on the basis of Zunić's medical files and statements, and without, as in this instance, very precise evidence on the exact positioning of the victim at the time of shooting. The Trial Chamber, therefore, concludes that Poparić's evidence is not sufficiently reliable to rebut Adjudicated Facts numbers 2354 and 2362.

1974. Based on the foregoing, the Chamber finds that on 6 March 1995, Tarik Žunić, a 14-year-old Muslim civilian, wearing jeans, a 'Benetton green' jacket, and a blue rucksack was shot, and seriously wounded in Sedrenik Street in Sarajevo by a member of the 7th Infantry Battalion of the SRK's 1st Romanija Infantry Brigade. The victim was shot from a distance of approximately 800 metres. The shooting continued for half an hour and intensified when people tried to approach and assist Žunić. There were no barracks, trenches, or other military installations close to the place where he was shot. The Trial Chamber will further consider the incident in relation to Counts 9 and 10 of the Indictment in chapter 8, below.

5.2.11 Other sniping incidents

1975. The Trial Chamber has received evidence with regard to a number of unscheduled sniping incidents and will deal with them in turn.

[8375] P1945 (Tarik Žunić, witness statements), witness statement of 21 April 2006, p. 2.
[8376] P1945 (Tarik Žunić, witness statements), witness statement of 10 November 1995, p. 2.
[8377] D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 249-251, 296; Mile Poparić, T. 40547-40548, 40662-40664.

Incidents on 20 and 22 March 1993 ('Ubala 27. Juli' Street)

1976. **Witness RM-126**, a Bosnian-Muslim policeman from Sarajevo,[8378] stated that on 20 March 1993 he was injured in 'Ubala 27. Juli' Street, on the street by a bullet fired from a skyscraper on Đure Salaja Street, which was VRS-held territory and had a clear view 'over the whole area'.[8379] At the time, the witness was dressed in civilian clothes and there was no military activity in the neighbourhood.[8380] On 22 March 1993, Sabid Hukara, a 17-year-old male, was killed on a bridge near Ivana Krndelja Street by a sniper shot coming from the same place.[8381] Hukara was a civilian and there was no military activity in the neighbourhood on that day.[8382]

1977. Based on the foregoing, the Trial Chamber finds that on 20 March 1993, Witness RM-126 was injured by a bullet. Although the witness claims that it was fired from a skyscraper on Đure Salaja Street, the only basis of knowledge he gives for this precision in relation to the origin of fire is that the skyscraper provided a clear view 'over the whole area'. The Trial Chamber does not consider this sufficient to rely on the witness's evidence in this respect. The Trial Chamber further finds Witness RM-126's evidence about Sabid Hukara's death to be of low probative value as the witness does not specify his source of knowledge with regard to the circumstances of Hukara's death including information he provides about the alleged perpetrators. Therefore the Trial Chamber will not further consider these incidents in relation to any count of the Indictment.

Incident of 31 March 1993 (Sedrenik)

1978. **Witness RM-153**, a taxi driver from Sarajevo,[8383] stated that on 31 March 1993 he found Džemo Parla dead and Mirsada Parla wounded outside their house in the

[8378] P1942 (Witness RM-126, witness statements), witness statement of 1 September 2000, p. 1, witness statement of 25 June 2000, p. 1, witness statement of 18 November 1995, pp. 1-2.
[8379] P1942 (Witness RM-126, witness statements), witness statement of 1 September 2000, p. 2, witness statement of 18 November 1995, p. 3; P1944 (Map of Novo Sarajevo, marked by Witness RM-126).
[8380] P1942 (Witness RM-126, witness statements), witness statement of 1 September 2000, p. 2, witness statement of 18 November 1995, p. 3.
[8381] P1942 (Witness RM-126, witness statements), witness statement of 1 September 2000, p. 3, witness statement of 18 November 1995, p. 3; P1944 (Map of Novo Sarajevo, marked by Witness RM-126).
[8382] P1942 (Witness RM-126, witness statements), witness statement of 18 November 1995, p. 3.
[8383] P2461 (Witness RM-153, *Galić* transcript, 15 March 2002), pp. 5481, 5501-5502.

Sedrenik neighbourhood of Stari Grad.[8384] When he arrived at the house approximately an hour after the two people were shot, the witness was told that they had been struck by sniper fire from Špicasta Stijena.[8385] He learned that the man was shot and hit in the stomach while retrieving water from a water fountain behind his neighbour's house.[8386] The man then called his wife and daughter, who ran to where he was, but the sniper fired again, hitting the wife in the upper leg, while the daughter entered a neighbour's house and called for help. Despite continued sniper fire, some friends and relatives were able to bring the woman inside a neighbouring house and stop the bleeding in her leg.[8387] She was wrapped in a blanket and, under continuing fire, taken to the hospital.[8388] In the meantime, a relative attempted to retrieve the man, but he was already dead.[8389] The wound left the woman an invalid for life.[8390] According to the witness, the area of Špicasta Stijena was under control of the VRS.[8391] The VRS position in Špicasta Stijena was located about 150-200 metres away from the victims' house, and was visible from there. [8392] The witness stated that there was an active sniper position there for the duration of the war.[8393] Džemo Parla was 57 years old and was not a member of any army.[8394]

1979. According to an entry in the war diary of the Stari Grad SJB dated 2/3 April 1993, a man named Džemo Parla, born in 1937, was killed and a woman named Mirsada Parla, both residing at Sedrenik 101, was seriously wounded by 'the sower of death'.[8395] **Nedžib Đozo**, a Bosnian Muslim former JNA mortar platoon commander and civilian police investigator,[8396] testified that this was a weapon with an extremely rapid rate of fire and that the VRS fired it from multiple VRS positions at elevations

[8384] P2461 (Witness RM-153, *Galić* transcript, 15 March 2002), pp. 5485-5486; P2462 (Witness RM-153, *Slobodan Milošević* transcript, 28 October 2003), p. 28181; P2464 (Photographs of Spicasta Stijena taken from the Sedrenik area in Sarajevo).
[8385] P2461 (Witness RM-153, *Galić* transcript, 15 March 2002), pp. 5486-5487.
[8386] P2461 (Witness RM-153, *Galić* transcript, 15 March 2002), pp. 5487-5490; P2463 (Diagram drawn by Witness RM-153); P2464 (Photographs of Spicasta Stijena taken from the Sedrenik area in Sarajevo).
[8387] P2461 (Witness RM-153, *Galić* transcript, 15 March 2002), pp. 5487, 5490-5492.
[8388] P2461 (Witness RM-153, *Galić* transcript, 15 March 2002), pp. 5487, 5491-5492.
[8389] P2461 (Witness RM-153, *Galić* transcript, 15 March 2002), pp. 5487, 5492.
[8390] P2461 (Witness RM-153, *Galić* transcript, 15 March 2002), p. 5486.
[8391] P2461 (Witness RM-153, *Galić* transcript, 15 March 2002), p. 5487.
[8392] P2462 (Witness RM-153, *Slobodan Milošević* transcript, 28 October 2003), p. 28182; P2464 (Photographs of Spicasta Stijena taken from the Sedrenik area in Sarajevo).
[8393] P2461 (Witness RM-153, *Galić* transcript, 15 March 2002), p. 5489; P2462 (Witness RM-153, Slobodan Milošević transcript, 28 October 2003), p. 28182; P2463 (Diagram drawn by Witness RM-153); P2464 (Photographs of Spicasta Stijena taken from the Sedrenik area in Sarajevo).
[8394] P2461 (Witness RM-153, *Galić* transcript, 15 March 2002), p. 5488.
[8395] P549 (Stari Grad police station notebooks, April 1992), p. 20.

around Sarajevo, including from Špicasta Stijena.[8397] With regard to the origin of fire, the Trial Chamber has further considered Adjudicated Facts number 1986 as well as the evidence of Slavko Gengo (reviewed in chapter 5.2.10) and Nedžib Đozo (reviewed in chapter 5.1.1).

1980. Based on the foregoing, the Trial Chamber finds that on 31 March 1993, Džemo Parla, who was not a member of any army, was shot in the stomach and killed while retrieving water from a fountain in the Sedrenik neighbourhood of Stari Grad. His wife, Mirsada Parla, was then shot in the upper leg after she had gone to her husband's aid. The bullet wounded Mirsada Parla and left her an invalid for life. On the basis that the fire originated from an SRK position, the Trial Chamber finds that the couple was shot by an SRK member. The Trial Chamber will further consider this incident in relation to Counts 5-6, 9, and 10 of the Indictment in chapter 8, below.

Incident of 25 June 1993 (Kobilja Glava)

1981. On 25 June 1993, a man was picking lettuce in the vegetable plot of his farm in Kobilja Glava when, around 1:20 p.m., he heard sounds of shooting from Orahov Brijeg.[8398] He lay down for two or three minutes and when he got up, he was shot in the back.[8399] Another person,[8400] who was visiting the victim that day, saw him lying on the ground, on his back, at a distance of 50 to 100 metres from his house.[8401] This person went to get the assistance of a neighbour and returned with him to take the victim away.[8402] While they were carrying the victim, they heard intense shooting directed towards them.[8403] The three dropped to the ground.[8404] The shooting then stopped.[8405] They then ran several metres before the shooting restarted.[8406] They ran short distances

[8396] P544 (Nedžib Đozo, witness statement, 7 December 2010), paras 4-7; Nedžib Đozo, T. 5539, 5563-5564.
[8397] Nedžib Đozo, T. 5549-5551, 5580; P549 (Stari Grad police station notebooks, April 1992), p. 21.
[8398] Adjudicated Facts III, no. 2585, 2645. The person was referred to as Witness G in the case *Prosecutor v. Stanislav Galić* (Adjudicated Facts III, no. 2585).
[8399] Adjudicated Facts III, no. 2586.
[8400] This person was referred to as Witness K in the the case *Prosecutor v. Stanislav Galić* (Adjudicated Facts III, no. 2587).
[8401] Adjudicated Facts III, no. 2587.
[8402] Adjudicated Facts III, no. 2588.
[8403] Adjudicated Facts III, nos 2587-2589.
[8404] Adjudicated Facts III, no. 2590.
[8405] Adjudicated Facts III, no. 2591.
[8406] Adjudicated Facts III, no. 2592.

four or five times, then fell to the ground to avoid being shot at.[8407] One of the persons counted 10 to 15 periods of shooting in total, and it took them 15 to 20 minutes to carry the victim to the house.[8408] The victim was dressed in no more than a pair of shorts.[8409] The man was shot from SRK-controlled territory.[8410]

1982. Based on the foregoing, the Trial Chamber finds that on 25 June 1993, a man was shot and injured in the back as he was picking lettuce in his farm in Kobilja Glava. He was dressed in civilian clothes. On the basis that he was shot from SRK-controlled territory, the Trial Chamber finds that he was shot by an SRK member.[8411] Two other persons were targeted and shot at ten to fifteen times as they were trying to assist the victim. The Trial Chamber will further consider this incident in relation to Counts 9 and 10 of the Indictment in chapter 8, below.

Incident of 27 June 1993 (Kranjčevića Street)

1983. On 27 June 1993, Almasa Konjhodžić was targeted and killed by a shot fired from SRK-controlled territory in Grbavica.[8412] At around noon on 27 June 1993, Milada Halili and her husband Sabri Halili were walking with Almasa Konjhodžić, Milada's mother, to the 'PTT' building.[8413] They were commemorating the death by sniper fire of a relative.[8414] As they approached the traffic lights at the intersection of Kranjčevića Street, in the vicinity of the Maršal Tito Barracks, they heard the sound of gunfire.[8415] Milada, who was a bit ahead, ran across the intersection behind a barrier of containers which had been set up to protect against shooting from Grbavica.[8416] Frightened by the shot, Almasa lost her balance and fell.[8417] Sabri helped her to her feet and they continued.[8418] They had walked ten metres when Almasa was struck by a bullet.[8419] She

[8407] Adjudicated Facts III, no. 2593.
[8408] Adjudicated Facts III, no. 2594.
[8409] Adjudicated Facts III, no. 2595.
[8410] Adjudicated Facts III, nos 2601-2602, 2604, 2645
[8411] The Trial Chamber refers to its further considerations with regard to this conclusion, as set out in its factual finding on Scheduled Incident F.5 in chapter 5.2.4.
[8412] Adjudicated Facts III, no. 2628.
[8413] Adjudicated Facts III, no. 2606.
[8414] Adjudicated Facts III, no. 2607.
[8415] Adjudicated Facts III, no. 2608.
[8416] Adjudicated Facts III, no. 2609.
[8417] Adjudicated Facts III, no. 2610.
[8418] Adjudicated Facts III, no. 2611.
[8419] Adjudicated Facts III, no. 2612.

was taken to hospital where she died from the wound.[8420] Although Sabri was a member of the ABiH, he was off-duty that day and was not dressed in uniform or carrying weapons.[8421] Almasa was wearing civilian clothes.[8422] There were no soldiers or other military targets in the vicinity of the incident.[8423] There was an unobstructed line of sight from Grbavica to the intersection where Almasa was shot.[8424] Containers had been placed at the intersection to give protection from gunfire coming from Grbavica as the intersection had been targeted before.[8425] The bullet which killed Almasa was fired from Grbavica.[8426] Grbavica was under SRK control at the time of the incident.[8427]

1984. Based on the foregoing, the Trial Chamber finds that at around noon on 27 June 1993, Almasa Konjhodžić was targeted and shot as she was walking near the intersection of Kranjčevića Street, in the vicinity of the Maršal Tito Barracks. She subsequently died from this wound. She was wearing civilian clothes and there were no uniformed soldiers or other military activity in the vicinity of the incident at that time. On the basis that the shot originated from SRK-controlled territory, the Trial Chamber finds that she was shot by an SRK member.[8428] The Trial Chamber will further consider this incident in relation to Counts 5, 6, 9, and 10 of the Indictment in Chapter 8, below.

Incident of 24 July 1993 (Sedrenik)

1985. Around 3 a.m. on 24 July 1993, Mejra Jusović, who lived at 133B Sedrenik Street in Sedrenik, went with a neighbour to Pašino Brdo, a wooded area to the immediate northeast, to collect firewood.[8429] Once there, she gathered the wood into a bundle which she tied together with rope.[8430] At about 6 a.m., she placed the load on her back and decided to return home.[8431] She was walking alone on her way back to her house, since her neighbour had left about half an hour earlier, when at approximately

[8420] Adjudicated Facts III, no. 2613.
[8421] Adjudicated Facts III, no. 2616.
[8422] Adjudicated Facts III, no. 2617.
[8423] Adjudicated Facts III, no. 2618.
[8424] Adjudicated Facts III, no. 2624.
[8425] Adjudicated Facts III, no. 2625.
[8426] Adjudicated Facts III, no. 2626.
[8427] Adjudicated Facts III, no. 2627.
[8428] The Trial Chamber refers to its further considerations with regard to this conclusion, as set out in its factual finding on Scheduled Incident F.5 in chapter 5.2.4.
[8429] Adjudicated Facts III, no. 2629.
[8430] Adjudicated Facts III, no. 2630.
[8431] Adjudicated Facts III, no. 2631.

200 metres from her house, she heard gunshots.[8432] She immediately lay down on the ground for cover.[8433] Two shots were fired, followed by a third one which hit her left buttock.[8434] At the time of the incident, Jusović was not wearing a military uniform.[8435] There was an unobstructed line of sight from the place where she was injured to Špicasta Stijena.[8436] The shot which injured Jusović originated from SRK-controlled territory in the area of Špicasta Stijena.[8437]

1986. Based on the foregoing, the Trial Chamber finds that on 24 July 1993, Mejra Jusović was shot and injured in Sedrenik. At the time of the incident, Jusović was not wearing a military uniform and was on her way home having collected firewood. On the basis that the shot originated from SRK-controlled territory, the Trial Chamber finds that she was shot by an SRK member.[8438] There was an unobstructed line of sight from the place where she was injured to this territory. The Trial Chamber will further consider this incident in relation to Counts 9 and 10 of the Indictment in chapter 8, below.

Incident of 5 August 1993 (Stara Cesta)

1987. Vildana Kapur, Sabina Zeković, and Ifeta Šahić, who was 14 years old in August 1993 and was living at her sister's house in Kobilja Glava, went to fetch water on 5 August 1993 around noon.[8439] There was neither water nor electricity in houses in Kobilja Glava during the conflict, and the fetching of water was usually done at the nearby river at dawn or dusk, to avoid being detected and shot.[8440] That day, the girls had not heard any shooting.[8441] On the morning of the incident, the weather was fine and the friends were dressed in T-shirts and denims.[8442] On their way back, pulling a wheelbarrow loaded with jerry cans of water, Šahić and her friends heard gunshots

[8432] Adjudicated Facts III, no. 2632.
[8433] Adjudicated Facts III, no. 2633.
[8434] Adjudicated Facts III, no. 2634.
[8435] Adjudicated Facts III, no. 2635.
[8436] Adjudicated Facts III, no. 2637.
[8437] Adjudicated Facts III, no. 2639.
[8438] The Trial Chamber refers to its further considerations with regard to this conclusion, as set out in its factual finding on Scheduled Incident F.5 in chapter 5.2.4.
[8439] Adjudicated Facts III, no. 2646.
[8440] Adjudicated Facts III, no. 2647.
[8441] Adjudicated Facts III, no. 2648.
[8442] Adjudicated Facts III, no. 2653.

ahead of them.[8443] Šahić saw the flash from a machine gun shooting at them.[8444] They ran and sought shelter in an orchard on the left side of the street.[8445] The first bullets were shot at Šahić and her friends, striking the ground around their feet while they were walking along Stara Cesta.[8446] The shooting continued while they ran for shelter to the orchard.[8447] Despite their having moved into the orchard, the shooting continued.[8448] Kapur leaned against a tree and was then shot in her left leg.[8449] Kapur was targeted from SRK-controlled territory.[8450] On the same date, Kapur, who was 21 years old, was admitted to the Koševo Hospital, with an entry/exit wound, both with a diameter of 35 millimetres, on the left thigh inflicted by a fire arm. She was released after surgery on 8 August 1993.[8451]

1988. Based on the foregoing, the Trial Chamber finds that on 5 August 1993, three young females dressed in civilian clothes, including Vildana Kapur, were targeted and shot at with sniper fire while walking along Stara Cesta in Sarajevo. After they had fled into an orchard, the shooting continued and Kapur was hit. Kapur sustained an injury to her left thigh from the sniper fire and was admitted to the Koševo Hospital. On the basis that the shots originated from SRK-controlled territory, the Trial Chamber finds that they were shot by an SRK member.[8452] The Trial Chamber will further consider this incident in relation to Counts 9 and 10 of the Indictment in chapter 8, below.

Incident of 6 August 1993 (Dobrinja)

1989. **Refik Sokolar**, a Bosnian-Muslim police officer who, from the middle of 1993 onwards, was tasked with investigating and reporting on shelling and sniping incidents in the Dobrinja area, Sarajevo,[8453] testified that he conducted an on-site investigation concerning the sniping of Vahida Sarić on 6 August 1993, who was wounded in her

[8443] Adjudicated Facts III, no. 2649.
[8444] Adjudicated Facts III, no. 2650.
[8445] Adjudicated Facts III, no. 2651.
[8446] Adjudicated Facts III, no. 2659.
[8447] Adjudicated Facts III, no. 2660.
[8448] Adjudicated Facts III, no. 2661.
[8449] Adjudicated Facts III, no. 2652.
[8450] Adjudicated Facts III, no. 2662.
[8451] P2611 (Faris Gavrankapetanović, witness statements), witness statement of 11 January 2002, p. 2; P2615 (Medical record of Vila Kapur), p. 1.
[8452] The Trial Chamber refers to its further considerations with regard to this conclusion, as set out in its factual finding on Scheduled Incident F.5 in chapter 5.2.4.
[8453] P567 (Refik Sokolar, witness statement, 8 November 1995), p. 1, para. 1; P568 (Refik Sokolar, witness statement, 4 September 2000), p. 1, paras 1, 3-4, 13, 16.

kitchen by bullet fragments in the left shoulder.[8454] Sokolar concluded that the bullet originated from Miroslava Krleže Street, in the Dobrinja 1 complex, which was held by the VRS.[8455]

1990. Based on the foregoing, the Trial Chamber finds that on 6 August 1993, Vahida Sarić was shot and wounded in her left shoulder while she was in her kitchen in the Dobrinja area. Sokolar did not provide a clear basis of knowledge for his conclusion regarding the origin of fire. The Trial Chamber also did not receive a contemporaneous report regarding the investigation mentioned by Sokolar. Under these circumstances, the Trial Chamber considers the evidence on the origin of fire insufficiently reliable and will not further consider this incident.

Incident of 26 September 1993 (Ivana Krndelja Street)

1991. **Witness RM-126**, a Bosnian-Muslim policeman from Sarajevo,[8456] stated that during the war he investigated a large number of snipings of civilians in the area of Trg Pere Kosorića and Hrasno and that in all of them the origin of fire was in VRS-held positions in Ozrenska Street and Grbavica.[8457] In particular, the witness stated that when he investigated an incident that had occurred on 26 September 1993, in which Edina Trto was killed by a sniper round on Ivana Krndelja Street, in a residential area without ongoing military activity, he came to the conclusion that the shot was fired from a VRS-held position in Ozrenska Street.[8458]

1992. Based on the foregoing, the Trial Chamber finds that on 26 September 1993 Edina Trto was shot and killed on Ivana Krndelja Street. The incident occurred in a residential area where there was no military activity. On the basis that the shot originated from a VRS-held position, the Trial Chamber finds that he was shot by an SRK member. The Trial Chamber will further consider this incident in relation to Counts 5, 6, 9, and 10 of the Indictment in chapter 8, below.

[8454] P567 (Refik Sokolar, witness statement, 8 November 1995), paras 2, 5; Refik Sokolar, T. 5666.
[8455] P567 (Refik Sokolar, witness statement, 8 November 1995), paras 5, 7-8; Refik Sokolar, T. 5666; P569 (Map marked by Refik Sokolar).
[8456] P1942 (Witness RM-126, witness statements), witness statement of 1 September 2000, p. 1, witness statement of 25 June 2000, p. 1, witness statement of 18 November 1995, pp. 1-2.
[8457] P1942 (Witness RM-126, witness statements), witness statement of 1 September 2000, p. 2, witness statement of 18 November 1995, p. 3.
[8458] P1942 (Witness RM-126, witness statements), witness statement of 25 June 2000, p. 2, witness statement of 18 November 1995, p. 2; P1943 (Report on the killing of Edina Trto), pp. 1, 2, 5; P1944 (Map of Novo Sarajevo, marked by Witness RM-126).

Incident of 2 November 1993 (Braće Ribara Street)

1993. On 2 November 1993, Ramiz Velić was targeted from SRK-controlled territory in Vraca.[8459] At approximately 9:30 a.m., Velić, an employee of the Public Utilities Company in Sarajevo, was collecting rubbish with a front-end loader on Braće Ribara Street, in a settlement known as Trg Heroja (Heroes' Square) in Hrasno.[8460] He was being escorted by Egyptian forces in two UNPROFOR APCs marked 'UN'.[8461] He was wearing black corduroy trousers and a leather driver's jacket.[8462] The loader and the trucks onto which the rubbish was being loaded were yellow.[8463] Blankets hung on a wire across the street as protection against sniper fire.[8464] As Velić reversed the loader he moved away from the blankets and the protection of one of the buildings into an open area where the UNPROFOR vehicles were, and was shot.[8465] When he sensed the bullet strike his left hand, he jumped out of the cabin and took cover behind a tyre.[8466] The shooting continued and he heard several bullets strike the left side of the vehicle.[8467] After the shooting stopped, Velić was transported to hospital.[8468] He was deliberately targeted.[8469] The location of the incident was clearly visible from the SRK positions in Vraca.[8470] The bullets fired at the loader, one of which hit the victim, originated from the area of Vraca.[8471]

1994. Based on the foregoing, the Trial Chamber finds that on 2 November 1993, Ramiz Velić, an employee of the Public Utilities Company in Sarajevo, was targeted and injured by sniper fire while he was collecting rubbish on Braće Ribara Street, in Sarajevo. On the basis that the fire originated from SRK-controlled territory in Vraca, the Trial Chamber finds that he was shot by an SRK member.[8472] At the time of the incident Velić was being escorted by Egyptian forces in two UNPROFOR APCs

[8459] Adjudicated Facts III, no. 2663.
[8460] Adjudicated Facts III, no. 2664.
[8461] Adjudicated Facts III, no. 2665.
[8462] Adjudicated Facts III, no. 2666.
[8463] Adjudicated Facts III, no. 2667.
[8464] Adjudicated Facts III, no. 2668.
[8465] Adjudicated Facts III, nos 2669, 2674.
[8466] Adjudicated Facts III, no. 2670.
[8467] Adjudicated Facts III, no. 2671.
[8468] Adjudicated Facts III, no. 2673.
[8469] Adjudicated Facts III, no. 2676.
[8470] Adjudicated Facts III, no. 2679.
[8471] Adjudicated Facts III, no. 2680.

marked 'UN' and was dressed in civilian clothes. The Trial Chamber will further consider this incident in relation to Counts 9 and 10 of the Indictment in chapter 8, below.

Incident of 9 November 1993 (Briješko Brdo Street)

1995. On or around 9 November 1993, at around noon, Fatima Osmanović, aged 44, was shot in her cheek on Briješko Brdo Street while returning home from a well.[8473] **Rasema Menzilović**, a Bosnian Muslim from Sarajevo,[8474] stated that she was bleeding heavily out of her mouth. After the witness called a nurse, Fatima Osmanović was taken to hospital and survived the incident.[8475] Osmanović was wearing a skirt, a T-shirt, and a sweater.[8476] She was targeted from an SRK-controlled area.[8477] **Menzilović** specified that the shot came from an area known as 'polje' or 'bačići', 500 metres away and across the main road by the rail depot.[8478] Although it happened on a cloudy day, visibility was good, and there were no military positions or people carrying weapons nearby.[8479] **Ramiza Kundo**, a Muslim resident of Briješće, an exclusively Muslim area of Sarajevo in 1993,[8480] stated that there was no fighting ongoing when the incident happened.[8481] The Trial Chamber finds that some of the evidence from Menzilović and Kundo is consistent with the Adjudicated Facts.[8482]

[8472] The Trial Chamber refers to its further considerations with regard to this conclusion, as set out in its factual finding on Scheduled Incident F.5 in chapter 5.2.4.
[8473] Adjudicated Facts III, no. 2687.
[8474] P1921 (Rasema Menzilović, witness statements), witness statement of 5 May 2001, pp. 1-2, witness statement of 1 November 2001, p. 1; P1922 (Rasema Menzilović, *Galić* transcript, 10 April 2002), p. 6980.
[8475] P1921 (Rasema Menzilović, witness statements), witness statement of 5 May 2001, p. 2.
[8476] Adjudicated Facts III, no. 2689.
[8477] Adjudicated Facts III, no. 2693.
[8478] P1921 (Rasema Menzilović, witness statements), witness statement of 5 May 2001, p. 3; P1922 (Rasema Menzilović, *Galić* transcript, 10 April 2002), pp. 6985, 6989, 6999-7000; P1923 (Two photographs, marked by Rasema Menzilović).
[8479] P1921 (Rasema Menzilović, witness statements), witness statement of 5 May 2001, p. 2; P1922 (Rasema Menzilović, *Galić* transcript, 10 April 2002), pp. 6993, 6995. *See also* chapter 5.2.4 for further evidence on this respect.
[8480] P1916 (Ramiza Kundo, witness statements), witness statement of 4 May 2001, pp. 1-3, witness statement of 30 October 2001, p. 1.
[8481] P1917 (Ramiza Kundo, *Galić* transcript, 22 March 2002), p. 5981.
[8482] **Rasema Menzilović**: P1921 (Rasema Menzilović, witness statements), witness statement of 5 May 2001, pp. 2-3; P1922 (Rasema Menzilović, *Galić* transcript, 10 April 2002), pp. 6991-6993, 7058-7059; P1923 (Two photographs, marked by Rasema Menzilović). **Ramiza Kundo**: P1916 (Ramiza Kundo, witness statements), witness statement of 4 May 2001, pp. 2-3; P1917 (Ramiza Kundo, *Galić* transcript, 22 March 2002), pp. 5939, 5979, 5981.

1996. Based on the foregoing, the Trial Chamber finds that on or around 9 November 1993, at approximately noon, Fatima Osmanović, a 44-year-old woman, was targeted, shot and injured on her cheek on Briješko Brdo Street on her way back from a well. Osmanović was dressed in civilian clothes. On the basis that the shot originated from an SRK-controlled area, the Trial Chamber finds that she was shot by an SRK member.[8483] At the time of the incident, there were no military positions or armed individuals nearby. The Trial Chamber will further consider this incident in relation to Counts 9 and 10 of the Indictment in chapter 8, below.

Incident of 11 January 1994 ('27 Ubala Juli' Street)

1997. In January 1994, Akif Mukanović lived with his wife Hatema and two teenage children on the first floor of an apartment block on '27 Ubala Juli' Street in Hrasno.[8484] The apartment faced the direction of the confrontation lines, which were approximately 800 metres away.[8485] To minimize the risk of being seen from SRK territory on Hrasno Brdo, the Mukanović family would, in addition to blinds, use blankets to cover the windows at night.[8486] On 11 January 1994, Mukanović arrived home from work around 7 p.m. It was already dark outside.[8487] Mukanović noticed that the blinds had not been covered with blankets.[8488] Because there was no electricity, a candle was lit on the table.[8489] Two bullets struck the apartment.[8490] One bullet passed through the wooden frame of the left side of the window and wounded his wife in the right shoulder blade, cutting through her aorta and lodging in her body.[8491] A second bullet went through the left windowpane, across the dining-room and through the wall into the outside hallway of the building.[8492] Hatema was taken to hospital but she did not survive the injury.[8493] There was an unobstructed line of sight between Hrasno Brdo and Mukanović's apartment.[8494] The shots fired into Mukanović's apartment were aimed at the window of

[8483] The Trial Chamber refers to its further considerations with regard to this conclusion, as set out in its factual finding on Scheduled Incident F.5 in chapter 5.2.4.
[8484] Adjudicated Facts III, no. 2694.
[8485] Adjudicated Facts III, no. 2695.
[8486] Adjudicated Facts III, no. 2696.
[8487] Adjudicated Facts III, no. 2697.
[8488] Adjudicated Facts III, no. 2698.
[8489] Adjudicated Facts III, no. 2699.
[8490] Adjudicated Facts III, no. 2700.
[8491] Adjudicated Facts III, no. 2701.
[8492] Adjudicated Facts III, no. 2702.
[8493] Adjudicated Facts III, no. 2703.
[8494] Adjudicated Facts III, no. 2705.

the apartment.[8495] Hatema Mukanović was killed by a shot fired from territory on Hrasno Brdo under SRK control.[8496] There were no soldiers inside or in the proximity of the building and no combat activity was underway at the time.[8497] The Trial Chamber also received evidence from **Witness RM-126**, a Bosnian-Muslim policeman from Sarajevo,[8498] and finds that this evidence is consistent with the Adjudicated Facts.[8499]

1998. Based on the foregoing, the Trial Chamber finds that on 11 January 1994, Hatema Mukanović was shot and killed while she was in her apartment at '27 Ubala Juli' Street in Hrasno. Another bullet, fired at the window, also struck the apartment. On the basis that the shot originated from SRK-controlled territory, the Trial Chamber finds that she was shot by an SRK member.[8500] There was no soldier inside the apartment building or any military activity in the vicinity. There was an unobstructed line of sight between Hrasno Brdo and Mukanović's apartment. The Trial Chamber will further consider this incident in relation to Counts 5, 6, 9 and 10 of the Indictment in chapter 8, below.

Incident of 13 June 1994 (on the road from Alipašino Polje to Dobrinja)

1999. On 13 June 1994, a bullet struck Fatima Salčin's palm on the road from Alipašino Polje to Dobrinja and lifted her arm up in front of her.[8501] The shot was fired from within SRK-controlled territory, by SRK personnel, to the west of the confrontation line.[8502] Salčin was targeted from SRK-controlled territory.[8503]

2000. Based on the foregoing, the Trial Chamber finds that on 13 June 1994, a member of the SRK targeted and shot Fatima Salčin in the hand while she was on the road from Alipašino Polje to Dobrinja. The Trial Chamber will further consider this incident in relation to Counts 9 and 10 of the Indictment in Chapter 8, below.

[8495] Adjudicated Facts III, no. 2709.
[8496] Adjudicated Facts III, no. 2706.
[8497] Adjudicated Facts III, no. 2711.
[8498] P1942 (Witness RM-126, witness statements), witness statement of 18 November 1995, pp. 1-2, witness statement of 25 June 2000, p. 1, witness statement of 1 September 2000, p. 1.
[8499] P1942 (Witness RM-126, witness statements), witness statement of 25 June 2000, p. 2, witness statement of 18 November 1995, pp. 2-3; P1944 (Map of Novo Sarajevo, marked by Witness RM-126).
[8500] The Trial Chamber refers to its further considerations with regard to this conclusion, as set out in its factual finding on Scheduled Incident F.5 in chapter 5.2.4.
[8501] Adjudicated Facts III, no. 2733.
[8502] Adjudicated Facts III, no. 2734.

Incident of 24 October 1994 (Vojničko Polje)

2001. On 24 October 1994, Adnan Kasapović, a 14-year-old civilian boy, was shot and killed when walking by a passageway in Vojničko Polje.[8504] He was shot in a passageway to one side of Vemek's department store.[8505] The shots came from the School of the Blind, a known sniper location of the SRK.[8506] The shots were fired by a member of the SRK.[8507] There was a direct line of sight from the School of the Blind to the passageway.[8508] Nothing obstructed the view.[8509] The sniper in the School of the Blind, particularly with the benefit of telescopic sights and from the upper floors of the School of the Blind, had a clear view of Kasapović.[8510] There was sufficient visibility in the early morning of that day for a shooter with telescopic sight to see him.[8511] The Trial Chamber, moreover, received evidence from **Patrick van der Weijden**, an expert in sniping,[8512] and finds that this evidence is consistent with the Adjudicated Facts.[8513] The Trial Chamber also received evidence from **Mile Poparić**, a weapons and military equipment expert.[8514] He testified that at the time there were tall trees in front of the School of the Blind which very likely blocked visibility.[8515] The Defence argued that in relation to this incident the Prosecution presented defective evidence from Van der Weijden in relation to whether there was a clear line of sight.[8516]

2002. The Trial Chamber considers that Poparić's testimony that trees *likely* blocked the view from the School of the Blind does not contradict the Adjudicated Facts. In addition, the Trial Chamber will not further address the Defence submission as it refers to the evidence of van der Weijden and the Trial Chamber relied on the unrebutted Adjudicated Facts instead.

[8503] Adjudicated Facts III, no. 2738.
[8504] Adjudicated Facts III, no. 2741.
[8505] Adjudicated Facts III, no. 2745.
[8506] Adjudicated Facts III, no. 2752.
[8507] Adjudicated Facts III, no. 2753.
[8508] Adjudicated Facts III, no. 2755.
[8509] Adjudicated Facts III, no. 2754.
[8510] Adjudicated Facts III, no. 2756.
[8511] Adjudicated Facts III, no. 2757.
[8512] Patrick van der Weijden, T. 6463.
[8513] P1130 (Patrick van der Weijden, expert report), pp. 71-72.
[8514] D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 1-4.
[8515] D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), p. 255.
[8516] Defence Final Brief, paras 2234-2239.

2003. Based on the foregoing, the Trial Chamber finds that on 24 October 1994, a member of the SRK shot and killed Adnan Kasapović, a 14-year-old civilian boy in Vojničko Polje. The shots came from the School of the Blind and there was a direct line of sight from the school to the position of the victim. The sniper in the School of the Blind had a clear view of Kasapović. The Trial Chamber will further consider this incident in relation to Counts 5, 6, 9, and 10 of the Indictment in chapter 8, below.

Incident of 9 November 1994 (Zmaja od Bosne Street)

2004. **Mirza Sabljica**, a mechanical engineer specialised in ballistics and mechanical traces employed by the Bosnia-Herzegovina MUP's criminal forensics department in Sarajevo from June 1993 to July 1996,[8517] testified that on 9 November 1994 he was informed that several persons had been wounded by bullets on Zmaja od Bosne Street (formerly Vojvode Putnika) near the technical school.[8518] The witness was part of the team investigating the incident on 10 November 1994.[8519] The investigation concluded that on 9 November 1994 around 4:50 p.m., five persons were wounded by several firearm projectiles. Three of the wounded were pedestrians, two of whom were soldiers. The other two of the wounded were passengers in a Golf car, one of whom was a soldier.[8520] One of the soldiers who were walking wore a camouflage jacket.[8521] The investigation concluded that the bullets had been 'most probably' fired from a window of a skyscraper on Lenjinova Street in Grbavica, which was under VRS control at that time.[8522]

2005. Based on the foregoing, the Trial Chamber finds that on 9 November 1994 at around 4:50 p.m., five persons, three of whom were soldiers, were shot and wounded on Zmaja od Bosne Street near the technical school. Two of the five, including one soldier, were in a Golf car. The other three, including two soldiers, one of whom in a camouflage jacket, were walking nearby. On the basis that the shots originated from a

[8517] P855 (Mirza Sabljica, witness statement, 11 February 2010), pp. 1-3.
[8518] P855 (Mirza Sabljica, witness statement, 11 February 2010), p. 63; P870 (MUP reports, 10 November 1994), p. 1.
[8519] P855 (Mirza Sabljica, witness statement, 11 February 2010), p. 64; P870 (MUP reports, 10 November 1994), p. 1.
[8520] P855 (Mirza Sabljica, witness statement, 11 February 2010), p. 64; P870 (MUP reports, 10 November 1994), pp. 1-4.
[8521] P870 (MUP reports, 10 November 1994), pp. 2, 4.
[8522] P855 (Mirza Sabljica, witness statement, 11 February 2010), pp. 64-65, 67; P870 (MUP reports, 10 November 1994), pp. 1-3.

VRS-controlled position, the Trial Chamber finds that the five persons were shot by an SRK member. The Trial Chamber will further consider this incident in relation to Counts 9 and 10 of the Indictment in chapter 8, below.

Incident of 22 November 1994 (Sanela Dedović)

2006. On 22 November 1994, Sanela Dedović was shot and seriously wounded in the ankle by a fragment of a bullet fired from a sniper weapon.[8523] The shot originated from the ridge Špicasta Stijena, which was controlled by the SRK.[8524] The shots were fired by a member of the SRK.[8525] **Mile Poparić**, an expert in weapons and military equipment,[8526] testified that there was no line of sight between the incident site as indicated in van der Weijden's report, the intersection of Sedrenik Street and Redzepa Gaorušanovica Street, and the Špicasta Stijena ridge.[8527] The Defence argued that in relation to this incident the Prosecution presented defective evidence from Van der Weijden and Hogan, who committed errors in marking the exact impact spot.[8528]

2007. Based on the foregoing, the Trial Chamber finds that on 22 November 1994 an SRK member shot and seriously wounded Sanela Dedović. Even if Poparić's evidence referred to the correct impact site, and would thus contradict Adjudicated Fact number 2802, it would not impact the Trial Chamber's finding which solely rests on Adjudicated Fact number 2803. In relation to the Defence's argument, the Trial Chamber notes that it relied on the Adjudicated Facts and not the evidence of van der Weijden or Hogan with regard to this incident. Accordingly, the Trial Chamber will not further address the Defence submission. The Trial Chamber will further consider this incident in relation to Counts 9 and 10 of the Indictment in chapter 8, below.

Incident of 10 December 1994 (Sedrenik)

2008. The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to this incident. In addition, it received evidence from **Nedžib Đozo**, a Bosnian-

[8523] Adjudicated Facts III, no. 2801.
[8524] Adjudicated Facts III, no. 2802.
[8525] Adjudicated Facts III, no. 2803.
[8526] D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 1-4.
[8527] D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 257-259, 296.

Muslim former JNA mortar platoon commander and civilian police investigator;[8529] **Patrick van der Weijden**, an expert in sniping,[8530] and finds that this evidence does not rebut the Adjudicated Facts.[8531] The Trial Chamber also received evidence from **Mile Poparić**, an expert in weapons and military equipment.[8532] The Defence submitted that (i) the Prosecution's sniping expert Van der Weijden committed a number of errors in relation to the line of sight when analysing this incident, and (ii) the victim was not shot from VRS positions at Špicasta Stijena.[8533]

2009. On 10 December 1994, Derviša Selmanović went out into a friend's garden to get firewood.[8534] Selmanović was shot with a machine gun and seriously wounded in her leg when she was in the backyard of the house in Sedrenik.[8535] **Nedžib Đozo** testified that the victim took shelter behind her home as another 20-30 bullets were fired at and around her house. She was then taken to hospital, where she was treated for an entry-and-exit infantry-weapon-bullet wound.[8536] The shots came from the SRK-controlled ridge Špicasta Stijena.[8537] The shots were fired by a member of the SRK.[8538] Selmanović was an unarmed cook.[8539] An on-site investigation report completed by Nedžib Đozo set out that a detailed on-site investigation could not be conducted on this day due to constant fire activity from the 'aggressor's positions'.[8540] **Patrick van der Weijden** testified that the ridgeline along which the Serb positions were during the war was approximately 950 to 1,050 metres from the incident site.[8541] **Mile Poparić** testified that due to the weather at the time of the incident, the incident site was not clearly visible from VRS positions.[8542] He also testified that Selmanović could not have been

[8528] Defence Final Brief, paras 2242-2245.
[8529] P544 (Nedžib Đozo, witness statement, 7 December 2010), paras 4-7; Nedžib Đozo, T. 5539, 5563-5564.
[8530] Patrick van der Weijden, T. 6463.
[8531] **Nedžib Đozo:** Nedžib Đozo, T. 5545, 5574-5575, 5596; P548 (Official note of the Stari Grad SJB, compiled by Nedžib Đozo, 12 March 1995); P4600 (On-site investigation report prepared by Nedžib Đozo, 14 December 1994). **Patrick van der Weijden:** P1130 (Patrick van der Weijden, expert report), pp. 79-80.
[8532] D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 1-4.
[8533] Defence Final Brief, paras 2248-2249.
[8534] Adjudicated Facts III, no. 2807.
[8535] Adjudicated Facts III, no. 2817.
[8536] P548 (Official note of the Stari Grad SJB, compiled by Nedžib Đozo, 12 March 1995), p. 1.
[8537] Adjudicated Facts III, no. 2817.
[8538] Adjudicated Facts III, no. 2819.
[8539] Adjudicated Facts III, no. 2820.
[8540] P4600 (On-site Investigation Report prepared by Nedžib Đozo, 14 December 1994).
[8541] P1130 (Patrick van der Weijden, expert report), p. 80.
[8542] D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), p. 260.

shot from Špicasta Stijena because Van der Weijden mistakenly identified where the victim was located when she was shot.[8543]

2010. The Trial Chamber notes that Poparić's evidence is contradictory to Adjudicated Fact no. 2817, in the sense that he suggests that it was impossible to shoot Selmanović from Špicasta Stijena. However, whether there was fog at the time of the incident and where Selmanović was located when shot are factual matters which Poparić, an expert, cannot put forth as reliable arguments. Under these circumstances, the Trial Chamber finds that Poparić's evidence about the origin of the fire is not sufficiently reliable to rebut Adjudicated Fact number 2817. In this context, the Trial Chamber also notes that it will not further consider the Defence submission with respect to any errors regarding the determination of the line of sight committed by van der Weijden, as the Trial Chamber relied on the unrebutted Adjudicated Fact and not on van der Weijden's evidence in this respect.

2011. Based on the foregoing, the Trial Chamber finds that on 10 December 1994, an SRK member shot and wounded Derviša Selmanović, an unarmed cook, who was fetching wood in the backyard of a house in Sedrenik. The shot originated from the SRK-controlled ridge Špicasta Stijena. The Trial Chamber further finds that once Derviša Selmanović took shelter behind her house, another 20 to 30 bullets were fired at and around her house. The Trial Chamber will further consider this incident in relation to Counts 9 and 10 of the Indictment in chapter 8, below.

Incident of 14 May 1995 (Dobrinja)

2012. On 14 May 1995, Jasmina Tabaković was killed by a shot while she was in her bedroom in Dobrinja.[8544] The shots came from SRK-held territory in Dobrinja I.[8545] The shots were fired by a member of the SRK.[8546] The Trial Chamber received evidence in the form of an Official MUP report and finds that this evidence is consistent with the Adjudicated Facts.[8547] According to the report, the victim's father, who was in the

[8543] D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 263-264.
[8544] Adjudicated Facts III, no. 2826.
[8545] Adjudicated Facts III, no. 2827.
[8546] Adjudicated Facts III, no. 2828.
[8547] P494 (Official Report of MUP Sarajevo, 15 May 1995), pp. 1-3.

apartment at the time, told the MUP that when his daughter was shot he only heard one shot.[8548]

2013. Based on the foregoing, the Trial Chamber finds that on 14 May 1995, an SRK member shot and killed Jasmina Tabaković in her apartment in Dobrinja. The shot was fired from SRK-held territory in Dobrinja I. The Trial Chamber will further consider this incident in relation to Counts 5, 6, 9, and 10 of the Indictment in chapter 8, below.

Incident of 25 June 1995 (Titova Street)

2014. **David Harland**, an UNPROFOR civil affairs officer assigned to Sarajevo as of May 1993,[8549] testified that on 25 June 1995, a 16-year-old boy was shot in the head while riding his bicycle near the Ali Pašina Mosque and UNPROFOR headquarters on Titova Street, in Sarajevo.[8550] UNPROFOR concluded that he had been shot from a Serb position on a tall building to the west.[8551]

2015. The Trial Chamber finds David Harland's evidence regarding UNPROFOR's conclusion of the position from which the shot originated to be of low probative value as its basis of knowledge is unknown. The Trial Chamber will therefore not further consider this incident in relation to any count of the Indictment.

[8548] P494 (Official Report of MUP Sarajevo, 15 May 1995), p. 3.
[8549] P1 (David Harland, witness statement, 4 September 2009), p. 1, para. 5; David Harland, T. 661.
[8550] P1 (David Harland, witness statement, 4 September 2009), paras 213, 215; David Harland, T. 707; P10 (UNPROFOR weekly situation report, 2 July 1995), p. 3.
[8551] P1 (David Harland, witness statement, 4 September 2009), paras 214-215.

5.3 Shelling incidents

5.3.1 Schedule G.1

2016. According to the Indictment, the Accused is responsible for heavily shelling civilian targets in Sarajevo, damaging or destroying them and, causing the deaths of several civilians and injuring others from on or about 28 May 1992.[8552] The Trial Chamber received evidence from **Milan Mandilović**, a Serbian surgeon at the Sarajevo State Hospital from May 1992 until the end of the war;[8553] **Bakir Nakaš**, a Muslim doctor from Sarajevo who worked as the general manager of the Sarajevo State Hospital throughout the war;[8554] **Witness RM-115**, a Bosnian Muslim from Sarajevo;[8555] **Fadila Tarčin**, a Bosnian Muslim living with her family in the predominantly Muslim residential area of Širokača in south-east Sarajevo in 1992;[8556] **Nedžib Đozo,** a Bosnian-Muslim former JNA mortar platoon commander and civilian police investigator;[8557] and **John Wilson**, the chief UNMO for UNPROFOR deployed to Sarajevo from 22 March to 24 June 1992;[8558] as well as documentary evidence.

2017. **Milan Mandilović** testified that in April 1992, he observed that Bosniak personnel from the Sarajevo State Hospital left the city and went 'home'; he believed they did so out of fear that the situation in Slovenia and Croatia, where war had broken out, would repeat itself in Sarajevo.[8559] In May 1992, there was shooting around the city and the city was hit by artillery shelling.[8560] As of 10 May 1992, the JNA withdrew

[8552] Indictment, paras 11-12, 76, 81, Schedule G.1. The language of the Indictment suggests that the temporal scope of Scheduled Incident G.1 extends from on or about 28 May 1992 until November 1995. However, the Trial Chamber also considered the language used in the description of Scheduled Incident G.1, the structure of Schedule G in general, and the parties' submissions on this incident's temporal scope, and concludes that Scheduled Incident G.1 covers the alleged shelling which started on 28 May 1992 and concluded soon thereafter.
[8553] P679 (Milan Mandilović, witness statement, 24 February 2010), p. 1, paras 1, 4-6, 84; P680 (Milan Mandilović, corrections to witness statement dated 24 February 2010, 9 January 2013), p. 1.
[8554] P941 (Bakir Nakaš, witness statement, 8 September 2010), p. 1, paras 1, 10; Bakir Nakaš, T. 8601.
[8555] P102 (Witness RM-115, witness statement 4 November 2008), p. 1, para. 1.
[8556] P281 (Fadila Tarčin, witness statement, 24 February 2004), p. 1, paras 1-2; P282 (Fadila Tarčin, witness statement, 2 November 2008), p. 1; C1 (Map of Širokača marked by witness Fadila Tarčin in court on 2 October 2012), *see* the marked 'K' for the position of the witness's house; Fadila Tarčin, T. 3411, 3419.
[8557] P544 (Nedžib Đozo, witness statement, 7 December 2010), paras 4-7; Nedžib Đozo, T. 5539, 5563-5564.
[8558] P320 (John Wilson, witness statement, 26 March 2009), paras 6-8, 25, 64, 93; John Wilson, T. 3919, 4020.
[8559] P679 (Milan Mandilović, witness statement, 24 February 2010), paras 20, 29.
[8560] P679 (Milan Mandilović, witness statement, 24 February 2010), paras 18, 21.

from the Sarajevo State Hospital, and the hospital became a civilian body.[8561] As a result, the witness no longer reported to the JNA, but to the local community of Sarajevo.[8562] The JNA's departure from the Sarajevo State Hospital was organised and drugs, supplies, and equipment were left behind at the hospital.[8563] As a result of the JNA's departure, many Bosniak personnel who had earlier left the hospital, returned.[8564] The hospital appointed a Serb, a Bosniak, and a Croat to its management.[8565] The guards at the entry of the hospital never barred people from entering or leaving the hospital.[8566]

2018. **Bakir Nakaš** testified that on 10 May 1992, the JNA withdrew from the hospital.[8567] No armed Bosnian soldiers or security guards were allowed to be inside the hospital, and there were no military-related facilities in the hospital's vicinity.[8568] During the witness's time as general manager the rule was that the only armed people on the grounds were the perimeter security.[8569] In 1992, within the compound of the hospital, some of the facilities were mobilised for the treatment of members of the ABiH 1st Corps for their rehabilitation after surgery.[8570] After a shelling on 13 May 1992, a flag with the Red Cross emblem was placed on the south side of the building facing Vrace Hill and Trebević which, in the witness's view, could be seen from 500 metres away. The flag remained in place from May to September 1992.[8571] **Witness RM-115** stayed at the State hospital in Sarajevo from the beginning of May 1992.[8572] The State hospital was a former military hospital and was located in the Marin Dvor neighbourhood.[8573] The witness testified that there was heavy shelling in the night of 28 May 1992.[8574] The soldiers had left before the shelling and only medical staff

[8561] P679 (Milan Mandilović, witness statement, 24 February 2010), paras 4, 25.
[8562] P679 (Milan Mandilović, witness statement, 24 February 2010), paras 28; Milan Mandilović, T. 6654.
[8563] P679 (Milan Mandilović, witness statement, 24 February 2010), para. 26; Milan Mandilović, T. 6693-6694.
[8564] P679 (Milan Mandilović, witness statement, 24 February 2010), para. 29.
[8565] P679 (Milan Mandilović, witness statement, 24 February 2010), para. 30.
[8566] P679 (Milan Mandilović, witness statement, 24 February 2010), para. 27; Milan Mandilović, T. 6656-6657, 6659, 6671, 6700-6701.
[8567] P941 (Bakir Nakaš, witness statement, 8 September 2010), para. 5; Bakir Nakaš, T. 8632.
[8568] P941 (Bakir Nakaš, witness statement, 8 September 2010), paras 14-15; Bakir Nakaš, T. 8669-8677.
[8569] P941 (Bakir Nakaš, witness statement, 8 September 2010), para. 15.
[8570] P941 (Bakir Nakaš, witness statement, 8 September 2010), para. 14.
[8571] P941 (Bakir Nakaš, witness statement, 8 September 2010), para. 22.
[8572] P102 (Witness RM-115, witness statement 4 November 2008), paras 2-3; Witness RM-115, T. 1653, 1660, 1665.
[8573] Witness RM-115, T. 1653. With regard to the location of the State hospital in Sarajevo, the Trial Chamber considers the hospital to be in the vicinity of Velešići and Pofalići. *See* P3 (Sarajevo map book), pp. 32, 71; D127 (Photograph from the Sarajevo court binder marked by Milan Mandilović); Milan Mandilović T. 6662-6666.
[8574] P102 (Witness RM-115, witness statement 4 November 2008), para. 4; Witness RM-115, T. 1659.

remained.[8575] The witness was unable to move for four hours because the shelling of the hospital was so heavy.[8576] Around midnight, the witness wanted to move from one of the offices to another room when, passing through the connection passage, the witness was hit by shrapnel and lost consciousness.[8577] The witness believed that a shell had exploded somewhere on the third floor and that shrapnel had come through a window.[8578] The witness was found lying in a pool of blood and brought to the emergency room, where the witness underwent surgery.[8579] Due to the seriousness of the injuries, the witness was evacuated from Sarajevo in November 1993 for further surgery abroad.[8580]

2019. **Fadila Tarčin** testified that late in the night of 28 May 1992 she and her family went to the cellar of their house, due to the shelling of their neighbourhood, Širokača.[8581] The witness, who was 16 years old at the time, estimated that Širokača was positioned about one or two kilometres from the frontlines.[8582] The witness testified that she once or twice observed three or four men from the reserve police pass through her area, but that the only military position close to her house was the military barracks at Bistrik about 1.5 kilometres away, which the witness believed was occupied by the JNA until about May 1992.[8583] On the night of the shelling, neighbours who would usually come to the witness's house to seek shelter did not dare venture the 20-30 metres between their houses due to the intensity of the shelling, which remained unchanged for two hours and then subsided after midnight.[8584] Suddenly there was a massive explosion and the witness who was sitting on the floor next to the exit of the cellar felt an impact on her foot and discovered that she could not move her legs. The witness's right foot was bleeding, as was her right leg which was bleeding heavily from inside the knee, but the shelling prevented the witness from leaving the cellar until about 4:30 a.m., when a

[8575] Witness RM-115, T. 1653-1654.
[8576] P102 (Witness RM-115, witness statement 4 November 2008), para. 4; Witness RM-115, T. 1659-1660.
[8577] P102 (Witness RM-115, witness statement 4 November 2008), paras 5-6; Witness RM-115, T. 1659, 1683.
[8578] P102 (Witness RM-115, witness statement 4 November 2008), para. 6.
[8579] P102 (Witness RM-115, witness statement 4 November 2008), paras 6-7; Witness RM-115, T. 1659.
[8580] P102 (Witness RM-115, witness statement 4 November 2008), paras 8-11; Witness RM-115, T. 1660-1661; P104 (Medical documentation concerning Witness RM-115).
[8581] P281 (Fadila Tarčin, witness statement, 24 February 2004), paras 3-4.
[8582] P281 (Fadila Tarčin, witness statement, 24 February 2004), para. 11; Fadila Tarčin, T. 3413, 3418; P549 (Stari Grad police station notebooks, April 1992), p. 71.
[8583] P281 (Fadila Tarčin, witness statement, 24 February 2004), para. 2; Fadila Tarčin, T. 3415, 3417.
[8584] P281 (Fadila Tarčin, witness statement, 24 February 2004), paras 6-7.

neighbour was able to organise a van to take her to the hospital.[8585] The witness arrived at the Koševo hospital at about 5 a.m., where she was operated on and received a cast for her broken foot. The witness testified that two days later, after she was released from the hospital, she saw that a shell had hit the valley side of her neighbour's house across the road, causing extensive damage to three houses, and realised that it was shrapnel from this shell that had shot through the plywood door of her cellar.[8586] The witness learnt from men in the neighbourhood, who had previously served with the JNA, that the shell was a large calibre howitzer shell and that it had been launched from Borije, east of Širokača.[8587] Throughout the war, the witness's neighbourhood remained under constant shelling and her house was hit twice.[8588] The witness has continued to suffer from her injuries and cannot walk properly as a result of the injury to her foot.[8589] The Stari Grad SJB's logbook recorded that on 27 and 28 May 1992, VRS artillery shelled Pogledine, Kamenice, Mahumatovac, and Colina Kapa.[8590] **Nedžib Đozo** testified that these were neighbourhoods of Stari Grad.[8591] Two persons were wounded in the Pogledine area.[8592]

2020. **John Wilson** testified that on 28 May 1992, one of the most intense shelling attacks struck Sarajevo, commencing in the evening around 5 p.m. and continuing until early the next morning.[8593] Rounds of all calibres, including rocket-launchers, impacted throughout the city, with a concentration on the old town, in such a manner that there appeared to be no particular targets involved.[8594] During the night, the JNA liaison officer contacted UNPROFOR in Sarajevo and asked them to ask the Presidency to stop the attacks of mortars, rockets, and small arms on Lukavica, which had caused casualties. The JNA liaison officer threatened that there would be heavy retaliation against the city.[8595] The witness was not aware of any attacks or outgoing fire by Presidency forces that night, although it would have been hard to discern given the

[8585] P281 (Fadila Tarčin, witness statement, 24 February 2004), paras 8-9.
[8586] P281 (Fadila Tarčin, witness statement, 24 February 2004), para. 9; P282 (Fadila Tarčin, witness statement, 2 November 2008), paras 2-3; Fadila Tarčin, T. 3447-3448.
[8587] P282 (Fadila Tarčin, witness statement, 2 November 2008), para. 3; Fadila Tarčin, T. 3424.
[8588] P282 (Fadila Tarčin, witness statement, 2 November 2008), paras 4-5; Fadila Tarčin, T. 3416.
[8589] P281 (Fadila Tarčin, witness statement, 24 February 2004), para. 10; Fadila Tarčin, T. 3411.
[8590] P549 (Stari Grad police station notebooks, April 1992), p. 72.
[8591] Nedžib Đozo, T. 5547-5548.
[8592] P549 (Stari Grad police station notebooks, April 1992), p. 72.
[8593] John Wilson, T. 3969, 3979, 3981-3982, 3986.
[8594] P320 (John Wilson, witness statement, 26 March 2009), para. 76; John Wilson, T. 3969-3970; P329 (Record of conversation with Bosnia-Herzegovina and JNA delegations, 29 May 1992), p. 1.
[8595] P329 (Record of conversation with Bosnia-Herzegovina and JNA delegations, 29 May 1992), p. 1.

volume of fire.[8596] On 29 May 1992, the witness met with JNA General Bošković, Colonel Čađo, and Lieutenant Colonel Janković.[8597] At the meeting, General Bošković stated that Mladić had ordered the firing of artillery, rockets, and mortars against Sarajevo in response to the attacks on Lukavica.[8598] Bošković and Čađo recognised the gravity and severity of the attack and apologised on behalf of the JNA for Mladić's actions.[8599] According to Bošković, Mladić had been acting independently of the JNA, as Bošković personally, and the Serbian leadership, had attempted to prevent this attack.[8600] Bošković added that Mladić was no longer a member of the JNA and would not respond to their orders.[8601] Around 1 p.m., Minister Đoko and two other representatives of the Bosnia-Herzegovina government joined the meeting and played an audiotape of a radio intercept of the Serb territorial command from the previous night.[8602] Čađo translated Mladić's words from Bosnian into English.[8603] On the tape, Mladić personally directed the attack, including selecting targets (the Presidency, the town hall, police headquarters, and the children's embassy) and directing fire away from Serb-populated areas.[8604] Mladić also determined the calibre of fire to be used and ordered fire at his command, meaning Serb forces could fire only on his say-so.[8605] The JNA representatives at the meeting, including General Bošković and Colonel Čađo, recognized Mladić's voice on the tape.[8606]

2021. On 30 May 1992, the witness met with General Mladić and Plavšić at the Lukavica barracks to convey the UN Secretary-General's appeal to Mladić to cease the shelling of Sarajevo.[8607] Mladić responded that he shared the Secretary-General's

[8596] John Wilson, T. 3986.
[8597] P320 (John Wilson, witness statement, 26 March 2009), para. 76; John Wilson, T. 3913-3914, 3971; P329 (Record of conversation with Bosnia-Herzegovina and JNA delegations, 29 May 1992).
[8598] P320 (John Wilson, witness statement, 26 March 2009), para. 76; P329 (Record of conversation with Bosnia-Herzegovina and JNA delegations, 29 May 1992), p. 1.
[8599] John Wilson, T. 3971, 3973.
[8600] P320 (John Wilson, witness statement, 26 March 2009), para. 76; John Wilson, T. 3971; P329 (Record of conversation with Bosnia-Herzegovina and JNA delegations, 29 May 1992), pp. 1-2.
[8601] P320 (John Wilson, witness statement, 26 March 2009), para. 76; P329 (Record of conversation with Bosnia-Herzegovina and JNA delegations, 29 May 1992), p. 2.
[8602] P320 (John Wilson, witness statement, 26 March 2009), paras 76, 126; John Wilson, T. 3972; P329 (Record of conversation with Bosnia-Herzegovina and JNA delegations, 29 May 1992), p. 2.
[8603] John Wilson, T. 3972-3973.
[8604] P320 (John Wilson, witness statement, 26 March 2009), paras 76, 126; John Wilson, T. 3972, 3978; P329 (Record of conversation with Bosnia-Herzegovina and JNA delegations, 29 May 1992), p. 2.
[8605] John Wilson, T. 3972.
[8606] P320 (John Wilson, witness statement, 26 March 2009), paras 76, 126; John Wilson, T. 3972, 3983-3984, 3986; P329 (Record of conversation with Bosnia-Herzegovina and JNA delegations, 29 May 1992), p. 2.
[8607] P320 (John Wilson, witness statement, 26 March 2009), para. 77; John Wilson, T. 3938, 3984-3985; P331 (UN Secretary-General appeal to cease bombardment of Sarajevo press release, 30 May 1992);

concerns for Sarajevo, but that the Maršal Tito Barracks was under continuous fire from Presidency forces.[8608] Mladić stated that he was not aware of President Karadžić's offer to withdraw all heavy weapons from Sarajevo, but that he would abide by any agreement the government made.[8609] The witness and Mladić also discussed the heavy shelling of 28 May 1992 and Mladić accepted that he was responsible for the attack, but stated that he was acting in response to provocations and was simply defending the Serb people and neighbourhoods in Sarajevo from Presidency forces.[8610] According to the witness, Mladić regularly stated that the shelling of Sarajevo had the purpose of defending Serbs or responding to attacks.[8611] On the same day, General Philippe Morillon met President Slobodan Milošević and asked him to use his influence to have Mladić stop the bombardment of Sarajevo.[8612] Milošević responded that he disagreed with Mladić's actions completely and had done his utmost to persuade Mladić to cease the unjustified bombardment of the civilian population of Sarajevo, including by trying to contact Karadžić.[8613] Milošević added that General Panić had told him that the Serb side had even fired at a JNA convoy, killing one soldier, and that he considered Mladić 'totally crazy'.[8614] Later that day, General Morillon met with Karadžić and Koljević.[8615] Karadžić told Morillon that the Serb parts of the city were attacked nightly by the Green Berets. According to Karadžić, the Serb forces were inexperienced and self-organized and as a result, had overreacted to attacks. Mladić did not have all Serb forces under his command but was trying to bring them under control.[8616] Karadžić agreed to travel to Sarajevo to contact Mladić and stop the bombardment.[8617] Later that day, Karadžić's assistant informed General Morillon that Mladić had spoken to Karadžić by phone and

P332 (Record of meeting between Colonel Wilson and Mladić, 30 May 1992), p. 1; P341 (UNPROFOR special incident report, 30 May 1992).

[8608] P332 (Record of meeting between Colonel Wilson and Mladić, 30 May 1992), p. 1.

[8609] P320 (John Wilson, witness statement, 26 March 2009), para. 78; P332 (Record of meeting between Colonel Wilson and Mladić, 30 May 1992), p. 2.

[8610] John Wilson, T. 3938, 3985.

[8611] P320 (John Wilson, witness statement, 26 March 2009), paras 55, 126.

[8612] P320 (John Wilson, witness statement, 26 March 2009), paras 79, 81; John Wilson, T. 3988; P333 (UNPROFOR report on meeting with President Milošević, 30 May 1992), p. 1.

[8613] P320 (John Wilson, witness statement, 26 March 2009), paras 79, 81; John Wilson, T. 3988; P333 (UNPROFOR report on meeting with President Milošević, 30 May 1992), p. 1.

[8614] P333 (UNPROFOR report on meeting with President Milošević, 30 May 1992), p. 2.

[8615] P320 (John Wilson, witness statement, 26 March 2009), paras 80-81; P342 (UNPROFOR report on meeting with Karadžić, 30 May 1992).

[8616] P320 (John Wilson, witness statement, 26 March 2009), paras 80-81; P342 (UNPROFOR report on meeting with Karadžić, 30 May 1992), p. 1.

[8617] P320 (John Wilson, witness statement, 26 March 2009), paras 80-81; P342 (UNPROFOR report on meeting with Karadžić, 30 May 1992), p. 2.

had indicated that the bombardment would stop.[8618] The Trial Chamber also recalls evidence of Witness RM-511 set out in chapter 9.4.2.

2022. Based on the foregoing, and recalling its finding in chapter 3.1.4 that Mladić was the commander of the VRS Main Staff, the Trial Chamber finds that members of the SRK fired artillery, rockets, and mortars against Sarajevo from 5 p.m. on 28 May 1992 until early the next morning, following an order from Mladić. Rounds of all calibres, including rocket-launchers, impacted throughout the city with a concentration on the old town. Mladić personally directed the attack, including selecting targets such as the Presidency, the town hall, police headquarters, and the children's embassy and directing the fire away from Serb-populated areas. Witness RM-115 was seriously injured at the State hospital in the Marin Dvor neighbourhood, when shrapnel came through a window and hit her. A flag with the Red Cross emblem was placed on the south side of the building facing Vrace Hill and Trebević which, could be seen from 500 metres away. No armed ABiH soldiers or security guards were inside the hospital, and there were no military-related facilities in the hospital's vicinity. Shells also hit the predominantly Muslim residential area of Širokača. In her home in Širokača, the then 16-year-old Fadila Tarčin sustained a broken foot and a leg injury due to an explosion. The shell had also caused extensive damage to three houses, across the road from Tarčin's home. The closest military position was the military barracks at Bistrik about 1.5 kilometres away. The Trial Chamber will further consider this incident in relation to Counts 9 and 10 of the Indictment in chapter 8, below.

2023. With regard to Mladić's role in this incident, the Trial Chamber will consider this further in chapter 9.

5.3.2 Schedule G.2

2024. According to the Indictment, the Accused is responsible for carrying out a massive bombardment of Sarajevo, with a variety of artillery fired from positions all around the city from on or about 6 June 1992. Civilian targets were damaged and destroyed and a number of civilians were killed and wounded.[8619] The Trial Chamber

[8618] P320 (John Wilson, witness statement, 26 March 2009), paras 80-81; P342 (UNPROFOR report on meeting with Karadžić, 30 May 1992), p. 3.
[8619] Indictment, paras 11-12, 64, 76, 81, Schedule G.2. The language of the Indictment suggests that the temporal scope of Scheduled Incident G.2 extends from on or about 6 June 1992 until November 1995.

received evidence with regard to two specific incidents covered by Schedule G.2 of the Indictment and will consider it below. The Defence argued that (i) the evidence presented by the Prosecution, and in particular the evidence of Fahra Mujanović and Ziba Avdić, is vague, (ii) the SRK could not be responsible for these incidents as during the timeframe of this alleged bombardment, it was under strict order to restrict its use of fire and to focus on the fortification of its positions,[8620] and (iii) the evidence establishes that the SRK is not responsible for the incident of 9 June 1992 due to the fact that Vogošća was subject to consistent fighting between the warring sides and that both the ABiH and the SRK held important positions in the area with a good view of the surrounding area.[8621]

Incident of 6 June 1992

2025. With regard to the alleged shelling of Sarajevo on 6 June 1992, the Trial Chamber received evidence from **Fatima Palavra**, a Bosnian Muslim from Sarajevo who was 14 years old in 1992;[8622] **Ziba Avdić** and **Zilha Granilo**, both Bosnian Muslims from Sarajevo;[8623] as well as documentary evidence.

2026. **Fatima Palavra** stated that on 6 June 1992, she was living in an apartment in the *Papagajka* building on H. Kreševljakovića Street, which housed refugees at that time.[8624] While having breakfast with four family members in the apartment, she saw what appeared to be a very bright shining light followed by a shell exploding.[8625] The next thing she remembered was waking up in Koševo Hospital.[8626] The witness sustained injuries to her right leg and right temple, and she was discharged from the hospital on 9 June 1992.[8627] Fatima's mother, Ismeta Bećirović, a Bosnian-Muslim from

However, the Trial Chamber also considered the language used in the description of Scheduled Incident G.2, the structure of Schedule G in general, and the parties' submissions on this incident's temporal scope, and concludes that Scheduled Incident G.2 covers the alleged shelling which started on or about 6 June 1992 and concluded soon thereafter.

[8620] Defence Final Brief, paras 1915-1916, 1918-1922.

[8621] Defence Final Brief, paras 1918, 1921-1922.

[8622] P1946 (Fatima Palavra, witness statement, 30 October 2008), p. 1, paras 2-3; P1947 (Fatima Palavra, official note of 23 June 2000, with medical documentation), p. 1.

[8623] **Ziba Avdić:** P380 (Ziba Avdić, witness statement, 31 October 2008), p. 1, para. 1. **Zilha Granilo:** P386 (Zilha Granilo, witness statement, 30 October 2008), p. 1, para. 1.

[8624] P1946 (Fatima Palavra, witness statement, 30 October 2008), paras 2-4; P1947 (Fatima Palavra, official note of 23 June 2000, with medical documentation), p. 1.

[8625] P1946 (Fatima Palavra, witness statement, 30 October 2008), paras 5-7.

[8626] P1946 (Fatima Palavra, witness statement, 30 October 2008), para. 7.

[8627] P1946 (Fatima Palavra, witness statement, 30 October 2008), para. 8; P1947 (Fatima Palavra, official note of 23 June 2000, with medical documentation), pp. 1-3.

Sarajevo, and other three family members present at the apartment during the explosion, were also brought to the hospital with injuries and discharged within a few days.[8628] The witness's uncle informed her that his partner died as a result of the explosion.[8629] The apartment was completely destroyed.[8630] **Ziba Avdić** stated that her residential neighbourhood on Koševo Hill was shelled on 6 June 1992 from 8 until 11 a.m., and again during the evening.[8631] The witness thought that the shells were coming from the direction of Poljine based on 'the sounds the shells made and the direction they seemed to travel'.[8632] She sought shelter in the basement of her apartment building at Mitra Trifunovića Uče number 65.[8633] The witness's apartment building was located within a residential area of other apartment buildings with no barracks, police stations, or factories nearby.[8634] The witness could see in the direction of Poljine from her building.[8635]

2027. **Zilha Granilo** stated that on 6 June 1992, she heard shells flying through the air and it appeared to her as though all of Sarajevo was being shelled very heavily.[8636] She lived on Bjelave Street in a residential area without factories or military facilities. There was a one-room police office in the area.[8637] Between 4 and 5 p.m., because of heavy shelling nearby, she decided to take shelter in the basement of a nearby bank building.[8638] As she left her house, a shell fell on her neighbour's shed some 10 to 15 metres away, and the blast threw her two to three metres.[8639] As she had shrapnel in her leg and back and suffered a small puncture to her neck, her neighbour took her to hospital.[8640] While being treated, she saw a badly wounded or dead person, covered in

[8628] P1946 (Fatima Palavra, witness statement, 30 October 2008), para. 10; P1947 (Fatima Palavra, official note of 23 June 2000, with medical documentation), pp. 1-7.
[8629] P1946 (Fatima Palavra, witness statement, 30 October 2008), paras 5, 10. *See* P1947 (Fatima Palavra, official note of 23 June 2000, with medical documentation), p. 8.
[8630] P1946 (Fatima Palavra, witness statement, 30 October 2008), para. 11.
[8631] P380 (Ziba Avdić, witness statement, 31 October 2008), paras 1, 3-4.
[8632] P380 (Ziba Avdić, witness statement, 31 October 2008), para. 3.
[8633] P380 (Ziba Avdić, witness statement, 31 October 2008), paras 1, 3. The Trial Chamber notes the Defence submission that 'it is unlikely that the witness was able to see the direction of any shelling when she was in the basement', Defence Final Brief, para. 1919. However, the Trial Chamber understands from Avdić's statement that she sought shelter in the basement after the shelling had commenced and that she observed the shells' direction of travel before she entered the basement.
[8634] P380 (Ziba Avdić, witness statement, 31 October 2008), para. 1.
[8635] P380 (Ziba Avdić, witness statement, 31 October 2008), para. 4.
[8636] P386 (Zilha Granilo, witness statement, 30 October 2008), para. 3.
[8637] P386 (Zilha Granilo, witness statement, 30 October 2008), para. 2.
[8638] P386 (Zilha Granilo, witness statement, 30 October 2008), paras 3-4.
[8639] P386 (Zilha Granilo, witness statement, 30 October 2008), para. 4.
[8640] P386 (Zilha Granilo, witness statement, 30 October 2008), para. 5.

blood, being brought into the hospital. She was unable to recognize the individual.[8641] When she returned home, she realized that her daughter, Jasna Zeničanin-Granilo, who had joined the police at the beginning of the war, had not come home.[8642] She later learned that her daughter had been killed in a shelling incident on Breka Street in Sarajevo, and that her daughter was the person she had seen in the hospital earlier that day.[8643] As a result of continued heavy shelling and shooting, the witness was not able to bury her daughter until six days later. She buried her daughter at night to avoid being targeted.[8644]

2028. **Ziba Avdić** stated that the shelling recommenced in the evening with illuminating rockets coming from the direction of Poljine.[8645] Two shells landed near her building, setting her car and camping caravan on fire.[8646] The witness's husband, Muhamed Avdić, a retired Bosnian-Muslim mechanic with no police or military affiliation, attempted to extinguish the fire with the assistance of Abdulah Fetahović, Osman Kapetanović, Ivan Onešćuk, and Hašim.[8647] At 9:30 p.m., a shell landed near the entrance of the building, and Fetahović was thrown into a tree.[8648] The witness's husband was severely injured.[8649] According to a Centar SJB Sarajevo official note dated 18 January 1996, the witness reported that Muhamed Avdić was wounded in front of the entrance of a house on Mitra Trifunovića Uče Street number 65 as a result of the explosion of a 120-millimetre shell fired by 'the aggressor' from the direction of Poljine.[8650] A TO member living in the building notified the TO.[8651] When the TO arrived, the witness saw them take her husband to hospital, where he died at 11 p.m.[8652]

[8641] P386 (Zilha Granilo, witness statement, 30 October 2008), para. 6. *See also* P6480 (Centar Sarajevo SJB official note regarding the incident of 6 June 1992).
[8642] P386 (Zilha Granilo, witness statement, 30 October 2008), paras 6-7.
[8643] P386 (Zilha Granilo, witness statement, 30 October 2008), paras 1, 6. *See also* P6480 (Centar Sarajevo SJB official note regarding the incident of 6 June 1992); P6479 (Death certificate of Jasna Zeničanin, 16 June 1993), p. 1.
[8644] P386 (Zilha Granilo, witness statement, 30 October 2008), para. 6.
[8645] P380 (Ziba Avdić, witness statement, 31 October 2008), para. 4.
[8646] P380 (Ziba Avdić, witness statement, 31 October 2008), para. 5.
[8647] P380 (Ziba Avdić, witness statement, 31 October 2008), paras 2, 6.
[8648] P380 (Ziba Avdić, witness statement, 31 October 2008), para. 7.
[8649] P380 (Ziba Avdić, witness statement, 31 October 2008), para. 7. *See also* P4889 (Documentation regarding the shelling incident from on or about 6 June 1992), p. 6.
[8650] P4889 (Documentation regarding the shelling incident from on or about 6 June 1992), p. 5.
[8651] P380 (Ziba Avdić, witness statement, 31 October 2008), para. 8.
[8652] P380 (Ziba Avdić, witness statement, 31 October 2008), paras 7-8. *See also* P4889 (Documentation regarding the shelling incident from on or about 6 June 1992), pp. 6-7.

Only Onešćuk and Hašim survived.[8653] The remaining corpses at the entrance were collected the following day.[8654]

2029. According to an official note from the Agency for Investigation and Documentation of Bosnia-Herzegovina Sarajevo Sector dated 26 June 2000, Mejra Fetahović and Ziba Avdić reported that Abdulah Fetahović, Muhamed Advić, and Osman Kapetanović were killed on 6 June 1992 on Mitra Trifunovića Uče Street as a result of the explosion of a shell fired from the direction of positions held by 'Serbian' military forces. They also reported that Ivan Oruščuk and a man named Hašim had been wounded by the same shell.[8655] According to an ABiH certificate dated 20 December 1994 and issued for the purposes of regulating entitlements, Abdulah Fetahović, a member of the ABiH 105th Motorised Brigade, died on 6 June 1992.[8656]

2030. Based on the foregoing, the Trial Chamber finds that on 6 June 1992, shells landed and exploded in Sarajevo on the *Papagajka* building on H. Kreševljakoviča Street, on the yard of a house on Bjelave Street, and near an apartment building on Mitra Trifumovića Street number 65. As a result of the shelling, four people were killed, and five others were wounded, including two children. Among the casualties, four were Bosnian Muslims and one was a member of the ABiH. The explosions also set a car and a camping van on fire. With regard to the first two incidents, the Trial Chamber has not received evidence on the origin of fire or the identity or affiliation of the perpetrators. With regard to the third incident, the Trial Chamber has received evidence from Mejra Fetahović and Ziba Avdić that the shells were fired from the direction of positions held by 'Serbian' military forces in Poljine. Fetahović did not provide any basis of knowledge for this information, whereas Avdić's source of knowledge is that her building faced toward the north, so she could see the direction of Poljine. The Trial Chamber considers this information to be imprecise and does not find it reliable to establish the origin of fire. Under these circumstances, the Trial Chamber is unable to establish the identity or affiliation of the perpetrator(s) of the above incidents and will not further consider them in relation to any count of the Indictment.

2031. The Trial Chamber has received further evidence that one woman was killed by a shell landing on Breka Street in Sarajevo, on 6 June 1992. The Trial Chamber did not

[8653] P380 (Ziba Avdić, witness statement, 31 October 2008), para. 7.
[8654] P380 (Ziba Avdić, witness statement, 31 October 2008), para. 8.
[8655] P4889 (Documentation regarding the shelling incident from on or about 6 June 1992), p. 8.
[8656] P4889 (Documentation regarding the shelling incident from on or about 6 June 1992), p. 4.

receive any evidence regarding the origin of fire or the identity or affiliation of the perpetrators of this shelling. Therefore, the Trial Chamber will not further consider this incident in relation to any count of the Indictment.

Incident of 9 June 1992

2032. With regard to the alleged shelling of Sarajevo on 9 June 1992, the Trial Chamber received evidence from **Fahra Mujanović**, a Bosnian Muslim who lived with her family at Barica 89 in Vogošća in the suburbs of Sarajevo;[8657] **Dragan Maletić**, a Bosnian-Serb Commander of the 1st Romanija Corps in Sarajevo;[8658] **Stevan Veljović**, Assistant Chief of Staff for Operations and Training of the 1st Romanija Brigade from 19 May 1992 until December 1994;[8659] and **Aernout van Lynden**, a Sky News journalist covering the conflict in the former Yugoslavia from Sarajevo, Pale, and Central Bosnia from May 1992 until 1995.[8660]

2033. **Fahra Mujanović** testified that her house in Barica, a Muslim and Serb settlement, was located in a valley between the Žuč and Poljine hills.[8661] In April 1992, Bosnian-Serb military positions, including commanding positions, were established on the hills around the settlement in the area of Žuč, Krivoglavci, Kromolj, Vogošća, Poljine and Tihovići. According to the witness, shelling from these positions was constant since April 1992 and occurred most days.[8662] **Dragan Maletić** testified that the VRS Vogošća Brigade initially held a position on Žuč Hill, which was later taken over by the ABiH.[8663] **Aernout van Lynden** testified that at the end of 1992, the ABiH recaptured Žuč hill.[8664] **Stevan Veljović** testified that the ABiH fired shells, *inter alia*, from Žuč.[8665] **Mujanović** testified that around 9 June 1992, she went outside to play with her four-year-old son, as the sky had cleared.[8666] Suddenly, a shell hit the ground and its tail hit the façade of the house, about one metre away from her.[8667] The impact of

[8657] P387 (Fahra Mujanović, witness statement, 5 November 2008), p. 1, paras 1-2, 4.
[8658] D482 (Witness Statement, Dragan Maletić, 10 May 2014), p. 1, 3; Dragan Maletić; T. 21741.
[8659] D533 (Stevan Veljović, witness statement, 10 May 2014), para. 13.
[8660] P66 (Aernout van Lynden, witness statement, 16 March 2010), paras 5, 10-11, 17, 27, 38, 40-43; Aernout van Lynden, T. 1343.
[8661] P387 (Fahra Mujanović, witness statement, 5 November 2008), para. 4.
[8662] P387 (Fahra Mujanović, witness statement, 5 November 2008), para. 6.
[8663] D482 (Dragan Maletić, witness statement, 10 May 2014) para. 13.
[8664] P66 (Aernout van Lynden, witness statement, 16 March 2010), para. 144.
[8665] D532 (Stevan Veljović, witness statement, 19 October 2012) para. 27.
[8666] P387 (Fahra Mujanović, witness statement, 5 November 2008), paras 8, 12.
[8667] P387 (Fahra Mujanović, witness statement, 5 November 2008), paras 8-9.

the explosion threw the witness several feet across the yard. Shrapnel from an 82-millimetre mortar shell injured the witness in her legs, left arm, back, chest, and head; she was bleeding heavily. Because the shelling continued, it took about an hour until anyone was able to help her.[8668] A young man finally took the witness to Koševo Hospital in a private car, which was hit by sniper fire on the way.[8669] She was operated on, but several pieces of shrapnel remained in her body.[8670] On that day, around 150 people injured in the shelling in Sarajevo were admitted to the hospital.[8671] The witness was discharged from the hospital on 21 July 1992, but was unable to stay at her house due to the trauma that she experienced at the sounds of impending shellfire.[8672] When the witness and her family returned to Vogošća five years after the attack, their house had been destroyed.[8673] The witness still suffers from constant pain and headaches related to her injuries.[8674]

2034. Based on the foregoing, the Trial Chamber finds that around 9 June 1992, a shell landed and exploded near a house in Vogošća in the suburbs of Sarajevo, injuring Fahra Mujanović, a Bosnian-Muslim woman who was playing outside with her four-year-old son. The Trial Chamber did not receive any evidence on the origin of fire. Accordingly, the evidence relating to the armed forces holding positions around Barica does not need not to be addressed further. The Trial Chamber also did not receive evidence on the identity or affiliation of the perpetrators. Under these circumstances, the Trial Chamber is unable to establish the identity or affiliation of the perpetrator(s) of this incident and will not further consider it in relation to any count of the Indictment.

5.3.3 Schedule G.4

2035. According to the Indictment, the Accused is responsible for firing two shells upon a crowd of approximately 200 people who were watching and participating in a football game in a parking lot bordered on three sides by residential apartment blocks and on the fourth side by the Lukavica Road in Dobrinja IIIB, a residential settlement, on 1 June 1993. Over ten people were killed and approximately 100 were wounded. The

[8668] P387 (Fahra Mujanović, witness statement, 5 November 2008), para. 9.
[8669] P387 (Fahra Mujanović, witness statement, 5 November 2008), para. 10.
[8670] P387 (Fahra Mujanović, witness statement, 5 November 2008), para. 11.
[8671] P387 (Fahra Mujanović, witness statement, 5 November 2008), para. 12.
[8672] P387 (Fahra Mujanović, witness statement, 5 November 2008), paras 12-13.
[8673] P387 (Fahra Mujanović, witness statement, 5 November 2008), paras 13-14.
[8674] P387 (Fahra Mujanović, witness statement, 5 November 2008), para. 11.

origin of fire was VRS/SRK-held territory approximately to the east-south-east.[8675] The Defence argued that (i) the shells were fired by the ABiH, and (ii) the conclusions of the three investigations, carried out by UNPROFOR, ICTY investigators, and Prosecution expert Higgs, are unreliable.[8676] The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to this incident. It further received evidence from **Mirza Sabljica**, a mechanical engineer specialised in ballistics and mechanical traces employed by the Bosnia-Herzegovina MUP's criminal forensics department in Sarajevo from June 1993 to July 1996;[8677] **Witness RM-176**, a member of the UNPROFOR troops deployed in Sarajevo from 6 January to 13 July 1993;[8678] **John Hamill**, an UNMO stationed on the Serb side of the confrontation line near Sarajevo between May and August 1993;[8679] **Nedim Gavranović**, a boy who lived in Dobrinja III in 1993;[8680] **Youssef Hajir**, a Muslim surgeon from Palestine who established the Dobrinja Hospital in Sarajevo in May 1992;[8681] **Faris Gavrankapetanović**, a Muslim doctor from Sarajevo;[8682] **Milan Mandilović**, a Serb surgeon at the Sarajevo State Hospital from May 1992 until the end of the war;[8683] **Bakir Nakaš**, a Muslim doctor from Sarajevo who worked as the general manager of the Sarajevo State Hospital throughout the war;[8684] **Fatima Zaimović**, the Bosnian-Muslim chief of nurses at the children's surgery department at Koševo Hospital in Sarajevo in 1992-1995;[8685] and **Ewa Tabeau**, a demographer and statistician,[8686] and finds that the evidence does not rebut the Adjudicated Facts.[8687] The Trial Chamber also received evidence from **Zorica Subotić**, an expert in ballistics.[8688]

[8675] Indictment, paras 15-17, 64, 76, 81, Schedule G.4.
[8676] Defence Final Brief, paras 1925-1957.
[8677] P855 (Mirza Sabljica, witness statement, 11 February 2010), pp. 1-3.
[8678] P640 (Witness RM-176, witness statement, 4 July 2000), pp. 6-7, 20; Witness RM-176, T. 6302; P639 (Pseudonym sheet for Witness RM-176).
[8679] P537 (John Hamill, *Galić* transcript, 25 March 2002), p. 6060.
[8680] P3102 (Nedim Gavranović, *Galić* transcript, 5 April 2002) pp. 6711, 6721.
[8681] P2616 (Youssef Hajir, witness statement, 25 February 2010), p. 1, paras 1-2.
[8682] P2611 (Faris Gavrankapetanović, witness statements), witness statement of 11 October 2001, p. 1, witness statement of 13 December 2001, p. 1, witness statement of 11 January 2002, p. 1.
[8683] P679 (Milan Mandilović, witness statement, 24 February 2010), p. 1, paras 1, 4-6, 84; P680 (Milan Mandilović, corrections to witness statement dated 24 February 2010, 9 January 2013), p. 1.
[8684] P941 (Bakir Nakaš, witness statement, 8 September 2010), p. 1, paras 1, 10; Bakir Nakaš, T. 8601.
[8685] P2620 (Fatima Zaimović, witness statement, 26 February 2010), p. 1, para. 1.
[8686] Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).
[8687] **Mirza Sabljica:** P855 (Mirza Sabljica, witness statement, 11 February 2010), pp. 18-19; Mirza Sabljica, T. 8074, 8078, 8083, 8091; P872 (MUP report, 24 November 1995). **Witness RM-176:** P640 (Witness RM-176, witness statement, 4 July 2000); Witness RM-176, T. 6323-6324, 6398, 6404-6405, 6431-6437; P644 (Excerpts from UNPROFOR investigating report, 1 June 1993). **John Hamill:** P537 (John Hamill, *Galić* transcript, 25 March 2002); D104 (Investigator notes re John Hamill, 18 September 2001); John Hamill, T. 5506. **Youssef Hajir:** P2616 (Youssef Hajir, witness statement, 25 February

2036. On 1 June 1993, an explosion in Dobrinja killed over ten people and injured approximately 100 others.[8689] Some residents of Dobrinja had decided to organize a football tournament in the community of Dobrinja IIIB.[8690] It was a beautiful, sunny day.[8691] Being aware of the danger of organising such an event, the residents looked for a safe place to hold the tournament.[8692] Children aged between 10 and 15 years positioned themselves next to some old cars, damaged by previous shelling, that had been overturned and placed around the football pitch to mark the field.[8693] The football pitch was set up in the corner of a parking lot, which was bounded by six-storey apartment blocks on three sides and on the fourth side, which faced the north, by Mojmilo hill, and was not visible from any point on the SRK-side of the confrontation line.[8694] Around 200 spectators, among whom were women and children, gathered to watch the teams play.[8695] The first match of the tournament began at around 9 a.m., and the second one started an hour later.[8696] Some minutes after 10 a.m., during the second match, two shells exploded at the parking lot.[8697]

2037. Ismet Fažlić, a member of the civil defence, was the referee of the second game.[8698] About 10-20 minutes into that game, as they carried out a penalty kick, the

2010); P2617 (Youssef Hajir, *Karadžić* transcript, 1 November 2010). **Faris Gavrankapetanović:** P2611 (Faris Gavrankapetanović, witness statements), witness statement of 11 January 2002; P2612 (Faris Gavrankapetanović, *Galić* transcript, 30 July 2002), pp. 12603-12604, 12630-12632; P2613 (Protocol book from the morgue at Koševo Hospital). **Nedim Gavranović:** P3102 (Nedim Gavranović, *Galić* transcript, 5 April 2002) pp. 6711-6718, 6721, 6723-6724, 6726-6727, 6730. **Ewa Tabeau:** P2793 (Ewa Tabeau, table of corrections to proof of death expert report and annex, 7 November 2013), pp. 8-9; P2797 (Ewa Tabeau, annex to proof of death expert report), pp. 619-621. **Milan Mandilović:** P961 (Medical Documentation concerning victims of the shelling of Dobrinja on 1 June 1993), pp. 1-6; P679 (Milan Mandilović, witness statement, 24 February 2010), p. 1, paras 1, 4-6, 27, 84; P680 (Milan Mandilović, corrections to witness statement dated 24 February 2010, 9 January 2013), p. 1; P681 (Milan Mandilović, table of concordance to 2010 witness statement, 12 December 2012), p. 4; P715 (Medical documentation from the State Hospital in Sarajevo regarding patients Amir Hasagić, Ismet Fazlić, Smail Celebić, Nedim Sandal, Zejna Zečić, Muamer Mrdić, Igor Skopljak, and Ferid Nuzaći), pp. 1-2. **Bakir Nakas:** P970 (List of wounded treated at the University Hospital in Sarajevo and at the Dobrinja General Hospital on 1 June 1993), pp. 1-2, 8-9, 12-14, 16-17; P971 (Medical Report and Death Certificates of victims of the shelling of Dobrinja on 1 June 1993), p. 1. **Fatima Zaimović**: P2621 (Fatima Zaimović, *Karadžić* transcript, 5 May 2010), pp. 1875-1878; P2622 (Diary extracts concerning experiences of Fatima Zaimović while nursing at the Koševo children's ward, Sarajevo), p. 12.

[8688] D2117 (Zorica Subotić and Mile Poparić, Expert report on mortar attacks on the Sarajevo area in 1992-1995, 25 April 2014), pp. 2-24.

[8689] Adjudicated Facts III, no. 2385.

[8690] Adjudicated Facts III, no. 2364.

[8691] Adjudicated Facts III, no. 2365.

[8692] Adjudicated Facts III, no. 2366.

[8693] Adjudicated Facts III, no. 2367.

[8694] Adjudicated Facts III, nos 2368, 2406.

[8695] Adjudicated Facts III, no. 2370.

[8696] Adjudicated Facts III, no. 2371.

[8697] Adjudicated Facts III, no. 2372.

[8698] Adjudicated Facts III, no. 2373.

first shell landed among the players in the centre of the pitch.[8699] Fažlić was hit by shrapnel and sustained serious injuries in both legs as well as in other parts of his body.[8700] There were eleven young men on the ground, eight of whom died on the spot.[8701] Omer Hadžiabdić, who was 15 years old at the time, was watching the match from the overturned cars when the first shell struck the football pitch.[8702] He was wounded by shrapnel in his leg.[8703] Nedim Gavranović, who was 12 years old at the time, was standing behind one of the goals when he heard the first explosion and felt a very strong blow.[8704] He sustained an entry and exit wound in his right lower leg caused by shrapnel.[8705] Within seconds of the first shell, a second shell landed at almost the same spot in Dobrinja IIIB.[8706] It fell in front of a young man and tore his leg off.[8707] There were many wounded people on the ground.[8708]

2038. The shells that hit the football pitch in Dobrinja were of a calibre of at least 81-82 millimetres and originated from the direction east-south-east, within SRK-held territory.[8709] The distance from the site of the event to the confrontation lines in the direction of the origin of fire was approximately 300 metres.[8710] There was a nuclear shelter of the Dobrinja IIIB community, located approximately 100 metres away from the parking lot behind a block of flats.[8711] Only two shells were fired, they fell in quick succession and landed at almost the same spot on the parking lot; the second shell did not land any closer to the nuclear shelter.[8712] The trench system was not the intended target of the attack, considering the pattern of the firing and that the second shell fired did not fall any closer to the location of the trenches.[8713] There were ABiH soldiers present at the parking lot, who were off-duty, unarmed, and not engaged in any military activity.[8714] **Nedim Gavranović** specified that about 20-30 per cent of the spectators

[8699] Adjudicated Facts III, no. 2374.
[8700] Adjudicated Facts III, no. 2375.
[8701] Adjudicated Facts III, no. 2376.
[8702] Adjudicated Facts III, no. 2377.
[8703] Adjudicated Facts III, no. 2378.
[8704] Adjudicated Facts III, no. 2379.
[8705] Adjudicated Facts III, no. 2380.
[8706] Adjudicated Facts III, no. 2381.
[8707] Adjudicated Facts III, no. 2382.
[8708] Adjudicated Facts III, no. 2383.
[8709] Adjudicated Facts III, nos 2386, 2391.
[8710] Adjudicated Facts III, no. 2389.
[8711] Adjudicated Facts III, no. 2396.
[8712] Adjudicated Facts III, no. 2397.
[8713] Adjudicated Facts III, no. 2399.
[8714] Adjudicated Facts III, no. 2401.

wore uniforms.[8715] The crowd was carrying out a civilian activity, i.e. playing football.[8716]

2039. The evidence of Zorica Subotić is in stark contrast to the Adjudicated Facts. In relation to her evidence on the location of the football match, the witness fails to plausibly explain why the match would have considered FIFA rules on the size of the pitch. The suggestion that because the location of the pitch must be wrong because *inter alia* the size of the pitch did not conform with FIFA rules is simply absurd and is premised on the assumption that FIFA rules were considered by the organisers of the match. In relation to her evidence on the imprint of the second shell, the witness is unclear on why she established that the imprint was only discovered in 2001 and even if that was the case, how such discovery would indicate that the shell could not have been fired prior to 1995. In relation to her evidence on the perpetrators, the Trial Chamber observes that the witness partly based her very specific calculations on *photographs* and interspersed such calculations with apparent knowledge of VRS positions and strategically secure mortar positions, something which is outside the witness's expertise.[8717] Furthermore, the witness's arguments on the line of sight fail to recognise that shelling, unlike sniping, does not require a line of sight between perpetrators and target. Based on all of this, the Trial Chamber finds that Subotić's evidence in relation to this incident is not sufficiently reliable to rebut the Adjudicated Facts.

2040. In relation to the Defence's argument about the reliability of the conclusions of the three investigations, the Trial Chamber recalls that in relation to this incident it relied on the unrebutted Adjudicated Facts, and not the evidence challenged by the Defence. Under these circumstances, the Trial Chamber will not further consider this Defence submission.

2041. Based on the foregoing, the Trial Chamber finds that on 1 June 1993, two mortar shells were fired from SRK-held territory at a make-shift football pitch at a parking lot where a football tournament with around 200 spectators was held in the community of Dobrinja IIIB. The Trial Chamber finds that the shells were fired by members of the

[8715] P3102 (Nedim Gavranović, *Galić* transcript, 5 April 2002), pp. 6712-6713, 6715-6718, 6723, 6726-6727, 6730.
[8716] Adjudicated Facts III, no. 2402.
[8717] For example, in D2117, para. 46, Subotić draws significant conclusions about the accuracy of the investigators' determination of the azimuth based on the apparently incorrect placement of the magnetic compass. However, the photograph is too unclear to draw any such conclusions. In D2117, para. 45,

SRK[8718], killed over 10 people, and injured approximately 100 others, including children and a member of the civil defence.[8719] There were around 40-60 ABiH soldiers in uniform present at the parking lot, who were off-duty, unarmed, and not engaged in any military activity. There were also women and children. The two shells fell in quick succession, landed at almost the same spot, and were not fired at a nuclear shelter about 100 metres from the parking lot or a nearby trench system. The Trial Chamber will further consider this incident in relation to Counts 5, 6, 9, and 10 in chapter 8, below.

5.3.4 Schedule G.6

2042. According to the Indictment, the Accused is responsible for firing three mortar shells, which landed in the area of Alipašino Polje: the first in a park behind, and the second and third in front of residential apartment buildings at 3 Geteova Street (previously Cetijska Street) and at 4 Bosanska Street (previously Klara Cetkin Street), where children were playing, on 22 January 1994. Six children were killed and five people were wounded. The origin of the fire was from VRS/SRK-held territory approximately to the west.[8720] The Defence argued that the shells were not fired from SRK-held territory and challenges the accuracy of the investigations.[8721] The Trial Chamber took judicial notice of Adjudicated Facts with regard to this incident. Further, it received evidence from **Muhamed Kapetanović**, a Bosnian Muslim from Alipašino Polje Sarajevo who was nine years old in January 1994;[8722] **Refik Aganović**, a Bosnian Muslim living in Alipašino Polje Sarajevo in 1994;[8723] **Witness RM-172**, a Bosnian Muslim from Sarajevo;[8724] **Mirza Sabljica**, a mechanical engineer specialised in

Subotić makes assumptions about which locations would have been sufficiently secure to fire a mortar from.

[8718] The Trial Chamber considers the Defence's argument about evidence that no shots were fired from the Lima 5A position irrelevant, considering that neither the Indictment nor the Adjudicated Facts identify this position as the origin of fire. Furthermore, the Defence cites to no evidence when it puts forth the submission that there were no other SRK firing positions along the projected bearing, *see* Defence Final Brief, para. 1928. Lastly, the Defence fails to point to clear evidence which would support its theory that the shot originated from ABiH positions, which accordingly remains pure speculation.

[8719] The Trial Chamber refers to its further considerations with regard to this conclusion, as set out in its factual finding on Scheduled Incident F.5 in chapter 5.2.4.

[8720] Indictment, paras 15-17, 64, 76, 81, Schedule G.6.

[8721] Defence Final Brief, paras 1959-1973.

[8722] P415 (Muhamed Kapetanović, witness statement, 12 February 2000), p. 1, para. 1; Muhamed Kapetanović, T. 4265-4266, 4269.

[8723] P1940 (Refik Aganović, witness statement, 28 February 1996), pp. 1-2; P1941 (Refik Aganović, *Galić* transcript, 24 April 2002), pp. 7716-7717.

[8724] P2465 (Witness RM-172, witness statements), witness statement of 22 November 1995, p. 1, Bosnia-Herzegovina statement, p. 1; P2467 (Medical Record, 17 October 1994).

ballistics and mechanical traces employed by the Bosnia-Herzegovina MUP's criminal forensics department in Sarajevo from June 1993 to July 1996;[8725] **Francis Thomas**, the UN Senior Military Observer in Sarajevo between 15 October 1993 and 14 July 1994;[8726] **Milan Mandilović**, a Serbian surgeon at the Sarajevo State Hospital from May 1992 until the end of the war;[8727] **Fatima Zaimović**, the Bosnian-Muslim chief of nurses at the children's surgery department at Koševo Hospital in Sarajevo in 1992-1995;[8728] and **Ewa Tabeau**, a demographer and statistician;[8729] as well as documentary evidence, and finds that this evidence does not rebut the Adjudicated Facts.[8730] The Trial Chamber also received evidence from **Mile Sladoje**, a member of the 1st Battalion of the Ilidža Brigade as of April 1992,[8731] and finds that this evidence is partially consistent with the Adjudicated Facts.[8732] The Trial Chamber will further address the evidence of Sladoje below. Lastly, the Trial Chamber received evidence from **Vladimir Radojčić**, the commander of the VRS Ilidža Brigade between January 1993 and the end of the war;[8733] and **Zorica Subotić**, an expert in ballistics.[8734]

[8725] P855 (Mirza Sabljica, witness statement, 11 February 2010), pp. 1-3.
[8726] P503 (Francis Thomas, witness statement, 15 May 2009), paras 1, 13, 82.
[8727] P679 (Milan Mandilović, witness statement, 24 February 2010), p. 1, paras 1, 4-6, 84; P680 (Milan Mandilović, corrections to witness statement dated 24 February 2010, 9 January 2013), p. 1.
[8728] P2620 (Fatima Zaimović, witness statement, 26 February 2010), p. 1, para. 1.
[8729] Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).
[8730] **Muhamed Kapetanović**: P415 (Muhamed Kapetanović, witness statement, 12 February 2000), paras 5-6, 9; Muhamed Kapetanović, T. 4267, 4272-4273; 4278-4282, 4292-4293, 4296. **Refik Aganović:** P1940 (Refik Aganović, witness statement, 28 February 1996), p. 2; P1941 (Refik Aganović, *Galić* transcript, 24 April 2002), pp. 7717-7720, 7722-7725, 7727-7728. **Witness RM-172:** P2465 (Witness RM-172, witness statements), witness statement of 22 November 1995, paras 2-5, 7, Bosnia-Herzegovina statement, p. 1; P2466 (Witness RM-172, *Galić* transcript, 22 April 2002), pp. 7664, 7666-7667, 7669-7670, 7672. **Mirza Sabljica:** P855 (Mirza Sabljica, witness statement, 11 February 2010), pp. 19-20, 25-26, 29-30; Mirza Sabljica, T. 8058, 8091, 8097, 8099. **Francis Thomas:** P503 (Francis Thomas, witness statement, 15 May 2009), para. 96 (p. 30). **Milan Mandilović:** P679 (Milan Mandilović, witness statement, 24 February 2010), p. 23 (item 2); Milan Mandilović, T. 6649-6651. **Fatima Zaimović:** P2621 (Fatima Zaimović, Karadžić transcript, 5 May 2010), pp. 1878-1879; P2622 (Diary extracts concerning experiences of Fatima Zaimović whilst nursing at the Koševo children's ward, Sarajevo), p. 21. **Ewa Tabeau:** P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 2-3, 10, 12, 30, 32-33; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 622-623. **Documentary evidence:** P416 (360 Degree Quick-time movies pertaining to shelling incidents G4, G6 and G7); P417 (Still image from video exhibit P416); P418 (Still image from video exhibit P416); P419 (Still image from video exhibit P416); P420 (Video tape containing TV Sarajevo broadcasting regarding VRS attacks on Sarajevo), p. 3; P683 (Chart listing documents reviewed by witness Milan Mandilović during proofing, dated 9 January 2013), pp. 4-5; P692 (Medical documentation from the Sarajevo University Clinic Centre regarding patient Muhamed Kapetanović), pp. 1-5; P704 (Medical documentation from the State Hospital in Sarajevo concerning Elvir and Admir Ahmetodžić, who had been injured on 22 January 1994), pp. 1-2; P865 (MUP investigation file), pp. 1-5, 7-9, 14-16; P6507 (Map with military facilities in ABiH territory additionally marked by Mile Sladoje); D82 (Aerial map of witness Muhamed Kapetanović's neighbourhood); P2467 (Medical Record, 17 October 1994); D176 (Map marked by Mirza Sabljica).
[8731] D453 (Mile Sladoje, witness statement, 10 May 2014), para. 5.
[8732] Mile Sladoje, T. 21069.
[8733] D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 1.

2043. Around noon on 22 January 1994, three mortar shells (two 82-milimetre and one 120-milimetre calibre) were fired into the residential neighbourhood of Alipašino Polje, killing six children and injuring other civilians, including children.[8735] The approximate location of the impact of the shelling on Geteova Street (in Alipašino Polje) is depicted in exhibit P1090, as agreed to by the parties.[8736] According to **Ewa Tabeau**, two of the killed victims were female and all six were under the age of 12 in 1994.[8737] A MUP investigation file specified that of the six individuals who were wounded, five were children.[8738] **Muhamed Kapetanović**, who was one of the injured, was taken to the medical centre in Dobrinja, where he received first aid, before being transported to the Koševo hospital, where he remained for one and a half months.[8739] He was taken to Italy for further treatment. He suffered several injuries and as a result he could not walk for about one year.[8740] Shrapnel went through his left hand and right cheek.[8741] He had seven operations in total.[8742] **Witness RM-172** stated that, as a result of the injuries he sustained, he was not able to eat solid food and chew, lost sensitivity in part of his face because of nerve damage, and the skin of his face became brittle and bleeds easily.[8743] Due to his injuries he was kept in the hospital for a total of five and a half months over three different occasions.[8744] **Kapetanović** testified that at the time of the attack the children were in an open area, situated next to some kind of military headquarters which was occupied by the Kulin Ban unit, bearing the insignia of the ABiH.[8745] The shelling ceased after just three volleys were fired, all of which landed wide off 'Kulin Ban' (two at a distance of at least 150 metres). 'Kulin Ban' was not the intended target of this

[8734] D2117 (Zorica Subotić and Mile Poparić, Expert report on mortar attacks on the Sarajevo area in 1992-1995, 25 April 2014), pp. 2-24.
[8735] Adjudicated Facts III, no. 2426.
[8736] T. 9481-9482; P1090 (Map of Sarajevo), p. 2.
[8737] P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 622-623.
[8738] P865 (MUP investigation file), pp. 2-3, 14-16.
[8739] P415 (Muhamed Kapetanović, witness statement, 12 February 2000), para. 7; Muhamed Kapetanović T. 4273, 4286-4287; P420 (Video tape containing TV Sarajevo broadcasting regarding VRS attacks on Sarajevo), p. 2.
[8740] P415 (Muhamed Kapetanović, witness statement, 12 February 2000), paras 7-8.
[8741] P415 (Muhamed Kapetanović, witness statement, 12 February 2000), para. 7; Muhamed Kapetanović, T. 4267-4268.
[8742] P415 (Muhamed Kapetanović, witness statement, 12 February 2000), para. 8.
[8743] P2465 (Witness RM-172, witness statements), witness statement of 22 November 1995, para. 8; P2466 (Witness RM-172, *Galić* transcript, 22 April 2002), p. 7667.
[8744] P2465 (Witness RM-172, witness statements), Bosnia-Herzegovina statement, p. 1; P2466 (Witness RM-172, *Galić* transcript, 22 April 2002), pp. 7666, 7670; P2467 (Medical Record, 17 October 1994).
[8745] P415 (Muhamed Kapetanović, witness statement, 12 February 2000), paras 5, 9; Muhamed Kapetanović, T. 4267, 4282, 4292-4293, 4296; D82 (Aerial map of witness Muhamed Kapetanović's neighbourhood).

attack.[8746] The attack was carried out on an otherwise quiet day during a lull in hostilities.[8747] No activity of a military nature was underway in the neighbourhood, nor were any soldiers to be seen, and groups of children had gone out onto the streets to play.[8748] According to **Witness RM-172**, there was no military target in the vicinity of the spot where he was wounded.[8749] The three shells were fired from SRK positions somewhere to the west of Alipašino Polje.[8750] **Francis Thomas** testified that the rounds were fired from the same mortar tube over a period of several minutes.[8751]

2044. The Trial Chamber also received evidence from two members of the Ilidža Brigade regarding this incident. **Mile Sladoje** testified that his battalion faced enemy forces belonging to the 1st Corps of the ABiH in Alipašino Polje.[8752] He testified that there were no military facilities or objects on Geteova Street[8753], but that a police station was nearby.[8754] Sladoje's unit had no direct line of sight to Geteova Street, and although it was possible to fire from the mortar positions held by his unit near the Theological Faculty, this did not happen.[8755] **Vladimir Radojčić** testified that he never issued an order to any unit of his brigade, including the Nedžarići Battalion, to fire on the street where this incident was alleged to have occurred and that he never received any information that this street had been fired upon.[8756]

2045. **Zorica Subotić** testified that two of the three mortar shells had a calibre of 120 millimetres.[8757] The shell which impacted on the curb at 4 Klare Cetkin Street (currently

[8746] Adjudicated Facts III, no. 2434.
[8747] Adjudicated Facts III, no. 2427.
[8748] Adjudicated Facts III, no. 2428.
[8749] P2465 (Witness RM-172, witness statements), witness statement of 22 November 1995, para. 6.
[8750] Adjudicated Facts III, nos 2431-2433.
[8751] P503 (Francis Thomas, witness statement, 15 May 2009), para. 96 (p. 30). *See also* D178 (UNPROFOR investigation report, 23 January 1994), pp. 2-3.
[8752] D453 (Mile Sladoje, witness statement, 10 May 2014), paras 6-7, 10; P6507 (Map with military facilities in ABiH territory marked by Mile Sladoje); P6508 (Map with position of mortars and tank of the 1st Battalion of the Ilidža Brigade additionally marked by Mile Sladoje); D454 (Map with military positions of ABiH); D455 (Map with position of mortars and tank of the 1st Battalion of the Ilidža Brigade); D456 (Map with confrontation line in Nedžarići); D457 (Marked map); D458 (Map with military positions of ABiH).
[8753] While the witness referred to 'Gete Street' (T. 21067, 21069), it was clarified that this referred to 'Geteova Street' (T. 21064) and the witness referred to a map which also reads 'Geteova Street' (T. 21064, D454 (Map with military positions of ABiH)).
[8754] Mile Sladoje, T. 21069, 21084-21085; P6507 (Map with military facilities in ABiH territory additionally marked by Mile Sladoje).
[8755] Mile Sladoje, T. 21063-21067, 21077-21081, 21091; P6508 (Map with position of mortars and tank of the 1st Battalion of the Ilidža Brigade additionally marked by Mile Sladoje); P6509 (Panorama photo of surroundings of Faculty of Theology with mortars positions marked by Mile Sladoje).
[8756] D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 109.
[8757] D2117 (Zorica Subotić and Mile Poparić, Expert report on mortar attacks on the Sarajevo area in 1992-1995, 25 April 2014), paras 63-75, 160; Zorica Subotić, T. 39264-39265.

4 Bosanska Street) originated from an azimuth of 238 degrees and therefore came from an area in the direction about 30 degrees to the south of the Institute for the Blind in Nedžarići.[8758] The shell that landed on 3 Cetinjska Street (currently 3 Geteova Street) originated from an azimuth slightly less than 240 degrees, which rules out the possibility that the shell was fired from the Institute for the Blind in Nedžarići.[8759] The witness concluded that the shells were fired from the same weapon from an area close to the 'UPI' Institute at a distance of 3,720 metres which, according to the witness, was under ABiH control at the time.[8760]

2046. With regard to the origin of fire, the Trial Chamber notes that Vladimir Radojčić, the commander of the Ilidža Brigade, testified that he neither issued an order to fire nor heard that the street was fired upon. This does not contradict the Adjudicated Facts.

2047. The Trial Chamber notes that the evidence of Mile Sladoje contradicts the Adjudicated Facts with regard to the origin of fire. Sladoje testified that his unit did not fire the shells, whereas Adjudicated Facts numbers 2431-2433 state that the shells were fired from SRK positions to the west of Alipašino Polje, which according to Sladoje were occupied by the Ilidža Brigade. The Trial Chamber took into consideration that Sladoje, as a member of the Ilidža Brigade, may have had a personal interest in distancing himself from this shelling. Accordingly, it treated his evidence with great caution. With regard to the reliability of his evidence, the Trial Chamber notes that Sladoje's basis of knowledge for stating that the unit of which he was a member did not fire the shells remained unclear. For example, he did not testify where he was exactly on the day of the incident. In addition, during cross-examination, the Trial Chamber found Sladoje to be very defensive. After stating, without substantiation, that his position was that the incident was caused by a shell having been fired from ABiH territory, Sladoje responded to a question about possible military targets by emphasizing that his unit did not have a line of sight to the impact site.[8761] Further, when asked about the impact of

[8758] D2117 (Zorica Subotić and Mile Poparić, Expert report on mortar attacks on the Sarajevo area in 1992-1995, 25 April 2014), paras 68 (pp. 106-107), 75 (p. 118), 160 (pp. 217-218); Zorica Subotić, T. 39264, 39279, 39640, 39866-39869, 39875-39876; D1279 (Photograph of Klare Cetkin Street, marked by witness Mirza Sabljica).
[8759] D2117 (Zorica Subotić and Mile Poparić, Expert report on mortar attacks on the Sarajevo area in 1992-1995, 25 April 2014), paras 70 (p. 112), 75 (pp. 118-119), 160 (p. 218); Zorica Subotić, T. 39282-39283.
[8760] D2117 (Zorica Subotić and Mile Poparić, Expert report on mortar attacks on the Sarajevo area in 1992-1995, 25 April 2014), paras 72-75, 160 (p. 219); Zorica Subotić, T. 39283-39285, 39635-39636, 39876-39877.
[8761] Mile Sladoje, T. 21083-21085.

such shelling, the witness responded that '[i]n combat there is no terrorising', showing a skewed understanding of *ius in bello*.[8762] In this particular situation, and for these reasons, the Trial Chamber finds that this evidence is not sufficiently reliable to rebut the Adjudicated Facts with respect to the origin of fire.

2048. The evidence of Zorica Subotić contradicts the Adjudicated Facts with regard to the origin of fire for this incident.[8763] Subotić based part of her analysis of crater size and origin of fire on photographs and a video.[8764] She failed to give a clear explanation of how she calculated the distance between an alternative firing position and the impact sites.[8765] Furthermore, Subotić failed to plausibly explain her criticism of contemporaneous azimuth measurements, when it was revealed in court that she had failed to take into account in her calculations the usual margins of error for direction of fire measurements.[8766] The Trial Chamber considers, therefore, that Subotić's evidence on this incident is not sufficiently reliable to rebut the Adjudicated Facts with respect to the origin of fire.

2049. In relation to the Defence's argument about inaccuracies in the CSB's investigation (exhibit P865) and conclusion on origin of fire, the Trial Chamber recalls that it relied on the unrebutted Adjudicated Facts. Under these circumstances, the Trial Chamber will not further consider this Defence submission.

2050. Based on the foregoing, the Trial Chamber finds that at approximately noon on 22 January 1994, three mortars were fired by a member or members of the SRK's Ilidža Brigade. The Trial Chamber finds that the mortars hit an area where children were playing around what are today known as 3 Geteova Street and 4 Bosanska Street, killing six individuals under the age of 12 and severely wounding six other civilians, five of whom were children. The attack came at a time when there was a lull in hostilities and no activities of a military nature were underway in the neighbourhood, nor were any

[8762] Mile Sladoje, T. 21085.
[8763] The Trial Chamber notes that Subotić's evidence also contradicts the Adjudicated Facts about the types of shells, but considers this a marginal detail, which does not require resolution by the Trial Chamber.
[8764] D2117 (Zorica Subotić and Mile Poparić, Expert report on mortar attacks on the Sarajevo area in 1992-1995, 25 April 2014), paras 69-70 (pp. 107-109), 70 (pp. 110-112), 75 (pp.117-118), 160 (pp. 216-218); Zorica Subotić, T. 39282-39283, 39288, 39625.
[8765] D2117 (Zorica Subotić and Mile Poparić, Expert report on mortar attacks on the Sarajevo area in 1992-1995, 25 April 2014), paras 72-75, 160 (p. 219); Zorica Subotić, T. 39283-39285, 39288, 39635-39636, 39876-39877.
[8766] Zorica Subotić, T. 39635-39636.

soldiers visible. The Trial Chamber will further consider this incident in relation to Counts 5, 6, 9, and 10 in chapter 8, below.

5.3.5 Schedule G.7

2051. According to the Indictment, the Accused is responsible for firing a salvo of three 120-millimetre mortar shells, which hit civilians in the Dobrinja residential area on 4 February 1994. The first shell landed in front of a block of flats at Oslobodilaca Sarajeva Street, hitting persons who were distributing and receiving humanitarian aid and children attending religious classes. The second and third landed among persons trading at a market in an open area to the rear of the apartment buildings at Mihajla Pupina Street and Oslobodilaca Sarajeva Street. Eight people were killed and at least 18 people were wounded. The origin of fire was from VRS/SRK-held territory, approximately to the east.[8767] The Defence argued that (i) numerous errors in the local CSB investigation render the CSB's report unreliable, and (ii) the shells could not have come from SRK positions.[8768] The Trial Chamber took judicial notice of several Adjudicated Facts relevant to this incident. It further received evidence from **Eldar Hafizović** and **Enver Taslaman**, both Bosnian Muslims from Sarajevo;[8769] **Francis Thomas**, the UN Senior Military Observer in Sarajevo between 15 October 1993 and 14 July 1994;[8770] **Refik Sokolar**, a Bosnian-Muslim police officer who was tasked from the middle of 1993 onwards with investigating and reporting on shelling and sniping incidents in the Dobrinja area in Sarajevo;[8771] **Mirza Sabljica**, a mechanical engineer specialised in ballistics and mechanical traces employed by the Bosnia-Herzegovina MUP's criminal forensics department in Sarajevo from June 1993 to July 1996;[8772] **Witness RM-159** a police employee from Sarajevo;[8773] **Zlatko Medjedović**, a ballistic expert employed by the Secretary of the Interior in Sarajevo from 1978 until 1998;[8774]

[8767] Indictment, paras 15-17, 64, 76, 81, Schedule G.7.
[8768] Defence Final Brief, paras 1975-1994.
[8769] P2455 (Eldar Hafizović, witness statement, 24 June 2001), p. 1, para. 1; P1050 (Enver Taslaman, witness statement, 20 November 1995), pp. 1-2; P1051 (Enver Taslaman, witness statement, 8 February 2001), p. 1.
[8770] P503 (Francis Thomas, witness statement, 15 May 2009), paras 1, 13, 82.
[8771] P567 (Refik Sokolar, witness statement, 8 November 1995), p. 1, para. 1; P568 (Refik Sokolar, witness statement, 4 September 2000), p. 1, paras 1, 3-4, 13, 16.
[8772] P855 (Mirza Sabljica, witness statement, 11 February 2010), pp. 1-3.
[8773] P1953 (Witness RM-159, witness statement, 21 October 2012), p. 1, paras 1-3.
[8774] P3165 (Zlatko Medjedović, witness statement of 20 November 1995), p. 2; P3166 (Zlatko Medjedović, witness statement of 5 September 2000), pp. 1, 3.

Milan Mandilović, a Serbian surgeon at the Sarajevo State Hospital from May 1992 until the end of the war;[8775] **Youssef Hajir** a Muslim surgeon from Palestine, who established the Dobrinja Hospital in Sarajevo in May 1992;[8776] **Michael Rose**, the UNPROFOR Commander from 5 January 1994 to 23 January 1995;[8777] **Faris Gavrankapetanović**, a Muslim doctor from Sarajevo;[8778] and **Ewa Tabeau**, a demographer and statistician;[8779] as well as documentary evidence, and finds that this evidence does not rebut the Adjudicated Facts.[8780] In addition, the Trial Chamber received evidence from **Zorica Subotić**, an expert in ballistics,[8781] and **Dušan Škrba**,

[8775] P679 (Milan Mandilović, witness statement, 24 February 2010), p. 1, paras 1, 4-6, 84; P680 (Milan Mandilović, corrections to witness statement dated 24 February 2010, 9 January 2013), p. 1.
[8776] P2616 (Youssef Hajir, witness statement, 25 February 2010), p. 1, paras 1-2.
[8777] P736 (Michael Rose, witness statement, 26 March 2009), paras 5, 195; Michael Rose, T. 6839.
[8778] P2611 (Faris Gavrankapetanović, witness statements), witness statement of 11 October 2001, p. 1, witness statement of 13 December 2001, p. 1, witness statement of 11 January 2002, p. 1.
[8779] Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).
[8780] **Eldar Hafizović**: P2455 (Eldar Hafizović, witness statement, 24 June 2001), paras 4, 7-9, 12; P2456 (Eldar Hafizović, *Galić* transcript, 24 April 2002), pp. 7759-7760, 7762-7763. **Enver Taslaman**: P1050 (Enver Taslaman, witness statement, 20 November 1995), p. 3. **Francis Thomas**: P503 (Francis Thomas, witness statement, 15 May 2009), para. 108. **Refik Sokolar**: P567 (Refik Sokolar, witness statement, 8 November 1995), paras 1, 18; P568 (Refik Sokolar, witness statement, 4 September 2000), para. 33. **Mirza Sabljica**: P855 (Mirza Sabljica, witness statement, 11 February 2010), pp. 49, 50-54; Mirza Sabljica, T. 8147-8148, 8151, 8153, 8155-8156, 8165; P867 (MUP investigative file), pp. 2, 5-6, 8-9, 11-12, 15-16, 27, 35, 46-49, 78, 80, 82, 93, 95, 98, 100. **Witness RM-159**: P1953 (Witness RM-159, witness statement, 21 October 2012), paras 7-11; P1954 (Forensic report on 4 February 1994 incident, 4 February 1994), p. 1; P1955 (Diagram of Dobrinja shelling), p. 1; P1956 (Sketch annotated by Witness RM-159), p. 1. **Zlatko Medjedović**: P3165 (Zlatko Medjedović, witness statement of 20 November 1995), p. 3; P3168 (CSB Report by Mirza Sabljica, 5 February 1994), pp. 1-2. **Milan Mandilović**: Milan Mandilović, T. 6649-6651, 6697-6699, 6704; P683 (Chart listing documents reviewed by witness Milan Mandilović during proofing, dated 9 January 2013), pp. 1, 3; P683 (Chart listing documents reviewed by witness Milan Mandilović during proofing, dated 9 January 2013), pp. 1, 3; P684 (Dobrinja General Hospital Specialist's Report pertaining to Eldar Hafizović, 4 February 1994), p. 1; P688 (Medical document from the Dobrinja General Hospital listing patients from a shelling incident in Dobrinja on 4 February 1994), p. 1; P689 (Dobrinja General Hospital Report pertaining to patient Eldar Hafizović, dated 12 February 1994), p. 1; P690 (Dobrinja General Hospital medical records pertaining to Sbahudin Ljuška). **Youssef Hajir**: P2616 (Youssef Hajir, witness statement, 25 February 2010), paras 69-71. **Michael Rose**: P736 (Michael Rose, witness statement, 26 March 2009), paras 35-36; Michael Rose, T. 6876-6877. **Ewa Tabeau**: P1954 (Forensic report on 4 February 1994 incident, 4 February 1994), p. 1; P2791 (Ewa Tabeau, revised table of names to the proof of death expert report, 30 August 2013), pp. 6-7; P2793 (Ewa Tabeau, table of corrections to proof of death expert report and annex, 7 November 2013), p. 9; P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 2-3, 10, 12, 30-33; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 624-626; P4891 (Death certificate for Saida Baličevac), p. 1; P4892 (Personal information of the funeral company for the burial of Muskija Pribinja, 5 February 1994); P6481 (Death certificate for Aiša Šito), pp. 1-2. **Faris Gavrankapetanović**: P2611 (Faris Gavrankapetanović, witness statements), witness statement of 11 January 2002, p. 2; P2612 (Faris Gavrankapetanović, *Galić* transcript, 30 July 2002), pp. 12603-12604, 12630-12632; P2613 (Protocol book from the morgue at Koševo Hospital), pp. 13-14. **Documentary evidence**: P4 (Weekly report drafted by David Harland, 9 February 1994), p. 2; P7778 (UNPROFOR status report, 9 February 1994), p. 1.
[8781] D2117 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area in 1992-1995, 25 April 2014), pp. 2-24.

commander of the mixed artillery battalion of the 1st Sarajevo Mechanised Brigade as of 27 May 1992.[8782]

2052. On 4 February 1994 around 11:30 a.m. three mortar shells struck a residential neighbourhood in Dobrinja killing at least eight civilians including a child and injuring at least 18 people including two children.[8783] **Eldar Hafizović** stated that on that day humanitarian aid was scheduled to be distributed.[8784] According to **Michael Rose**, people were in fact queuing for food when a minimum of three mortar rounds fell.[8785] Medical records confirm that Sabahudin Ljusa sustained severe shrapnel wounds to the chest.[8786] A medical record from Dobrinja General Hospital states that a woman[8787] was 'injured by shell explosion' in the leg.[8788] In addition, a hospital record dated 4 February 1994 describes an injury Hafizović received.[8789] The shell which exploded against the eastern facade of the apartment block on Oslobodilaca Sarajeva Street, and which injured Sabahudin Ljusa, struck first.[8790] The latter two shells were 120-milimetre calibre and flew in from the east and from the east-north-east, respectively.[8791] The confrontation line east of the site of the incident was not more than 600 metres away.[8792] With respect to two shells, the origin of fire was SRK-held territory.[8793] The first shell to strike formed part of the same attack and therefore also originated in SRK territory. Three shells struck civilians engaged in peaceful activities.[8794] The TO office was not the target of the attack.[8795] **Refik Sokolar** testified that there was no ongoing military activity in the area at the time of the shelling.[8796]

2053. **Dušan Škrba** testified that on 4 February 1994, he did not order, nor did he receive any orders, for his unit to open fire from the 120-millimetre mortars under his command. Given that these weapons could only have been fired upon the witness's

[8782] D463 (Dušan Škrba, witness statement, 11 May 2014), para. 7.
[8783] Adjudicated Facts III, no. 2436.
[8784] P2455 (Eldar Hafizović, witness statement, 24 June 2001), para. 6; P2456 (Eldar Hafizović, *Galić* transcript, 24 April 2002), p. 7762.
[8785] P736 (Michael Rose, witness statement, 26 March 2009), para. 35.
[8786] Adjudicated Facts III, no. 2444.
[8787] Also known as Witness R in *Prosecutor v. Galić* (Case No. IT-98-29).
[8788] Adjudicated Facts III, no. 2458.
[8789] Adjudicated Facts III, no. 2466.
[8790] Adjudicated Facts III, no. 2473.
[8791] Adjudicated Facts III, no. 2474.
[8792] Adjudicated Facts III, no. 2475.
[8793] Adjudicated Facts III, no. 2476.
[8794] Adjudicated Facts III, no. 2477. The Trial Chamber understands this Adjudicated Fact to refer to the three shells which are relevant to this incident.
[8795] Adjudicated Facts III, no. 2478.
[8796] P567 (Refik Sokolar, witness statement, 8 November 1995), para. 18.

explicit command, he claimed that no fire was opened that day.[8797] According to the witness, he was never informed of the alleged incident and only learned about it shortly before testifying in the *Karadžić* case.[8798] **Zorica Subotić** testified that, based on traces and photo documentation, all shells came from a direction of north-north-east and therefore could not have come from SRK positions.[8799]

2054. The Trial Chamber notes that the evidence of Zorica Subotić stands in stark contrast to Adjudicated Facts numbers 2474, 2476, and 2477. Subotić makes projections and calculations regarding the origin of fire based on photographs. In particular, Subotić relied on a photograph (P7554) to conclude that there were certain shrapnel traces which could not be explained by a shell impact as suggested by Prosecution evidence.[8800] However, as revealed during questioning, the witness could not plausibly explain her initial assumption that what could be seen on the photograph were indeed shrapnel traces as opposed to rubble or something else.[8801] In light of this, the Trial Chamber finds that Subotić's evidence in relation to this incident is not sufficiently reliable to rebut the Adjudicated Facts.

2055. The evidence of Dušan Škrba also contradicts Adjudicated Facts numbers 2474, 2476, and 2477. The Trial Chamber took into consideration that Škrba, as commander of the mixed artillery battalion of the 1st Sarajevo Mechanised Brigade, may have had a personal interest in distancing himself from this shelling. Accordingly, it treated his evidence with great caution. With regard to the reliability of his evidence, Škrba claimed to have had no knowledge of the incident, up until his preparation for testimony in the *Karadžić* case. The Trial Chamber notes that the fact that the incident occurred is well-documented and not disputed by the Defence. It therefore finds it highly implausible that a commander of a unit in the area would not even have heard about such an incident for many years. In addition, in spite of being confronted about the inconsistencies about when exactly he heard about the incident, the witness was unable to clarify this issue.[8802] The Trial Chamber considered these matters to be significant in a situation where Škrba may have had a personal interest in distancing himself from this

[8797] D463 (Dušan Škrba, witness statement, 11 May 2014), para. 25.
[8798] D463 (Dušan Škrba, witness statement, 11 May 2014), para. 25; Dušan Škrba, T. 21309-21310.
[8799] D2117 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area in 1992-1995, 25 April 2014), pp. 122, 124, 129, 134-137, 147, 150, 220-222; Zorica Subotić, T. 39292, 39294-39295, 39305, 39670.
[8800] Zorica Subotić, T. 39669.
[8801] Zorica Subotić, T. 39674-39678.
[8802] Dušan Škrba, T. 21309-21310.

shelling. In this particular situation, and for these reasons, the Trial Chamber finds that Škrba's evidence with regard to this incident is not sufficiently reliable to rebut the Adjudicated Facts.

2056. In relation to the Defence's argument about errors in the CSB's investigation (exhibit P867), the Trial Chamber recalls that this evidence was found to be consistent with the Adjudicated Facts. As a result, the Trial Chamber did not further consider this evidence, but relied on the Adjudicated Facts. Under these circumstances, the Trial Chamber will not further consider this Defence submission.

2057. On the basis of the foregoing, the Trial Chamber finds that on 4 February 1994, three mortar shells were fired on a residential neighbourhood in Dobrinja, killing at least eight civilians. On the basis that the shells originated from SRK-held territory, the Trial Chamber finds that the shells were fired by a member of the SRK.[8803] In addition, at least 18 persons were wounded during the shelling. Medical records of the wounded victims confirmed, *inter alia*, serious injuries by shrapnel. There was no ongoing military activity in the area. The TO office was not the target of the attack. The civilians were engaged in peaceful activities and were queuing for humanitarian aid which was scheduled to take place that day. The Trial Chamber will further consider this incident in relation to Counts 5, 6, 9 and 10 in chapter 8, below.

5.3.6 Schedule G.8

2058. According to the Indictment, the Accused is responsible for firing a 120-millimetre mortar shell which hit a crowded open air market called 'Markale' situated in a civilian area of Old Town Sarajevo, killing 66 people and wounding over 140 people on 5 February 1994.[8804] The origin of fire was VRS/SRK-held territory approximately to the north-north-east.[8805] According to the Defence, the mortar shell that exploded at Markale Market was not fired from a mortar, but was instead planted at the market and activated remotely with a timer.[8806] The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to this incident. It also received evidence from

[8803] The Trial Chamber refers to its further considerations with regard to this conclusion, as set out in its factual finding on Scheduled Incident F.5 in chapter 5.2.4.
[8804] Indictment, paras 11-12, 16-17, 64, 76, 81, Schedule G.8.
[8805] Indictment, Schedule G.8.

Witness RM-153, a Bosnian taxi driver from Sarajevo;[8807] **Michael Rose**, the UNPROFOR Commander from 5 January 1994 to 23 January 1995;[8808] **John Hamill**, an UNMO stationed on the Serb side near Sarajevo between May and August 1993;[8809] **Sead Bešić**, a police officer in Sarajevo since 1975 and forensic technician since 1987;[8810] **Mirza Sabljica**, a mechanical engineer specialised in ballistics and mechanical traces employed by the Bosnia-Herzegovina MUP's criminal forensics department in Sarajevo from June 1993 to July 1996;[8811] **Fatima Zaimović**, a Bosnian Muslim and chief of nurses at the children's surgery department at Koševo Hospital in Sarajevo between 1992 and 1995;[8812] **Milan Mandilović**, a Serbian surgeon at the Sarajevo State Hospital from May 1992 until the end of the war;[8813] as well as documentary evidence and finds that this evidence is consistent with the Adjudicated Facts.[8814] The Trial Chamber further received evidence from **John Russell**, a Military Assistant to the Assistant of the Delegate of the UNSG in Bosnia-Herzegovina in

[8806] Defence Final Brief, paras 2030-2036. At para. 2036, the Defence submits that '[t]he one and only possible conclusion […] is that the mortar shell at *Markale Market* on 5 February 1994 was planted and activated remotely […] with a timer'.
[8807] P2461 (Witness RM-153, *Galić* transcript, 15 March 2002), pp. 5481, 5501-5502.
[8808] P736 (Michael Rose, witness statement, 26 March 2009), paras 5, 195; Michael Rose, T. 6839.
[8809] P537 (John Hamill, *Galić* transcript, 25 March 2002), p. 6060.
[8810] P1897 (Sead Bešić, prior testimony), *Dragomir Milošević* transcript of 20 February 2007, pp. 2567-2568.
[8811] P855 (Mirza Sabljica, witness statement, 11 February 2010), pp. 1-3.
[8812] P2620 (Fatima Zaimović, witness statement, 26 February 2010), p. 1, para. 1.
[8813] P679 (Milan Mandilović, witness statement, 24 February 2010), p. 1, paras 1, 4-6, 84; P680 (Milan Mandilović, corrections to witness statement dated 24 February 2010, 9 January 2013), p. 1.
[8814] **Witness RM-153:** P2461 (Witness RM-153, *Galić* transcript, 15 March 2002), pp. 5499-5502. **Michael Rose**: P736 (Michael Rose, witness statement, 26 March 2009), para. 37. **John Hamill:** P537 (John Hamill, *Galić* transcript, 25 March 2002), pp. 6086, 6088-6090, 6109; P538 (UNPROFOR investigation report Markale, 15 February 1994), pp. 3, 9, 11-12, 17; **Sead Bešić**: P1896 (Sead Bešić, prior testimony), *Galić* transcript of 4, 6-7 March 2002, pp. 4797, 4805, 4906, 4915-4917, 5030; **Mirza Sabljica**: P855 (Mirza Sabljica, witness statement, 11 February 2010), pp. 30, 31, 37, 40-41, 47; P868 (MUP investigative file), pp. 3, 4, 5, 16, 17, 19, 22, 39, 44, 64-70; Mirza Sabljica, T. 8060-8063. **Fatima Zaimović**: P2621 (Fatima Zaimović, *Karadžić* transcript, 5 May 2010), pp. 1880-1881; P2622 (Diary extracts concerning experiences of Fatima Zaimović whilst nursing at the Koševo children's ward, Sarajevo), p. 22. **Milan Mandilović:** P679 (Milan Mandilović, witness statement, 24 February 2010), p. 23 (items 3 and 4), 27 (item 22); P681 (Milan Mandilović, table of concordance to 2010 witness statement, 12 December 2012), pp. 3-4. **Documentary evidence**: P538 (UNPROFOR investigation report Markale, 15 February 1994), p. 12; P965 (Medical Documentation, 10 February 1995), pp. 2-27, 29-64; P968 (Extracts from the records of the Sarajevo Clinical Centre), pp. 2-25-32, 63-72; P705 (Medical documentation from State Hospital in Sarajevo and the Kosevo Hospital relating to patients admitted as a result of explosions on 5 February 1994).; P969 (List of people admitted to Kosevo Hospital, 5 February 1994), pp. 1-24; P976 (Handwritten Medical Documentation, 5 February 1994), pp. 1-12, 14-18, 20; P2611 (Faris Gavrankapetanović, witness statements), witness statement of 11 January 2002, p. 2; P2612 (Faris Gavrankapetanović, *Galić* transcript, 30 July 2002), pp. 12603-12604, 12630-12632; P2612 (Faris Gavrankapetanović, *Galić* transcript, 30 July 2002), pp. 12631-12632; P2613 (Protocol book from the morgue at Koševo Hospital), pp. 15-15-24; P6482 (List of persons killed on 5 February 1994 at Markale Market in Sarajevo, compiled by CSB Sarajevo, 17 February 1994); P7778 (UNPROFOR status report, 9 February 1994), p. 1.

Sarajevo from 20 December 1993 to 28 April 1994;[8815] **Jan Segers**, a Belgian UNPROFOR officer and UNMO who was deployed in the former Yugoslavia from 1991 until 1995;[8816] **Michel Gauthier**, a Colonel in the Canadian armed forces and UNPROFOR Force Engineer stationed at the UNPROFOR headquarters in Zagreb from September 1993 to August 1994;[8817] **Witness GRM-116**, a member of Izetbegović's personal security;[8818] **Witness GRM-097**, an UNPROFOR official;[8819] **Witness GRM-037**, an intelligence analyst working in Bosnia-Herzegovina between November 1994 and July 1995;[8820] **Witness GRM-065**, an UNPROFOR member stationed in the former Yugoslavia from October 1993 until at least 11 February 1994;[8821] **Zorica Subotić**, an expert in ballistics;[8822] **Siniša Maksimović**, a Bosnian Serb from Blažuj, Ilidža Municipality, and member of the VRS as of the beginning of the war;[8823] **Slavko Gengo**, Commander of the 7th Infantry Battalion of the 1st SRK Romanija Infantry Brigade from the end of January 1994 until May 1995;[8824] **Milorad Džida**, a company and battalion commander in the 216th Mountain Brigade, renamed 1st Romanija Infantry Brigade, from 30 June 1991 to 9 August 1993 and from 17 October 1994 until the end of the war, respectively, and Assistant Commander for Intelligence and Security in the SRK 7th Battalion of the 1st Romanija Infantry Brigade from 9 August 1993 to April 1994;[8825] **Sergii Moroz**, a mission commander for the engineering section of UNPROFOR forces in Sarajevo from October 1993 to October 1994;[8826] and **Milorad**

[8815] D1219 (John Russell, witness statement, 17 October 2011), paras 4-5; John Russell, T. 38686-386987, 38738-38739, 38754-38756.
[8816] D1465 (Jan Segers, witness statement, 4 February 2016) p. 2; Jan Segers, T. 43744.
[8817] D1242 (Michel Gauthier, witness statement, 6 February 2012), paras 2-3.
[8818] Witness GRM-116, T. 42648-42649, 42681-42682; D1388 (Prosecution information re Witness GRM-116, 14 February 2014); D1389 (Identification of Witness GRM-116, 25 May 1993); D1390 (Identification of Witness GRM-116, undated).
[8819] D1298 (Witness GRM-097, witness statement, 21 November 2012), para. 3.
[8820] D1240 (Witness GRM-037, witness statement, 14 September 2012), paras 3-5; D1239 (Pseudonym sheet for Witness GRM-037).
[8821] D1440 (Witness GRM-065, questionnaire, 27 March 2012), pp. 2-3.
[8822] D2113 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area – Incidents at the Markale Market 5 February 1994 and 28 August 1995, 25 April 2014), pp. 2-27.
[8823] D547 (Siniša Maksimović, witness statement, 20 May 2014), pp. 1, 4, paras 1-2.
[8824] D473 (Slavko Gengo, witness statement, 10 May 2014), paras 3, 30; Slavko Gengo, T. 21613.
[8825] D489 (Milorad Džida witness statement, 10 May 2014), paras 1-5, 17; D490 (Milorad Džida supplemental witness statement, 28 May 2014), p. 1; Milorad Džida, T. 21878-21880; P6544 (Excerpt of the personnel records of the MoD of the Bosnian-Serb Republic, 2 March 1998), pp. 5, 7.
[8826] D1370 (Sergii Moroz, *Galić* transcript, 22-23 January 2003), p. 18116; Sergii Moroz, T. 42342-42344.

Batinić, a Serb who worked as an interpreter for the Igman Brigade from about 28 June 1992 and for UNMOs from 30 June 1992 until 1995.[8827]

Events before 5 February 1994

2059. **Witness GRM-116** testified that he was present at three meetings between Alija Izetbegović and Mustafa Cerić, the head of the Islamic Community for Bosnia-Herzegovina in which they discussed Markale in a room in the national bank.[8828] In the meetings, the attendees discussed that the Bosnian Muslims were in no position to stand up to the Bosnian Serbs and needed to provoke a military intervention on the part of the international community. They wanted to create a major massacre.[8829] Cerić stated that 50 to 70 Bosnian-Muslim men died every day anyway and the loss of 200 people would cause an outcry and provoke a foreign military intervention.[8830] At first, Izetbegović was reluctant to accept this idea, but Cerić convinced him. At another meeting, Izetbegović and others discussed the planning of the incident, which was to be carried out by Sefer Halilović and Talijan.[8831] The witness was present when the plan was approved.[8832] A mortar was to be placed 'facing Špicasta Stijena' and was to be fired on the axis of Mrkovići-Spičasta Stijena, as Mrkovići village was a well-known Bosnian-Serb position and often used for firing.[8833] Fire was to be deliberately directed 'in the direction the Bosnian Serbs' would usually use.[8834] Shortly after the plan's approval, Halilović and Talijan returned saying that they had failed and that the shell had hit a roof near the market due to a miscalculation.[8835] Izetbegović then ordered them to try again.[8836]

[8827] Milorad Batinić, T. 22613, 22619-22621, 22685, 22696-22697, 22715-22716; P6593 (Copy of notes taken from Milorad Batinić during his testimony, 12 June 2014), p. 2.
[8828] Witness GRM-116, T. 42658-42659, 42688-42694, 42697-42701, 42710.
[8829] Witness GRM-116, T. 42688-42689.
[8830] Witness GRM-116, T. 42690, 42710.
[8831] Witness GRM-116, T. 42690-42692, 42696-42697.
[8832] Witness GRM-116, T. 42698.
[8833] Witness GRM-116, T. 42690-42692. In light of the witness's overall testimony, the Trial Chamber understands that the witness must have meant that the mortar was to be fired from ABiH territory, facing Markale market, on the axis Mrkovići-Spičasta Stijena, suggesting that it would have come from SRK-held territory.
[8834] Witness GRM-116, T. 42690-42692. In light of the witness's overall testimony, the Trial Chamber understands that the witness must have meant that mortar fire was to be deliberately directed in the direction of the Bosnian Muslims.
[8835] Witness GRM-116, T. 42699.
[8836] Witness GRM-116, T. 42701.

2060. On 26 January 1994, SRK Commander Stanislav Galić issued an order to all SRK units on combat operations in the Sarajevo region.[8837] Galić ordered that 'by using all available means, exert strong pressure on the Muslim forces in Sarajevo and liberate […] Grdonj […] and penetrate deep into the region of […] Dobrinja creating thus favourable conditions for the wider-scale offensive activities by the forces of the Corps and the reinforcement'. Galić then described the SRK's subsequent combat activities along axes west of Sarajevo: 'Further in operation, by holding the Muslim armed forces in Sarajevo firmly encircled, inflicting casualties, preventing supplies from arriving and preventing /medical/ evacuations, using all means to exasperate them and with offensive activities […] cut the Muslim armed forces in Sarajevo off from the forces in Eastern Herzegovina, link up the forces of the Corps at the north-west and the south-east part of the Sarajevo frontline and liberate the Serb part of Sarajevo'.[8838]

Events on 5 February 1994

2061. On 5 February 1994 between noon and 12:30 p.m., a 120-millimetre mortar shell exploded upon contact with the ground in Markale open-air market, killing over 60 persons and injuring over 140 others.[8839] That market drew large numbers of people.[8840] **Mirza Sabljica** testified that the injured included women, children, and elderly.[8841] **Fatima Zaimović** stated that Denis Stuhlik, born in 1979, Nejla Basić, born in 1991, Aldijan Daidžić, born in 1980, and his mother Enesa Daidžić were injured at the market on 5 February 1994.[8842] Enesa Daidžić had wounds from explosives in her legs and thorax and Aldijan Daidžić had an injury above the knee caused by shrapnel from the shells.[8843] The shrapnel from shells hit and wounded them.[8844] Stuhlik and Basić also

[8837] P4476 (Order for the use of SRK units signed by Stanislav Galić, 26 January 1994), p. 1.
[8838] P4476 (Order for the use of SRK units signed by Stanislav Galić, 26 January 1994), p. 8.
[8839] Adjudicated Facts III, no. 2513.
[8840] Adjudicated Facts III, no. 2528.
[8841] P855 (Mirza Sabljica, witness statement, 11 February 2010), pp. 30, 47; Mirza Sabljica, T. 8060-8061; P868 (MUP investigative file), pp. 3, 16, 19, 64-70.
[8842] P2621 (Fatima Zaimović, *Karadžić* transcript, 5 May 2010), pp. 1880-1881; P2622 (Diary extracts concerning experiences of Fatima Zaimović whilst nursing at the Koševo children's ward, Sarajevo), p. 22.
[8843] P2621 (Fatima Zaimović, *Karadžić* transcript, 5 May 2010), p. 1881; P2622 (Diary extracts concerning experiences of Fatima Zaimović whilst nursing at the Koševo children's ward, Sarajevo), p. 22.
[8844] P2621 (Fatima Zaimović, *Karadžić* transcript, 5 May 2010), p. 1881.

had explosive wounds.[8845] Edin Suljić, on behalf of a local investigative team set up to investigate the incident at Markale, and Afzaal Niaz, on behalf of the UN, visited the hospitals and the morgue where the victims of the blast were taken.[8846]

2062. A man was in the garden of his mother's house on the day, when he heard the sound of a heavy weapon like a mortar shell being fired from behind an SRK position, Špicasta Stijena, at Mrkovići.[8847] The 120-millimetre mortar shell was fired from the direction north-northeast of the market or at a bearing of approximately 18 degrees.[8848] From the angle of descent alone, it is not possible to calculate the distance a shell travelled. The number of charges (one to six) used in addition to the initial (0) charge progressively increase the distance a shell travels.[8849] The distance between Markale Market and the SRK confrontation line to the north-north-east at the time of the incident was approximately 2,600 metres.[8850] The shell which exploded in Markale Market travelled a distance considerably greater than 2,600 metres from the north-east direction, placing the position from which the shell was fired well within SRK-controlled territory.[8851] The crater caused by the explosion was approximately nine centimetres deep and the depth of the tunnel of the tail fin and the depth of the crater were together 200-250 millimetres.[8852] The shell could not have been fired from any place on the ABiH side of the confrontation lines in a direction north-north-east of Markale Market.[8853]

2063. A target such as Markale Market can be hit from a great distance with one shot if the area is pre-recorded.[8854] In the four months preceding the incident at Markale Market, about 10 to 12 mortar shells fell around Markale Market and most of them were of a 120-millimetre calibre and originated from the direction north-north-east of Sedrenik.[8855] The mortar shell which exploded at Markale Market on 5 February 1994 was fired from SRK-controlled territory.[8856]

[8845] P2622 (Diary extracts concerning experiences of Fatima Zaimović whilst nursing at the Koševo children's ward, Sarajevo), p. 22.
[8846] Adjudicated Facts III, no. 2482.
[8847] Adjudicated Facts III, no. 2499.
[8848] Adjudicated Facts III, no. 2515.
[8849] Adjudicated Facts III, no. 2517.
[8850] Adjudicated Facts III, no. 2504.
[8851] Adjudicated Facts III, no. 2519.
[8852] Adjudicated Facts III, no. 2520.
[8853] Adjudicated Facts III, no. 2522.
[8854] Adjudicated Facts III, no. 2523.
[8855] Adjudicated Facts III, no. 2524.
[8856] Adjudicated Facts III, no. 2525.

Investigations

2064. Numerous investigations were carried out into the incident, on the same day and in the weeks that followed. **Michael Rose** testified that both sides blamed each other for the attack. General Milovanović proposed that a mixed commission of military experts be formed to determine the provenance of the attack, but the commission was never established.[8857] Rose testified that there were two investigations into the incident, one conducted by the Sector Sarajevo and involving representatives of the Muslim authorities, and the other run by the UNPROFOR headquarters.[8858] The French engineers investigating the scene as part of the first investigation told Rose that they were unable to locate all the items from the site, as some had been removed by the Bosnian government prior to their arrival.[8859] Their initial view was that the bomb had been fired from the Bosnia-Herzegovina side.[8860] The subsequent investigation established that the shell had come from the north-east, but the exact distance from the firing point was not identified.[8861]

2065. **Sead Bešić** stated that he was in the police station when he learned about the shelling of Markale Market on 5 February 1994.[8862] When he arrived with his investigation team at the incident site - an open marketplace in the centre of Sarajevo town - police officers from Stari Grad had already secured the area.[8863] **Mirza Sabljica**, who was part of the same investigative team, testified that they arrived at the scene around 1:20 p.m.[8864] He recalled that during the initial site inspection, Besić said 'please have a look at the roof, the tail fin may be there'.[8865] According to **Bešić**, the investigative team found a crater where the projectile had landed, and then started recording the scene of the incident, taking photographs, and drawing sketches.[8866] While cleaning the crater of human tissue, blood, soil, and other items, the witness discovered

[8857] P736 (Michael Rose, witness statement, 26 March 2009), para. 38; Michael Rose, T. 6879.
[8858] P736 (Michael Rose, witness statement, 26 March 2009), para. 39; Michael Rose, T. 6880.
[8859] Michael Rose, T. 6880-6881.
[8860] Michael Rose, T. 6885-6887.
[8861] P736 (Michael Rose, witness statement, 26 March 2009), para. 39.
[8862] P1896 (Sead Bešić, prior testimony), *Galić* transcript of 4, 6-7 March 2002, p. 4795.
[8863] P1896 (Sead Bešić, prior testimony), *Galić* transcript of 4, 6-7 March 2002, pp. 4795-4796, 4906.
[8864] P855 (Mirza Sabljica, witness statement, 11 February 2010), p. 31; P868 (MUP investigative file), p. 4.
[8865] P855 (Mirza Sabljica, witness statement, 11 February 2010), pp. 46-47.
[8866] P1896 (Sead Bešić, prior testimony), *Galić* transcript of 4, 6-7 March 2002, pp. 4796-4797.

the tail fin of the projectile.[8867] Bešić did not move the tail fin but UNPROFOR soldiers, who arrived at the incident site about 10-15 minutes after the witness, cleared the crater and extracted it.[8868] Bešić took the tail fin to the laboratory for further technical investigation.[8869] The tail fin was marked on the inside as 'MM-74' and 'KB 87-01'.[8870] According to the witness, 'KB' is Cyrillic for 'KV', standing for the Krušik factory in Valjevo (Serbia) with the year of production having been January 1987.[8871]

2066. **John Russell** testified that on 5 February 1994, he carried out a crater analysis at the scene of the incident.[8872] He arrived at the market between 4:15 and 4:30 p.m., unaware that other UN personnel had carried out crater analyses before.[8873] He found a chisel and a red pipe wrench within one metre of the crater, although he did not believe these had been used to alter the crater.[8874] According to the witness, the entire area had been swept thoroughly and he did not find any shrapnel.[8875] During his analysis, he observed that debris had fallen into the hole and that the victims had been removed, disturbing the evidence, such as the location of fragments.[8876] In his initial assessment and after observing that the size of the crater was smaller than expected, he concluded that the mortar round may have struck an object before hitting the ground.[8877] However, after learning that a tail fin had been found embedded in the ground, he was of the view

[8867] P1896 (Sead Bešić, prior testimony), *Galić* transcript of 4, 6-7 March 2002, pp. 4797, 4805, 4906, 4915-4917.
[8868] P1896 (Sead Bešić, prior testimony), *Galić* transcript of 4, 6-7 March 2002, pp. 4805, 5031-5032. *See also* P855 (Mirza Sabljica, witness statement, 11 February 2010), p. 33; Mirza Sabljica, T. 8064; P864 (Video of Markale Market shelling aftermath, 5 February 1994), 08:53-09:19; P868 (MUP investigative file), pp. 5, 17, 19, 39, 60.
[8869] P1896 (Sead Bešić, prior testimony), *Galić* transcript of 4, 6-7 March 2002, p. 4806. *See also* P855 (Mirza Sabljica, witness statement, 11 February 2010), pp. 34-35.
[8870] P1896 (Sead Bešić, prior testimony), *Galić* transcript of 4, 6-7 March 2002, p. 5034. *See also* P855 (Mirza Sabljica, witness statement, 11 February 2010), p. 40; P868 (MUP investigative file), pp. 5, 17, 19, 22, 44.
[8871] P1896 (Sead Bešić, prior testimony), *Galić* transcript of 4, 6-7 March 2002, p. 5034.
[8872] D1219 (John Russell, witness statement, 17 October 2011), paras 9, 12; John Russell, T. 38690-38691.
[8873] D1219 (John Russell, witness statement, 17 October 2011), paras 12-13; John Russell, T. 38690-38691, 38756.
[8874] D1219 (John Russell, witness statement, 17 October 2011), para. 16.
[8875] D1219 (John Russell, witness statement, 17 October 2011), para. 17; John Russell, T. 38693-38694, 38757.
[8876] D1219 (John Russell, witness statement, 17 October 2011), paras 14, 15, 24; John Russell, T. 38708; D1221 (John Russell's report on the crater analysis with handwritten notes, 5 February 1994), p. 1.
[8877] D1219 (John Russell, witness statement, 17 October 2011), para. 18; John Russell, T. 38700-38701, 38753-38754, 38758; P7538 (UNMO daily situation report for Sector Sarajevo, 5 February 1994); D1221 (John Russell's report on the crater analysis with handwritten notes, 5 February 1994).

that the round had not struck any object before hitting the ground.[8878] According to the witness, the approximate direction of fire of the mortar shell was east-north-east.[8879] The witness accepted that the angle of descent was reported at 1,200 to 1,300 mils.[8880] He further noted that the angle of descent must have been steep in order to leave the adjacent building undamaged.[8881] As both parties held positions in the direction of fire and the distance could not be determined, the witness concluded, consulting *inter alia* data in firing tables, that it was impossible to determine with certainty whether the shell was fired from the ABiH or Serb positions.[8882] According to the witness, the depth of the crater at the time of the impact could not be accurately determined because the crater had been disturbed.[8883]

2067. The incident was reported in a number of UNMO and UNPROFOR reports. According to an UMNO daily situation report of 5 February 1994, one mortar round landed on a market table and exploded at a height of 90 centimetres in a crowded market in Sarajevo. UNMOs confirmed 58 people were killed and 142 were wounded, none of whom were Bosnian-Serbs. On the same day, UNMOs observed that 18 mixed rounds were fired from Serb-controlled territory while none were fired from ABiH-controlled territory. Similarly, the UNMOs observed 55 mixed impacts in ABiH-controlled territory while none were observed in Serb-controlled territory.[8884] According to an UNPROFOR situation report of the same day, on 5 February 1994, a single 120-millimetre mortar shell exploded at the market in Sarajevo during rush hour. Fifty-eight 'civilians' were killed and 142 were wounded. The crater analysis carried out showed that the shell could have been fired from ABiH or Serb positions.[8885] According to an UNPROFOR weekly report of 9 February 1994, on 5 February 1994, a 120-millimetre mortar bomb hit the old town market in Sarajevo, injuring almost 200 people and killing

[8878] D1219 (John Russell, witness statement, 17 October 2011), para. 19; John Russell, T. 38700-38701, 38703-38704, 38758; D1221 (John Russell's report on the crater analysis with handwritten notes, 5 February 1994), p. 1.
[8879] D1219 (John Russell, witness statement, 17 October 2011), para. 20.
[8880] D1219 (John Russell, witness statement, 17 October 2011), para. 21; John Russell, T. 38761.
[8881] D1219 (John Russell, witness statement, 17 October 2011), para. 22; John Russell, T. 38691-38692.
[8882] D1219 (John Russell, witness statement, 17 October 2011), paras 23, 31; John Russell, T. 38704-38705, 38728-38729, 38735, 38765-38768, 38774, 38779-38780; P7539 (Excerpts from Firing Tables for M74 120 mm Light Mortar, 1982); D1220 (UNPROFOR situation report, 5 February 1994), p. 2; D1221 (John Russell's report on the crater analysis with handwritten notes, 5 February 1994), p. 2.
[8883] D1219 (John Russell, witness statement, 17 October 2011), para. 24.
[8884] P7538 (UNMO daily situation report for Sector Sarajevo, 5 February 1994).
[8885] D1220 (UNPROFOR situation report, 5 February 1994), p. 1.

68.[8886] Almost all of the victims were civilians.[8887] UNPROFOR ballistics experts concluded that the bomb had been fired from the north-east, from near the confrontation line but that it was not possible to say that the round had come from Serb positions.[8888] UNPROFOR reported that after the incident, in a letter to the Presidents of Russia and the USA, the Serbs claimed that the Muslim authorities had brought in people who were already dead to the marketplace in order to frame the Serbs. Similarly, according to UNPROFOR, Krajišnik claimed that many of the dead bodies seen on TV were just dummies dressed up as blast victims.[8889] A second, more thorough, investigation by UNPROFOR concluded that it still could not be determined from which side of the confrontation line the bomb had been fired.[8890]

2068. On 6 February 1994, another investigation team, led by Berko Zečević, set out to determine the range and origin of fire of the shell.[8891] The team did not find signs that the projectile hit the market stalls.[8892] The angle of descent was estimated to be 60 degrees plus-or-minus five degrees.[8893] The team found that the tail fin's markings showed that the shell had been manufactured by 'Krušik - Valjevo' in 1987 as part of the first batch.[8894] During an interview, Kenan Parla stated that when situated at a house near the frontline, he heard the sound of the firing of a shell coming from behind Špicasta Stijena from the direction of the village of Mrkovići around 12:30 p.m. on 5 February 1994.[8895] In another interview, Sehida Hrković, who was situated at her house on a hill near Sedrenik, stated that she heard the sound of a shell being fired from the direction of the village of Mrkovići on 5 February 1994 around 12:20 p.m.[8896] According to a Bosnia-Herzegovina MUP report, Markale Market and its surrounding buildings were not used by the ABiH.[8897] The difference in altitude between the potential firing location and the centre of the explosion was reported as 400 metres. The

[8886] P4 (Weekly report drafted by David Harland, 9 February 1994), pp. 1-2. *See also* P7778 (UNPROFOR status report, 9 February 1994), p. 1.
[8887] P4 (Weekly report drafted by David Harland, 9 February 1994), pp. 1-2.
[8888] P4 (Weekly report drafted by David Harland, 9 February 1994), p. 2. *See also* P7778 (UNPROFOR status report, 9 February 1994), p. 1; P7779 (UNPROFOR weekly political assessment, 17 February 1994), p. 3.
[8889] P4 (Weekly report drafted by David Harland, 9 February 1994), p. 5.
[8890] David Harland, T. 772; D8 (Weekly UNPROFOR report, 17 February 1994), p. 3.
[8891] P855 (Mirza Sabljica, witness statement, 11 February 2010), p. 48; P868 (MUP investigative file), pp. 5-6.
[8892] P868 (MUP investigative file), pp. 6, 36.
[8893] P868 (MUP investigative file), pp. 6, 39, 41, 44.
[8894] P868 (MUP investigative file), p. 38.
[8895] P868 (MUP investigative file), p. 10.
[8896] P868 (MUP investigative file), p. 14.

investigation calculated the following possible ranges taking into account the difference in altitude and the angle of descent: 1,640-1,840 metres for charge one; 2,577 to 2972 metres for charge two; 3,622 to 4,120 metres for charge three; 4,570-5,110 metres for charge four; 5,500 to 5,979 metres for charge five; and 6,170 to 6,546 metres for charge six.[8898] These calculations led to the conclusion that there were six potential firing origins, one of which was under the control of the ABiH, and the remaining five under the control of the VRS.[8899]

2069. **Michel Gauthier** testified that he was assigned as the team leader of the UN team tasked to investigate the 5 February 1994 Markale shelling incident on 11 February 1994.[8900] The UNPROFOR Deputy Force Commander instructed the team to confine its investigation to crater analysis and the related technical aspects of the explosion.[8901] **John Hamill**, a member of the team, testified that the team concluded that the explosion had occurred between 12:10 and 12:15 p.m. on 5 February 1994.[8902] **Gauthier** testified that the team found that the results of the initial two crater analyses conducted on the day of the explosion by the FreBat 4 team and UNPROFOR Sector Sarajevo (Captain Verdy) were flawed and suspect and could not be relied upon.[8903] Also on 5 February, a third crater analysis had been conducted by John Russell, who calculated that the mortar had been fired at a bearing of 450 mils and at an angle of descent of between 1,200 and 1,300 mils.[8904] Gauthier's team interviewed Russell during its investigation and obtained a copy of his report.[8905] The team also concluded that an accurate measurement of the direction of fire remained possible six days after the incident, on 11 February 1994, because the scrapes on the pavement remained untouched and the general condition of the fuse tunnel could not have changed.[8906] The investigative team further determined that the possible distance from the origin of fire to the point of detonation was between 300 and 5,551 metres, depending on the number of

[8897] P868 (MUP investigative file), p. 3.
[8898] P868 (MUP investigative file), p. 41.
[8899] P868 (MUP investigative file), pp. 44, 48.
[8900] D1242 (Michel Gauthier, witness statement, 6 February 2012), paras 5, 7; Michel Gauthier, T. 39075.
[8901] D1242 (Michel Gauthier, witness statement, 6 February 2012), para. 7.
[8902] P537 (John Hamill, *Galić* transcript, 25 March 2002), p. 6077; P538 (UNPROFOR investigation report Markale, 15 February 1994), pp. 1, 5, 17.
[8903] D1242 (Michel Gauthier, witness statement, 6 February 2012), paras 8-11; Michel Gauthier, T. 39109, 39116-39117. *See also* P537 (John Hamill, *Galić* transcript, 25 March 2002), pp. 6097, 6108; John Hamill, T. 5500; P538 (UNPROFOR investigation report Markale, 15 February 1994), pp. 2, 7-8, 11, 14.
[8904] D1242 (Michel Gauthier, witness statement, 6 February 2012), para. 12; Michel Gauthier, T. 39106.
[8905] D1242 (Michel Gauthier, witness statement, 6 February 2012), para. 13.
[8906] D1242 (Michel Gauthier, witness statement, 6 February 2012), para. 14.

charges used when firing the mortar.[8907] Although some members of the team made estimates about the angle of descent based on an analysis of the crater on 11 February 1994, the team ultimately concluded that as the crater had been thoroughly excavated, an accurate measurement could not be taken.[8908] FreBat did not measure the angle of descent before it excavated and removed the tail fin.[8909] Russell's measurements of 5 February were taken after FreBat had removed the tail fin.[8910] Given that the estimated distance range included areas on both sides of the confrontation line, the team concluded that there was insufficient physical evidence to prove that one side or the other fired the mortar bomb on 5 February 1994.[8911]

2070. **Witness GRM-065** determined that the mortar shell crater was clean and sharply defined.[8912] According to the witness, it is more difficult to determine a shell's precise angle of descent after the tail fin has been extracted.[8913] The witness determined that the crater was not created by a static explosion device based on its shape and the appearance of the ground around the crater.[8914]

2071. A representative of the SRK, Colonel Cvetković, confirmed to Hamill that there were a number of 120-millimetre mortars in Mrkovići along the estimated line of fire to the north-north-east of Markale.[8915] **Hamill** testified that Cvetković told him that the VRS had not fired the round in question. Cvetković asked the witness why he was so worried about this particular mortar round when during the previous year, the VRS had fired some 30,000 to 40,000 rounds into the city of Sarajevo.[8916] Bombs had fallen on Sarajevo city centre in the period leading up to the time of the Markale bomb, including some on the neighbouring grid some 900 to 1,900 metres from Markale between 11:30 a.m. and 12:45 p.m.[8917] During the investigation, Hamill became aware that there was a

[8907] D1242 (Michel Gauthier, witness statement, 6 February 2012), paras 19, 26.
[8908] D1242 (Michel Gauthier, witness statement, 6 February 2012), paras 20-21; Michel Gauthier, T. 39106-39109. *See also* P537 (John Hamill, *Galić* transcript, 25 March 2002), p. 6101; P538 (UNPROFOR investigation report Markale, 15 February 1994), pp. 11, 17.
[8909] D1242 (Michel Gauthier, witness statement, 6 February 2012), paras 8, 21.
[8910] D1242 (Michel Gauthier, witness statement, 6 February 2012), paras 8, 10-12.
[8911] D1242 (Michel Gauthier, witness statement, 6 February 2012), paras 26-27. *See also* P537 (John Hamill, *Galić* transcript, 25 March 2002), p. 6084; P538 (UNPROFOR investigation report Markale, 15 February 1994), p. 3.
[8912] D1442 (Witness GRM-065, *Karadžić* transcript, 16 January 2013), pp. 32009, 32010, 32012.
[8913] D1440 (Witness GRM-065, questionnaire, 27 March 2012), pp. 2-3.
[8914] D1442 (Witness GRM-065, *Karadžić* transcript, 16 January 2013), p. 32018.
[8915] Adjudicated Facts III, no. 2511.
[8916] P537 (John Hamill, *Galić* transcript, 25 March 2002), p. 6109.
[8917] John Hamill, T. 5473-5475; P538 (UNPROFOR investigation report Markale, 15 February 1994), p. 42.

police building located within 300 metres of the site of the blast.[8918] The witness testified that the lethal radius of a 120-millimetre bomb is 54 metres and the danger zone radius for unprotected troops is 500 metres.[8919] Hamill testified that air temperature conditions have a minor impact on the margin of error of mortar targeting. Taking into account all meteorological factors, the margin of error of a mortar bomb would be up to 100 metres at a distance of 3,000 metres.[8920]

2072. Several witnesses commented on the results of the investigations into this incident. **Sergii Moroz** testified that the Markale incident in 1994 was not the result of a mortar shell as reported on television.[8921] Moroz acknowledged that he had no special training in interpreting traces or craters from mortar explosions, ballistics, or explosives.[8922] Visiting the marketplace the day after the explosion, Moroz noted that the source of the explosion was not a mortar shell, because the traces from the explosion and the trajectory of the shell could not have been close to the tall buildings.[8923] He mentioned that the crater that resulted from the explosion had a diameter of about 30 centimetres and a depth of five to seven centimetres, which was deeper than other craters he saw in the city.[8924] He emphasized that a Russian, Mr Rumyansev, from the UNMO mission, told him that the mortar shell could not have come from the Serb side due to the trajectory and the direction of the fragments left on the asphalt after the explosion, and because the number of fragments and victims was too large to be from a mortar shell; instead his supposition was that a special explosive device was the cause.[8925]

2073. **Witness GRM-097,** who was in Mostar at the time of the Markale Market shelling, testified that UNPROFOR received information casting doubt on the conclusion that the Bosnian Serbs were responsible.[8926] The shell that landed at the market appeared to have come in with a very high trajectory, indicating a close-range

[8918] John Hamill, T. 5499.
[8919] John Hamill, T. 5519-5520.
[8920] John Hamill, T. 5524-5525.
[8921] D1370 (Sergii Moroz, *Galić* transcript, 22-23 January 2003), p. 18145; Sergii Moroz, T. 42364-42366.
[8922] Sergii Moroz, T. 42364-42366, 42515.
[8923] D1370 (Sergii Moroz, *Galić* transcript, 22-23 January 2003), p. 18145; Sergii Moroz, T. 42364-42365.
[8924] Sergii Moroz, T. 42368-42370.
[8925] D1370 (Sergii Moroz, *Galić* transcript, 22-23 January 2003), p. 18145, 18155, 18166-18167, 18169; Sergii Moroz, T. 42365-42366, 42370-42372.
[8926] D1298 (Witness GRM-097, witness statement, 21 November 2012), para. 6; Witness GRM-097, T. 40059-40060, 40067; D1299 (Diary of Witness GRM-097, February 1994), pp. 2-3.

firing.[8927] Major John Russell told the witness that no shrapnel or other physical evidence could be found at the scene on 5 February 1994.[8928] The initial investigation could not confirm the perpetrator of the shelling.[8929] During a meeting held on 6 February 1994, Milovanović adamantly denied that the Bosnian Serbs had fired the shell.[8930] During a meeting with the Bosnian-Muslim leadership held on 8 February 1994, General Rose suggested that the shelling may have been carried out by the Bosnian-Muslim side. Following this suggestion, a long silence followed, after which the Bosnian-Muslim leaders asked whether the interpretation had been correct, and then denied responsibility, claiming to have intercepted a conversation involving the Bosnian Serbs confessing to the shelling.[8931]

2074. **Jan Segers** testified that following media reports about the Markale Market shelling in February 1994, he received an oral report from UNMOs returning from inspection and crater analysis.[8932] The UNMOs reported that they could not perform a thorough crater analysis, as no artillery had been fired and there was no impact on the ground, which led them to the preliminary conclusion that the explosion had most likely been caused by an explosive device under a table.[8933] While in Zagreb working as a Military Information Officer, the witness saw a copy of a code cable that had been sent to New York, which also stated that the incident had in all likelihood been caused by an explosive device that had been placed under a table.[8934]

2075. **Witness GRM-037** testified that around late November to early December 1994, a sergeant from the United States intelligence cell told him, during an official meeting arranged specifically to discuss the shelling of Markale Market, that the Muslims were responsible for the first Markale Market shelling incident.[8935] The sergeant flashed a five by eight inch photograph from a distance of about 10 to 15 feet and told the witness

[8927] D1298 (Witness GRM-097, witness statement, 21 November 2012), para. 7.
[8928] D1298 (Witness GRM-097, witness statement, 21 November 2012), para. 8; D1299 (Diary of Witness GRM-097, February 1994), p. 3.
[8929] Witness GRM-097, T. 40146.
[8930] D1298 (Witness GRM-097, witness statement, 21 November 2012), para. 10; Witness GRM-097, T. 40065; D1299 (Diary of Witness GRM-097, February 1994), p. 3.
[8931] D1298 (Witness GRM-097, witness statement, 21 November 2012), para. 11; Witness GRM-097, T. 40067–40068; D1299 (Diary of Witness GRM-097, February 1994), pp. 3-4.
[8932] D1465 (Jan Segers, witness statement, 4 February 2016) p. 2; Jan Segers, T. 43778-43779, 43782-43784, 43787, 43790, 43798, 43800-43801.
[8933] D1465 (Jan Segers, witness statement, 4 February 2016) p. 2; Jan Segers, T. 43784, 43790-43794, 43803.
[8934] Jan Segers, T. 43782.
[8935] D1240 (Witness GRM-037, witness statement, 14 September 2012), para. 11; Witness GRM-037, T. 39014-39015, 39051.

that it was a photograph of a person dropping a mortar shell from a window overlooking the market.[8936] The witness could not see the photograph well.[8937] He was told that the Bosnian-Muslim side had provided the United States with this photograph.[8938] During his visit to the marketplace, sometime between November 1994 and July 1995, the witness personally saw the imprint of a shell in a narrow street and its trajectory looked as if it had been straight down.[8939] When confronted with a sketch of the place of the impact and the surrounding buildings, the witness agreed that the buildings were too far away for it to be possible to drop the shell from one of the buildings onto the marketplace.[8940]

2076. **Milorad Batinić** testified that on 5 February 1994, he attended a meeting at Hotel Serbia with UNMO Jan Pedersen and Colonel Marko Lugonja, who was in charge of security, intelligence, and the police in the SRK, during which Lugonja stated that 'the Serb side did not do this'.[8941] Lugonja then asked Pedersen and the witness to come back to his headquarters in Lukavica an hour later so that he could provide them with all the necessary information after inquiring with his security service.[8942] In Lukavica, Lugonja showed video footage of the Markale incident, recorded by his service, to the witness and Pedersen.[8943] The footage showed two men running away from the scene, which Lugonja described as suspicious, a plastic leg without a body, and pyramids of potatoes and bottles on the stalls that had not been disturbed.[8944] Lugonja also mentioned that his intelligence service found out that over the previous seven days no funerals had taken place and that bodies had been kept in a mortuary in Koševo and relied *inter alia* on this point to suggest that the incident was a set-up.[8945]

2077. **Slavko Gengo** testified that a mortar platoon, subordinated to his unit, the 7th Infantry Battalion of the 1st Romanija Infantry Brigade, positioned 82- and 120-

[8936] D1240 (Witness GRM-037, witness statement, 14 September 2012), para. 11; Witness GRM-037, T. 39009, 39014, 39028-39029, 39041, 39051, 39056.
[8937] Witness GRM-037, T. 39029, 39041, 39055.
[8938] Witness GRM-037, T. 39014, 39034, 39055-39056.
[8939] Witness GRM-037, T. 39013-39014, 39034.
[8940] Witness GRM-037, T. 39046-39047.
[8941] Milorad Batinić, T. 22632-22635, 22712-22713; P6593 (Copy of notes taken from Milorad Batinić during his testimony, 12 June 2014), p. 2.
[8942] Milorad Batinić, T. 22633.
[8943] Milorad Batinić, T. 22633-22634; P6593 (Copy of notes taken from Milorad Batinić during his testimony, 12 June 2014), p. 2.
[8944] Milorad Batinić, T. 22633-22634.
[8945] Milorad Batinić, T. 22634; P6593 (Copy of notes taken from Milorad Batinić during his testimony, 12 June 2014), p. 2.

millimetre mortars to face targets located inside the inner ring of Sarajevo.[8946] Two 120-millimetre as well as two 82-millimetre mortars were placed at firing positions in Mrkovići, in addition to two 82-millimetre mortars at Gornije Biosko and two 120-millimetre mortars on Debelo Brdo.[8947] While it was not possible to see into the city of Sarajevo from these positions, observers reported the direction of fire so that the mortar crew was able to adjust its aim.[8948] According to the witness all of their mortars only had coordinates for the line of confrontation.[8949] A 120-millimetre mortar fired from Mrkovići had a firing range of approximately three to four kilometres.[8950] The 4th Mixed Artillery Regiment was located at Debelo Brdo and also able to target the centre of Sarajevo; it was supposed to back-up and support the 7th Infantry Battalion.[8951] The 4th Mixed Artillery Regiment possessed 155-millimetre howitzers, 122-millimetre assets, and a 130-millimetre cannon.[8952] According to the witness, all SRK Brigades save for the Igman and Ilijaš brigades were able to target the city centre of Sarajevo.[8953] The witness claimed not to have heard, nor to have received any report regarding mortar fire from Mrkovići on 5 February 1994.[8954]

2078. **Milorad Džida** testified that on 5 February 1994 no shell was fired from any firing position in the zone of defence of the SRK 7th Battalion.[8955] On 6 February 1994, the witness accompanied a mixed commission, comprising representatives of the VRS Main Staff, the SRK, the UNPROFOR, and the 1st Romanija Infantry Brigade**,** to the 7th Battalion's two firing position of 120-millimetre mortars.[8956] Members of the commission examined the mortars, measured the coordinates and the distance between the mortars, and spoke with the soldiers assigned to these positions.[8957] The witness heard the UNPROFOR interpreter say that the weapons could not have fired on the previous day since they had not been used for a long time.[8958] After calculating the

[8946] D473 (Slavko Gengo, witness statement, 10 May 2014), para. 3; Slavko Gengo, T. 21614-21615.
[8947] D473 (Slavko Gengo, witness statement, 10 May 2014), para. 13, Slavko Gengo, T. 21638.
[8948] Slavko Gengo, T. 21615, 21619.
[8949] D473 (Slavko Gengo, witness statement, 10 May 2014), para. 42.
[8950] Slavko Gengo, T. 21615-21616.
[8951] Slavko Gengo, T. 21614, 21624-21625, 21627, 21712.
[8952] Slavko Gengo, T. 21624.
[8953] Slavko Gengo, T. 21626-21627.
[8954] D473 (Slavko Gengo, witness statement, 10 May 2014), para. 40.
[8955] D489 (Milorad Džida witness statement, 10 May 2014), para. 21; D490 (Milorad Džida supplemental witness statement, 28 May 2014), p. 1; Milorad Džida, T. 21912.
[8956] D489 (Milorad Džida witness statement, 10 May 2014), paras 18-19; Milorad Džida, T. 21895-21897.
[8957] D489 (Milorad Džida witness statement, 10 May 2014), para. 19; Milorad Džida, T. 21907-21908, 21910.
[8958] D489 (Milorad Džida witness statement, 10 May 2014), para. 19; Milorad Džida, T. 21910.

coordinates, a commission member explained that mortar fire on the market could not have been opened from that position.[8959] The witness further specified that the coordinates were not consistent with the funnel-like traces observed at Markale and typically going backwards towards the direction of fire.[8960] According to the witness, there were no footsteps around the mortars and the six and three-storey buildings in between the positions and the market were too high for a round to fly over.[8961] At the time, the witness or Gengo were the only ones approving firing round, rounds were scarce, and the soldiers were not allowed nor would they have dared to fire ammunitions independently.[8962] The battalion was under strict orders to observe cease-fires and only fired on enemy positions in case of defence actions and never on civilians or civilian buildings.[8963] Civilian casualties only occurred when the battalion engaged military targets without realizing that they were near civilian buildings.[8964] After a few days, UNPROFOR soldiers and officers came for a regular inspection of the battalion and inspected the mortar positions for approximately ten minutes without measuring anything.[8965] The witness heard the interpreter translate that the French major had concluded that the battalion was not involved in the Markale incident.[8966]

2079. **Siniša Maksimović** provided a statement regarding the Markale Market shelling which reads: 'As [SRK] company commander I had contact with all members of my unit [stationed near Grdonj and Mrkovići], and their unanimous conviction about the incident in Markale on 5 February 1994 was that it was an incident staged by the Muslims. All operations were aimed towards the enemy lines, which were very close to ours'.[8967]

2080. **Zorica Subotić** testified that a number of professionals, including experts in ballistics and munitions, staged the Markale Market incident by simultaneously and remotely activating, through a timer or another trigger, either two static 120-millimetre mortar shells, or a single 120-millimetre mortar shell and some other unidentified

[8959] D489 (Milorad Džida witness statement, 10 May 2014), para. 20; Milorad Džida, T. 21908, 21913.
[8960] D489 (Milorad Džida witness statement, 10 May 2014), para. 20.
[8961] Milorad Džida, T. 21910-21911.
[8962] Milorad Džida, T. 21911-21912.
[8963] D489 (Milorad Džida witness statement, 10 May 2014), paras 22-23.
[8964] D489 (Milorad Džida witness statement, 10 May 2014), para. 22.
[8965] D489 (Milorad Džida witness statement, 10 May 2014), para. 21; D490 (Milorad Džida supplemental witness statement, 28 May 2014), p. 1; Milorad Džida, T. 21914-21915.
[8966] D489 (Milorad Džida witness statement, 10 May 2014), para. 21; D490 (Milorad Džida supplemental witness statement, 28 May 2014), p. 1.
[8967] D547 (Siniša Maksimović, witness statement, 20 May 2014), para. 6.

explosive device, in the busiest part of the market.[8968] Subotić considered that the incident probably occurred pursuant to orders from the Bosnia-Herzegovina government.[8969] She based her opinion on (i) the speed and method of evacuation of the wounded that, in her view, was illogical unless someone knew of the explosion in advance;[8970] (ii) discrepancies in the lists of dead and wounded persons coupled with the high number of dead and wounded compared to the number of people at the market, which showed that the number of dead and wounded was inflated by misrepresenting existing hospital patients as victims and transporting corpses from Koševo Hospital and other places to the incident;[8971] (iii) the quick response of the media, namely the use of television cameras to broadcast shocking imagery and, in particular, the filming of the above-mentioned corpses;[8972] and (iv) her analysis of the dimensions of the market stalls, the minimum angle of descent, the crater, the stabilizer, and the material traces of the mortar.[8973]

2081. To reach her conclusions, Subotić relied on drawings, photographs, maps, and video footage to reconstruct the dimensions of the stalls and the layout of the market at the time of the incident and examine traces of the explosion.[8974] On the basis of these calculations, Subotić determined that the minimum angle of descent was 73 degrees for the mortar shell to land and avoid hitting a stall.[8975] Subotić concluded that if the analysis of the CSB investigators and Berko Zečevic at the time of the incident were

[8968] D2113 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area – Incidents at the Markale Market 5 February 1994 and 28 August 1995, 25 April 2014), pp. 84-88, 90, 93-95, 141, 146-147; Zorica Subotić, T. 39372, 39436-39438, 39440-39441, 39734-39738, 39740-39742, 39744-39746.

[8969] D2113 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area – Incidents at the Markale Market 5 February 1994 and 28 August 1995, 25 April 2014), pp. 86-87, 140.

[8970] D2113 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area – Incidents at the Markale Market 5 February 1994 and 28 August 1995, 25 April 2014), pp. 38-44, 85, 87, 140.

[8971] D2113 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area – Incidents at the Markale Market 5 February 1994 and 28 August 1995, 25 April 2014), pp. 45-52, 54-61, 86-88, 140-141; Zorica Subotić, T. 39372, 39742-39744.

[8972] D2113 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area – Incidents at the Markale Market 5 February 1994 and 28 August 1995, 25 April 2014), pp. 40-41, 45-53, 85, 87, 93, 140, 146-147; Zorica Subotić, T. 39734.

[8973] D2113 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area – Incidents at the Markale Market 5 February 1994 and 28 August 1995, 25 April 2014), pp. 30-37, 63-66, 72-76, 80-86, 88-95, 141-142, 144-147; Zorica Subotić, T. 39372-39374, 39376-39379, 39383, 39435-39437, 39731, 39729-39730, 39740-39741, 39744-39748, 39754-39755.

[8974] D2113 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area – Incidents at the Markale Market 5 February 1994 and 28 August 1995, 25 April 2014), pp. 30-37, 88-89, 142, 146; Zorica Subotić, 39376-39379, 39436, 39729-39730.

correct, it would have been impossible for the mortar shell to land without it also hitting the roof of the stall, and that therefore the mortar shell must have been planted and statically activated.[8976] She opined that the mortar shell was placed on a stand with the measurements carefully calculated to make it appear as if the mortar shell came from a VRS position and had been fired with a large charge.[8977]

2082. Subotić noted that ordinarily, small objects are blown away from the crater by the detonation wave, but the crater in this incident was buried by rubble, which is impossible to occur naturally.[8978] Further, because the ground consisted of hard-packed gravel with a layer of asphalt, the stabilizer should have been fully or partially visible, whereas in this case, the stabilizer completely penetrated the ground.[8979] Subotić also considered it unusual and virtually impossible that the fins and cylindrical part of the stabilizer lacked any scratches or other longitudinal markings, as it would have been the first part to penetrate the surface.[8980] According to Subotić, these inconsistencies reaffirmed that the mortar shell was statically activated and that the stabilizer had been placed into the ground before the explosion.[8981]

2083. Finally, relying on video footage, Subotić concluded that shrapnel damage on a red stall next to the '22 Decembar' building could not have been caused by the mortar shell that left the crater and that therefore, there must have been a second mortar shell or some other explosive device.[8982] According to Subotić, a single explosion could not

[8975] D2113 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area – Incidents at the Markale Market 5 February 1994 and 28 August 1995, 25 April 2014), pp. 80-82, 92, 145-146.
[8976] D2113 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area – Incidents at the Markale Market 5 February 1994 and 28 August 1995, 25 April 2014), pp. 80-86, 88, 92-95, 141, 145-147; Zorica Subotić, T. 39744-39746.
[8977] D2113 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area – Incidents at the Markale Market 5 February 1994 and 28 August 1995, 25 April 2014), pp. 88, 141; Zorica Subotić, T. 39740, 39744-39745.
[8978] D2113 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area – Incidents at the Markale Market 5 February 1994 and 28 August 1995, 25 April 2014), pp. 63-66, 72, 86, 91, 144; Zorica Subotić, T. 39372-39374, 39754.
[8979] D2113 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area – Incidents at the Markale Market 5 February 1994 and 28 August 1995, 25 April 2014), pp. 64-65, 76, 86, 91-92, 144-145; Zorica Subotić, T. 39373-39374, 39435, 39744-39745, 39754-39755.
[8980] D2113 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area – Incidents at the Markale Market 5 February 1994 and 28 August 1995, 25 April 2014), pp. 76, 90-91, 144; Zorica Subotić, T. 39435-39437.
[8981] D2113 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area – Incidents at the Markale Market 5 February 1994 and 28 August 1995, 25 April 2014), pp. 86, 88, 90, 141, 143, 147; Zorica Subotić, T. 39436-39437, 39741, 39744-39748.
[8982] D2113 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area – Incidents at the Markale Market 5 February 1994 and 28 August 1995, 25 April 2014), pp. 84, 93, 146; Zorica Subotić, T. 39383.

have caused the shrapnel damage on the wall behind the stall and on the wall perpendicular to it.[8983]

Consideration of Adjudicated Facts and assessment of reliability and credibility of witnesses

2084. The Trial Chamber has taken judicial notice of Adjudicated Facts regarding the perpetrator(s) of this incident. According to Adjudicated Facts numbers 2519 and 2525, the mortar shell which exploded at Markale Market a) was fired from SRK-controlled territory, and b) travelled a distance considerably greater than 2,600 metres from the north-east direction, placing the position from which the shell was fired well within SRK-controlled territory. The Trial Chamber has received evidence from both parties which deals with the origin of fire as stated in the Adjudicated Facts, namely that an investigation carried out by UNPROFOR concluded that – at that time – it could not be determined from which side of the confrontation line the mortar shell had been fired. Additionally, it received evidence that an investigation carried out by the Bosnian MUP concluded that there were six potential firing origins, one of which was under the control of the ABiH and five of which were under the control of the SRK. These investigations do not provide – nor do they intend to provide – conclusive answers to the matters established in the Adjudicated Facts regarding the mortar shell's origin of fire and the entity controlling that position. Therefore, the Trial Chamber finds that this evidence does not contradict the Adjudicated Facts.

2085. The Trial Chamber has also taken judicial notice of an Adjudicated Fact, which sets out the precise bearing of the mortar shell fired at Markale Market. According to Adjudicated Fact no. 2515, the 120-millimetre mortar shell fired at Markale Market was fired from the direction north-northeast of the market or at a bearing of approximately 18 degrees. John Russell, on the other hand, testified that the approximate direction of the mortar shell fired at Markale Market to be east-north-east. The Trial Chamber examined whether Russell's evidence was sufficiently reliable to rebut Adjudicated Fact no. 2515. The Trial Chamber considered that prior to his assignment in Sarajevo, Russell had attended a two and a half day crater analysis course and had conducted four

[8983] Zorica Subotić, T. 39407-39408.

crater analyses.[8984] While the Chamber considered the witness to be generally truthful in answering questions from the parties and the Chamber, the witness was not thorough in his analyses or his measurements and often testified that he was unaware of important factors that would have been relevant to making his determinations.[8985] Furthermore, the witness conceded that he had used incorrect firing tables to calculate the mortar shell's angle of descent.[8986] The witness did not believe it was necessary, however, to revise his statement when he learned that the information on which his conclusions were based was either incomplete or incorrect.[8987] According to his diary entry of 5 February 1994, the witness had done 'a quick crater analysis'.[8988] In light of the foregoing, the Trial Chamber finds that the witness's evidence in relation to the direction of fire is not sufficiently reliable to rebut Adjudicated Fact no. 2515.

2086. The Trial Chamber notes that Witness GRM-097 testified that the shell that landed on Markale Market was fired from close-range. Milorad Batinić provided evidence about having seen a video showing two men running away from the market, which the witness found suspicious. Jan Segers testified that he had heard two theories about the event from UNMO personnel: that an explosive placed under a market table had caused the explosion at Markale Market and that the explosive had been caused by the Serb army firing a mortar shell at the market. The evidence from these witnesses does not contradict, and therefore does not rebut, the Adjudicated Facts concerning the events on 5 February 1994, in particular concerning the origin of fire.[8989]

2087. The Trial Chamber received evidence from Witness GRM-037, Slavko Gengo, Milorad Džida, Sergii Moroz, Jan Segers, Siniša Maksimović, Zorica Subotić, and Witness GRM-116 disputing that the VRS/SRK fired the mortar shell which exploded

[8984] John Russell, T. 38684, 38689.
[8985] John Russell, T. 38715-38716, 38729, 38757, 38761-38763, 38766, 38767, 38774, 38775. 38778-38779.
[8986] John Russell, T. 38757, 38767-38768.
[8987] John Russell, T. 38767-38768, 38778-780.
[8988] John Russell, T. 38726. The Trial Chamber notes that - despite his testimony that he could not conclude which side had shot the mortar – the witness wrote in his diary that '[I] agree with the direction that the round came from, I disagree with the distance, believing that the BiH shot at themselves'. The witness could not, however, tell who he disagreed with at the time, and the Trial Chamber observes that none of the investigative teams at that time had drawn any conclusions regarding the origin of fire of the mortar shell, *see* John Russell, T. 38726-38728.
[8989] With respect to Witness GRM-097, whose conclusions were in part based on visual estimates following a visit to Markale, the Trial Chamber observes that the witness's evidence was not based on actual measurements or expertise, including experience in handling or analysing similar situations. *See* Witness GRM-097, T. 40145-40148, 40170-40171. The witness's estimates related to, amongst others, the height of the buildings surrounding Markale Market and their proximity to the location where the shell landed.

at Markale Market on 5 February 1994. Some disputed the direction of fire, angle of descent, or suggested that the mortar shell had been fired – either detonated remotely or from a close distance – by the ABiH, which would starkly contrast a number of Adjudicated Facts in relation to this incident. The Trial Chamber will consider the reliability of the evidence of these witnesses, in turn.

2088. Witness GRM-037 testified he saw someone flash a photograph, described by that person as being of a person dropping a mortar shell from a window overlooking the market. The photograph was small (five x eight inches), it was being waved at a distance of approximately 10 to 15 feet away by an unknown person, and the witness was unable to make out anything on the picture as a result.[8990] In his statement, the witness supported his claims that the shell had been dropped from a window of a high-rise building nearby based on the point of impact of the mortar shell and the fact that these two (the point of impact and the building) were three feet apart.[8991] When shown a picture of Markale Market, the witness appeared at first not to recognize the site.[8992] The witness then testified that the mortar shell's point of impact was not at a distance of three feet from any building surrounding Markale Market, and that in fact it could not have been dropped from a window.[8993]

2089. Slavko Gengo and Milorad Džida testified that a commission set up to investigate the Markale incident concluded that the 7th Battalion stationed at Mrkovići was not responsible for the mortar shell fired at Markale Market. Both witnesses gave evidence in the *Karadžić* case, which the Trial Chamber observes was often inconsistent with the evidence they provided in the present case. Gengo testified that, on behalf of his battalion, he sent Milorad Džida, who he conceded had no mortar experience, to take part in a commission that was to investigate the Markale incident.[8994] Both witnesses testified that this commission was composed of VRS Main Staff members, UNPROFOR members, or SRK Command members.[8995] When asked, neither of the witnesses could recall a single name of the aforementioned officials who would have taken part in the commission.[8996]

[8990] Witness GRM-037, T. 39054-39055.
[8991] Witness GRM-037, T. 39043-39044.
[8992] Witness GRM-037, T. 39045-39047.
[8993] Witness GRM-037, T. 39047.
[8994] Slavko Gengo, T. 21655-21656.
[8995] Slavko Gengo, T. 21654-21656; Milorad Džida, T. 21895-21897.
[8996] Slavko Gengo, T. 21654-21656; Milorad Džida, T. 21895-21897.

2090. Sergii Moroz provided hearsay evidence that a Russian UNMO informally told him that if a mortar had been fired at the market, it could not have come from the Serb side. The UNMO also told the witness that the explosion was probably not caused by a mortar, but by some sort of special explosive. The witness further testified that, following a visit to the Markale site one day after the explosion, he concluded that the explosion was not the result of mortar fire. The Trial Chamber considered that Moroz had no special training in interpreting traces or craters from mortar explosions, ballistics, or explosives.

2091. With regard to Zorica Subotić, the Trial Chamber notes that a number of topics dealt with by her fell squarely outside of her expertise, such as: an assessment of the credibility of witnesses who testified in this case; evidence regarding where the VRS/SRK or ABiH held positions during the war; the speed and method of evacuation of the wounded following the explosion; and the media's response to the incident. Subotić testified that the mortar shell that exploded at Markale Market was planted there. In this respect, the Trial Chamber observes with concern the lengths to which the witness was prepared to go to 'prove' that the evidence regarding the Markale market incident had been staged. One of the most disconcerting theories offered by the witness was her evidence that bodies at the scene of the explosion had been 'staged' or planted there for the occasion. This theory, besides falling squarely outside her area of expertise, rested on rampant speculation.

2092. The witness's basic claims were that (i) the mortar shell which hit Markale Market could not have fallen at the angle which other experts concluded it had, and (ii) that the tail fin of the mortar shell – also called the stabilizer – was planted at the Markale Market site after the explosion. The witness testified that she examined whether there were two stabilizers. The witness's research on the Markale incident was based on examining photographs of the tail fin that was found at Markale Market and using a similar tail fin she had brought into court. On this basis, the witness drew her conclusions. The claim that the stabilizer was planted at the site was, in the witness's opinion, supported by the fact that the mortar shell's base charge could not by any kind of force before, during, or after the mortar shell exploded, be disconnected from the body of the stabilizer. To prove this point, the witness brought a stabilizer attached to base charge to court and stated that they could not be unscrewed from each other which,

the witness claimed, was a technical matter not in dispute.[8997] When the charge was handed to the bench, the judges managed to unscrew the charge within a matter of seconds using a plastic ballpoint pen.[8998] For her research on the Markale incident, the witness used firing tables from 2001 and testified that she did not have firing tables from before that time.[8999] At the same time, the witness acknowledged that precise firing tables are essential to calculate matters such as a mortar's velocity or its angle of descent.[9000]

2093. Siniša Maksimović testified that the Markale incident was staged by the ABiH. The Trial Chamber notes that the witness testified that he had no personal knowledge on the events of 5 February 1994 and he was not in Sarajevo at that time.[9001]

2094. Witness GRM-116 testified that he had heard Izetbegović approve a plan to strike the market with a mortar from Serb positions in order to provoke a foreign military intervention. The Trial Chamber observes that the witness often confused dates and facts and his recollections of the events. At first, the witness testified he was present at meetings between Izetbegović, Halilović, and Talijan regarding attempts at a mortar strike at Markale Market, but then testified he was not present in the room when the discussions took place but claimed to have overheard what was said in the meetings.[9002] Later, the witness went back to his earlier testimony that he was present at the meetings.[9003] The witness's testimony varied on the number of meetings during which discussions were held regarding the Markale Market incident, which varied between one and three.[9004] The witness suggested that the Trial Chamber should base its conclusion regarding the Markale incident on the basis of conversations between Izetbegović and others regarding a failed attempt to strike Markale Market; at the same time, however, the witness did not draw a clear conclusion on the event itself.[9005] More concretely, the witness was unaware about whether Izetbegović and others would have wanted to continue with the plan after the first failed attempt. The witness's testimony on the meetings that Izetbegović would have had regarding a strike on the Markale Market was

[8997] Zorica Subotić, T. 39432.
[8998] Zorica Subotić, T. 39420-39423.
[8999] Zorica Subotić, T. 39535-39536.
[9000] Zorica Subotić, T. 39587-39589.
[9001] Siniša Maksimović, T. 23528-23529.
[9002] Witness GRM-116, T. 42684, 42693-42694.
[9003] Witness GRM-116, T. 42701, 42704-42705.
[9004] Witness GRM-116, T. 42704-42705.
[9005] Witness GRM-116, T. 42701.

imprecise with regard to dates, times, places, who attended these meetings, and the manner in which the witness obtained the information.

2095. Based on the Trial Chamber's findings regarding the credibility and reliability of Witness GRM-037, Slavko Gengo, Milorad Džida, Sergii Moroz, Jan Segers, Siniša Maksimović, Zorica Subotić, and Witness GRM-116, the Trial Chamber concludes that their evidence is not sufficiently reliable to rebut the Adjudicated Facts that relate to this incident.

2096. Based on the Trial Chamber's findings regarding the credibility and reliability of these witnesses, the Trial Chamber concludes that their evidence is not sufficiently reliable to rebut the Adjudicated Facts that relate to this incident.

2097. Based on the foregoing, the Trial Chamber finds that on 5 February 1994, members of the SRK[9006] fired a 120-millimetre mortar shell from Mrkovići which hit Markale Market, killing 68 people and injuring over 140 others. At the time of the incident, there was no ABiH presence in the vicinity of the explosion site. Almost all of the victims were civilians and included women, children, and elderly. The Trial Chamber will further consider this incident in relation to Counts 5, 6, 9, and 10 in chapter 8, below.

5.3.7 Schedule G.10

2098. According to the Indictment, the Accused is responsible for firing a modified air bomb which hit a residential area in Hrasnica at the foot of Mount Igman destroying one dwelling, severely damaging eleven other dwellings, and inflicting civilian casualties of one killed and three injured on 7 April 1995. The origin of the fire was Ilidža, VRS/SRK-held territory.[9007] The Defence argued that (i) numerous errors in the investigations into this incident carried out by the SJB and UNMOs render their reports unreliable, and (ii) the modified air bomb was fired in a 'legitimate act of self-defence at a known military target', namely the Aleksa Šantić Primary School.[9008] The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to this

[9006] The Trial Chamber refers to its further considerations with regard to this conclusion, as set out in its factual finding on Scheduled Incident F.5 in chapter 5.2.4.
[9007] Indictment, paras 15-17, 76, 81, Schedule G.10.
[9008] Defence Final Brief, paras 2299-2322 (the Trial Chamber understands this submission to mean that the modified air bomb was fired at a legitimate military target).

incident. Further, it received evidence from **David Fraser**, a Military Assistant to the UNPROFOR Commander in Sector Sarajevo from 17 April 1994 to 26 May 1995;[9009] **Ziba Šubo**, a Bosnian Muslim from Foča who lived in Hrasnica since 13 August 1993;[9010] **Martin Bell**, a foreign affairs war correspondent for the BBC who covered the events in Bosnia-Herzegovina from around March 1992 through to the signing and implementation of the Dayton Agreement;[9011] **Thorbjorn Overgard**, a Norwegian UNMO deployed to Sarajevo from late October 1994 until 1 May 1995;[9012] **Witness RM-159**, a police employee;[9013] **Ilija Miščević**, a Serb who lived in Hrasnica, Ilidža Municipality;[9014] **Vladimir Radojčić**, the commander of the VRS Ilidža Brigade from January 1993 until the end of the war;[9015] **Milorad Šehovac**, the Chief of Staff of the 1st Posavina Brigade in Brčko between 23 May and 15 August 1992 and the Commander of the SRK 2nd Sarajevo Light Infantry Brigade between 18 August 1992 and mid-September 1995;[9016] as well as documentary evidence and finds that this evidence is consistent with the Adjudicated Facts.[9017] Lastly, the Trial Chamber received evidence from **Zorica Subotić**, an expert in ballistics.[9018]

[9009] P576 (David Fraser, witness statement, 3 December 2012), paras 7, 11.
[9010] P390 (Ziba Šubo, witness statement, 21 November 1995), pp. 1-2.
[9011] P832 (Martin Bell, witness statement, 8 March 2010), para. 3; Martin Bell, T. 7811-7812.
[9012] P1047 (Thorbjorn Overgard, *Dragomir Milošević* transcript, 18-19 January 2007), pp. 626, 629, 631, 633.
[9013] P1953 (Witness RM-159, witness statement, 21 October 2012), paras 1-3.
[9014] D1246 (Ilija Miščević, witness statement, 26 April 2012), paras 1-3; D1247 (Ilija Miščević, *Karadžić* transcript, 17 January 2013), p. 32078; D1248 (Marked map of Hrasnica).
[9015] D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 1.
[9016] D559 (Milorad Šehovac, witness statement, 13 May 2014), p. 1, paras 1-2; Milorad Šehovac, T. 24055.
[9017] **David Fraser:** P576 (David Fraser, witness statement, 3 December 2012), paras 20, 130, 132; P577 (David Fraser, Clarifications to witness statement); P595 (Map, marked by David Fraser). **Ziba Šubo:** P390 (Ziba Šubo, witness statement, 21 November 1995), pp. 2-3; P391 (Ziba Šubo, *Dragomir Milošević* transcript, 22 February 2007), pp. 2772-2773; P392 (First photograph of Ziba Šubo's house after the shelling); P393 (Second photograph of Ziba Šubo's house after the shelling); P394 (Chart of exhibits from previous testimony). **Martin Bell:** P832 (Martin Bell, witness statement, 8 March 2010), para. 100. **Thorbjorn Overgard:** P1047 (Thorbjorn Overgard, *Dragomir Milošević* transcript, 18-19 January 2007), pp. 634, 639-640; Thorbjorn Overgard, T. 9164, 9175, 9178, 9214-9215. **Witness RM-159:** P1953 (Witness RM-159, witness statement, 21 October 2012), paras 12, 14. **Ilija Miščević**: D1246 (Ilija Miščević, witness statement, 26 April 2012), para. 10; D1247 (Ilija Miščević, *Karadžić* transcript, 17 January 2013), pp. 32076-32077, 32081-32083. **Vladimir Radojčić:** D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 107; Vladimir Radojčić, T. 23041-23042, 23049, 23196, 23200, 23209, 23225, 23227, 23258-23259; P6618 (Photographs, and a map of Hrasnica, undated). **Milorad Šehovac:** D559 (Milorad Šehovac, witness statement, 13 May 2014), para. 62; P6678 (Map of the area of Papas Brdo). **Documentary evidence**: P582 (Special Report from SI-1 entitled Large Explosion in Hrasnica on 7 April 1995, 10 April 1995), pp. 1-3, 5-8; P591 (SRK combat report, signed by Commander Dragomir Milošević, 7 April 1995), p. 2; P592 (Order by Commander Dragomir Milošević, 6 April 1995); P839 (Video clip of Sarajevo shelling incident G.10); P952 (Death Certificate of Ziba Custović, 7 April 1995); P1048 (VRS Main Staff report, 7 April 1995), pp. 1, 5; P1049 (Report on forensic on-site investigation, 7 April 1995), pp. 1-2; D1268 (MUP investigation file regarding incident of 7 April 1995).
[9018] D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 1-3.

2099. An order from the SRK, dated 6 April 1995 and signed by Dragomir Milošević, states '[t]he Ilidža Brigade will immediately prepare a launcher with an aerial bomb and transport the bomb for launching. […] The most profitable target must be selected in Hrasnica or Sokolović Kolonija, where the greatest casualties and material damage would be inflicted'.[9019] **Vladimir Radojčić** testified that he interpreted Milošević's order as an order to open fire at military targets.[9020] **David Fraser** commented that this order did not contain any reference to a military target and even if there had been a military target in Hrasnica, it would have been inappropriate to fire a modified air bomb in such a densely populated area.[9021]

2100. On the morning of the attack, there was some firing in the area of the Famos factory, but no more than usual.[9022] A VRS Main Staff report to the Bosnian-Serb President dated 7 April 1995, stated that in the 2nd Sarajevo Light Infantry Brigade area of responsibility, the 'enemy' opened very heavy fire on the 'Famos factory' and the neighbourhoods of Grlica and Vojkovići from the direction of Gradina, Igman, and Lasica at 6 a.m.[9023] According to the report, the VRS responded to 'enemy activities' by launching an air bomb.[9024] **Radojčić** confirmed that the bomb on Hrasnica was in response to ABiH actions; Ilidža was exposed to artillery fire from Hrasnica and Sokolović Kolonija daily.[9025]

2101. According to an SRK combat report, dated 7 April 1995, a 250-kilogram aerial bomb was launched at the centre of Hrasnica on that day.[9026] It was fired by members of the SRK from the SRK-controlled Ilidža area northwest of the impact site.[9027] The members belonged to the Ilidža Brigade.[9028] **Radojčić** testified that he ordered his brigade to target the Aleksa Šantić School or the Hrasnica post office.[9029] The ABiH 104th Brigade was deployed on Mount Igman with its command located in the Hrasnica

[9019] Adjudicated Facts III, no. 2529.
[9020] D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 107; Vladimir Radojčić, T. 23215, 23219-23220.
[9021] P576 (David Fraser, witness statement, 3 December 2012), paras 132-133; David Fraser, T. 5783-5784.
[9022] Thorbjorn Overgard, T. 9168.
[9023] P1048 (VRS Main Staff report, 7 April 1995), pp. 1, 4.
[9024] P1048 (VRS Main Staff report, 7 April 1995), pp. 1, 5; P1049 (Report on forensic on-site investigation, 7 April 1995), p. 1.
[9025] D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 107; Vladimir Radojčić, T. 23223. *See also* D559 (Milorad Šehovac, witness statement, 13 May 2014), para. 62; P6678 (Map of the area of Papas Brdo).
[9026] Adjudicated Facts III, no. 2530.
[9027] Adjudicated Facts III, nos 2541-2542.
[9028] P591 (SRK combat report, signed by Commander Dragomir Milošević, 7 April 1995), p. 2.

post office, which was situated in a civilian area in the centre of Hrasnica.[9030] The ABiH 104th Brigade was trained and shells were manufactured at the Aleksa Šantić School, which was next to the post office.[9031] The witness learned about trainings in the school from a television clip showing Izetbegović visiting the school.[9032] **Milorad Šehovac** testified that the SRK Command and his brigade had known for a long time that the Aleksa Šantić School was used to train Special Police Units of the MUP of Bosnia-Herzegovina and to produce ammunition for the use of the 1st Corps of the ABiH.[9033] **Radojčić** testified that the artillery officers picked the school, because the command of the 104th Brigade was not in the post office at the time, due to ongoing combat.[9034] The witness testified that he knew that there were civilians in Hrasnica, but that there should have been no civilians in the building that was targeted.[9035]

2102. Radojčić testified that the bomb missed the school by 20 metres and destroyed a small house.[9036] Thirty to forty minutes after the launch, the witness, based on information from his own observers, told Dragomir Milošević where the bomb had fallen, and Milošević was satisfied with the result.[9037] A few hours after the launch, UNPROFOR members informed the witness that the bomb destroyed a house with guards close to the school and showed him a photograph of a leg in a camouflage uniform and with a boot, protruding from the rubble of the house.[9038] The witness learned about the distance of 20 metres from the UNPROFOR members who had visited the site.[9039] One civilian, Ziba Ćustović, was killed and three others were injured, one of whom seriously, as a result of the explosion.[9040] One of the three was witness **Ziba**

[9029] Vladimir Radojčić, T. 23198-23199.
[9030] D535 (Vladimir Radojčić, witness statement, 11 May 2014), paras 4, 16-17, 20, 107; Vladimir Radojčić, T. 23031; D812 (map of Hrasnica with markings of the post office and school, undated); D813 (map with marking of the zones of responsibility of the 102nd, 104th and 155th ABiH brigades, undated).
[9031] D535 (Vladimir Radojčić, witness statement, 11 May 2014), paras 20, 107; Vladimir Radojčić, T. 23041; D812 (map of Hrasnica with markings of the post office and school, undated).
[9032] Vladimir Radojčić, T. 23041-23042.
[9033] D559 (Milorad Šehovac, witness statement, 13 May 2014), para. 62; Milorad Šehovac, T. 24037-24038.
[9034] Vladimir Radojčić, T. 23198-23199.
[9035] Vladimir Radojčić, T. 23226-23228.
[9036] D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 107; Vladimir Radojčić, T. 23041-23042, 23049, 23196, 23200, 23209, 23225, 23227, 23258-23259; P6618 (Photographs, and a map of Hrasnica, undated).
[9037] Vladimir Radojčić, T. 23204, 23207, 23225, 23328.
[9038] Vladimir Radojčić, T. 23305-23308, 23310, 23328-23329, 23332.
[9039] Vladimir Radojčić, T. 23261.
[9040] Adjudicated Facts III, no. 2531, 2539.

Šubo, whose house collapsed on top of her.[9041] When visiting the site after the impact, **Thorbjorn Overgard** saw one uniformed body where only the legs protruded from a damaged house.[9042] The explosion completely destroyed two houses and damaged at least ten other houses nearby.[9043]

2103. Hrasnica was a civilian area.[9044] **Fraser** testified that Hrasnica is at the foot of Mount Igman.[9045] **Witness RM-159** stated that there were no military targets 'in the neighbourhood'.[9046] **Ilija Miščević** stated that the impact location was not more than 100 metres east of the Aleksa Šantić School, which was used by the ABiH to detain Serb civilians.[9047]

2104. **Zorica Subotić** testified that the projectile in this incident exploded instantaneously on impact with the house.[9048] Subotić concluded this from the fact that the entire roof collapsed into the house. Had the projectile exploded inside, the roof structure would have been scattered around the house.[9049] Another indication of this conclusion is the fact that the surrounding houses mainly had damage to their roofs.[9050] As the longitudinal walls were not demolished, Subotić concluded that the projectile did not have a large enough explosive charge to demolish all the walls.[9051] According to Subotić, a fuel-air bomb would kill any civilians within a 20-metre radius from the centre of the explosion.[9052] Subotić concluded that the projectile in this incident was not a fuel-air bomb, but a modified aircraft bomb called 'FAB-100'.[9053]

[9041] P390 (Ziba Šubo, witness statement, 21 November 1995), pp. 2-3; P391 (Ziba Šubo, *Dragomir Milošević* transcript, 22 February 2007), pp. 2772-2773; P392 (First photograph of Ziba Šubo's house after the shelling); P393 (Second photograph of Ziba Šubo's house after the shelling); P394 (Chart of exhibits from previous testimony).
[9042] Thorbjorn Overgard, T. 9171-9174, 9206.
[9043] Adjudicated Facts III, no. 2540.
[9044] Adjudicated Facts III, no. 2535.
[9045] P576 (David Fraser, witness statement, 3 December 2012), paras 20, 130, 132; P577 (David Fraser, Clarifications to witness statement); P595 (Map, marked by David Fraser).
[9046] P1953 (Witness RM-159, witness statement, 21 October 2012), para. 14.
[9047] D1246 (Ilija Miščević, witness statement, 26 April 2012), paras 3, 8, 10; D1247 (Ilija Miščević, *Karadžić* transcript, 17 January 2013), pp. 32076-32077, 32081-32083, 32090.
[9048] D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 51-52, 59, 221; Zorica Subotić, T. 39501.
[9049] D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 51, 60, 222.
[9050] D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 51-52, 60, 222.
[9051] D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), p. 52.
[9052] D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 53, 60, 222.
[9053] D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 53, 59-60, 206, 221; Zorica Subotić, T. 39829.

2105. In relation to the Defence's argument about errors in the investigation reports, the Trial Chamber recalls that exhibits P582, P1049, and D1268 were found to be consistent with the Adjudicated Facts. As a result, the Trial Chamber did not further consider this evidence, but relied on the Adjudicated Facts. Under these circumstances, the Trial Chamber will not further consider this Defence submission.

2106. Based on the foregoing, the Trial Chamber finds that Dragomir Milošević ordered the Ilidža Brigade on 6 April 1995 to prepare an air bomb and select a target, which would cause the greatest casualties and damage. In the morning of 7 April 1995, the ABiH opened fire on the 'Famos factory'. Thereafter, the members of the Ilidža Brigade of the SRK launched a modified air bomb from Ilidža. The bomb exploded in the densely populated civilian area of Hrasnica. The explosion resulted in the death of one civilian. Also, a number of civilians, including Ziba Šubo, were injured, one of whom seriously. The explosion also destroyed two houses and damaged at least ten others nearby. The Trial Chamber recalls its finding about the accuracy of modified air bombs in chapter 5.1.2. The Trial Chamber will further consider this incident in relation to Counts 5, 6, 9, and 10 of the Indictment in chapter 8, where it will also address the Adjudicated Facts and evidence in relation to what was targeted.

5.3.8 Schedule G.13

2107. According to the Indictment, the Accused is responsible for firing a modified air bomb that struck a building near apartment blocks in Safeta Hadžića Street, destroying the top three floors of an apartment building on 26 May 1995. The explosion was followed by several artillery rounds. As a result of this incident two persons were seriously injured, 15 persons were slightly injured, and serious damage was caused to a number of buildings.[9054] The Defence argued that inconsistencies in the SJB investigation into this incident render the investigation's conclusions unreliable.[9055] The Trial Chamber took judicial notice of Adjudicated Facts relevant to this incident and received evidence from **Witness RM-104**, a Bosnian Muslim from Ilidža

[9054] Indictment, paras 15-17, 76, 81, Schedule G.13.
[9055] Defence Final Brief, paras 2324-2338. The Trial Chamber notes that the Defence seemingly takes the position that the Prosecution alleged in relation to Scheduled Incident G.13 that the modified air bomb contained toxic aerosol (Defence Final Brief, para. 2323). However, no such allegation is contained in the Indictment. The Trial Chamber will not further consider the Defence's submission in this regard.

Municipality;[9056] **Witness RM-110**, a Bosnian Muslim police officer;[9057] **Zorica Subotić**, an expert in ballistics;[9058] as well as documentary evidence, and finds that this evidence is consistent with the Adjudicated Facts.[9059] The Trial Chamber moreover received evidence from **Vladimir Radojčić**, the commander of the VRS Ilidža Brigade from January 1993 until the end of the war.[9060]

2108. On 26 May 1995, a modified air bomb hit Safeta Hadžića Street.[9061] According to **Vladimir Radojčić**, Safeta Hadžića Street was located in the immediate vicinity of an industrial complex with many military installations, units, and firing points.[9062] **Witness RM-110** testified that ten 90-millimetre armour-piercing artillery projectiles also hit the street that day.[9063] The bomb impacted on the roof of an apartment building and destroyed the top floors.[9064] The artillery projectiles also caused damage to a number of houses.[9065] The bomb was fired from the area of Ilidža-Rajlovac, which was SRK-held territory.[9066] **Witness RM-110** specified that the bomb was fired from the south-south-westerly direction corresponding to the positions of the 'rebel Bosnian Serbs in the Lukavica area', while the other ten projectiles were fired from the westerly direction corresponding to the positions of the 'rebel Bosnian Serbs in the Ilidža area'.[9067] **Radojčić** testified that, according to the Muslim police, the bomb came from

[9056] P381 (Witness RM-104, witness statements), 10 March 1997 statement, pp. 1-2.
[9057] P491 (Witness RM-110, witness statement, 22 February 1996), p. 1; P492 (Witness RM-110, witness statement, 1 November 2010), p. 1, para. 3; Witness RM-110, T. 4912, 4914.
[9058] D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 1-3.
[9059] **Witness RM-110:** P492 (Witness RM-110, witness statement, 1 November 2010), para. 20; Witness RM-110, T. 4892-4893, 4922-4924, 4926-4927, 4937. **Witness RM-104:** P381 (Witness RM-104, witness statements), 10 March 1997 statement, p. 3; P382 (Witness RM-104, *Dragomir Milošević* transcript, 5 April 2007), pp. 4523-4524. **Zorica Subotić:** D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 80, 82, 89-90, 92, 111-112, 224. **Documentary evidence:** P383 (Photograph of Sarajevo apartment buildings marked by Witness RM-104); P385 (Chart of Exhibits from previously tendered testimony); P953 (Certificate, 23 November 1995); P495 (Official report of MUP Sarajevo, 1 June 1995), pp. 1-3, 5, 9, 12, 14; P497 (Photographs of the incident of 26 May 1995); D95 (Photograph marked by Witness RM-110).
[9060] D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 1.
[9061] Adjudicated Facts III, no. 2546.
[9062] D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 110.
[9063] P492 (Witness RM-110, witness statement, 1 November 2010), para. 20; Witness RM-110, T. 4892, 4922-4924, 4926-4927; P495 (Official report of MUP Sarajevo, 1 June 1995), pp. 1-2, 12, 14; P497 (Photographs of the incident of 26 May 1995); D95 (Photograph marked by Witness RM-110).
[9064] P492 (Witness RM-110, witness statement, 1 November 2010), para. 20; Witness RM-110, T. 4892-4893, 4922-4924; P495 (Official report of MUP Sarajevo, 1 June 1995), pp. 2, 5, 9; P497 (Photographs of the incident of 26 May 1995); D95 (Photograph marked by Witness RM-110).
[9065] P495 (Official report of MUP Sarajevo, 1 June 1995), pp. 1-2.
[9066] Adjudicated Facts III, no. 2555.
[9067] P492 (Witness RM-110, witness statement, 1 November 2010), para. 20; Witness RM-110, T. 4925, 4934-4937; P495 (Official report of MUP Sarajevo, 1 June 1995), pp. 2-3.

the west, south-west direction.[9068] The bomb was launched by members of the SRK.[9069] At least 14 persons were slightly injured and two persons were seriously injured as a result of this shelling. They were all civilians.[9070]

2109. **Zorica Subotić** testified that the bomb was aimed at and hit the 'RTV' building, from where it ricocheted.[9071] Regarding the additional projectiles, for the first, based on the limited damage that can be seen on a photograph depicting the impact location and the shape of the crater, Subotić concluded that no projectile had impacted at this location and that the crater had been dug manually.[9072] Regarding the second, based on the damage that can be seen from two photographs and the fact that the windscreen of the car that was hit was thrown outwards, Subotić concluded that the car was not hit by a projectile but damaged by way of explosives which had been planted in the gearbox.[9073] Regarding the third, based on the shrapnel trace pattern observed in a photograph, Subotić concluded that the façade of the house was hit by a projectile flying upwards, meaning that it would have been fired from very nearby, more specifically not more than 10 to 15 metres away.[9074] Regarding the fourth, Subotić testified that the crater depicted in the analysed photo file did not show indicia that it was caused by a projectile.[9075] Regarding the fifth, Subotić held that there were no indicia that the crater depicted in the analysed photo file was caused by a projectile and that it was a typical crater caused in asphalt by the sinking of the ground due to a defect in the underground water supply or sewage system.[9076] Regarding the sixth, based on the appearance of the crater and differing descriptions of the crater size, Subotić wondered whether any projectile landed at the site at all.[9077] Regarding the seventh, Subotić explained that this type of projectile did not belong to the VRS and did not contain markings indicating that it had ever been stored by the JNA, suggesting that it stemmed from World War

[9068] D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 110.
[9069] Adjudicated Facts III, no. 2555.
[9070] Adjudicated Facts III, no. 2554.
[9071] D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 89-90, 112.
[9072] D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 92-95, 112-113, 224.
[9073] D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 95, 97, 113, 225.
[9074] D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 97-99, 113, 225; Zorica Subotić, T. 39517-39519, 39837-39838.
[9075] D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 99, 113, 225.
[9076] D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 100, 113, 225.
[9077] D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 101-102, 113, 225.

II.[9078] Subotić also suggested, based on the shell traces, that this projectile had never been fired.[9079] Regarding the eighth, based on the traces at the site as analysed on a photograph, Subotić concluded that the house was hit from a relatively short distance.[9080] Regarding the ninth and tenth, Subotić stated that there is no material available to review.[9081]

2110. In relation to the ten additional projectiles which landed in the vicinity, the evidence from Zorica Subotić sits in stark contrast to the account of Witness RM-110. Subotić provided a detailed account of why each of the projectiles could not have been fired as described by Witness RM-110. The Trial Chamber considered that Witness RM-110 investigated the impact site on the ground contemporaneously, whereas Subotić focused on the review of documentary material, including statements and testimony, at a later stage. Subotić's conclusions are moreover often based on unexplained assumptions. Under these circumstances, the Trial Chamber relied on the evidence of Witness RM-110 in this respect.

2111. With regard to the origin of fire of the modified air bomb, the Trial Chamber notes that the evidence before it presents a different picture than the Adjudicated Facts. While Adjudicated Fact number 2555 reads that the modified air bomb was fired from the area of Ilidža-Rajlovac, located in the west of Sarajevo, the evidence of Witness RM-110 and Vladimir Radojčić indicates that it was fired from the area of Lukavica, located in the south-west of Sarajevo. The Trial Chamber considers that even if this Adjudicated Fact was rebutted with regard to the origin of fire, this would not impact the affiliation of the perpetrator; a fact that has been judicially noticed.[9082]

2112. Based on the foregoing, the Trial Chamber finds that a modified air bomb and ten projectiles hit Safeta Hadžića Street on 26 May 1995. The bomb was fired by an SRK member, destroyed the top floors of the apartment building on Safeta Hadžića Street number 52, and injured at least 16 civilians, two of whom seriously. While the projectiles were fired from the *direction* of Ilidža and damaged a number of houses, the

[9078] D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 102-104, 107, 114, 225-226; Zorica Subotić, T. 39522.
[9079] Zorica Subotić, T. 39522-39524.
[9080] D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 107, 109-110, 114, 226.
[9081] D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 110, 114-115, 226.

Trial Chamber considers that the evidence is too vague to determine the exact origin of fire. It will therefore not further consider the consequences of the firing of these projectiles.

2113. The Trial Chamber will further address Subotić's evidence regarding the aiming of the modified air bomb in its legal findings in chapter 8. Finally, the Trial Chamber recalls its finding about the accuracy of modified air bombs in chapter 5.1.2.

2114. The Trial Chamber will further consider this incident in relation to Counts 9 and 10 of the Indictment in chapter 8, below.

5.3.9 Schedule G.15

2115. According to the Indictment, the Accused is responsible for firing a modified air bomb from Lukavica, which exploded next to house 10 on Trg Međunarodnog Prijateljstva Street, lightly injuring seven persons and causing considerable damage to neighbouring buildings on 16 June 1995 at about 3:20 p.m.[9083] The Defence argued that numerous errors in the Sarajevo CSB investigation render the CSB's report unreliable.[9084] The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to this incident. In addition, it received evidence from **Witness RM-155**, a Bosnian Muslim from Sarajevo;[9085] **Witness RM-159**, a police employee;[9086] and documentary evidence and finds that this evidence is consistent with the Adjudicated Facts.[9087] The Trial Chamber also received evidence from **Mile Sladoje**, a member of the 1st Battalion of the Ilidža Brigade as of April 1992,[9088] and **Vladimir Radojčić**, the commander of the VRS Ilidža Brigade from January 1993 until the end of the war.[9089]

[9082] Accordingly, as the Trial Chamber relied on the unrebutted Adjudicated Fact number 2555, there is no need to further address the Defence's challenges of the origin of fire based on inconsistencies in the SJB's investigation report (P495).
[9083] Indictment, paras 15-17, 76, 81, Schedule G.15.
[9084] Defence Final Brief, paras 2340-2347.
[9085] P1925 (Witness RM-155, witness statement, 17 May 2006), p. 1, paras 2, 14-15, 22.
[9086] P1953 (Witness RM-159, witness statement, 21 October 2012), p. 1, paras 1-3.
[9087] **Witness RM-155**: P1925 (Witness RM-155, witness statement, 17 May 2006), paras 6-7; P1926 (Witness RM-155, *Dragomir Milošević* transcript, 12 March 2007), pp. 3513-3514, 3520, 3543; P1927 (Photo marked by Witness RM-155); P1928 (Bosnia-Herzegovina MUP, official note, 16 June 1995). **Witness RM-159**: P1953 (Witness RM-159, witness statement, 21 October 2012), paras 23-24, 26; P1957 (On-site sketch by Witness RM-159), pp. 1, 3. **Documentary evidence**: P932 (Photographs with captions); P1099 (On-site investigation report, 26 June 1995), p. 1.
[9088] D453 (Mile Sladoje, witness statement, 10 May 2014), para. 5.
[9089] D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 1.

The Trial Chamber received evidence from **Zorica Subotić**, an expert in ballistics,[9090] and finds that this evidence is partially consistent with the Adjudicated Facts.[9091] The Trial Chamber will further address the evidence of Zorica Subotić below.

2116. **Witness RM-155** explained that on 16 June 1995, she was at the civil defence office a.k.a. local community centre located on the ground floor of a residential apartment building on Trg Međunarodnog Prijateljstva Street 10 in Alipašino Polje, Novi Grad Municipality.[9092] This office was a civilian institution providing humanitarian aid to civilians.[9093] According to the witness, the weather was fine and there was good visibility on that day.[9094] There were no soldiers or military facilities in the vicinity.[9095] At approximately 3:30 p.m. she heard a loud noise, as if a plane was flying past.[9096] A modified air bomb exploded on Trg Međunarodnog Prijateljstva Street 10 and injured seven people.[9097] The witness could not hear properly for a year after the explosion, had pain in the right side of her body, and continued suffering from headaches.[9098] The whole office was destroyed with only its exterior walls remaining.[9099] **Witness RM-159** stated that the bomb fell in a residential area, causing severe damage to several buildings.[9100] The bomb was fired from a position under the control of the SRK and was launched by members of the SRK.[9101]

2117. **Zorica Subotić** testified that the modified air bomb had crossed over the Bitumenka factory, which was 'most probably' the target of the attack.[9102] **Vladimir Radojčić** testified that in June 1995, forces and mortars of the ABiH were deployed in the Bitumenka building, which was located along the axis of the Trg Međunarodnog

[9090] D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 1-3.
[9091] D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 126, 131, 227.
[9092] P1925 (Witness RM-155, witness statement, 17 May 2006), paras 1, 3-4, 6; P1926 (Witness RM-155, *Dragomir Milošević* transcript, 12 March 2007), pp. 3509, 3513-3514.
[9093] P1926 (Witness RM-155, *Dragomir Milošević* transcript, 12 March 2007), pp. 3509, 3513-3514, 3546.
[9094] P1925 (Witness RM-155, witness statement, 17 May 2006), para. 3.
[9095] P1926 (Witness RM-155, *Dragomir Milošević* transcript, 12 March 2007), p. 3515.
[9096] P1925 (Witness RM-155, witness statement, 17 May 2006), para. 6; P1926 (Witness RM-155, *Dragomir Milošević* transcript, 12 March 2007), pp. 3513, 3516. *See also* P932 (Photographs with captions); P1099 (On-site investigation report, 26 June 1995), p. 1.
[9097] Adjudicated Facts III, no. 2561.
[9098] P1925 (Witness RM-155, witness statement, 17 May 2006), paras 7, 12-13; P1926 (Witness RM-155, *Dragomir Milošević* transcript, 12 March 2007), p. 3516.
[9099] P1925 (Witness RM-155, witness statement, 17 May 2006), para. 8; P1926 (Witness RM-155, *Dragomir Milošević* transcript, 12 March 2007), p. 3517.
[9100] P1953 (Witness RM-159, witness statement, 21 October 2012), paras 23, 26; P1957 (On-site sketch by Witness RM-159), pp. 1, 3.
[9101] Adjudicated Facts III, no. 2562.

Prijateljstva Street.[9103] **Mile Sladoje** testified that the Bitumenka facility was a military target throughout the conflict, as Muslim forces fired mortar rounds from this position.[9104] According to maps of Novi Grad Municipality, the location of Scheduled Incident G.15 is approximately 250 metres from the Bitumenka building.[9105]

2118. In relation to the Defence's argument about errors in the CSB's investigation (exhibits P1928 and P1099), the Trial Chamber recalls that this evidence was found to be consistent with the Adjudicated Facts. As a result, the Trial Chamber did not further consider this evidence, but relied on the Adjudicated Facts. Under these circumstances, the Trial Chamber will not further consider this Defence submission.

2119. Based on the foregoing, the Trial Chamber finds that on 16 June 1995, a modified air bomb exploded in a residential area in Alipašino Polje. The bomb was fired by members of the SRK and injured seven people, one of whom sustained hearing problems for one year following the incident. The explosion severely damaged several buildings, one of which contained a civil defence/local community centre office. The Trial Chamber also recalls its findings in chapter 5.1.2 about the accuracy of modified air bombs. The Trial Chamber will further consider this incident in relation to Counts 9 and 10 in chapter 8, below.

5.3.10 Schedule G.18

2120. According to the Indictment, the Accused is responsible for firing a 120-milimetre mortar shell which landed in Mula-Mustafe Bašeskije Street outside the entrance to the City Market, killing 43 people and injuring 75 on 28 August 1995.[9106] The origin of fire was Trebević, VRS/SRK-held territory.[9107] Scheduled Incident G.18 is limited to this shelling incident. The Indictment is, however, not limited to Scheduled Incidents.[9108] Accordingly, the Trial Chamber has also considered evidence falling outside the scope of Scheduled Incident G.18. The Defence argued that the shell was not fired from the SRK.[9109] The Trial Chamber took judicial notice of a number of

[9102] D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), paras 84-85.
[9103] D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 111.
[9104] D453 (Mile Sladoje, witness statement, 10 May 2014), para. 21.
[9105] D469 (Map of Novi Grad Municipality); D470 (Map of Novi Grad Municipality).
[9106] Indictment, paras 15-17, 64, 76, 81, Schedule G.18.
[9107] Indictment, Schedule G.18.
[9108] Further on this issue, *see* Appendix B.
[9109] Defence Final Brief, para. 2077.

Adjudicated Facts in relation to this incident. It also received evidence from **Ismet Svraka**, a Muslim living in Sarajevo since 1978;[9110] **Đula Leka** and **Zaim Košarić**, Bosnian Muslims from Sarajevo;[9111] **Sulejman Crnčalo**, a Bosnian Muslim from Radačići in Pale Municipality;[9112] **Witness RM-110**, a Bosnian-Muslim police officer;[9113] **Nedžib Đozo**, a Bosnian-Muslim former JNA mortar platoon commander and civilian police investigator;[9114] **Rupert Smith**, UNPROFOR Commander in Bosnia-Herzegovina between 23 January and December 1995;[9115] **Harry Konings**, an UNMO stationed in Sarajevo from 4 May to 23 October 1995;[9116] **Witness RM-055**, an UNPROFOR soldier stationed in Sarajevo between 12 May and 28 September 1995;[9117] **Thom Knustad**, a Norwegian UNMO stationed in Sarajevo between 21 June and 1 December 1995 with prior training in weaponry and ballistics;[9118] **Emir Turkušić**, a Sarajevo police officer in 1994 and 1995;[9119] **Sead Bešić**, a forensic technician and police officer in Sarajevo since 1975;[9120] **Martin Bell**, a foreign affairs war correspondent for the BBC who covered the events in Bosnia-Herzegovina from around March 1992 through to the signing and implementation of the Dayton Agreement;[9121] **Milan Mandilović**, a Serb surgeon at the Sarajevo State Hospital from May 1992 until the end of the war;[9122] as well as documentary evidence and finds that this evidence is consistent with the Adjudicated Facts.[9123] The Trial Chamber also received evidence

[9110] P444 (Ismet Svraka, witness statement, 5 November 2008), p.1, para. 1.
[9111] **Đula Leka**: P564 (Đula Leka, witness statement, 25 February 1996), pp. 1-2. **Zaim Košarić**: P566 (Zaim Košarić, witness statement, 5 November 2008), p. 1, para. 2.
[9112] P260 (Sulejman Crnčalo, witness statement, 1 November 2009), p. 1, para. 3; Sulejman Crnčalo, T. 3229.
[9113] P491 (Witness RM-110, witness statement, 22 February 1996), p. 1; P492 (Witness RM-110, witness statement, 1 November 2010), p. 1, para. 3; Witness RM-110, T. 4912, 4914.
[9114] P544 (Nedžib Đozo, witness statement, 7 December 2010), paras 4-7; Nedžib Đozo, T. 5539, 5563-5564.
[9115] P785 (Rupert Smith, witness statement, 27 October 2009), paras 4, 6; Rupert Smith, T. 7287.
[9116] P1741 (Harry Konings, witness statement, 11 November 2010), paras 2, 9.
[9117] P749 (Witness RM-055, witness statement, undated), p. 3.
[9118] P3158 (Thom Knustad, witness statement, 21 May 1996), pp. 1-2, 4; P3159 (Thom Knustad, *Dragomir Milošević* transcript, 12-13 February 2007), pp. 1986, 1989, 1992; P3164 (Thom Knustad, witness interview, 2 October 2003), p. 1.
[9119] P2009 (Emir Turkušić, witness statement, 19 July 2013), para. 4.
[9120] P1897 (Sead Bešić, prior testimony), *Dragomir Milošević* transcript of 20 February 2007, pp. 2567-2568.
[9121] P832 (Martin Bell, witness statement, 8 March 2010), para. 3; Martin Bell, T. 7811-7812.
[9122] P679 (Milan Mandilović, witness statement, 24 February 2010), p. 1, paras 1, 4-6, 84; P680 (Milan Mandilović, corrections to witness statement dated 24 February 2010, 9 January 2013), p. 1.
[9123] **Ismet Svraka**: P444 (Ismet Svraka, witness statement, 5 November 2008), paras 4-6, 8-11; Ismet Svraka, T. 4542-4545, 4549-4553, 4557-4558, 4561, 4567, 4569, 4574, 4577, 4579. **Đula Leka**: P564 (Đula Leka, witness statement, 25 February 1996), p. 2; P565 (Đula Leka, witness statement, 29 August 1995). **Zaim Košarić**: P566 (Zaim Košarić, witness statement, 5 November 2008), paras 3-4, 6-12. **Sulejman Crnčalo**: P260 (Sulejman Crnčalo, witness statement, 1 November 2009), paras 6, 94-96; P261 (Sulejman Crnčalo, Clarifications to the ICTY Statement, September 2012); Sulejman Crnčalo, T. 3240-

from **Fatima Zaimović**, the Bosnian-Muslim chief of nurses at the children's surgery department at Koševo Hospital in Sarajevo from 1992 to 1995;[9124] **Per Oien**, a Norwegian UN Senior Military Observer deployed to Sarajevo from early March 1995 until October 1995;[9125] **David Harland**, an UNPROFOR civil affairs officer assigned to Sarajevo as of May 1993;[9126] **Paul Conway**, an Irish UNMO stationed in Sarajevo from mid-August 1995 until January 1996, with prior training in mortars and artillery;[9127] **Witness GRM-037**, an intelligence analyst working in Bosnia-Herzegovina between November 1994 and July 1995;[9128] **Milovan Milutinović**, Chief of the Press Centre and the Information Service at the 1KK between 1992 and 1994 and head of the VRS Main Staff Information Service and Centre for Information and Propaganda Activities

3241, 3307. **Witness RM-110**: P492 (Witness RM-110, witness statement, 1 November 2010), paras 24-27; Witness RM-110, T. 4900-4905, 4962-4963. **Nedžib Đozo**: P544 (Nedžib Đozo, witness statement, 7 December 2010), paras 24, 41; Nedžib Đozo, T. 5587-5589. **Rupert Smith**: P785 (Rupert Smith, witness statement, 27 October 2009), paras 198, 201-202; Rupert Smith, T. 7350. **Harry Konings**: P1741 (Harry Konings, witness statement, 11 November 2010), paras 49-50. **Witness RM-055**: P749 (Witness RM-055, witness statement, undated), p. 28. **Thom Knustad**: P3158 (Thom Knustad, witness statement, 21 May 1996), p. 3; P3159 (Thom Knustad, *Dragomir Milošević* transcript, 12-13 February 2007), p. 1995; P3164 (Thom Knustad, witness interview, 2 October 2003), p. 1. **Emir Turkušić**: Emir Turkušić, T. 15869. **Sead Bešić**: P1897 (Sead Bešić, prior testimony), *Dragomir Milošević* transcript of 20 February 2007, pp. 2568-2570, 2579-2581. **Martin Bell**: P832 (Martin Bell, witness statement, 8 March 2010), para. 104. **Milan Mandilović**: P679 (Milan Mandilović, witness statement, 24 February 2010), paras 4-5, 87-89, 117; P681 (Milan Mandilović, table of concordance to 2010 witness statement, 12 December 2012), pp. 1-2; P683 (Chart listing documents reviewed by witness Milan Mandilović during proofing, dated 9 January 2013), p. 3; Milan Mandilović, T. 6643, 6647-6651, 6694-6695. **Documentary evidence**: P12 (UNPROFOR daily situation report, 28 August 1995), p. 3; P445 (Medical records of Ismet Svraka, various dates between 26 October 1995 and 23 March 2000); P446 (Video of victims being removed, following the shelling of the Markale market on 28 August 1995); P447 (Still of video exhibit P446); P498 (Official Report of MUP Sarajevo, 29 August 1995), pp. 2, 6, 17-18, 34; P499 (Photographs of the incident of 28 August 1995); P687 (Medical record pertaining to Andreja Svoboda, 29 August 1995), p. 1; P693 (Medical documentation concerning Ismet Svraka, 11 September 1995); P694 (Specialist report of the emergency medical centre pertaining to Ruza Galić, 28 August 1995), p. 1; P695 (Findings and opinion of a specialist physician concerning an injury to Samir Marevac); P696 (Medical certificates concerning Rasim Koso, Ferid Kanlić, Mensuda Klarić, and Ferida Bajrić); P697 (Medical certificates concerning Ajkuna Cocalić, Đula Leka, Razija Čolić, Janja Pašić, and Adisa Duran); P698 (Admission records for Osman Levanta, Mehmed Ahmetović, Fatima Čulesker, Mumo Kadrić, Mirza Hodžić, Bilal Habibović, Muhidin Begić, and Mustafa Karkelja); P699 (Certificates concerning Dževad Hodžić and Edhem Husović); P700 (Report concerning Zijad Bejtić and Hasib Bjelak); P701 (Medical documentation pertaining to patients admitted to the hospital on 28 August-1 September 1995); P797 (Comprehensive report on Markale attack, 8 September 1995), pp. 2-3, 6, 9, 13-14, 21; P946 (Medical records), pp. 22-44; P1851 (Video clip of Sarajevo shelling incident); P2014 (Marked photograph of shell crater); P2608 (UNMO report, 30 August 1995), pp. 20-21, 24; P7808 (UNMO headquarters daily situation report, 29 August 1995), pp. 1-2; D1466 (Newspaper article 'Yugoslavia: the Great Bluff', undated), pp. 1, 5-6.

[9124] P2620 (Fatima Zaimović, witness statement, 26 February 2010), p. 1, para. 1.

[9125] Per Oien, T. 43162-43163.

[9126] P1 (David Harland, witness statement, 4 September 2009), p. 1, para. 5; David Harland, T. 661.

[9127] D1236 (Paul Conway, witness statement, 7 November 2011), paras 3-7; Paul Conway, T. 38936-38938, 38944.

[9128] D1240 (Witness GRM-037, witness statement, 14 September 2012), paras 3-5; D1239 (Pseudonym sheet for Witness GRM-037).

between 1994 and 1996;[9129] **Zorica Subotić**, a ballistics expert;[9130] **Andrey Demurenko**, Chief of Staff for UNPROFOR Sector Sarajevo from January to December 1995;[9131] and **Stevan Veljović**, Assistant Chief of Staff for Operations and Training of the 1st Romanija Brigade from 19 May 1992 until December 1994, and Commander of the 4th Sarajevo Light Infantry Brigade as of early August 1995 until February 1996.[9132]

Impact at Markale Market

2121. On the morning of 28 August 1995, **Ismet Svraka** did not notice any fighting in or around Sarajevo.[9133] The street at the Markale Market was crowded with people.[9134] There was no military activity, and the witness had never seen any military installation, posts, or activity there.[9135] **Đula Leka** stated the market was a strictly civilian area, in a neighbourhood with no military activity.[9136] **Nedžib Đozo** testified that at the time of the incident, the police or Sarajevo government had forbidden the residents of Sarajevo to assemble or linger in public places and Markale was the only place in Sarajevo where large numbers of people still gathered to buy things because it was generally considered safe, as the area could not be seen from VRS positions.[9137] Active and reserve policemen were deployed at the Stari Grad police station around 500 metres from the Markale Market at the time of the incident and the witness testified that there were no army facilities in the old part of town and he did not know whether the ABiH used

[9129] D862 (Milovan Milutinović, witness statement, 11 July 2014), paras 3, 5, 51, 54, 140; Milovan Milutinović, T. 30038.
[9130] D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 1-3.
[9131] D2120 (Andrey Demurenko, witness statement, 13 October 2012), para. 4.
[9132] D532 (Stevan Veljović, witness statement, 19 October 2012), para. 28; D533 (Stevan Veljović, witness statement, 10 May 2014), para. 13; P6610 (Stevan Veljović, *Dragomir Milošević* transcript, 30 May 2007), pp. 5834-5835.
[9133] Ismet Svraka, T. 4563.
[9134] P444 (Ismet Svraka, witness statement, 5 November 2008), para. 6. *See also* P566 (Zaim Košarić, witness statement, 5 November 2008), para. 6.
[9135] P444 (Ismet Svraka, witness statement, 5 November 2008), para. 6.
[9136] P564 (Đula Leka, witness statement, 25 February 1996), p. 2; P565 (Đula Leka, witness statement, 29 August 1995). *See also* P492 (Witness RM-110, witness statement, 1 November 2010), paras 24-27; Witness RM-110, T. 4900-4905; P498 (Official Report of MUP Sarajevo, 29 August 1995), pp. 2, 6, 17, 34; P499 (Photographs of the incident of 28 August 1995).
[9137] P544 (Nedžib Đozo, witness statement, 7 December 2010), paras 36-39; Nedžib Đozo, T. 5559, 5590.

civilian facilities there.[9138] **Sead Bešić** stated that the closest ABiH facility to the Markale Market was the army hall about 500 metres away.[9139]

2122. On 28 August 1995, at 11:10 a.m., there was an explosion on Mula Mustafe Bašeskije Street just outside the Markale Market.[9140] **Witness RM-110** testified that the shell was a 120-millimetre light contact fuse shell.[9141] At least 35 people died and at least 78 people were wounded, many of them seriously.[9142] The great majority of wounded were civilians. Only one of the deceased was a soldier of the ABiH. The other 34 deceased were civilians.[9143] **Witness RM-110** testified that at least 43 people were killed.[9144] **Rupert Smith** testified that 88 were wounded.[9145] **Fatima Zaimović** stated that on 28 August 1995, Andreja Svoboda, born 22 March 1991, was brought to the hospital from Darovalaca Krvi, number 15.[9146] She had explosive wounds.[9147] **Milan Mandilović** authenticated documentation from the Sarajevo Forensics Institute that, following their autopsy, a forensic specialist of the Institute declared 37 people dead on 28 August 1995 as a result of injuries sustained during an incident that occurred that same day.[9148] The same forensic specialist, following their autopsy, declared another six

[9138] P544 (Nedžib Đozo, witness statement, 7 December 2010), paras 39-40; Nedžib Đozo, T. 5578, 5591-5592.
[9139] P1897 (Sead Bešić, prior testimony), *Karadžić* transcript of 8 December 2010, p. 9430.
[9140] Adjudicated Facts III, no. 2564.
[9141] P492 (Witness RM-110, witness statement, 1 November 2010), paras 24-27; Witness RM-110, T. 4900-4905; P498 (Official Report of MUP Sarajevo, 29 August 1995), pp. 2, 6, 17, 34; P499 (Photographs of the incident of 28 August 1995). *See also* P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 6; P261 (Sulejman Crnčalo, Clarifications to the ICTY Statement, September 2012); Nedžib Đozo, T. 5587-5589.
[9142] Adjudicated Facts III, no. 2577.
[9143] Adjudicated Facts III, no. 2578.
[9144] P492 (Witness RM-110, witness statement, 1 November 2010), paras 24-27; Witness RM-110, T. 4900-4905; P498 (Official Report of MUP Sarajevo, 29 August 1995), pp. 2, 6, 17, 34; P499 (Photographs of the incident of 28 August 1995). *See also* P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 6; P261 (Sulejman Crnčalo, Clarifications to the ICTY Statement, September 2012); Nedžib Đozo, T. 5587-5589.
[9145] P785 (Rupert Smith, witness statement, 27 October 2009), para. 198; P797 (Comprehensive report on Markale attack, 8 September 1995), p. 2.
[9146] P2621 (Fatima Zaimović, *Karadžić* transcript, 5 May 2010), p. 1885; P2623 (Additional diary extracts concerning experiences of Fatima Zaimović whilst nursing at the Koševo children's ward, Sarajevo), p. 18. *See also* P679 (Milan Mandilović, witness statement, 24 February 2010), para. 117; P683 (Chart listing documents reviewed by witness Milan Mandilović during proofing, dated 9 January 2013), p. 3; Milan Mandilović, T. 6649-6651; P687 (Medical record pertaining to Andreja Svoboda, 29 August 1995), p. 1. According to the evidence, other children were also among those brought to the hospital that day, *see* P701 (Medical documentation pertaining to patients admitted to the hospital on 28 August-1 September 1995).
[9147] P2623 (Additional diary extracts concerning experiences of Fatima Zaimović whilst nursing at the Koševo children's ward, Sarajevo), p. 18.
[9148] P679 (Milan Mandilović, witness statement, 24 February 2010), p. 22 (item 11); P703 (Autopsy reports, 28-30 August 1995), pp. 1-36, 42. The 37 victims are Samir Topuzović, Senad Muratović, Hajrudin Hozo, Muhamed Kukić, Zeno Bašević, Salko Duraković, Najla Duraković, Husein Duraković, Ilija Keranović, Ismet Klarić, Meho Zećo, Jasmina Hodžić, Mejra Cocalić, Salko Alić, Blaženka Smoljan,

people dead one to several days later as a result of injuries sustained during the same 28 August 1995 incident.[9149]

2123. The Trial Chamber received further evidence about a number of investigations of the scene dealing mostly with the origin of fire of the shell. Below, the Trial Chamber sets out the evidence in relation to the investigations conducted by (i) Bosnian authorities, (ii) UNPROFOR Sector Sarajevo, (iii) UNMO, (iv) UNPROFOR member Brian Powers, and (v) Defence expert Zorica Subotić. The Trial Chamber also sets out evidence from members of the VRS in relation to whether a shell was fired from its positions.

2124. In relation to the Bosnian investigation, **Emir Turkušić** testified that the shell had impacted directly against the road without hitting anything along its trajectory. This conclusion was based on the fact that there was no damage to any of the roofs or buildings. Turkušić testified that contact-fuse mortar shells do not ricochet, meaning that they explode as soon as there is any contact.[9150] There were many indications that the shell had been launched with three charges, which would give an approximate distance of 2,400 to 2,500 metres.[9151] The witness's examination showed that the minimum possible angle of descent was 67.25 degrees.[9152] It also showed that the likely actual angle of descent (70.01 degrees) was very close to the minimum possible angle of descent.[9153] The examination of the witness and his team further showed that the azimuth was 170 plus/minus five degrees.[9154] The stabilizer of the 120-millimetre shell recovered from the market was marked 'MKM74KB9307'.[9155] The witness knew of only one stabilizer recovered from the scene.[9156] Turkušić testified that he heard on

Omer Ajanović, Vehid Komar, Adnan Ibrahimagić, Mirsad Kovačević, Hidajet Alić, Hamid Smailhodžić, Goran Poturković, Meho Herceglić, Mesudija Kerović, Vera Brutus, Hajro Šatrović, Ajdin Vukotić, Ibrahim Hajvaz, Sevda Brkan, Halida Cepić, Paša Crnčalo, Sabaheta Vukotić, Hašim Kurtović, Esad Čoranbegić, Merima Žiga, Dario Dlouhi, and Osman Mahmutović.

[9149] P679 (Milan Mandilović, witness statement, 24 February 2010), p. 22 (item 11); P703 (Autopsy reports, 28-30 August 1995), pp. 37-41, 43. *See also* P681 (Milan Mandilović, table of concordance to 2010 witness statement, 12 December 2012), p. 1; P697 (Medical certificates concerning Ajkuna Cocalić, Đula Leka, Razija Čolić, Janja Pašić, and Adisa Duran), p. 3. These six victims are Hamza Tunović, Alija Dževlan, Jusuf Hašimbegović, Razija Čolić, Rijad Garbo, and Masija Lončar.

[9150] P2009 (Emir Turkušić, witness statement, 19 July 2013), paras 57, 66; Emir Turkušić, T. 15729-15730.

[9151] P2009 (Emir Turkušić, witness statement, 19 July 2013), para. 61.

[9152] P2009 (Emir Turkušić, witness statement, 19 July 2013), paras 65-68; Emir Turkušić, T. 15878.

[9153] P2009 (Emir Turkušić, witness statement, 19 July 2013), paras 70-72; P2016 (Sketch of shell impact).

[9154] Emir Turkušić, T. 15869; P2014 (Marked photograph of shell crater).

[9155] P2009 (Emir Turkušić, witness statement, 19 July 2013), para. 112; Emir Turkušić, T. 15780, 15918; P2053 (Stabiliser tail fin artefact).

[9156] Emir Turkušić, T. 15856-15857, 15884; P2053 (Stabilizer tail fin artefact).

television that the French UNPROFOR contingent provided the radar above Sarajevo but that it had broken down very soon after the beginning of the war.[9157]

2125. **Bešić** stated that the stabilizer was found approximately 25 to 30 metres from the crater.[9158] It was partly flattened.[9159] While the stabilizer was moved around during the investigation, the witness stated that only one stabilizer was found at the scene.[9160]

2126. In relation to the UNPROFOR Sector Sarajevo investigation, **Witness RM-055** testified that an analysis of the Serb-manufactured tail-fin confirmed that the mortar had been fired from 2,850 mils.[9161] The minimum angle of impact of the shell was calculated by French specialists as 67 degrees.[9162] From the angle of impact one could determine that the shell was fired either with charge 1 or charge 6, excluding other charges.[9163] The firing distance for charge 1 would be at least 1,300 metres, and for charge 6 eight to nine kilometres.[9164] The source-of-fire locations for these two possibilities were: an area north-east of Mount Trebević, which was controlled by the SRK (for charge 6) and an SRK position close to the confrontation line (for charge 1).[9165] This analysis was provided by UNPROFOR specialists.[9166] UNPROFOR had two French cymbeline radars in operation in the area at that time. The radar monitoring the south of Sarajevo was located in the southern part of Sarajevo airport, and the other one was located towards Rajlovac.[9167] The airport radar detected no trajectory, which led UNPROFOR to believe that the shell flew under the radar and thus must have been fired with charge 1.[9168] The confrontation line in the azimuth direction was between 800 and 1,000 metres away from the Markale Market entrance.[9169]

2127. In relation to the UNMO investigation, **Per Oien** testified that an UNMO investigation of the Markale Market shelling could not determine the accurate origin of

[9157] P2009 (Emir Turkušić, witness statement, 19 July 2013), para. 102; Emir Turkušić, T. 15858.
[9158] P1897 (Sead Bešić, prior testimony), *Dragomir Milošević* transcript of 20 February 2007, p. 2582.
[9159] P1897 (Sead Bešić, prior testimony), *Dragomir Milošević* transcript of 20 February 2007, p. 2584.
[9160] P3449 (Sead Bešić, *Karadžić* transcript, 9 December 2010), pp. 9522-9523.
[9161] P755 (UNPROFOR engineering cell report, 6 September 1995), pp. 1-2.
[9162] Witness RM-055, T. 7150, 7172-7173; P755 (UNPROFOR engineering cell report, 6 September 1995), p. 8.
[9163] Witness RM-055, T. 7150-7152.
[9164] Witness RM-055, T. 7173-7174, 7259.
[9165] Witness RM-055, T. 7259.
[9166] Witness RM-055, T. 7257-7258.
[9167] Witness RM-055, T. 7148-7149, 7175, 7182.
[9168] Witness RM-055, T. 7175.
[9169] Witness RM-055, T. 7176.

fire as it was unknown with which charge the projectiles were fired.[9170] The UNMOs were also unable to confirm which warring faction had fired the rounds.[9171] According to a newspaper article, Jan Segers stated that UNMOs who investigated immediately after the incident, as well as several UN officers, considered it likely that the shell had come from the Muslim side.[9172]

2128. **Harry Konings** stated that during his investigation of the Markale shelling, he and other UNMOs found the mortar projectile's tail-fin, which had Cyrillic writing on it, 10 to 20 metres away from the place of impact.[9173] Based on a rough estimate, the UNMOs determined that the compass bearing was 170 degrees and the minimum angle of impact 67 degrees.[9174] In measuring the bearing Konings used a normal civilian compass, which is less accurate than a military one as it uses degrees instead of mils.[9175] He estimated that there was a margin of error of five to ten degrees on each side (10 to 20 degrees in total) for the compass he used.[9176] Furthermore, he wore a flak jacket at the time and acknowledged that the metal in the jacket may have had an impact on the compass.[9177] Konings did not see a fuse funnel in the crater at the market.[9178] Konings and his team also investigated the other four shell impacts nearby and came to the conclusion that their bearing was between 220 and 240 degrees.[9179] He concluded that these four rounds were fired from a different location from the Markale one.[9180] He disagreed with the notion that the Markale mortar projectile had hit a roof prior to impact which would have changed its trajectory, stating that the shape of the crater was normal and there were no signs of a prior impact.[9181] Konings stated that Majors Conway and Knustad, manning the UNMO OP that day, neither heard the round nor saw any shots being fired from Bosnian territory although the weather was very clear

[9170] Per Oien, T. 43172.
[9171] Per Oien, T. 43173.
[9172] D1466 (Newspaper article 'Yugoslavia: the Great Bluff', undated), p. 6. The Trial Chamber notes that in his statement, Jan Segers stated that he had no recollection of the second Markale shelling, *see* D1465 (Jan Segers, witness statement, 4 February 2016) p. 10.
[9173] P1741 (Harry Konings, witness statement, 11 November 2010), paras 49-50, 56.
[9174] P1741 (Harry Konings, witness statement, 11 November 2010), paras 61, 80.
[9175] P1741 (Harry Konings, witness statement, 11 November 2010), paras 77-78.
[9176] P1741 (Harry Konings, witness statement, 11 November 2010), para. 78.
[9177] P1741 (Harry Konings, witness statement, 11 November 2010), para. 77.
[9178] P1741 (Harry Konings, witness statement, 11 November 2010), para. 75.
[9179] P1741 (Harry Konings, witness statement, 11 November 2010), para. 64.
[9180] P1741 (Harry Konings, witness statement, 11 November 2010), paras 79, 82, 86.
[9181] P1741 (Harry Konings, witness statement, 11 November 2010), paras 84-85.

and they could see the entire city from the post.[9182] Between 8 a.m. and the time when the shelling incident occurred, there was no exchange of fire.[9183]

2129. **Thom Knustad** stated that at about 9 a.m. on 28 August 1995 he and his colleague Paul Conway and interpreter Emina Hasanović went to the UN OP on Colina Kapa a.k.a. OP-1 for their shift.[9184] OP-1 was situated on a hill in the south-eastern part of Sarajevo, overlooking the city and only 100 to 200 metres north of the confrontation line.[9185] Colina Kapa is about 340 metres higher than the city of Sarajevo.[9186] The first Bosnian-Serb positions were about 1.5 kilometres south of OP-1.[9187] Another hill is located behind OP-1.[9188] Some time between 10 a.m. and noon, while near OP-1, Knustad saw smoke rising and then heard the sound of an impact explosion in the city.[9189] The market was approximately two kilometres away from OP-1.[9190] Knustad did not hear the projectile prior to impact. According to Knustad, had the projectile been fired from Muslim-controlled territory along the measured bearing of 170 degrees, he would have heard the firing.[9191] **Paul Conway** testified that he was unable to determine whether the explosion came from incoming or outgoing fire and he could not, due to the acoustics of the area, conclude that the fire definitely came from the Bosnian-Serb side.[9192]

2130. In relation to the investigation of Powers, **Smith** testified that two teams, one from UNPROFOR Sector Sarajevo's engineering cell and the other consisting of

[9182] P1741 (Harry Konings, witness statement, 11 November 2010), paras 72, 89.
[9183] P1741 (Harry Konings, witness statement, 11 November 2010), para. 95.
[9184] P3158 (Thom Knustad, witness statement, 21 May 1996), p. 3; P3159 (Thom Knustad, *Dragomir Milošević* transcript, 12-13 February 2007), pp. 1987-1988, 1993-1994; P3164 (Thom Knustad, witness interview, 2 October 2003), p. 1.
[9185] P3158 (Thom Knustad, witness statement, 21 May 1996), pp. 2-3; P3159 (Thom Knustad, *Dragomir Milošević* transcript, 12-13 February 2007), pp. 1994, 2001, 2005, 2026; P3162 (Marked map of Sarajevo); P3164 (Thom Knustad, witness interview, 2 October 2003), p. 1; P3161 (Marked map of Sarajevo).
[9186] P3159 (Thom Knustad, *Dragomir Milošević* transcript, 12-13 February 2007), p. 2025.
[9187] P3159 (Thom Knustad, *Dragomir Milošević* transcript, 12-13 February 2007), p. 2001.
[9188] P3159 (Thom Knustad, *Dragomir Milošević* transcript, 12-13 February 2007), p. 2005; P3164 (Thom Knustad, witness interview, 2 October 2003), p. 1.
[9189] P3158 (Thom Knustad, witness statement, 21 May 1996), p. 3; P3159 (Thom Knustad, *Dragomir Milošević* transcript, 12-13 February 2007), pp. 1995-1997; P3164 (Thom Knustad, witness interview, 2 October 2003), p. 1.
[9190] P3158 (Thom Knustad, witness statement, 21 May 1996), p. 3; P3159 (Thom Knustad, *Dragomir Milošević* transcript, 12-13 February 2007), p. 1995; P3164 (Thom Knustad, witness interview, 2 October 2003), p. 1.
[9191] P3158 (Thom Knustad, witness statement, 21 May 1996), p. 3; P3159 (Thom Knustad, *Dragomir Milošević* transcript, 12-13 February 2007), pp. 2004-2006; P3164 (Thom Knustad, witness interview, 2 October 2003), p. 1.
[9192] D1236 (Paul Conway, witness statement, 7 November 2011), paras 13-15; Paul Conway, T. 38936-38937, 38959, 38961-38962, 38965, 38969.

UNMOs, investigated the scene, focusing on crater analyses.[9193] The UNMO investigation could not establish the firing point as the charge of the mortar was unknown.[9194] The two reports differed on the direction of the rounds, the UNMO report finding the bearing to the firing point at 170 degrees (plus/minus five degrees) and the Sector Sarajevo report at 2,850 mils or 160 degrees.[9195] As a result, the witness ordered another collection of all available evidence on the incident from UNPROFOR G2 officer Brian Powers.[9196] Another crater analysis, a re-examination of the fuse furrow, and information that the shell had hit a roof or a wall on entry, established that the mortar had been fired along the direction of approximately 220 degrees south-west.[9197] The cymbeline radar above the old town of Sarajevo did not pick up the trajectory of the shell, suggesting that the shell must have been fired at a low trajectory, thus from at least 1,550 metres away.[9198] Assuming an azimuth of 220-240 degrees, the confrontation line was at a distance of 1,050 metres from the impact point.[9199] Lastly, none of the OPs near the confrontation lines reported hearing any firing from there.[9200] Smith testified that this absence of sound was very significant as a 120-millimetre mortar makes 'quite a noise' when fired. On the basis of this data, Smith concluded that the shells had been fired from Bosnian-Serb positions outside the enclave, somewhere between Lukavica and Miljevići.[9201]

2131. **David Harland** testified that the UNPROFOR technical team which investigated the Markale Market site following its shelling on 28 August 1995 reported to him and Rupert Smith that the mortar bombs had been fired from Serb positions between

[9193] P785 (Rupert Smith, witness statement, 27 October 2009), para. 200; P797 (Comprehensive report on Markale attack, 8 September 1995), pp. 2-3, 6, 9, 13-20.
[9194] P797 (Comprehensive report on Markale attack, 8 September 1995), pp. 14, 17; D138 (UNMO patrol report, 28 August 1995), p. 1.
[9195] P785 (Rupert Smith, witness statement, 27 October 2009), para. 200; P797 (Comprehensive report on Markale attack, 8 September 1995), pp. 3, 6-7, 14, 17-18; D138 (UNMO patrol report, 28 August 1995), p. 3.
[9196] P785 (Rupert Smith, witness statement, 27 October 2009), para. 200; Rupert Smith, T. 7439-7440, 7445-7446; P797 (Comprehensive report on Markale attack, 8 September 1995), pp. 2-3, 17-19, 21.
[9197] P785 (Rupert Smith, witness statement, 27 October 2009), para. 201; Rupert Smith, T. 7571; P797 (Comprehensive report on Markale attack, 8 September 1995), pp. 3, 21.
[9198] P785 (Rupert Smith, witness statement, 27 October 2009), para. 201; Rupert Smith, T. 7350; P797 (Comprehensive report on Markale attack, 8 September 1995), pp. 3, 21.
[9199] P797 (Comprehensive report on Markale attack, 8 September 1995), p. 3.
[9200] P785 (Rupert Smith, witness statement, 27 October 2009), para. 201; Rupert Smith, T. 7350; P797 (Comprehensive report on Markale attack, 8 September 1995), pp. 3, 21.
[9201] P785 (Rupert Smith, witness statement, 27 October 2009), para. 202; P797 (Comprehensive report on Markale attack, 8 September 1995), pp. 3, 21.

Lukavica and Miljevići.[9202] The technical team reported that the ballistic signature of four of the five mortar bombs that day indicated a firing point from Serb territory.[9203] This assessment was based on an analysis of the fuse furrows, the cymbeline radar, as well as the lack of any observations from UN posts close to the nearby confrontation line.[9204]

2132. **Zorica Subotić** testified that the splinter pattern on the asphalt was very shallow, which is indicative of a very slow-speed or static mortar shell.[9205] Based on the appearance of the crater and the asphalt traces, she concluded that the shell could not have been fired with a charge larger than charge 2.[9206] Based on her finding that the stabilizer was not found near the point of impact and that no sound was detected, Subotić concluded that the explosion must have been static or that the shell was thrown from a roof or window.[9207]

2133. In relation to reactions of the VRS following the shelling, **Smith** talked to Mladić on the phone on 28 August 1995 and Mladić stated that his staff had confirmed that no fire orders had been issued to his units.[9208] Mladić claimed that this was a Muslim attack designed to discredit the VRS.[9209] Mladić asked that Smith organize a mixed commission made up of representatives from both sides to investigate the incident.[9210] Later that day and on the following day, Mladić confirmed to Smith over the phone that no VRS forces had been involved in the attack.[9211]

[9202] P1 (David Harland, witness statement, 4 September 2009), para. 231; David Harland, T. 878; D9 (Report to Smith, 29 August 1995).
[9203] P1 (David Harland, witness statement, 4 September 2009), para. 232.
[9204] D9 (Report to Smith, 29 August 1995).
[9205] D2113 (Zorica Subotić and Mile Poparić, Markale report, 25 April 2014), pp. 110, 132, 134, 137, 139, 149, 154-155.
[9206] D2113 (Zorica Subotić and Mile Poparić, Markale report, 25 April 2014), pp. 110, 128, 132, 137, 139, 149, 154-155.
[9207] D2113 (Zorica Subotić and Mile Poparić, Markale report, 25 April 2014), pp. 128, 132, 135, 137, 139, 149, 151, 153-156; Zorica Subotić, T. 39760.
[9208] P785 (Rupert Smith, witness statement, 27 October 2009), para. 205; P798 (Phone conversation between Mladić and Smith, 28 August 1995), pp. 1-2, 4; P801 (Summary of three phone conversations between Mladić and Smith re Markale II, 29 August 1995), p. 1.
[9209] P785 (Rupert Smith, witness statement, 27 October 2009), para. 205; P798 (Phone conversation between Mladić and Smith, 28 August 1995), pp. 2-3; P801 (Summary of three phone conversations between Mladić and Smith re Markale II, 29 August 1995), p. 1.
[9210] P798 (Phone conversation between Mladić and Smith, 28 August 1995), pp. 1-2.
[9211] P785 (Rupert Smith, witness statement, 27 October 2009), paras 207-208; P799 (Second phone conversation between Mladić and Smith, 28 August 1995), p. 1; P800 (Third phone conversation between Mladić and Smith, 29 August 1995), p. 2; P801 (Summary of three phone conversations between Mladić and Smith re Markale II, 29 August 1995), p. 1.

2134. **Milovan Milutinović** testified that when the VRS Main Staff was informed about a shell exploding at Markale Market on 28 August 1995, he received a call from Mladić, who told him that he had called the commanders of the units who told him that none of the units had opened fire on Sarajevo.[9212] After the event, a VRS Main Staff public announcement was issued in which any involvement of the VRS in the incident was categorically denied.[9213] According to the witness, on the same day Mladić sent a letter to Smith, denying any VRS responsibility for the event and requesting the establishment of a joint Muslim-Serb-International commission to investigate the incident.[9214] Further, according to the witness, the Russian investigative team involved in the joint commission on behalf of UNPROFOR found and informed the VRS Main Staff that among the alleged victims of the incident were a number of individuals who had perished earlier and had recently been exchanged.[9215]

2135. **Stevan Veljović** testified that the Markale Market shelling could not have been caused by a 120-millimetre mortar shell fired from the line of defence of the 4th Sarajevo Brigade, which included Trebević in its zone of responsibility, as all such artillery pieces were at the Trebinje front at that time.[9216] In any case, from their position it would have been impossible to cause the incident.[9217] According to a report on the availability of ammunition and fuel, dated 31 August 1995, the 4th Sarajevo Light Infantry Brigade had 13 120-millimetre mortars available.[9218] According to the witness, there were indeed 13 mortar pieces: six at the Nišić plateau (50 kilometres away from Sarajevo), two in Trebinje, and five in the direction of Goražde.[9219]

2136. According to a VRS Main Staff report of 28 August 1995, the commanders of the 1st, 2nd, and 4th Serbian Infantry Brigade, the Igman and the Ilidža Infantry Brigades, and the Mixed Artillery Regiment had confirmed to the Corps Command in

[9212] D862 (Milovan Milutinović, witness statement, 11 July 2014), paras 115-116.
[9213] D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 116.
[9214] D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 117.
[9215] D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 118; Milovan Milutinović, T. 30045-30046.
[9216] D532 (Stevan Veljović, witness statement, 19 October 2012), paras 28-29, 34; D533 (Stevan Veljović, witness statement, 10 May 2014), paras 17, 20. *See also* D463 (Dušan Škrba, witness statement, 11 May 2014), para. 26.
[9217] D533 (Stevan Veljović, witness statement, 10 May 2014), para. 20.
[9218] P6609 (Report on availability of ammunition and fuel, 31 August 2015), p. 1.
[9219] Stevan Veljović, T. 23010, 23014-23016.

writing that they did not fire artillery weapons on the city of Sarajevo between 10 a.m. and noon on 28 August 1995.[9220]

2137. **Harland** testified that in a press statement, General Smith mentioned that it was unclear who had fired the bomb into the market.[9221] Harland had advised Smith to make this kind of neutral statement despite evidence to the contrary in order to deceive the Serbs so that they could not prepare for upcoming air strikes by, e.g., taking further UN hostages.[9222]

2138. **Witness GRM-037** testified that based on telephone conversations with his successor and some British individuals, he concluded that the shelling round relating to the Markale Market shelling incident in August 1995 was recorded on the cymbeline radar, but that it could not be determined which side had fired it.[9223]

2139. **Andrey Demurenko** testified that following the incident at Markale, he set up his own inspection group.[9224] Demurenko and his team took as a starting point the findings of other investigations with regard to the direction of fire.[9225] From the point of impact, the team travelled for six kilometres along the direction of fire, inspecting the area on a width of 100 metres.[9226] The group did not find any traces of a mortar having been fired and determined that the inspected area was unsuitable for mortar firing.[9227] Accordingly, the group's report concluded that the VRS could not have fired a shell in this incident.[9228] Demurenko testified that the incident was not caused by shelling but by a mine set up to imitate a mortar mine.[9229]

[9220] D2139 (VRS Main Staff situation report, 28 August 1995), pp. 1, 5.
[9221] P1 (David Harland, witness statement, 4 September 2009), para. 233.
[9222] P1 (David Harland, witness statement, 4 September 2009), para. 233; David Harland, T. 790.
[9223] D1240 (Witness GRM-037, witness statement, 14 September 2012), para. 12; Witness GRM-037, T. 39015-39017.
[9224] D2120 (Andrey Demurenko, witness statement, 13 October 2012), paras 44-45, 51, 55, 76, 79-80; Andrey Demurenko, T. 44075-44077.
[9225] D2120 (Andrey Demurenko, witness statement, 13 October 2012), paras 91, 116-117; Andrey Demurenko, T.44085-44086, 44112-44116, 44195; D2122 (Video of Andrey Demurenko commenting on Markale II incident).
[9226] Andrey Demurenko, T.44172, 44193-44194.
[9227] Andrey Demurenko, T.44132-44133, 44173-44174.
[9228] D2120 (Andrey Demurenko, witness statement, 13 October 2012), para. 52; Andrey Demurenko, T. 44120-44121; D2122 (Video of Andrey Demurenko commenting on Markale II incident).
[9229] D2120 (Andrey Demurenko, witness statement, 13 October 2012), paras 65, 139; Andrey Demurenko, T. 44101.

Four other impacts in the vicinity of the market

2140. According to an UNMO report of 30 August 1995, an UNMO patrol investigated five 120-millimetre mortar impacts in the general area of the market place on 28 August 1995.[9230] The minimum possible impact angle was 67 degrees.[9231] OP-1 members did not see or hear any outgoing mortar rounds from either side.[9232] Two of the projectiles caused seven injuries.[9233] These and two other rounds were fired from bearings of 220 to 240 degrees plus/minus five and impacted 300 metres further south from the lethal round, close to the 'UPI' business centre. These four projectiles were marked 'MKM74KB9307'.[9234]

2141. **Turkušić** testified that his department attended the shelling site at the 'UPI' (Agricultural Processing Complex) company building at Branilaca Grada Street number 20 on 28 August 1995. The azimuth of the crater was determined to be 240 degrees plus/minus five. The projectile which impacted on the building's roof at 11:30 a.m. was a 120-millimetre light contact fuse mortar shell with 'MKM74KB9307' markings.[9235] This site was around 200 metres away from the Markale Market.[9236] No one was killed but four people were wounded.[9237]

2142. The witness also attended the site of the shelling at Branilaca Sarajeva 24, 'BKC' (Bosniak Cultural Centre) building, on 28 August 1995. The azimuth of the crater was determined to be 240 degrees plus/minus five. The projectile impacted on the building's roof at 11 a.m. and was a 120-millimetre light contact-fuse mortar shell with 'KB 9307' markings.[9238] This site was 'a couple hundred metres' away from the Markale Market.[9239] No one was killed but two individuals were injured.[9240]

2143. According to a MUP report, two further 120-millimetre shells with the same markings impacted at the square located between the National Theatre building and the

[9230] P2608 (UNMO report, 30 August 1995), pp. 20, 24. *See also* P12 (UNPROFOR daily situation report, 28 August 1995), p. 3; David Harland, T. 720-721.
[9231] P2608 (UNMO report, 30 August 1995), pp. 21, 24.
[9232] P2608 (UNMO report, 30 August 1995), p. 24.
[9233] P2608 (UNMO report, 30 August 1995), p. 21.
[9234] P2608 (UNMO report, 30 August 1995), pp. 21-22.
[9235] P2009 (Emir Turkušić, witness statement, 19 July 2013), para. 116; P2010 (MUP report, 28 August 1995), p. 2; P2011 (MUP reports, September 1995), pp. 2-3.
[9236] Emir Turkušić, T. 15726.
[9237] P2011 (MUP reports, September 1995), p. 2.
[9238] P2009 (Emir Turkušić, witness statement, 19 July 2013), para. 115; P2010 (MUP report, 28 August 1995), p. 2; P2011 (MUP reports, September 1995), pp. 5-6.
[9239] Emir Turkušić, T. 15728.

'UPI' building but there were no injuries.[9241] The shells' direction of fire was established as 240 degrees plus/minus five. These two shells were the last of the four impacts, all of which occurred between 11:05 and 11:15 a.m.[9242]

The Trial Chamber's findings

2144. The evidence of Zorica Subotić is in stark contrast to the Adjudicated Facts. Whereas the Adjudicated Facts state that the shell that landed outside Markale Market on 28 August 1995 was fired by the SRK, Subotić concluded that the explosion must have been static or that the shell was thrown from a roof or window. The Trial Chamber notes that Subotić first assumed, without testing the veracity of such assumption, that every SRK shelling would have been caught by the radar.[9243] She therefore excluded the SRK as perpetrators.[9244] In relation to the radar, Subotić delved further into a detailed technical analysis, which again is riddled with numerous assumptions, the basis of which remains unclear.[9245] She then reasoned that, as there is evidence that no blast was heard, the ABiH can also be excluded. This left her with the sole conclusion that the explosion must have been triggered by a static device.[9246] Subotić also concluded, based on a photograph where shrapnel traces apparently cannot be seen, that the shell was fired at very low speed or activated statically.[9247] Due to this flawed methodology and her focus on interpreting evidence rather than providing a ballistic analysis, the Trial Chamber finds that Subotić's evidence in relation to the shelling incidents of 28 August 1995 is not sufficiently reliable to rebut the Adjudicated Facts related to these incidents.

2145. Exhibit D1466, a newspaper article, suggests that UN officials, including those who investigated the site, considered it likely that the shell had been fired from the Muslim side. This is also in stark contrast with the Adjudicated Facts related to this incident. The newspaper article is an interview with Jan Segers, a Belgian UNPROFOR officer and UNMO who was deployed in the former Yugoslavia from 1991 until 1995.[9248] The Trial Chamber considers this evidence to be unclear in relation to the UN

[9240] P2011 (MUP reports, September 1995), p. 5.
[9241] P2010 (MUP report, 28 August 1995), pp. 2-3.
[9242] P2010 (MUP report, 28 August 1995), p. 2.
[9243] *See* D2113 (Zorica Subotić and Mile Poparić, Markale report, 25 April 2014), p. 137.
[9244] *See* D2113 (Zorica Subotić and Mile Poparić, Markale report, 25 April 2014), p. 153.
[9245] *See* D2113 (Zorica Subotić and Mile Poparić, Markale report, 25 April 2014), pp. 126, 153.
[9246] *See* D2113 (Zorica Subotić and Mile Poparić, Markale report, 25 April 2014), p. 153.
[9247] *See* D2113 (Zorica Subotić and Mile Poparić, Markale report, 25 April 2014), pp. 110, 132.
[9248] *See* D1465 (Jan Segers, witness statement, 4 February 2016) p. 2; Jan Segers, T. 43744.

members' bases of knowledge for pronouncing on the likelihood of the shell's origin of fire. The Trial Chamber also considered that this information only stemmed from an interview in a newspaper article and that the interviewee, Jan Segers, subsequently did not have recollections about the 28 August 1995 incident. Under these circumstances, the Trial Chamber finds that this evidence is not sufficiently reliable to rebut the Adjudicated Facts.

2146. The evidence of Stevan Veljović also contradicts the Adjudicated Facts. His evidence indicates that the 4th Sarajevo Light Infantry Brigade, which included Trebević in its zone of responsibility, had no 120-millimetre mortar shells at Mount Trebević on 28 August 1995, and even if it did, that such shells could not have reached the Markale Market. The Trial Chamber took into consideration that Veljović, as commander of the brigade which allegedly fired the shell at the Markale Market, may have had a personal interest in distancing himself from this shelling. Accordingly, it treated his evidence with great caution. With regard to the reliability of his evidence, the Trial Chamber considered that the witness stated in court that he 'came [to court] to defend General Mladić'.[9249] The witness also testified 'I survived these two strokes. I am a sick man, after all. I cannot remember each and every thing. Please take that into consideration'.[9250] Specifically with regard to Veljović's evidence that such a shell could not have reached the market from the brigade's positions, the Trial Chamber considers this evidence, without further details about the alleged more limited range of such shells, to be too sweeping to be reliable. Based on these considerations, the Trial Chamber finds that Veljović's evidence is not sufficiently reliable to rebut the Adjudicated Facts.

2147. Rupert Smith's and Milovan Milutinović's evidence regarding Mladić's reaction to the 28 August 1995 shelling, as well as D2139, also contradict the Adjudicated Facts in relation to a member of the SRK as the perpetrator. The Trial Chamber took into consideration that Mladić, as commander of the army which allegedly fired the shell at the Markale Market, may have had a personal interest in distancing himself from this shelling. Accordingly, it treated this evidence with great caution. With regard to its reliability, the Trial Chamber did not receive information about how intensively, if at all, Mladić investigated whether his own troops had fired the shell on the Markale

[9249] Stevan Veljović, T. 22959.
[9250] Stevan Veljović, T. 22960.

Market. Under these circumstances, the Trial Chamber finds that the evidence on the general statement by Mladić that his troops had not been involved in the attack, as well as D2139, is not sufficiently reliable to rebut the Adjudicated Facts in this respect.

2148. The evidence of Demurenko also contradicts the Adjudicated Facts. Demurenko testified that a shell could not have been fired by the VRS. The Trial Chamber considered that during his testimony, Demurenko was often evasive when answering questions, to the point of even being obstructive.[9251] Furthermore, the witness gave incomplete answers in relation to central aspects of his evidence during his testimony.[9252] Demurenko's evidence that he inspected the area of possible firing on a six kilometre by 100 metres stretch, plainly ignores that the margin of error for any direction of fire crater analysis leads to an increasingly larger area the further one travels away from the point of impact.[9253] As such, at a distance of six kilometres, a margin of error of plus minus five degrees leads to possible firing positions on a stretch that is more than one kilometre wide. Lastly, the Trial Chamber finds that Demurenko's evidence contained a number of internal inconsistencies.[9254] Under these circumstances, the Trial Chamber finds that the evidence of Demurenko is not sufficiently reliable to rebut the Adjudicated Facts in this respect.

2149. The Trial Chamber took judicial notice of Adjudicated Fact 2571, which states that the direction of fire was 170 degrees. It also heard evidence that the direction of fire was 160 or 220 degrees. Even if one were to conclude that this Adjudicated Fact is rebutted, this would not affect the finding as irrespective of the exact direction of fire, none of the evidence received by the Trial Chamber contradicts Adjudicated Fact 2580, according to which the shell was fired by the SRK. The Trial Chamber therefore refrains from making a determination as to whether Adjudicated Fact 2571 is rebutted. In coming to this conclusion, the Trial Chamber considered whether the inclusion of the origin of fire in the description of Scheduled Incident G.18 in the Indictment meant that

[9251] Andrey Demurenko, T. 44181, 44184, 44191-44192.
[9252] Andrey Demurenko, T. 44184.
[9253] *See* Andrey Demurenko, T. 44194.
[9254] *See e.g.* Demurenko's initial focus on inspecting possible firing positions on the travelled 'line' versus his later testimony that the inspection was broader in width (D2120 (Andrey Demurenko, witness statement, 13 October 2012), paras 99-100, 105, Andrey Demurenko, T. 44172, 44193-44194); Demurenko's initial focus on inspecting four specific possible firing points versus his later testimony that everything was inspected (D2120 (Andrey Demurenko, witness statement, 13 October 2012), paras 57, 97, Andrey Demurenko, T. 44120-44121, 44132-44133, 44173-44174); or Demurenko's initial view that a road he crossed during his inspection mostly had the tarmac removed versus his later testimony that he did not know the extent of any tarmac removal (Andrey Demurenko, T. 44178-44179).

this was such a vital component of the charge so as to require a finding. As the origin of fire is not a material element to be proven, the Trial Chamber was satisfied that this matter required no finding.

2150. Based on the foregoing, the Trial Chamber finds that on 28 August 1995, at 11:10 a.m., a mortar shell struck the street in the vicinity of the crowded Markale Market. At least 43 people died and 88 people were wounded, many of them seriously. The great majority of wounded were civilians and included children as young as four years of age. Of the deceased, the vast majority were civilians; one was an ABiH soldier. The shell was fired by members of the SRK. There were no military facilities close to the market. Prior to the incident, the authorities had forbidden the residents of Sarajevo to assemble or linger in public places and Markale was the only place in Sarajevo where large numbers of people still gathered.

2151. On the same day, four other rounds impacted 200 to 300 metres south of the Markale Market, close to the 'UPI' (Agricultural Processing Complex) business centre and the 'BKC' (Bosniak Cultural Centre) building. The direction of fire of these rounds was approximately 220 to 240 degrees. Six to seven people were injured. Considering that these rounds impacted very close to the round impacting at the Markale Market and all five rounds exploded between 11 and 11:30 a.m., the Trial Chamber finds that the four rounds, just like the one that hit the market, were fired by members of the SRK.

2152. The Trial Chamber will further consider these incidents in relation to Counts 5, 6, 9, and 10 in chapter 8 below.

5.3.11 Other shelling incidents

Shelling on or about 14 May 1992

2153. With regard to the alleged shelling of Sarajevo on or about 14 May 1992, the Trial Chamber received evidence from **John Wilson**, the Chief Military Observer for UNPROFOR deployed to Sarajevo from 22 March to 24 June 1992;[9255] **Richard Gray,** the Senior Military Observer for UNPROFOR in Sector Sarajevo from 11 June 1992 to

[9255] P320 (John Wilson, witness statement, 26 March 2009), paras 6-8, 25, 64, 93; John Wilson, T. 3919, 4020. The evidence of John Wilson is reviewed in chapter 5.1.1.

20 September 1992, and present in Sarajevo as of 10 April 1992;[9256] as well as documentary evidence.[9257]

2154. According to an entry in the war diary of the Stari Grad SJB, on 14 May 1992, the area of Vratnik was targeted the entire day with rockets from the direction of Borije and Trebević, burning two homes and damaging two mosques and other homes.[9258] The area of Hrid-Jarčedoli was also targeted on 13 and 14 May 1992 from the direction of Borije, Trebević, and Lapišnica with all available weapons and artillery, causing extensive material damage and wounding three persons, including one child.[9259] The *Bosnalijek* building on Jukićeva Street was listed by fire brigade commander Mesud Jusufović as a facility which caught fire as a result of shelling or other activities from 'the aggressor' on 14 May 1992.[9260] According to an annex to the UN Commission of Experts report dated 27 May 1994, 40 individuals were killed in Sarajevo on 14 May 1992.[9261]

2155. Based on the foregoing, the Trial Chamber finds that on or about 14 May 1992 there was heavy shelling in Sarajevo, causing material damage and wounding three people. Specifically based on P2733 and P549, the Trial Chamber finds that members of the SRK committed the shelling. The Trial Chamber did not receive conclusive evidence that the 40 killed individuals were related to that day's shelling. The Trial Chamber will further consider this incident in relation to Counts 9 and 10 of the Indictment in chapter 8 below.

Incident of 27 May 1992

2156. With regard to the alleged shelling of Sarajevo on 27 May 1992, the Trial Chamber received evidence from **Zlatko Medjedović**, a ballistic expert employed by the Secretary of the Interior in Sarajevo from 1978 until 1998;[9262] **Jose Cutileiro**, the chairman of the talks on the future constitutional arrangements for Bosnia-Herzegovina

[9256] D1413 (Richard Gray, witness statement, 22 April 2012), paras 2, 4-5; D1423 (Certification of UN medal for service with UNPROFOR – Richard Gray).
[9257] P2733 is reviewed in chapter 9.4.2.
[9258] P549 (Stari Grad SJB war diary), pp. 1, 65. *See also* D1414 (Richard Gray, *Karadžić* transcript, 8 November 2012), p. 29982.
[9259] P549 (Stari Grad SJB war diary), pp. 65-66.
[9260] P4612 (List of fires caused by shelling and other activities), pp. 1, 5.
[9261] P7171 (Excerpts from UNSC Document no. S/1994/674, 27 May 1994), pp. 1-2, 15.
[9262] P3165 (Zlatko Medjedović, witness statement of 20 November 1995), p. 2; P3166 (Zlatko Medjedović, witness statement of 5 September 2000), pp. 1, 3.

from 13 February to 14 August 1992;[9263] **Milorad Batinić,** a Serb who worked as an interpreter from about 28 June 1992 for the Igman Brigade and for UNMOs from 30 June 1992 to 1995;[9264] **John Wilson,** the Chief UNMO for UNPROFOR deployed to Sarajevo from 22 March to 24 June 1992;[9265] **Milorad Bukva**, the Chief of the SRK Intelligence Department from May 1992 to March 2007;[9266] and **Zorica Subotić**, an expert in ballistics;[9267] as well as documentary evidence. Regarding who had control over Mount Trebević during the conflict, the Trial Chamber took judicial notice of Adjudicated Facts 2134 and 2571[9268] and received evidence from **Witness RM-126**, a Bosnian-Muslim policeman from Sarajevo;[9269] and **Nedžib Đozo**, a Bosnian-Muslim former JNA mortar platoon commander and civilian police investigator.[9270] The Defence argued that the 27 May 1992 shelling was carried out by the ABiH and that the SRK could not have been responsible for it as: (i) a review of the incident site excluded SRK-held positions as the origin of fire; (ii) the SRK had been forbidden to open fire that day; and (iii) an investigation carried out by Mladić indicated that there had been no unauthorized engagement of targets in the area.[9271] The Defence further argued that the crater analyzed by the Prosecution and the Bosnia-Herzegovina Prosecutor was not formed at the time of the incident and that the findings of their investigation cannot be relied upon in determining SRK responsibility for this incident.[9272]

2157. According to a Bosnia-Herzegovina MUP investigative file, on 27 May 1992 at 9:55 a.m. an 82-millimetre mortar shell was fired, landing in a pedestrian precinct in front of a shop called *Planika* and a shop called *Elektrotehna*, between house numbers 5

[9263] D1371 (Jose Cutileiro, witness statement, 11 April 2012), paras 3, 5, 31.
[9264] Milorad Batinić, T. 22613, 22619-22621, 22685, 22696-22697, 22715-22716; P6593 (Copy of notes taken from Milorad Batinić during his testimony, 12 June 2014), p. 2.
[9265] P320 (John Wilson, witness statement, 26 March 2009), paras 6-8, 25, 64, 93; John Wilson, T. 3919, 4020.
[9266] D608 (Milorad Bukva, witness statement, 18 July 2014), p. 1, paras 1, 16; Milorad Bukva, T. 25016-25017.
[9267] D2117 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area in 1992-1995, 25 April 2014), pp. 2-24.
[9268] Adjudicated Facts 2134 and 2571 are reviewed in chapters 5.1.1 and 5.3.10, respectively.
[9269] P1942 (Witness RM-126, witness statements), witness statement of 1 September 2000, p. 1, witness statement of 25 June 2000, p. 1, witness statement of 18 November 1995, pp. 1-2. The evidence of Witness RM-126 is reviewed in chapter 5.1.1.
[9270] P544 (Nedžib Đozo, witness statement, 7 December 2010), paras 4-7; Nedžib Đozo, T. 5539, 5563-5564. The evidence of Nedžib Đozo is reviewed in chapter 5.3.1.
[9271] Defence Final Brief, paras 1856, 1890-1898.
[9272] Defence Final Brief, paras 1899-1905.

and 12 in Vase Miškina Street.[9273] The explosion caused extensive material damage to surrounding buildings, slightly or seriously wounded 112 civilians, and killed 17 civilians as they were waiting in line for bread or passing by.[9274] A list of children treated for war-related injuries at the Clinic for Children's Surgery in Sarajevo includes two children who were treated for explosive wounds sustained on 27 May 1992.[9275] Vase Miškina 11 and Vase Miškina 6 are listed below the names of the first and second child.[9276] Following the explosion, those helping the wounded were sniped at from positions at Mount Trebević. The on-site investigation conducted by the MUP determined that the shell was fired from positions at Trebević.[9277] The pedestrian precinct and the surrounding area were not used for military purposes.[9278]

2158. In an intercepted conversation between Neđeljko Prstojević and Tomislav Šipčić dated 27 May 1992, Šipčić, the SRK commander, while waiting to be connected to Prstojević, questioned an unknown person 'what do you mean they're fuckin' shooting from Trebević? Where from for fuck's sake?'.[9279] In an intercepted conversation between Colonel Čađo and Miroslav Gagović dated 27 May 1992, Čađo, who was 'at the UNPROFOR' at the time, informed Gagović that he had heard that a shell coming from the direction of Trebević had landed near the Faculty of Economics, killing five people. Gagović responded '[w]ho the fuck is firing from up there constantly […] fuck him […] [s]crew him, there are barbarians there, screw them, and who knows what they fucking used from Trebević'.[9280] Gagović further said that 'Mladić has forbidden everything this morning. Nobody must shoot a bullet, otherwise he would execute the one who does that. I am seriously telling this, he has threatened with court-martial that he would execute everybody who fires a bullet'. Before concluding the conversation,

[9273] D1243 (MUP Investigative File for Vase Miškina Street Shelling, 27 May 1992), pp. 1, 3-4, 8-10. *See also* P3165 (Zlatko Medjedović, witness statement of 20 November 1995), pp. 3-4; P3169 (Report by Zlatko Medjedović, 20 November 1995).
[9274] D1243 (MUP Investigative File for Vase Miškina Street Shelling, 27 May 1992), pp. 1, 3-8, 11, 14, 23-143. *See also* P946 (Medical records), pp. 3-16; P7171 (Excerpts from UN Security Council Document No. S/1994/674, 27 May 1994), pp. 1, 7, 12, 15, 18; D1425 (Article by Leonard Doyle), pp. 1-2; P2052 (Report of Secretary-General to UNSC, 30 May 1992), pp. 1-2.
[9275] P2623 (Additional diary extracts concerning experiences of Fatima Zaimović whilst nursing at the Koševo children's ward, Sarajevo), pp. 1-2.
[9276] P2623 (Additional diary extracts concerning experiences of Fatima Zaimović whilst nursing at the Koševo children's ward, Sarajevo), p. 2.
[9277] D1243 (MUP Investigative File for Vase Miškina Street Shelling, 27 May 1992), pp. 1, 3, 9-10. *See also* P3165 (Zlatko Medjedović, witness statement of 20 November 1995), pp. 3-4; P3169 (Report by Zlatko Medjedović, 20 November 1995).
[9278] D1243 (MUP Investigative File for Vase Miškina Street Shelling, 27 May 1992), p. 3.
[9279] P1602 (Intercept between Neđeljko Prstojević and Tomislav Šipčić, 27 May 1992), p. 1. For Šipčić's role, *see* chapter 3.1.2.

Gagović exclaimed, 'barbarians, fuck them all. The one who did that is under nobody's command, he probably came from somewhere, there are some means installed on vehicles. He comes, fires and then you cannot find him, damn it'.[9281]

2159. **Jose Cutileiro** testified that a Portuguese artillery officer who was stationed in Sarajevo told him that he had participated in the investigation of the shelling of people in the bread queue at Vase Miškina Street and was convinced that the shell had come from the area where the 'Bosnian' government had its positions.[9282]

2160. According to an article from *The Independent* dated 22 August 1992, UN officials said that they were suspicious about the circumstances of the 27 May incident, and one UN official was quoted as having said that they believed that it was a 'command-detonated explosion, probably in a can', because the impact was not necessarily similar or anywhere near as large as expected with a mortar round landing on a paved surface.[9283]

2161. **Milorad Batinić** testified that in the beginning of 1993, he attended a meeting with Commander Spasoje Cojić of the Igman Brigade and UNMOs during which the 27 May incident was discussed.[9284] During the meeting, Cojić said, relying on pathology reports, that the incident had been staged: the people standing in line had not been injured by artillery shells coming from Serb positions but by claymore mines which had been hidden in the cellars of buildings in Vase Miškina Street.[9285] Photographs from the CSB Sarajevo of the Vase Miškina Street area dated 27 May 1992 show traces of a mortar shell explosion on the concrete sidewalk.[9286]

2162. **John Wilson** testified that in a conversation following the 27 May incident with Karadžić, Mladić, and Plavšić, Mladić stated that the ABiH had perpetrated the attack. Mladić added that he had initiated an investigation into the incident and confirmed that there had been no authorised or unauthorised engagement of targets in that area.

[9280] P7552 (Intercept between Colonel Čađo and Miroslav Gagović, 27 May 1992), pp. 1-2.
[9281] P7552 (Intercept between Colonel Čađo and Miroslav Gagović, 27 May 1992), p. 3.
[9282] D1371 (Jose Cutileiro, witness statement, 11 April 2012), para. 27. The Trial Chamber understands Cutileiro's reference to 'the area where the "Bosnian" government had its positions' to refer to ABiH-held positions.
[9283] D1425 (Article by Leonard Doyle), p. 2.
[9284] Milorad Batinić, T. 22630-22632, 22686; P6593 (Copy of notes taken from Milorad Batinić during his testimony, 12 June 2014), p. 2.
[9285] Milorad Batinić, T. 22630-22632.
[9286] P6594 (Photo documentation by CSB Sarajevo regarding the explosion of 82 millimetre mortar shells in Vase Miškina Street, 27 May 1992), pp. 3, 5-9.

Karadžić and Plavšić also denied that the Serbs had committed the attack.[9287] According to Wilson, the results of a crater analysis of the site conducted by French soldiers were inconclusive, as the round could have come from either Serb or Muslim positions.[9288]

2163. **Milorad Bukva** testified that the Muslim authorities had staged the 27 May 1992 incident. According to Bukva, intelligence data in his possession at the time showed that Mirza Jamaković, a pre-war expert for explosives at the SUP, had planted an explosive device at a cellar window of an apartment building about 10 to 15 metres from people waiting at a bread kiosk.[9289]

2164. **Zorica Subotić** testified that the shell which exploded in Vase Miškina Street on 27 May was fired from ABiH-controlled territory.[9290] The angle of descent of the shell was 83 to 84 degrees.[9291] Subotić drew her conclusions on the basis of contemporaneous television footage, a site visit which took place on 17 September 2010, technical specifications of the relevant weapon, the pattern of marks scattered on the pavement, and photo evidence of the Sarajevo CSB and a wartime correspondent, Roger Richards.[9292] The two key determining factors for Subotić that indicated that the shell could not have emanated from VRS positions were that: (a) the stabiliser had not embedded itself in the pavement and, therefore, only a shell with charge 3 or lower could have been used and the shell was therefore fired from a location nearer to the target;[9293] and (b) an orthogonal projection of a photo of the site apparently taken sometime between June and September 1992 by wartime correspondent Roger Richards indicated a smaller crater size than photos taken by the police and a high angle of descent (83 to 84 degrees), which means that it was not fired by the VRS from the Lukavica-Pale road as such a shell would have required an M74 shell with charge 6.[9294]

[9287] P320 (John Wilson, witness statement, 26 March 2009), para. 62.
[9288] P320 (John Wilson, witness statement, 26 March 2009), para. 63; John Wilson, T. 4028.
[9289] D608 (Milorad Bukva, witness statement, 18 July 2014), para. 34.
[9290] D2117 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area in 1992-1995, 25 April 2014), pp. 30-32, 36, 54-55, 212, 213; Zorica Subotić, T. 39157-39158, 39613.
[9291] D2117 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area in 1992-1995, 25 April 2014), pp. 50-51; Zorica Subotić, T. 39162-39163, 39594-39596.
[9292] D2117 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area in 1992-1995, 25 April 2014), pp. 36-38, 213; Zorica Subotić, T. 39594-39595, 39596-39597.
[9293] D2117 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area in 1992-1995, 25 April 2014), pp. 41-42, 51-54.
[9294] D2117 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area in 1992-1995, 25 April 2014), pp. 43-46, 48-52; Zorica Subotić, T. 39144-39147, 39162-39163.

The Trial Chamber's findings

2165. The Trial Chamber received contradictory evidence with respect to the cause of the explosion which took place in Vase Miškina Street in Sarajevo on 27 May 1992. Exhibit D1425, a newspaper article, suggests that unidentified UN officials considered it likely that the explosion had been caused by an explosive detonated on the ground because the impact point was not as large as expected as in the case of a mortar shell landing on a paved surface. The Trial Chamber observes that there is no information concerning whether the UN officials were ballistic experts or what kind of impact size they would have expected and on what basis. Accordingly, the Trial Chamber considers the conclusions drawn by the unidentified UN officials to be based on speculations and too unsupported to be reliable.

2166. Milorad Batinić suggested that the incident was caused by claymore mines. Milorad Bukva suggested that the incident was staged by the Bosnian-Muslim authorities. The Trial Chamber notes that both witnesses, given their positions in the VRS, may have had a personal interest in concluding that the incident was not caused by a shell fired by the VRS. Accordingly, it treated the evidence of these two witnesses with great caution. In relation to the reliability of their evidence, the Trial Chamber notes that Batinić received such information from Spasoje Cojić, the Commander of the Igman Brigade, who based his conclusion that the victims had not been injured by a mortar shell on unidentified pathology reports which were never shown to Batinić. With respect to Bukva's evidence, the Trial Chamber observes that he did not provide any details with respect to how he obtained the intelligence data and what information it exactly contained. The Trial Chamber also notes that the evidence of Batinić and Bukva is contradicted by photo evidence taken at the incident site by the CSB Sarajevo that day,[9295] as well as by exhibits P2052 and D1243, and the evidence of Zlatko Medjedović, John Wilson, Jose Cutileiro, and Zorica Subotić, which all indicate that a shell landed in Vase Miškina Street on 27 May 1992. In light of the foregoing, the Trial Chamber considers the evidence of Batinić and Butka to be unreliable in this respect and will not consider it further.

2167. With respect to the evidence of Jose Cutileiro on the perpetrators of the incident, the Trial Chamber notes that Cutileiro obtained his information from an unidentified

[9295] *See* exhibit P6594.

Portuguese artillery officer who allegedly participated in the investigation of the incident. However, the Trial Chamber notes that Cutileiro did not specify whether the Portuguese artillery officer's opinion in relation to the origin of the shell was based on the outcome of the investigation or whether it was his own conclusion. Under these circumstances, and in the absence of further evidence on the matter, the Trial Chamber finds that Cutileiro's evidence in this respect is not reliable and will not consider it further.

2168. With respect to Wilson's evidence about Mladić's, Karadžić's, and Plavšić's denial of VRS responsibility, the Trial Chamber took into consideration that Mladić, as VRS Commander, as well as Karadžić and Plavšić, given their positions in the Bosnian-Serb Presidency, may have had a personal interest in shifting responsibility away from the VRS for this incident. Accordingly, it treated this evidence with great caution. With regard to its reliability, the Trial Chamber did not receive information detailing how, if at all, Mladić investigated whether there had been any engagements in the area and what steps were taken in the process. Additionally, Karadžić and Plavšić did not specify to Wilson on which basis they denied Bosnian-Serb involvement in the incident. Under these circumstances, the Trial Chamber finds the denial of VRS responsibility not reliable and will not consider it further.

2169. According to the evidence of Zorica Subotić, the shell which landed in Vase Miškina Street was fired from ABiH-held territory and its angle of descent was 83 to 84 degrees. However, during her testimony, when it was put to her that the peripheral traces of the crater measured in May 1992 were at least 40 centimetres from the centre, the witness conceded that based on those measurements, the angle of descent would have been much lower than 83 degrees.[9296] Furthermore, Subotić did not take into account the difference in elevation on Mount Trebević when using the firing tables which would have given different firing ranges.[9297] In relation to her argument that the stabilizer had not embedded itself in the pavement and that, therefore, only a shell with charge three or lower could have been used, Subotić contends that on this basis, the shell must have been fired from a location near the target, thereby excluding VRS-held positions. The Trial Chamber notes in this respect that, as conceded by the witness, the

[9296] *See* Zorica Subotić, T. 39608-39610.
[9297] *See* Zorica Subotić, T. 39614.

quality of the impact surface was not taken into account in her analysis.[9298] With respect to Subotić's argument that an orthogonal projection of a photograph of the site indicated that the shell could not have been fired by the VRS, the Trial Chamber notes that the photograph used by Subotić is not dated and contains no specific reference to a location. Notwithstanding this, Subotić assumed the photograph's contemporaneous nature on the basis of tenuous claims made outside her area of expertise. The witness then used this photograph as a basis to calculate the type of shell and origin of fire.[9299]

2170. Turning to Subotić's argument that the crater analyzed by the Bosnia-Herzegovina Prosecutor was formed after the time of the incident, the Trial Chamber notes that her conclusion is based on comparisons with the aforementioned undated photograph and with photographs and measurements of the incident site taken in 2010. The Trial Chamber observes that there are obvious limitations to both photographs in terms of reliability.[9300] Furthermore, Subotić's suggestion that the investigation led by the Bosnia-Herzegovina Prosecutor was fraudulent is unsubstantiated and based upon claims made outside the witness's expertise. Due to her flawed methodology and her focus on interpreting evidence rather than providing a ballistic analysis, the Trial Chamber considers Subotić's evidence in relation to this incident to be unreliable and will not consider it further.

2171. With respect to the Defence's argument that the crater analyzed by the Prosecution was not formed at the time of the incident, the Trial Chamber notes that the Defence refers to photographs allegedly taken by the Prosecution investigators in 2010 which do not form part of the evidentiary record and are also not referred to in Subotić's expert report, which is the only piece of evidence referred to by the Defence in the section of its final brief related to this argument. The Trial Chamber therefore considers the Defence's argument in this respect to be irrelevant.

2172. In light of the foregoing, the Trial Chamber rejects the Defence's arguments in relation to this incident as unmeritorious.

2173. Based on the foregoing, the Trial Chamber finds that on 27 May 1992, a shell landed on Vase Miškina Street in Sarajevo. At least ten individuals were killed and at

[9298] *See* Zorica Subotić, T. 39164.
[9299] *See* D2117 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area in 1992-1995, 25 April 2014), pp. 39-43; Zorica Subotić, T. 39608.
[9300] At T. 39604, the witness conceded that the crater is located in a part of Sarajevo with heavy foot traffic and that at the time of her site visit, the blast marks were visibly worn down.

least 100 were wounded, including two minors. All victims were civilians and the area where the shell landed was not used for military purposes. At the time when the shell struck, some of the victims were waiting in a bread queue. On the basis that the shell originated from Mount Trebević, which was SRK-held territory, the Trial Chamber finds that the shell was fired by a member of the SRK. The Trial Chamber will further consider this incident in relation to Counts 5, 6, 9, and 10 of the Indictment in chapter 8 below.

Incidents of 6 and 7 September 1994 (Butmir Bridge and Igman Road)

2174. According to UNPROFOR reports, the UNPROFOR Sector Sarajevo Infantry Battalion was engaged to counter the shooting by the Serbs in the area of Ilidža on 6 and 7 September 1994. In the first incident on 6 September, the Serbs fired a 20-millimetre cannon from the Terme Hotel in Ilidža, at civilians crossing the Butmir Bridge.[9301] UNPROFOR returned fire.[9302] The second incident involved the Serbs directing 20-milimetre cannon fire at civilians and two UNPROFOR vehicles travelling along the Igman road. The two vehicles were used in the rescue of wounded journalists.[9303] UNPROFOR subsequently fired back at the artillery below the Terme Hotel.[9304] After this date there were no shots fired at the Bosnian population in the vicinity of the bridge.[9305]

2175. With regard to the relative stability of the confrontation lines in and around Sarajevo the Trial Chamber received evidence from **Jeremy Bowen**, the BBC's foreign correspondent in the territory of the former Yugoslavia between July 1992 and 1995;[9306] **Martin Bell**, a foreign affairs war correspondent for the BBC who covered the events in Bosnia-Herzegovina from around March 1992 through to the signing and

[9301] P584 (UNPROFOR Infantry Battalion No. 2 reports on incidents in Sarajevo, 14 September 1994), pp. 3-4, 7-12.
[9302] P584 (UNPROFOR Infantry Battalion No. 2 reports on incidents in Sarajevo, 14 September 1994), pp. 3, 7, 9, 11.
[9303] P584 (UNPROFOR Infantry Battalion No. 2 reports on incidents in Sarajevo, 14 September 1994), pp. 3-4, 7-10, 12.
[9304] P584 (UNPROFOR Infantry Battalion No. 2 reports on incidents in Sarajevo, 14 September 1994), pp. 4, 7, 10.
[9305] P584 (UNPROFOR Infantry Battalion No. 2 reports on incidents in Sarajevo, 14 September 1994), pp. 4, 7.
[9306] P2515 (Jeremy Bowen, witness statement, 10 August 2009), pp. 1-2, paras 3, 5; Jeremy Bowen, T. 18027.

implementation of the Dayton Agreement;[9307] and **David Harland**, an UNPROFOR civil affairs officer assigned to Sarajevo as of May 1993.[9308] **Bell** testified that by the end of April or 2 May 1992, front lines in Sarajevo were established.[9309] **Bowen** testified that at least from July 1992 the high ground of the city's periphery was under Bosnian-Serb control.[9310] The witness's impression was that after 1992, the lines around the city's perimeter were more or less set, and the frontlines did not really shift.[9311] **Harland** testified that by the time he arrived the confrontation line had stabilised, and he understood it had remained the same since the summer of 1992, and it remained largely the same until the end of the conflict.[9312]

2176. The Trial Chamber took judicial notice of a number of Adjudicated Facts relating to the position of the SRK in Ilidža during the war. They have been reviewed in chapters 5.1.1 and 5.3.8.

2177. Based on the foregoing, the Trial Chamber finds that on 6 September 1994, civilians crossing the Butmir Bridge were fired at by a 20-millimetre cannon and the day after civilians and two UNPROFOR vehicles were fired at while travelling along Igman road. In both instances UNPROFOR returned fire. With regard to the perpetrator, the Trial Chamber concluded based on Adjudicated Facts 1919, 1922, 2020, 2546, and 2555, that Ilidža was SRK-held territory between September 1992 and August 1994, and in May 1995. Given that the confrontation lines remained relatively static throughout the conflict, the Trial Chamber concluded that Ilidža was also SRK-held territory in September 1994. Accordingly, the Trial Chamber finds that in both instances the SRK fired at the civilians.[9313] The Trial Chamber will further consider this incident in relation to Counts 9 and 10 of the Indictment in chapter 8, below.

Incident of 8 November 1994 (Livanjska Street)

2178. With regard to the shelling of Sarajevo on 8 November 1994, the Trial Chamber took judicial notice of a number of Adjudicated Facts. It also received evidence from

[9307] P832 (Martin Bell, witness statement, 8 March 2010), para. 3; Martin Bell, T. 7811-7812.
[9308] P1 (David Harland, witness statement, 4 September 2009), p. 1, para. 5; David Harland, T. 661.
[9309] P832 (Martin Bell, witness statement, 8 March 2010), para. 61.
[9310] P2515 (Jeremy Bowen, witness statement, 10 August 2009), paras 13-14.
[9311] P2515 (Jeremy Bowen, witness statement, 10 August 2009), para. 14.
[9312] P1 (David Harland, witness statement, 4 September 2009), para. 30.
[9313] The Trial Chamber refers to its further considerations with regard to this conclusion, as set out in its factual finding on Scheduled Incident F.5 in chapter 5.2.4.

Dragan Mioković, a Bosnian-Serb police inspector at the Sarajevo CSB since 1993,[9314] and **Mirza Sabljica**, a mechanical engineer specialized in ballistics and mechanical traces employed by the Bosnia-Herzegovina MUP's criminal forensics department in Sarajevo from June 1993 to July 1996,[9315] and finds that this evidence is consistent with the Adjudicated Facts.[9316]

2179. In the afternoon of 8 November 1994, three shells exploded on Livanjska Street.[9317] Three civilians (Lejla Hodžić, Dino Blekić, and Nena Deljanin) were killed and six civilians were seriously injured as a result of the explosion of the first shell.[9318] The first shell came from a north-westerly direction, that of Poljine, which was under the control of the SRK.[9319] The first shell was fired by members of the SRK.[9320] The second and third shells were fired from SRK-held territory in the north-east.[9321] At least four civilians were killed and six civilians were seriously injured as a result of the three shells.[9322]

2180. **Dragan Mioković** testified that at 7 p.m. on 8 November 1994, he and his team arrived at Livanjska Street to conduct an investigation into the second and third shells that had landed there.[9323] The witness's team ascertained that these shells had been fired from Serb positions in 'Špicasta stijena-Hladivode' to the north-east.[9324] The witness testified that the impact site of the second and third shells was several hundred metres from the military police headquarters at Koševo Hill and at least two kilometres from

[9314] P609 (Dragan Mioković, witness statement, 14 November 1995), p. 1, para. 2; P610 (Dragan Mioković, witness statement, 25 February 1996), p. 1, para. 1; Dragan Mioković, T. 5957, 5997-6000.
[9315] P855 (Mirza Sabljica, witness statement, 11 February 2010), pp. 1-3.
[9316] **Dragan Mioković:** P609 (Dragan Mioković, witness statement, 14 November 1995), paras 5-14; P611 (Dragan Mioković, supplemental information sheet, 2 October 2010); Dragan Mioković, T. 6000-6001, 6004-6006, 6048-6049; P621 (Sarajevo CSB report concerning shelling in Livanjska Street, 8 November 1994); P622 (Sarajevo CSB report and note concerning shelling in Livanjska Street, 9 November 1994); P623 (Video of impact site of shelling in Livanjska Street); P624 (Sarajevo CSB criminal report concerning shelling in Livanjska Street, 21 December 1994); P625 (Sarajevo CSB criminal report concerning shelling in Livanjska Street, 21 December 1994). **Mirza Sabljica:** P855 (Mirza Sabljica, witness statement, 11 February 2010), pp. 54-55; Mirza Sabljica, T. 8167; D184 (MUP investigation file), pp. 1, 3, 5-7, 9-11, 14, 17.
[9317] Adjudicated Facts III, no. 2759.
[9318] Adjudicated Facts III, no. 2760.
[9319] Adjudicated Facts III, no. 2769.
[9320] Adjudicated Facts III, no. 2770.
[9321] Adjudicated Facts III, no. 2771.
[9322] Adjudicated Facts III, no. 2774. The Trial Chamber understands that the impact of the first shell resulted in the death of three civilians and the injury of six others, while the impacts of the second and third shells resulted in the death of one more civilian.
[9323] P611 (Dragan Mioković, supplemental information sheet, 27 October 2010), p. 1.
[9324] P609 (Dragan Mioković, witness statement, 14 November 1995), para. 15; Dragan Mioković, T. 6009-6013; P625 (Sarajevo CSB criminal report concerning shelling in Livanjska Street, 21 December 1994).

the front line.[9325] **Mirza Sabljica** testified that the direction of fire of the second and third shells was 15 to 20 degrees from the north to east, which was the general direction of Špicasta Stijena, occupied by the Serbs.[9326]

2181. According to an UNPROFOR report, 'the most suspected area' from which the shells were fired was an area under the control of the ABiH. This conclusion was based on a calculation that excluded SRK positions as being possible areas from which the shells were fired.[9327] UNPROFOR established the shells' possible range as being from 100 to 5,000 metres, the angles of descent estimated as between 70 and 75 degrees, and the azimuth as 1,400 mils.[9328] **Mioković** testified that, when his team compared their finding with UNPROFOR's finding, they found that they had reached different conclusions regarding the location from which these shells had been fired – UNPROFOR had concluded that they had come from ABiH positions because the Serb positions would have been too far away.[9329] Further communication revealed that UNPROFOR had used incorrect firing tables – they had used the specifications of Finnish shells to calculate the distance instead of the JNA shells that had actually been used, leading to the miscalculation.[9330] When the witness's team pointed out that the Finnish charts could not be relevant, UNPROFOR immediately accepted that and took the correct firing tables from the witness's team.[9331] **Sabljica** testified that UNPROFOR calculated the approximate origin of fire but utilized a firing table for Finnish shells rather than the JNA shells that had been fired.[9332]

2182. The UNPROFOR report on an investigation into the second and third shells to land on Livanjska Street, which excluded that the shells were fired from SRK positions, contradicts Adjudicated Fact no. 2771, which states that these shells were fired from SRK-held territory. The Trial Chamber finds the UNPROFOR report sufficiently reliable to rebut the Adjudicated Fact. Under these circumstances, the Trial Chamber

[9325] Dragan Mioković, T. 6018-6019.
[9326] P855 (Mirza Sabljica, witness statement, 11 February 2010), pp. 59-60; D184 (MUP investigation file), pp. 1, 3, 6-7, 9.
[9327] D185 (UNPROFOR report, 9 November 1994), p. 3.
[9328] D185 (UNPROFOR report, 9 November 1994), pp. 1-2.
[9329] P609 (Dragan Mioković, witness statement, 14 November 1995), para. 17; Dragan Mioković, T. 6006, 6014-6015.
[9330] P609 (Dragan Mioković, witness statement, 14 November 1995), para. 17; Dragan Mioković, T. 6006, 6015. The Trial Chamber notes that while the witness does not explicitly state which findings his team compared with UNPROFOR, his description of the UNPROFOR findings makes it clear that the discussion pertains to the second and third shells. *See* D185 (UNPROFOR report, 9 November 1994), pp. 1-3.
[9331] Dragan Mioković, T. 6006.

finds that Adjudicated Fact no. 2771 is rebutted. Accordingly, the Trial Chamber reviewed the evidence before it in order to make a determination on this matter.

2183. Based on the foregoing, the Trial Chamber finds that on 8 November 1994, the SRK fired one shell from Poljine. This shell landed and exploded on Livanjska Street in Sarajevo, killing three civilians and seriously injuring six civilians. Two additional shells landed and exploded on Livanjska Street later on that same day. The Trial Chamber received conflicting evidence as to whether these second and third shells were fired from territory controlled by Serbs or by the ABiH. The Sarajevo CSB concluded that these shells were fired from Serb positions, a conclusion supported by both Dragan Mioković and Mirza Sabljica at trial, while an UNPROFOR report concluded that the shells were most likely fired from ABiH-controlled territory. Mioković and Sabljica explained that UNPROFOR's flawed conclusion was based on their use of firing tables for Finnish shells rather than the appropriate tables for the JNA shells that were fired. Mioković further testified that UNPROFOR's investigative team conceded this error when the Sarajevo CSB team drew their attention to it. The Trial Chamber finds Mioković and Sabljica reliable in this respect and therefore finds that the second and third shells to land on Livanjska Street on 8 November 1994 were fired by SRK members from Špicasta Stijena. In total, these three shells killed at least four civilians and seriously injured at least six civilians. The Trial Chamber will further consider this incident in relation to Counts 5, 6, 9, and 10 of the Indictment in chapter 8, below.

Incident of 21 November 1994 (Grbavica)

2184. The Trial Chamber took judicial notice of a number of Adjudicated Facts relating to a shelling incident in Grbavica on 21 November 1994. It also received evidence from **Sabina Šabanić**, a Bosnian Muslim from Sarajevo,[9333] and finds that this evidence is consistent with the Adjudicated Facts.[9334]

2185. On 21 November 1994, a tram in Grbavica was hit by an M80 hand-held rocket.[9335] Hajrudin Hamidić, a civilian and the driver of the tram, was seriously injured

[9332] Mirza Sabljica, T. 8167, 8174, 8183; D185 (UNPROFOR report, 9 November 1994), p. 1.
[9333] P1913 (Sabina Šabanić, witness statements), witness statement of 16 November 1995, pp. 1-2, witness statement of 22 May 2006, p. 1, para. 7.
[9334] P1913 (Sabina Šabanić, witness statements), witness statement of 22 May 2006, para. 3.
[9335] Adjudicated Facts III, no. 2782.

as a result of this explosion.[9336] The tram was fired at by sniper fire immediately after being targeted by the rocket projectile.[9337] The sniper fire and the rocket projectile originated from the high-rise buildings at Grbavica which were held by the SRK.[9338] The shots were fired by a member of the SRK.[9339]

2186. Based on the foregoing, the Trial Chamber finds that on 21 November 1994, a member of the SRK fired a rocket from an M80 hand-held rocket-launcher at a tram in Grbavica. The explosion seriously injured Hajrudin Hamidić, the civilian driver of the tram. Immediately after being targeted by the rocket projectile, a member of the SRK fired sniper shots at the tram. The Trial Chamber will further consider this incident in relation to Counts 9 and 10 of the Indictment in chapter 8**,** below.

Incident of 16 June 1995 (Čobanija Street)

2187. The Trial Chamber took judicial notice of a number of Adjudicated Facts relating to the SRK's possession of modified air bombs between August 1994 and November 1995,[9340] and Adjudicated Facts regarding an incident at Čobanija Street on 16 June 1995. It also received documentary evidence, and evidence from **Harry Konings**, an UNMO stationed in Sarajevo from 4 May to 23 October 1995,[9341] and found that this evidence is consistent with the Adjudicated Facts with regard to this incident.[9342]

2188. On 16 June 1995, at least three civilians were injured, two of whom seriously, as a result of the explosion of a modified air bomb on Čobanija Street.[9343] The modified air bomb was launched by members of the SRK.[9344]

2189. Based on the foregoing, the Trial Chamber finds that on 16 June 1995, members of the SRK launched a modified air bomb which exploded on Čobanija Street 7 in Sarajevo. As a result of the explosion at least three civilians were injured, two of whom seriously. The Trial Chamber also recalls its findings in chapter 5.1.2 about the accuracy

[9336] Adjudicated Facts III, no. 2783.
[9337] Adjudicated Facts III, no. 2786.
[9338] Adjudicated Facts III, no. 2787.
[9339] Adjudicated Facts III, no. 2788.
[9340] Adjudicated Facts III, nos 1883, 1886, 1892, 2548, and 2865 are reviewed in chapter 5.1.2.
[9341] P1741 (Harry Konings, witness statement, 11 November 2010), paras 2, 9.
[9342] P1741 (Harry Konings, witness statement, 11 November 2010), para. 45; P933 (Color photos of bomb blast site at Cobanija Street no. 7 where a modified air bomb missile impacted on 16 June 1995); P1100 (MUP reports, 17 and 26 June 1995), pp. 1, 4-5.
[9343] Adjudicated Facts III, no. 2830.
[9344] Adjudicated Facts III, no. 2833.

of modified air bombs. The Trial Chamber will further consider this incident in relation to Counts 9 and 10 of the Indictment in chapter 8, below.

Incident of 22 June 1995 (Geteova street)

2190. **Anton Brennskag**, a former lieutenant-colonel with the Royal Norwegian Army who was stationed as an UNMO in Sarajevo,[9345] testified that a modified aircraft bomb explosion in Geteova Street next to no. 12, in the Alipašino Polje neighbourhood of Sarajevo, which occurred on 22 June 1995, killed a girl aged one year and ten months and injured five other people.[9346] One of those injured died from his injuries later that same day.[9347] The rockets comprising the modified aircraft bomb were fired from the direction of VRS-held territory of Ilidža, azimuth 250 degrees plus minus ten.[9348] There were no military targets in the vicinity.[9349]

2191. Based on the foregoing, the Trial Chamber finds that on 22 June 1995 a member or members of the SRK launched a modified air bomb which exploded in Geteova Street next to no. 12, Alipašino Polje, Sarajevo. Upon impact the explosion killed two persons, one of whom was a girl of one year and 10 months, and injured four people. There were no military targets in the vicinity. The Trial Chamber also recalls its findings in chapter 5.1.2 about the accuracy of modified air bombs.[9350] The Trial Chamber will further consider this incident in relation to Counts 5, 6, 9, and 10 of the Indictment in chapter 8, below.

[9345] P992 (Anton Brennskag, witness statement, 26 October 2010), pp. 1-3.
[9346] P992 (Anton Brennskag, witness statement, 26 October 2010), paras 37, 39-40; P991 (UNPROFOR weekly situation report, 24 June 1995), p. 3; P993 (Photographs of 22 June incident); D240 (Official report, CSB MUP Sarajevo No. 19/04-1.3, 22 June 1995), pp. 2, 21-22, 25. *See also* P1103 (MUP report, 18 July 1995), p. 1.
[9347] D240 (Official report, CSB MUP Sarajevo No. 19/04-1.3, 22 June 1993), pp. 2, 16, 19-20, 26.
[9348] P992 (Anton Brennskag, witness statement, 26 October 2010), paras 44-45; D240 (Official report, CSB MUP Sarajevo No. 19/04-1.3, 22 June 1993), pp. 2, 7. *See also* P1103 (MUP report, 18 July 1995), p. 3; P2019 (Map).
[9349] P992 (Anton Brennskag, witness statement, 26 October 2010), para. 41.
[9350] Adjudicated Facts III, nos 1883, 1886, 1892, 2548, and 2865 are reviewed in chapter 5.1.2.

Incident of 25 June 1995 (Dženetića Čikma Street)

2192. **Nedžib Đozo**, a Bosnian Muslim former JNA mortar platoon commander and civilian police investigator,[9351] testified that on 26 June 1995, he participated in an on-site investigation of a shelling incident which occurred on the afternoon of 25 June 1995, on Dženetića Čikma Street no. 12 in Stari Grad, Sarajevo.[9352] Ballistic experts determined that the 120-millimetre shell which landed on the street had been fired from VRS-controlled territory near Barice or Mrkovići in the north, located on the opposite side of Špicasta Stijena from Sedrenik.[9353] The witness testified that two or three children were injured as a result of this incident.[9354] According to the Stari Grad CJB official report, Sidbela Zimić (nine years old), Amina Pajević (ten years old), and Ljiljana Janjić (eleven years old) died as a result of the shelling, while Maja Škorić (seven years old) and Almira Krasnić (12 years old) were gravely injured.[9355]

2193. Based on the foregoing, the Trial Chamber finds that on 25 June 1995 a member or members of the SRK fired a 120-millimetre shell which landed on Dženetića Čikma Street no. 12 in Stari Grad, Sarajevo, gravely injuring two and killing three other children. The Trial Chamber will further consider this incident in relation to Counts 5, 6, 9, and 10 of the Indictment in chapter 8, below.

Incident of 28 June 1995 (Geteova Street)

2194. The Trial Chamber took judicial notice of a number of Adjudicated Facts relating to the SRK's possession of modified air bombs between August 1994 and November 1995 (reviewed in chapter 5.1.2), and regarding the incident at Geteova Street no. 5 on

[9351] P544 (Nedžib Đozo, witness statement, 7 December 2010), paras 4-7; Nedžib Đozo, T. 5539, 5563-5564.
[9352] P544 (Nedžib Đozo, witness statement, 7 December 2010), para 25; Nedžib Đozo, T. 5552-5577; P550 (Bosnia-Herzegovina MUP Security Services Centre report on shelling of Stari Grad, 26 May 1995) The Trial Chamber notes that the date of this report is 26 May 1995, while the contents of the report state that it was in fact created on 26 June 1995. The Trial Chamber considers the date of 26 May 1995 to be a typographical error, given that the content of the report relates to events on 26 June 1995; P551 (Hand-drawn map of location of shelling incidents in Stari Grad).
[9353] P544 (Nedžib Đozo, witness statement, 7 December 2010), paras 24-26; Nedžib Đozo, T. 5577-5579; P550 (Bosnia-Herzegovina MUP Security Services Centre report on shelling of Stari Grad, 26 May 1995), pp. 2, 7. The Trial Chamber notes that while at transcript page T. 5578 the area referred to is spelled Mrkonjići, the Trial Chamber has taken into consideration the context of the witness's evidence and the other evidence before it in relation to this incident and understands that the witness was in fact referring to the area of Mrkovići.
[9354] P544 (Nedžib Đozo, witness statement, 7 December 2010), para. 25; Nedžib Đozo, T. 5577.

28 June 1995. It also received evidence from **Witness RM-110**, a Bosnian-Muslim police officer,[9356] and documentary evidence relating to the incident and found that this evidence is consistent with the Adjudicated Facts.[9357] In addition, the Trial Chamber received evidence from **Zorica Subotić**, an expert in ballistics.[9358]

2195. On 28 June 1995, three people died and seven others were injured in an explosion. They were all civilians living in the residential apartment building at Geteova Street no. 5, Sarajevo.[9359] The modified air bomb originated from SRK-held territory, either Ilidža or Butila, and it was launched by a member of the SRK.[9360] The effective range of a FAB-250 air bomb is between 5,780 and 7,680 metres.[9361]

2196. **Zorica Subotić** testified that the incoming trajectory of the modified air bomb was roughly north-south and that, based on this, the most probable target was the Žica factory.[9362]

2197. Based on the foregoing, the Trial Chamber finds that on 28 June 1995 a member or members of the SRK launched a modified air bomb which exploded on a residential apartment building at Geteova Street no. 5, Sarajevo, killing three people and injuring seven, all of whom were civilians. The Trial Chamber also recalls its findings in chapter 5.1.2 about the accuracy of modified air bombs. The Trial Chamber will further consider this incident in relation to Counts 5, 6, 9, and 10 of the Indictment in chapter 8, below, where it will also address the evidence regarding the possible targeting of the Žica factory.

[9355] P550 (Bosnia-Herzegovina MUP Security Services Centre report on shelling of Stari Grad, 26 May 1995), pp. 2, 4.
[9356] P491 (Witness RM-110, witness statement, 22 February 1996), p. 1; P492 (Witness RM-110, witness statement, 1 November 2010), p. 1, para. 3; Witness RM-110, T. 4912, 4914.
[9357] P492 (Witness RM-110, witness statement, 1 November 2010), para. 22; D165 (UNPROFOR memorandum, 28 June 1995), p. 1; P752 (Correspondence from Robert Meille to Dragomir Milosević concerning attacks on civilian targets in Sarajevo by forces of the SRK using powerful bombs and heavy artillery); P4622 (Investigative file concerning the air-bomb incident at Geteova Street 5 on 28 June 1995), pp. 1, 3-5, 9-11, 28, 36-51.
[9358] D2117 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area in 1992-1995, 25 April 2014), pp. 2-24.
[9359] Adjudicated Facts III, no. 2852.
[9360] Adjudicated Facts III, no. 2849.
[9361] Adjudicated Facts III, no. 2848.
[9362] D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 163-164, 168-172, 229-230; Zorica Subotić, T. 39532-39533; 39550-39551.

Incident of 1 July 1995 (Bunički Potok Street and Alekse Šantića Street)

2198. The Trial Chamber took judicial notice of a number of Adjudicated Facts relating to the SRK's possession of modified air bombs between August 1994 and November 1995 (reviewed in chapter 5.1.2), and regarding the incidents at Bunički Potok Street and Alekse Šantića Street 1 July 1995. It also received evidence from **Zorica Subotić**, an expert in ballistics.[9363]

2199. On the evening of 1 July 1995, two modified air bombs fell, one on Bunički Potok Street and the other on Alekse Šantića Street.[9364] The explosion on Bunički Potok Street caused injuries to thirteen civilians, two of whom were seriously injured.[9365] The modified air bombs were launched by members of the SRK from the Ilidža area, which was controlled by the SRK.[9366]

2200. **Zorica Subotić** testified that a single modified air bomb landed at Alekse Šantića Street, travelled some distance underground, resurfaced, continued its flight, and landed approximately 150 metres away at Bunički Potok Street.[9367] She further testified that the target of the modified air bomb was most likely a house on Alekse Šantića Street used by the ABiH.[9368]

2201. Based on the foregoing, the Trial Chamber finds that on 1 July 1995 members of the SRK launched one or two[9369] modified air bombs, which fell on Bunički Potok Street and Alekse Šantića Street. The Trial Chamber did not receive any evidence as to the explosion on Alekse Šantića Street, in terms of injury or damage caused, and will therefore not further consider this incident in relation to any count of the Indictment. The explosion in Bunički Potok injured thirteen civilians, two of whom were seriously injured. The Trial Chamber also recalls its findings in chapter 5.1.2 about the accuracy of modified air bombs. The Trial Chamber will further consider these incidents in relation to Counts 9 and 10 of the Indictment in chapter 8, below, where it will also

[9363] D2117 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area in 1992-1995, 25 April 2014), pp. 2-24.
[9364] Adjudicated Facts III, no. 2855.
[9365] Adjudicated Facts III, no. 2858.
[9366] Adjudicated Facts III, no. 2866.
[9367] D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 152, 160-163, 229; Zorica Subotić, T. 39550, 39909.
[9368] D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 153, 162-163, 229.
[9369] While Subotić's evidence contradicts the Adjudicated Facts with regard to the number of bombs fired, the Trial Chamber considers this to be a marginal detail not requiring resolution.

address the evidence regarding the possible target of the bomb hitting Bunički Potok Street.

Incident of 1 July 1995 (east of PTT Building)

2202. **Anton Brennskag**, a former lieutenant-colonel with the Royal Norwegian Army who was stationed as an UNMO in Sarajevo,[9370] testified that on 1 July 1995 a modified aircraft bomb, fired from an east to north easterly direction, landed in the garden of a family house just east of the PTT building, causing a crater two to three metres deep, but did not injure anyone.[9371] This was a residential area without any military targets.[9372] The Trial Chamber took judicial notice of a number of Adjudicated Facts relating to the SRK's possession of modified air bombs between August 1994 and November 1995 (reviewed in chapter 5.1.2).

2203. Based on the foregoing, the Trial Chamber finds that on 1 July 1995 a member or members of the SRK launched a modified air bomb which landed in the garden of a house in a residential area, just east of the PTT building. There were no military targets in the vicinity. The Trial Chamber also recalls its findings in chapter 5.1.2 about the accuracy of modified air bombs. The Trial Chamber will further consider this incident in relation to Counts 9 and 10 of the Indictment in chapter 8, below.

Incidents of 1 July 1995 (Skenderija Street, Branilaca Grada Sarajeva, Mula Mustafe Baseškije Street and Ferhadija Street)

2204. **Nedžib Đozo**, a Bosnian Muslim former JNA mortar platoon commander and civilian police investigator,[9373] testified that he investigated shelling incidents that occurred in Stari Grad on 1 July 1995 in which 120-millimetre mortar shells landed in close proximity and shortly after one another with each shell coming from the same

[9370] P992 (Anton Brennskag, witness statement, 26 October 2010), pp. 1-3.
[9371] P992 (Anton Brennskag, witness statement, 26 October 2010), paras 49-50; Anton Brennskag T. 8994-8995, 9042-9043; P995 (Map of Novi Grad area of Sarajevo, signed by Anton Brennskag, 26 October 2006); P996 (Bosnian police photographs of damage, 1 July 1995).
[9372] P992 (Anton Brennskag, witness statement, 26 October 2010), para. 49.
[9373] P544 (Nedžib Đozo, witness statement, 7 December 2010), paras 4-7; Nedžib Đozo, T. 5539, 5563-5564.

direction of fire and landing closer to the Markale market.[9374] The first shell landed on Skenderija Street near a secondary school (around 250-300 metres from Markale); the second shell exploded in front of the Stari Grad municipal building on Ulica Branilaca Grada Sarajeva Street (then known as JNA Street, around 150-200 metres from Markale), wounding several people; the third shell hit a food store on Mula Mustafe Baseškije Street (then known as Maršal Tito Street, around 30 metres from Markale), killing one person and injuring several people; and the fourth shell landed on the roof of a building on Ferhadija Street across from the Faculty of Economics, but did not cause any casualties.[9375] A man told the witness that his son, a young man who had gone to enrol as a student, died as a result of the first shell.[9376] An official report of these investigations, noted that the second shell killed Mensur Sećibović and injured Mustafa Aganagić, Zijo Međuselac, and four others, while the third shell killed Fahrudin Nikšić and Hasija Kalamujić, and injured Meho Kadušić and ten others.[9377]

2205. The witness testified that he and others at the Stari Grad police station concluded, based on their experience in Sarajevo, that the VRS mortar fire on Stari Grad on 1 July 1995 came from the same weapon, which was being adjusted or corrected to reach Markale market so as to cause a large number of casualties.[9378] The shells came from the direction of the Serb-controlled area of Lukavica or Vraca on the slopes of Trebević.[9379] According to a MUP report, a 120-millimetre contact-fuse shell arrived from the direction of south-west and exploded on 1 July 1995 at around 2:15 p.m. in the vicinity of the Branilaca Grada Street, across from house number 40, killing one person and injuring six.[9380]

2206. Based on the foregoing, the Trial Chamber finds that on 1 July 1995 a member or members of the SRK fired four 120-millimetre mortar shells. The shells landed on Skenderija Street, Branilaca Grada Sarajeva Street, Mula Mustafe Baseškije Street, and Ferhadija Street, killing four people and injuring 17 others. The Trial Chamber will

[9374] P544 (Nedžib Đozo, witness statement, 7 December 2010), paras 25-27, 33-35; Nedžib Đozo, T. 5556-5558, 5581-5583; P552 (Bosnia-Herzegovina MUP Security Services Centre report on Stari Grad shelling, 3 July 1995).
[9375] P544 (Nedžib Đozo, witness statement, 7 December 2010), paras 27-34; Nedžib Đozo, T. 5582, 5584-5585.
[9376] P544 (Nedžib Đozo, witness statement, 7 December 2010), para. 29; Nedžib Đozo, T. 5585-5586.
[9377] P552 (Bosnia-Herzegovina MUP Security Services Centre report on Stari Grad shelling, 3 July 1995), p. 2.
[9378] P544 (Nedžib Đozo, witness statement, 7 December 2010), paras 27, 35; Nedžib Đozo, T. 5583, 5586.
[9379] P544 (Nedžib Đozo, witness statement, 7 December 2010), para. 28.

further consider these incidents in relation to Counts 5, 6, 9, and 10 of the Indictment in chapter 8, below.

Incident of 19 July 1995 (Marice Uherke Street)

2207. According to a MUP report, on 19 July 1995 one 120-millimetre mortar shell with markings 'KB-9504' was fired from Serb positions in Ilidža in the north exploded in the Sokolovići settlement of Sarajevo, at Marice Uherke Street no. 8, in the yard of the family house owned by Adnan Hodžić, injuring three people.[9381] The Trial Chamber took judicial notice of a number of Adjudicated Facts relating to the position of the SRK in Ilidža during the war. These Adjudicated Facts are reviewed in chapters 5.1.1 and 5.3.8.

2208. Based on the foregoing, the Trial Chamber finds that on 19 July 1995, a member or members of the SRK fired a 120-millimetre shell with markings 'KB-9504' at the Sokolovići settlement of Sarajevo. The shell landed in the yard of the family house at Uherke Street no. 8, injuring three people. The Trial Chamber will further consider this incident in relation to Counts 9 and 10 of the Indictment in chapter 8, below.

Incident of 23 July 1995 (Bjelašnička Street)

2209. The Trial Chamber took judicial notice of a number of Adjudicated Facts relating to the SRK's possession of modified air bombs between August 1994 and November 1995. Further, the Trial Chamber took judicial notice of a number of Adjudicated Facts relating to a shelling incident at Bjelašnička Street on 23 July 1995 and received documentary evidence in this respect and finds that this evidence is consistent with the Adjudicated Facts.[9382]

2210. At 6:30 p.m. on 23 July 1995, a modified air bomb exploded on Bjelašnička Street in Sokolovići.[9383] Two civilians were killed and eleven civilians were injured, some seriously, as a result of the explosion.[9384] The modified air bomb was fired from a

[9380] P2027 (MUP report, 9 July 1995), pp. 1, 4.
[9381] P2040 (MUP report, 19 July 1995), pp. 1-2.
[9382] P972 (Certificate of death and injury, 1 December 1995), pp. 1-3, 5-7
[9383] Adjudicated Facts III, no. 2868.
[9384] Adjudicated Facts III, no. 2869.

north-westerly direction, from SRK-controlled territory.[9385] It was launched by members of the SRK.[9386] The Trial Chamber took judicial notice of a number of Adjudicated Facts relating to the SRK's possession of modified air bombs between August 1994 and November 1995 (reviewed in chapter 5.1.2).

2211. The Defence argued that the Prosecution 'has not led any substantial evidence other than the adjudicated facts' for this incident and that 'taking judicial notice of adjudicated facts without any other substantial evidence would create a presumption of guilt of the Accused'.[9387] Requiring the Defence to present contradictory evidence under these circumstances would violate the Accused's right to remain silent.[9388] First, the Trial Chamber recalls its approach to Adjudicated Facts, set out in Appendix B. Second, the Trial Chamber notes that the Defence bases its argument on a comment by the Trial Chamber in its Rule 98 *bis* decision. In that decision, the Trial Chamber noted that 'failure of the Prosecution to adduce any evidence or insufficient evidence on individual charges has an effect on proceedings that will follow'.[9389] The Trial Chamber clearly was referring to a situation where no evidence was presented (and no Adjudicated Facts were taken judicial notice of). In fact, where the Trial Chamber has taken judicial notice in relation to an incident, there should in fact not be further evidence presented in this regard. The Trial Chamber considers that the Defence's submissions are without merit. They are rejected.

2212. Based on the foregoing, the Trial Chamber finds that on 23 July 1995, a member or members of the SRK launched a modified air bomb which exploded on Bjelašnička Street in Sokolovići, killing two civilians and injuring eleven others, some seriously. The Trial Chamber also recalls its findings in chapter 5.1.2 about the accuracy of modified air bombs. The Trial Chamber will further consider this incident in relation to Counts 5, 6, 9, and 10 of the Indictment in chapter 8, below.

[9385] Adjudicated Facts III, no. 2871.
[9386] Adjudicated Facts III, no. 2872.
[9387] Defence Final Brief, paras 2365, 2367.
[9388] Defence Final Brief, para. 2367.
[9389] Rule 98 *bis* Decision, T. 20924.

Incident of 22 August 1995 (Zmaja od Bosne Street)

2213. On 22 August 1995 a modified air bomb exploded on the BITAS Building on Zmaja od Bosne 64 Street.[9390] As a result of the explosion one civilian was killed and another person was slightly injured.[9391] The modified air bomb was fired from the area of Rajlovac, an area under the control of the SRK.[9392] A large part of the outer wall on the West side of the building was blasted away.[9393] The Trial Chamber took judicial notice of a number of Adjudicated Facts relating to the SRK's possession of modified air bombs between August 1994 and November 1995 (reviewed in chapter 5.1.2).

2214. With regard to the Defence's arguments concerning this incident,[9394] the Trial Chamber refers to its considerations and conclusion concerning Incident of 23 July 1995 (Bjelašnička Street), above. On this basis, the Defence's submissions are rejected.

2215. Based on the foregoing, the Trial Chamber finds that on 22 August 1995, a member or members of the SRK launched a modified air bomb, which hit the BITAS Building on Zmaja od Bosne 64, killing a civilian, injuring another person, and causing damage to the building. The Trial Chamber also recalls its findings in chapter 5.1.2 about the accuracy of modified air bombs. The Trial Chamber will further consider this incident in relation to Counts 5, 6, 9, and 10 of the Indictment in chapter 8, below.

[9390] Adjudicated Facts III, no. 2874.
[9391] Adjudicated Facts III, no. 2877.
[9392] Adjudicated Facts III, no. 2878.
[9393] Adjudicated Facts III, no. 2880.
[9394] Defence Final Brief, paras 2364-2368.

UNITED NATIONS	International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991	Case No.	IT-09-92-T
		Date:	22 November 2017
		Original:	English

IN TRIAL CHAMBER I

Before: **Judge Alphons Orie, Presiding**
Judge Bakone Justice Moloto
Judge Christoph Flügge

Registrar: **Mr John Hocking**

Judgment of: **22 November 2017**

PROSECUTOR

v.

RATKO MLADIĆ

PUBLIC WITH CONFIDENTIAL ANNEX

JUDGMENT

VOLUME III OF V

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Table of contents

General abbreviations 13

1. Introduction 17

2. Administration of the Bosnian-Serb Republic 22

2.1 Republic political structures 22

2.1.1 Bosnian-Serb Presidency and President 22

2.1.2 Bosnian-Serb Assembly 29

2.1.3 Bosnian-Serb Government 32

2.2 Regional and municipal political structures 38

2.2.1 Regional political structures 38

2.2.2 Municipal political structures 45

3. Bosnian-Serb military and police structures 57

3.1 VRS 57

3.1.1 Establishment and structure 57

3.1.2 VRS's corps 66

3.1.3 Main Staff 129

3.1.4 Position of Ratko Mladić 141

3.2 JNA/VJ 144

3.3 Territorial Defence 152

3.4 Ministry of Interior 160

3.5 Paramilitary formations 175

4. Take-over of power and crimes in the municipalities 176

4.1 Banja Luka Municipality 176

4.1.1 Murder 176

4.1.2 Unlawful detention and cruel or inhumane treatment in detention facilities 194

4.1.3 Destruction of private and public property, including cultural monuments and sacred sites 241

4.1.4 Appropriation or plunder of property 244

4.1.5 Forced labour and human shields 244

4.1.6 Imposition and maintenance of restrictive and discriminatory measures 248

4.1.7 Forcible transfer and deportation 251

4.2 Bijeljina Municipality 262

4.2.1 Murder 262

4.2.2 Unlawful detention and cruel or inhumane treatment in detention facilities 270
4.2.3 Destruction of private and public property, including cultural monuments and sacred sites 296
4.2.4 Appropriation or plunder of property 299
4.2.5 Forced labour and human shields 301
4.2.6 Imposition and maintenance of restrictive and discriminatory measures 304
4.2.7 Forcible transfer and deportation 304
4.3 Foča Municipality 312
4.3.1 Murder 312
4.3.2 Unlawful detention and cruel or inhumane treatment in detention facilities 326
4.3.3 Destruction of private and public property, including cultural monuments and sacred sites 356
4.3.4 Appropriation or plunder of property 361
4.3.5 Forced labour and human shields 361
4.3.6 Imposition and maintenance of restrictive and discriminatory measures 363
4.3.7 Forcible transfer and deportation 364
4.4 Ilidža Municipality 372
4.4.1 Murder 372
4.4.2 Unlawful detention and cruel or inhumane treatment in detention facilities 372
4.4.3 Destruction of private and public property, including cultural monuments and sacred sites 377
4.4.4 Appropriation or plunder of property 377
4.4.5 Forced labour and human shields 377
4.4.6 Imposition and maintenance of restrictive and discriminatory measures 380
4.4.7 Forcible transfer and deportation 380
4.5 Kalinovik Municipality 384
4.5.1 Murder 384
4.5.2 Unlawful detention and cruel or inhumane treatment in detention facilities388
4.5.3 Destruction of private and public property, including cultural monuments and sacred sites 399
4.5.4 Appropriation or plunder of property 401
4.5.5 Forced labour and human shields 402
4.5.6 Imposition and maintenance of restrictive and discriminatory measures 404
4.5.7 Forcible transfer and deportation 404
4.6 Ključ Municipality 406
4.6.1 Murder 406

4.6.2 Unlawful detention and cruel or inhumane treatment in detention facilities 427
4.6.3 Destruction of private and public property, including cultural monuments and sacred sites 430
4.6.4 Appropriation or plunder of property 439
4.6.5 Forced labour and human shields 442
4.6.6 Imposition and maintenance of restrictive and discriminatory measures 442
4.6.7 Forcible transfer and deportation 446
4.7 Kotor Varoš Municipality 457
4.7.1 Murder 457
4.7.2 Unlawful detention and cruel or inhumane treatment in detention facilities 463
4.7.3 Destruction of private and public property, including cultural monuments and sacred sites 471
4.7.4 Appropriation or plunder of property 476
4.7.5 Forced labour and human shields 477
4.7.6 Imposition and maintenance of restrictive and discriminatory measures 478
4.7.7 Forcible transfer and deportation 481
4.8 Novi Grad Municipality 491
4.8.1 Murder 491
4.8.2 Unlawful detention and cruel or inhumane treatment in detention facilities 500
4.8.3 Destruction of private and public property, including cultural monuments and sacred sites 500
4.8.4 Appropriation or plunder of property 503
4.8.5 Forced labour and human shields 503
4.8.6 Imposition and maintenance of restrictive and discriminatory measures 503
4.8.7 Forcible transfer and deportation 503
4.9 Pale Municipality 508
4.9.1 Murder 508
4.9.2 Unlawful detention and cruel or inhumane treatment in detention facilities 508
4.9.3 Destruction of private and public property, including cultural monuments and sacred sites 508
4.9.4 Appropriation or plunder of property 510
4.9.5 Forced labour and human shields 512
4.9.6 Imposition and maintenance of restrictive and discriminatory measures 512
4.9.7 Forcible transfer and deportation 512
4.10 Prijedor Municipality 533
4.10.1 Murder 533

4.10.2 Unlawful detention and cruel or inhumane treatment in detention facilities 617
4.10.3 Destruction of private and public property, including cultural monuments and sacred sites 700
4.10.4 Appropriation or plunder of property 724
4.10.5 Forced labour and human shields 733
4.10.6 Imposition and maintenance of restrictive and discriminatory measures 736
4.10.7 Forcible transfer and deportation 741
4.11 Rogatica Municipality 753
4.11.1 Murder 753
4.11.2 Unlawful detention and cruel or inhumane treatment in detention facilities 765
4.11.3 Destruction of private and public property, including cultural monuments and sacred sites 786
4.11.4 Appropriation or plunder of property 791
4.11.5 Forced labour and human shields 793
4.11.6 Imposition and maintenance of restrictive and discriminatory measures 798
4.11.7 Forcible transfer and deportation 799
4.12 Sanski Most Municipality 817
4.12.1 Murder 817
4.12.2 Unlawful detention and cruel or inhumane treatment in detention facilities 842
4.12.3 Destruction of private and public property, including cultural monuments and sacred sites 842
4.12.4 Appropriation or plunder of property 861
4.12.5 Forced labour and human shields 863
4.12.6 Imposition and maintenance of restrictive and discriminatory measures 864
4.12.7 Forcible transfer and deportation 868
4.13 Sokolac Municipality 891
4.13.1 Murder 891
4.13.2 Unlawful detention and cruel or inhumane treatment in detention facilities 893
4.13.3 Destruction of private and public property, including cultural monuments and sacred sites 893
4.13.4 Appropriation or plunder of property 895
4.13.5 Forced labour and human shields 895
4.13.6 Imposition and maintenance of restrictive and discriminatory measures 895
4.13.7 Forcible transfer and deportation 896
4.14 Vlasenica Municipality 900
4.14.1 Murder 900

4.14.2 Unlawful detention and cruel or inhumane treatment in detention facilities 910
4.14.3 Destruction of private and public property, including cultural monuments and sacred sites 928
4.14.4 Appropriation or plunder of property 930
4.14.5 Forced labour and human shields 931
4.14.6 Imposition and maintenance of restrictive and discriminatory measures 933
4.14.7 Forcible transfer and deportation 936
5. Sarajevo 949
5.1 Introduction 949
5.1.1 Conditions in Sarajevo 949
5.1.2 Modified air bombs 973
5.2 Sniping incidents 985
5.2.1 Schedule F.1 985
5.2.2 Schedule F.3 989
5.2.3 Schedule F.4 991
5.2.4 Schedule F.5 994
5.2.5 Schedule F.9 997
5.2.6 Schedule F.11 1000
5.2.7 Schedule F.12 1005
5.2.8 Schedule F.13 1008
5.2.9 Schedule F.15 1011
5.2.10 Schedule F.16 1014
5.2.11 Other sniping incidents 1016
5.3 Shelling incidents 1035
5.3.1 Schedule G.1 1035
5.3.2 Schedule G.2 1041
5.3.3 Schedule G.4 1047
5.3.4 Schedule G.6 1052
5.3.5 Schedule G.7 1058
5.3.6 Schedule G.8 1062
5.3.7 Schedule G.10 1086
5.3.8 Schedule G.13 1091
5.3.9 Schedule G.15 1095
5.3.10 Schedule G.18 1097
5.3.11 Other shelling incidents 1114

6. Taking of hostages **1150**
6.1 Introduction 1150
6.2 Detention of UNMOs stationed in Pale and in the Sarajevo area 1156
6.3 Detention of Ukrainian UNPROFOR soldiers in Banja Luka 1176
6.4 Detention of UNPROFOR soldiers in Sarajevo 1179
6.5 Detention of UNPROFOR soldiers in Goražde 1191
6.6 Release of UN hostages 1196
6.7 The Trial Chamber's findings 1207
7. Srebrenica **1210**
7.1 The take-over of the Srebrenica enclave 1210
7.1.1 1992 - July 1995 1210
7.1.2 Directives no. 7 and no. 7/1 1233
7.1.3 The fall of Srebrenica and the gathering of people in Potočari 1243
7.1.4 The Hotel Fontana meetings 1277
7.1.5 Transportation from Potočari 1288
7.1.6 The column 1334
7.2 Jadar River (Schedule E.1.1) 1383
7.3 Cerska Valley (Schedule E.2.1) 1392
7.4 Kravica Warehouse (Schedule E.3.1) 1397
7.5 Sandići Meadow (Schedule E.4.1) 1414
7.6 Luke School near Tišća (Schedule E.5.1) 1424
7.7 School in Orahovac and nearby field (Schedule E.6.1 and E.6.2) 1429
7.8 Petkovci (Schedule E.7) 1457
7.8.1 School in Petkovci (Schedule E.7.1) 1457
7.8.2 Dam near Petkovci (Schedule E.7.2) 1463
7.9 Roćević School and Kozluk (Schedule E.8.1 and E.8.2) 1473
7.10 Kula School (Schedule E.9.1), Branjevo Military Farm (Schedule E.9.2), and Pilica Cultural Centre (Schedule E.10.1) 1496
7.11 Bišina (Schedule E.12.1) 1518
7.12 Trnovo (Schedule E.13.1) 1526
7.13 Potočari (Schedule E.14) 1530
7.13.1 Near the UN Compound (Schedule E.14.1) 1530
7.13.2 Near the 'White House' (Schedule E.14.2) 1532
7.14 Bratunac Town (Schedule E.15) 1536
7.14.1 In and around the Vuk Karadžić elementary school (Schedule E.15.1) 1536

7.14.2 In front of the Vuk Karadžić elementary school (Schedule E.15.3) 1549
7.15 Other incidents of killings 1551
7.16 Incidents of ill-treatment 1558
7.17 Forcible transfer and deportation 1567
7.18 Burial operations 1574
8. Legal findings on crimes 1584
8.1 Violations of the laws or customs of war: general elements and jurisdictional requirements 1584
8.1.1 Applicable law 1584
8.1.2 Findings on armed conflict 1587
8.2 Crimes against humanity: general elements and jurisdictional requirement 1589
8.2.1 Applicable law 1589
8.2.2 Legal findings 1591
8.3 Murder 1601
8.3.1 Applicable law 1601
8.3.2 Legal findings 1601
8.4 Extermination 1617
8.4.1 Applicable law 1617
8.4.2 Legal findings 1618
8.5 Deportation and forcible transfer 1632
8.5.1 Applicable law 1632
8.5.2 Legal findings 1633
8.6 Acts of violence the primary purpose of which is to spread terror among the civilian population 1663
8.6.1 Applicable law 1663
8.6.2 Legal findings 1664
8.7 Unlawful attacks on civilians 1674
8.7.1 Applicable law 1674
8.7.2 Legal findings 1674
8.8 Taking of hostages 1676
8.8.1 Applicable law 1676
8.8.2 Legal findings 1677
8.9 Persecution 1679
8.9.1 Applicable law 1679
8.9.2 Legal findings 1690
8.10 Genocide 1755

8.10.1 Applicable law 1755
8.10.2 Legal findings 1757
9. The liability of the Accused 1821
9.1 Applicable law 1821
9.1.1 Joint criminal enterprise 1821
9.1.2 Planning, instigating, ordering, and aiding and abetting 1825
9.1.3 Superior responsibility 1827
9.2 First (overarching) joint criminal enterprise 1830
9.2.1 Overview of the charges 1830
9.2.2 Political developments and the role of the SDS in the lead-up to the conflict in 1991 and 1992 1831
9.2.3 The Variant A/B Instructions 1869
9.2.4 The Six Strategic Objectives 1877
9.2.5 Speeches, statements, and utterances by members of the Bosnian-Serb political leadership 1884
9.2.6 The role of the VJ 1895
9.2.7 The role of the MUP 1915
9.2.8 The role of paramilitary formations 1934
9.2.9 The role of the regional and municipal leadership 1969
9.2.10 Attempts to cover up crimes 1992
9.2.11 Tomašica 2028
9.2.12 Investigation and prosecution of crimes 2039
9.2.13 Revenge and related arguments 2075
9.2.14 Conclusion 2083
9.3 Ratko Mladić's alleged contribution to the first (overarching) joint criminal enterprise 2092
9.3.1 Introduction 2092
9.3.2 Participating in the establishment, organization and/or maintenance of the VRS 2092
9.3.3 Commanding and controlling the VRS 2107
9.3.4 Commanding and controlling elements of the Serb Forces integrated into, or subordinated to, the VRS 2137
9.3.5 Directing, monitoring and/or authorizing the VRS's cooperation and coordination with other elements of Serb Forces and with Bosnian-Serb Political and Governmental Organs 2142
9.3.6 Participating in procuring material and military assistance from the VJ 2147
9.3.7 Participating in the development of Bosnian-Serb governmental policies 2161

9.3.8 Disseminating, encouraging and/or facilitating the dissemination of propaganda to Bosnian Serbs intended to engender in Bosnian Serbs fear and hatred of Bosnian Muslims and Bosnian Croats or to otherwise win support for and participation in achieving the objective of the joint criminal enterprise 2173

9.3.9 Engaging in, supporting and/or facilitating efforts to deny or to provide misleading information about crimes against Bosnian Muslims and Bosnian Croats and about the role that Serb Forces had played in those crimes to representatives of the international community, non-governmental organizations, the media and the public, thereby facilitating the commission of crimes 2183

9.3.10 Facilitating and/or encouraging the commission by members of the VRS, and other elements of Serb Forces under his effective control, of crimes that furthered the objective of the joint criminal enterprise by failing, while under a duty stemming from his position, to take adequate steps to prevent and/or investigate such crimes, and/or arrest and/or punish the perpetrators of such crimes 2187

9.3.11 Directing, implementing and/or authorizing the restriction of humanitarian aid to Bosnian-Muslim and/or Bosnian-Croat enclaves located in territory controlled by the VRS, the TO, the MUP, and Bosnian-Serb paramilitary forces and volunteer units and/or Bosnian-Serb Political and Governmental Organs in an effort to create unbearable living conditions for these inhabitants 2202

9.3.12 Legal findings 2228

9.3.13 Mens rea 2230

9.4 Second joint criminal enterprise (Sarajevo) 2257

9.4.1 Overview of the charges 2257

9.4.2 Existence of and membership in the joint criminal enterprise 2258

9.4.3 The Trial Chamber's findings 2276

9.5 Ratko Mladić's alleged contribution to the second joint criminal enterprise (Sarajevo) 2281

9.5.1 Introduction 2281

9.5.2 Participating in the establishment, organization and/or maintenance of the VRS 2281

9.5.3 Commanding and controlling the VRS 2282

9.5.4 Participating in procuring material and military assistance from the VJ 2304

9.5.5 Participating in the development of Bosnian-Serb governmental policies 2309

9.5.6 Disseminating, encouraging and/or facilitating the dissemination of propaganda to Bosnian Serbs intended to engender in Bosnian Serbs fear and hatred of Bosnian Muslims and Bosnian Croats or to otherwise win support for and participation in achieving the objective of the joint criminal enterprise 2314

9.5.7 Engaging in, supporting and/or facilitating efforts to deny or to provide misleading information about crimes against Bosnian Muslims and Bosnian Croats and about the role that Serb Forces had played in those crimes to representatives of the international community, non-governmental organizations, the media and the public, thereby facilitating the commission of crimes 2315

9.5.8 Facilitating and/or encouraging the commission by members of the VRS, and other elements of Serb Forces under his effective control, of crimes that furthered the objective of the joint criminal enterprise by failing, while under a duty stemming from his position, to take adequate steps to prevent and/or investigate such crimes, and/or arrest and/or punish the perpetrators of such crimes 2317

9.5.9 Directing, implementing and/or authorizing the restriction of humanitarian aid to Bosnian-Muslim and/or Bosnian-Croat enclaves located in territory controlled by the VRS, the TO, the MUP, and Bosnian-Serb paramilitary forces and volunteer units and/or Bosnian-Serb Political and Governmental Organs in an effort to create unbearable living conditions for these inhabitants 2320

9.5.10 Legal findings 2345

9.5.11 Mens rea 2346

9.6 Third joint criminal enterprise (Srebrenica) 2359

9.6.1 Overview of the charges 2359

9.6.2 Contemporaneous statements and meetings 2360

9.6.3 Attempts to cover up and the non-investigation of crimes 2374

9.6.4 Conclusion 2379

9.7 Ratko Mladić's alleged contribution to the third joint criminal enterprise (Srebrenica) 2386

9.7.1 Introduction 2386

9.7.2 Commanding and controlling the VRS 2386

9.7.3 Commanding and controlling elements of the Serb Forces integrated into, or subordinated to, the VRS 2412

9.7.4 Engaging in, supporting and/or facilitating efforts to deny or to provide misleading information about crimes against Bosnian Muslims and about the role that Serb Forces had played in those crimes to representatives of the international community, non-governmental organizations, the media and the public, thereby facilitating the commission of crimes 2418

9.7.5 Facilitating and/or encouraging the commission by members of the VRS, and other elements of Serb Forces under his effective control, of crimes that furthered the objective of the joint criminal enterprise by failing, while under a duty stemming from his position, to take adequate steps to prevent and/or investigate such crimes, and/or arrest and/or punish the perpetrators of such crimes 2424

9.7.6 Legal findings 2428

9.7.7 Mens rea 2429

9.8 Fourth joint criminal enterprise (Hostages) 2443

9.8.1 Overview of the charges 2443

9.8.2 Common objective 2444

9.8.3 Conclusion 2446

9.9 Ratko Mladić's alleged contribution to the fourth joint criminal enterprise (Hostages) 2448
9.9.1 Overview of charges 2448
9.9.2 The Accused's alleged contribution 2449
9.9.3 Mens rea 2451
9.10 Other modes of liability 2454
10. Cumulative convictions 2456
11. Sentencing 2461
11.1 Law on sentencing 2461
11.2 Purpose of sentencing 2462
11.3 Sentencing factors 2463
11.3.1 Gravity of the offences and the totality of the culpable conduct 2463
11.3.2 Individual circumstances of Ratko Mladić 2466
11.3.3 General practice regarding the prison sentences in the courts of the former Yugoslavia 2470
11.3.4 Comparison with other cases 2472
11.3.5 Credit for the time served in custody 2472
11.4 Determination of sentences 2473
12. Disposition 2474
13. Partially dissenting opinion by Judge Alphons Orie 2476

Appendices

A. Procedural history 2478
B. Sources and use of evidence 2491
C. Table of cases with abbreviations 2521
D. Confidential Annex 2527

6. Taking of hostages

6.1 Introduction

2216. According to the Indictment, between approximately 26 May 1995 and 19 June 1995, Bosnian-Serb forces detained over 200 UN peacekeepers and military observers in various locations, including Pale, Sarajevo, Banja Luka, and Goražde, and held them at different locations in the Bosnian-Serb Republic including in places of strategic or military significance.[9395] The purpose of these detentions was to render the locations immune from NATO air strikes and to prevent further air strikes against Bosnian-Serb military targets.[9396] In the course of the detentions, threats were issued to third parties, including NATO and UN commanders, that further NATO attacks on Bosnian-Serb military targets would result in the injury, death, or continued detention of the detainees.[9397] Some of the detainees were assaulted and maltreated during their captivity.[9398] The Defence submitted that, as a result of the UN's direct and active participation in the conflict, UN personnel lost their civilian protection status and were therefore lawfully detained.[9399] Further, members of paramilitary groups were responsible for any ill-treatment of UN personnel that may have occurred.[9400] The Trial Chamber took judicial notice of Adjudicated Facts 1759 and 1760 related to this charge.[9401] The Trial Chamber received evidence from UNMOs **Patrick Rechner**, **Janusz Kalbarczyk**, and **Griffiths Evans**, stationed in Pale in 1995;[9402] UNMOs **Gunnar Westlund**, **Joseph Gelissen**, and **Marcus Helgers**, stationed in Sarajevo in 1995;[9403] **Aleksandr Vishnevski**, an UNPROFOR officer stationed in Sarajevo from February to June 1995 and attached, as of May 1995, to the 1st Company deployed at the Krivoglavci checkpoint;[9404] **Rupert Smith**, **Witness RM-120**, **Witness RM-409**,

[9395] Indictment, paras 24, 82, 85.
[9396] Indictment, paras 24, 83, 85.
[9397] Indictment, para. 85.
[9398] Indictment, para. 85.
[9399] Defence Final Brief, paras 3331-3346, 3308, 3310-3313; T. 44609, 44808-44809, 44812.
[9400] Defence Final Brief, paras 3308, 3350, 3352-3371.
[9401] Adjudicated Facts number 1759 and 1760 are reviewed in chapter 5.1.1.
[9402] **Patrick Rechner:** P2554 (Patrick Rechner, witness statement, 31 January 2011), paras 1, 4-6, 8-9; D391 (UN Questionnaire, completed by Patrick Rechner), p. 1; Patrick Rechner, T. 18461. **Janusz Kalbarczyk:** P2801 (Janusz Kalbarczyk, witness statement, 22 November 1995), pp. 1-2; Janusz Kalbarczyk, T. 19322, 19339. **Griffiths Evans**: P396 (Griffiths Evans, Rule 92*bis* material), statutory declaration, p. 1, witness statement, p. 1.
[9403] **Gunnar Westlund**: P400 (Gunnar Westlund, witness statement, 22 November 1995), pp. 1-2. **Joseph Gelissen**: P397 (Joseph Gelissen, witness statement, 18 January 1996), pp. 1-2. **Marcus Helgers**: P3581 (Marcus Helgers, witness statement, 3 August 1995), pp. 1-2; P3583 (Map detailing hostage locations in Bosnia-Herzegovina, 28 May 1995).
[9404] P399 (Aleksandr Vishnevski, witness statement, 5 February 1996), p. 1.

Witness RM-403, **Witness RM-055**, **Witness RM-401**, all UNPROFOR officers and soldiers stationed in Sarajevo in 1995;[9405] **Jonathon Riley** and **Hugh Nightingale**, an officer and a soldier respectively, stationed in Goražde in 1995;[9406] **David Harland**, an UNPROFOR Civil Affairs Officer assigned to Sarajevo as of May 1993;[9407] **Witness GRM-037**, an intelligence analyst working in Bosnia-Herzegovina between November 1994 and July 1995;[9408] **Anthony Banbury**, an UNPROFOR Civil Affairs Officer in Sarajevo between March 1994 and May 1995 and later Assistant to the UN Special Representative of the Secretary-General in Bosnia-Herzegovina;[9409] **Snježan Lalović**, a journalist for Serbian Radio and Television in Pale during the war;[9410] **Martin Bell**, a foreign affairs war correspondent for the BBC who covered the events in Bosnia-Herzegovina from around March 1992 through to the signing and implementation of the Dayton Agreement;[9411] **Cornelis Hendrik Nicolai**, the UNPROFOR Chief of Staff at the Bosnia-Herzegovina Command from 28 February to 2 September 1995;[9412] **Milorad Batinić**, a Serb who worked as an interpreter from about 28 June 1992 for the Igman Brigade and then, from 30 June, 1992 for UNMOs until 1995;[9413] **Milorad Šehovac**, the Chief of Staff of the 1st Posavina Brigade in Brčko between 23 May and 15 August 1992 and the Commander of the SRK 2nd Sarajevo Light Infantry Brigade between 18 August 1992 and mid-September 1995;[9414] **Milenko Inđić**, a VRS liaison officer for cooperation with international organisations and institutions;[9415] **Vladimir Radojčić**, the commander of the VRS Ilidža Brigade between January 1993 and the end of the war;[9416] **John Hamill**, an UNMO stationed on the Serb side of the confrontation line

[9405] **Rupert Smith**: P785 (Rupert Smith, witness statement, 27 October 2009), paras 4, 6; Rupert Smith, T. 7287. **Witness RM-120**: P807 (Witness RM-120, witness statement, undated), p. 3. **Witness RM-409**: P3586 (Witness RM-409, witness statement, 18 March 1998), paras 5-6. **Witness RM-403**: P3576 (Procès-verbal of Witness RM-403, 10 March 1998), paras 1-4. **Witness RM-055**: P749 (Witness RM-055, witness statement, undated), p. 3. **Witness RM-401**: P2537 (Witness RM-401, procès-verbal, 3 March 1998), paras 1, 4, 7, 9-10, 56; P2536 (Witness RM-401, pseudonym sheet), p. 1.
[9406] **Jonathon Riley**: P2543 (Jonathon Riley, witness statement, 15 April 1996), p. 1, paras 2-3. **Hugh Nightingale**: P398 (Hugh Nightingale, witness statement, 5 February 1996), pp. 1-2.
[9407] P1 (David Harland, witness statement, 4 September 2009), p. 1, para. 5; David Harland, T. 661.
[9408] D1240 (Witness GRM-037, witness statement, 14 September 2012), paras 3-5; D1239 (Pseudonym sheet for Witness GRM-037).
[9409] P874 (Anthony Banbury, witness statement, 19 May 2009), para. 3.
[9410] D858 (Snježan Lalović, witness statement, 13 August 2014), para. 1.
[9411] P832 (Martin Bell, witness statement, 8 March 2010), para. 3; Martin Bell, T. 7811-7812.
[9412] P1165 (Cornelis Nicolai, witness statement, 18 November 1996), p. 1, paras 1-4, 67.
[9413] Milorad Batinić, T. 22613, 22619-22621, 22685, 22696-22697, 22715-22716; P6593 (Copy of notes taken from Milorad Batinić during his testimony, 12 June 2014), p. 2.
[9414] D559 (Milorad Šehovac, witness statement, 13 May 2014), p. 1, paras 1-2; Milorad Šehovac, T. 24055.
[9415] D614 (Milenko Inđić, witness statement, 31 July 2014), paras 1-2.
[9416] D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 1.

near Sarajevo between May and August 1993;[9417] **Ratomir Maksimović**, who served in the SRK Command from 1 April 1993 to 1 September 1994 and from 30 April 1995 to 31 March 1996;[9418] and **Reynaud Theunens**, a military intelligence analyst;[9419] as well as documentary evidence.

2217. **David Harland** testified that on 22 May 1995, Bosnian-Serb forces removed two heavy weapons from the WCPs near Sarajevo and Bosnian forces withdrew weapons of their own.[9420] An ultimatum was issued by General Smith, UNPROFOR Commander in Sarajevo at the time, on 24 May 1995, with which the Serbs failed to comply, and in response NATO bombed certain Bosnian-Serb military targets on 25 May 1995.[9421] The Trial Chamber took judicial notice of Adjudicated Facts concerning the confiscation by the SRK of heavy weapons from WCPs on 25 and 26 May 1995 and the subsequent NATO bombings of the ammunitions depot in Pale on 26 May 1995, which are reviewed in chapter 5.1.1. According to a VRS Main Staff document dated 26 May 1995, NATO had identified depots, missile and radar systems, artillery firing positions, and command posts as potential bombing targets.[9422] **Witness GRM-037** testified that UNPROFOR, NATO, and national armed forces personnel, including a group of British soldiers known as 'JCOs', were tasked with covertly locating and recording Bosnian-Serb military positions and facilities which could be potential targets for air strikes and sharing this information with NATO.[9423] He also saw target lists for NATO air strikes in the UNPROFOR headquarters.[9424] Furthermore, the Canadian government and other countries had forward air controllers in Bosnia-Herzegovina.[9425] The witness saw General Smith enter the Air Operations Cell in the UNPROFOR headquarters in Zagreb where the target lists for NATO air strikes were being compiled and deduced from this that Smith must have been aware of the presence of these forward air controllers in Bosnia-Herzegovina and of the fact that they assisted NATO in conducting the air

[9417] P537 (John Hamill, *Galić* transcript, 25 March 2002), p. 6060.
[9418] D686 (Ratomir Maksimović, witness statement, 15 December 2012), paras 4-5; Ratomir Maksimović, T. 26741, 26800.
[9419] Reynaud Theunens, T.20230; P3093 (Reynaud Theunens, *curriculum vitae*, 15 October 2012), pp. 1-4.
[9420] P1 (David Harland, witness statement, 4 September 2009), para. 183.
[9421] P1 (David Harland, witness statement, 4 September 2009), para. 183. For General Smith's function, *see* P2554 (Patrick Rechner, witness statement, 31 January 2011), para. 28.
[9422] P3584 (VRS Main Staff document, 26 May 1995). *See also* P3582 (Marcus Helgers, *Karadžić* transcript, 26 January 2011), pp. 10759-10760.
[9423] D1240 (Witness GRM-037, witness statement, 14 September 2012), paras 16-17.
[9424] D1240 (Witness GRM-037, witness statement, 14 September 2012), para. 18; Witness GRM-037, T. 39019.
[9425] D1240 (Witness GRM-037, witness statement, 14 September 2012), paras 20-21.

strikes in Pale in May 1995.[9426] According to the witness, all UNMOs were acting as if they were collecting intelligence and many of them had weapons, even though they were supposed to be unarmed.[9427] To the witness's knowledge, none of the UNMOs that he claimed were armed and none of the forward air controllers who were present in Bosnia-Herzegovina were part of the group that was taken hostage in May 1995.[9428] The witness recalled statements made by the Bosnian-Serb leadership that after the bombing started, they considered the UN to have become a combatant in the conflict.[9429] **Patrick Rechner** testified that all UNMOs in the former Yugoslavia were unarmed.[9430]

2218. According to **Harland**, following the 25 May 1995 NATO bombings, the Serbs took several hundred UNPROFOR members and UNMOs 'hostage' in retaliation.[9431] **Cornelis Nicolai** testified that on or around 25 May 1995, some 347 UN personnel were held 'hostage' by, or were in isolated detachments surrounded by, the VRS.[9432] **Rupert Smith** testified more particularly that on 26 May 1995, still in response to a series of NATO air strikes, the VRS took about 400 UNPROFOR personnel and UNMOs 'hostage', using some as human shields or chaining them to potential targets.[9433] **Witness RM-120** testified that around 26-27 May 1995, the VRS took approximately 260 UNPROFOR and UNMOs 'hostage', including Ukrainian and Canadian personnel deployed at various WCPs.[9434] **Anthony Banbury** testified that he attended a briefing on 27 May 1995 where it was reported that some of the UNPROFOR soldiers were being detained at their place of duty, namely at WCPs, by the VRS.[9435] During a briefing held on 29 May 1995, it was reported that in total 320 UN personnel were detained by the VRS at that time.[9436] **Martin Bell** reported that UN hostages on the Serb

[9426] D1240 (Witness GRM-037, witness statement, 14 September 2012), para. 22; Witness GRM-037, T. 39019-39020.
[9427] D1240 (Witness GRM-037, witness statement, 14 September 2012), paras 24, 26; Witness GRM-037, T. 39022-39023.
[9428] Witness GRM-037, T. 39039-39040.
[9429] D1240 (Witness GRM-037, witness statement, 14 September 2012), para. 29.
[9430] P2554 (Patrick Rechner, witness statement, 31 January 2011), para. 8. *See also* Janusz Kalbarczyk, T. 19326.
[9431] P1 (David Harland, witness statement, 4 September 2009), para. 183.
[9432] P1165 (Cornelis Nicolai, witness statement, 18 November 1996), para. 32; Cornelis Nicolai, T. 10684; P1176 (UNPROFOR Sarajevo Commander letter from Lt. General Rupert Smith regarding post air strike guidance, 29 May 1995), para. 2. *See also* D390 (UNPROFOR Directive, 29 May 1995), paras 1-2, 4, 10.
[9433] P785 (Rupert Smith, witness statement, 27 October 2009), paras 116-118, 120-122, 125; P791 (Transcript of conversation between Mladić and Smith, 26 May 1995), p. 1.
[9434] P807 (Witness RM-120, witness statement, undated), p. 75.
[9435] P874 (Anthony Banbury, witness statement, 19 May 2009), paras 164-165.
[9436] P874 (Anthony Banbury, witness statement, 19 May 2009), para. 168.

side included 199 soldiers, mostly French, and 32 UNMOs. Sixteen of the UNMOs were being used as human shields.[9437]

2219. **Vladimir Radojčić** testified that on 25 May 1995 Mladić, through the SRK, ordered the Ilidža Brigade to block and disarm the UNPROFOR members and put them under its control as POWs.[9438] On 27 May 1995, Manoljo Milovanović ordered various VRS corps and units to place captured UNPROFOR personnel and disarmed surrounded UNPROFOR forces at potential air strike targets. According to this order, UN personnel were to be treated with military respect and as POWs.[9439] The recipients of this order were expected to report personally to Milovanović about the execution of the order the next day.[9440] This order had been approved by the Bosnian-Serb President.[9441]

2220. **Milenko Inđić** testified that on one occasion his office received an order from the VRS Main Staff to place under control, disarm, and seize the communication devices of UNPROFOR members in the SRK territory, but not to harm them in any manner.[9442] On 27 May 1995, Dragomir Milošević informed all SRK units that they were to report, by way of regular combat reports, the number of members of UNPROFOR, UNHCR, and other international organisations taken prisoner, the number of members under blockade, and the number of pieces of equipment seized. The units were instructed not to capture Russian UNPROFOR members and to free the captured Russians.[9443]

2221. **Witness GRM-037** testified that he received intelligence from direct sources that the orders to take 'hostages' came from high up in the military structure.[9444] According to an UNPROFOR letter addressed to Dragomir Milošević, since 26 May 1995 Bosnian-Serb forces had implemented a systematic policy of hostage-taking of unarmed military observers.[9445]

[9437] P1870 (Video of Bell's reporting on dawn attack by Serbs and hostage-taking, undated).
[9438] P6611 (Statement of Vladimir Radojčić from the *Karadžić* case, 8 December 2012), para. 68; Vladimir Radojčić, T. 23056-23057, 23069-23070..
[9439] P789 (VRS Main Staff order, 27 May 1995), pp. 1-2. *See also* P1849 (VRS Main Staff communication, 27 May 1995).
[9440] P789 (VRS Main Staff order, 27 May 1995), pp. 1-2.
[9441] P789 (VRS Main Staff order, 27 May 1995), p. 2.
[9442] D614 (Milenko Inđić, witness statement, 31 July 2014), para. 27; Milenko Inđić, T. 25112-25113.
[9443] P2562 (VRS document from Dragomir Milošević to all VRS units, 27 May 1995). *See also* P785 (Rupert Smith, witness statement, 27 October 2009), para. 129.
[9444] Witness GRM-037, T. 39026, 39035-39037. Concerning the contention that the hostage-taking was supported *inter alia* by the VRS, *see also* P1165 (Cornelis Nicolai, witness statement, 18 November 1996), para. 33.
[9445] P826 (UNPROFOR protest letter regarding hostages, 3 June 1995).

2222. On 28 May 1995, during a meeting of the Supreme Command of the Bosnian-Serb Republic, attended by Mladić and Karadžić, Karadžić instructed to 'seize the enclaves'.[9446] It was concluded at the meeting that captured members of UNPROFOR should be treated as POWs and that relations with the UN should be frozen.[9447]

2223. On 30 May 1995, Mladić informed various VRS corps commands and units that NATO was preparing for an operation to free the UNPROFOR personnel who were being held captive.[9448] Based on a 29 May 1995 Supreme Command decision, Mladić ordered all units to assess the feasibility of helicopter assault and to consider possibilities for the detection of enemy forces and taking effective combat action. Mladić further ordered the units to prevent any leak of information about the number and sector of deployment of UNPROFOR personnel who were held captive and forbid all unauthorized individuals from attempting to contact the detainees without approval of the Main Staff.[9449] The command of the SRK was to complete the disarming of the captured UNPROFOR personnel and their deployment to facilities identified as potential NATO air-strikes targets on the same day and transport the remaining UNPROFOR personnel to a safe place, from which the Main Staff would organize their transport to other corps. The commands of the SRK, HK and DK were to plan and prepare fire on the sectors of UNPROFOR personnel and possible areas of helicopter assault landings, around the enclaves of Sarajevo, Goražde, Srebrenica, and Žepa.[9450] In case of a NATO air strike or a helicopter assault landing, the units were to immediately and without a separate order open fire from all available assets on the sector of airborne assault and the sector of the deployment of UNPROFOR personnel. The unit commanders were expected to report to Mladić about the implementation of this order in regular combat reports.[9451]

[9446] P345 (Mladić notebook, 27 January-5 September 1995), p. 148.
[9447] P345 (Mladić notebook, 27 January-5 September 1995), p. 149.
[9448] P5230 (Order of the VRS Main Staff for preparing, organizing and conducting anti-airborne assault defense, 30 May 1995), p. 1.
[9449] P5230 (Order of the VRS Main Staff for preparing, organizing and conducting anti-airborne assault defense, 30 May 1995), p. 2.
[9450] P5230 (Order of the VRS Main Staff for preparing, organizing and conducting anti-airborne assault defense, 30 May 1995), p. 3.
[9451] P5230 (Order of the VRS Main Staff for preparing, organizing and conducting anti-airborne assault defense, 30 May 1995), p. 3.

6.2 Detention of UNMOs stationed in Pale and in the Sarajevo area

2224. **Gunnar Westlund** stated that on 14 May 1995, six members of his team, SS-1, were present in their office in Kasindo: one Dutch, Mark Helgers; one Nigerian, Abdul Razak Bello; one Polish, Wieslaw Wojtasiak; one Pakistani, Ahmad Manzoor; one Czech, Karel Kratky; and himself.[9452] On that day, SS-1 was visited by Captain Gavran, a VRS Battalion Commander, who informed the witness that his team was no longer allowed to leave their accommodation, except to shop, but that the witness, as team leader and with VRS approval, could visit the VRS and UNMO headquarters.[9453]

2225. **Janusz Kalbarczyk** testified that as of April 1995, Sierra Echo 1 (SE-1) was led by a British officer and his deputy, Major Griffiths Evans.[9454] Around 21 May 1995, UNMOs' headquarters in Sarajevo, in compliance with a demand made by the VRS, ordered UNMO teams stationed in Pale, including the members of the SE-1 Team, to cease their patrolling activities and stay in their accommodation unless required to get food supplies.[9455] **Westlund** stated that after the first NATO air strike on 24 May 1995, at approximately 2 or 3 p.m., a uniformed VRS security officer entered SS-1 quarters in Kasindo and told the UNMOs stationed there that they were not allowed to leave, and that men were to be posted outside with orders to shoot them if they tried to leave.[9456]

2226. **Joseph Gelissen** stated that on 25 May 1995, a UN ultimatum to pull out heavy weapons from the TEZ was ending and NATO air strikes started later the same day.[9457] **Rechner** testified that on the same day, the bunkers on the outskirts of Pale were bombed for the first time.[9458]

2227. Also on 25 May 1995, after the second NATO air strike, **Westlund** heard someone on the radio, in English, identify himself as a VRS soldier and threaten to kill the 'Pale Team' of UNMOs if the NATO strikes did not stop. At 5:15 p.m., two armed soldiers in uniform trousers and green T-shirts without insignia ordered the witness and

[9452] P400 (Gunnar Westlund, witness statement, 22 November 1995), p. 2. For the full names of these SS-1 members, *see* P2559 (UN Code Cable about the situation in Bosnia-Herzegovina, 28 May 1995), p. 4.
[9453] P400 (Gunnar Westlund, witness statement, 22 November 1995), p. 2.
[9454] P2801 (Janusz Kalbarczyk, witness statement, 22 November 1995), p. 2; Janusz Kalbarczyk, T. 19360.
[9455] P2801 (Janusz Kalbarczyk, witness statement, 22 November 1995), p. 2; Janusz Kalbarczyk, T. 19340, 19344.
[9456] P400 (Gunnar Westlund, witness statement, 22 November 1995), p. 2.
[9457] P397 (Joseph Gelissen, witness statement, 18 January 1996), p. 3.
[9458] P2554 (Patrick Rechner, witness statement, 31 January 2011), para. 16; P2561 (UNMO report on Pale air strikes, 25 May 1995), p. 1; D393 (UN Memo with final reports on detention of UNMOs, 30 June 1995), p. 8.

his team, SS-1, to leave their accommodation.[9459] The witness and his team were made to drive to Grbavica.[9460] The soldiers made the witness take a back road and the witness believed that they wanted to avoid the VRS garrison on the main road, which made him think that these were not VRS soldiers. At Grbavica, the witness was taken with his team to the cellar of a civilian building, which was occupied by civilians and VRS soldiers. The two soldiers who had arrested the witness and his team appeared, according to the witness, to be under the command of a man. This man had a long beard and long black hair and was dressed in black. He was accompanied by two men armed with pistols and kalashnikovs who, according to the witness, were not VRS soldiers but who wore some parts of VRS uniforms. The witness and his team were given a mix of uniforms and civilian clothes to change into. They were allowed to keep their IDs, wallets, and cigarettes. He and his team were then driven by the leader in black and another man, both of whom the witness stated were Bosnian Serbs, for 45 to 50 minutes to Pale, through VRS checkpoints. They stopped in front of a police station which the leader in black visited while they were guarded in the car. They were then driven to a café where they were ordered out of the car. The witness and his team were lined up on the pavement, and the witness observed a number of drunken soldiers, many of whom wore UN equipment such as helmets or berets. They were then ordered into another car, driven by a VRS officer. A man, who was approximately 25 years old and introduced himself to the witness as a VRS soldier, accompanied them in the car, and later told the witness that he was Canadian. They then drove to Jahorina Mountain, where the same man ordered the witness to contact UNMO headquarters and tell them that the team would be shot one by one unless the NATO air strikes stopped.[9461] The witness's team was loaded into a mini-bus and driven up Jahorina Mountain and, during the trip, drunken VRS soldiers beat and abused the Nigerian and the Pakistani UNMOs by hitting them with the butts of their rifles.[9462]

2228. **Patrick Rechner**, Head of the 7 Lima Team in Pale, testified that still on 26 May 1995 at around 10 a.m. the air strikes resumed.[9463] **Kalbarczyk**, from the SE-1 Team, testified that in the morning of 26 May 1995, between 8 and 9:30 a.m., he heard

[9459] P400 (Gunnar Westlund, witness statement, 22 November 1995), p. 2.
[9460] P400 (Gunnar Westlund, witness statement, 22 November 1995), pp. 2-3.
[9461] P400 (Gunnar Westlund, witness statement, 22 November 1995), pp. 3-4.
[9462] P400 (Gunnar Westlund, witness statement, 22 November 1995), p. 4.
[9463] P2554 (Patrick Rechner, witness statement, 31 January 2011), para. 19; D393 (UN Memo with final reports on detention of UNMOs, 30 June 1995), p. 8.

several big explosions and the alarm siren in Pale.[9464] At 10 a.m., General Smith had a telephone conversation with Mladić, reminding him to moderate his actions, return the missing weapons to the WCPs, and to clear the TEZ, after which Mladić urged Smith to think of the people and the soldiers under his command and the consequences which may result from such unreasonable and 'unthinking' decisions.[9465] **Kalbarczyk** testified that about 40 minutes after the last explosion, a police car arrived and an armed police commander and two armed policemen in violet uniforms entered the UNMOs' office.[9466] Police officers, unlike soldiers, wore violet uniforms.[9467] **Griffith Evans**, also from the SE-1 Team, described the group that arrived at their post as composed of four people in VRS uniform and one in civilian clothes, whom the witness perceived as being in charge.[9468] He described the men in uniform as armed military policemen.[9469] The witness, Jose Antonio Romero, Dmitri Batiouchenkov[9470], and Zlatko Kozusnik, all UNMOs from the SE-1 Team, were held at gunpoint and ordered to raise their hands. The policemen told the members of the SE-1 Team that they had received an order to shoot them if the bombardments continued.[9471] **Kalbarczyk** attributed this conduct to the police commander while **Evans** stated that the man in civilian clothes informed them that they were under arrest and one of the men in VRS uniform pointed what Evans believed to be a pistol at the team.[9472] **Kalbarczyk** testified that the police commander left after ten minutes and the policemen ordered the UNMOs to put their hands down. During the next 40 minutes, the UNMOs were not authorized to pick up incoming calls from their headquarters.[9473] At about 11:20 a.m., VRS soldiers arrived in

[9464] P2801 (Janusz Kalbarczyk, witness statement, 22 November 1995), p. 2; Janusz Kalbarczyk, T. 19345. *See also* P397 (Joseph Gelissen, witness statement, 18 January 1996), p. 3.
[9465] P2557 (UN Code Cable with notes from telephone conversations between General Smith and General Mladić on 26 May 1995), p. 2.
[9466] P2801 (Janusz Kalbarczyk, witness statement, 22 November 1995), p. 2; Janusz Kalbarczyk, T. 19346-19347.
[9467] P2801 (Janusz Kalbarczyk, witness statement, 22 November 1995), p. 2; Janusz Kalbarczyk, T. 19347, 19351.
[9468] P396 (Griffiths Evans, Rule 92*bis* material), witness statement, p. 1. Concerning Evans's affiliation, *see* P2559 (UN Code Cable about the situation in Bosnia-Herzegovina, 28 May 1995), p. 4.
[9469] P396 (Griffiths Evans, Rule 92*bis* material), witness statement, pp. 1-2.
[9470] The Trial Chamber understands Dmitri Batiouchenkov to be the same person as Dimitri Batinshenko, identified as a Russian member of the SE-1 Team in P2559 (UN Code Cable about the situation in Bosnia-Herzegovina, 28 May 1995), p. 4.
[9471] P2801 (Janusz Kalbarczyk, witness statement, 22 November 1995), p. 2; Janusz Kalbarczyk, T. 19327-19328. *See also* P396 (Griffiths Evans, Rule 92*bis* material), witness statement, p. 1.
[9472] P2801 (Janusz Kalbarczyk, witness statement, 22 November 1995), p. 2; Janusz Kalbarczyk, T. 19327; P396 (Griffiths Evans, Rule 92*bis* material), witness statement, p. 1.
[9473] P2801 (Janusz Kalbarczyk, witness statement, 22 November 1995), p. 2.

two cars and told the policemen that the UNMOs were now in their custody.[9474] According to **Evans**, one of the men, who had a limp and a cane, was clearly the officer in charge of the soldiers.[9475] The soldiers robbed the UNMOs' accommodation and requested the keys to the two UN vehicles.[9476] A VRS officer then asked the UNMOs to pack their equipment and go outside.[9477] The UNMOs were all handcuffed in pairs.[9478]

2229. At 11:30 a.m., armed VRS soldiers drove Kalbarczyk and Kozusnik to Pale and left the car open and unguarded for about ten minutes, during which time soldiers and civilians, who were around the car, threatened and insulted the witness and his colleague, by spitting and throwing stones at them.[9479] Subsequently, the VRS soldiers drove all of the detained members of the SE-1 Team to a place close to Pale called Jahorinski Potok, which had been targeted by NATO air strikes.[9480] **Evans** stated that before reaching Jahorinski Potok, they stopped in front of the local police station in Pale, where a VRS soldier of Canadian citizenship entered the car used to transport this group of UMMOs. The soldier used the radio to inform the UNMO headquarters in Sarajevo that Evans and his team were under arrest and that their lives would be in danger if the headquarters would not meet with General Smith to stop the air strike.[9481] **Smith** testified that the man speaking English, who had called him to inform him that he had taken UNMOs, mentioned that they had been placed at potential targets in the Pale area.[9482] These actions were confirmed to Smith in a message from Mladić sent through Inđić, and in a phone call from Mladić.[9483] During this second conversation between Mladić and Smith, which took place at around 2:50 p.m., Mladić said that his information was that some men had been placed on the door and the roof of the earlier

[9474] P2801 (Janusz Kalbarczyk, witness statement, 22 November 1995), p. 2; Janusz Kalbarczyk, T. 19347. *See also* P396 (Griffiths Evans, Rule 92*bis* material), witness statement, pp. 1-2.
[9475] P396 (Griffiths Evans, Rule 92*bis* material), witness statement, p. 2.
[9476] P2801 (Janusz Kalbarczyk, witness statement, 22 November 1995), p. 2. *See also* P396 (Griffiths Evans, Rule 92*bis* material), witness statement, p. 2.
[9477] P2801 (Janusz Kalbarczyk, witness statement, 22 November 1995), pp. 2-3. *See also* P396 (Griffiths Evans, Rule 92*bis* material), witness statement, p. 2.
[9478] P2801 (Janusz Kalbarczyk, witness statement, 22 November 1995), p. 3. *See also* P396 (Griffiths Evans, Rule 92*bis* material), witness statement, p. 2.
[9479] P2801 (Janusz Kalbarczyk, witness statement, 22 November 1995), p. 3; Janusz Kalbarczyk, T. 19368-19369, 19375.
[9480] P2801 (Janusz Kalbarczyk, witness statement, 22 November 1995), p. 3; Janusz Kalbarczyk, T. 19327-19328.
[9481] P396 (Griffiths Evans, Rule 92*bis* material), witness statement, p. 2.
[9482] P785 (Rupert Smith, witness statement, 27 October 2009), para. 121.
[9483] P785 (Rupert Smith, witness statement, 27 October 2009), paras 125, 127; P791 (Transcript of conversation between Mladić and Smith, 26 May 1995), p. 1.

targets and that the destiny of the men rested completely with Smith.[9484] According to Mladić, Smith was responsible for the death of all of the Serb soldiers and civilians killed the previous day.[9485] **Evans** stated that the UNMO headquarters acknowledged the threat *via* radio and responded that they would try to meet the request.[9486]

2230. Earlier on the same day at approximately 10:30 a.m., **Rechner** heard loud voices and two shots being fired outside of the 7 Lima Team accommodation in Pale.[9487] Through a door at the back of the office he observed three individuals armed with kalashnikovs in the office.[9488] He called Karadžić's office and his secretary Mira told him that if the men had arrived at about 10:30 a.m., they were soldiers who had been sent there officially.[9489] He also called Jovan Zametica, Karadžić's spokesman and political advisor, who confirmed that he had heard that preparations were being made to send some soldiers into their office and that he was aware of an order.[9490] Almost immediately thereafter, one of the interpreters called the witness and told him that he was required in the office.[9491] When the witness entered the office, he saw two of the armed men there: Nikola Ribić, who was in full VRS uniform, and another man dressed in a red T-shirt and camouflage pants.[9492] Ribić told him to sit down and call the UNMO headquarters by radio, which the witness did.[9493] Ribić took the radio, identified himself as a VRS soldier and said that he wanted the bombing stopped immediately, or else the witness and two other UNMOs would be executed.[9494] Ribić then told the witness to call

[9484] P791 (Transcript of conversation between Mladić and Smith, 26 May 1995), p. 1; P2557 (UN Code Cable with notes from telephone conversations between General Smith and General Mladić on 26 May 1995), p. 4.
[9485] P791 (Transcript of conversation between Mladić and Smith, 26 May 1995), p. 2; P2557 (UN Code Cable with notes from telephone conversations between General Smith and General Mladić on 26 May 1995), p. 4.
[9486] P396 (Griffiths Evans, Rule 92*bis* material), witness statement, p. 2.
[9487] P2554 (Patrick Rechner, witness statement, 31 January 2011), para. 20; Patrick Rechner, T. 18475; D393 (UN Memo with final reports on detention of UNMOs, 30 June 1995), p. 8.
[9488] P2554 (Patrick Rechner, witness statement, 31 January 2011), para. 20; D393 (UN Memo with final reports on detention of UNMOs, 30 June 1995), p. 8.
[9489] P2554 (Patrick Rechner, witness statement, 31 January 2011), para. 21; Patrick Rechner, T. 18487-18488.
[9490] P2554 (Patrick Rechner, witness statement, 31 January 2011), paras 23, 47; Patrick Rechner, T. 18487-18488.
[9491] P2554 (Patrick Rechner, witness statement, 31 January 2011), para. 24; D393 (UN Memo with final reports on detention of UNMOs, 30 June 1995), p. 8.
[9492] P2554 (Patrick Rechner, witness statement, 31 January 2011), paras 25-26; Patrick Rechner, T. 18474-18475.
[9493] P2554 (Patrick Rechner, witness statement, 31 January 2011), para. 27; D391 (UN questionnaire, completed by Patrick Rechner), paras 3-4.
[9494] P2554 (Patrick Rechner, witness statement, 31 January 2011), paras 8, 27; D391 (UN questionnaire, completed by Patrick Rechner), paras 3-5.

General Smith.[9495] However, Smith's aide-de-camp said that Smith would not speak with these armed men, whereupon Ribić took the phone and said that he wanted the air strikes stopped and 'if you value the lives of your UNMOs, you'll stop the air strikes now. For every bomb that falls from now on, one of the UNMOs will be shot'.[9496] While Rechner and his colleagues Captain Oldrich Zidlik and Captain Pavel Teterevsky waited for Ribić's commander, Ribić directed them to call their headquarters several times to ask for confirmation that the air strikes had been called off.[9497]

2231. At approximately 11 a.m., a group of armed VRS soldiers arrived at the office, led by a commander whose name sounded like Srdjan and who walked with a crutch.[9498] While the air strikes were still on-going, the witness, Zidlik, and Teterevsky were handcuffed together in the back seat of their car, and driven to the ammunition bunkers at Jahorinski Potok, which had been the target of NATO bombings on 25 and 26 May 1995.[9499] While waiting for the gate to the bunker complex to be opened, a group of angry people gathered and one person opened the door of the car, punched and kicked the witness, pulled out a pistol and tried to point it at the UNMOs.[9500] The witness learned that this man's name was Šljivić or Šlivo and he was later dressed in uniform and served as one of their guards.[9501]

2232. The UNMOs were brought to warehouses inside the bunker complex where they were taken out of the vehicle and again handcuffed together while one of them was also secured to the vehicle.[9502] While the UNMOs were waiting at the warehouses, a Lieutenant-Colonel from the VRS who had arrived at their accommodation with the second group of soldiers and who was the press information officer for the Pale military garrison, told them that they were being kept by the warehouses to prevent any NATO

[9495] P2554 (Patrick Rechner, witness statement, 31 January 2011), para. 28; Patrick Rechner, T. 18484; D393 (UN Memo with final reports on detention of UNMOs, 30 June 1995), p. 8.
[9496] P2554 (Patrick Rechner, witness statement, 31 January 2011), para. 28; Patrick Rechner, T. 18484; D393 (UN Memo with final reports on detention of UNMOs, 30 June 1995), p. 8. *See also* P397 (Joseph Gelissen, witness statement, 18 January 1996), p. 3.
[9497] P2554 (Patrick Rechner, witness statement, 31 January 2011), paras 8, 29.
[9498] P2554 (Patrick Rechner, witness statement, 31 January 2011), para. 30; Patrick Rechner, T. 18477-18478.
[9499] P2554 (Patrick Rechner, witness statement, 31 January 2011), para. 31; D391 (UN questionnaire, completed by Patrick Rechner), para. 1; D393 (UN Memo with final reports on detention of UNMOs, 30 June 1995), p. 8. *See also* P397 (Joseph Gelissen, witness statement, 18 January 1996), p. 3.
[9500] P2554 (Patrick Rechner, witness statement, 31 January 2011), paras 32-33; Patrick Rechner, T. 18480; D393 (UN Memo with final reports on detention of UNMOs, 30 June 1995), p. 8.
[9501] P2554 (Patrick Rechner, witness statement, 31 January 2011), para. 34; D391 (UN questionnaire, completed by Patrick Rechner), para. 6.
[9502] P2554 (Patrick Rechner, witness statement, 31 January 2011), para. 36

air strikes and threatened to kill them if they were not killed by the air strikes.[9503] The events at the warehouses were filmed by this press information officer.[9504] After being forced to contact the headquarters again to confirm that the air strikes had been called off, the UNMOs were loaded back into the vehicle and taken to the ammunition bunkers, which were located at a VRS military facility.[9505] On the way there, the Lieutenant-Colonel forced the witness to contact the headquarters again and inform them that in the event of any more air strikes, 'they would die for the sake of NATO', which was also suggested by Ribić.[9506]

2233. They arrived at the bunker site, which had been hit by aerial bombs, at approximately 11.30 a.m. Captain Zidlik was handcuffed to the door of one of the bunkers and remained handcuffed there for approximately nine hours.[9507] Rechner was handcuffed to a lightning rod about ten metres in front of the same bunker and remained handcuffed there for approximately six hours.[9508] Captain Teterevsky had his hands tied with rope around a second lightning rod about ten metres from the witness.[9509] Bosnian-Serb soldiers filmed them chained in these positions and the film was shown on SRT, a local Bosnian-Serb television station, and rebroadcast worldwide.[9510]

2234. Between 1 and 2 p.m., Rechner, Zidlik, and Teterevsky saw five members of the other UNMO team stationed in Pale, SE-1, being driven in UNMO vehicles to the bunker complex and placed at different locations throughout the compound by the

[9503] P2554 (Patrick Rechner, witness statement, 31 January 2011), paras 37, 39; D391 (UN questionnaire, completed by Patrick Rechner), para. 5; Patrick Rechner, T. 18479, 18504; D393 (UN Memo with final reports on detention of UNMOs, 30 June 1995), p. 9.
[9504] P2554 (Patrick Rechner, witness statement, 31 January 2011), para. 39; Patrick Rechner, T. 18455-18458, 18479; P2556 (Video excerpts from the DVD entitled Memories of the Wolf).
[9505] P2554 (Patrick Rechner, witness statement, 31 January 2011), para. 38; Patrick Rechner, T. 18481.
[9506] P2554 (Patrick Rechner, witness statement, 31 January 2011), para. 38. *See also* P396 (Griffiths Evans, Rule 92*bis* material), witness statement, p. 1.
[9507] P2554 (Patrick Rechner, witness statement, 31 January 2011), para. 42; D393 (UN Memo with final reports on detention of UNMOs, 30 June 1995), p. 9. *See also* P396 (Griffiths Evans, Rule 92*bis* material), witness statement, p. 2; P2801 (Janusz Kalbarczyk, witness statement, 22 November 1995), p. 3.
[9508] P2554 (Patrick Rechner, witness statement, 31 January 2011), para. 42; D391 (UN questionnaire, completed by Patrick Rechner), para. 15; D393 (UN Memo with final reports on detention of UNMOs, 30 June 1995), p. 9. *See also* P396 (Griffiths Evans, Rule 92*bis* material), witness statement, p. 2; P2801 (Janusz Kalbarczyk, witness statement, 22 November 1995), p. 3.
[9509] P2554 (Patrick Rechner, witness statement, 31 January 2011), para. 42; D393 (UN Memo with final reports on detention of UNMOs, 30 June 1995), p. 9. *See also* P396 (Griffiths Evans, Rule 92*bis* material), witness statement, p. 2; P2801 (Janusz Kalbarczyk, witness statement, 22 November 1995), p. 3.
[9510] P2554 (Patrick Rechner, witness statement, 31 January 2011), paras 42-43. *See also* P832 (Martin Bell, witness statement, 8 March 2010), para. 108; P1869 (Report on NATO airstrikes and the UN hostage-taking); P2801 (Janusz Kalbarczyk, witness statement, 22 November 1995), p. 3.

VRS.[9511] **Evans** stated that Batiouchenkov was handcuffed to a door of an ammunition bunker and Kalbarczyk and Kozusnik, also part of the witness's team, were taken inside.[9512] **Rechner** testified that Kalbarczyk was placed at the most dangerous place, near a bunker that had been bombed that morning and where the ammunition was still exploding.[9513] **Kalbarczyk** testified that at around noon, he was chained to a lightning rod for approximately four hours and filmed by a VRS officer.[9514] Soldiers provided food to the witness, but no water despite the hot temperatures.[9515] **Rechner** testified that at approximately 2:20 p.m. two VRS soldiers came by to check if all UNMOs were still properly secured. The witness overheard them discussing whether they had enough time to check on Kalbarczyk further up the road before 2:30 p.m., the time NATO had announced to resume air strikes.[9516]

2235. On the same day, 26 May 1995, at around 4 p.m., six to eight VRS soldiers came into the accommodation of **Gelissen**'s unit, SG-1, in Grbavica. Gelissen; Sergey Golubev, a Russian; Harley Alves, a Brazilian; an interpreter; and a cook were present.[9517] While they wore regular camouflage uniforms, Gelissen stated that he had never seen them before and thought that they were not from the area. They handcuffed the witness and put him in the stairway.[9518] Alves managed to send a message to UNMO headquarters that they were being taken 'hostage' before being handcuffed himself.[9519] The soldiers took all of their equipment, including computers, Motorola radios and base station, and personal items. The soldiers asked for their weapons but the team told them that UNMOs are unarmed.[9520] The witness and Alves were taken outside and were loaded into a black four-wheel-drive vehicle, which the witness identified as probably stolen from the UN.[9521] The commander of the 2nd Battalion arrived and tried to negotiate with the soldiers who arrested the UNMOs, but the soldiers said that they

[9511] P2554 (Patrick Rechner, witness statement, 31 January 2011), para. 44.
[9512] P396 (Griffiths Evans, Rule 92*bis* material), witness statement, pp. 1-2.
[9513] P2554 (Patrick Rechner, witness statement, 31 January 2011), para. 44. *See also* P2801 (Janusz Kalbarczyk, witness statement, 22 November 1995), p. 3.
[9514] P2801 (Janusz Kalbarczyk, witness statement, 22 November 1995), p. 3.
[9515] P2801 (Janusz Kalbarczyk, witness statement, 22 November 1995), p. 3; Janusz Kalbarczyk, T. 19328.
[9516] P2554 (Patrick Rechner, witness statement, 31 January 2011), para. 45; D391 (UN questionnaire, completed by Patrick Rechner), para. 15.
[9517] P397 (Joseph Gelissen, witness statement, 18 January 1996), pp. 2-3. Concerning Alves's and Golubev's affiliation, *see also* P2559 (UN Code Cable about the situation in Bosnia-Herzegovina, 28 May 1995), p. 5.
[9518] P397 (Joseph Gelissen, witness statement, 18 January 1996), p. 3.
[9519] P397 (Joseph Gelissen, witness statement, 18 January 1996), pp. 2-3.
[9520] P397 (Joseph Gelissen, witness statement, 18 January 1996), p. 3.

had orders from the regular VRS. An English-speaking Canadian soldier named Ribić was in charge, along with another commander who was about 40 years old, had blond-grey hair, wore a green overall uniform, and had a pistol. The witness and the other UNMO were taken to the Pale hospital where they were filmed by Pale TV. They were then taken to the Pale Barracks.[9522]

2236. **Evans** stated that he and Romero, another member of the SE-1 Team, were driven to the Koran headquarters, handcuffed to two flagpoles in front of the building, given some water to drink, and left in the sun for approximately 20 minutes.[9523] The Canadian Serb returned to warn the UNPROFOR Sarajevo headquarters over the radio, within earshot of Evans, that two UNMOs had been chained to the bridge leading to Pale and would be killed should NATO bomb the bridge. Evans and Romero were then driven to the bridge and handcuffed to it at gunpoint.[9524] After inquiring which of the two spoke better English, the Canadian Serb asked Evans to memorize the following statement to be repeated when journalists from a local Serb TV station would ask him a question: 'The NATO planes have bombed civilian targets and killed civilians. This is a crime against humanity and General Smith should inform NATO to stop the bombings, otherwise we die'.[9525] The Canadian Serb further told Evans that if he were to refuse to repeat the statement the people around them would deal with them.[9526] According to a news report by Martin Bell, an individual spoke over the Motorola, introducing himself as a VRS soldier, and said: '[t]hree UNMOs are now at the site of the warehouse. Any more bombing, they will be the first to go. Understood?'.[9527] **Snježan Lalović** testified that his editorial desk had given him an assignment on that day 'to film POWs who were UNPROFOR members in Pale Municipality'.[9528] The aim of this assignment was to inform the general public about the events that unfolded after bombing in the Bosnian-Serb Republic and to fend off further NATO bombings.[9529] Two uniformed men with personal weapons, one of whom was wearing a new uniform resembling an overall, allowed Lalović to film and interview the two UNPROFOR members chained

[9521] P397 (Joseph Gelissen, witness statement, 18 January 1996), pp. 2-4.
[9522] P397 (Joseph Gelissen, witness statement, 18 January 1996), p. 4.
[9523] P396 (Griffiths Evans, Rule 92*bis* material), witness statement, pp. 1-3. *See also* P397 (Joseph Gelissen, witness statement, 18 January 1996), p. 4.
[9524] P396 (Griffiths Evans, Rule 92*bis* material), witness statement, pp. 2-3.
[9525] P396 (Griffiths Evans, Rule 92*bis* material), witness statement, p. 3. *See also* P1869 (Report on NATO air strikes and the UN hostage-taking, undated).
[9526] P396 (Griffiths Evans, Rule 92*bis* material), witness statement, p. 3.
[9527] P1869 (BBC News Report on NATO air strikes and the UN hostage-taking).
[9528] D858 (Snježan Lalović, witness statement, 13 August 2014), paras 7-8.

to the railing of the bridge.[9530] **Evans** stated that after approximately ten minutes he and Romero were driven back to the Koran Barracks and re-chained to the flagpoles.[9531] After 4 p.m., two UNMOs, Alves and Gelissen, were brought to join them and were handcuffed to another flagpole for approximately four hours, after which they were allowed to sit in the shade under close guard.[9532] **Gelissen** testified that Golubev was also handcuffed to a flagpole in front of the barracks.[9533] **Lalović** testified that an armed man wearing a uniform advised him to film and interview two UNPROFOR members, who according to the witness were Brazilian and Polish, at a radio relay facility in Jahorina since NATO might open fire on it.[9534] Lalović complied with the armed man's request and returned the UNPROFOR members to the uniformed men in Pale after filming them in Jahorina.[9535] External reporters gave his editors a report involving UNPROFOR members tied to electricity poles at the barracks in Pale.[9536] **Gelissen** stated that during their detention, NATO planes were flying above them.[9537] The situation was tense and one VRS soldier was making gestures of shooting the plane and cutting throats towards the UNMOs while others were shouting. One commander, namely, as the witness later learned, Captain Vojvodić, sent back these soldiers.[9538]

2237. **Rechner** testified that in the meantime, still on 26 May 1995, in Jahorinski Potok at approximately 3:30 p.m. two groups of senior military officers, including two colonels, came by to see the UNMOs.[9539] Thereafter, a political delegation came by which included Jovan Zametica, Karadžić's spokesman and political advisor. The witness asked Zametica to explain the treatment of the UNMOs, to which Zametica responded: '[w]ell, times have changed' and remarked 'I wonder what General Smith will do now'.[9540] The witness testified that while being chained to the poles and bunkers the UNMOs were in danger. As they were left alone, the witness was afraid that a crowd of civilians would make their way to them, or the Lieutenant-Colonel who had threatened to shoot them would come and execute them. Further, as they were secured

[9529] D858 (Snježan Lalović, witness statement, 13 August 2014), para. 9.
[9530] D858 (Snježan Lalović, witness statement, 13 August 2014), paras 11-12.
[9531] P396 (Griffiths Evans, Rule 92*bis* material), witness statement, p. 3.
[9532] P396 (Griffiths Evans, Rule 92*bis* material), witness statement, p. 3.
[9533] P397 (Joseph Gelissen, witness statement, 18 January 1996), pp. 2-4.
[9534] D858 (Snježan Lalović, witness statement, 13 August 2014), para. 13.
[9535] D858 (Snježan Lalović, witness statement, 13 August 2014), paras 13-16.
[9536] D858 (Snježan Lalović, witness statement, 13 August 2014), para. 17.
[9537] P397 (Joseph Gelissen, witness statement, 18 January 1996), pp. 2-4.
[9538] P397 (Joseph Gelissen, witness statement, 18 January 1996), p. 4.
[9539] P2554 (Patrick Rechner, witness statement, 31 January 2011), para. 46.
[9540] P2554 (Patrick Rechner, witness statement, 31 January 2011), para. 47; Patrick Rechner, T. 18490.

in front of one of the bunkers filled with ammunition that had not yet been destroyed, any potential air strike would set off an explosion and if air strikes would resume he was afraid that they would be executed one at a time to get the bombing stopped.[9541]

2238. At approximately 5 p.m. on the same day, a group of VRS soldiers came with a UN vehicle and took Kalbarczyk and Rechner away in handcuffs, blindfolded them, and transported them to the Jahorina radar site.[9542] **Kalbarczyk** testified that the two UNMOs were driven by a VRS driver, a masked soldier wearing a uniform, an officer holding a camera, who according to him was a VRS soldier, and a journalist.[9543] **Rechner** testified that on the way to Jahorina, he heard a VRS soldier ask another why the men were being transported there, and the other soldier answered that Mladić had told them that he wanted to have UN people filmed at that location.[9544] At the Jahorina radar site two VRS soldiers took out their weapons and put on black balaclava masks, then handcuffed Kalbarczyk to the radar dome and conducted an interview with him.[9545] Everything was filmed by the VRS Lieutenant-Colonel and Lalović.[9546] At the end of the interview, Lalović stated that the survival of UN personnel depended on NATO's actions.[9547]

2239. Around the same time, **Kalbarczyk** saw two other UNMOs, one Czech and the other with dark complexion, handcuffed together and sitting back to back on the ground some 20 metres away.[9548] He later learned that his colleagues from the SE-1 Team were kept 20 metres away in concealed bunkers from which the radar station was

[9541] P2554 (Patrick Rechner, witness statement, 31 January 2011), para. 48.
[9542] P2554 (Patrick Rechner, witness statement, 31 January 2011), para. 51; Patrick Rechner, T. 18459-18460, 18485; D393 (UN Memo with final reports on detention of UNMOs, 30 June 1995), p. 9. *See also* P2801 (Janusz Kalbarczyk, witness statement, 22 November 1995), p. 3.
[9543] P2801 (Janusz Kalbarczyk, witness statement, 22 November 1995), p. 3; Janusz Kalbarczyk, T. 19350-19352.
[9544] P2554 (Patrick Rechner, witness statement, 31 January 2011), para. 52; Patrick Rechner, T. 18494, 18528-18529.
[9545] P2554 (Patrick Rechner, witness statement, 31 January 2011), para. 53; D393 (UN Memo with final reports on detention of UNMOs, 30 June 1995), p. 9. *See also* P2801 (Janusz Kalbarczyk, witness statement, 22 November 1995), pp. 3-4; Janusz Kalbarczyk, T. 19329-19332, 19353-19354, 19357; P2803 (Video of an interview of Janusz Kalbarczyk, 26 May 1995); P3581 (Marcus Helgers, witness statement, 3 August 1995), p. 3.
[9546] P2554 (Patrick Rechner, witness statement, 31 January 2011), para. 53. *See also* P2801 (Janusz Kalbarczyk, witness statement, 22 November 1995), pp. 3-4; Janusz Kalbarczyk, T. 19329-19332, 19353-19354, 19357; P2803 (Video of an interview of Janusz Kalbarczyk, 26 May 1995); P3581 (Marcus Helgers, witness statement, 3 August 1995), p. 3.
[9547] P2803 (Video of an interview of Janusz Kalbarczyk, 26 May 1995).
[9548] P2801 (Janusz Kalbarczyk, witness statement, 22 November 1995), p. 3; Janusz Kalbarczyk, T. 19356.

operated.[9549] **Rechner** testified that after this, he and Kalbarczyk were handcuffed, blindfolded, loaded back into the vehicle, and transported to Hotel Bistrica.[9550] There, they were allowed to join soldiers and journalists in the hotel lounge, which the witness opined to be awkward as it was completely relaxed.[9551] They were then both driven back to Pale and transported to the Koran Military Barracks, a Bosnian-Serb logistical and military equipment maintenance facility.[9552] The other UNMOs from the Pale area, Captain Zidlik from the 7 Lima Team, four UNMOs from the SE-1 Team, and two UNMOs from the SG-1 Team in Grbavica, Alves and Gelissen, were present at the barracks, except for two Russian UNMOs housed at another location.[9553] **Evans** stated that they were fed at the barracks.[9554]

2240. **Kalbarczyk** testified that at about 9 p.m. on the same day, a VRS battalion commander visited the UNMOs and told them that they would have no problems should the NATO air strikes stop but that they would be chained to strategic places if they were to continue.[9555] Captain Vojvodić was in charge at the Koran Barracks but the witness later learned that Lieutenant-Colonel Inđić from the Lukavica Barracks was in charge of all detained UNMOs in the Sarajevo area.[9556] **Evans** stated that Vojvodić later introduced the UNMOs to Major Batinić and explained that he reported directly to Batinić. That night, the group slept in a guarded, locked room.[9557] Kozusnik was selected to leave and collect some personal items for the team.[9558] Based on a discussion between Zidlik, who was also a member of Rechner's team, and Sljivo Šljivić, **Rechner** opined that Šljivić, a.k.a. Šlivo, was a member of a paramilitary unit, and assumed that

[9549] Janusz Kalbarczyk, T. 19356, 19358.
[9550] P2554 (Patrick Rechner, witness statement, 31 January 2011), para. 54; D393 (UN Memo with final reports on detention of UNMOs, 30 June 1995), p. 9. *See also* P2801 (Janusz Kalbarczyk, witness statement, 22 November 1995), p. 4; Janusz Kalbarczyk, T. 19353-19354, 19357.
[9551] P2554 (Patrick Rechner, witness statement, 31 January 2011), para. 54; D393 (UN Memo with final reports on detention of UNMOs, 30 June 1995), p. 9. *See also* P2801 (Janusz Kalbarczyk, witness statement, 22 November 1995), p. 4; Janusz Kalbarczyk, T. 19353-19354, 19357.
[9552] P2554 (Patrick Rechner, witness statement, 31 January 2011), para. 55; D391 (UN questionnaire, completed by Patrick Rechner), para. 12; Patrick Rechner, T. 18481. *See also* P397 (Joseph Gelissen, witness statement, 18 January 1996), pp. 4-5.
[9553] P2554 (Patrick Rechner, witness statement, 31 January 2011), para. 55. *See also* P397 (Joseph Gelissen, witness statement, 18 January 1996), pp. 4-5.
[9554] P396 (Griffiths Evans, Rule 92*bis* material), witness statement, p. 3.
[9555] P2801 (Janusz Kalbarczyk, witness statement, 22 November 1995), p. 4.
[9556] P2554 (Patrick Rechner, witness statement, 31 January 2011), para. 55; D391 (UN questionnaire, completed by Patrick Rechner), para. 22. *See also* P396 (Griffiths Evans, Rule 92*bis* material), witness statement, p. 3.
[9557] P396 (Griffiths Evans, Rule 92*bis* material), witness statement, p. 3.
[9558] P396 (Griffiths Evans, Rule 92*bis* material), witness statement, p. 4.

Srđan and Ribić were probably from that same unit, although Ribić was wearing a regular VRS uniform.[9559]

2241. **Marcus Helgers** stated that on 26 May 1995 at around 1:30 p.m., UNMOs from the SS-1 Team, namely himself, Captain Manzoor, Major Bello, Major Kratky, Major Wojtasiak, and Major Westlund, were put under house arrest at their post in the area of Kasindo, Donje Mladice, south of Sarajevo, by the deputy of the local battalion commander, known as 'Gabran' or 'Gavran'.[9560] The commander told them that it was for their own safety, as NATO air strikes had hit a school and a hospital.[9561] They were unarmed, apart from Helgers's pocket knife which was taken from him.[9562] At around 3 p.m., a security officer told them that there had been more air strikes and that, if there were any more, or if they were to go outside, they would be shot. At approximately 4 p.m., two armed soldiers came to the post and told the group to load their personal and military belongings into UN cars, leaving behind computer equipment and the base station for their personal transmitters.[9563] These two soldiers were wearing partial uniforms, sufficient for the witness to identify them as members of the VRS.[9564] The armed soldiers drove them to a guard post at Grbavica where at least three telephone calls were made, one of which involved a conversation about uniforms.[9565] There were at least ten soldiers there and some military personnel armed with kalashnikovs came to look and then left. They were forced to remove their uniforms and change into their civilian clothes. Major Bello had to wear an old JNA uniform, as he did not have any civilian clothes with him.[9566] They were then driven to Pale in a four-wheel-drive police car, while their UN car was driven off by one of the soldiers, together with all their

[9559] Patrick Rechner, T. 18503, 18505-18506; D391 (UN questionnaire, completed by Patrick Rechner), para. 6.
[9560] P3581 (Marcus Helgers, witness statement, 3 August 1995), pp. 1-2; P3583 (Map detailing hostage locations in Bosnia-Herzegovina, 28 May 1995). *See also* P400 (Gunnar Westlund, witness statement, 22 November 1995), pp. 2, 4.
[9561] P3581 (Marcus Helgers, witness statement, 3 August 1995), p. 2.
[9562] P3582 (Marcus Helgers, *Karadžić* transcript, 26 January 2011), pp. 10747, 10761-10762.
[9563] P3581 (Marcus Helgers, witness statement, 3 August 1995), p. 2; P3582 (Marcus Helgers, *Karadžić* transcript, 26 January 2011), p. 10748.
[9564] P3581 (Marcus Helgers, witness statement, 3 August 1995), p. 4; P3582 (Marcus Helgers, *Karadžić* transcript, 26 January 2011), pp. 10748-10749.
[9565] P3581 (Marcus Helgers, witness statement, 3 August 1995), p. 2; P3582 (Marcus Helgers, *Karadžić* transcript, 26 January 2011), pp. 10758-10759; P3583 (Map detailing hostage locations in Bosnia-Herzegovina, 28 May 1995).
[9566] P3581 (Marcus Helgers, witness statement, 3 August 1995), p. 2; P3582 (Marcus Helgers, *Karadžić* transcript, 26 January 2011), p. 10749.

equipment and clothes.[9567] At Pale Militia Station they waited, guarded and inside the car, for 15 minutes before a black four-wheel-drive car, with either a jaguar or a tiger's head sticker on it, arrived. Their police car then followed the black car and they were taken to a café where there were a lot of soldiers, some of whom were from the 7 Lima Team and had been captured earlier. A young Bosnian-Serb soldier told the witness's group that they were VRS hostages and that they would be taken to the Jahorina radar station and used as 'human shields'.[9568]

2242. Still on the same day, the group was taken to the Jahorina Radar Station, first by a UN car, then by a military bus with three soldiers on it.[9569] A drunk soldier hit Major Bello on the head and Major Westlund on the shoulder, in both cases with the butt of a kalashnikov rifle.[9570] The bus stopped near the radar station and they were made to walk 15 minutes to the barracks, where they were taken to a room and had to write down their names, ID numbers, nationality, and hand over any property they still had with them.[9571] The guards at the radar station identified themselves as members of the VRS and one of them wore a patch from the 22nd Mixed Brigade.[9572] The witness's group was later taken to a room where they were fed, allowed to sleep, and warned by the sub-lieutenant who was in charge there, named Trafković, not to try to escape because the area around the station was mined.[9573] Trafković expressed that he was sorry about the situation and that he hoped it would be resolved and that they would be released quickly. He told them that they had been taken on the orders of either the Bosnian-Serb President or the Bosnian-Serb command.[9574]

[9567] P3581 (Marcus Helgers, witness statement, 3 August 1995), p. 2; P3582 (Marcus Helgers, *Karadžić* transcript, 26 January 2011), pp. 10758-10759; P3583 (Map detailing hostage locations in Bosnia-Herzegovina, 28 May 1995).
[9568] P3581 (Marcus Helgers, witness statement, 3 August 1995), p. 2; P3582 (Marcus Helgers, *Karadžić* transcript, 26 January 2011), p. 10750.
[9569] P3581 (Marcus Helgers, witness statement, 3 August 1995), pp. 2-3; P3582 (Marcus Helgers, *Karadžić* transcript, 26 January 2011), pp. 10751, 10758-10759; P3583 (Map detailing hostage locations in Bosnia-Herzegovina, 28 May 1995). *See also* P400 (Gunnar Westlund, witness statement, 22 November 1995), pp. 2, 4.
[9570] P3581 (Marcus Helgers, witness statement, 3 August 1995), p. 3; P3582 (Marcus Helgers, *Karadžić* transcript, 26 January 2011), p. 10751.
[9571] P3581 (Marcus Helgers, witness statement, 3 August 1995), p. 3; P3582 (Marcus Helgers, *Karadžić* transcript, 26 January 2011), pp. 10745, 10751-10752. *See also* P400 (Gunnar Westlund, witness statement, 22 November 1995), pp. 2, 4.
[9572] P3581 (Marcus Helgers, witness statement, 3 August 1995), p. 4.
[9573] P3581 (Marcus Helgers, witness statement, 3 August 1995), p. 3; P3582 (Marcus Helgers, *Karadžić* transcript, 26 January 2011), pp. 10756-10757. *See also* P400 (Gunnar Westlund, witness statement, 22 November 1995), p. 5; Janusz Kalbarczyk, T. 19356, 19358.
[9574] P3582 (Marcus Helgers, *Karadžić* transcript, 26 January 2011), pp. 10756-10757.

2243. **Westlund** and **Helgers** stated that in the early morning hours, they were ordered, along with other detainees, to leave the garrison on foot and go to a small shelter at the radar station.[9575] The soldiers ordered Kratky and Wojtasiak to sit outside around the radar station for a few hours, not handcuffed but guarded.[9576] The soldiers ordered Westlund and Helgers to sit between two radar antennae for two hours and instructed them not to run away, as the area was mined.[9577] **Helgers** stated that they were replaced by other detainees every two hours.[9578] According to Helgers, this was the location of a command post or a radar control post.[9579] **Westlund** stated that at 3 p.m., he was driven away with Manzoor, but they got separated on the way when he was ordered out of the car, which then drove away with Manzoor.[9580] He stated that he was taken to an installation with a large antenna and was introduced to a VRS Lieutenant-Colonel whose first name was Milan and his deputy named Zoran.[9581] He later found out that this Lieutenant-Colonel was in charge of the whole air defence complex.[9582] Zoran told Westlund not to escape and that he would order his soldiers to shoot him should he try to run away or get a weapon and warned him that the area was mined. Westlund further stated that the detainees were ordered to go outside several times during their detention when NATO planes were flying over their location. Zoran told him he had received orders to keep the detainees outside at all times but did not always implement them due to the weather conditions.[9583] At one point, although **Helgers** could not remember whether this was in Jahorina or Pale, Westlund was forced to contact the UNMO headquarters in Sarajevo and was told to say that they were being taken to the Jahorina

[9575] P400 (Gunnar Westlund, witness statement, 22 November 1995), p. 5; P3581 (Marcus Helgers, witness statement, 3 August 1995), p. 3; P3582 (Marcus Helgers, *Karadžić* transcript, 26 January 2011), pp. 10760-10761.
[9576] P400 (Gunnar Westlund, witness statement, 22 November 1995), p. 5. The Trial Chamber notes that Westlund stated that this event took place on 26 May 1995 at 4:45 a.m. while Helgers stated that it took place on 27 May 1995 at 4;30 a.m. While the Trial Chamber notes a discrepancy as to the exact date, it understands that both witnesses referred to the same event.
[9577] P400 (Gunnar Westlund, witness statement, 22 November 1995), pp. 1-2, 5.
[9578] P3581 (Marcus Helgers, witness statement, 3 August 1995), p. 3; P3582 (Marcus Helgers, *Karadžić* transcript, 26 January 2011), p. 10752.
[9579] P3582 (Marcus Helgers, *Karadžić* transcript, 26 January 2011), pp. 10759-10760; P3584 (VRS Main Staff document, 26 May 1995).
[9580] P400 (Gunnar Westlund, witness statement, 22 November 1995), p. 5. *See also* P3581 (Marcus Helgers, witness statement, 3 August 1995), p. 3.
[9581] P400 (Gunnar Westlund, witness statement, 22 November 1995), pp. 1-2, 5. *See also* P3581 (Marcus Helgers, witness statement, 3 August 1995), p. 3.
[9582] P400 (Gunnar Westlund, witness statement, 22 November 1995), p. 5.
[9583] P400 (Gunnar Westlund, witness statement, 22 November 1995), p. 6.

Radar Station to be used as 'human shields'.[9584] He also had to tell them that for every air strike one of them would be shot and if the radar station was attacked they would all be shot.[9585] **Westlund** stated that he, Helgers, Bello, Kratky, and Wojtasiak were kept at this complex until 13 June 1995.[9586]

2244. **Rechner** testified that, at approximately 9 a.m. on 27 May 1995, Ribić instructed him to call the UNMO headquarters and inform them that the UNMOs were to be placed at the same positions as the day before, in front of the bunkers, and to inform them of the locations of the other UNMOs being held 'hostage'.[9587] However, for the duration of the day, the UNMOs were taken by regular VRS soldiers to a guardhouse located midway between the warehouses and bunkers.[9588] **Evans** stated that they were kept there without handcuffs. The Canadian Serb took Kalbarczyk and Alves away and brought them back after a few hours.[9589] **Kalbarczyk** testified that Captain Vojvodić visited the detainees and introduced himself as a liaison officer between the VRS command and the detainees. The detained UNMOs were then moved to another building after which they were told that they had been moved to this location so that they could be chained more quickly to NATO's potential targets.[9590] At 11 a.m., the cameraman and the journalist drove him and Alves from the SE-1 Team, both blindfolded, to the same radar station as the one to which the witness had been attached the previous day, and filmed the two UNMOs for approximately 15 minutes while they were handcuffed to two antennae.[9591] The two UNMOs were then driven back to the barracks after a stopover at a wedding party where they were given food, drinks, and were filmed.[9592]

[9584] P3581 (Marcus Helgers, witness statement, 3 August 1995), pp. 2-3; P3582 (Marcus Helgers, *Karadžić* transcript, 26 January 2011), pp. 10744-10745.
[9585] P3581 (Marcus Helgers, witness statement, 3 August 1995), p. 3.
[9586] P400 (Gunnar Westlund, witness statement, 22 November 1995), pp. 5-6. *See also* P3581 (Marcus Helgers, witness statement, 3 August 1995), p. 3.
[9587] P2554 (Patrick Rechner, witness statement, 31 January 2011), para. 56; P2559 (UN Code Cable about the situation in Bosnia-Herzegovina, 28 May 1995), pp. 1-2; D393 (UN Memo with final reports on detention of UNMOs, 30 June 1995), p. 10.
[9588] P2554 (Patrick Rechner, witness statement, 31 January 2011), para. 56; Patrick Rechner, T. 18519-18520; D393 (UN Memo with final reports on detention of UNMOs, 30 June 1995), p. 10. *See also* P396 (Griffiths Evans, Rule 92*bis* material), witness statement, p. 3; P397 (Joseph Gelissen, witness statement, 18 January 1996), p. 5.
[9589] P396 (Griffiths Evans, Rule 92*bis* material), witness statement, p. 3.
[9590] P2801 (Janusz Kalbarczyk, witness statement, 22 November 1995), p. 4; Janusz Kalbarczyk, T. 19361.
[9591] P2801 (Janusz Kalbarczyk, witness statement, 22 November 1995), p. 4; Janusz Kalbarczyk, T. 19332-19335; P2804 (Video of an interview with Harley and Janusz Kalbarczyk, 27 May 1995). *See also* P397 (Joseph Gelissen, witness statement, 18 January 1996), p. 5.
[9592] P2801 (Janusz Kalbarczyk, witness statement, 22 November 1995), p. 4.

2245. On 27 May 1995, the VRS forces detained 35 UNMOs in several places in Bosnia-Herzegovina: three from the 7 Lima Team and five from the SE-1 Team at Jahorinski Potok; four from the SN-1 Team from Vogošca and six from the SS-1 Team from Kasindo, at their accommodations and later, for the Kasindo team, at the Jahorina radar station; two from the L Team in Lukavica, at an unknown location; three from the SG-1 Team in Grbavica, at an unknown location; nine from the SW-1 Team from Blažuj, at their accommodation; and three from the Banja Luka Team, two at an unknown location and one at the Mahovljani airbase near Banja Luka.[9593]

2246. **Milorad Batinić** testified that after the NATO bombing of Serb positions in the spring or summer 1995, Commander Cojić of the Igman Brigade assigned an armed guard to the SW-1 Team, led by Olivier Mrowicki and billeted in the former *café Mediterranée* in Blažuj.[9594] According to the witness, the guard was not there to guard the UNMOs but rather to protect them from the locals.[9595] UNMOs could move around the house and in the area around the house.[9596] The guard had an automatic rifle, but he only carried it on the first day and would then leave it in the house while he was outside, which means that the weapon was accessible to everybody.[9597] According to the witness, the UNMOs were on good terms with the guard and they shared drinks together.[9598] While the UNMOs were being kept there, the commander of the 1st Battalion, Svetozar Guzina, only allowed the witness and Mrowicki to leave the house on several occasions during which they purchased food and gasoline, including in places outside of VRS-controlled territory, and contacted their family.[9599] According to a situation report, on 27 May 1995 the VRS told the nine members of the SW-1 Team stationed in Blažuj that they were not allowed to leave their accommodation. At the time, they were not guarded by the VRS.[9600]

2247. **Rechner** and **Kalbarczyk** testified that around 28 May 1995, the UNMOs detained in the Koran Military Barracks were moved from the large dormitory room to a small guard house within the same complex, where they stayed until their release on 18

[9593] P2559 (Situation report with a list of detained UNMOs by VRS forces, 27 May 1995), pp. 2, 4-6.
[9594] Milorad Batinić, T. 22635-22637, 22642, 22711-22712.
[9595] Milorad Batinić, T. 22643.
[9596] Milorad Batinić, T. 22637-22638, 22640, 22643.
[9597] Milorad Batinić, T. 22637, 22639; P6593 (Copy of notes taken from Milorad Batinić during his testimony, 12 June 2014), p. 3.
[9598] Milorad Batinić, T. 22638.
[9599] Milorad Batinić, T. 22637-22638, 22640-22643.
[9600] P2559 (UN Code Cable about the situation in Bosnia-Herzegovina, 28 May 1995), p. 5.

June 1995 with a small group of guards.[9601] **Evans** stated that the detainees were held in a room for 24 hours a day, under constant guard. They had no radio and food was brought to them.[9602] Vojvodić visited them daily and Evans and his team would request medical attention due to the unsatisfactory hygiene conditions.[9603] Their demands were not met until later.[9604] The UNMOs requested to know their status and Vojvodić answered that they were detained as POWs. The UNMOs then requested to have the same rights as POWs. Vojvodić responded that he would contact Major Batinić but the UNMOs never heard anything from him.[9605] **Gelissen** stated that on 28 May 1995, the two Russian UNMOs were released.[9606] **Rechner** testified that on that day, when VRS soldiers allowed the UNMOs to pick up a change of clothes in the original accommodations, he saw one of the interpreters in the office and instructed him to fax a message to the headquarters to let them know that they were fine. The landlord, Danjlo Savić, who happened to be at the office, interrupted and stated that Momčilo Krajišnik, an old friend, had instructed him that the UNMOs not be allowed to call or fax any message. Savić told the witness to do as he was told and if everything worked out they would be set free in three or four days.[9607]

2248. On this same day, General Smith and Mladić had a telephone conversation during which Mladić said that the Serb treatment of all detained UN personnel was humane and proper, although there were some located in key positions, including his headquarters, which were potential NATO targets.[9608] Mladić added that he had given orders not to handcuff detainees, acknowledging nevertheless that he was aware that in some cases the detainees had been handcuffed.[9609] Mladić further said that if Smith were to send letters of condolences to the families of dead Serb soldiers, he would 'give a

[9601] P2554 (Patrick Rechner, witness statement, 31 January 2011), para. 57; Patrick Rechner, T. 18520; D391 (UN questionnaire, completed by Patrick Rechner), para. 12; P2801 (Janusz Kalbarczyk, witness statement, 22 November 1995), p. 5; Janusz Kalbarczyk, T. 19360, 19362.
[9602] P396 (Griffiths Evans, Rule 92*bis* material), witness statement, p. 4.
[9603] P396 (Griffiths Evans, Rule 92*bis* material), witness statement, pp. 4-5.
[9604] P396 (Griffiths Evans, Rule 92*bis* material), witness statement, p. 5.
[9605] P396 (Griffiths Evans, Rule 92*bis* material), witness statement, p. 4.
[9606] P397 (Joseph Gelissen, witness statement, 18 January 1996), p. 5. *See also* P2801 (Janusz Kalbarczyk, witness statement, 22 November 1995), p. 5.
[9607] P2554 (Patrick Rechner, witness statement, 31 January 2011), para. 58.
[9608] Patrick Rechner, T. 18526-18527; P790 (Transcript of conversation between Mladić and Smith, 28 May 1995), p. 1; P2558 (UN Code Cable with notes from a telephone conversation between General Smith and General Mladić on 28 May 1995), paras 3, 7. *See also* P785 (Rupert Smith, witness statement, 27 October 2009), para. 131.
[9609] P790 (Transcript of conversation between Mladić and Smith, 28 May 1995), pp. 1-3; P2558 (UN Code Cable with notes from a telephone conversation between General Smith and General Mladić on 28 May 1995), para. 3.

chance for survival to the UK soldiers in Goražde'.[9610] When asked by Smith if he was ready to discuss a prisoners' exchange and stop all threats to UN soldiers, Mladić said that neither he nor the Bosnian Serbs had made any threats.[9611]

2249. On 30 May 1995, the officer in charge of the detainees, Lieutenant-Colonel Inđić, asked **Rechner** to be his informant and to write down information about the behaviour of the UNMOs in exchange for an authorization to make a phone call home, which he declined.[9612] **Kalbarczyk** testified that when detained in the small guard house, the detainees were allowed to go outside after a week. According to the witness, they were not allowed out for safety reasons because of possible provocations by VRS soldiers passing near the building where they were detained.[9613]

2250. **Gelissen** stated that on 31 May 1995, they were visited by Major Batinić who introduced himself as being in charge of Captain Vojvodić who had been, until then, responsible for the detainees at the Koran military barracks.[9614] They therefore drafted a letter to Major Batinić, asking for, *inter alia*, the right to be visited by the ICRC and access to a doctor.[9615]

2251. On 1 June 1995, **Evans** was interviewed for approximately 30 minutes by a visiting Major of the Main Staff, during which he was asked multiple questions on NATO targeting and bombing practice, including the UNMOs' involvement in the bombing.[9616] Evans stated that Zidlik was also interviewed and asked similar questions.[9617] The Major offered to let Evans make some telephone calls if he cooperated, but Evans refused on the grounds that he had no information to share.[9618]

[9610] P2558 (UN Code Cable with notes from a telephone conversation between General Smith and General Mladić on 28 May 1995), para. 7.
[9611] P790 (Transcript of conversation between Mladić and Smith, 28 May 1995), pp. 1-3; P2558 (UN Code Cable with notes from a telephone conversation between General Smith and General Mladić on 28 May 1995), paras 8-9.
[9612] D391 (UN questionnaire, completed by Patrick Rechner), para. 19; D393 (UN Memo with final reports on detention of UNMOs, 30 June 1995), p. 11.
[9613] P2801 (Janusz Kalbarczyk, witness statement, 22 November 1995), p. 5.
[9614] P397 (Joseph Gelissen, witness statement, 18 January 1996), pp. 5-6.
[9615] P397 (Joseph Gelissen, witness statement, 18 January 1996), p. 6.
[9616] P396 (Griffiths Evans, Rule 92*bis* material), witness statement, p. 4. *See also* P397 (Joseph Gelissen, witness statement, 18 January 1996), p. 6; P2801 (Janusz Kalbarczyk, witness statement, 22 November 1995), p. 5; Janusz Kalbarczyk, T. 19363.
[9617] P396 (Griffiths Evans, Rule 92*bis* material), witness statement, p. 4. *See also* P397 (Joseph Gelissen, witness statement, 18 January 1996), p. 6; P2801 (Janusz Kalbarczyk, witness statement, 22 November 1995), p. 5; Janusz Kalbarczyk, T. 19363.
[9618] P396 (Griffiths Evans, Rule 92*bis* material), witness statement, p. 4.

2252. During his detention, **Rechner** was guarded by Major Batinić from the headquarters in Sokolac, Captain Radovan Vojvodić, the Koran Barracks Security Officer, and a Military Policeman called 'Ogi', all of whom wore VRS uniforms.[9619]

2253. **Milorad Šehovac** testified that after the NATO bombings of 1995 and as they were attacked, the SRK 2nd Sarajevo Light Infantry Brigade declared five to seven UNMOs, deployed in the Sarajevo area, as POWs. The SRK unit detained the UNMOs in the house of a forestry engineer and manager of forestry in Trnovo in the Sarajevo area.[9620] The SRK unit acted in execution of an order from the SRK to capture 'everything' in their defence zone and treat them as POWs. According to the witness, the SRK unit did not mistreat the detainees nor used any kind of restraint or force against them. The UNMOs were allowed to make phone calls, provided three meals per day, and allowed to see a doctor.[9621] According to the witness, the military police guards who were guarding the men, disarmed them and took their rifles, but left them their side arms and pistols with their ammunition in it.[9622] The witness never received orders that the UNMOs were to be restrained in any way.[9623]

[9619] D391 (UN questionnaire, completed by Patrick Rechner), para. 21.
[9620] Milorad Šehovac, T. 24052.
[9621] Milorad Šehovac, T. 24052-24053.
[9622] Milorad Šehovac, T. 24052.
[9623] Milorad Šehovac, T. 24053.

6.3 Detention of Ukrainian UNPROFOR soldiers in Banja Luka[9624]

2254. **Aleksandr Vishnevski** stated that on 25 May 1995 at around 11 a.m., as he was travelling to Sarajevo with Lieutenant-Colonel Kruchkov, the Commander of the 1st Company of the 240th Battalion of UNPROFOR, and another soldier, they were stopped in Ilidža by a Serb military police squad wearing Serb police uniforms and black armlets.[9625] The military police told Kruchkov that Sarajevo was blockaded and directed them to the UNPROFOR Zaria checkpoint in Ilidža. From the checkpoint, Kruchkov informed the 240th Battalion Commander, Skliar, that the UNPROFOR soldiers were not allowed to proceed to Sarajevo and the commander ordered them to stay there.[9626] **Vladimir Radojčić** testified that in execution of Mladić's order received on the same day (in this respect, see the witness's evidence in chapter 6.1), he did not allow the commander of the 1st Company and his unit to return to their base in Sarajevo.[9627] The UNPROFOR soldiers stayed in containers and left their APC next to the military police building of the Ilidža Brigade.[9628]

2255. **Vishnevski** stated that on 26 May 1995 around 9 a.m., he saw that the Zaria checkpoint in Ilidža was blocked on two sides and a tank and an APC were advancing towards it. The police arrived at the checkpoint and their commander informed Captain Movchaniuk, chief of the checkpoint, that the UNPROFOR soldiers had to hand over their weapons after which they would be transferred to a safe place.[9629] **Radojčić** testified that the members of the 1st Company could keep their side arms without ammunition.[9630] **Vishnevski** testified that upon Captain Movchaniuk's order, the members of the 1st Company who were present handed over their weapons in an organized manner.[9631] **Radojčić** testified that the other weapons were placed in a separate, locked room, and the key was given to the 1st Company Commander.[9632] **Vishnevski** testified that during this process, he saw on television that French soldiers were being taken 'hostage', handcuffed, and treated with violence. He informed Kruchkov, who ordered them to stop handing over their weapons. They were left with

[9624] *See also* relevant evidence of P826 and P2559 in chapters 6.2 and 6.4.
[9625] P399 (Aleksandr Vishnevski, witness statement, 5 February 1996), pp. 1-2.
[9626] P399 (Aleksandr Vishnevski, witness statement, 5 February 1996), pp. 2-3.
[9627] Vladimir Radojčić, T. 23057, 23073.
[9628] Vladimir Radojčić, T. 23057.
[9629] P399 (Aleksandr Vishnevski, witness statement, 5 February 1996), p. 2.
[9630] Vladimir Radojčić, T. 23057-23059.
[9631] P399 (Aleksandr Vishnevski, witness statement, 5 February 1996), p. 2.
[9632] Vladimir Radojčić, T. 23057-23059.

eight or nine automatic rifles. The police again demanded that the 1st Company hand over the remaining weapons and Veličko, the Military Police Commander in charge, who had one star on his uniform, threatened Kruchkov with his pistol, upon which Dvorovoi, UNPROFOR soldier and driver, rushed to the commander's help and hit several Serbs.[9633] The police fired above their heads in the direction of the members of the 1st Company and ordered them to lie down. Kruchkov and Dvorovoi did not carry out this order but were forced to surrender the remaining weapons.[9634] Kruchkov and Dvorovoi were isolated.[9635] Afterwards, the police escorted all other 22 members of the 1st Company to the Zaria police station and then to a hotel where they spent several hours.[9636] At around noon, they were returned to the Zaria checkpoint in police cars, where they spent the remainder of the day and night.[9637]

2256. On 27 May 1995 at 4 a.m., the police woke up the detainees and two military policemen took them to a bus which then drove in the direction of Krivoglavci checkpoint. The bus was escorted by two police vehicles. It stopped at a checkpoint called Palub where they picked up Captain Lukianenko, in charge of the Palub checkpoint, Kruchkov, Dvorovoi, and four soldiers of the battalion.[9638] One of the detainees had a radio receiver hidden in a backpack and the detainees informed the Battalion Commander about the events taking place. The escorted bus drove to Bijeljina. The detainees were then transferred to a military compound or a military school in Banja Luka. The Serb military police told the detainees to line up on the square, took their flak jackets, shoulder straps, and shoelaces, declared them POWs, and told them to obey their orders. Using dogs, the military police forced the detainees to split into smaller groups. The witness was transferred to a barracks-like compound in Banja Luka with 13 other soldiers of the 240th Battalion, including Kruchkov, Lukianenko, and Movchaniuk while the other soldiers were taken elsewhere. The conditions at the compound in Banja Luka were bad: the detainees barely received any food, the mattresses were unusable, and there was no soap, bed linen, or hot water. One of the military police commanders in Banja Luka explained that the purpose of splitting

[9633] P399 (Aleksandr Vishnevski, witness statement, 5 February 1996), pp. 2-3.
[9634] P399 (Aleksandr Vishnevski, witness statement, 5 February 1996), p. 2.
[9635] P399 (Aleksandr Vishnevski, witness statement, 5 February 1996), pp. 2-3.
[9636] P399 (Aleksandr Vishnevski, witness statement, 5 February 1996), p. 3.
[9637] P399 (Aleksandr Vishnevski, witness statement, 5 February 1996), p. 2.
[9638] P399 (Aleksandr Vishnevski, witness statement, 5 February 1996), pp. 2-3.

them into groups was to stop NATO air strikes by using them as 'human shields' at particularly important facilities which were possible targets of NATO attacks.[9639]

2257. Meanwhile, on 27 May 1995, the VRS denied access and exit to UN personnel at various WCPs, including eleven disarmed Ukrainian soldiers at Krivoglavci and 21 disarmed Ukrainian soldiers in Ilidža.[9640]

2258. On 28 May 1995, the VRS Chief of Staff, Manojlo Milovanović, sent a report to the Bosnian-Serb President stating that the Krajina Corps took over 57 UNPROFOR members from the IBK, including 43 Ukrainian soldiers.[9641]

[9639] P399 (Aleksandr Vishnevski, witness statement, 5 February 1996), p. 3.
[9640] P2559 (Situation report with a list of detained UNMOs by VRS forces, 27 May 1995), pp. 1, 3.
[9641] P2546 (VRS Main Staff situation report, 28 May 1995), p. 6.

6.4 Detention of UNPROFOR soldiers in Sarajevo

2259. A member of the UNPROFOR Frebat 4 stated that 50 members of his battalion were captured on 26 and 27 May 1995 and detained in different areas.[9642]

2260. **Witness RM-403** stated that 20 UNPROFOR soldiers belonging to the 4th Infantry Battalion were tasked to relieve the WCP in Poljine, approximately ten kilometres north of Sarajevo in Serb-controlled territory, on 13 May 1995.[9643] There was a Serb command post, manned by two to four Serb soldiers, approximately 50 metres away from the WCP.[9644] The head of the UNPROFOR unit met two to four times every day with the commander of the Serb command post, Captain Drago.[9645] Captain Drago was in charge of three Serb positions. He was a member of the Artillery Battalion, commanded by Major Jovanovski.[9646] The UNPROFOR unit was tasked to patrol the three WCPs in Poljine, manned by Serb soldiers.[9647] After 22 May 1992, Captain Drago banned the unit from patrolling, after which they were physically stopped by Bosnian-Serb soldiers and later anti-tank mines.[9648]

2261. On 26 May 1995, at approximately 2:15 p.m, the head of the UNPROFOR unit and another member of the unit met with Captain Drago at the Serb command post.[9649] Upon arrival, they were surrounded by six or seven VRS soldiers, wearing insignia of a Serbian flag with a yellow cross and four S's, pointing kalashnikov rifles and makarov pistols at them.[9650] Commander Vlado Medić, wearing black fatigues with Bosnian-Serb insignia, ordered the two members of the unit to surrender and hand over their weapons.[9651] Medić had been appointed to the rank of Major in the Koševo Brigade by the Brigade Commander, Miroslav Krajišnik, on 27 May 1992, and was Captain Drago's superior.[9652] Medić told the head of the UNPROFOR unit that they were taking hostages because NATO forces had bombed Pale, hitting a civilian hospital and killing

[9642] P5234 (UNPROFOR Questionnaire, 8 July 1995), pp. 1-2.
[9643] P3576 (Procès-verbal of Witness RM-403, 10 March 1998), paras 5-7.
[9644] P3576 (Procès-verbal of Witness RM-403, 10 March 1998), para. 7.
[9645] P3576 (Procès-verbal of Witness RM-403, 10 March 1998), paras 8-9.
[9646] P5234 (UNPROFOR Questionnaire, 8 July 1995), p. 3.
[9647] P3576 (Procès-verbal of Witness RM-403, 10 March 1998), para. 7.
[9648] P3576 (Procès-verbal of Witness RM-403, 10 March 1998), para. 11; P3577 (Witness RM-403, *Karadžić* transcript, 25 January 2011), pp. 10721-10722.
[9649] P3576 (Procès-verbal of Witness RM-403, 10 March 1998), para. 12.
[9650] P3576 (Procès-verbal of Witness RM-403, 10 March 1998), paras 13, 15.
[9651] P3576 (Procès-verbal of Witness RM-403, 10 March 1998), para. 14.
[9652] P3576 (Procès-verbal of Witness RM-403, 10 March 1998), para. 21; P3577 (Witness RM-403, *Karadžić* transcript, 25 January 2011), p. 10728; P3579 (Order from the Koševo Brigade Commander appointing command personnel in Koševo Brigade, 27 May 1992).

people, and to recover Serb weapons under UNPROFOR control to prevent a Bosniak offensive.[9653] Two hours later, the Commander of the UNPROFOR 4th Infantry Battalion told the head of the UNPROFOR unit *via* radio communication that high-level negotiations were under way and that he should try to buy time while conveying explanations to the Serbs.[9654] The head of the UNPROFOR unit conveyed this information to Medić at the Serb post. Medić then made a phone call and returned very upset informing the head of the UNPROFOR unit that he would help them lay down their weapons faster. Medić then ordered a soldier from his unit to fire a rocket launcher. This soldier destroyed the watchtower of the UNPROFOR post. The UNPROFOR soldiers were in combat positions, and one of the armoured vehicles had moved to aim its gun towards the Serbs. This stand-off lasted ten minutes, during which Medić told the head of the UNPROFOR unit that if they did not lay down their arms, he would order his men to destroy the UNPROFOR tank and its crew of three.[9655] Captain Drago then arrived with five or six men, put a knife against the throat of the UNPROFOR unit's head while a soldier pointed a kalashnikov at his back, and other soldiers similarly threatened another member of the unit. Drago ordered the head of the UNPROFOR unit to lay down his weapons or he and the other member of the unit would be shot, and then said he would destroy the UNPROFOR post.[9656] He ordered one of his soldiers to fire at the UNPROFOR tank, at which point the head of the UNPROFOR unit surrendered his weapons and told the post to surrender.[9657]

2262. The UNPROFOR post was surrounded by approximately 50 Serb soldiers, while another 50 were close by. Some of them had been seen previously at Poljine, while the others whom **Witness RM-403** had not seen before were better equipped, with kalashnikovs and rocket launchers.[9658] The soldiers were members of the VRS 3rd Infantry Brigade.[9659] 'Irregular militias' belonging to the Vasilje Vidovi, a.k.a. Vasko, gang were present.[9660] **John Hamill** testified that he heard that Vidović's men were

[9653] P3576 (Procès-verbal of Witness RM-403, 10 March 1998), para. 16.
[9654] P3576 (Procès-verbal of Witness RM-403, 10 March 1998), paras 16-17.
[9655] P3576 (Procès-verbal of Witness RM-403, 10 March 1998), para. 17.
[9656] P3576 (Procès-verbal of Witness RM-403, 10 March 1998), para. 18. *See also* P5234 (UNPROFOR Questionnaire, 8 July 1995), p. 2.
[9657] P3576 (Procès-verbal of Witness RM-403, 10 March 1998), para. 19. Concerning the hostage-taking situation in Poljine, *see also* P2537 (Witness RM-401, procès-verbal, 3 March 1998), para. 12; P2559 (Situation report with a list of detained UNMOs by VRS forces, 27 May 1995), pp. 1, 3.
[9658] P3576 (Procès-verbal of Witness RM-403, 10 March 1998), para. 20.
[9659] P5234 (UNPROFOR Questionnaire, 8 July 1995), pp. 1-2.
[9660] P5234 (UNPROFOR Questionnaire, 8 July 1995), p. 2. The Trial Chamber understands that this is a reference to Vasilje Vidović.

under the command of General Josipović, who was apparently in charge of most of the Northern Sarajevo sector.[9661] **Witness RM-403** stated that the UNPROFOR soldiers' weapons and protection equipment were taken from them and they were not permitted to take any personal items. The head of the UNPROFOR unit informed Captain Drago that this was contrary to the Geneva Conventions, and Captain Drago replied through an interpreter that 'he could not care less'. Several of the UNPROFOR soldiers were kicked and punched by Serb soldiers to speed up their surrender.[9662]

2263. The UNPROFOR soldiers were driven in two Serb military trucks to the military hospital in Jagomir, Sarajevo, where they underwent medical examination and remained for two days.[9663] A senior Bosnian-Serb military official told them that if they remained calm everything would be alright, but that if they tried to escape they would be shot.[9664]

2264. On 28 May 1995, they were driven in a military truck guarded by soldiers to Bijeljina Barracks, and *en route* they boarded civilian buses, on which were already about 40 soldiers of the 2nd French Battalion, 50 Ukrainian soldiers, and two UNMOs.[9665] The barracks belonged to the Bosnian-Serb military police.[9666] **Witness RM-403** stated that the French and Ukrainian soldiers told the head of the UNPROFOR unit that hostage-taking operations had been carried out in the same manner at the same time. When they arrived at the barracks, where other soldiers were detained, including some English soldiers, they were divided by nationality and their personal details, including name, rank, and date of birth, were recorded.[9667] The soldiers were then divided into two groups.[9668] The head of the UNPROFOR unit and 13 soldiers were transported in a cattle truck to Doboj, a combat zone under Bosnian-Serb control, where

[9661] John Hamill, T. 5466-5467.
[9662] P3576 (Procès-verbal of Witness RM-403, 10 March 1998), para. 22.
[9663] P3576 (Procès-verbal of Witness RM-403, 10 March 1998), paras 23-24. *See also* P5234 (UNPROFOR Questionnaire, 8 July 1995), p. 1.
[9664] P3576 (Procès-verbal of Witness RM-403, 10 March 1998), para. 24.
[9665] P3576 (Procès-verbal of Witness RM-403, 10 March 1998), paras 25-26; P3577 (Witness RM-403, *Karadžić* transcript, 25 January 2011), pp. 10728-10729; P3578 (Map of Bosnia-Herzegovina showing the transport of UN hostages in 1995, 6 June 2012). *See also* P5234 (UNPROFOR Questionnaire, 8 July 1995), pp. 1-2.
[9666] P5234 (UNPROFOR Questionnaire, 8 July 1995), pp. 1-2.
[9667] P3576 (Procès-verbal of Witness RM-403, 10 March 1998), para. 26; P3577 (Witness RM-403, *Karadžić* transcript, 25 January 2011), pp. 10726-10727. *See also* P399 (Aleksandr Vishnevski, witness statement, 5 February 1996), p. 3.
[9668] P3576 (Procès-verbal of Witness RM-403, 10 March 1998), paras 27-31. *See also* P5234 (UNPROFOR Questionnaire, 8 July 1995), p. 1.

they were held in a small house.[9669] During the night of 28 to 29 May 1995, Bosnian-Serb Military Police took them to other locations.[9670] The soldiers transported to Doboj were then held at various positions and 'very likely' used as 'human shields' against eventual air attacks.[9671] Six soldiers were detained alone and three were handcuffed.[9672]

2265. **Witness RM-403** stated that during the night of 28 May 1995, at approximately 10 p.m., the head of the UNPROFOR unit and a soldier named Ferry were taken to an ammunition depot in Doboj Town which also served as the command post for the area, where they were held for about a week.[9673] They were treated well, ate as the Serb soldiers did, and had one shower and one outing per day.[9674] While detained, the head of the UNPROFOR unit met with a Bosnian-Serb Captain in command there, and a colonel who introduced himself as the regional Commander-in-Chief, who asked if they were treated well and if they needed anything. One of the Serb soldiers told the head of the UNPROFOR unit that they feared NATO reprisals and that they would be handcuffed inside the depot in case of air strikes.[9675]

2266. The second group composed of UNMO and UNPROFOR personnel was transported to a Serb military police building in Bijeljina, where they were split up and detained at different military positions.[9676]

2267. The Trial Chamber received evidence about the capture and detention of another contingent of French UNPROFOR soldiers stationed at the Lukavica Barracks. **Witness RM-409** stated that on 26 May 1995 at around 12:30 p.m., 19 members of the Frebat 4, stationed on that day at the Lukavica Barracks, were encircled by about 30 armed men, some wearing VRS uniforms and others belonging to a 'regular militia' from Lukavica.

[9669] P3576 (Procès-verbal of Witness RM-403, 10 March 1998), paras 27-31; P3577 (Witness RM-403, *Karadžić* transcript, 25 January 2011), pp. 10728-10729; P3578 (Map showing the transport of UN hostages in 1995, 6 June 2012). *See also* P5234 (UNPROFOR Questionnaire, 8 July 1995), p. 1.
[9670] P3576 (Procès-verbal of Witness RM-403, 10 March 1998), paras 27-31; P3577 (Witness RM-403, *Karadžić* transcript, 25 January 2011), pp. 10728-10729; P3578 (Map showing the transport of UN hostages in 1995, 6 June 2012). *See also* P399 (Aleksandr Vishnevski, witness statement, 5 February 1996), p. 3; P5234 (UNPROFOR Questionnaire, 8 July 1995), p. 1.
[9671] P5234 (UNPROFOR Questionnaire, 8 July 1995), pp. 1-2.
[9672] P5234 (UNPROFOR Questionnaire, 8 July 1995), p. 1.
[9673] P3576 (Procès-verbal of Witness RM-403, 10 March 1998), paras 27-31; P3577 (Witness RM-403, *Karadžić* transcript, 25 January 2011), p. 10723.
[9674] P3576 (Procès-verbal of Witness RM-403, 10 March 1998), paras 27-31.
[9675] P3576 (Procès-verbal of Witness RM-403, 10 March 1998), paras 32-33.
[9676] P5234 (UNPROFOR Questionnaire, 8 July 1995), p. 1.

This group of armed men was commanded by a man with captain's insignia.[9677] The commander of the Frebat 4 unit requested to see Lieutenant Beauregard, the chief of the UNPROFOR armoured platoon, stationed on that day at the entrance of the barracks, and was transported there.[9678] Beauregard was outside his post talking with a Serb major, wearing a new uniform, a French bullet-proof jacket, and insignia of a major. According to the witness, the major was in command of all the troops.[9679] Beauregard informed the commander of the Frebat 4 unit that Pale had been bombarded for the second time and that the Serbs wanted to take a number of UNPROFOR soldiers stationed at the barracks to assess the damage.[9680] Beauregard refused to go to Pale and the major left.[9681] While the Frebat 4 Commander was away from his section, the major told the members of the Frebat 4 that part of the battalion was authorised to go to Pale without weapons or equipment. The commander refused to obey this order and told the major that he did not want to deal with him anymore.[9682] The man left and ordered his troops to take up combat positions.[9683] At around 4:30 p.m., an explosion was heard. The witness later learned that two vehicles had been destroyed at the entrance of the barracks.[9684] The Captain commanding the Serb armoured elements and the Major in charge of the Lukavica Military Police took part in the capture and threatened the members of the Frebat 4 unit with heavy weapons.[9685]

2268. Still on 26 May 1995, around 7:15 or 7:30 p.m., Inđić, accompanied by a civilian holding a video camera, introduced himself and informed the Frebat members as well as Beauregard, who was also present, that they were VRS POWs.[9686] According to an Associated Press article dated 26 May 1995, Inđić entered the UNPROFOR quarters unarmed, in order to negotiate. After Beauregard told Inđić that he had orders not to surrender, Inđić ordered the military police to fire at the building where the French

[9677] P3586 (Witness RM-409, witness statement, 18 March 1998), paras 8, 16, 18-20. *See also* P5234 (UNPROFOR Questionnaire, 8 July 1995), pp. 1-2; P6717 (Associated Press article titled French UN Platoon surrenders to Bosnian Serbs, 26 May 1995), p. 1.
[9678] P3586 (Witness RM-409, witness statement, 18 March 1998), paras 12, 21.
[9679] P3586 (Witness RM-409, witness statement, 18 March 1998), paras 22-23.
[9680] P3586 (Witness RM-409, witness statement, 18 March 1998), paras 12, 24.
[9681] P3586 (Witness RM-409, witness statement, 18 March 1998), para. 24.
[9682] P3586 (Witness RM-409, witness statement, 18 March 1998), para. 25.
[9683] P3586 (Witness RM-409, witness statement, 18 March 1998), para. 26.
[9684] P3586 (Witness RM-409, witness statement, 18 March 1998), para. 27.
[9685] P5234 (UNPROFOR Questionnaire, 8 July 1995), p. 2.
[9686] P3586 (Witness RM-409, witness statement, 18 March 1998), paras 28, 30-31. *See also* P5234 (UNPROFOR Questionnaire, 8 July 1995), p. 2.

soldiers were. After a while, the French surrendered.[9687] **Inđić** provided a different account of the circumstances of the shooting and testified that upon receiving an order from the Corps Command duty officer to place the French contingent under control and remove their weapons and means of communication, he reached an agreement with the French commanding officer whereby the witness would provide him with an alibi in order for him to surrender. According to Inđić, the shooting was prearranged with the French officer.[9688]

2269. **Witness RM-409** stated that the two contingents of French UNPROFOR soldiers were detained at the barracks in their respective positions overnight.[9689] They were detained for two days at the 1st SRK Barracks.[9690] At 8 p.m., two UNMOs based in Lukavica, one of whom was Danish, were captured and handed over to the military police at the Lukavica Barracks, where they shared a room, as of 27 May 1995, with a French UNMO.[9691] At the time of their capture, the two UNMOs were told that after the air strike in Pale on 26 May 1995, the VRS was at war with the UN, and that they were POWs.[9692] The Danish UNMO was not threatened with any harm, physically attacked, or maltreated at any time.[9693] There was adequate food, sleeping arrangements, and sanitation.[9694] The Danish UNMO was held at that location for seven days.[9695] According to **Inđić**, the Frebat members were treated professionally and not abused, although they were not permitted to move outside the premises in which they were kept.[9696]

2270. **Witness RM-409** stated that on 27 May 1995, a man asked for the addresses and telephone numbers of the soldiers' contact persons in order to inform them. The Frebat Commander refused to comply with the request and ordered his men to stay inside when the media arrived to film them.[9697] The Frebat members were loaded into two trucks,

[9687] P6717 (Associated Press article titled French UN Platoon surrenders to Bosnian Serbs, 26 May 1995), p. 1.
[9688] Milenko Inđić, T. 25205, 25215-25216.
[9689] P3586 (Witness RM-409, witness statement, 18 March 1998), para. 32. *See also* P2559 (Situation report with a list of detained UNMOs by VRS forces, 27 May 1995), pp. 1, 3; Milenko Inđić, T. 25110.
[9690] P5234 (UNPROFOR Questionnaire, 8 July 1995), pp. 1-2.
[9691] D1591 (Jack Jorgensen, ICTY interview questionnaire, undated), pp. 1-2, 5.
[9692] D1591 (Jack Jorgensen, ICTY interview questionnaire, undated), p. 2.
[9693] D1591 (Jack Jorgensen, ICTY interview questionnaire, undated), p. 3.
[9694] D1591 (Jack Jorgensen, ICTY interview questionnaire, undated), p. 6.
[9695] D1591 (Jack Jorgensen, ICTY interview questionnaire, undated), pp. 5, 8.
[9696] Milenko Inđić, T. 25110.
[9697] P3586 (Witness RM-409, witness statement, 18 March 1998), paras 33-34.

without their equipment, which then set off towards the off-limits area.[9698] The Frebat members were then transferred to Bileća, where they were guarded by members of the Military Police until 6 June 1995.[9699] The barracks seemed to be used as a training camp but the detainees noticed the presence of several guns and missiles.[9700] **Witness RM-409** stated that the Frebat Commander was held in the Lukavica military police building with two UNMOs, who were Swedish and Norwegian.[9701] During his detention, the Frebat Commander was interrogated by Inđić, the captain, and the major and was asked for personal information about his men.[9702] Serb soldiers threatened and beat the Frebat Commander during his detention.[9703]

2271. According to an UNPROFOR situation report, other UNPROFOR French soldiers were surrounded at various WCPs. In particular, on 27 May 1995, VRS members denied access and exit to 22 French soldiers at Bare, and to 21 French soldiers at Osijek.[9704] In addition, the VRS detained several soldiers at various OPs in Sarajevo: nine French soldiers at Krupaci and ten disarmed French soldiers at Rajlovac.[9705]

2272. Furthermore, the Trial Chamber received evidence about the detention of another group of French UNPROFOR soldiers stationed in an OP on the Vrbanja Bridge in the Sarajevo area. **Witness RM-401** testified that on 27 May 1995, the Sierra Victor OP, located in a Serb area of Sarajevo, was tasked with keeping the Serbs and Bosnian Muslims apart, and in particular preventing the Serbs from gaining control of the Bosnian-Muslim symbols of authority, such as the Bosnian Presidency building.[9706]

2273. At 4:10 a.m. on 27 May 1995, a group of approximately 15 Bosnian-Serb assailants wearing UN helmets and protection gear carried out a rapid commando-type operation and took the head of the OP and his twelve fellow soldiers 'hostage', leaving two behind.[9707] Although it was dark at the OP except for a candle placed near the radio,

[9698] P3586 (Witness RM-409, witness statement, 18 March 1998), paras 37-39. *See also* P3586 (Witness RM-409, witness statement, 18 March 1998).
[9699] P5234 (UNPROFOR Questionnaire, 8 July 1995), pp. 1-2.
[9700] P5234 (UNPROFOR Questionnaire, 8 July 1995), p. 2.
[9701] P3586 (Witness RM-409, witness statement, 18 March 1998), paras 37, 41. *See also* P5234 (UNPROFOR Questionnaire, 8 July 1995), p. 1.
[9702] P3586 (Witness RM-409, witness statement, 18 March 1998), paras 43-44.
[9703] P5234 (UNPROFOR Questionnaire, 8 July 1995), p. 1.
[9704] P2559 (Situation report with a list of detained UNMOs by VRS forces, 27 May 1995), pp. 1, 3.
[9705] P2559 (Situation report with a list of detained UNMOs by VRS forces, 27 May 1995), p. 1.
[9706] P2537 (Witness RM-401, procès-verbal, 3 March 1998), paras 5, 7, 9; Witness RM-401, T. 18212, 18233-18235.
[9707] P2537 (Witness RM-401, procès-verbal, 3 March 1998), paras 5, 7, 16-17; Witness RM-401, T. 18211-18212, 18235-18236, 18241, 18276-18277. *See also* P785 (Rupert Smith, witness statement, 27

most of the assailants appeared to be militia members under the command of Slavko Aleksić, a.k.a. Duke, while the rest were members of the VRS.[9708] Duvan Triković, a.k.a. Tuba, was Aleksić's deputy and Aleksić's men, about 60 to 80, operated within the area of responsibility of the VRS 3rd Battalion of the 1st Motorised Brigade.[9709] According to **Reynaud Theunens**, while a number of SRK reports suggest that SRS volunteer groups were acting independently, other documents confirmed that these groups were subordinated to or related to the Bosnian-Serb MUP.[9710] On 16 December 1993, Slavko Aleksić sent a request for ammunition to the Command of the VRS 3rd Battalion.[9711] **Ratomir Maksimović** testified that Slavko Aleksić never undertook any military action without the knowledge of the SRK Command.[9712]

2274. In Lukavica, the UNPROFOR soldiers were under SRK control until their liberation.[9713] **Witness RM-401** testified that at the time of the attack, half of the French soldiers were on duty at different OPs and the remaining half were off duty, since the latter half had been relieved at 4 a.m. While no shot was fired during the operation, the head of the OP was hit on the chin with the butt of a rifle.[9714] The head of the OP tried to alert his superiors of the situation over the radio, but the assailants prevented him from doing so by tearing out all the radio cables.[9715] He was then compelled at gunpoint to assemble his soldiers and forced to kneel and used as a 'human shield' while the attackers made their way with the other soldiers towards a Serb building that the French had nicknamed 'Prisunic', around 20 to 30 metres away, which could be reached by crossing an open area exposed to Bosnian fire.[9716] The soldiers were guarded by a Serb soldier before being transported in two civilian cars to the Lukavica Barracks, approximately four kilometres away.[9717] **Witness RM-055** testified that the

October 2009), para. 128; P807 (Witness RM-120, witness statement, undated), p. 75; P2559 (Situation report with a list of detained UNMOs by VRS forces, 27 May 1995), p. 1.

[9708] P2537 (Witness RM-401, procès-verbal, 3 March 1998), paras 16-17; Witness RM-401, T. 18238-18239, 18241. *See also* P5234 (UNPROFOR Questionnaire, 8 July 1995), p. 2.

[9709] P5234 (UNPROFOR Questionnaire, 8 July 1995), pp. 2-3.

[9710] P3029 (Expert Report of Reynaud Theunens, September 2012), Part II, p. 395.

[9711] P6820 (Request for ammunition from Slavko Aleksić to the Command of the 3rd Battalion, 16 December 1993).

[9712] Ratomir Maksimović, T. 26813-26815.

[9713] P5234 (UNPROFOR Questionnaire, 8 July 1995), p. 2.

[9714] P2537 (Witness RM-401, procès-verbal, 3 March 1998), para. 16; Witness RM-401, T. 18277.

[9715] P2537 (Witness RM-401, procès-verbal, 3 March 1998), para. 16; Witness RM-401, T. 18236-18237, 18242-18243.

[9716] P2537 (Witness RM-401, procès-verbal, 3 March 1998), paras 18-19; Witness RM-401, T. 18212-18214. *See also* P5234 (UNPROFOR Questionnaire, 8 July 1995), p. 2.

[9717] P2537 (Witness RM-401, procès-verbal, 3 March 1998), paras 21-22; Witness RM-401, T. 18241. *See also* P5234 (UNPROFOR Questionnaire, 8 July 1995), p. 2.

UNPROFOR detainees captured on the Vrbanja Bridge were threatened with death and held in solitary confinement at Lukavica.[9718]

2275. **Witness RM-401** testified that the barracks were occupied by Serbs.[9719] Other French detainees were already there including 30 to 40 members of a platoon manning the Lukavica WCP, who all had been captured by the Serbs the previous day.[9720] While in the barracks, a member of the VRS who had accompanied the UNPROFOR soldiers to the Lukavica Barracks asked the head of the OP for his radio frequency to contact his superiors, but he refused.[9721] After being kept in a building for approximately three hours, the UNPROFOR soldiers were brought back to the Serb building aboard a military van and placed under the watch of soldiers wearing a variety of old military uniforms which appeared to be distinct from those of the soldiers who had taken them 'hostage'.[9722] They were then forced to put their hands on their necks, but while most of them were allowed to drop their hands, the head of the OP was required to remain in this position for hours; when he started to weaken, he was slapped. During their detention, many people entered the room and insulted them in Serbian.[9723] At the time, the head of the OP was not aware that French UNPROFOR troops had regained control of his OP on the morning of 27 May 1995.[9724] During the afternoon, the head of the OP was visited by a number of Serb soldiers whose age and demeanour indicated that they were high-ranking, and at one point he was taken to a corridor where he caught a glimpse of several officers in a meeting indicating that negotiations for an exchange were underway between the Serb authorities and UNPROFOR.[9725]

2276. A long time after his release, the head of the OP heard from a French soldier that at the time of his detention, Mladić was present around the building.[9726] During the detention, another French 'hostage' was brought in with a radio set to act as interpreter and the head of the OP was allowed to contact UNPROFOR.[9727] The detained

[9718] P749 (Witness RM-055, witness statement, undated), pp. 9, 18.
[9719] P2537 (Witness RM-401, procès-verbal, 3 March 1998), para. 23.
[9720] P2537 (Witness RM-401, procès-verbal, 3 March 1998), paras 23-24; Witness RM-401, T. 18214.
[9721] P2537 (Witness RM-401, procès-verbal, 3 March 1998), para. 26; Witness RM-401, T. 18243-18244.
[9722] P2537 (Witness RM-401, procès-verbal, 3 March 1998), paras 25, 28.
[9723] P2537 (Witness RM-401, procès-verbal, 3 March 1998), para. 30.
[9724] P2537 (Witness RM-401, procès-verbal, 3 March 1998), para. 29.
[9725] P2537 (Witness RM-401, procès-verbal, 3 March 1998), paras 29-32; Witness RM-401, T. 18253-18254.
[9726] Witness RM-401, T. 18214-18215.
[9727] P2537 (Witness RM-401, procès-verbal, 3 March 1998), para. 33.

UNPROFOR soldiers were forced to wear Serb uniforms.[9728] At some point, five UNPROFOR soldiers were selected and led to the courtyard where they were to be exchanged.[9729] Two Serbs took the head of the OP and drove a vehicle around the building to be able to use it for the exchange away from the Bosnian line of fire.[9730] The Serbs were afraid that the Bosnians would fire at the vehicle and told the head of the OP that he would be held responsible if the armoured vehicle was destroyed.[9731] The vehicle left towards the UNPROFOR soldiers stationed in Vrbanja.[9732] There were about 100 people around the Lukavica Barracks, including soldiers and civilians, and everyone was on edge as the exchange attempt had failed.[9733] As the soldier who had acted as interpreter returned with his radio, the head of the OP was able to contact his superiors and explain that the situation was very tense and that he and the other hostages were threatened with death; thereafter he was punched and kneed by the two Serb soldiers.[9734]

2277. The Serbs had sent an armoured vehicle to retrieve the bodies of two Serbs killed in the course of UNPROFOR's retaking of the OP, and the head of the OP was threatened that if anything went wrong with this trip, he would be released into the Bosnian frontlines wearing a Serb army uniform.[9735] When the armoured vehicle returned, the head of the OP was taken towards the vehicle in the midst of the crowd and he saw two corpses being taken out of the vehicle.[9736] The two Serb soldiers took him back to the building where they tied him to another soldier with steel wire, as was done to the other French soldiers.[9737] They were then returned to the OP, where they were forced to kneel in the middle of the road, facing the Bosnian sector.[9738] The head of the OP heard the French interpreter translate a message indicating that if they did not comply with the Serbs' request, the two of them would be executed along with the other

[9728] P2537 (Witness RM-401, procès-verbal, 3 March 1998), paras 33-34; Witness RM-401, T. 18207-18208.
[9729] P2537 (Witness RM-401, procès-verbal, 3 March 1998), para. 35.
[9730] P2537 (Witness RM-401, procès-verbal, 3 March 1998), paras 35-37.
[9731] P2537 (Witness RM-401, procès-verbal, 3 March 1998), paras 36-37.
[9732] P2537 (Witness RM-401, procès-verbal, 3 March 1998), paras 37-38.
[9733] P2537 (Witness RM-401, procès-verbal, 3 March 1998), para. 38; Witness RM-401, T. 18254-18256.
[9734] P2537 (Witness RM-401, procès-verbal, 3 March 1998), para. 39.
[9735] Witness RM-401, T. 18217, 18256-18258.
[9736] P2537 (Witness RM-401, procès-verbal, 3 March 1998), para. 40; Witness RM-401, T. 18217, 18256-18257.
[9737] P2537 (Witness RM-401, procès-verbal, 3 March 1998), para. 41; Witness RM-401, T. 18221-18222; P2539 (BBC Video tape entitled UN hostages in Bosnia).
[9738] P2537 (Witness RM-401, procès-verbal, 3 March 1998), paras 13, 41-42; Witness RM-401, T. 18215-18219, 18223; P2538 (Sketch of the UN post drawn and marked by Witness RM-401), p. 1.

detainees.[9739] After ten minutes, the UNPROFOR soldiers were taken away and brought to various buildings throughout the night.[9740] In the course of the night, they were untied and brought to a Serb warehouse where they were tied up individually and remained for four to five hours.[9741]

2278. On 28 May 1995, the VRS Chief of Staff, Manojlo Milovanović, sent a report to the Bosnian-Serb President stating that the Krajina Corps 'took over' 57 UNPROFOR members, including French soldiers, from the IBK and that the HK Command took over 18 French UNPROFOR members from the SRK.[9742]

2279. **Witness RM-401** testified that at 7 or 8 a.m. on 29 May 1995, the head of the OP and the other UNPROFOR soldiers were untied and were visited by some people, one of whom was a young woman, dressed in civilian attire who spoke French.[9743] She told them that the negotiations had not been conclusive and that the head of the OP and another French soldier were to be killed; she also told the head of the OP that he had to designate two French soldiers to be killed.[9744] She eventually left and no one was killed. A man described by the witness as a 'civilian' in a dark suit with a navy blue sailor's cap, known as 'Duke Alexis', arrived in a group but entered the room alone, struck the head of the OP on the temple with his dagger, and kicked the other French soldier who was in the room in the face.[9745] 'Alexis' left the room after a short while, and two VRS officers entered and assured the head of the OP that they would be handed over to the VRS.[9746]

2280. The UNPROFOR soldiers were later transported to Lukavica, where they were received by a commander who read the Geneva Conventions to them, told them they would be treated as POWs, and assured them that as long as there were no NATO strikes, they would be safe.[9747] On 29 May 1995, two French soldiers were taken away, handcuffed for a few minutes to military equipment, and filmed by a Serb cameraman, and on 30 May 1995, the same was done to two other French soldiers; on the second

[9739] P2537 (Witness RM-401, procès-verbal, 3 March 1998), para. 42; Witness RM-401, T. 18217.
[9740] P2537 (Witness RM-401, procès-verbal, 3 March 1998), para. 44.
[9741] P2537 (Witness RM-401, procès-verbal, 3 March 1998), paras 43-44.
[9742] P2546 (VRS Main Staff situation report, 28 May 1995), p. 6.
[9743] P2537 (Witness RM-401, procès-verbal, 3 March 1998), paras 45-46.
[9744] P2537 (Witness RM-401, procès-verbal, 3 March 1998), para. 46; Witness RM-401, T. 18256-18257.
[9745] P2537 (Witness RM-401, procès-verbal, 3 March 1998), para. 47; Witness RM-401, T. 18265.
[9746] P2537 (Witness RM-401, procès-verbal, 3 March 1998), paras 47-48.
[9747] P2537 (Witness RM-401, procès-verbal, 3 March 1998), para. 48; Witness RM-401, T.18262-18263, 18276. On the arrival of about ten UNPROFOR soldiers at the Lukavica Barracks on 28 May 1995, *see also* P3586 (Witness RM-409, witness statement, 18 March 1998), para. 45.

occasion, the head of the OP acted as interpreter but was not filmed as he had a black eye.[9748] They were taken to the factory near the Lukavica Barracks, where each was asked three questions: (1) How do you feel?; (2) Are you afraid?; and (3) Are you well treated?.[9749] A Serb Orthodox priest, who said to represent the Red Cross, visited the French soldiers during their detention and brought them clothing, toiletries, and correspondence, including a letter from their superior; the priest also told the head of the OP not to recount what had happened to them on 27 and 28 May 1995.[9750] They remained in detention in Lukavica until 13 June 1995 and were treated well.[9751]

2281. **Witness RM-055** testified that on 27 May 1995, Dragomir Milošević ordered that an UNPROFOR liaison officer who had come to Lukavica with a message for him be locked up with other 'hostages'.[9752] **Witness RM-120** testified that after 5 p.m. on the same day, Dragomir Milošević and Inđić called Sector Sarajevo stating: '[i]f you surrender the four Serb prisoners to me, we might consider giving you the French 'hostages' in Vrbanja'.[9753] They then pretended to carry out summary executions of the captured soldiers.[9754]

2282. On 3 June 1995, UNPROFOR sent a protest letter to Dragomir Milošević concerning the Serb troops' threats against the lives of French soldiers in their custody since 27 May 1995. It also specifically protested the Serb soldiers' treatment of a lieutenant who was forced to kneel in the street at gunpoint and threatened to be killed if UNPROFOR refused to withdraw from its post at the Vrbanja Bridge. During a telephone conversation with an UNPROFOR soldier, Inđić said 'if you don't stop the attack immediately, I will kill one of the French soldiers'.[9755]

[9748] P2537 (Witness RM-401, procès-verbal, 3 March 1998), para. 50; Witness RM-401, T. 18263-18264, 18266-18267, 18269-18270, 18273-18274.
[9749] P2537 (Witness RM-401, procès-verbal, 3 March 1998), para. 50; Witness RM-401, T. 18264, 18266-18267, 18269-18271, 18273-18274.
[9750] P2537 (Witness RM-401, procès-verbal, 3 March 1998), para. 54; Witness RM-401, T. 18220, 18270-18272.
[9751] P2537 (Witness RM-401, procès-verbal, 3 March 1998), paras 49, 51; Witness RM-401, T. 18222. *See also* P5234 (UNPROFOR Questionnaire, 8 July 1995), p. 2.
[9752] P749 (Witness RM-055, witness statement, undated), p. 9; P750 (Table of clarifications to witness statement), p. 1.
[9753] P807 (Witness RM-120, witness statement, undated), pp. 75-76.
[9754] P807 (Witness RM-120, witness statement, undated), p. 76.
[9755] P830 (Protest letter re hostages, 3 June 1995).

6.5 Detention of UNPROFOR soldiers in Goražde

2283. **Jonathon Riley** testified that on 27 May 1995, based on a VRS Main Staff order, the commander of the DK, Milenko Živanović, ordered the 5th Podrinje Light Infantry Brigade Command to immediately capture and disarm UN soldiers located in the Sjenokos sector.[9756] Sjenokos is a mountain on the west bank of the Drina River above Goražde and three OPs were located there.[9757] Živanović also ordered the 5th Military Police Battalion to take over the captured UN soldiers and relocate them to various military locations in groups of one to four.[9758] Živanović ordered that the UN soldiers be treated as POWs in a correct manner throughout their capture and detention.[9759] **Smith** testified that on 27 May 1995 VRS soldiers captured 30 UNPROFOR soldiers from the Goražde area.[9760]

2284. **Hugh Nightingale** stated that the OP he was in command of in Goražde was positioned close to the Bosnian-Serb positions and that he became familiar with some of the Bosnian-Serb soldiers, including their Line Officer Captain Brane. After 22 May 1995, and more precisely at approximately 11 a.m. on the day after the bombardments in Pale, he was requested to meet with the local Bosnian-Serb Commander at their headquarters.[9761] When Nightingale attended the meeting, he observed an increased number of Bosnian-Serb soldiers and he saw a commander whom he had not previously encountered. The Commander told Nightingale that he was taking over the OP and that the witness should pack up as he and his troops would be taken to a safe area. When Nightingale responded that he would take his troops to his own headquarters in Goražde, he was told 'You do not understand, you are coming with us to Višegrad, we can do it in two ways. With shooting or without'. Nightingale stated that he then returned to his OP and briefed his Corporal and staff, then briefed the watchkeeper at the headquarters by radio, and packed a kit. Bosnian-Serb troops then entered the OP without consent and Nightingale and his troops were escorted in two of their own armoured vehicles down the road, where they met up with two vehicles from OP7.[9762]

[9756] Jonathon Riley, T. 18308; P2545 (DK command, 27 May 1995), para. 1.
[9757] Jonathon Riley, T. 18308.
[9758] P2545 (DK command, 27 May 1995), para. 3.
[9759] P2545 (DK command, 27 May 1995), para. 5.
[9760] P785 (Rupert Smith, witness statement, 27 October 2009), para. 128.
[9761] P398 (Hugh Nightingale, witness statement, 5 February 1996), p. 2.
[9762] P398 (Hugh Nightingale, witness statement, 5 February 1996), p. 3.

2285. Nightingale stated that further down the road to Višegrad he observed that all escape routes had been cut off by soldiers and obstructions, which led him to believe the operation was organised and planned. The road gave way under the vehicle holding Nightingale and his troops and it rolled down the hill. Five of Nightingale's troops and a Bosnian-Serb soldier were badly injured.[9763] Following the accident, Nightingale and his troops were transferred to the other armoured vehicles. Upon reaching the bottom of the hillside, Nightingale was introduced to Colonel Fortula, whom he believed to be the overall commander of the local VRS Brigade in the area. Colonel Fortula offered to take the injured to the Sokolac hospital but Nightingale declined.[9764]

2286. Nightingale and his troops were then taken to Višegrad at the Military Barracks, where they were processed and informed by Colonel Fortula that they were 'hostages'. A camera crew was present and filmed the men being fed. After the meal their personal belongings, protection kit, weapons, and other items were removed. Their UN ID numbers and names were recorded and they received medical care. The witness then went with Sergeant Warren to see Fortula in his office. Fortula asked Nightingale to guarantee the good behaviour of his soldiers and said that in return they would not be handcuffed and Nightingale agreed. In response to Nightingale's questions as to what would happen to them, Fortula only answered that it was outside his control. Nightingale was then taken to a room with the other troops and injured men. There were guards at the front of the building and seven or eight armed Bosnian Serbs in the room. A number of Bosnian-Serb television personnel were present with cameras, three or four of whom appeared to be civilian. Nightingale was asked to speak in front of television cameras and answered questions.[9765]

2287. At approximately 10 p.m., he and his troops were loaded into a truck. The injured were delivered to the Sokolac hospital and the remaining troops were put into pairs. The group then travelled by truck through Rogatica during the night, and the pairs were dropped off in areas of Bosnian-Serb troop concentration. Nightingale was dropped off with another member of his troops, at approximately 8 a.m., and taken to a building being used as a jail for Serbs. They were placed in guards accommodation. They were restricted in their movements and taken outside for fresh air only once. They

[9763] P398 (Hugh Nightingale, witness statement, 5 February 1996), p. 3. *See also* P2543 (Jonathon Riley, witness statement, 15 April 1996), para. 31; Jonathon Riley, T. 18310-18313.
[9764] P398 (Hugh Nightingale, witness statement, 5 February 1996), p. 3.
[9765] P398 (Hugh Nightingale, witness statement, 5 February 1996), p. 4.

stayed in the same room with access to an ablutions block whose windows were barred. The outer doors were locked, with no less than two guards in the room at all times. Four guards worked in rotation, with two carrying firearms.[9766] Nightingale and his co-detainees were kept there for six days, during which they were not threatened or assaulted. They were fed twice a day the same food as the guards.[9767]

2288. **Riley** testified that the 1st Battalion of the Royal Welch Fusiliers was deployed on the banks of the Drina River as part of the UNPROFOR mission and occupied OPs and checkpoints along the confrontation line.[9768] After the NATO air strikes on Pale on 25 and 26 May 1995 relations with the Serb side in Goražde deteriorated to the point that contact nearly ceased.[9769] Around noon on 26 May 1995, the witness received a radio message through an interpreter from Fortula who, according to the witness, was the Commander of the Goražde/Višegrad Light Mountain Brigade of the DK and responsible for liaising with UNPROFOR.[9770] Fortula informed the witness that Mladić had ordered him to shell the camp of the witness's troops if further NATO attacks were to take place, because the United Kingdom was a NATO member state.[9771] When the witness reported the message to the UNPROFOR headquarters in Sarajevo, he was told that the headquarters and UN commanders in Srebrenica, Tuzla, and Žepa had received similar messages.[9772] Mladić had a liaison officer present in Fortula's headquarters, Brane Šuka.[9773] The witness met with him regularly.[9774] According to the witness, Mladić may have passed orders directly through that liaison officer.[9775]

2289. Around 9 a.m. on 28 May 1995, the witness received another radio message from Fortula, through the same interpreter as two days earlier, requesting him to go to an important meeting at checkpoint 6 at 2 p.m. to discuss liaison, but he decided not to go because 'hostage-taking' in Sarajevo had started.[9776] Around 2 p.m. the same day, the witness found out that Major Jones, the commanding officer of one of the battalion's

[9766] P398 (Hugh Nightingale, witness statement, 5 February 1996), p. 4.
[9767] P398 (Hugh Nightingale, witness statement, 5 February 1996), p. 5.
[9768] P2543 (Jonathon Riley, witness statement, 15 April 1996), paras 3, 8.
[9769] P2543 (Jonathon Riley, witness statement, 15 April 1996), para. 14; Jonathon Riley, T. 18320-18321, 18330.
[9770] P2543 (Jonathon Riley, witness statement, 15 April 1996), paras 14-15, 17.
[9771] P2543 (Jonathon Riley, witness statement, 15 April 1996), paras 14-15.
[9772] P2543 (Jonathon Riley, witness statement, 15 April 1996), para. 15; Jonathon Riley, T. 18336-18337.
[9773] Jonathon Riley, T. 18334-18335; P2547 (VRS Main Staff direction on medical evacuation, 7 May 1995), pp. 1-2.
[9774] P2543 (Jonathon Riley, witness statement, 15 April 1996), para. 17.
[9775] Jonathon Riley, T. 18334-18335.
[9776] P2543 (Jonathon Riley, witness statement, 15 April 1996), para. 20.

two companies, Company A, had received a message that OP6A, OP6, and OP7 had been invaded and surrounded by heavily armed Serbs. It became clear to Riley that the crews of those OPs were being detained, which led him to order the remaining OPs to withdraw. According to the witness, the detainees were allowed to collect their belongings and were escorted in their vehicles to Višegrad and from there through Rogatica to Zvornik.[9777]

2290. Soon after the attack on Company A, Company B on the east bank of the Drina River was attacked by the Serbs. OP1 was attacked and withdrew under fire; OP2 was overpowered by the Bosnian Serbs who took the crew into custody in a house behind the OP; OP3 withdrew as Bosnian-Serb and Bosnian-Muslim forces began to fight for possession of the ground where it was located; and the remaining OPs along the east bank withdrew.[9778] The witness's troops did not fight alongside ABiH forces and never became an ally of the Bosnian government, but handed over their positions to the ABiH forces as, according to the witness, the Bosnian-Serb attack violated the TEZ and the ABiH forces were entitled to defend their territory.[9779]

2291. Altogether, 33 of his soldiers were taken 'hostage' that day, although six who were injured were released thereafter.[9780] The witness learned from his soldiers who were taken 'hostage' that they had been organised in pairs and dropped off at military installations in groups of varying size in locations between Bileća and Zvornik, spanning approximately 200 kilometres in distance, and that they had been treated correctly throughout their capture and detention.[9781] At least one of the captured soldiers told the witness that he had been led to believe that he was a POW, and as far as the witness knew, his soldiers were treated as such.[9782] According to the witness, the OP2 crew maintained their weapons and radio contact until being taken to Bileća in the

[9777] P2543 (Jonathon Riley, witness statement, 15 April 1996), para. 21; Jonathon Riley, T. 18306, 18337; P2544 (Map depicting detention locations).
[9778] P2543 (Jonathon Riley, witness statement, 15 April 1996), paras 22, 27; Jonathon Riley, T. 18338-18340.
[9779] P2543 (Jonathon Riley, witness statement, 15 April 1996), para. 22; Jonathon Riley, T. 18338, 18346, 18373; D390 (UNPROFOR Directive, 29 May 1995), para. 4b.
[9780] P2543 (Jonathon Riley, witness statement, 15 April 1996), para. 31; Jonathon Riley, T. 18310-18313.
[9781] P2543 (Jonathon Riley, witness statement, 15 April 1996), paras 21-22; Jonathon Riley, T. 18306, 18308-18309, 18312; P2544 (Map depicting detention locations); P2545 (DK command, 27 May 1995), paras 3, 5.
[9782] Jonathon Riley, T. 18362; P2545 (DK command, 27 May 1995), para. 5.

morning of 29 May 1995.[9783] The witness believed the 'hostage-taking' to be a tactic to prevent further NATO air strikes against the Bosnian Serbs.[9784]

2292. Still on 28 May 1995, Milovanović sent a report to the Bosnian-Serb President stating that the DK had captured 27 English members of the UN force and four vehicles.[9785]

[9783] P2543 (Jonathon Riley, witness statement, 15 April 1996), para. 22; Jonathon Riley, T. 18305-18306; P2544 (Map depicting detention locations).
[9784] Jonathon Riley, T. 18305, 18312.
[9785] P2546 (VRS Main Staff situation report, 28 May 1995), p. 6.

6.6 Release of UN hostages

2293. On 28 May 1995, Milovanović sent a report to the Bosnian-Serb President in which he mentioned, *inter alia*, that the exchange of the captured UNPROFOR soldiers for VRS soldiers would be discussed within the framework of a general solution for the situation.[9786]

2294. On 29 May 1995, Mladić met with General De La Presle, who introduced himself as a representative of the French Government in Vlasenica.[9787] De La Presle specified that he did not represent the international community.[9788] De La Presle indicated that the French press reported Karadžić's statements that the 'POWs' were 'hostages and human shields'.[9789] He added that their release would be a political gesture which would be taken into account in the discussions concerning France's position on the nature of UNPROFOR's new mandate, humanitarian aid, air-strikes, and no-fly zones. De La Presle added that NATO's role was limited to a support role to UNPROFOR.[9790] De La Presle urged Mladić to immediately release the POWs.[9791]

2295. During a meeting held on 1 June 1995, Victor Bezrouchenko and Andrey Demurenko met with Marko Lugonja and Milenko Inđić, both from the SRK. Lugonja and Inđić both stressed that they were not authorised to make any decisions as to the issue of UN 'hostages' and detainees because these were to be taken at the highest political level. Lugonja indicated that the hostage situation would possibly be resolved in the following four or five days. Lugonja and Inđić were of the opinion that the NATO air strikes against Bosnian Serbs were a *de facto* declaration of war, Serbs at large had lost their confidence in UNPROFOR after events in Slavonia, and UNPROFOR had effectively sided with Croats and Bosnians.[9792]

2296. On 2 and 6 June 1995, Karadžić ordered the VRS Main Staff to carry out the necessary preparations for the release of captured UNPROFOR members from various units.[9793] On 2 June, he ordered the release of 120 of them. This order further requested

[9786] P2546 (VRS Main Staff situation report, 28 May 1995), p. 6.
[9787] P345 (Mladić notebook, 27 January-5 September 1995), p. 151.
[9788] P345 (Mladić notebook, 27 January-5 September 1995), p. 152.
[9789] P345 (Mladić notebook, 27 January-5 September 1995), p. 153.
[9790] P345 (Mladić notebook, 27 January-5 September 1995), pp. 153-155.
[9791] P345 (Mladić notebook, 27 January-5 September 1995), p. 164.
[9792] D1588 (Victor Bezrouchenko's meeting memo, regarding *inter alia* the hostage situation, 1 June 1995), p. 1.
[9793] P5231 (Order of Radovan Karadžić to release the captured UNPROFOR members, 2 June 1995); P5232 (Order of Radovan Karadžić to release the captured UNPROFOR members, 6 June 1995).

that the captured UNPROFOR members be gathered along with their personal weapons in the area of Pale. On 6 June, he ordered the release of 95 of them. This second order further requested that the captured UNPROFOR members be gathered along with their personal weapons by 1 p.m. on 7 June in the area of Bijeljina and Višegrad.[9794] They were to be handed over to the MUP, which was tasked to organise their transport to the FRY.[9795] The VRS was ordered to take maximum security measures and to submit a detailed report to the Bosnian-Serb President on the completed task.[9796] On 2 and 6 June 1995, in compliance with the orders from Karadžić, Mladić ordered the commands of various VRS corps to release a total of 215 UNPROFOR personnel detained in the Pale, Zvornik, Vlasenica, Bijeljina, and Višegrad sector.[9797] Mladić further ordered the commands of the SRK, DK, and IBK to hand over most of the detainees to various MUP organs of the Bosnian-Serb Republic.[9798] Mladić further ordered the VRS not to divulge any information on the status, number, or redeployment of the remaining captured UNPROFOR members and UNMOs.[9799]

2297. In a meeting held on 4 June 1995, General Janvier informed Mladić that all UN personnel held as 'hostages' by the VRS should be liberated immediately and their equipment returned in order to avoid the arrival of a multinational brigade tasked with increasing the security of UN personnel.[9800] In response, Mladić stated that the liberation of the POWs was directly linked to a guarantee that air strikes will not take place again in the future. Mladić requested the immediate ratification of an agreement with UNPROFOR stating that (i) the VRS would no longer threaten the life and security of UNPROFOR members; (ii) UNPROFOR would not engage any of its forces or air

[9794] P5232 (Order of Radovan Karadžić to release the captured UNPROFOR members, 6 June 1995).
[9795] P5231 (Order of Radovan Karadžić to release the captured UNPROFOR members, 2 June 1995); P5232 (Order of Radovan Karadžić to release the captured UNPROFOR members, 6 June 1995).
[9796] P5231 (Order of Radovan Karadžić to release the captured UNPROFOR members, 2 June 1995).
[9797] P2480 (VRS Main Staff Order by Ratko Mladić on the release of UNPROFOR 'POWs', 6 June 1995), pp. 2-3; P2481 (VRS Main Staff Order by Ratko Mladić on the release of UNPROFOR 'POWs', 2 June 1995), pp. 1-2.
[9798] P2480 (VRS Main Staff Order by Ratko Mladić on the release of UNPROFOR 'POWs', 6 June 1995), p. 2; P2481 (VRS Main Staff Order by Ratko Mladić on the release of UNPROFOR 'POWs', 2 June 1995), pp. 1-2.
[9799] P2480 (VRS Main Staff Order by Ratko Mladić on the release of UNPROFOR 'POWs', 6 June 1995), p. 3.
[9800] P2196 (Summary of a meeting between General Janvier and Mladić, 4 June 1995), p. 1. *See also* P345 (Mladić notebook, 27 January-5 September 1995), pp. 166-167.

strikes against Serb objectives or territory; and (iii) upon signing of the agreement, all POWs would be liberated.[9801]

2298. In a report to various SRK units dated 8 June 1995, Colonel Marko Lugonja confirmed that the VRS had captured 367 UNPROFOR members and UNMOs, including 37 Russians who were released the day following their capture. The report stated that as of 8 June 1995, 230 UNPROFOR members had been released. The capture was condemned by 'the West'. The United Kingdom and France had started to send naval and land forces to support UN forces in Bosnia-Herzegovina and to potentially launch an operation which would free the captured UNPROFOR members and break the blockade of Sarajevo. The suspected aims of the operation were to liberate the captured UN members; to capture the VRS members to exchange as hostages; and to capture Butmir airport and to break the blockade of Sarajevo by force along the Igman-Sarajevo and Kiseljak-Sarajevo axes.[9802] Ten to twelve thousand troops were preparing to carry out the operation, which was to start suddenly and be carried out in several stages. Many troops had already been dispatched to the Adriatic. In the event of an operation to free the 'hostages' using special troops and helicopter airborne assaults, the NATO combat Air Force would carry out support activities including air surveillance, 'cleansing and softening' of the assault area, and providing immediate fire support to the troops.[9803] According to Lugonja's sources, a special formation of approximately 5,000 men had been established to liberate the captured UN members. The media were demonizing Serbs to justify possible military engagement against them.[9804] The liberated UN members were to be transferred to Croatia, Italy, and onto ships in the Adriatic. UNPROFOR was to be reinforced by extra troops from France, the United Kingdom, USA, Germany, and Turkey regardless of the fate of the hostages.[9805]

2299. During a meeting held in Pale on 8 June 1995, Karadžić referred to the release of 'POWs' as 'a great thing'.[9806] On 10 June 1995, Mladić met with Momčilo Perišić, who conveyed to Mladić that Slobodan Milošević indicated that he wanted the release of the rest of the 'POWs'.[9807]

[9801] P2196 (Summary of a meeting between General Janvier and Mladić, 4 June 1995), p. 4. *See also* P345 (Mladić notebook, 27 January-5 September 1995), pp. 166-167.
[9802] P5233 (Report of the SRK, signed by Colonel Marko Lugonja, 8 June 1995), p. 1.
[9803] P5233 (Report of the SRK, signed by Colonel Marko Lugonja, 8 June 1995), p. 2.
[9804] P5233 (Report of the SRK, signed by Colonel Marko Lugonja, 8 June 1995), p. 3.
[9805] P5233 (Report of the SRK, signed by Colonel Marko Lugonja, 8 June 1995), p. 4.
[9806] P345 (Mladić notebook, 27 January-5 September 1995), pp. 168, 174.
[9807] P345 (Mladić notebook, 27 January-5 September 1995), pp. 178-179.

2300. In a letter dated 12 June 1995 addressed to General Janvier, Mladić asked for the release of four members of the VRS, as the VRS had already released 231 UN personnel.[9808]

2301. According to an order dated 13 June 1995, Karadžić ordered the release of all captured UNPROFOR and UNMOs on that day, the hand-over of the detainees to Jovica Stanišić, and the restitution of their personal effects and weapons but excluded the release of 15 UNMOs, set to be released on 18 June 1995.[9809] Also on 13 June 1995, a total of 18 UNPROFOR soldiers and eight UNMOs detained by the VRS were released in Novi Sad: 14 French, six British, two Polish, one Russian, one Norwegian, one Swedish, and one Czech.[9810] According to an UNPROFOR cable, out of the 15 detained UNMOs who had yet to be released, nine were last seen in Pale on 13 June 1995, four were at the Jaharina radar station[9811] on 13 June 1995, whereas the whereabouts of two UNMOs from the Banja Luka Team were unknown.[9812] During the 51st session of the Bosnian-Serb Assembly held on 14-15 June 1995, Karadžić, referring to the detention of UN personnel, stated: '[W]e ordered the arrest, we didn't go into detail as to when they would be tied up, but it had a good effect, it was very shocking for the world […]'.[9813] Concerning the release of the detained UN personnel, he added: '[We] couldn't let them all go at once, but in proportions, we even left 15 until the end of this week so we could keep the weapons we have in Sarajevo, knowing about the offensive and planning to do something in Sarajevo'.[9814]

2302. On 16 June 1995, the UNSC demanded that the Bosnian-Serb forces immediately release all remaining detained UNPROFOR personnel.[9815] During a meeting between General Janvier and Mladić held on 17 June 1995, Janvier demanded the immediate release of the remaining hostages, as well as of their vehicles and

[9808] P2197 (Letter from Mladić to General Janvier, 12 June 1995).
[9809] P2805 (Order signed by Karadžić concerning the release of UNMOs, 13 June 1995), p. 1.
[9810] P2806 (Daily Report to the UNSC from UNPF in Zagreb, 14 June 1995); P2807 (UNPROFOR cable on hostages released on 13 June 1995, 14 June 1995) pp. 1, 3; P2808 (UNPROFOR cable on the handover of detained UN personnel, 14 June 1995), p. 1.
[9811] The Trial Chamber understands this to be a reference to the Jahorina radar station.
[9812] P2808 (UNPROFOR cable on the handover of detained UN personnel, 14 June 1995), pp. 2-3.
[9813] P2001 (Robert Donia, Report on the highlights of deliberations in the Bosnian-Serb Assembly, 18 February 2013), p. 101.
[9814] P2001 (Robert Donia, Report on the highlights of deliberations in the Bosnian-Serb Assembly, 18 February 2013), p. 102.
[9815] P26 (UNSC resolution 998, 16 June 1995), p. 2.

arms.[9816] On 17 June 1995, Karadžić ordered the VRS Main Staff to hand over at 2 p.m. on 18 June 1995 all remaining UN detainees to Jovica Stanišić in Pale.[9817] On 17 June 1995, pursuant to an order of the Bosnian-Serb President concerning the release of all UN personnel, Mladić ordered SRK Command to release 26 UN personnel by 2 p.m. on 18 June 1995 in exchange for the release of four captured VRS members.[9818]

2303. **Smith** testified that the 'hostages' were released in stages between 2 and 18 June 1995.[9819] **Witness RM-120** testified that on 2 June 1995, 63 'hostages' were released.[9820] **Harland** testified that 120 'hostages' were released by 3 June 1995.[9821] Around 3 June 1995, following a meeting of the 'VRS Supreme Command', a press release was issued presenting the 'hostage-taking' of UN personnel as an act of self-defence and stating that the 'hostages' as well as the surrounded UN personnel would remain under VRS control until the UN guaranteed the end of air strikes. A few days later, Karadžić said that any attempt to liberate the 'hostages' would result in bloodshed.[9822] On 7 June 1995, another 111 detained UN personnel were released, with another 150 remaining under Serb control.[9823] According to an UNPROFOR daily report to the UNSC, 58 Ukrainian, 17 British, two Spanish, and one Brazilian, were among the released detainees.[9824] **Banbury** testified that on 7 June 1995 at a UN briefing it was reported that 108 'hostages' had been released on the previous day.[9825] According to an UNPROFOR weekly situation report, 11 Canbat personnel and UNMO 'hostages' detained by the Bosnian Serbs were released in Pale on 18 June 1995 in exchange for four Bosnian-Serb soldiers held by UNPROFOR.[9826] On 17 and 18 June 1995, the Serbs released the last 26 UNPROFOR 'hostages'.[9827] **Harland** testified that the last UNPROFOR 'hostages' were released by 24 June 1995.[9828]

2304. **Nightingale** provided evidence about the release of British UNPROFOR soldiers. On the seventh day of the detention of the soldiers, the tank officer in charge of

[9816] P2198 (Summary of a meeting between General Janvier and Mladić, 17 June 1995), p. 3. *See also* P345 (Mladić notebook, 27 January-5 September 1995), pp. 189-190.
[9817] D4 (Karadžić order, 17 June 1995).
[9818] P2560 (VRS Order to release detained UN members, 17 June 1995).
[9819] P785 (Rupert Smith, witness statement, 27 October 2009), para. 136.
[9820] P807 (Witness RM-120, witness statement, undated), p. 77.
[9821] P1 (David Harland, witness statement, 4 September 2009), paras 186-187, 189.
[9822] P1 (David Harland, witness statement, 4 September 2009), para. 187.
[9823] P1 (David Harland, witness statement, 4 September 2009), para. 191.
[9824] D159 (UNPROFOR daily report to UNSC, 8 June 1995).
[9825] P874 (Anthony Banbury, witness statement, 19 May 2009), para. 173.
[9826] D163 (UNPROFOR weekly situation report, 18 June 1995), p. 2.
[9827] P991 (UNPROFOR weekly situation report, 24 June 1995), p. 2.

their capture told them to prepare their kit for departure.[9829] The officer then returned with four other guards, blindfolded Nightingale and his fellow 'hostage', and placed them in the back of the troop carrier. The troop carrier picked up four of Nightingale's troops as well as the injured men from the hospital, and the group was taken to a police station in what Nightingale believes was Višegrad.[9830] They were handed over to Serb authorities and driven over the border, where they met Stanišić. They were then driven by coach to Novi Sad where they met the *Chargé d'affaires* from the British Embassy in Belgrade, Ivor Roberts, and subsequently they were flown back to the United Kingdom.[9831]

2305. **Witness RM-403** provided evidence about the release of French UNPROFOR soldiers. On 5 June 1995, Bosnian-Serb military policemen returned the head of the UNPROFOR unit and a soldier named Ferry, detained at the Doboj ammunition depot (in this respect, see the witness's evidence reviewed in chapter 6.4), to a house on the outskirts of Doboj.[9832] In this house, they were reunited with the other 13 UNPROFOR soldiers, who had also been transported from the Bijeljina barracks to Doboj with them.[9833] They further heard that they had all been held at military sites, including hospitals, command posts, artillery firing positions, and ammunition depots.[9834] On 6 June, they were transported to Bijeljina in a Bosnian-Serb military bus, carrying Ukrainian soldiers, and then towards the Serbian border in a Serbian Special Forces bus. They were joined by another bus with UNPROFOR soldiers from the 4th Infantry Battalion taken hostage at Lukavica, and under guard of three or four Serbian Special Forces soldiers.[9835] The head of the UNPROFOR unit also learned that six UNPROFOR

[9828] P1 (David Harland, witness statement, 4 September 2009), para. 193.
[9829] P398 (Hugh Nightingale, witness statement, 5 February 1996), pp. 2, 5.
[9830] P398 (Hugh Nightingale, witness statement, 5 February 1996), p. 5. *See also* P2543 (Jonathon Riley, witness statement, 15 April 1996), para. 31; Jonathon Riley, T. 18310-18313.
[9831] P398 (Hugh Nightingale, witness statement, 5 February 1996), p. 5.
[9832] P3576 (Procès-verbal of Witness RM-403, 10 March 1998), paras 27-31, 34; P3577 (Witness RM-403, *Karadžić* transcript, 25 January 2011), pp. 10728-10729; P3578 (Map showing the transport of UN hostages in 1995, 6 June 2012).
[9833] P3576 (Procès-verbal of Witness RM-403, 10 March 1998), paras 27-31, 34; *See also* P399 (Aleksandr Vishnevski, witness statement, 5 February 1996), p. 3; P5234 (UNPROFOR Questionnaire, 8 July 1995), p. 1.
[9834] P3576 (Procès-verbal of Witness RM-403, 10 March 1998), para. 34; P3577 (Witness RM-403, *Karadžić* transcript, 25 January 2011), pp. 10728-10729; P3578 (Map showing the transport of UN hostages in 1995, 6 June 2012). *See also* P399 (Aleksandr Vishnevski, witness statement, 5 February 1996), p. 3; P5234 (UNPROFOR Questionnaire, 8 July 1995), p. 1.
[9835] P3576 (Procès-verbal of Witness RM-403, 10 March 1998), paras 34-35; P3577 (Witness RM-403, *Karadžić* transcript, 25 January 2011), pp. 10728-10729; P3578 (Map showing the transport of UN hostages in 1995, 6 June 2012).

soldiers who had remained in Bijeljina had been released earlier.[9836] They crossed into Serbia at the Zvornik bridge and were received in Novi Sad by Colonel Philippe, Commander-in-Chief of Serbian Special Forces, who told them they were free and guests of Serbia.[9837]

2306. The second group of French soldiers from the Poljine WCP were brought back to Bijeljina on 2 June 1995 and brought to Zvornik, Novi Sad, and Belgrade while the members of the first group were all reunited in Doboj on 5 June 1995.[9838] The French soldiers from the OP Sierra Victor, detained at the Lukavica Barracks, were released on 13 June 1995. One member was released on 27 May 1995, one escaped during the night of 28 May 1995, and the remaining ten were released on 14 June 1995. [9839]

2307. With regard to the release of the Frebat Commander and two UNMOs, **Witness RM-409** stated that on 2 June 1995, the Commander of the military police asked the Frebat Commander and the two UNMOs detained in the building of the military police in Lukavica to gather their belongings and to get onboard a bus already filled with members of Beauregard's platoon. Inđić and Brane were present. The Frebat Commander refused to board without his men and was taken to the building located at the entrance of the barracks where he was detained.[9840] On 6 June, a 'Serb regular militiaman' and a 'civilian' drove the Frebat Commander to Pale in a civilian vehicle where he was temporarily held in a 'container' with two UNMOs who were Spanish and Brazilian respectively. Later, the three of them were taken in a small army van to the Serbian border and eventually released in Novi Sad.[9841] The Frebat Commander remained in Lukavica until 7 June 1995.[9842]

2308. With regard to the release of Ukrainian UNPROFOR soldiers, **Vishnevski** stated that on 6 June 1995, all soldiers who were taken 'hostage' were brought together again to Banja Luka and from there transferred to Novi Sad where they boarded a plane for Zagreb.[9843]

[9836] P3576 (Procès-verbal of Witness RM-403, 10 March 1998), para. 35.
[9837] P3576 (Procès-verbal of Witness RM-403, 10 March 1998), paras 35-37; P3577 (Witness RM-403, *Karadžić* transcript, 25 January 2011), pp. 10728-10729; P3578 (Map showing the transport of UN hostages in 1995, 6 June 2012).
[9838] P5234 (UNPROFOR Questionnaire, 8 July 1995), p. 1.
[9839] P5234 (UNPROFOR Questionnaire, 8 July 1995), p. 2.
[9840] P3586 (Witness RM-409, witness statement, 18 March 1998), paras 46-48.
[9841] P3586 (Witness RM-409, witness statement, 18 March 1998), paras 49-50.
[9842] P5234 (UNPROFOR Questionnaire, 8 July 1995), p. 2.
[9843] P399 (Aleksandr Vishnevski, witness statement, 5 February 1996), p. 3.

2309. Finally, with regard to the release of UNMOs, the Trial Chamber received evidence from a number of witnesses. According to **Kalbarczyk**, between 2 and 4 June 1995, Mladić and a number of other individuals, all in civilian clothing, briefly visited the detained UNMOs.[9844] The detainees were filmed by the same journalist and the same cameraman, who had previously filmed them during their detention.[9845] Later on, Captain Vojvodić drove the detainees to their respective accommodations and offices so that they could retrieve some of their belongings and call their relatives.[9846] **Rechner** testified that in the guard house at the Koran Military Barracks, the detained UNMOs were provided food and water, but not permitted to meet with a doctor until 5 June 1995; on 8 June 1995 the UNMOs were finally visited by delegates of the ICRC, following which they received clothing and toiletry, and on 10 June they could call home.[9847] **Gelissen** stated that following the ICRC visit, they were also allowed to write messages, which were checked by Vojvodić's superiors, to their next of kin. During the doctor's visit, five of the detainees were found to be in a bad condition.[9848] **Rechner** testified that Bolajić, the President of the Bosnian-Serb Exchange Commission, stated that they were official POWs because they were combatants, with which the witness disagreed since they were not involved in any hostilities.[9849] Several witnesses testified that UNMOs Romero and Huelin were released in early June due to their bad health.[9850]

2310. **Kalbarczyk** testified that on 13 June 1995, Captain Vojvodić informed the detainees about their upcoming release.[9851] Kalbarczyk last saw Evans, Rechner, and Zidlik at the barracks in Pale on 13 June.[9852] Shortly after, he was taken to the Pale police station and then placed in a nearby container where other UN military personnel,

[9844] P2801 (Janusz Kalbarczyk, witness statement, 22 November 1995), pp. 5-6; P2802 (Janusz Kalbarczyk, *Karadžić* transcript, 28 January 2011), p. 10860; Janusz Kalbarczyk, T. 19362-19365, 19371-19374.
[9845] P2801 (Janusz Kalbarczyk, witness statement, 22 November 1995), pp. 3-5.
[9846] P2801 (Janusz Kalbarczyk, witness statement, 22 November 1995), p. 5. *See also* P397 (Joseph Gelissen, witness statement, 18 January 1996), p. 6.
[9847] P2554 (Patrick Rechner, witness statement, 31 January 2011), paras 56, 66-68; D391 (UN questionnaire, completed by Patrick Rechner), para. 16; Patrick Rechner, T. 18492; D392 (Order to the DK Command, Milenko Živanović, 27 May 1995), p. 2; D393 (UN Memo with final reports on detention of UNMOs, 30 June 1995), pp. 13-14. *See also* P396 (Griffiths Evans, Rule 92*bis* material), witness statement, p. 5; P397 (Joseph Gelissen, witness statement, 18 January 1996), p. 7; P2801 (Janusz Kalbarczyk, witness statement, 22 November 1995), p. 5.
[9848] P397 (Joseph Gelissen, witness statement, 18 January 1996), p. 7.
[9849] Patrick Rechner, T. 18514; D391 (UN questionnaire, completed by Patrick Rechner), para. 20.
[9850] P2801 (Janusz Kalbarczyk, witness statement, 22 November 1995), p. 5; P396 (Griffiths Evans, Rule 92*bis* material), witness statement, p. 5; P397 (Joseph Gelissen, witness statement, 18 January 1996), p. 7.
[9851] P2801 (Janusz Kalbarczyk, witness statement, 22 November 1995), p. 5; P2802 (Janusz Kalbarczyk, *Karadžić* transcript, 28 January 2011), pp. 10861-10862.

including Kozusnik and Wojtasiak, were also waiting to be released.[9853] **Helgers** stated that Wojtasiak was released on 13 June 1995.[9854] **Gelissen** stated that on 13 and 14 June 1995, four UNMOs, Mohamad Al Lawwama, Jotham Njagi, Jarmo Laine, and Guy Schandeler, were brought to the police station.[9855] **Evans** stated that on 15 June 1995, two UNMOs from the Banja Luka Team arrived.[9856] **Helgers** stated that they were joined by Westlund, Bello, and Kratky, who had previously been driven from the Jahorina radar station to a hotel complex on the hill where they met Major Manzoor. They were taken to the military police station in Pale, near the Koran hospital, and were given uniforms.[9857] The witness was given a Dutch uniform, which was not his.[9858] **Kalbarczyk** testified that Wojtasiak told him that he had been kept at the Jahorina radar station during the entire period of his captivity. Approximately four hours later, special police forces from the FRY, wearing red berets, arrived on two buses. They called the names of the detainees who could board the buses.[9859] The buses then drove to Novi Sad where they were taken to a holiday resort.[9860] During the trip and overnight stay, the detainees remained under the custody of the Serbian army.[9861] The next morning the detainees left Novi Sad for Belgrade and from there they were flown to Zagreb on UN airplanes.[9862]

2311. **Westlund** stated that on 13 June 1995, he and Manzoor were brought to a school in Pale by two Bosnian-Serb police officers where another five French and British

[9852] P2802 (Janusz Kalbarczyk, *Karadžić* transcript, 28 January 2011), pp. 10870-10872; P2808 (UNPROFOR cable on the handover of detained UN personnel, 14 June 1995).
[9853] P2801 (Janusz Kalbarczyk, witness statement, 22 November 1995), pp. 5-6; P2802 (Janusz Kalbarczyk, *Karadžić* transcript, 28 January 2011), pp. 10861-10864, 10868-10869; P2806 (UNPROFOR cable, Daily Reporting to the UNSC, 14 June 1995), para. 1. *See also* P396 (Griffiths Evans, Rule 92*bis* material), witness statement, p. 5.
[9854] P3581 (Marcus Helgers, witness statement, 3 August 1995), p. 3.
[9855] P397 (Joseph Gelissen, witness statement, 18 January 1996), p. 7. *See also* P396 (Griffiths Evans, Rule 92*bis* material), witness statement, p. 5; P3581 (Marcus Helgers, witness statement, 3 August 1995), pp. 3-4.
[9856] P396 (Griffiths Evans, Rule 92*bis* material), witness statement, p. 5.
[9857] P3581 (Marcus Helgers, witness statement, 3 August 1995), p. 3; P3582 (Marcus Helgers, *Karadžić* transcript, 26 January 2011), pp. 10758-10759; P3583 (Map detailing hostage locations in Bosnia-Herzegovina, 28 May 1995).
[9858] P3581 (Marcus Helgers, witness statement, 3 August 1995), p. 3.
[9859] P2801 (Janusz Kalbarczyk, witness statement, 22 November 1995), p. 6; P2802 (Janusz Kalbarczyk, *Karadžić* transcript, 28 January 2011), p. 10863.
[9860] P2801 (Janusz Kalbarczyk, witness statement, 22 November 1995), p. 6; P2802 (Janusz Kalbarczyk, *Karadžić* transcript, 28 January 2011), pp. 10862, 10868.
[9861] P2802 (Janusz Kalbarczyk, *Karadžić* transcript, 28 January 2011), p. 10868.
[9862] P2801 (Janusz Kalbarczyk, witness statement, 22 November 1995), p. 6; P2802 (Janusz Kalbarczyk, *Karadžić* transcript, 28 January 2011), p. 10869.

UNMOs and one Polish UNMO from his team were released.[9863] At the school, the witness and the other 'POWs' were escorted by the chief of the Serb Special Forces, a Colonel, and by ten soldiers in red berets to Belgrade where he was released to fly to Zagreb.[9864] **Evans** stated that Bello, Kratky, Laine, Al Lawwama, Njagi, Schandeler, and Helgers were also released on that day.[9865]

2312. On 15 June 1995, **Rechner** met with Koljević who told him that the extremely high magnitude of the crisis precipitated by the bombing warranted the response of the Bosnian-Serb government to take UN peacekeepers hostage.[9866] He also said that the plan was to evacuate all detainees to Belgrade but that their release was delayed due to some technical difficulties.[9867]

2313. On 17 June 1995, **Evans** and the remaining detainees were informed by Vojvodić of their potential release. Alongside eleven Canadian UN soldiers, Evans and the remaining detainees were taken to the Koran hospital and visited by Koljević. While being filmed by the local TV crew, Koljević confirmed their release and apologized for what had happened.[9868] They were then taken to Novi Sad and from there by plane to Zagreb.[9869]

2314. **Gelissen** stated that on 18 June 1995 at 11 a.m., he, Rechner, and the other detainees were informed that they would be released. They were taken to the Pale police station where Koljević made a speech to Pale TV explaining why the Bosnian Serbs had taken 'hostages'.[9870] **Helgers** stated that Koljević explained that he was sorry that they were forced to take them, that they were going to be released to the Serb government, and that he hoped it would not be necessary to do such a thing again.[9871] Later on, Lieutenant-Colonel Inđić arrived to release them; he and a man from the Serb security

[9863] P400 (Gunnar Westlund, witness statement, 22 November 1995), pp. 5-6. *See also* P396 (Griffiths Evans, Rule 92*bis* material), witness statement, p. 5; P3581 (Marcus Helgers, witness statement, 3 August 1995), p. 4.
[9864] P400 (Gunnar Westlund, witness statement, 22 November 1995), p. 7.
[9865] P396 (Griffiths Evans, Rule 92*bis* material), witness statement, p. 5. *See also* P3581 (Marcus Helgers, witness statement, 3 August 1995), p. 4.
[9866] P2554 (Patrick Rechner, witness statement, 31 January 2011), para. 62; D393 (UN Memo with final reports on detention of UNMOs, 30 June 1995), p. 11.
[9867] P2554 (Patrick Rechner, witness statement, 31 January 2011), para. 65.
[9868] P396 (Griffiths Evans, Rule 92*bis* material), witness statement, p. 5.
[9869] P396 (Griffiths Evans, Rule 92*bis* material), witness statement, p. 6.
[9870] P397 (Joseph Gelissen, witness statement, 18 January 1996), p. 8. *See also* P2554 (Patrick Rechner, witness statement, 31 January 2011), paras 69, 73; D393 (UN Memo with final reports on detention of UNMOs, 30 June 1995), pp. 16-17.
[9871] P3581 (Marcus Helgers, witness statement, 3 August 1995), p. 4; P3582 (Marcus Helgers, *Karadžić* transcript, 26 January 2011), p. 10744.

forces with a red beret signed a document, and they were handed over to the security forces.[9872] Pale TV filmed this.[9873] **Gelissen** stated that at 3:30 p.m., the detainees were officially handed over and taken to the Bosnian-Serb Government in Pale. The detainees refused to talk to the assembled journalists, but Koljević asked one of them, Rechner, to give a statement. Serbian Special forces with red berets were present.[9874] Before departing Pale, **Rechner** made a brief statement to the press on behalf of all the 'hostages'.[9875] **Helgers** stated that they were taken by bus to the Presidency in Pale where the international press took photographs and they met with Milošević's security chief, who told them that Milošević had brokered their release.[9876] **Gelissen** stated that they were driven to Novi Sad in Serbia and the next day they were brought to Belgrade from where they flew to Zagreb.[9877] In mid-June 1995, **Lalović** reported on UNPROFOR members leaving Pale to go to Serbia.[9878]

[9872] P3581 (Marcus Helgers, witness statement, 3 August 1995), p. 4; P3582 (Marcus Helgers, *Karadžić* transcript, 26 January 2011), p. 10761.
[9873] P3581 (Marcus Helgers, witness statement, 3 August 1995), p. 4.
[9874] P397 (Joseph Gelissen, witness statement, 18 January 1996), p. 8. *See also* Patrick Rechner, T. 18521-18522.
[9875] P2554 (Patrick Rechner, witness statement, 31 January 2011), para. 73; D394 (Excerpt from video with Rechner making a statement on 18 June 1995).
[9876] P3581 (Marcus Helgers, witness statement, 3 August 1995), p. 4.
[9877] P397 (Joseph Gelissen, witness statement, 18 January 1996), p. 8. *See also* P3581 (Marcus Helgers, witness statement, 3 August 1995), p. 4; P3582 (Marcus Helgers, *Karadžić* transcript, 26 January 2011), pp. 10758-10759; P3583 (Map detailing hostage locations in Bosnia-Herzegovina, 28 May 1995).
[9878] D858 (Snježan Lalović, witness statement, 13 August 2014), paras 18-19.

6.7 The Trial Chamber's findings

2315. Based on the foregoing, the Trial Chamber finds that between 25 and 27 May 1995, VRS officers and soldiers and, in one case, a police commander and police officers wearing violet uniforms surrounded or arrested several UNMOs stationed in Pale and in the Sarajevo area. Some of these arrests were ordered by the VRS Command or the Bosnian-Serb Presidency. The UNMOs arrested by police officers were then placed in VRS custody. The VRS detained the UNMOs until 18 June 1995 and tied them with chains or handcuffs, and at times at gunpoint, to various strategic locations which were potential targets of, or targets that had previously been hit by, NATO air strikes. These were located in and around the Koran military Barracks in Pale, for example inside the ammunition bunker complex in Jahorinski Potok, the Jahorina radar site, and a bridge leading to Pale.[9879] The UNMOs remained there while NATO planes were flying above them and were filmed, *inter alia*, by VRS soldiers and officers. VRS soldiers and personnel and police officers made various threats to the detainees' lives on several occasions, including at the time of their arrest and immediately before that. The threats were made directly to the UNMOs as well as to UNMO headquarters, to exert leverage over NATO in order to secure the end of air strikes. Lieutenant-Colonel Inđić was in charge of all detained UNMOs in the Sarajevo area. Major Batinić and his subordinate, Captain Vojvodić, both VRS officers,[9880] were in charge of the UNMOs detained at the Koran military Barracks. On one occasion, Captain Vojvodić sent back the soldiers who had made threats to the life of the UNMOs.

2316. The Trial Chamber further finds that between 25 and 28 May 1995, VRS members, including members of the military police, and, in some cases in the presence of militias such as the Vasilje Vidović a.k.a. Vasko gang and men under the command of Slavko Aleksić a.k.a. Duke, and members of the regular police forces captured UNPROFOR soldiers. The captured soldiers included approximately 30 soldiers from the Ukrainian 240th battalion, manning *inter alia* the Zaria and Palub checkpoints around Ilidža, French soldiers stationed in various OPs and WCPs around Sarajevo, and soldiers stationed in various OPs in Goražde. The VRS Main Staff more particularly

[9879] The Trial Chamber considered Šehovac's evidence on the absence of the use of restraints. The Trial Chamber considers it reasonable that some UNMOs may not have been restrained during their detention. However, in light of the large amount of reliable evidence on the restraints used during the detention of some UNMOs, the Trial Chamber will not consider his evidence on this issue further.

ordered the capture of the UNPROFOR soldiers in the Goražde area. The Ukrainian UNPROFOR soldiers and the soldiers stationed in the Goražde area were disarmed by their captors who resorted at times to threats with the force of arms to compel them to comply. The Bosnian-Serb military police detained 14 of the Ukrainian UNPROFOR soldiers at a military compound in Banja Luka until 6 June 1995. The French UNPROFOR soldiers were placed under the custody of the VRS, including the military police, and held in different military positions until 24 June 1995, including at the Doboj ammunition depot, in Bileća, at the Lukavica Barracks, and in the military police building in Lukavica. VRS forces detained the UNPROFOR soldiers captured in the Goražde area for approximately a week at different military installations in Višegrad and between Bileća and Zvornik. Živanović ordered that the UNPROFOR soldiers captured in the Goražde area be treated as POWs. The Bosnian-Serb military police informed other UNPROFOR soldiers that they were being held as POWs, exposed them to intimidation techniques, and made threats to their lives during their detention. During their detention, some of the UNPROFOR soldiers were handcuffed to military equipment and, in some cases, filmed. Others were used as shields to allow the VRS to cross Bosnian lines of fire or, after being placed at potential NATO targets, to exert leverage over NATO to stop air strikes. VRS soldiers and officers, including Inđić, threatened the lives of some of the UNPROFOR detainees on several occasions during their capture. They also threatened the lives of some of these detainees during their detention, including during an exchange attempt. VRS soldiers further told the detainees that they would be killed if the NATO air strikes were to continue. The Trial Chamber further finds that Dragomir Milošević and Inđić pretended to carry out executions of the detainees during a conversation with UNPROFOR officials to obtain their withdrawal from their position as well as to secure an exchange with Serb prisoners. The Trial Chamber finds that some of the UNPROFOR detainees were captured because of the NATO bombing of Pale while others were captured in order to recover Serb weapons under UNPROFOR control. Based on the overall evidence on the capture and detention of UNPROFOR and UNMO personnel during that period and the circumstances of their release, the Trial Chamber finds that the UNPROFOR soldiers captured in the Goražde area were detained pursuant to the 27 May 1995 VRS Main Staff order and to prevent further NATO air strikes against Bosnian Serbs.

[9880] *See* D1224 (Radoje Vojvodić, witness statement, 8 August 2014), para. 2; Radoje Vojvodić, T. 38806, 38843.

2317. The Trial Chamber will further consider the above mentioned incidents in relation to Count 11 of the Indictment in chapter 8 below.

2318. The Trial Chamber will address the evidence related to the alleged fourth JCE and, in particular, the Accused's alleged responsibility (some of which has been reviewed above in this chapter) in chapter 9.

7. Srebrenica

7.1 The take-over of the Srebrenica enclave

7.1.1 1992 - July 1995

2319. In this chapter, the Trial Chamber will review the evidence and make findings concerning the lead-up to the fall of the Srebrenica enclave. The Trial Chamber took judicial notice of a number of Adjudicated Facts relating to these events. It further received evidence from **Richard Butler**, an intelligence research specialist;[9881] **Mujo Subašić**, a Bosnian Muslim from Podžeplje, Han Pijesak Municipality, who worked as a nurse in the Srebrenica Hospital from April 1993 until 11 July 1995;[9882] **Pyers Tucker**, a British army officer, who served with UNPROFOR as military assistant to General Philippe Morillon from October 1992 to March 1993;[9883] **Ratko Nikolić**, from the Serb village Opravdići close to Kravica;[9884] **Momir Deurić**, member of the Vlasenica TO until the beginning of the war in 1992 and assigned to providing security for one of the TO facilities in Sušica from April to September 1992;[9885] **Witness RM-306**, a Serb from Bratunac;[9886] **Robert Franken**, the Deputy Commanding Officer of DutchBat in Potočari from 15 January to late July 1995;[9887] **Momir Nikolić**, the Assistant Commander for Intelligence and Security of the Bratunac Brigade from November 1992 to at least October 1995;[9888] **Pieter Boering**, a former DutchBat Major who served as liaison officer with the VRS and ABiH in Srebrenica from 3 January to July 1995;[9889] **Eelco Koster**, a member of DutchBat;[9890] as well as documentary evidence; and finds that this evidence is consistent with the Adjudicated Facts.[9891] The

[9881] Richard Butler, T. 16108; P2094 (Richard Butler, *curriculum vitae*, 10 June 2011).
[9882] P3306 (Mujo Subašić, witness statement, 3 October 2012), p. 1, paras 3, 10-11, 29, 31.
[9883] P317 (Pyers Tucker, witness statement, 10 May 2010), paras 4, 6; Pyers Tucker, T. 3751.
[9884] Ratko Nikolić, T. 34905, 34907.
[9885] D797 (Momir Deurić, witness statement, 16 February 2012), paras 2, 15; Momir Deurić, T. 28702, 28725, 28733.
[9886] P1474 (Witness RM-306, *Popović et al.* transcript, 23, 26-27 March 2007), pp. 9357-9358; Witness RM-306, T. 11446; D293 (Witness RM-306, statement to the Bosnian-Serb MUP, 26 December 2005), pp. 1-2.
[9887] P1417 (Robert Franken, witness statement, 15 January 2012), paras 3-4, 109.
[9888] Momir Nikolić, T. 11768-11771, 11776-11777; D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), paras 1, 13-14.
[9889] P1139 (Pieter Boering, *Popović et al*. transcript, 19, 21, and 22 September 2006), pp. 1867-1873; Pieter Boering, T. 10025.
[9890] P57 (Eelco Koster, witness statement, 26 September 1995), pp. 1-2; Eelco Koster, T. 1235; D25 (UN Peacekeeper Interview Questionnaire completed by Eelco Koster), p. 1.
[9891] **Richard Butler:** P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), paras 3.0-3.1. **Mujo Subašić:** P3306 (Mujo Subašić, witness statement, 3 October 2012), paras 6-7, 10, 20, 22-23. **Pyers Tucker:** P317 (Pyers Tucker, witness statement, 10 May 2010), paras 11, 133,

Trial Chamber also received evidence from **Paul Groenewegen**, a member of DutchBat stationed in Potočari from January until July 1995;[9892] **Witness RM-322**, an officer in the VRS Zvornik Brigade in 1995;[9893] **Miroslav Deronjić**, the President of the Bratunac Municipality Crisis Staff as of April 1992;[9894] **Alma Gabeljić**, a Bosnian Muslim from Bučinovići Village in Srebrenica Municipality;[9895] **Milovan Milutinović**, Chief of the Press Centre and the Information Service at the 1KK between 1992 and 1994 and head of the VRS Main Staff Information Service and Centre for Information and Propaganda Activities between 1994 and 1996;[9896] **Lazar Ristić**, the Acting Commander of the 4th Infantry Battalion of the Zvornik Brigade between 1 July and 18 July 1995;[9897] **Razija Pašagić**, a Bosnian Muslim from Srebrenica Town;[9898] and **Evert Rave**, a member of the DutchBat who served as a Security and Liaison Officer in Srebrenica from January to late July 1995.[9899]

General

2320. The town of Srebrenica is nestled in a valley in eastern Bosnia-Herzegovina, about 15 kilometres from the Serbian border.[9900] The town is one kilometre wide and

167, 173-181, 194-195, 201, 219-220, 222, 225, 228-232, 237, 254, 302; P318 (Corrections to Tucker's statement); Pyers Tucker, T. 3791-3792, 3807-3808, 3838, 3842-3843, 3846; P560 (Report of Major Dudley concerning Srebrenica including report of Tucker), p. 2; P557 (Medical summary on conditions in Srebrenica dated 22 February 1993); P559 (Extract of UNMO Bosnia-Herzegovina North Report). **Ratko Nikolić:** T. 34908-34913, 34915, 34917-34920, 34923, 34930, 34932. **Momir Deurić:** D797 (Momir Deurić, witness statement, 16 February 2012), para. 26; Momir Deurić, T. 28703, 28705; P6935 (Combat order from the DK Command, 12 February 1993), para. 5.3. **Witness RM-306:** T. 11487. **Robert Franken:** P1417 (Robert Franken, witness statement, 15 January 2012), paras 15-16, 31-33, 35; Robert Franken, T. 10768-10771, 10773-10775; D278 (Debriefing report of General Franken with the Dutch authorities, 31 March 1999), paras 7, 41; D279 (Letter from UNPROFOR headquarters addressed to the commander of the ABiH Main Staff, 26 June 1995), p. 2. **Eelco Koster:** P57 (Eelco Koster, witness statement, 26 September 1995), p. 2; Eelco Koster, T. 1242. **Momir Nikolić:** T. 11801-11802. **Pieter Boering:** P1139 (Pieter Boering, *Popović et al*. transcript, 19, 21 and 22 September 2006), pp. 1910-1911; Pieter Boering, T. 10036-10038. **Documentary evidence**: P2051 (Report of the UNSC mission, 30 April 1993), p. 5. D275 (Article from 'Oslobodjenje', 23 August 1996), pp. 2-3.

[9892] P1157 (Paul Groenewegen, witness statement, 11 November 2011), paras 3-4, 6.

[9893] Witness RM-322, T. 11621-11622, 11626-11627, 11667-11668; P1492 (Pseudonym sheet for Witness RM-322).

[9894] P3566 (Miroslav Deronjić, witness statement, 25 November 2003), para. 2.

[9895] P3460 (Alma Gabeljić witness statement 24 May 2004) p.1. para. 2.

[9896] D862 (Milovan Milutinović, witness statement, 11 July 2014), paras 3, 5, 51, 54, 140; Milovan Milutinović, T. 30038.

[9897] P3510 (Lazar Ristić, *Popović et al.* transcript, 16 and 18 April 2007), pp. 10035, 10037.

[9898] P1043 (Razija Pašagić, witness statement, 15 June 2000), pp. 1-2; P1044 (Razija Pašagić, statement taken by the Cantonal Court in Tuzla, 15 June 2000), p. 1.

[9899] P1149 (Evert Rave, witness statement, 17 February 1998), p. 1, paras 1, 61-62; Evert Rave, T. 10255.

[9900] Adjudicated Facts II, no. 1271.

two kilometres long.[9901] Before the war, many of Srebrenica's residents worked in the factories at Potočari, a few kilometres north of Srebrenica, or in the zinc and bauxite mines to the south and northeast of the town.[9902] In 1991, the population of the Srebrenica municipality was 37,000, of which 73 per cent were Muslim and 25 per cent were Serb.[9903]

2321. During the conflict, the Central Podrinje Region, which included Srebrenica, was an area of significant strategic importance.[9904] For the Bosnian Serbs, control of this region was necessary in order to achieve their minimum goal of forming a political entity in Bosnia-Herzegovina.[9905] Despite Srebrenica's predominantly Muslim population, Serb paramilitaries from the area and neighbouring parts of eastern Bosnia-Herzegovina gained control of the town for several weeks early in 1992.[9906] On 12 May 1992, Momčilo Krajišnik, the President of the Bosnian-Serb Assembly, signed the 'Decision on Strategic Objectives of the Serbian People', which included one objective relating to the area of Srebrenica, namely, to 'establish a corridor in the Drina river valley, that is eliminate the Drina as a border separating Serb states'.[9907] **Richard Butler** testified that the Bosnian-Serb corridor connected the Serb Krajina territory to Serb-held territory in Eastern Bosnia.[9908]

2322. In May 1992, a group of Bosnian-Muslim fighters under the leadership of Naser Orić managed to recapture Srebrenica.[9909] Over the next several months, Orić and his men pressed outward in a series of raids.[9910] By September 1992, Bosnian-Muslim forces from Srebrenica had linked up with those in Žepa, a Muslim-held town to the south of Srebrenica.[9911] **Mujo Subašić** stated that the Commander of the ABiH Žepa Brigade was Avdo Palić.[9912]

2323. On 19 November 1992, Mladić issued operational Directive 4.[9913] Mladić stated that the Muslim forces and the HVO had the goal of 'annihilating the Serbs' and the

[9901] Adjudicated Facts II, no. 1272.
[9902] Adjudicated Facts II, no. 1273.
[9903] Adjudicated Facts II, no. 1274.
[9904] Adjudicated Facts II, no. 1275.
[9905] Adjudicated Facts II, no. 1275.
[9906] Adjudicated Facts II, no. 1276.
[9907] Adjudicated Facts II, no. 1278.
[9908] P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 3.1.
[9909] Adjudicated Facts II, no. 1277.
[9910] Adjudicated Facts II, no. 1277.
[9911] Adjudicated Facts II, no. 1279.
[9912] P3306 (Mujo Subašić, witness statement, 3 October 2012), para. 6.
[9913] P1968 (VRS Main Staff Directive 4, type-signed by Ratko Mladić, 19 November 1992).

'genocide of the Serbian people'.[9914] To prevent this, he had decided to launch offensive operations, describing that the aim of all VRS units was to launch offensive operations 'to crush large HVO and Muslim groups in the territory of RS and force them into unconditionally surrendering their weapons, or destroy them'.[9915] He ordered, *inter alia*, that DK forces in the wider Podrinje region should exhaust the enemy, 'inflict the heaviest possible losses on them and force them to leave the Birač, Žepa, and Goražde areas with the Muslim population'.[9916] Mladić further ordered that the units should 'first offer the disarming of able-bodied and armed men, and if they refuse, destroy them.'[9917] In accordance with a decision of 24 November 1992, signed by Milenko Živanović of the DK and sent to the Commander of the Zvornik Light Infantry Brigade, various units were ordered to launch an attack aimed at inflicting the highest possible losses on the enemy, and forcing the 'Muslim local population to abandon the areas of Cerska, Žepa, Srebrenica, and Goražde'.[9918] The Bratunac Light Infantry Brigade was instructed to consolidate the Fakovići Battalion and give it the task to penetrate as deep as possible into the area of Srebrenica and attack the enclave.[9919] Before initiating any kind of operation, the respective unit members were to be informed about the 'crucial importance' of the operation for 'the realisation of the aim of the Serbian people, namely, the creation and establishment of a Serbian state'.[9920]

2324. By January 1993, the Srebrenica enclave had been expanded to include the Bosnian Muslim-held enclave of Cerska located to the west of Srebrenica.[9921] At this time the enclave reached its peak size of 900 square kilometres, although it was never linked to the main area of Bosnian-held land in the west and remained an island amid Serb-controlled territory.[9922] **Pyers Tucker** testified that during a meeting with Major Pandurević on 7 February 1993, he saw maps on Pandurević's office wall detailing the VRS's advance on the eastern enclaves.[9923] These demonstrated the progressive 'squeezing' of the enclaves through rings marked on the maps with correlating dates,

[9914] P1968 (VRS Main Staff Directive 4, type-signed by Ratko Mladić, 19 November 1992), pp. 1-3.
[9915] P1968 (VRS Main Staff Directive 4, type-signed by Ratko Mladić, 19 November 1992), pp. 3-4.
[9916] P1968 (VRS Main Staff Directive 4, type-signed by Ratko Mladić, 19 November 1992), p. 5.
[9917] P1968 (VRS Main Staff Directive 4, type-signed by Ratko Mladić, 19 November 1992), p. 5.
[9918] P2095 (DK Command Order, 24 November 1992), para. 1.
[9919] P2095 (DK Command Order, 24 November 1992), para. 2.2.
[9920] P2095 (DK Command Order, 24 November 1992), para. 2.3.c.
[9921] Adjudicated Facts II, no. 1280.
[9922] Adjudicated Facts II, no. 1280.
[9923] P317 (Pyers Tucker, witness statement, 10 May 2010), para. 155.

the first date being 7 February 1993.[9924] The witness described the 'Bosnian-Serb method' as the following pattern: first a small number of villages were shelled, then after two or three days some infantry, a couple of tanks, and APCs attacked; however by the time of such attacks the civilian population had mostly left due to the previous shelling.[9925]

2325. The witness was shown the 'Directive for further operations of the Army of Republika Srpska' dated 19 November 1992 and signed by Mladić and testified that it accorded with the maps that he had seen in Pandurević's office, depicting the first offensive which appeared to have been launched on 7 February 1993.[9926] Tucker further explained that while the Bosnian-Muslim attacks on Serb civilians had certainly enraged the Bosnian Serbs, the orders show that the VRS had envisaged and planned an offensive well before February 1993 with the aim to capture and eradicate the eastern enclaves.[9927]

2326. Another set of documents shown to Tucker about various shelling incidents accorded with his observations of the use of heavy artillery against fleeing civilians.[9928] A 'combat order for the liberation of Kamenica, Cerska, and Konjević Polje' sent from the DK Command to its brigades on 1 February 1993, further supported the offensive portrayed on the maps hung in Pandurević's office.[9929] According to the order 'the enemy's morale has been rather shaken for the following reasons: […] the impossibility of normal living conditions due to the constant firing of our artillery' which in the witness's view referred to the use of artillery against civilians.[9930]

2327. An assessment of the situation in the Srebrenica enclave sent from the ABiH Command 'Main Kiseljak' to 'HQ UNPROFOR Zagreb' and dated 15 March 1993 stated that systematic cleansing of the Srebrenica enclave had been 'going on full force' since at least the beginning of March 1993 and possibly as early as January of that year and that the Muslim forces were unlikely to be able to stop a concerted advance.[9931]

[9924] P317 (Pyers Tucker, witness statement, 10 May 2010), para. 155.
[9925] P317 (Pyers Tucker, witness statement, 10 May 2010), para. 157; Pyers Tucker, T. 3789-3790.
[9926] P317 (Pyers Tucker, witness statement, 10 May 2010), paras 155, 264, 268.
[9927] P317 (Pyers Tucker, witness statement, 10 May 2010), para. 269.
[9928] P317 (Pyers Tucker, witness statement, 10 May 2010), paras 270, 272-274.
[9929] P317 (Pyers Tucker, witness statement, 10 May 2010), paras 155, 271; P556 (DK Command combat order dated 1 February 1993).
[9930] P556 (DK Command combat order dated 1 February 1993), p. 2. *See also* P317 (Pyers Tucker, witness statement, 10 May 2010), paras 271-272.
[9931] P317 (Pyers Tucker, witness statement, 10 May 2010), paras 201, 203.

Tucker explained that he and Morillon only learned later that the plan to seize the eastern enclaves had already been ordered in November 1992.[9932]

2328. During his travels to eastern Bosnia, Tucker observed that in parts of the enclaves houses of the fleeing population had been burned down by Bosnian-Serb forces.[9933] Specifically he witnessed this happening in the area around Srebrenica and a number of villages in the Srebrenica pocket.[9934]

2329. In January 1993, Bosnian-Muslim forces attacked the Bosnian-Serb village of Kravica.[9935] Over the next few months, the Bosnian Serbs responded with a counter-offensive, eventually capturing the villages of Konjević Polje and Cerska, severing the link between Srebrenica and Žepa and reducing the size of the Srebrenica enclave to 150 square kilometres.[9936] Bosnian-Muslim residents of the outlying areas converged on Srebrenica Town and its population swelled to between 50,000 and 60,000 people.[9937] According to a UNSC report dated 30 April 1993 on the UNSC mission to Srebrenica, on 25 April 1993, Srebrenica Town had a population of approximately 20,000 to 28,000 people in April 1993 of whom between 8,000 and 10,000 were locals and the remainder were displaced persons from the surrounding villages.[9938] The whole enclave was overcrowded and held 70,000 people.[9939]

Conditions in Srebrenica Town

2330. By March 1993, the advancing Bosnian-Serb forces had destroyed the town's water supplies and there was almost no running water.[9940] People relied on makeshift generators for electricity.[9941] Food, medicine, and other essentials were extremely scarce.[9942] **Tucker** testified that during a meeting with Morillon on 8 March 1993 with *inter alios* Gvero; Raković, Chef de Cabinet to Karadžić; Kovadević; and Ratko Adžić, Minister of the Interior in Pale, a cease fire was agreed around Konjević Polje for a

[9932] Pyers Tucker, T. 3792.
[9933] Pyers Tucker, T. 3772.
[9934] Pyers Tucker, T. 3785.
[9935] Adjudicated Facts II, no. 1281.
[9936] Adjudicated Facts II, no. 1281.
[9937] Adjudicated Facts II, no. 1282.
[9938] P2051 (Report of the UNSC mission, 30 April 1993), pp. 4-5.
[9939] P2051 (Report of the UNSC mission, 30 April 1993), pp. 5, 13.
[9940] Adjudicated Facts II, no. 1283.
[9941] Adjudicated Facts II, no. 1283.
[9942] Adjudicated Facts II, no. 1283.

military convoy to pass through to evacuate civilians who had been injured during the fall of Cerska in early March 1993.[9943] In addition, Gvero authorised a humanitarian aid convoy to go to Srebrenica on 11 March 1993 on the condition that the ABiH would stop attacks in other areas.[9944] Tucker learned from the ABiH Command headquarters and British officers accompanying the convoy that upon arrival of the military convoy in Konjević Polje during the night of 11 March 1993, it was surrounded by local Bosnian Muslims who demanded a cease-fire and prevented the convoy to move.[9945] The crowd was still gathered around the convoy in the morning of 12 March 1993 when Bosnian-Serb forces started to attack the village, firing directly into the crowd, and killing and injuring many people.[9946] The remainder of the convoy was escorted back to Zvornik the following day.[9947]

2331. By March 1993, when French General Philippe Morillon, the Commander of UNPROFOR, visited Srebrenica, the town was overcrowded and siege conditions prevailed.[9948] Before leaving, General Morillon told the residents of Srebrenica at a public gathering that the town was under the protection of the UN and that he would never abandon them.[9949] Between March and April 1993, approximately 8,000 to 9,000 Bosnian Muslims were evacuated from Srebrenica under the auspices of the UNHCR.[9950] The evacuations were, however, opposed by the Bosnian-Muslim government in Sarajevo as contributing to the 'ethnic cleansing' of the territory.[9951]

2332. **Tucker** reported to his headquarters in Zagreb on 18 March 1993 that there were craters along the main refugee routes which confirmed the claims of the people having been shelled while fleeing.[9952] The witness reported on 19 March 1993, that a multiple rocket launcher fired and hit Srebrenica at 2:45 p.m., killing two people and wounding three children, all Bosnian-Muslim civilians.[9953] On 20 March 1993, Morillon and the witness accompanied a convoy with 673 women, children and about 100 wounded

[9943] P317 (Pyers Tucker, witness statement, 10 May 2010), paras 160, 163, 165.
[9944] P317 (Pyers Tucker, witness statement, 10 May 2010), paras 165-166.
[9945] P317 (Pyers Tucker, witness statement, 10 May 2010), paras 188, 190.
[9946] P317 (Pyers Tucker, witness statement, 10 May 2010), paras 189-190.
[9947] P317 (Pyers Tucker, witness statement, 10 May 2010), paras 189-190.
[9948] Adjudicated Facts II, no. 1284.
[9949] Adjudicated Facts II, no. 1284.
[9950] Adjudicated Facts II, no. 1285.
[9951] Adjudicated Facts II, no. 1285.
[9952] P317 (Pyers Tucker, witness statement, 10 May 2010), para. 204.
[9953] P317 (Pyers Tucker, witness statement, 10 May 2010), para. 209.

people from Srebrenica to Bratunac.[9954] After Bosnian-Serb soldiers searched the convoy and checked whether any men were among the people on it, the convoy continued towards Tuzla and Morillon and the witness returned to Srebrenica.[9955]

2333. According to a UNSC report dated 30 April 1993 on the UNSC mission to Srebrenica, on 25 April 1993, Srebrenica had no sanitation or basic medical assistance.[9956] The Bosnian-Serbs did not allow surgeons to enter the city although there were many wounded requiring surgery.[9957] Many people were sleeping on the streets, which were also used as toilet facilities.[9958] More than 50 per cent of the town's houses and public facilities had been damaged or destroyed, a situation which the report described as hazardous with the potential to lead to epidemics.[9959] The mutilated remains of 15 children who had been killed by mortar fire while playing soccer at school in the beginning of April 1993 were still scattered in the area two weeks later.[9960] According to the report, the Bosnian-Serbs were determined to show their effective control of the town and that it was at their mercy.[9961] They constantly harassed humanitarian aid convoys and helicopters that flew out the wounded and sick.[9962] Srebrenica was described in the report as 'the equivalent of an open jail in which its people can wander around but are controlled and terrorized by the increasing presence of Serb tanks and other heavy weapons in its immediate surroundings' and was described by the UNHCR representative as a 'bad refugee camp'.[9963] The Bosnian-Serbs only allowed the departure of the sick, wounded, and dependent women and children.[9964]

2334. **Subašić** stated that from April 1993 until January 1995, basic commodities such as water, food, detergent, and soap were in insufficient supply, resulting in epidemics and causing starvation of the population of Srebrenica Town.[9965] In particular, in April 1993 Srebrenica Hospital staff had no medicine, including no antibiotics, and had to

[9954] P317 (Pyers Tucker, witness statement, 10 May 2010), para. 212.
[9955] P317 (Pyers Tucker, witness statement, 10 May 2010), para. 212.
[9956] P2051 (Report of the UNSC mission, 30 April 1993), p. 5.
[9957] P2051 (Report of the UNSC mission, 30 April 1993), p. 6.
[9958] P2051 (Report of the UNSC mission, 30 April 1993), p. 5.
[9959] P2051 (Report of the UNSC mission, 30 April 1993), p. 5.
[9960] P2051 (Report of the UNSC mission, 30 April 1993), pp. 6-7, 13.
[9961] P2051 (Report of the UNSC mission, 30 April 1993), p. 5.
[9962] P2051 (Report of the UNSC mission, 30 April 1993), p. 5.
[9963] P2051 (Report of the UNSC mission, 30 April 1993), p. 6.
[9964] P2051 (Report of the UNSC mission, 30 April 1993), p. 7.
[9965] P3306 (Mujo Subašić, witness statement, 3 October 2012), paras 19-20, 23.

make bandages out of sheets and re-use gauzes.[9966] Around the end of 1993 or beginning of 1994, MSF and the ICRC provided basic medical supplies and electricity to the hospital using ICRC generators.[9967] Between 1993 and 1995, the food and supply convoys were insufficient.[9968] **Razija Pašagić** stated that people in Srebrenica were starving during this time.[9969] Food only became available when international organisations began delivering relief parcels.[9970] Some people died due to injuries from fighting over the food parcels.[9971] By early 1995, fewer and fewer supply convoys were making it through to the Srebrenica enclave.[9972] The already meagre resources of the civilian population dwindled further, and even UN forces started running low on food, medicine, fuel, and ammunition.[9973] Eventually, the peacekeepers had so little fuel that they were forced to start patrolling the enclave on foot.[9974] By February 1995, the restriction of international convoys impacted the rotation and readiness of DutchBat troops and caused further deterioration of the humanitarian situation in the Srebrenica enclave.[9975] DutchBat soldiers who went out of the area on leave were not allowed to return and their numbers dropped from 600 to 400 men.[9976] The military capability of DutchBat was hampered by the VRS's refusal to allow soldiers re-entry into the enclave after their leave.[9977]

2335. **Pieter Boering** estimated that during the first few months of 1995 there were 30,000 people living in the enclave.[9978] Water supply was limited, resulting in poor sanitation, and people had scant access to medical care, with health professionals having limited medical equipment.[9979] There was only one hospital in Srebrenica supported by MSF and a few local doctors' stations, so people went to Tuzla for additional medical treatment.[9980] **Franken** testified that at some point around March 1995, MSF stopped providing medical care because of a conflict with the Srebrenica Town authorities, but

[9966] P3306 (Mujo Subašić, witness statement, 3 October 2012), paras 11, 13, 16.
[9967] P3306 (Mujo Subašić, witness statement, 3 October 2012), para. 17.
[9968] P3306 (Mujo Subašić, witness statement, 3 October 2012), para. 20.
[9969] P1043 (Razija Pašagić, witness statement, 15 June 2000), p. 3.
[9970] P1043 (Razija Pašagić, witness statement, 15 June 2000), p. 3.
[9971] P1043 (Razija Pašagić, witness statement, 15 June 2000), p. 3.
[9972] Adjudicated Facts II, no. 1306.
[9973] Adjudicated Facts II, nos 1303, 1307.
[9974] Adjudicated Facts II, no. 1309.
[9975] Adjudicated Facts II, no. 1310.
[9976] Adjudicated Facts II, nos 1303, 1311.
[9977] Adjudicated Facts II, no. 1312.
[9978] P1139 (Pieter Boering, *Popović et al*. transcript, 19, 21 and 22 September 2006), p. 1891.
[9979] P1139 (Pieter Boering, *Popović et al*. transcript, 19, 21 and 22 September 2006), pp. 1891-1893.
[9980] P1139 (Pieter Boering, *Popović et al*. transcript, 19, 21 and 22 September 2006), pp. 1891-1892.

DutchBat continued to provide medical care until it was unable to operate its mobile medical stations due to lack of fuel.[9981] **Subašić** stated that the inhabitants of Srebrenica had just enough to survive, felt helpless, desperate, and desolate, and wanted to leave.[9982] **Witness RM-311** testified that from May to July 1995, the living conditions for her family in Srebrenica were difficult as they had very little food and clothing.[9983] In 1995, representatives of the ICRC and UNHCR told **Momir Nikolić** that the situation in Srebrenica was terrible as those in the enclave suffered from contagious diseases and lice.[9984]

2336. **Subašić** stated that in 1995, the number of convoys decreased, resulting in a decrease in the medical supplies provided by the ICRC and MSF.[9985] The witness heard from a hospital staff member in charge of food supplies and, on a separate occasion from a woman from MSF, that the Serbs sometimes stopped convoys, preventing them from entering Srebrenica, or would only allow trucks with one kind of supply, for instance soybeans, to enter Srebrenica.[9986] **Boering** testified that the population of Srebrenica wished to leave the enclave as early as May or June 1995.[9987] Between May and July 1995, the situation deteriorated considerably and the number of relief supplies that UNHCR brought in for the population decreased due to increasing threats from the VRS, including more shootings, as well as a growing number of 'refugees'.[9988]

UN safe areas and the demilitarisation of Srebrenica

2337. On 16 April 1993, the UNSC passed Resolution 819, declaring that 'all parties and others treat Srebrenica and its surroundings as a "safe area" that should be free from armed attack or any other hostile act.'[9989] At the same time, the UNSC created, with Resolution 824, two other UN protected enclaves, Žepa and Goražde.[9990] The UNSC stated in Resolution 819 that it 'condemns and rejects the deliberate actions of the Bosnian-Serb party to force the evacuation of the civilian population from Srebrenica

[9981] P1417 (Robert Franken, witness statement, 15 January 2012), para. 27.
[9982] P3306 (Mujo Subašić, witness statement, 3 October 2012), para. 23.
[9983] P3521 (Witness RM-311, *Popović et al.* transcript, 31 October 2006), pp. 3305-3306.
[9984] Momir Nikolić, T. 11801-11802.
[9985] P3306 (Mujo Subašić, witness statement, 3 October 2012), para. 22.
[9986] P3306 (Mujo Subašić, witness statement, 3 October 2012), paras 20-22.
[9987] Pieter Boering, T. 10057-10058.
[9988] P1139 (Pieter Boering, *Popović et al*. transcript, 19, 21 and 22 September 2006), pp. 1894-1895.
[9989] Adjudicated Facts II, no. 1286.
[9990] Adjudicated Facts II, no. 1286.

and its surrounding areas […] as part of its abhorrent campaign of ethnic cleansing'.[9991] Resolution 819 further called for 'the immediate cessation of armed attacks by Bosnian-Serb paramilitary units against Srebrenica and their immediate withdrawal from the areas surrounding Srebrenica.'[9992] When the 'safe area' of Srebrenica was established, the UNSC called upon the Secretary-General to 'take immediate steps to increase the presence of the United Nations Protection Forces in Srebrenica and its surroundings.'[9993]

2338. According to a UNSC report, on 17 April 1993, Sefer Halilović and Mladić concluded an Agreement for the Demilitarisation of Srebrenica.[9994] The parties agreed, *inter alia*, upon a total cease-fire in the Srebrenica area, effective from 1:59 a.m. on 18 April 1993; the demilitarisation of Srebrenica within 72 hours of the arrival of UNPROFOR in Srebrenica; the opening of an air corridor between Tuzla and Srebrenica *via* Zvornik in order to evacuate the seriously wounded and ill; and freedom of movement, including allowing humanitarian aid into the enclave.[9995] The parties also agreed to establish a working group to decide the details of the demilitarisation and to make recommendations on carrying out an exchange of detainees.[9996] However, instead of Serb paramilitary forces withdrawing from the enclave as demanded by UNSC Resolution 819, 47 new trenches had been dug and tanks and heavy weapons could be seen at a distance of 900 metres from one UNPROFOR OP, increasing the pressure on the town.[9997]

2339. Before the conclusion of the agreement, Srebrenica Town was under intense shelling, surrounded and totally isolated.[9998] This situation forced the Srebrenica local authorities to agree to a settlement whereby only the Bosnian-Muslim side was to disarm under the supervision of UNPROFOR.[9999] According to the UNSC report, the Bosnian-Muslim side signed the agreement under duress after UNPROFOR officers informed the President and Vice-President of Bosnia-Herzegovina that no outside support would come and that they were defenceless.[10000] The report further stated that

[9991] Adjudicated Facts II, no. 1287.
[9992] Adjudicated Facts II, no. 1288.
[9993] Adjudicated Facts II, no. 1290.
[9994] P2051 (Report of the UNSC mission, 30 April 1993), pp. 15-16.
[9995] P2051 (Report of the UNSC mission, 30 April 1993), pp. 15-16.
[9996] P2051 (Report of the UNSC mission, 30 April 1993), pp. 15-16.
[9997] P2051 (Report of the UNSC mission, 30 April 1993), p. 7.
[9998] P2051 (Report of the UNSC mission, 30 April 1993), p. 5.
[9999] P2051 (Report of the UNSC mission, 30 April 1993), pp. 5-6.
[10000] P2051 (Report of the UNSC mission, 30 April 1993), pp. 5-6, 15.

there was 'no doubt that had this agreement not been reached, most probably a massacre would have taken place'.[10001]

2340. On 18 April 1993, the first group of UNPROFOR troops arrived in Srebrenica.[10002] Fresh troops were rotated approximately every six months after 18 April 1993.[10003] The peacekeepers were lightly armed and at any one time numbered no more than 600 men, a much smaller force than had been originally requested.[10004] They established a small command centre, the 'Bravo Company compound', in Srebrenica itself and a larger main compound about five kilometres north of the town in Potočari.[10005]

2341. On 20 April 1993, Sefer Halilović informed the Commander of the ABiH 2nd Corps, Naser Orić, that on 19 April 1993, the 'aggressor' insisted that all units at the defence lines surrender their weapons, which was contrary to the agreement signed by Mladić on the demilitarisation of Srebrenica Town.[10006]

2342. According to an agreement on the demilitarisation of Srebrenica and Žepa of 8 May 1993, Mladić and Halilović, in the presence of Morillon, declared that the areas of Srebrenica and Žepa be demilitarised.[10007] The agreed demilitarisation included that every military or paramilitary unit withdraws or hands over weapons to UNPROFOR.[10008]

2343. In January 1995, a new set of UNPROFOR troops, a battalion from the Netherlands, referred to as 'DutchBat', rotated into the enclave.[10009] Initially, DutchBat had eight OPs around the perimeter of the enclave; four additional OPs were added between February and July 1995.[10010] **Boering** testified that in April 1995, an OP was established in Lozine, a village in the southern part of the enclave, which met the resistance of local Muslim civilian and military leaders.[10011] The OPs were to report on people entering and leaving the enclave, taking note of their Serb or Muslim ethnicity,

[10001] P2051 (Report of the UNSC mission, 30 April 1993), p. 6.
[10002] Adjudicated Facts II, no. 1291.
[10003] Adjudicated Facts II, no. 1292.
[10004] Adjudicated Facts II, no. 1293.
[10005] Adjudicated Facts II, no. 1294.
[10006] D366 (Document on demilitarisation of Srebrenica from Sefer Halilović to ABiH 2nd Corps Commander Naser Orić, 20 April 1993), pp.1-2.
[10007] P23 (Demilitarization agreement, 8 May 1993), pp. 1, 4.
[10008] P23 (Demilitarization agreement, 8 May 1993), p. 2.
[10009] Adjudicated Facts II, no. 1295.
[10010] Adjudicated Facts II, no. 1296.

and to secure the border.[10012] Most of the time, groups of Bosnian-Serb and Bosnian-Muslim soldiers maintained shadow positions near the OPs marking the perimeter of the enclave.[10013] The Bosnian-Serb forces from three DK brigades surrounding the enclave were equipped with tanks, armoured vehicles, artillery, and mortars.[10014] **Franken** testified that DutchBat patrols and OPs were increasingly targeted, mostly from Bosnian-Serb positions, with increasing frequency beginning in April and May 1995.[10015] In several instances, wounded civilians were transported by DutchBat to the hospital in Srebrenica.[10016] Due to circumstances such as increased attacks on DutchBat patrols and positions, there was some discussion between DutchBat and the Chief of Staff of the 28th Division of the ABiH about a coordinated defence in the event of a Serb attack on the enclave whereby DutchBat would limit itself to the authorised protection of its OPs, while the ABiH would defend the areas between the OPs.[10017]

Military activity after the conclusion of the safe area agreement

2344. Both parties to the conflict violated the 'safe area' agreement.[10018] Insofar as the ABiH was concerned, immediately after signing the 'safe area' agreement, General Halilović ordered members of the ABiH in Srebrenica to pull all armed personnel and military equipment out of the newly established demilitarised zone.[10019] He also ordered that no serviceable weapons or ammunition be handed over to UNPROFOR.[10020] Accordingly, only old and dysfunctional weapons were handed over and anything that was still in working order was retained.[10021] Bosnian-Muslim helicopters flew in violation of the no-fly zone; the ABiH opened fire toward Bosnian-Serb lines and

[10011] Pieter Boering, T. 10044-10046; D272 (Instructions for action in connection with UNPROFOR's intention to set up an OP in Srebrenica addressed to the 2nd Corps Command, 29 April 1995).
[10012] P1139 (Pieter Boering, *Popović et al*. transcript, 19, 21 and 22 September 2006), p. 1872.
[10013] Adjudicated Facts II, no. 1297.
[10014] Adjudicated Facts II, no. 1298.
[10015] P1417 (Robert Franken, witness statement, 15 January 2012), paras 32-33.
[10016] P1417 (Robert Franken, witness statement, 15 January 2012), para. 33.
[10017] P1417 (Robert Franken, witness statement, 15 January 2012), paras 36-37; Robert Franken, T. 10760-10761.
[10018] Adjudicated Facts II, no. 1302. By 'safe area' agreement, the Trial Chamber understands from the context within which it is referred to, that this relates to the demilitarisation agreement concluded between Mladić and Sefer Halilović on 8 May 1993 as a consequence of UN Security Council Resolution 819, adopted on 16 April 1993. The Trial Chamber understands 'safe area' to refer to Srebrenica and its surrounding areas, determined by UN Security Council Resolution 819 to be free from armed attack or any other hostile act.
[10019] Adjudicated Facts II, no. 1304.
[10020] Adjudicated Facts II, no. 1304.
[10021] Adjudicated Facts II, no. 1304.

moved through the 'safe area'; the 28th Division was continuously arming itself; and at least some humanitarian aid coming into the enclave was appropriated by the ABiH.[10022] The 28th Division of the ABiH forces that remained in the enclave lacked a firm command structure and communications system, and some ABiH soldiers carried old hunting rifles or no weapons at all.[10023]

2345. **Momir Nikolić** testified that General Mladić had visited the Bratunac Brigade in early July 1994.[10024] On 4 July 1994, Lieutenant Colonel Slavko Ognjenović of the 1st Bratunac Brigade Command sent a report to the 3rd Infantry Battalion.[10025] Ognjenović reported that the commander of the VRS Main Staff had recently visited the Corps Command and had indicated that he would soon visit some of the Corps' units, including the Bratunac Brigade.[10026] Ognjenović further reported that the Serbs had won the war in Podrinje, but had not beaten the Muslims completely.[10027] Ognjenović set out the final goal of attaining an entirely Serbian Podrinje and militarily defeating the enclaves of Srebrenica, Žepa, and Goražde.[10028] The witness testified that the term Podrinje referred to the municipalities along the upper part of the Drina: Foča, Goražde, Višegrad, Srebrenica, Bratunac, Zvornik, and Bijeljina.[10029] Ognjenović wrote that the enemy's life was to be made so unbearable and their temporary stay in the enclave so impossible that they realise that they cannot survive there and leave the enclave *en masse* as soon as possible.[10030] The witness interpreted the enemy as mentioned in this part of the order to relate to the opposing military forces.[10031] Ognjenović further wrote that the Serbs must continue to arm, train, and prepare the VRS for the crucial task of expelling the Muslims from the Srebrenica enclave.[10032] The witness interpreted the expulsion of Muslims mentioned in this part of the order to refer to emptying the enclave of its Muslim population entirely (including civilians).[10033] The witness considered that this expulsion was directed against the civilian population and was, as

[10022] Adjudicated Facts II, no. 1305.
[10023] Adjudicated Facts V, no. 1.
[10024] Momir Nikolić, T. 11786.
[10025] Momir Nikolić, T. 11786, 11789-11790; P1505 (Report to the 3rd Infantry Battalion Brigade members, Slavko Ognjenović, 4 July 1994).
[10026] P1505 (Report to the 3rd Infantry Battalion Brigade members, Slavko Ognjenović, 4 July 1994), p. 1.
[10027] P1505 (Report to the 3rd Infantry Battalion Brigade members, Slavko Ognjenović, 4 July 1994), pp. 2-3.
[10028] P1505 (Report to the 3rd Infantry Battalion Brigade members, Slavko Ognjenović, 4 July 1994), p. 3.
[10029] Momir Nikolić, T. 11785-11786.
[10030] P1505 (Report to the 3rd Infantry Battalion Brigade members, Slavko Ognjenović, 4 July 1994), p. 3.
[10031] Momir Nikolić, T. 11787, 11995-11996.
[10032] P1505 (Report to the 3rd Infantry Battalion Brigade members, Slavko Ognjenović, 4 July 1994), p. 3.
[10033] Momir Nikolić, T. 11788, 11995-11996.

such, not a military task and should not have been included in the document.[10034] According to the witness, these instructions to make life unbearable for the Muslim population had the effect of giving Bratunac Brigade members permission to fire freely at civilians.[10035] Sniping incidents intensified as a result.[10036] When the witness confronted Brigade members, they would respond that they had permission to open fire from the commander.[10037] The witness requested the commander to suspend such permission and undertook efforts to limit the incidents.[10038] The witness recommended that those undisciplined VRS members be punished.[10039]

2346. **Paul Groenewegen** observed during the first months of his assignment which started in January 1995 and ended in July 1995, that there was military activity between the two sides, including shooting back and forth, and occasionally he heard an explosion.[10040] **Franken** testified that the 28th Division had its headquarters in a classroom in Potočari and in a house in the village of Pale as well as offices in the former post office in Srebrenica Town.[10041] **Groenewegen** testified that during patrols, the ABiH members he observed in the enclave on three or four occasions consisted of groups of about five to ten men, armed with small calibre weapons.[10042] While some of these men wore camouflage uniforms, the witness considered them to be groups of 'civilians' protecting their enclave.[10043]

2347. According to a report by Naser Orić, Commander of the Srebrenica 8th OG, to the ABiH General Staff in January 1995, UNPROFOR representatives were aware of specific amounts of weapons and ammunition in the possession of armed formations in Srebrenica, and that they were trying to collect all such weapons, frequently taking weapons from individuals who carried them.[10044] **Franken** testified that DutchBat conducted regular patrols of the enclave, but demilitarisation was unsuccessful because it was not authorised to enter private homes to search for weapons, although they knew

[10034] Momir Nikolić, T. 11788.
[10035] Momir Nikolić, T. 11790-11792.
[10036] Momir Nikolić, T. 12001.
[10037] Momir Nikolić, T. 11791-11792.
[10038] Momir Nikolić, T. 11792, 12001-12002.
[10039] Momir Nikolić, T. 11790-11791.
[10040] P1157 (Paul Groenewegen, witness statement, 11 November 2011), paras 4, 7, 9; Paul Groenewegen, T. 10541.
[10041] P1417 (Robert Franken, witness statement, 15 January 2012), para. 12.
[10042] P1157 (Paul Groenewegen, witness statement, 11 November 2011), paras 10-11; Paul Groenewegen, T. 10542-10544.
[10043] P1157 (Paul Groenewegen, witness statement, 11 November 2011), para. 10.

that the ABiH had 4,000 to 4,500 small arms and some mortars.[10045] **Momir Nikolić** testified that in 1995, he served as liaison officer in the Srebrenica demilitarized zone and was in contact with DutchBat.[10046] He spoke to DutchBat about violations of the demilitarised zones, for instance by Serb forces setting up new positions or by Bosnian-Muslim groups setting up ambushes or carrying out sabotage works in Serb territory.[10047] On 11 January 1995, Nikolić informed the DK Command that in accordance with their order, the VRS 1st Bratunac Light Infantry Brigade lodged an official protest to the commander of DutchBat and military observers regarding the incident in the Osoje-Kik Brdo area.[10048] The 1st Bratunac Light Infantry Brigade reported that it was informed, in response to the protest, that Bosnian Muslims blocked the access road from Srebrenica to the Osoje area for UNPROFOR, and it further reported that the behaviour of the Bosnian Muslims, including the failure to demilitarise, indicated that they did not wish for a peaceful solution to Srebrenica.[10049]

2348. In the spring of 1995, there were many skirmishes between VRS soldiers and ABiH soldiers.[10050] **Momir Nikolić** testified that he spoke to DutchBat about incidents of VRS Brigade members firing at civilians.[10051] According to the witness, some undisciplined soldiers from his brigade, being the 1st Bratunac Light Infantry Brigade, with whom he had already had problems, regularly fired semi-automatic rifles from their positions at unarmed civilians 200 to 300 metres away.[10052] The witness reported on such incidents along the chain of command and informed the security and intelligence organ about them.[10053] In the months before the Srebrenica attack, elements of the Bratunac Brigade shelled and opened sniper fire on the enclave.[10054] **Franken** testified that DutchBat identified about 16 VRS artillery and mortar positions, in the area of the Milići Brigade on the west side of the enclave, and a few positions of self-propelled mechanised guns.[10055]

[10044] D277 (Communication from the Command of the 8th OG of the ABiH addressed to the ABiH Main Staff, 1 January 1995). *See also* Robert Franken, T. 10766-10767.
[10045] P1417 (Robert Franken, witness statement, 15 January 2012), paras 15, 17, 19; Robert Franken, T. 10752, 10765-10766.
[10046] Momir Nikolić, T. 11781.
[10047] Momir Nikolić, T. 11783, 12003, 12006.
[10048] D365 (Report from 1st Bratunac Light Infantry Brigade to DK Command, 11 January 1995), pp. 1-2.
[10049] D365 (Report from 1st Bratunac Light Infantry Brigade to DK Command, 11 January 1995), p. 1.
[10050] Adjudicated Facts II, no. 1314.
[10051] Momir Nikolić, T. 11783, 11790-11791.
[10052] Momir Nikolić, T. 11783, 11790-11791.
[10053] Momir Nikolić, T. 12002.
[10054] Adjudicated Facts II, no. 1315.
[10055] P1417 (Robert Franken, witness statement, 15 January 2012), para. 19.

2349. **Eelco Koster** testified that around 18 February 1995, he joined a patrol around the compound in which he was posted.[10056] The patrol passed through part of Srebrenica, where the witness saw that some of the houses had been hit by shells and were burned out.[10057] In the beginning of March 1995, the witness heard increased machine-gun fire and rifle shots coming from the north, but could not see who was firing.[10058] **Miroslav Deronjić** stated that during a meeting with Karadžić sometime in May 1995, Karadžić told him, as President of the Bratunac Municipality Crisis Staff, that a military operation was on its way regarding Srebrenica and asked him to be prepared to make arrangements when needed.[10059] In May 1995**, Koster** noticed a further increase in machine-gun fire and rifle shots, and OPs and patrols sometimes came under fire from the Serb side, i.e. from outside the Srebrenica enclave, but were not actually hit.[10060] The Bratunac Brigade opened fire on Srebrenica on 25 May 1995.[10061] **Alma Gabeljić** stated that on 25 May 1995, between 7 and 8 p.m., artillery shelling impacted outside her house causing one of the walls to collapse.[10062] She distinguished this sound from tank projectiles as she had heard both sounds prior to the incident.[10063] The impact killed the witness's sister Jasna and seriously injured the witness in her upper left arm.[10064]

2350. **Subašić** stated that in June 1995, he heard that the VRS Special Forces Sabotage Group, positioned in the Vidikovac settlement in Srebrenica and supported with heavy fire by the Serb forces positioned on the hills, launched an attack against Srebrenica with automatic rifles, machine guns, and small calibre mortars.[10065] This resulted in chaos and panic in the hospital and in the city.[10066] **Boering** testified that at the end of June 1995, the inhabitants of the Swedish Shelter project, a centre hosting 4,000 'refugees' in the South of the enclave, had to leave because of shelling.[10067] **Milovan**

[10056] P57 (Eelco Koster, witness statement, 26 September 1995), p. 3.
[10057] P57 (Eelco Koster, witness statement, 26 September 1995), p. 3; Eelco Koster, T. 1238-1239; D25 (UN Peacekeeper Interview Questionnaire completed by Eelco Koster), p. 4.
[10058] P57 (Eelco Koster, witness statement, 26 September 1995), p. 3.
[10059] P3567 (Miroslav Deronjić, *Blagojević and Jokić* transcript, 19-22 January 2004), pp. 6382-6384.
[10060] P57 (Eelco Koster, witness statement, 26 September 1995), p. 4.
[10061] Adjudicated Facts II, no. 1316.
[10062] P3460 (Alma Gabeljić witness statement 24 May 2004) paras 2-3.
[10063] P3460 (Alma Gabeljić witness statement 24 May 2004) para. 3.
[10064] P3460 (Alma Gabeljić witness statement 24 May 2004), paras 3-5; P3461 (Certificate concerning Alma Gabeljić by the Tuzla office of Srebrenica Municipality, 30 September 1998); P3462 (Certificate concerning Jasna Gabeljić by the Tuzla office of Srebrenica municipality, 17 November 1996).
[10065] P3306 (Mujo Subašić, witness statement, 3 October 2012), para. 24.
[10066] P3306 (Mujo Subašić, witness statement, 3 October 2012), para. 24.
[10067] P1139 (Pieter Boering, *Popović et al*. transcript, 19, 21 and 22 September 2006), p. 1898.

Milutinović testified that on 27 June 1995, dozens of inhabitants were killed in the village of Višnjica; cattle were stolen, and houses were set on fire by Muslim forces from the UN safe area of Srebrenica.[10068] The witness visited the scene the following day and saw bodies around houses, which were still burning.[10069] According to the witness the VRS Main Staff lodged protests on several occasions with the UNPROFOR Command in Bosnia-Herzegovina against such crimes committed by the ABiH in the safe area of Srebrenica.[10070]

2351. In June and July 1995, **Boering** could see, from the DutchBat headquarters in Potočari, Bosnian-Muslim houses facing the headquarters being shelled from the direction of the VRS position in Bratunac.[10071] According to the witness, the Bosnian Muslims living in these houses fled towards Potočari and Srebrenica after the shelling, and local authorities and hospitals reported to DutchBat that many of the Bosnian Muslims were killed or injured.[10072]

Operation Krivaja '95

2352. **Momir Nikolić** testified that some 15-20 days prior to the take-over of Srebrenica, General Živanović visited the Bratunac Brigade and told him, Major Trisić, and other officers about the plan to attack the Srebrenica enclave.[10073] The witness testified that the first, military intention of the attack was to physically separate the two enclaves of Žepa and Srebrenica, to liberate the Zeleni Jadar–Jasenova–Milići road, and then reduce the Srebrenica enclave to the town area.[10074] According to the witness, from the moment the enclave was set up, the VRS forces had the goal to make it disappear, for it to be emptied, and for it to become Serbian territory.[10075] The decision to forcibly

[10068] D862 (Milovan Milutinović, witness statement, 11 July 2014), paras 69-70.
[10069] D862 (Milovan Milutinović, witness statement, 11 July 2014), paras 70-71.
[10070] D862 (Milovan Milutinović, witness statement, 11 July 2014), paras 69, 72.
[10071] P1139 (Pieter Boering, *Popović et al*. transcript, 19, 21 and 22 September 2006), pp. 1895-1897.
[10072] P1139 (Pieter Boering, *Popović et al*. transcript, 19, 21 and 22 September 2006), p. 1896.
[10073] Momir Nikolić, T. 12077-12078.
[10074] Momir Nikolić, T. 12079, 12082-12085; D300 (Momir Nikolić, witness statement in the *Popović et al*. case, 16 April 2009), p. 1; D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), para. 1.
[10075] Momir Nikolić, T. 12084-12086; D300 (Momir Nikolić, witness statement in the *Popović et al*. case, 16 April 2009), p. 1; D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), para. 1.

remove the entire Bosnian-Muslim population from Srebrenica came as a result of the fall of the enclave.[10076]

2353. **Lazar Ristić** stated that a meeting was held at the Zvornik Brigade headquarters on 1 July 1995.[10077] Lieutenant Colonel Pandurević, the Commander of the Zvornik Brigade, explained the work that was to take place in the coming period and said that he was going to Srebrenica with a certain number of troops.[10078] Pandurević said that the rest of the troops were to stay and that Major Obrenović, the Chief of Staff and Deputy Brigade Commander of the Zvornik Brigade, would be in charge.[10079] The Intervention Platoon was ordered to be ready on 4 July 1995 at the assembly point in Konjević Polje to go to Srebrenica.[10080] The then-commander of the DK, General-Major Milenko Živanović, signed two orders on 2 July 1995, laying out the plans for the attack on the enclave and ordering various units of the DK to ready themselves for combat.[10081] The operation was code-named 'Krivaja 95'.[10082] The DK was the VRS military formation tasked with planning and carrying out operation Krivaja 95, which culminated in the capture of Srebrenica town on 11 July 1995.[10083] General Krstić was to command the Krivaja 95 operation.[10084] He was fully appraised of the VRS territorial goals in the Srebrenica enclave, which included cleansing the area of the Bosnian-Muslim population.[10085] The initial Krivaja 95 plan did not include taking of Srebrenica Town.[10086] An assessment had been made by the VRS Command that conditions were not right at that moment for capturing Srebrenica Town.[10087]

2354. **Groenewegen** testified that before 11 July 1995, the VRS was positioned outside the borders of the enclave.[10088] In the first week of July 1995, VRS forces shot at OPs with small and large calibre weapons, as well as mortar shells.[10089] According to the

[10076] Momir Nikolić, T. 12084-12086; D300 (Momir Nikolić, witness statement in the *Popović et al.* case, 16 April 2009), p. 1; D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), para. 1.
[10077] P3510 (Lazar Ristić, *Popović et al.* transcript, 16 and 18 April 2007), pp. 10041-10042.
[10078] P3510 (Lazar Ristić, *Popović et al.* transcript, 16 and 18 April 2007), pp. 10040-10042.
[10079] P3510 (Lazar Ristić, *Popović et al.* transcript, 16 and 18 April 2007), pp. 10040-10041, 10044.
[10080] P3510 (Lazar Ristić, *Popović et al.* transcript, 16 and 18 April 2007), p. 10041.
[10081] Adjudicated Facts II, no. 1318.
[10082] Adjudicated Facts II, no. 1318.
[10083] Adjudicated Facts II, no. 1326.
[10084] Adjudicated Facts II, no. 1334.
[10085] Adjudicated Facts II, no. 1335.
[10086] Adjudicated Facts II, no. 1360.
[10087] Adjudicated Facts II, no. 1360.
[10088] P1157 (Paul Groenewegen, witness statement, 11 November 2011), para. 9; Paul Groenewegen, T. 10544.
[10089] P1157 (Paul Groenewegen, witness statement, 11 November 2011), paras 14-15.

witness, because no one was hit the shooting was a provocation, aimed at cutting off the road towards Potočari and thereby preventing the population from leaving.[10090]

2355. **Witness RM-322** testified that on 4 July 1995, Vinko Pandurević, together with a unit of 420 to 450 men from the Zvornik Brigade, including members of its elite and command, left the headquarters to take part in the Krivaja 95 operation against Srebrenica.[10091] People who had come from Sućeska told **Subašić** on 4 July 1995 that the Serbs were grouping at the border of the enclave.[10092]

2356. **Momir Nikolić** testified that on 4 or 5 July 1995, Commander Blagojević showed him and the Bratunac Brigade Command a DK Command order for active combat dated 2 July 1995.[10093] According to the order, the recipients were to abide by the Geneva Conventions in all dealings with POWs and the civilian population.[10094] On 5 July 1995, Blagojević issued an order implementing the DK's order of 2 July 1995, repeating the instruction to treat POWs and the population in accordance with the Geneva Conventions.[10095] Recalling an increase of the number of wounded to be treated at the Srebrenica hospital between 4 and 11 July 1995, **Subašić** stated that most of the people hit by grenade shrapnel were civilians from Srebrenica.[10096] Srebrenica remained under fire until the enclave fell under the complete control of the VRS on 11 July 1995.[10097]

2357. On 1 March 1995, Akashi informed Annan that despite the acceptance of the COHA on 31 December 1994, Bosnia-Herzegovina had obstructed attempts by UNPROFOR to improve liaison, observe confrontation lines, and instead had imposed restrictions on UNPROFOR movement and threatened the lives of the 'BSA' liaison officers.[10098] In January 1995, Bosnia- Herzegovina imposed a blockade of 'Sector North East' to protest the presence of the 'BSA LO' at the Tuzla Air Base, and

[10090] P1157 (Paul Groenewegen, witness statement, 11 November 2011), para. 15.
[10091] P1494 (Witness RM-322, statement of facts, 20 May 2003), p. 1; Witness RM-322, T. 11627, 11686-11689.
[10092] P3306 (Mujo Subašić, witness statement, 3 October 2012), para. 26.
[10093] Momir Nikolić, T. 12128-12129, 12135; D302 (Order for active combat operations, Command of the DK, Major General Milenko Živanović, 2 July 1995).
[10094] D302 (Order for active combat operations, Command of the DK, Major General Milenko Živanović, 2 July 1995), p. 5.
[10095] Momir Nikolić, T. 12137, 12139, 12141; D303 (Order for active combat operations, Command of the 1st Bratunac Light Infantry Brigade, Colonel Vidoje Blagojević, 5 July 1995), p. 5.
[10096] P3306 (Mujo Subašić, witness statement, 3 October 2012), para. 25.
[10097] Adjudicated Facts II, no. 1366.
[10098] D368 (Code cable 'Attitude of the Bosnian Government to UNPROFOR' from Akashi to Annan, 1 March 1995), pp. 1-2.

restricted UNPROFOR movement in the Sapna Thumb and the west of Srebrenica enclave.[10099] On 24 February 1995, Bosnia-Herzegovina also imposed a blockade of 'Sector South as a protest against the presence of the 'BSA' liaison officers in Gornji Vakuf and demanded to inspect UN vehicles and to limit the amount of fuel supplies being transported to UN posts.[10100] On 25 February 1995, the road was blocked and 31 illegal checkpoints were placed throughout the 'sector'.[10101] In Akashi's view, there were indicators suggesting that Bosnia-Herzegovina was considering an offensive in the near future, including the refusal to accept the 'BSA' liaison officers, mobilisation, continuous moving of troops through the demilitarized zone and radio propaganda advising that certain towns 'must be retaken' from the 'BSA'.[10102] Akashi informed Annan that 'BSA' liaison officers had an important role in demarcating confrontation lines, intensifying observation and liaison and separating forces where necessary to discourage new outbreaks of conflict.[10103] UNPROFOR, however, had no access to Serb-controlled areas.[10104] In addition, Serbs restricted fuel deliveries to the enclaves.[10105]

The Trial Chamber's findings

2358. Based on the foregoing, the Trial Chamber finds that Srebrenica Town, in Srebrenica Municipality in eastern Bosnia-Herzegovina, was of significant strategic significance to the Bosnian Serbs as it formed part of the Central Podrinje Region, control over which was necessary in order to form a political entity in Bosnia-Herzegovina. In 1991, the population of Srebrenica Municipality was 37,000 of which 73 per cent were Muslim, and 25 per cent were Serb.

[10099] D368 (Code cable 'Attitude of the Bosnian Government to UNPROFOR' from Akashi to Annan, 1 March 1995), p. 2.
[10100] D368 (Code cable 'Attitude of the Bosnian Government to UNPROFOR' from Akashi to Annan, 1 March 1995), pp. 2-3.
[10101] D368 (Code cable 'Attitude of the Bosnian Government to UNPROFOR' from Akashi to Annan, 1 March 1995), p. 3.
[10102] D368 (Code cable 'Attitude of the Bosnian Government to UNPROFOR' from Akashi to Annan, 1 March 1995), pp. 2-4.
[10103] D368 (Code cable 'Attitude of the Bosnian Government to UNPROFOR' from Akashi to Annan, 1 March 1995), p. 3.
[10104] D368 (Code cable 'Attitude of the Bosnian Government to UNPROFOR' from Akashi to Annan, 1 March 1995), p. 5.
[10105] D368 (Code cable 'Attitude of the Bosnian Government to UNPROFOR' from Akashi to Annan, 1 March 1995), p. 5.

2359. Between early 1992 and the beginning of July 1995, the VRS and the ABiH were engaged in combat in Srebrenica Town and the enclave. On 12 May 1992, Momčilo Krajišnik, the President of the Bosnian-Serb Assembly, signed the 'Decision on Strategic Objectives of the Serbian People', which included an objective relating to the Srebrenica area, and that was to eliminate the Drina as a border separating Serb states by establishing a corridor in the Drina river valley. The Srebrenica enclave consisted of ABiH-held territory, which was the result of a series of raids conducted by Naser Orić as of May 1992. Geographically the enclave reached its peak of 900 square kilometres in January 1993, when it had expanded to include the Bosnian-Muslim enclave of Cerska, which lies to the west of Srebrenica. The Srebrenica enclave was not linked to the main area of Bosnian-held land to the west and remained in the middle of Serb-controlled territory. On 19 November 1992, Mladić issued Directive 4, in which he ordered the DK to inflict the heaviest possible losses on the ABiH and force them to leave the Birač, Žepa, and Goražde areas with the Muslim population. On 24 November 1992, Milenko Živanović of the DK sent a decision to the Commander of the Zvornik Light Infantry Brigade, in which various units were ordered to inflict the highest possible losses on the enemy, forcing the Bosnian-Muslim population to abandon the areas of Cerska, Žepa, Srebrenica, and Goražde. The Bratunac Brigade was instructed to consolidate the Fakovići Battalion and give it the task to penetrate as deep as possible into the area of Srebrenica and attack the enclave. Unit members were to be informed before any kind of operation, 'the realisation of the aim of the Serbian people, namely, the creation and establishment of a Serbian state'. Directive 4 was implemented by VRS forces in February 1993. As a result of the Bosnian-Serb counter-offensive to ABiH activity in the first few months of 1993, the size of the Srebrenica enclave was reduced to 150 square kilometres. In April 1993 some 20,000 to 28,000 people were living in Srebrenica Town comprising displaced persons from surrounding villages and 8,000 to 10,000 locals most of whom were Bosnian Muslims. The Bosnian-Muslim population of Srebrenica Town at times swelled to between 50,000 to 60,000 as a result of people being displaced from the surrounding villages and the whole enclave was comprised of 70,000 people in April 1993.

2360. By March 1993, Srebrenica Town had almost no running water as VRS forces had destroyed the town's water supplies. Food, medicine, and other essentials were extremely scarce. There was no access to medical assistance and the VRS prevented

surgeons from entering the city, despite many people needing surgery. The town was overcrowded and siege conditions prevailed. Between March and April 1993, approximately 8,000 to 9,000 Bosnian Muslims were evacuated from Srebrenica under the auspices of the UNHCR. The VRS were determined to show their effective control of the town and that it was at their mercy. The VRS placed restrictions on humanitarian aid convoys, with few convoys making it into the Srebrenica enclave by early 1995.

2361. On 16 April 1993, the UNSC adopted Resolution 819, declaring Srebrenica and its surrounding area a 'safe area', free from armed attack or any other hostile act. On 17 April 1993, the VRS and the ABiH concluded a demilitarisation agreement, including a total cease-fire in the Srebrenica area. Following Resolution 819, UNPROFOR troops arrived in Srebrenica on 18 April 1993, with DutchBat arriving in the enclave in January 1995. Mladić and Halilović concluded a second demilitarisation agreement on 8 May 1993, declaring that the areas of Srebrenica and Žepa be demilitarised. Both parties to the conflict violated the demilitarisation agreement, with military activity between the two sides. In July 1994, Lieutenant Colonel Slavko Ognjenović of the Bratunac Brigade Command reported to the 3rd Infantry Battalion, that the war in Podrinje had been won, but that the Bosnian Muslims had not been completely defeated. He set out a plan to achieve the final goal of attaining an entirely Serbian Podrinje and militarily defeating the Srebrenica, Žepa, and Goražde enclaves. This plan included making the conditions in the enclave so unbearable that the ABiH would leave *en masse*. The VRS was to be armed, trained, and prepared for the task of expelling the Bosnian Muslims from the Srebrenica enclave, this expulsion being directed against the civilian population. As a result, sniping incidents by Bratunac Brigade members intensified and Momir Nikolić requested that the Bratunac Brigade Commander suspend the perceived permission. Momir Nikolić undertook efforts to limit incidents and recommended that undisciplined VRS members be punished. In May 1995, Karadžić told Miroslav Deronjić, President of the Bratunac Municipality Crisis Staff, that a military operation was on its way regarding Srebrenica and asked him to be prepared to make arrangements when needed.

2362. Approximately 15 to 20 days before the take-over of Srebrenica, General Živanović visited the Bratunac Brigade, where he outlined to Momir Nikolić, Major Trisić, and other officers the plan to attack the Srebrenica enclave. The attack was to physically separate the Žepa and Srebrenica enclaves, to liberate the Zelani Jadar-Jasenova-Milići road and then reduce the Srebrenica enclave to the town area. The VRS

intended to make the enclave disappear, to empty it, and to make it Serb territory, and the decision to forcibly remove the Bosnian-Muslim population from Srebrenica came as a result of the fall of the enclave. On 1 July 1995, during a meeting held at the Zvornik Brigade headquarters, Lieutenant Colonel Pandurević, Commander of the Zvornik Brigade, outlined plans for an operation in Srebrenica. On 2 July 1995, DK Commander General Major Milenko Živanović signed two orders laying out plans for an attack on the enclave and ordering various DK units to ready themselves for combat. This operation was code-named '*Krivaja 95*' and did not include taking Srebrenica Town, as the VRS command assessed that the conditions were not right at that moment for capturing the town. General Krstić was to command the '*Krivaja '95*' operation and the DK was the military formation tasked with planning and carrying out the operation. He was fully apprised of the VRS's territorial goals in the Srebrenica enclave, which included cleansing the area of the Bosnian-Muslim population. An order for active combat dated 2 July 1995 stated that the recipients were to abide by the Geneva Conventions in all dealings with POWs and the civilian population. On 5 July 1995, Blagojević issued an order implementing the DK's order of 2 July 1995, repeating this instruction. The Trial Chamber will consider the events following this order in chapter 7.1.2.

2363. The Trial Chamber will address the evidence related to the alleged Srebrenica JCE and, in particular, the Accused's alleged responsibility (some of which has been reviewed above in this chapter) in chapter 9.

7.1.2 Directives no. 7 and no. 7/1

2364. In this chapter, the Trial Chamber will review the evidence and make findings on Directive no. 7 and Directive no. 7/1 signed by Karadžić on 8 March 1995 and by Mladić on 31 March 1995, respectively.[10106] The Prosecution argued that in March 1995, Radivoje Miletić and the VRS Main Staff drafted the 'Directive for further Operations No. 7'.[10107] Following the creation of the safe areas, Mladić and Karadžic were running out of time to take the enclaves and thus issued Directive no. 7 to 'create an unbearable situation', that would leave the Muslim population with no choice but to

[10106] P1469 (Main Staff memo forwarding Directive 7, 17 March 1995); P1470 (VRS Main Staff Directive for further operations No. 7/1, Ratko Mladić, 31 March 1995).
[10107] Prosecution Final Brief, para. 426.

leave the area.[10108] According to the Prosecution, Directive no. 7 escalated the dire humanitarian situation in the enclaves.[10109] The Prosecution further argued that the 2 July 1995 *Krivaja-95* attack plan reflected the strategy set out in Directive no. 7.[10110] This strategy remained in force until 9 July 1995, when the strategy changed to include the take over of the Srebrenica enclave.[10111] Mladić approved and was fully informed of Directive no. 7's content prior to it being sent to the VRS Corps Commands.[10112] Before it was issued, he expressed words and intentions that were reflected in the language of the directive.[10113] Regarding Directive no. 7/1 issued by Mladić on 31 March 1995, the Prosecution argued that it did not rescind the unlawful language of Directive no. 7 but rather confirmed its content.[10114] According to the Prosecution, had Mladić intended to rescind the language, he would not have cited Directive no. 7 in the instructions addressed to the DK in Directive no. 7/1 nor referred to it in his order to the DK dated 26 March 1995, in which the corps was tasked to 'continue to execute their combat tasks in conformity with Directive no. 7'.[10115]

2365. The Defence submitted that Directive no. 7 illustrated the disagreements between Mladić and Karadžić because: (i) the latter sent orders directly to Milovanović and to the VRS Corps – rather than to Mladić – in an attempt to circumvent Mladić;[10116] and (ii) Directive no. 7 was eventually amended by Mladić when he issued Directive no. 7/1, which did not contain the orders regarding the creation of 'an unbearable situation of total insecurity' or 'complete physical separation' of the Srebrenica and Žepa enclaves.[10117]

2366. The Trial Chamber received evidence from **Richard Butler**, an intelligence research specialist;[10118] **Mitar Kovač**, a researcher at the Institute of Strategic Research;[10119] **Mirko Trivić**, Commander of the 2nd Romanija Motorised Brigade from

[10108] Prosecution Final Brief, para. 428; T. 44328-44329, 44531.
[10109] Prosecution Final Brief, paras 418, 429, 435-448.
[10110] Prosecution Final Brief, para. 428; T. 44329.
[10111] Prosecution Final Brief, para. 428; T. 44329.
[10112] Prosecution Final Brief, para. 430.
[10113] Prosecution Final Brief, paras 430-431, T. 44336.
[10114] Prosecution Final Brief, para. 432.
[10115] Prosecution Final Brief, para. 432.
[10116] Defence Final Brief, paras 570-571, 642.
[10117] Defence Final Brief, paras 571-572, 2859.
[10118] P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), paras 7.28-7.30; Richard Butler, T. 16108.
[10119] Mitar Kovač, T. 41295.

August 1994;[10120] **Manojlo Milovanović**, the Chief of Staff and Deputy Commander of the VRS Main Staff from 1992 to 1996; [10121] **Ljubomir Obradović**, Deputy Chief of Operations and Training of the VRS Main Staff from September 1994 onwards,[10122] and documentary evidence.

Context and content of Directive no. 7

2367. **Richard Butler** testified that by early January 1995, the Bosnian-Serb Government had decided to apply additional pressure to the Eastern 'safe areas'.[10123] Part of this pressure consisted in the restriction of movement of UN forces in Eastern Bosnia, particularly with regard to the supply convoys to the three 'safe areas'.[10124] On 8 March 1995, Colonel Miletić drafted the Bosnian-Serb Supreme Command Directive no. 7, which, according to Butler, clearly spelled out the strategy of the Bosnian-Serb Republic for the DK concerning these areas.[10125] The DK was to 'create an unbearable situation of total insecurity with no hope of further survival or life for the inhabitants of Srebrenica'.[10126] According to Butler, Directive no. 7 was drafted on behalf of Mladić and signed by Karadžić, the Supreme Commander.[10127] He testified that in shaping the goals spelled out in Directive no. 7, the VRS Main Staff exercised significant control over issues that directly impacted the combat capability of UNPROFOR, particularly those forces garrisoned inside the Eastern enclaves.[10128] As early as March 1995, the political and military leaders of the Bosnian-Serb Republic realized that they had to either militarily end the conflict or set the stages for a negotiated settlement favourable to them by the end of the year.[10129] There were indications that the Croat-Muslim's alliance would not continue the current cease-fire, and that the alliance was preparing a

[10120] P1463 (Mirko Trivić, *Popović et al.* transcript, 18, 21 May 2007), p. 11795.
[10121] Manojlo Milovanović, T. 16889; P2211 (Signed *Curriculum Vitae* of Manojlo Milovanović), 22 April 2010, pp. 1-2; P2212 (VRS Main Staff Structure - organisation chart, July 1995).
[10122] P1783 (Ljubomir Obradović, *Tolimir* transcript, 29-31 March 2011), pp. 11929, 11931-11932; P1784 (VRS Main Staff structure, July 1995).
[10123] P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 3.9.
[10124] P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 3.9.
[10125] P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 3.10.
[10126] P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 3.10.
[10127] P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 3.10.
[10128] P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 3.11.
[10129] P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), para. 1.30.

series of major offensives against the Bosnian-Serb Republic and the RSK.[10130] According to Butler, Directive no. 7 reflected this assessment.[10131]

2368. Butler further testified that in Directive no. 7, the Supreme Command of the VRS outlined the four main priorities of the armed forces for the upcoming period: (i) through resolute offensive and defensive military operations, impose a military situation which the international community would be compelled to accept; (ii) improve the operational and strategic position of the VRS; (iii) reduce the front-line, and create conditions for the economic revival of the Bosnian-Serb Republic by sending a number of military conscripts home; and (iv) create the conditions for the state and political leadership to negotiate a peace agreement and accomplish the strategic objectives of the war.[10132]

2369. **Mitar Kovač** testified that the Bosnian-Serb President signed 'documents' proposed to him by the VRS Main Staff with confidence.[10133] Kovač explained that a directive was not an executive document, but constituted the basis for executive documents such as, commands, orders and plans, which offered possibilities to correct what was not formulated well in the directive.[10134]

2370. Directive no. 7 ordered that the DK carry out the 'complete physical separation of Srebrenica and Žepa […] as soon as possible, preventing even communication between individuals in the two enclaves', and 'by planned and well-thought-out combat operations create an unbearable situation of total insecurity with no hope of further survival or life for the inhabitants of Srebrenica and Žepa'.[10135] The directive further set out that if UNPROFOR forces left Žepa and Srebrenica, the DK Command should 'plan an operation named *Jadar* with the task of breaking up and destroying the Muslims forces in these enclaves and definitively liberating the Drina valley region'.[10136]

[10130] P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), para. 1.30.
[10131] P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), para. 1.30.
[10132] P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), para. 1.31.
[10133] D1661 (Mitar Kovač, Report on the command authority of Ratko Mladić, 2013), para. 5.84.
[10134] D1661 (Mitar Kovač, Report on the command authority of Ratko Mladić, 2013), para. 5.84.
[10135] P1469 (VRS Main Staff memo forwarding Directive 7, 17 March 1995), p. 10.
[10136] P1469 (VRS Main Staff memo forwarding Directive 7, 17 March 1995), p. 11.

2371. On 17 March 1995, Manojlo Milovanović, Chief of Staff of the VRS (*see* chapter 3), forwarded Directive no. 7, signed by Karadžić, to the 1KK command.[10137] **Manojlo Milovanović** testified that he only signed an urgent transmittal letter on 17 March 1995, forwarding Directive no. 7 to the 1KK after Miletić, who had drafted the directive, had told him that a copy was omitted in the first round on 8 March 1995 and only sent to the 2KK.[10138] Milovanović could not remember whether he verified with Mladić if he had approved of this Directive.[10139] Milovanović added that the directive constituted a political decision and even if he had been aware of the content, he could have done nothing because Karadžić had signed it.[10140] According to the witness, the instructions with regard to the creation of an 'unbearable situation of total insecurity with no hope or further survival or life for the inhabitants of Srebrenica and Žepa' in Directive no. 7 would have been unlawful if they were subsequently formulated into a combat order since, according to the Geneva Conventions, the civilian population is never a legitimate target or objective.[10141] Milovanović considered it a mistake that the directive was directly sent to the corps commands.[10142] Instead, it should have only reached Mladić because the corps commanders could not take any measures on the basis of Directive no. 7; Mladić was to issue orders based on this directive.[10143]

2372. **Ljubomir Obradović** testified that Directive no. 7, drafted by Miletić, was drafted pursuant to the full method, which meant that the drafting involved all staff organs, *i.e.* sectors and administrations.[10144] Directive no. 7 was both a military and political document, as the first item of the directive contained a description of the military-political situation.[10145] Obradović testified that while this directive was from the Supreme Command, participation of the sectors and administrations of the VRS Main Staff in its creation was inevitable since the Supreme Command and the civilian leadership lacked the professional staff to cover all segments of the directive.[10146]

[10137] P1469 (VRS Main Staff memo forwarding Directive 7, 17 March 1995).
[10138] Manojlo Milovanović, T. 16988-16989, 16995-16999, 17138; P2248 (Transmittal letters of Directive 7 to the DK, SRK, and HK, 17 March 1995).
[10139] Manojlo Milovanović, T. 16992, 16999.
[10140] Manojlo Milovanović, T. 16992, 16999.
[10141] Manojlo Milovanović, T. 16991-16992.
[10142] Manojlo Milovanović, T. 16993, 17002.
[10143] Manojlo Milovanović, T. 16993,16995.
[10144] Ljubomir Obradović, T. 14530-14532, 14585.
[10145] Ljubomir Obradović, T. 14559.
[10146] Ljubomir Obradović, T. 14532-14533.

2373. Obradović further testified that a directive only stated which operation should be implemented, whereas the planning of an operation was left to the corps commands, which included the manner in which the objective was to be reached.[10147] In this context, with respect to the portion of Directive no. 7 dealing with Srebrenica operations, Obradović confirmed that, in contrast to what is set out in the directive, the SRK did not take part in the operation against Srebrenica which was, in fact, an operation run by the DK.[10148] A portion of Directive no. 7 refers to operation *Krivaja 95* to be carried out by the HK, in a plan to reach the Neretva river valley.[10149] Every operation had a different code-name and the name *Krivaja* was not mentioned in Directive no. 7 in relation to the DK, nor did he know who, in the DK, chose this code-name for the operation against Srebrenica.[10150] Directive no. 7 ordered the DK to carry out a certain operation under a certain code-name when the time came to implement that task.[10151] The DK was duty bound, pursuant to the directive, to submit documents pursuant to which it would execute the operation, to the superior command, i.e. Mladić, for approval prior to carrying out the operation.[10152] **Mirko Trivić** testified that on 20 March 1995, the DK Command issued an order to the commands of its subordinated units recalling the tasks of the DK stated in Directive no. 7.[10153]

2374. On 26 March 1995, Karadžić ordered a mobilisation of all human and material resources to 'finally crush and defeat the enemy' and, pursuant to this order, Mladić ordered VRS Corps Commands and units to 'continue to execute combat tasks in conformity with Directive no. 7'.[10154] On 27 March 1995, the DK Commander, Milenko Živanović, forwarded Mladić's order dated 26 March 1995 to its subordinates units.[10155]

2375. Mladić recorded in his notebook a meeting held on 30 March 1995 with 'the inner core' of the VRS Main Staff Command members, during which a discussion took

[10147] Ljubomir Obradović, T. 14560.
[10148] Ljubomir Obradović, T. 14560.
[10149] Ljubomir Obradović, T. 14564-14565.
[10150] Ljubomir Obradović, T. 14564-14565.
[10151] Ljubomir Obradović, T. 14568.
[10152] Ljubomir Obradović, T. 14565, 14567-14568.
[10153] Mirko Trivić, T. 11368; P1468 (DK Command order, Radovan Karadžić, 20 March 1995), pp. 6, 8; P1469 (Main Staff memo forwarding Directive 7, 17 March 1995), p. 10.
[10154] P802 (Karadžić mobilisation order, 26 March 1995); P803 (Mladić mobilisation order, 26 March 1995).
[10155] P804 (DK mobilisation order, 27 March 1995). The order was forwarded to: the 1st Zvornik Infantry Brigade, the 1st Bihać Infantry Brigade, the 1st Vlasenica Light Infantry Brigade, the 1st Milići Light Infantry Brigade, the 2nd Romanija Motorised Brigade, the 1st Bratunac Light Infantry Brigade, the 1st and 5th Podrinje Light Infantry Brigades, the mixed artillery regiment, the Skelani Independent Infantry

place on the operation undertaken pursuant to Directive no. 7.[10156] He further recorded 'carry out operation Spreča in April so that the results give it the dimensions of a strategic operation'.[10157]

Directive no. 7/1

2376. **Trivić** testified that on 31 March 1995, the VRS Main Staff issued Directive no. 7/1, signed by Mladić.[10158] According to **Milovanović,** the directive was drafted by Miletić.[10159] **Kovač** testified that the directive number indicates that it was a follow-up document to Directive no. 7. [10160] In this directive, Mladić repeated most of the tasks of the VRS outlined in Directive no. 7 and stated that he had decided to conduct, with the VRS main forces, including the 1KK, IBK, DK, and Air Force and Anti-Aircraft Defence, a strategic operation under the code-name *Sadejstvo 95*. The operation's objectives included inflicting the heaviest possible losses on the enemy, restoring the reputation of the VRS, widening the Posavina corridor, and removing the threat of a breakthrough from Doboj and the joining up of coalition forces in the Brčko area, thereby forcing the Muslim leadership to accept an end to the war at the achieved lines.[10161]

2377. **Obradović** testified that the fact that Mladić signed Directive no. 7/1 suggests that he approved the parts as drafted by the various sectors.[10162] Directive no. 7/1 was addressed to the 1KK, IBK, DK, and the Air Force and Anti-aircraft Defence. The Directive was also addressed, for their information, to the 2KK, the SRK, and the HK.[10163] The witness testified that the tasks of the DK as set out in Directive no. 7/1 were aimed at tying down enemy forces around the enclaves, and not at the separation or capture of the enclaves.[10164] He further testified that when a new directive was issued,

Battalion, the 5th Engineer Battalion, the 5th Communications Battalion, and the 5th Military Police Battalion.
[10156] P345 (Mladić notebook, 27 January - 5 September 1995), p. 71.
[10157] P345 (Mladić notebook, 27 January - 5 September 1995), p. 73.
[10158] Mirko Trivić, T. 11261; P1470 (VRS Main Staff Directive for further operations No. 7/1, Ratko Mladić, 31 March 1995). *See also* D1661 (Mitar Kovač, Report on the command authority of Ratko Mladić, 2013), para. 5.84. Manojlo Milovanović, T. 16993-16994.
[10159] Manojlo Milovanović, T. 16994-16995.
[10160] D1661 (Mitar Kovač, Report on the command authority of Ratko Mladić, 2013), para. 5.84.
[10161] P1470 (VRS Main Staff Directive for further operations no. 7/1, 31 March 1995), pp. 3-4.
[10162] Ljubomir Obradović, T. 14533.
[10163] P1470 (VRS Main Staff Directive for further operations No. 7/1, 31 March 1995).
[10164] Ljubomir Obradović, T. 14569-14570.

the previous directive was no longer in force.[10165] In this context, Obradović testified that Directive no. 7 remained in force with respect to the 2KK, SRK and the HK, but that the main body of the force consisting of the 1KK, IBK, and DK, were now tasked with what was set out in Directive no. 7/1.[10166]

2378. According to **Kovač**, Directive no. 7/1 altered a few elements contained in Directive no. 7, primarily by omitting the incriminatory sentence on the tasks of the DK contained therein.[10167] It meant that there was no intention to put civilians in jeopardy and that the formulation of Directive no. 7 on this point was to be attributed to the 'poor judgement' of an operations officer of the Main Staff who wrote the document.[10168] This 'mistake' was later noticed and removed from Directive no. 7/1.[10169] **Milovanović** testified that Mladić omitted the two controversial sentences from Directive no. 7 which referred to the creation of unbearable conditions and the separation of Srebrenica and Žepa by force.[10170] The witness's presumption was that Mladić intentionally withdrew this part of the order as he considered it to be unlawful.[10171] The witness, however, stated that there is nothing in Directive no. 7/1 explicitly rescinding the controversial parts and he agreed that somebody reading the reference to Directive no. 7 in Directive no. 7/1 would have to look at Directive no. 7 in order to be able to fully implement it.[10172]

VRS actions undertaken pursuant to Directive no. 7 and no. 7/1

2379. **Butler** testified that on 31 May 1995, elements of the DK undertook operation *Jadar-95*, a scaled-down version of that envisioned in Directive no. 7. This operation forced the DutchBat troops to abandon OP Echo south of Srebrenica ultimately leading to the fall of the village of Zeleni Jadar.[10173]

[10165] Ljubomir Obradović, T. 14560.
[10166] Ljubomir Obradović, T. 14571-14572, 14631-14632.
[10167] D1661 (Mitar Kovač, Report on the command authority of Ratko Mladić, 2013), para. 5.84; Mitar Kovač, T. 41867.
[10168] D1661 (Mitar Kovač, Report on the command authority of Ratko Mladić, 2013), para. 5.84; Mitar Kovać, T. 41868.
[10169] D1661 (Mitar Kovač, Report on the command authority of Ratko Mladić, 2013), para. 5.84.
[10170] Manojlo Milovanović, T. 16993-16996, 17002-17003, 17079.
[10171] Manojlo Milovanović, T. 16996, 17000, 17003, 17020-17021.
[10172] Manojlo Milovanović, T. 17000, 17002, 17126-17127, 17079-17081.
[10173] P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 3.14.

2380. On 3 August 1995, Mladić issued a directive to the Commands of 1st and 2KK, VRS Main Staff and the SVK instructing VRS forces to prevent further advances of the enemy along all axes, then to re-group and move into counter-attack along the Livno axis.[10174] According to this directive, Mladić was to be personally in charge of the entire operation *Vaganj*-95, which was to be executed in the spirit of Directive no. 7 and Directive no. 7/1.[10175]

2381. On 11 October 1995, Mladić sent an order to *inter alia*, the Corps Commands and the MUP, to carry out combat security 'as per Directive no. 7'.[10176]

The Trial Chamber's findings

2382. Based on the above, the Trial Chamber finds that in March 1995 Radivoje Miletić (*see* chapter 3) and the VRS Main Staff drafted Directive no. 7. The directive was signed by Karadžić, Supreme Commander of the VRS (*see* chapter 2.1.1) on 8 March 1995. The directive was addressed to the 1KK, 2KK, SRK, IBK, HK, DK, Air Force and Anti-Aircraft Defence, and the Centre of Military Schools of the VRS.

2383. In Directive no. 7, Karadžić outlined the four main priorities of the VRS: (i) through resolute offensive and defensive military operations, impose a military situation which the international community would be compelled to accept; (ii) improve the operational and strategic position of the VRS; (iii) reduce the front-line, and create conditions for the economic revival of the Bosnian-Serb Republic by sending a number of military conscripts home; and (iv) create the conditions for the state and political leadership to negotiate a peace agreement and accomplish the strategic objectives of the war. The DK was to carry out the 'complete physical separation of Srebrenica and Žepa […] as soon as possible, preventing even communication between individuals in the two enclaves', and 'by planned and well-thought-out combat operations create an unbearable situation of total insecurity with no hope of further survival or life for the inhabitants of Srebrenica and Žepa'.

2384. On 31 March 1995, the VRS Main Staff issued Directive no. 7/1, signed by Mladić and sent to the 1KK, IBK, DK, and the Air Force and Anti-Aircraft Defence

[10174] P5048 (Directive no. 8, signed by Ratko Mladić, 3 August 1995), p. 2.
[10175] P5048 (Directive no. 8, signed by Ratko Mladić, 3 August 1995), p. 6.
[10176] P4317 (Combat order by Mladić to the commands of various VRS corps and units, 11 October 1995).

(and to the 2KK, SRK, and HK, for their information). In this directive, Mladić repeated most of the tasks of the VRS outlined in Directive no. 7 and stated that he had decided to conduct, with the VRS main forces, including the 1KK, IBK, DK, and Air Force and Anti-Aircraft Defence, a strategic operation under the code-name *Sadejstvo 95*.

2385. Regarding the issue of whether Directive no. 7/1, as issued by Mladić, rescinded, amended or corrected, Directive no. 7 issued by Karadžić, as argued by the Defence, the Trial Chamber considered Obradović and Milovanović's evidence, as well as documentary evidence.[10177] The Trial Chamber notes that Obradović testified that when a new directive was issued, the previous directive was no longer in force. He also testified that Directive no. 7 remained in force with respect to the 2KK, SRK and the HK, as stated in Directive no. 7/1, but that the main body of the force consisting of the 1KK, IBK, and DK, were tasked with what was set out in Directive no. 7/1. The Trial Chamber further considered Milovanović's evidence that there is nothing in Directive no. 7/1 explicitly rescinding the controversial parts of Directive no. 7 and that in order to fully implement Directive no. 7/1 one would have to look at Directive no. 7. Further, the Trial Chamber reviewed exhibits P803, P345, P5048 and P4317 stating that: (i) on 26 March 1995, following an order on mobilisation issued by Karadžić, Mladić ordered VRS Corps Commands and units to, *inter alia*, 'continue to execute combat tasks in conformity with Directive no. 7'; (ii) on 30 March 1995, Mladić recorded in his notebook a meeting held on 30 March 1995 with the VRS Main Staff Command during which a discussion took place on the operation undertaken pursuant to Directive no. 7; (iii) on 3 August 1995, Mladić issued a directive instructing VRS forces to prevent further advances of the enemy along all axes and this operation was to be executed in the spirit of Directive no. 7 and Directive no. 7/1; and (iv) on 11 October 1995, Mladić sent an order to, *inter alia*, the Corps Commands and the MUP, to carry out combat security 'as per Directive no. 7'.

2386. Based on the above, the Trial Chamber finds that Directive no. 7/1 did not rescind or amend the content of Directive no. 7, but rather translated it into operational military tasks. The Trial Chamber thus rejects the Defence's arguments in this regard.

[10177] *See* exhibits P803 (Mladić mobilisation order, 26 March 1995), P5048 (Directive no. 8, signed by Ratko Mladić, 3 August 1995) and P4317 (Combat order by Mladić to the commands of various VRS corps and units, 11 October 1995).

2387. The Trial Chamber will analyze the events on the ground during the take-over of the Srebrenica enclave in chapters 7.1.1 and 7.1.3.

7.1.3 The fall of Srebrenica and the gathering of people in Potočari

2388. In this chapter, the Trial Chamber will review the evidence and make findings concerning the fall of Srebrenica and the gathering of people in Potočari in July 1995. The Trial Chamber took judicial notice of a number of Adjudicated Facts relating to the events surrounding the fall of Srebrenica and the gathering of people in Potočari. It further received evidence from **Momir Nikolić**, the Assistant Commander for Intelligence and Security of the Bratunac Brigade from November 1992 to at least October 1995;[10178] **Witness RM-322**, an officer in the VRS Zvornik Brigade in 1995;[10179] **Lazar Ristić**, the Acting Commander of the 4th Infantry Battalion of the Zvornik Brigade between 1 July and 18 July 1995;[10180] **Robert Franken**, the Deputy Commanding Officer of DutchBat in Potočari from 15 January to late July 1995;[10181] **Pieter Boering**, a former DutchBat Major who served as liaison officer with the VRS and ABiH in Srebrenica from 3 January to July 1995;[10182] **Eelco Koster**, a member of DutchBat;[10183] **Rupert Smith**, UNPROFOR Commander in Bosnia-Herzegovina between 23 January and December 1995;[10184] **Anthony Banbury**, an UNPROFOR Civil Affairs Officer in Sarajevo between March 1994 and May 1995 and later the Assistant to the UN Special Representative of the Secretary-General in Bosnia-Herzegovina;[10185] **Paul Groenewegen**, a member of DutchBat stationed in Potočari from January until July 1995;[10186] **Witness RM-204**, a Bosnian Muslim from Srebrenica;[10187] **Mujo Subašić**, a Bosnian Muslim from Podžeplje, who worked as a

[10178] Momir Nikolić, T. 11768-11771, 11776-11777; D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), paras 1, 13-14.
[10179] Witness RM-322, T. 11621-11622, 11626-11627, 11667-11668; P1492 (Pseudonym sheet for Witness RM-322).
[10180] P3510 (Lazar Ristić, *Popović et al.* transcript, 16 and 18 April 2007), pp. 10035, 10037.
[10181] P1417 (Robert Franken, witness statement, 15 January 2012), paras 3-4, 109.
[10182] P1139 (Pieter Boering, *Popović et al.* transcript, 19, 21 and 22 September 2006), pp. 1867-1873; Pieter Boering, T. 10025.
[10183] P57 (Eelco Koster, witness statement, 26 September 1995), pp. 1-2; Eelco Koster, T. 1235; D25 (UN Peacekeeper Interview Questionnaire completed by Eelco Koster), p. 1.
[10184] P785 (Rupert Smith, witness statement, 27 October 2009), paras 4, 6; Rupert Smith, T. 7287.
[10185] P874 (Anthony Banbury, witness statement, 19 May 2009), para. 3.
[10186] P1157 (Paul Groenewegen, witness statement, 11 November 2011), paras 3-4, 6.
[10187] P3357 (Witness RM-204, witness statement, 13 August 1995), p. 2; P3358 (Witness RM-204, witness statement, 19 August 1996), p. 1.

nurse in the Srebrenica hospital from April 1993 until 11 July 1995;[10188] **Mevludin Orić**, **Behara Krdžić**, **Witness RM-311**, **Witness RM-249**, **Witness RM-255**, **Witness RM-362**, **Mirsada Gabeljić**, **Šifa Hafizović**, **Witness RM-312**, **Nura Efendić**, **Samila Salčinović**, **Hana Mehmedović**, **Šehra Ibišević**, all Bosnian Muslims from Srebrenica Municipality;[10189] **Evert Rave**, a member of DutchBat who served as a Security and Liaison Officer in Srebrenica from January to late July 1995;[10190] **Dražen Erdemović**, a Bosnian-Croat member of the VRS 10th Sabotage Detachment;[10191] and finds that this evidence is consistent with the Adjudicated Facts.[10192] The Trial Chamber

[10188] P3306 (Mujo Subašić, witness statement, 3 October 2012), p. 1, paras 3, 10-11, 29, 31.
[10189] P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), pp. 861, 869. P1024 (Behara Krdžić, witness statement, 16 June 2000), pp. 1-2; P1025 (Behara Krdžić, statement taken by the Tuzla Cantonal Court, 16 June 2000), p. 1. P3520 (Witness RM-311, witness statement, 5 December 2004), pp. 1-2; P3521 (Witness RM-311, *Popović et al.* transcript, 31 October 2006), p. 3306. P1990 (Witness RM-249, witness statement, 24 January 1996), pp. 1-2; Witness RM-249, T. 15410-15411 (Witness RM-249's evidence is also reviewed in chapter 7.1.5). P55 (Witness RM-255, witness statement, 25 May 1996), pp. 1-2. P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), pp. 17301-17302. P1029 (Mirsada Gabeljić, witness statement, 18 June 2000), pp. 1-2; P1030 (Mirsada Gabeljić, statement taken by the Tuzla Cantonal Court, 18 June 2000), p. 1. P1045 (Šifa Hafizović, witness statement, 16 June 2000), pp. 1-2; P1046 (Šifa Hafizović, statement taken by the Tuzla Cantonal Court, 16 June 2000), p. 1. P3488 (Witness RM-312, witness statement, 16 October 2002), pp. 1-2; P3489 (Witness RM-312, *Popović et al* transcript, 6 November 2006), pp. 3594-3595, 3598. P1027 (Nura Efendić, witness statement, 21 June 2000), pp. 1-2; P1028 (Nura Efendić, statement taken by the Sarajevo Cantonal Court, 21 June 2000), pp. 1-2. P1016 (Samila Salčinović, witness statement, 18 June 2000), pp. 1-2; P1017 (Samila Salčinović, statement taken by the Tuzla Cantonal Court, 18 June 2000), pp. 1-2. P1038 (Hana Mehmedović, witness statement, 17 June 2000), pp. 1-2; P1039 (Hana Mehmedović, statement taken by the Cantonal Court of Tuzla, 17 June 2000), p. 2. P1021 (Šehra Ibišević, witness statement, 21 June 2000), pp. 1-2; P1022 (Šehra Ibišević, statement taken by the Cantonal Court in Sarajevo, 21 June 2000), p. 2.
[10190] P1149 (Evert Rave, witness statement, 17 February 1998), p. 1, paras 1, 61-62; Evert Rave, T. 10255.
[10191] P1673 (Dražen Erdemović, Rule 61 hearing transcript, 5 July 1996), pp. 832, 834-835.
[10192] **Momir Nikolić**: Momir Nikolić, T. 11806. **Lazar Ristić**: P3510 (Lazar Ristić, *Popović et al.* transcript, 16 and 18 April 2007), p. 10042. **Witness RM-255**: P55 (Witness RM-255, witness statement, 25 May 1996), p. 2; Witness RM-255, T. 1186-1187. **Paul Groenewegen**: P1157 (Paul Groenewegen, witness statement, 11 November 2011), paras 18-19, 21-22, 47; Paul Groenewegen, T. 10483-10484, 10538. **Evert Rave**: P1149 (Evert Rave, witness statement, 17 February 1998), paras 16, 18; Evert Rave, T. 10167-10169, 10170, 10191, 10233-10234.10285-10288, 10292-10293; P1152 (UNPROFOR warning to the VRS, 9 July 1995), p. 2. **Witness RM-204**: P3357 (Witness RM-204, witness statement, 13 August 1995), p. 2. **Mevludin Orić**: P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), pp. 869-870. **Robert Franken**: Robert Franken, T. 10731-10735, 10784-10785, 10791-10792; P1417 (Robert Franken, witness statement, 15 January 2012), paras 48-51, 58, 60, 65; P1422 (Aerial image of Potočari marked by the witness). **Rupert Smith**: P785 (Rupert Smith, witness statement, 27 October 2009), paras 150-151. **Anthony Banbury**: P874 (Anthony Banbury, witness statement, 19 May 2009), para. 180. **Mirsada Gabeljić**: P1029 (Mirsada Gabeljić, witness statement, 18 June 2000), pp. 1-2; P1030 (Mirsada Gabeljić, statement taken by the Tuzla Cantonal Court, 18 June 2000), pp. 1-2. **Šifa Hafizović**: P1046 (Šifa Hafizović, statement taken by the Tuzla Cantonal Court, 16 June 2000), pp. 1-2. **Witness RM-312**: P3488 (Witness RM-312, witness statement, 16 October 2002), p. 2; P3489 (Witness RM-312, *Popović et al* transcript, 6 November 2006), pp. 3595, 3598-3600. **Nura Efendić**: P1027 (Nura Efendić, witness statement, 21 June 2000), p. 2; P1028 (Nura Efendić, statement taken by the Sarajevo Cantonal Court, 21 June 2000), p. 2. **Samila Salčinović**: P1016 (Samila Salčinović, witness statement, 18 June 2000), p. 2; P1017 (Samila Salčinović, statement taken by the Tuzla Cantonal Court, 18 June 2000), p. 2. **Witness RM-249**: P1990 (Witness RM-249, witness statement, 24 January 1996), p. 2, 18, 19; Witness RM-249, T. 15410. **Witness RM-362**: P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), pp. 17304-17306, 17307. **Witness RM-311**: P3520 (Witness RM-311, witness statement, 5 December 2004),

further received evidence from **Mile Janjić**, a member of the Bratunac Brigade military police platoon in July 1995;[10193] **Milovan Milutinović**, Chief of the Press Centre and the Information Service at the 1KK between 1992 and 1994 and head of the VRS Main Staff Information Service and Centre for Information and Propaganda Activities between 1994 and 1996;[10194] **Witness RM-257**, a Bosnian Muslim;[10195] **Joseph Kingori**, an UNMO present in the Srebrenica enclave from March 1995 to around 20 July1995;[10196] **Leendert van Duijn**, a DutchBat platoon commander who was stationed in Potočari from January to July 1995;[10197] **Witness RM-284**, a Bosnian Serb;[10198] **Mendeljev Đurić**, a.k.a. Mane, the Bosnian-Serb commander of the 1st Company of the Special Police Brigade at the Jahorina training centre in July 1995;[10199] **Pero Andrić**, a Serb member of the military police platoon of the Bratunac Brigade from 1994 until July 1995;[10200] **Nenad Deronjić**, a Serb policeman in Bratunac and Srebrenica from 1991 until 1996;[10201] **Neđo Jovičić**, a member of the Special Police Brigade as the driver to Deputy Commander of the brigade Ljubomir Borovčanin during 1995;[10202] **Ljubodrag Gajić**, a member of the MUP 1st Company of the Jahorina Training Centre;[10203] **Zoran Kovačević**, a company commander in the Bratunac Brigade as of

p. 2, and pp 6-11 (B/C/S version); P3521 (Witness RM-311, *Popović et al.* transcript, 31 October 2006), pp. 3310-3311. **Mujo Subašić**: P3306 (Mujo Subašić, witness statement, 3 October 2012), paras 28, 32. **Behara Krdžić**: P1024 (Behara Krdžić, witness statement, 16 June 2000), p. 2; P1025 (Behara Krdžić, statement taken by the Tuzla Cantonal Court, 16 June 2000), p. 2. **Eelco Koster**: Eelco Koster, T. 1211-1212, 1266-1267; P57 (Eelco Koster, witness statement, 26 September 1995), pp. 9, 14; P58 (Map showing the Srebrenica-Bratunac area with location of UN Dutch compound in Potočari and Yellow Bridge marked). **Dražen Erdemović**: Dražen Erdemović, T. 13739-13740. **Pieter Boering**: P1139 (Pieter Boering, *Popović et al.* transcript, 19, 21 and 22 September 2006), pp. 1871-1872, 1920-1925, 1927-1929, 1931-1932, 1937-1939; Pieter Boering, T. 10034, 10058-10059, 10062-10063; D273 (Situation report on Srebrenica addressed to UNMO Headquarters, 11 July 1995). **Hana Mehmedović**: P1038 (Hana Mehmedović, witness statement, 17 June 2000), p. 2; P1039 (Hana Mehmedović, statement taken by the Cantonal Court of Tuzla, 17 June 2000), p. 2. **Šehra Ibišević**: P1021 (Šehra Ibišević, witness statement, 21 June 2000), p. 2; P1022 (Šehra Ibišević, statement taken by the Cantonal Court in Sarajevo, 21 June 2000), p. 2. The evidence of Witness RM-311 is also reviewed in chapter 7.1.6; Pieter Boering's evidence is also reviewed in chapter 7.1.4; Witness RM-333's evidence is also reviewed in chapter 7.1.5.

[10193] P1445 (Mile Janjić, *Blagojević and Jokić* transcript, 24-25 May 2004), p. 9756.

[10194] D862 (Milovan Milutinović, witness statement, 11 July 2014), paras 3, 5, 51, 54, 140; Milovan Milutinović, T. 30038.

[10195] P3370 (Witness RM-257, witness statement, 8 March 1999), p. 1.

[10196] P34 (Joseph Kingori, witness statement, 8 January 2012), paras 3, 7.

[10197] P1154 (Leendert van Duijn, *Popović et al.* transcript, 27 September 2006), pp. 2256-2258, 2261.

[10198] P1460 (Witness RM-284, *Popović et al.* transcript, 31 August 2007), pp. 14582-14583; Witness RM-284, T. 11120, 11139.

[10199] P2174 (Mendeljev Đurić, *Popović et al.* transcript, 1-3 May 2007), pp. 10790, 10793, 10796-10797.

[10200] Pero Andrić, T. 34096-34097, 34130-34131; P7295 (Bosnia-Herzegovina Prosecutor's Office record of interview, 29 June 2006), p. 1; P7297 (List of conscripts within the Bratunac Brigade, July 1995), p. 2.

[10201] D584 (Nenad Deronjić, witness statement, 6 June 2014), paras 1-4; Nenad Deronjić, T. 24428.

[10202] D976 (Neđo Jovičić, witness statement, 3 August 2014), para. 2.

[10203] Ljubodrag Gajić, T. 40268-40269, 40311.

April 1992;[10204] **Zlatan Čelanović**, who in 1995 was a member of the VRS Bratunac Light Infantry Brigade;[10205] **Witness RM-260**, member of the Civilian Protection staff in Bratunac Municipality in July 1995;[10206] **Dušan Mićić**, a military policeman of the TO from early May 1992 until March 1993 and later commander of a PJP unit in Bratunac;[10207] **Witness RM-268**, a member of the Special Police Brigade in 1995;[10208] **Tomislav Savkić**, the former Commander of the 1st Infantry Battalion in Milići and from 1 November 1993 President of the Milići Municipal Assembly;[10209] **Witness RM-333**, a member of the joint MUP forces of the RSK, Serbia, and the Bosnian-Serb Republic in 1995;[10210] **Saliha Osmanović** and **Hanifa Hafizović**, both Bosnian Muslims from Srebrenica Municipality;[10211] **András Riedlmayer**, a bibliographer and art documentation specialist,[10212] and documentary evidence.[10213]

The attack on the enclave

2389. The VRS offensive on Srebrenica began in earnest on 6 July 1995.[10214] **Robert Franken** testified that the VRS attacked the enclave *inter alia* with tank and heavy machine gun fire.[10215] A report from the Command of the 28th Division of the ABiH dated 6 July 1995, mentioned an 'exceptionally difficult' humanitarian situation: a convoy set to arrive on 6 July did not arrive; elderly and weak persons were in an exceptionally difficult situation due to starvation; and the first people to die of hunger in the area of Srebrenica were registered on that day. The report further mentions numerous attacks from 'the aggressor', launched with heavy artillery and tanks, against

[10204] D594 (Zoran Kovačević, witness statement, 6 June 2014), paras 2, 4-5, 7.
[10205] P1451 (Zlatan Čelanović, *Popović et al* transcript, 31 January 2007), p.6626.
[10206] P3621 (Witness RM-260, *Blagojević and Jokić* transcript, 20 April 2004), pp. 7861-7862.
[10207] D977 (Dušan Mićić, witness statement, 24 March 2013), paras 2, 14-16; Dušan Mićić, T. 33758.
[10208] P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), pp. 8565, 8567.
[10209] D699 (Tomislav Savkić, witness statement, 11 August 2014), para. 2.
[10210] Witness RM-333, T. 6759, 6792-6793; P724 (Report on the combat engagement of police forces in Srebrenica 95 signed by Ljubiša Borovčanin) p. 1; D129 (MUP order signed by Tomislav Kovač, 10 July 1995), p. 1.
[10211] P1461 (Saliha Osmanović, witness statement, 18 June 2000), p. 1, para. 1; Saliha Osmanović, T. 11177-11178. P1008 (Hanifa Hafizović, witness statement, 16 June 2000), pp. 1, 3; P1009 (Hanifa Hafizović, statement taken by the Tuzla Cantonal Court, 16 June 2000), p. 1.
[10212] P2503 (Expert report of András Riedlmayer, December 2012), para. 75; András Riedlmayer, T. 17888; P2504 (*Curriculum vitae* of András Riedlmayer), p. 1. With regard to the Trial Chamber's approach concerning Riedlmayer's evidence, *see* Appendix B.
[10213] This includes evidence tendered through the witnesses hereby considered as well as P6862 and P1147.
[10214] Adjudicated Facts II, no. 1363.
[10215] P1417 (Robert Franken, witness statement, 15 January 2012), paras 45-46.

all lines of defence in the zone of responsibility of the 28th Division.[10216] In particular, the wider area of Sućeska was shelled around 2 p.m.[10217] On that day, over 20 shells fell on the town and several 'civilians' were killed or wounded in the zone of responsibility of the 28th Division.[10218]

2390. **Witness RM-257** stated that the shelling was continuous until 10 July 1995.[10219] Shelling on 7 and 8 July 1995 was relatively quiet due to weather conditions but intensified on 9 July 1995.[10220] **Witness RM-204** stated that on 8 or 9 July 1995 the first shell hit the Slapovići settlement of Srebrenica from the direction of the 'Chetnik' front lines.[10221] The shelling continued for two or three days.[10222]

2391. Targets included Srebrenica Town, Potočari, and DutchBat positions.[10223] **Franken** testified that at the beginning of the attack, Bravo Company reported random shelling of the city of Srebrenica Town and 'civilians' being brought to the hospital, and there was firing directed at the UN base in Potočari and its surroundings.[10224] Early in the morning of 6 July 1995, five rockets exploded near the DutchBat headquarters in Potočari.[10225] **Witness RM-255** testified that the enclave was constantly shelled for seven days before 11 July 1995, with shells coming from the directions of Zeleni Jadar, Zvijezda, and Caus.[10226] **Evert Rave** testified that on 7 July 1995, the VRS resumed its attack against the enclave, firing into the safe area, targeting UN facilities, and causing several civilian deaths.[10227] On 8 July 1995, Dutchbat troops were forced to retire.[10228] **Franken** testified that while withdrawing they were fired upon by members of the 28th Division of the ABiH, resulting in the death of a private.[10229] OPs Delta, Sierra, and Mike also came under fire from what DutchBat had concluded to be members of the

[10216] P6862 (Combat report from the Command of the 28th Division of the ABiH to the 2nd Corps Command in Tuzla, 6 July 1995), pp.1-2.
[10217] P6862 (Combat report from the Command of the 28th Division of the ABiH to the 2nd Corps Command in Tuzla, 6 July 1995), p. 1.
[10218] P6862 (Combat report from the Command of the 28th Division of the ABiH to the 2nd Corps Command in Tuzla, 6 July 1995), pp. 1-2.
[10219] P3371 (Witness RM-257, *Popović et al.* transcript, 2 November 2006), pp. 3502-3504.
[10220] Adjudicated Facts II, no. 1365.
[10221] P3357 (Witness RM-204, witness statement, 13 August 1995), p. 2.
[10222] P3357 (Witness RM-204, witness statement, 13 August 1995), p. 2.
[10223] Adjudicated Facts II, no. 1365.
[10224] P1417 (Robert Franken, witness statement, 15 January 2012), para. 46.
[10225] Adjudicated Facts II, no. 1364.
[10226] P55 (Witness RM-255, witness statement, 25 May 1996), p. 2; Witness RM-255, T. 1186-1187.
[10227] Evert Rave, T. 10285-10288; P1152 (UNPROFOR warning to the VRS, 9 July 1995), p. 2.
[10228] P1152 (UNPROFOR warning to VRS, 9 July 1995), p. 2.
[10229] P1417 (Robert Franken, witness statement, 15 January 2012), para. 47; Robert Franken, T. 10784, 10788-10790.

ABiH.[10230] On 8 July 1995, one peacekeeper was mortally wounded and two UN OPs were overrun by the VRS.[10231] Soldiers at the OPs were detained and forced to hand over their equipment, including in one case an APC.[10232] Some of the Dutch soldiers retreated into the enclave after their posts were attacked, but the crews of other OPs surrendered into Bosnian-Serb custody.[10233] The DutchBat soldiers who were detained were taken to Bratunac and Milići.[10234]

2392. **Witness RM-204** stated that on 8 or 9 July 1995, when the first shell hit the Slapovići settlement of Srebrenica from the direction of the 'Chetnik' front lines, some residents decided to leave the settlement in the direction of Sućeska. When they reached the village of Vijogor most of the women and children went to Potočari while the men and some of the women stayed in Vijogor for one night.[10235]

2393. In the days following 6 July 1995, the five UNPROFOR OPs in the southern part of the enclave fell one by one in the face of the advance of the Bosnian-Serb forces.[10236] By the evening of 9 July 1995, the VRS DK had pressed four kilometres deep into the enclave, halting just one kilometre short of Srebrenica Town.[10237] **Franken** testified that DutchBat was ordered by UNPROFOR Command to defend Srebrenica Town with all military means necessary, even though its military effectiveness had been greatly reduced to the point that it relied on machine-guns and rifles only.[10238] Upon receiving the order to defend the town, DutchBat concluded that its mandate had changed.[10239] Franken issued an order that evening which he noted was a 'seriously intended green assignment' to DutchBat's Bravo Company, augmented by Quick Reaction Forces, to take blocking positions on the southern edge of Srebrenica to prevent the Serbs from entering the town.[10240] Franken testified that 'green' orders meant normal military-like operations, whereas 'blue' orders meant orders related to less aggressive policing operations and that he had included a reference to a green assignment to make clear that

[10230] Robert Franken, T. 10785-10787; D280 (Debriefing of General Franken with the Dutch Ministry of Defence, 22 July 1995), p. 2.
[10231] P1152 (UNPROFOR warning to VRS, 9 July 1995), p. 2.
[10232] Adjudicated Facts II, no. 1368.
[10233] Adjudicated Facts II, no. 1369.
[10234] Adjudicated Facts II, no. 1370.
[10235] P3357 (Witness RM-204, witness statement, 13 August 1995), p. 2.
[10236] Adjudicated Facts II, no. 1367.
[10237] Adjudicated Facts II, no. 1374.
[10238] P1417 (Robert Franken, witness statement, 15 January 2012), para. 52; Robert Franken, T. 10725-10729, 10752-10754; P1421 (Order from General Franken addressed to Captain Groen, 9 July 1995).
[10239] Robert Franken, T. 10752-10753.

the defence of Srebrenica was meant as a military action.[10241] **Rave** testified that Franken's order was issued on or about 9 July 1995 and as a result of it the Dutchbat became less visible and moved 'more into a military situation'; they were now allowed to fire back, if there was any fire at the battalion, but they only fired overhead.[10242]

2394. Also on 9 July 1995, Rupert Smith informed the VRS that the 7 and 8 July attacks against the UN OPs and the UN-declared safe area were unacceptable.[10243] The UNPROFOR demanded that the VRS withdraw to the perimeter of the demilitarised zone and that the Dutch peacekeepers be released. The VRS was further informed that the Dutchbat had been ordered to establish a blocking position to the south of the town, and that if this position was attacked, the NATO Close Air support would be employed. The VRS was reminded of the grave consequences of ignoring this warning.[10244] **Franken** testified that the VRS responded to the ultimatum over the radio with an ultimatum of its own, read by a DutchBat detainee, that if the DutchBat stopped all hostile activity and agreed to leave its equipment and weapons behind, its personnel and the civilian population would be allowed to leave the enclave.[10245]

2395. The blocking positions on the southern edge of Srebrenica Town were generally established early in the morning on 10 July 1995.[10246] On that day, the DutchBat blocking positions were under Bosnian-Serb tank and artillery fire and there was 'massive' shelling of Srebrenica Town and the DutchBat compound from over 160 rounds fired by approximately 32 artillery or mortar positions and about six main battle tanks, resulting in the wounded being taken to the civilian hospital in Srebrenica.[10247] **Pieter Boering** testified that a mortar grenade fell close to the UNPROFOR Bravo Company compound, wounding a little boy.[10248]On the same morning, residents in Srebrenica Town, some armed, crowded the streets.[10249] Simultaneously, the defending ABiH forces came under heavy fire and were pushed back towards the town.[10250] Once

[10240] P1417 (Robert Franken, witness statement, 15 January 2012), para. 52; Robert Franken, T. 10725-10729, 10752-10754; P1421(Order from General Franken addressed to Captain Groen, 9 July 1995).
[10241] Robert Franken, T. 10727-10729; P1421 (Order from General Franken addressed to Captain Groen, 9 July 1995), p. 1.
[10242] Evert Rave, T. 10207-10210, 10212-10216.
[10243] P1152 (UNPROFOR warning to the VRS, 9 July 1995).
[10244] P1152 (UNPROFOR warning to the VRS, 9 July 1995), p. 2.
[10245] P1417 (Robert Franken, witness statement, 15 January 2012), para. 56.
[10246] P1417 (Robert Franken, witness statement, 15 January 2012), paras 52, 54.
[10247] P1417 (Robert Franken, witness statement, 15 January 2012), paras 53, 55.
[10248] P1139 (Pieter Boering, *Popović et al.* transcript, 19, 21 and 22 September 2006), pp. 1932, 1938.
[10249] Adjudicated Facts II, no. 1375.
[10250] Adjudicated Facts II, no. 1371.

the southern perimeter began to collapse, about 4,000 Bosnian-Muslim residents, who had been living in a nearby Swedish housing complex for refugees, fled north into Srebrenica Town.[10251] **Rave** testified that on the same day, people began putting tree logs on the road leading to the UN compound and gathering in front. According to the witness, they were afraid that the UN would leave Srebrenica.[10252]

2396. **Franken** testified that at some point during the attack on the enclave, DutchBat allowed members of the ABiH 28th Division to take the weapons that were being stored in the WCP in the UN compound.[10253] During the evening or night of 10 July, members of the 28th Division stopped a column of Bosnian-Muslim 'civilians' on the Srebrenica-Potočari road and asked them to return to Srebrenica. The last sighting of members of the 28th Division in Srebrenica was in the late evening of 10 July when Colonel Karremans apparently saw them at the market place in the town. By the morning of 11 July 1995, the 28th Division had left the area.[10254] The DutchBat OPs continued to be taken over by the VRS on that day, and in most cases, when the VRS took over an OP, the DutchBat soldiers there had to hand in their small arms and were all eventually detained by the VRS and transported to Bratunac, with the exception of OP Alpha personnel who were directed to return to Potočari.[10255]

2397. **Mujo Subašić** stated that he heard while working at the hospital that on 10 July 1995 a counter-attack was launched by the ABiH against the Serb forces, which had gathered at the border of the enclave.[10256] The day after, Serb forces took over the villages of Ljubisavići and Pusmulići and torched houses.[10257] As the inhabitants of this area had started leaving, the witness decided to bring his family, residing in the neighbouring village of Bajramovići, to the Vezionica factory in Srebrenica, then used by UNPROFOR.[10258]

2398. **Franken** testified that on 13 July 1995, he informed the Commander of Bravo Company in writing about the VRS ultimatum and the UN's reaction, which was that

[10251] Adjudicated Facts II, no. 1373.
[10252] Evert Rave, T. 10166-10167.
[10253] Robert Franken, T. 10761.
[10254] P1417 (Robert Franken, witness statement, 15 January 2012), para. 57.
[10255] P1417 (Robert Franken, witness statement, 15 January 2012), paras 58-59.
[10256] P3306 (Mujo Subašić, witness statement, 3 October 2012), paras 26-27.
[10257] P3306 (Mujo Subašić, witness statement, 3 October 2012), para. 28.
[10258] P3306 (Mujo Subašić, witness statement, 3 October 2012), para. 28.

the VRS should withdraw or face air attacks on VRS targets in and around the enclave.[10259]

Forces participating in the attack on Srebrenica

2399. With regard to the forces participating in the attack, **Momir Nikolić** testified that when the attack on Srebrenica started on 6 July 1995, the Bratunac Brigade's IKM was located at Pribičevac.[10260] A few days after the start of combat, Mladić visited the Brigade.[10261] On 8 or 9 July 1995, Radoslav Janković of the Main Staff Intelligence Administration visited the witness and told him that he had come to the Bratunac Brigade on the orders of the VRS Main Staff in order to assist him.[10262] From this moment on, Janković and the witness shared an office in the Bratunac Brigade headquarters in Bratunac.[10263] Janković took over the contact with members of DutchBat and international organizations and the witness and Janković drafted intelligence and security reports jointly.[10264] In the days before 11 July 1995, the witness saw a number of VRS Main Staff officers at the Bratunac Brigade headquarters in Bratunac, including Mladić, Janković, and many DK Command officers, including General Krstić, Lieutenant Colonel Popović, Lieutenant Colonel Kosorić, and Vinko Pandurević.[10265] **Witness RM-284** testified that on 9 and 10 July 1995, Mladić was almost always at the Bratunac Brigade's IKM.[10266] Mladić was receiving information from Krstić and Zivanović on how the attack on Srebrenica was progressing.[10267]

2400. **Dražen Erdemović** testified that in the afternoon of 10 July 1995, he and the other members of the Bijeljina platoon of the 10th Sabotage Detachment travelled to Bratunac pursuant to an order from their commander, Pelemiš.[10268] In Bratunac, they were joined by the Vlasenica platoon of the 10th Sabotage Detachment.[10269] The members of the two platoons then boarded military vehicles and moved towards

[10259] P1417 (Robert Franken, witness statement, 15 January 2012), para. 56; P1427 (Order from General Franken addressed to Captain Groen, 13 July 1995).
[10260] Momir Nikolić, T. 12143.
[10261] Momir Nikolić, T. 12143-12144.
[10262] Momir Nikolić, T. 11805.
[10263] Momir Nikolić, T. 11804, 11806, 11812, 11959.
[10264] Momir Nikolić, T. 11805, 11812-11814.
[10265] Momir Nikolić, T. 11804.
[10266] Witness RM-284, T. 11120-11121.
[10267] Witness RM-284, T. 11121.
[10268] P1673 (Dražen Erdemović, Rule 61 hearing transcript, 5 July 1996), p. 836; Dražen Erdemović, T. 13726-13727; D320 (VRS 10th Sabotage Detachment order no. 123-2/95, 10 July 1995), pp. 1-2.

Srebrenica in order to take part in an attack on the enclave.[10270] The members of the 10th Sabotage Detachment arrived near Srebrenica that evening and spent the night at an elevation above the town.[10271]

2401. **Witness RM-333** testified that on 10 July 1995, based on an order by the VRS Supreme Commander and in order to crush the enemy offensive from the Srebrenica protected zone, Tomislav Kovač, Headquarters Commander in the Office of the Minister of the Interior, ordered a company from the MUP training centre in Jahorina, Pale Municipality; the 2nd Special Police Detachment from Šekovići, commanded by Miloš Stupar and Rado Čuturić; the 1st Company of the Zvornik Special Police Unit of the Zvornik CSB; one company of joint forces of the RSK MUP, the Serbian MUP, and the Bosnian-Serb MUP, and one company from the Jahorina police training centre to join an independent unit of MUP forces which was to be sent to the Srebrenica sector on 11 July 1995 to participate in the *Srebrenica 95* operation.[10272] Pursuant to the same order, Kovač appointed Ljubiša Borovčanin, the Deputy Commander of the Special Police Brigade, to command this MUP unit.[10273] Kovač further ordered Borovčanin to contact General Krstić upon arrival at the destination.[10274] Borovčanin arrived in Bratunac around noon on 11 July 1995, and contacted Mladić, who, according to Borovčanin's report, personally commanded the operation. Mladić ordered him to go with all available manpower and equipment to Potočari and Milačevići. Borovčanin reported that he found the task to be unrealistic since none of the envisaged MUP forces had arrived yet. Mladić had ordered Borovčanin to launch an attack in the early morning hours of 12 July 1995. At about 3 a.m., the 2nd Special Police Detachment from Šekovići arrived in Bratunac.[10275]

2402. **Witness RM-333** testified that around 11 July 1995, Duško Jević and an officer whom the witness believed to be of higher rank ordered all conscripts from the Jahorina

[10269] Dražen Erdemović, T. 13726-13727.
[10270] P1673 (Dražen Erdemović, Rule 61 hearing transcript, 5 July 1996), p. 836; Dražen Erdemović, T. 13726-13727.
[10271] P1673 (Dražen Erdemović, Rule 61 hearing transcript, 5 July 1996), p. 836; Dražen Erdemović, T. 13727, 13739.
[10272] Witness RM-333, T. 6759, 6762-6763; P724 (Report on the combat engagement of police forces in Srebrenica 95 signed by Ljubiša Borovčanin, 5 September 1995) pp. 1, 6; D129 (MUP order signed by Tomislav Kovač, 10 July 1995), p. 1.
[10273] Witness RM-333, T. 6790; P724 (Report on the combat engagement of police forces in Srebrenica 95 signed by Ljubiša Borovčanin , 5 September 1995) p. 1; D129 (MUP order signed by Tomislav Kovač, 10 July 1995), p.1 .
[10274] D129 (MUP order signed by Tomislav Kovač, 10 July 1995), p. 2.

police training centre to leave for Potočari.[10276] The 1st Company left Jahorina ahead of the 2nd Company, the latter left for Trnovo the following day.[10277] The 1st Company arrived late afternoon at a school in Bjelovac, Bratunac Municipality, located close to the Drina river.[10278] No other police or army units were present at that location when they arrived on 11 July 1995.[10279]

2403. **András Riedlmayer** testified that the Čaršjska, Petrička, and Vidikovac mosques, located in Srebrenica Town, were destroyed with explosives.[10280] The Čaršjska mosque was destroyed a few days after 14 July 1995, the Petrička mosque sometime after 14 July 1995, and the Vidikovac mosque sometime between 14 July 1995 and the end of the war.[10281] According to an article published in a Serbian magazine in July 1995 and reproduced in Riedlmayer's report, soldiers positioned further explosives in the Čaršjska mosque after its minaret was blown up.[10282] The Čaršjska mosque's ruins were razed, its rubble cleared, and the site levelled after the summer of 1996.[10283] After the first half of 1996, the Petrička mosque was razed and its rubble bulldozed.[10284] According to Riedlmayer, the buildings adjacent to the Čaršijska mosque were lightly damaged, while the buildings adjacent to the Petrička and Vidikovac mosques were in good condition.[10285]

[10275] P724 (Report on the combat engagement of police forces in *Srebrenica 95* signed by Ljubiša Borovčanin, 5 September 1995) p. 2.
[10276] P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), pp. 14800-14802, 14869-14870, 14904
[10277] P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), pp. 14801-14802, 14871; Witness RM-333, T. 6774-6775.
[10278] P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), pp. 14801-14802, 14871; Witness RM-333, T. 6749, 6774-6775. *See also* P724 (Report on the combat engagement of police forces in Srebrenica 95 signed by Ljubiša Borovčanin, 5 September 1995), p. 2.
[10279] P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), p. 14802.
[10280] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 218-219, 222-223, 250, 265-267; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), pp. 35-36, 38-39; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[10281] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 218-219, 222-223, 250-251, 265-267; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), pp. 35-36, 38-39; András Riedlmayer, T. 17950-17951.
[10282] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 218-219, 223; P2511 (Survey database for expert report of András Riedlmayer).
[10283] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 218-219, 224-227; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 35.
[10284] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 250, 253; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), pp. 36-37.
[10285] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 218, 250; P2511 (Survey database for expert report of András Riedlmayer).

2404. Two religious buildings located in Srebrenica Town were burned: the White mosque sometime after 19 July 1995 and before the end of the war and the building housing the archive and library of the Medžlis of the Islamic Community of Srebrenica, sometime after 11 July 1995 and before the end of the war.[10286] The ruins of the White mosque were blown up before the end of the war.[10287] In January 1993, an aircraft coming from the direction of Serbia dropped a bomb near the Crvena Rijeka mosque, which stood next to the building housing the archive and library, during the war, damaging the mosque, which was later repaired by residents of the neighbourhood. The mosque was destroyed, its ruins razed, and the site levelled sometime after 11 July 1995.[10288] According to Riedlmayer, the buildings adjacent to the White mosque were lightly damaged, those adjacent to the Crvena Rijeka mosque were heavily damaged, and those adjacent to the archive and library of the Medžlis of the Islamic Community of Srebrenica were completely destroyed.[10289]

2405. The Srebrenica Town Catholic church's roof and interior were damaged as a result of shelling during the siege of Srebrenica.[10290] According to Riedlmayer, the buildings adjacent to the church were in good condition.[10291] The Slapovići mosque in Srebrenica Municipality was burned sometime after 11 July 1995 and before the end of the war.[10292] The Sućeska mosque in Srebrenica Municipality, which had been shelled by Serb forces in 1992 and 1993, was again heavily shelled in July 1995.[10293]

[10286] P2503 (Expert report of András Riedlmayer, December 2012), paras 40, 42, 62; P2510 (Formatted entries to expert report of András Riedlmayer), pp. 254, 256, 263; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), pp. 33-34, 37-38; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[10287] P2510 (Formatted entries to expert report of András Riedlmayer), p. 254; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 37.
[10288] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 259, 263; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), pp. 33-34, 37-38.
[10289] P2511 (Survey database for expert report of András Riedlmayer).
[10290] P2510 (Formatted entries to expert report of András Riedlmayer), p. 269; P2511 (Survey database for expert report of András Riedlmayer); P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).
[10291] P2510 (Formatted entries to expert report of András Riedlmayer), p. 269; P2511 (Survey database for expert report of András Riedlmayer).
[10292] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 275-276; P2511 (Survey database for expert report of András Riedlmayer).
[10293] P2510 (Formatted entries to expert report of András Riedlmayer), pp. 229-230; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 39; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).

2406. With regard to Riedlmayer's evidence on the destruction of other religious buildings,[10294] and as explained previously,[10295] the Trial Chamber will not rely on the witness's evidence with regard to the date and perpetrators of these incidents of destruction. Thus, in the absence of additional evidence on the date and perpetrators of these incidents of destruction, the Trial Chamber will not further consider these incidents in relation to any counts of the Indictment.

The fall of Srebrenica

2407. **Witness RM-311** testified that in July of 1995, just prior to the fall of Srebrenica, she and her family fled from their homes, along with many other inhabitants from surrounding villages who were trying to escape from the 'shooting from all sides'.[10296] The witness and her family spent the night in a relative's house in Srebrenica Town. The next morning there was extensive shelling, breaking some of the windows in the house.[10297]

2408. **Erdemović** testified that on the morning of 11 July 1995, on the orders of Pelemiš, the 10th Sabotage Detachment descended into the town of Srebrenica.[10298] Before leaving for Srebrenica, Pelemiš ordered the members of the unit not to fire at or otherwise harm the civilian population.[10299] He also ordered the soldiers to direct any civilians towards the football stadium in town.[10300] When the witness and his unit approached the first houses in Srebrenica, two airborne bombs exploded near them.[10301]

[10294] These other religious buildings are: Dobrak Mosque, Osmače Mosque, Osat Mosque, Tokoljaci New Mosque, Tokoljaci Old Mosque, Liješće Mosque, Peći Old Mosque, Peći New Mosque, Sase Mosque, and Gornji Potočari Mosque. P2503 (Expert report of András Riedlmayer, December 2012), para. 47; P2510 (Formatted entries to expert report of András Riedlmayer), pp. 232-238, 240-244, 246-249, 272-274; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), pp. 34-35, 39; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013.
[10295] *See* Appendix B.
[10296] P3520 (Witness RM-311, witness statement, 5 December 2004), p. 2; P3521 (Witness RM-311, *Popović et al.* transcript, 31 October 2006), pp. 3306-3307.
[10297] P3520 (Witness RM-311, witness statement, 5 December 2004), p. 2; P3521 (Witness RM-311, *Popović et al.* transcript, 31 October 2006), p. 3307.
[10298] P1673 (Dražen Erdemović, Rule 61 hearing transcript, 5 July 1996), p. 837; Dražen Erdemović, T. 13739.
[10299] P1673 (Dražen Erdemović, Rule 61 hearing transcript, 5 July 1996), pp. 837-838; Dražen Erdemović, T. 13739, 13741-13742.
[10300] P1673 (Dražen Erdemović, Rule 61 hearing transcript, 5 July 1996), p. 837; Dražen Erdemović, T. 13739.
[10301] Dražen Erdemović, T. 13739-13740.

According to the witness, these bombs were dropped by NATO warplanes.[10302] Other than this incident, the unit encountered no resistance and did not see any armed Bosnian Muslims when entering Srebrenica.[10303] Upon their arrival in Srebrenica Town, members of the 10th Sabotage Detachment were calling on the few people who remained there to leave their houses.[10304] When the unit called on the inhabitants of the town to leave their houses and go to the football stadium, only 100 to 200 people, mostly elderly, responded.[10305] Once the members of the unit reached the centre of the town, a Bosnian-Muslim man, around the age of 30, surrendered to them.[10306] However, contrary to the terms of his previous order, Pelemiš instructed a man named Zoran to kill the Bosnian Muslim.[10307] According to the witness, this man carried out this order by slitting the man's throat.[10308] The body of the victim was left behind, in plain view.[10309] After this killing, Pelemiš ordered Erdemović and two or three other members of the detachment to go back to the entrance of Srebrenica Town, form a checkpoint, and report back as soon as Mladić passed by.[10310] The group accordingly went back to the outskirts of the town and established a checkpoint.[10311] After about one or two hours, the witness saw Mladić pass by his checkpoint, riding in an ex-JNA military vehicle.[10312] Erdemović reported this to Pelemiš.[10313]

2409. DutchBat Commander Colonel Thomas Karremans sent urgent requests for NATO air support to defend the town, but no assistance was forthcoming until around 2:30 p.m. on 11 July 1995, when NATO bombed VRS tanks advancing towards the

[10302] Dražen Erdemović, T. 13740.
[10303] P1673 (Dražen Erdemović, Rule 61 hearing transcript, 5 July 1996), p. 852.
[10304] Adjudicated Facts II, no. 1386.
[10305] P1673 (Dražen Erdemović, Rule 61 hearing transcript, 5 July 1996), p. 837; Dražen Erdemović, T. 13743.
[10306] P1673 (Dražen Erdemović, Rule 61 hearing transcript, 5 July 1996), pp. 837-838; Dražen Erdemović, T. 13711.
[10307] P1673 (Dražen Erdemović, Rule 61 hearing transcript, 5 July 1996), p. 838; Dražen Erdemović, T. 13710-13711, 13741-13742.
[10308] P1673 (Dražen Erdemović, Rule 61 hearing transcript, 5 July 1996), pp. 838, 852; Dražen Erdemović, T. 13711.
[10309] P1673 (Dražen Erdemović, Rule 61 hearing transcript, 5 July 1996), p. 839; Dražen Erdemović, T. 13710-13711; P1148 (Srebrenica Trial Video stills book), p. 53.
[10310] P1673 (Dražen Erdemović, Rule 61 hearing transcript, 5 July 1996), p. 839; Dražen Erdemović, T. 13741-13742.
[10311] Dražen Erdemović, T. 13741-13742.
[10312] P1673 (Dražen Erdemović, Rule 61 hearing transcript, 5 July 1996), pp. 839, 853; Dražen Erdemović, T. 13741-13742, 13780-13781.
[10313] P1673 (Dražen Erdemović, Rule 61 hearing transcript, 5 July 1996), p. 839; Dražen Erdemović, T. 13742.

town.[10314] NATO planes attempted to bomb VRS artillery positions overlooking the town, but had to abort the operation due to poor visibility.[10315]

2410. Srebrenica remained under fire until the enclave fell on 11 July 1995 when the VRS entered Srebrenica Town.[10316] **Witness RM-284** testified that he was present when Mladić, Krstić, and the VRS entered Srebrenica around 11 a.m. or noon on that day.[10317] Upon arrival in Srebrenica, Mladić said: 'Here we are, on 11 July 1995, in Serb Srebrenica. On the eve of yet great Serb holiday, we give this town to the Serb people as a gift. Finally, after the [R]ebellion against the Dahis, the time has come to take revenge on the Turks in this region'.[10318] Soldiers from the 10th Sabotage Detachment were present at a checkpoint during the VRS victory walk through Srebrenica on 11 July 1995 and the Commander of that unit, Miso Pelemiš[10319] was in the centre of Srebrenica Town on that day.[10320]

2411. On 11 July 1995, President Karadžić appointed Miroslav Deronjić as the Civilian Commissioner of the 'Serb Municipality of Srebrenica'.[10321] The Trial Chamber also considered the evidence of Witness RM-260 on the fall of Srebrenica, which has been placed in the confidential annex in Appendix D.

2412. **Witness RM-362**, who was living in Srebrenica Municipality, testified that on 11 July 1995, after the fall of Srebrenica, his neighbours told him that someone from the 'civilian protection' had come and told them that the old and infirm should go to the UNPROFOR compound in Potočari whereas the military-age men should 'go through the forest'.[10322] The witness and the female members of his family joined a column of people heading towards Potočari and arrived there around 9 p.m. There they spent the night at the compound of a nearby factory, approximately 500 metres away from the UNPROFOR compound, having been told that they could not enter the compound.[10323] **Šehra Ibišević** stated that she and members of her family walked from Kutlići to the UNPROFOR base in Potočari, after Srebrenica fell on 11 July 1995. According to the

[10314] Adjudicated Facts II, no. 1383.
[10315] Adjudicated Facts II, no. 1384.
[10316] Adjudicated Facts II, nos 1366, 1377.
[10317] P1460 (Witness RM-284, *Popović et al.* transcript, 31 August 2007), pp. 14583-14584.
[10318] P1147 (Updated Srebrenica Trial video with Transcript), p. 11.
[10319] The Trial Chamber understands this to be a reference to Milorad Pelemiš (*see* chapter 3.1.2).
[10320] Adjudicated Facts II, no. 1387.
[10321] Adjudicated Facts II, no. 1388.
[10322] P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), pp. 17304-17305.
[10323] P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), pp. 17304-17306, 17307.

witness, the 'military leadership in Srebrenica' told mothers with children to head for the UNPROFOR base.[10324]

2413. The VRS embarked upon a campaign of burning Bosnian-Muslim houses.[10325] In the early morning on 12 July 1995, VRS soldiers with German Shepherd dogs in the northern direction of the enclave threw hand grenades into civilian houses in Potočari.[10326] As a result, the inhabitants were forced to flee from their houses to the UN compound.[10327] The refugees in the compound could see Serb soldiers setting houses and haystacks on fire.[10328]

2414. **Paul Groenewegen** testified that on 12 July during the day, he saw heavily armed infantry VRS forces approaching Potočari from Bratunac in the north.[10329] According to the witness, the first soldiers wore all sorts of camouflage, including purple and green tints, while some were dressed in partial camouflage uniforms with black pants.[10330] This group wore a variety of emblems.[10331] While these forces were approaching, other troops were coming over the hills. [10332] The witness heard shelling explosions and saw houses catching fire, first from the northern direction towards OP Papa and then continuously closer to Potočari.[10333] About 20 or 30 minutes later, other groups which appeared to be composed of members of the press and officers arrived. According to the witness, these groups appeared to be acting in coordination with the group of VRS forces who had previously arrived.[10334]

The gathering of Bosnian Muslims in Srebrenica Town and in Potočari

2415. On 11 July 1995, thousands of residents crowded around the UNPROFOR Bravo Company compound in Srebrenica, eventually forcing their way inside.[10335] Around

[10324] P1021 (Šehra Ibišević, witness statement, 21 June 2000), p. 2; P1022 (Šehra Ibišević, statement taken by the Cantonal Court in Sarajevo, 21 June 2000), p. 2.
[10325] Adjudicated Facts II, no. 1381.
[10326] Adjudicated Facts II, no. 1397.
[10327] Adjudicated Facts II, no. 1398.
[10328] Adjudicated Facts II, no. 1396.
[10329] P1157 (Paul Groenewegen, witness statement, 11 November 2011), paras 25-26.
[10330] P1157 (Paul Groenewegen, witness statement, 11 November 2011), para. 25; Paul Groenewegen, T. 10519.
[10331] P1157 (Paul Groenewegen, witness statement, 11 November 2011), para. 25; Paul Groenewegen, T. 10519.
[10332] P1157 (Paul Groenewegen, witness statement, 11 November 2011), para. 26.
[10333] P1157 (Paul Groenewegen, witness statement, 11 November 2011), para. 26.
[10334] P1157 (Paul Groenewegen, witness statement, 11 November 2011), para. 26.
[10335] Adjudicated Facts II, no. 1378.

noon on the same day, mortar shells landed inside the compound, wounding several people.[10336] Following the shelling of Bravo Company and with the encouragement of the DutchBat troops, Bosnian-Muslim residents from Srebrenica began to move north towards Potočari.[10337]

2416. Once Srebrenica had fallen under the control of Bosnian-Serb forces, thousands of Bosnian-Muslim residents from Srebrenica fled to Potočari seeking protection within the UN compound.[10338] **Eelco Koster** testified that a message was received that the approach route to the compound should be cleared for the fleeing Muslim population.[10339] **Franken** testified that he ordered Bravo Company to withdraw from Srebrenica since the town was empty and to move along with the rear of the column headed north towards Potočari so as to stay between the column and the advancing Serb forces.[10340] Franken received reports of the column being shelled by mostly mortar and artillery fire, and DutchBat personnel transported wounded from the column and brought them to Potočari.[10341] **Rave** testified that the fire was coming from VRS positions.[10342] According to the witness, this was a deliberate attempt to 'steer' the 'refugees' towards Potočari.[10343]

2417. **Šifa Hafizović** stated that the residents that moved towards Potočari included women, children, and elderly men.[10344] **Rave** testified that he could not exclude the possibility that there were members of the ABiH among the men going to Potočari.[10345] At about 5 p.m., the witness arrived in Potočari where he was informed that the road from Potočari to Bratunac was being shelled, which, according to the witness, could indicate that the Serbs wanted the Muslim 'refugees' to remain in Potočari.[10346] On the same day, Lieutenant Versteeg from the Reconnaissance Platoon informed the witness

[10336] Adjudicated Facts II, no. 1379.
[10337] Adjudicated Facts II, no. 1380. The Trial Chamber understands this Adjudicated Fact to refer to the shelling of the company's compound.
[10338] Adjudicated Facts II, no. 1390.
[10339] P57 (Eelco Koster, witness statement, 26 September 1995), p. 8.
[10340] P1417 (Robert Franken, witness statement, 15 January 2012), paras 60-61; Robert Franken, T. 10731-10735; P1422 (Aerial image of Potočari marked by the witness).
[10341] P1417 (Robert Franken, witness statement, 15 January 2012), para. 61. *See also* P1149 (Evert Rave, witness statement, 17 February 1998), para. 18, Evert Rave, T. 10234-10235.
[10342]
[10343] P1149 (Evert Rave, witness statement, 17 February 1998), para. 18; Evert Rave, T. 10171, 10234-10236.
[10344] P1046 (Šifa Hafizović, statement taken by the Tuzla Cantonal Court, 16 June 2000), pp. 1-2. *See also* P57 (Eelco Koster, witness statement, 26 September 1995), p. 10.
[10345] Evert Rave, T. 10191-10199, 10235-10238.
[10346] P1149 (Evert Rave, witness statement, 17 February 1998), para. 19; Evert Rave, T. 10235-10236.

that he saw houses in the southern part of the enclave being 'cleansed'.[10347] **Nikolić** testified that on the afternoon of 11 July 1995, at an OP of the 2nd Infantry Battalion at Borići in the Kokarde sector, he observed that civilians moved *en masse* from the area of Srebrenica to the area of Potočari.[10348] Given the size of the group and based on the information available to them, the 2nd Infantry Battalion Command and the witness assessed that there were 1,000 to 2,000 military-aged, able-bodied men at Potočari amongst the crowd.[10349] The witness assessed that a number, although not all, of these able-bodied men were actively involved in the Muslim Srebrenica Brigade, 28th Division.[10350] The witness and Janković wrote reports to the DK Command and the VRS Main Staff with the information available to them.[10351] The reports included the information regarding the able-bodied men at Potočari and were sent prior to the Hotel Fontana meetings (*see* chapter 7.1.4).[10352]

2418. **Subašić** stated that on 11 July 1995, the Srebrenica hospital personnel decided to bring the injured persons at the hospital to the Potočari UNPROFOR base.[10353] Some of the witness's colleagues decided to seek refuge in Potočari with the hope of receiving protection as medical personnel. According to the witness, his colleagues were taken with the other men and never came back.[10354]

2419. **Franken** testified that DutchBat received close-air support for the first and only time at around 2 p.m., and then received a message in English over one of the APCs that had been captured by the VRS and taken to Bratunac warning that the air support had to stop immediately or the VRS would shell the DutchBat compound including where the Bosnian Muslims were, and kill the DutchBat 'POW's' of whom there were 55.[10355] He took the VRS threat to shell the compound very seriously because the VRS had fired on

[10347] P1149 (Evert Rave, witness statement, 17 February 1998), para. 17.
[10348] Momir Nikolić, T. 11806, 11809.
[10349] Momir Nikolić, T. 11807-11808; D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), para. 2.
[10350] Momir Nikolić, T. 11807-11808, 12003, 12088-12089.
[10351] Momir Nikolić, T. 11812-11813; D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), para. 2.
[10352] Momir Nikolić, T. 11812-11813; D300 (Momir Nikolić, witness statement in the *Popović et al.* case, 16 April 2009), p. 1; D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), para. 2.
[10353] P3306 (Mujo Subašić, witness statement, 3 October 2012), paras 29, 32.
[10354] P3306 (Mujo Subašić, witness statement, 2-3 October 2012), para. 30.
[10355] P1417 (Robert Franken, witness statement, 15 January 2012), para. 65; Robert Franken, T. 10791-10792.

'refugees' with all their means before. In particular, shortly after receiving this threat, the VRS had shelled the area of the bus station, wounding some of the civilians.[10356]

2420. The witness further testified that he decided that the people coming from Srebrenica be placed in a building so that DutchBat would be able to function militarily and also for cover, so that the people would not be visible to the VRS and in the line of artillery and tank fire. Once the building was full, the people gathered around the area of the bus station and factories as well as on the western side of the road.[10357] **Koster** testified that the first small groups of 'refugees' consisting of women and children who were overwrought and in tears, were accommodated in the nearby bus depot.[10358] Soon after, thousands of Muslim people started arriving on foot, and three or four UN trucks which had driven ahead with wounded Muslim people also arrived.[10359] The stream of 'refugees' kept increasing and some 'refugees' were allowed into the compound, including those who were injured or near childbirth.[10360] The rest were kept back by red and white tape which was put across the road.[10361] **Groenewegen** heard from a colleague that a man, who had previously tried to get inside the compound, hit his head with a stone to be let inside.[10362] Towards the evening shelling began from the north, but the shells landed near the road and no one was hit.[10363] The shells hit houses and destroyed them.[10364] This lasted for approximately 15 minutes, after which rifle shots came from the same direction, causing the people to panic and run in the direction of the factory buildings.[10365]

2421. By the end of 11 July 1995, Bosnian Muslims were gathered in Potočari.[10366] Several thousand had pressed inside the UN compound itself, while the rest were spread

[10356] P1417 (Robert Franken, witness statement, 15 January 2012), para. 65.
[10357] P1417 (Robert Franken, witness statement, 15 January 2012), para. 64.
[10358] P57 (Eelco Koster, witness statement, 26 September 1995), p. 9; Eelco Koster, T.1212-1214; P59 (Aerial image of Potočari dated 13 July 1995, titled 'Overview, marked by Eelco Koster). *See also*, P1024 (Behara Krdžić, witness statement, 16 June 2000), p. 2; P1025 (Behara Krdžić, statement taken by the Tuzla Cantonal Court, 16 June 2000), p. 2.
[10359] P57 (Eelco Koster, witness statement, 26 September 1995), pp. 9-10.
[10360] P57 (Eelco Koster, witness statement, 26 September 1995), p. 10.
[10361] P57 (Eelco Koster, witness statement, 26 September 1995), p. 11; Eelco Koster, T. 1220-1221, 1223-1225, 1230-1231; P61 (Aerial image of Potočari dated 12 July 1995); P62 (Aerial image of Potočari dated 13 July 1995, titled 'Buses and Trucks Lined Up', marked by Eelco Koster).
[10362] Paul Groenewegen, T. 10484.
[10363] P57 (Eelco Koster, witness statement, 26 September 1995), p. 10. *See also* P1024 (Behara Krdžić, witness statement, 16 June 2000), p. 2; P1025 (Behara Krdžić, statement taken by the Tuzla Cantonal Court, 16 June 2000), p. 2.
[10364] Eelco Koster, T. 1239.
[10365] P57 (Eelco Koster, witness statement, 26 September 1995), p. 10.
[10366] Adjudicated Facts II, no. 1391.

throughout the neighbouring factories and fields.[10367] **Franken** testified that by the evening of 11 July 1995, the crowd at Potočari was very large with people completely exhausted and lethargic, and DutchBat estimated that Bosnian-Muslim men inside the compound numbered 300.[10368] **Boering** testified that the DutchBat only had food ratio for a few days and could only provide water to the 'refugees'.[10369] The water supply available was insufficient for the refugees who were outside the UNPROFOR compound.[10370] Many of the refugees seeking shelter in the UNPROFOR headquarters were injured and there was a shortage of medical supplies.[10371] **Boering** testified that the only medical help available was coming from MSF but was insufficient for all the wounded.[10372] The presence of armed members of the Bratunac Brigade in Potočari contributed to the intimidation of the Bosnian-Muslim refugees there.[10373] **Groenewegen** testified that during the night of 11 and 12 July 1995, DutchBat soldiers assisted mothers, children and elderly men outside the UN compound, including those who were forced to spend the night in the open.[10374]

2422. **Witness RM-268** stated that on 11 July 1995, Borovčanin instructed the 1st company of the Jahorina Detachment to go to Bratunac.[10375] Borovčanin was in possession of an order which had been issued by Tomislav Kovač on the previous day and in which Borovčanin was designated as 'MUP unit commander'.[10376] Members of the 1st Company and its commander, Mendeljev Đurić, reached Bratunac in the afternoon.[10377] **Mendeljev Đurić** stated that the company was billeted in a nearby village school.[10378] **Witness RM-268** stated that afterwards, Borovčanin ordered the MUP Special Police Brigade to carry out a reconnaissance tour of the Potočari area, the UNPROFOR base, and the access routes to Srebrenica and to report back to him. A

[10367] Adjudicated Facts II, no. 1391.
[10368] P1417 (Robert Franken, witness statement, 15 January 2012), paras 66-67.
[10369] Pieter Boering, T. 10058-10059, 10062-10063; D273 (Situation report on Srebrenica addressed to UNMO Headquarters, 11 July 1995).
[10370] Adjudicated Facts II, no. 1393.
[10371] Adjudicated Facts II, no. 1394.
[10372] Pieter Boering, T. 10058-10059, 10062-10063; D273 (Situation report on Srebrenica addressed to UNMO Headquarters, 11 July 1995).
[10373] Adjudicated Facts II, no. 1407.
[10374] P1157 (Paul Groenewegen, witness statement, 11 November 2011), paras 23-24.
[10375] P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), pp. 8573-8574. *See also* P2174 (Mendeljev Đurić, *Popović et al.* transcript, 1-3 May 2007), pp. 10797-10800.
[10376] P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), pp. 8573-8575. *See also* P2174 (Mendeljev Đurić, *Popović et al.* transcript, 1-3 May 2007), pp. 10797-10800.
[10377] P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), pp. 8573-8574, 8576. *See also* P2174 (Mendeljev Đurić, *Popović et al.* transcript, 1-3 May 2007), p. 10799.
[10378] P2174 (Mendeljev Đurić, *Popović et al.* transcript, 1-3 May 2007), pp. 10797, 10799.

number of officers of the MUP Special Police Brigade, assisted by a local policeman, carried out the reconnaissance before nightfall and reported to Borovčanin that a large number of people had gathered at the 'UNPROFOR base area'.[10379] During a meeting held in an hotel in Bratunac, it was decided that the civilians were to be evacuated from the Potočari area.[10380] Following this meeting, Borovčanin told the MUP Special Police Brigade that the task for the following day was to go to Potočari and secure the UNPROFOR and the Bosnian-Muslim population until the start of the evacuation.[10381] **Đurić** stated that he was ordered by Jević to take his company the following day to Potočari to protect a large group of civilians arriving from Srebrenica to Potočari.[10382] The witness's instructions also included preventing any contact between the civilians and anyone else.[10383] Jević intimated to the witness that the civilians were likely to be transported to the Tuzla area.[10384]

2423. **Rave** testified that on 12 July 1995, at 9.03 a.m., VRS tanks fired the first round and two more rounds followed at 9.04 a.m. and 9.07 a.m. Rounds flew over the witness and landed in the vicinity of the compound.[10385] This was contrary to the information given by Mladić to the UNPROFOR during a meeting in Hotel Fontana the night before that the cease-fire would remain in place until 10 a.m. on 12 July 1992.[10386] At 9.07 a.m., Serb infantry advanced from the north towards Potočari; they could be seen coming from the mountains.[10387]

2424. **Witness RM-268** stated that early in the morning on 12 July 1995, members of the 1st Company of the Jahorina Detachment of the Special Police Brigade went to Potočari.[10388] A Zvornik PJP unit was also moving towards Potočari.[10389] At around 9 or 10 a.m., Borovčanin arrived in Potočari and ordered that two platoons from the 1st Company of the Jahorina Detachment be sent to secure the Konjević Polje-Bratunac road and to leave another platoon in Potočari because of the planned evacuation.[10390]

[10379] P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), p. 8579.
[10380] P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), p. 8580.
[10381] P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), p. 8580.
[10382] P2174 (Mendeljev Đurić, *Popović et al.* transcript, 1-3 May 2007), pp. 10797, 10804.
[10383] P2174 (Mendeljev Đurić, *Popović et al.* transcript, 1-3 May 2007), p. 10804.
[10384] P2174 (Mendeljev Đurić, *Popović et al.* transcript, 1-3 May 2007), pp. 10797, 10804.
[10385] P1149 (Evert Rave, witness statement, 17 February 1998), para. 36.
[10386] P1149 (Evert Rave, witness statement, 17 February 1998), paras 23, 26, 36.
[10387] P1149 (Evert Rave, witness statement, 17 February 1998), para. 36; Evert Rave, T. 10174.
[10388] P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), pp. 8567, 8576, 8580-8581.
[10389] P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), pp. 8580-8581.
[10390] P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), p. 8581.

Thereafter Borovčanin and a DutchBat member entered the UNPROFOR base in order to check whether there were any civilians there. There were civilians, some of them injured, in what he described as a hangar.[10391] The witness stated that Vaso Mijović, a member of the Serbian MUP in 1993 was present during the distribution of food to the population in Potočari.[10392] On 12 July 1995, there was a large military presence in Potočari, involving various VRS units, including a unit of the Bratunac Brigade Military Police, and a number of police units, including a company from the Zvornik PJP.[10393]

2425. According to a document from the Special Police Brigade dated 13 July 1995, on 12 July 1995, the combat unit of the MUP Special Police Brigade, composed of the 2nd Special Police Detachment, a MUP company of the Zvornik Special Police Unit, and a mixed company of the Janja MUP, reported that it took control of Potočari and the Budak and Milačevići features. According to the report, there was no 'strong' armed resistance from the Muslims. The MUP combat unit sealed off the main UN base in Potočari where a throng of between 25,000 and 30,000 'civilians' had gathered, approximately five percent of whom were able-bodied men.[10394]

2426. **Hana Mehmedović** stated that at approximately 9 a.m. on 12 July in Potočari, she could hear 'Chetniks' shouting from the surrounding hills, which caused panic among the 'refugees'.[10395] **Groenewegen** testified that when VRS forces arrived in Potočari, the 'refugees' gathered in Potočari tried to move in the opposite direction again, back towards Srebrenica; but ended up staying after 'they were spoken to'.[10396]

2427. **Franken** testified that shortly after 10 a.m. on 12 July, the VRS moved in an attack formation toward the DutchBat compound.[10397] Upon arrival, some of them were permitted by Franken to check, under DutchBat escort, whether parts of the 28th Division were in the compound. The VRS personnel looked like militia wearing several kinds of uniforms comprising a mix of civilian and military clothing and appeared to be from different units.[10398] In footage of MUP Forces and Armour entering Potočari on 12 July 1995, Duško Jević, Lalović, and Pantić discussed with a DutchBat member through

[10391] P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), pp. 8583-8585.
[10392] P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), pp. 8581-8584.
[10393] P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), pp. 8592-8593.
[10394] P2117 (Special Police Brigade document to Pale Police Staff Janja, 13 July 1995), p. 1.
[10395] P1038 (Hana Mehmedović, witness statement, 17 June 2000), p. 2; P1039 (Hana Mehmedović, statement taken by the Cantonal Court of Tuzla, 17 June 2000), p. 2.
[10396] P1157 (Paul Groenewegen, witness statement, 11 November 2011), paras 25, 27.
[10397] P1417 (Robert Franken, witness statement, 15 January 2012), para. 69.
[10398] P1417 (Robert Franken, witness statement, 15 January 2012), para. 70.

the fence about how many civilians there were in the compound.[10399] The DutchBat member told Jević there were approximately 4,000 civilians inside, mostly women and children with a few men but no soldiers.[10400] Over the radio, a male voice could be heard asking if Pantić could secure vehicles to come here to transport civilians if he had a connection.[10401] Pantić responded over the radio that he was coming and that all civilians should be down at the road ready to be transported further.[10402] The male voice asked Pantić to mention that no one should touch them and that everything was alright and that they would proceed according to the plan.[10403] Meanwhile, Lalović demanded that the DutchBat member hand over his gun.[10404] Another DutchBat member responded that they would not do that but they would lay the guns down on the ground and not use them.[10405] **Ljubodrag Gajić** described the same event. He testified that in the morning of 12 July 1995, the 1st Company of the Jahorina training centre set out towards Srebrenica.[10406] When encountering Dutch troops upon arrival in Srebrenica, Gajić functioned as an interpreter to Jević.[10407] Jević and Borovčanin wanted to enter the factory in order to see whether the people inside were civilians or soldiers.[10408] At some point Borovčanin, Jević, Goran Marković, and the witness entered the facility, where they found between 350 and 500 people, including Muslim 'civilians'.[10409]

2428. **Groenewegen** testified that the DutchBat created a buffer zone outside the UN compound to prevent contact between the 'refugees' and the VRS since the VRS soldiers approached the population aggressively.[10410] Ultimately, the DutchBat was not capable of keeping the groups separated.[10411]

2429. **Witness RM-362** testified that in the morning of 12 July 1995, people went to the UNPROFOR base to ask what would happen to them and upon return told the witness that transportation to Tuzla would be arranged. At around 2 p.m., the witness

[10399] P1147 (Updated Srebrenica Trial video with Transcript), pp. 44-46.
[10400] P1147 (Updated Srebrenica Trial video with Transcript), pp. 44-45.
[10401] P1147 (Updated Srebrenica Trial video with Transcript), p. 45.
[10402] P1147 (Updated Srebrenica Trial video with Transcript), p. 46.
[10403] P1147 (Updated Srebrenica Trial video with Transcript), p. 46.
[10404] P1147 (Updated Srebrenica Trial video with Transcript), p. 46.
[10405] P1147 (Updated Srebrenica Trial video with Transcript), p. 46.
[10406] Ljubodrag Gajić, T. 40270-40271.
[10407] Ljubodrag Gajić, T. 40271, 40274.
[10408] Ljubodrag Gajić, T. 40274-40275.
[10409] Ljubodrag Gajić, T. 40277-40278.
[10410] P1157 (Paul Groenewegen, witness statement, 11 November 2011), paras 28-30; Paul Groenewegen, T. 10489, 10493, 10502-10504, 10521-10522; P1158 (Aerial image marked by Paul Groenewegen, 13 July 1995); P1160 (Aerial image marked by Paul Groenewegen, 13 July 1995); P1164 (Video clip of DutchBat, VRS, and people gathered in Potočari, 12 July 1995).

was told that a convoy of vehicles had arrived to transport people.[10412] The witness went to the road and saw about ten Serb soldiers in dark green camouflage uniforms lined up down the road towards a number of trucks and buses, by the battery factory.[10413] Some other soldiers were just standing around.[10414] When the witness passed a roadblock upon approaching the buses, a Serb soldier took him by the shoulder and directed him to the other end of the road where around 20 elderly men were already standing.[10415] The witness asked the Serb soldier why he was separating him from his family, and was told that women and the children should be transported first. The witness saw that his family reached the buses.[10416]

2430. **Mehmedović** stated that the 'Chetniks' arrived among the UNPROFOR peacekeepers and immediately began removing men from the group, taking them past an iron fence to the far side of a wheat field bordering a creek. Mehmedović stated that some women reported hearing shouting and yelling and some heard that 'Chetniks' were killing the men by the creek. The witness saw men taken through the field by 'Chetniks', but she did not see any killings.[10417] **Šehra Ibišević** stated that 'Chetniks' used dogs to move people around the base.[10418] The 'Chetniks' took control of the base, confiscating weapons and clothing from UNPROFOR soldiers and taking men, boys, and girls away.[10419] **Mehmedović** stated that the 'Chetniks' continued to take men throughout that day and night, and those taken to the creek did not return.[10420] Mehmedović heard that 'Chetniks' were also taking young women from the group and raping them.[10421] **Behara Krdžić** identified these individuals as 'Serb soldiers'.[10422]

[10411] Paul Groenewegen, T. 10523.
[10412] P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), p. 17307.
[10413] P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), pp. 17307-17309.
[10414] P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), p. 17309.
[10415] P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), pp. 17309-17310.
[10416] P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), p. 17310.
[10417] P1038 (Hana Mehmedović, witness statement, 17 June 2000), p. 2; P1039 (Hana Mehmedović, statement taken by the Cantonal Court of Tuzla, 17 June 2000), p. 2.
[10418] P1021 (Šehra Ibišević, witness statement, 21 June 2000), p. 2.
[10419] P1021 (Šehra Ibišević, witness statement, 21 June 2000), pp. 2-3; P1022 (Šehra Ibišević, statement taken by the Cantonal Court in Sarajevo, 21 June 2000), p. 3.
[10420] P1038 (Hana Mehmedović, witness statement, 17 June 2000), p. 2; P1039 (Hana Mehmedović, statement taken by the Cantonal Court of Tuzla, 17 June 2000), p. 2. *See also* P1021 (Šehra Ibišević, witness statement, 21 June 2000), p. 3; P1022 (Šehra Ibišević, statement taken by the Cantonal Court in Sarajevo, 21 June 2000), p. 3; P55 (Witness RM-255, witness statement, 25 May 1996), p. 2; Witness RM-255, T. 1191.
[10421] P1038 (Hana Mehmedović, witness statement, 17 June 2000), p. 2; P1039 (Hana Mehmedović, statement taken by the Cantonal Court of Tuzla, 17 June 2000), p. 2. *See also* P1024 (Behara Krdžić, witness statement, 16 June 2000), p. 2.
[10422] P1024 (Behara Krdžić, witness statement, 16 June 2000), p. 2.

2431. **Zlatan Čelanović** testified that on 12 July 1995, he drove Dr.Vesna Ivanovic and an unidentified nurse from Bratunac to Potočari to provide medical assistance to the people there.[10423] When they arrived in Potočari, Čelanović saw many buses waiting to receive people. Approximately 100 metres away from a building owned by an electric company, there was a small group of DutchBat soldiers who formed a line.[10424] **Witness RM-255** testified he did not make an attempt to board the buses, as there were too many people in front of him.[10425] A factory building had been emptied, and the 'Chetniks' did not let anyone in.[10426]

2432. Screams, gunshots and other noise were audible throughout the night between 12 and 13 July 1995 and no one could sleep.[10427] Soldiers were picking people out of the crowd and taking them away; some returned, others did not.[10428] As a consequence of the threatening atmosphere, several refugees committed suicide, or attempted to do so.[10429] **Hanifa Hafizović** testified that during their second night at the UNPROFOR base in Potočari after the attack on Srebrenica, the 'Chetnik' soldiers started beating, killing, and raping people.[10430] They also took the men away and slaughtered them.[10431] Across the road, in Donji Potočari, there was a pale house, belonging to a certain Ibrahim Husanović. The witness stated that the 'Chetniks' brought men to this house and killed them there, and that she saw the blood running under the door of the house.[10432]

2433. **Robert Franken** testified that from 12 to 13 July, due to the hot weather and the lack of food, water, and toilets; the living conditions at the DutchBat compound began deteriorating rapidly for the 5,000 Bosnian Muslims who had taken refuge in the factory building of the compound. People were afraid to go outside and used the factory hall as a toilet and sleeping area, and by this time there had already been one death due to dehydration. Franken testified that he did not know exactly how many people died during this time, but DutchBat buried eleven bodies at the back of the base, including

[10423] Zlatan Čelanović, T. 11097.
[10424] Zlatan Čelanović, T. 11108.
[10425] P55 (Witness RM-255, witness statement, 25 May 1996), p. 2; Witness RM-255, T. 1170, 1190-1191.
[10426] P55 (Witness RM-255, witness statement, 25 May 1996), p. 2.
[10427] Adjudicated Facts II, no. 1399.
[10428] Adjudicated Facts II, no. 1399.
[10429] Adjudicated Facts II, no. 1400.
[10430] P1008 (Hanifa Hafizović, witness statement, 16 June 2000), p. 2.
[10431] P1008 (Hanifa Hafizović, witness statement, 16 June 2000), p. 2; P1009 (Hafizović Hanifa, statement taken by the Tuzla Cantonal Court, 16 June 2000), p. 2.

children who likely died of exhaustion or dehydration, two elderly people who died of exhaustion, and two elderly who had died from their wounds.[10433]

2434. **Zoran Kovacević** testified that he neither witnessed any mistreatment of the Muslim population gathered there, nor saw the men being separated from the women and children or the Muslim population boarding buses.[10434]

2435. **Tomislav Savkić** testified that on or around 11 July 1995, he received information that 'our forces' had entered Srebrenica, and that 12,000-14,000 Muslim soldiers had begun a breakthrough towards Tuzla while Muslim civilians had moved in the direction of Potočari, towards the UN base.[10435]

Mladić's visit to Potočari on 12 July 1995

2436. **Koster** testified that during the afternoon of 12 July 1995 he heard, via walkie-talkie, that a Serb delegation was driving towards the UN compound in Potočari. There were about 40 Serb soldiers, about four passenger cars, and six German Shepard dogs.[10436] **Kovačević** testified that Mladić was present in Potočari and told the witness to 'press ahead towards Milačevići'.[10437]

2437. **Mile Janjić** testified that he saw officers of the VRS Main Staff and Mladić in Potočari on that day.[10438] He saw Mladić staying a while at the barrier next to the civilians who were waiting to board the buses.[10439] **Koster** observed many Serb soldiers arriving, and then he saw a man arrive and was told by his interpreter that it was Mladić.[10440] The witness later recognized him on television.[10441] Koster asked Mladić what he wanted, and then saw two or three old city buses arriving, and Mladić told him

[10432] P1008 (Hanifa Hafizović, witness statement, 16 June 2000), p. 2.
[10433] P1417 (Robert Franken, witness statement, 15 January 2012), para. 96.
[10434] D594 (Zoran Kovačević, witness statement, 6 June 2014), para. 20.
[10435] D699 (Tomislav Savkić, witness statement, 11 August 2014), para. 72.
[10436] P57 (Eelco Koster, witness statement, 26 September 1995), p. 11.
[10437] D594 (Zoran Kovačević, witness statement, 6 June 2014), para. 18; Zoran Kovačević, T. 24589.
[10438] P1445 (Mile Janjić, *Blagojević and Jokić* transcript, 24-25 May 2004), pp. 9770-9771; Mile Janjić, T. 11001. *See also* P1147 (Updated Srebrenica Trial video with Transcript), p. 89.
[10439] P1445 (Mile Janjić, *Blagojević and Jokić* transcript, 24-25 May 2004), pp. 9771-9772; Mile Janjić, T. 11029.
[10440] P57 (Eelco Koster, witness statement, 26 September 1995), p. 12; D25 (UN Peacekeeper Interview Questionnaire completed by Eelco Koster), p. 3.
[10441] P57 (Eelco Koster, witness statement, 26 September 1995), p. 12.

that he wanted to evacuate the refugees.[10442] Mladić walked amongst the refugees, stroking children's heads, and when the witness received orders to protest against Mladić's wish to evacuate the 'refugees', Mladić became annoyed and irritated.[10443] He told the witness that he could not give a shit about the UN and that he would do as he wanted, and that he was now going to evacuate.[10444] He also said [i]f you oppose me, you will be in trouble.[10445] Mladić then addressed the crowd of 'refugees present', telling them that anyone who wished to be transported would be, regardless how big, small, young or old they were. The crowd thanked him. Mladić told them not to be afraid or panic and that nobody would harm them. He added that they should let the women and children go first, and that 30 buses would arrive to transport them to Kladanj from where they would go to territory controlled by 'Alija's' forces. A journalist asked Mladić what would happen to the several hundred Muslim civilians located in the newly- liberated Srebrenica. Mladić responded that 'representatives of the population' had asked him for assistance to enable the 'civilians' who wanted to leave Srebrenica to go to the territory controlled by the Muslims and Croats. Mladić said that transportation had been arranged for them along with food, water, and medicine and that the 'civilians' and UNPROFOR were never the VRS's targets. Women, children, and the elderly would be the first evacuated on that day without any kind of force along with anyone else who wanted to leave.[10446] Several witnesses testified that Mladić addressed the group of Bosnian Muslims. **Neđo Jovičić** testified that Mladić addressed the large group, including women and children, who had gathered at Potočari.[10447] **Janjić** later heard from persons who were standing close to Mladić at that moment, that Mladić had told the civilians that buses would arrive soon and bring them to Kladanj or wherever they wanted to be taken, that they were safe, but that women and children should leave first because they were a priority, while men should wait longer and be patient.[10448]

[10442] P57 (Eelco Koster, witness statement, 26 September 1995), p. 12; Eelco Koster, T. 1221; P61 (Aerial image of Potočari dated 12 July 1995). *See also* P1147 (Updated Srebrenica Trial video with Transcript), p. 55.
[10443] P57 (Eelco Koster, witness statement, 26 September 1995), p. 12; Eelco Koster, T. 1230.
[10444] P57 (Eelco Koster, witness statement, 26 September 1995), p. 12; D25 (UN Peacekeeper Interview Questionnaire completed by Eelco Koster), p. 3. *See also* P1147 (Updated Srebrenica Trial video with Transcript), p. 55.
[10445] P57 (Eelco Koster, witness statement, 26 September 1995), p. 12; D25 (UN Peacekeeper Interview Questionnaire completed by Eelco Koster), p. 3.
[10446] P1147 (Updated Srebrenica Trial video with Transcript), p. 55.
[10447] D976 (Neđo Jovičić, witness statement, 3 August 2014), paras 15, 21. *See also* P57 (Eelco Koster, witness statement, 26 September 1995), pp. 11-12; Eelco Koster, T. 1230. P1139 (Pieter Boering, *Popović et al.* transcript, 19, 21 and 22 September 2006), p. 2008.
[10448] P1445 (Mile Janjić, *Blagojević and Jokić* transcript, 24-25 May 2004), p. 9772.

Groenewegen testified that Mladić told the 'refugees' that they were free to stay or, if they wanted to leave, that they would be transported to Kladanj.[10449] **Milovan Milutinović** testified that Mladić introduced himself to the people gathered there, told them there was no reason to be afraid, and that everyone would be transported to the Federation of Bosnia-Herzegovina.[10450] According to the witness, Mladić said that they must all reach the Federation of Bosnia-Herzegovina alive, and that they were to be treated humanely.[10451] According to **Saliha Osmanović**, Mladić ordered the Bosnian-Muslim women and children to move towards buses and trucks, and leave all their possessions behind.[10452] **Ljubodrag Gajić** testified that this was around 10:30 or 11 a.m.[10453] Mladić mentioned that he had issued an order to the civilian authorities in Bratunac to provide a convoy for the transportation of the population in the area.[10454]

2438. **Witness RM-255** testified that 'Chetniks' started to distribute bread, water, and chocolate.[10455] The interpreters told **Koster** that while the soldiers were handing things to the 'refugees', they made remarks such as 'here you are, filthy swine'.[10456] The witness spoke to two men: one acting as a spokesman and whom the witness did not know, and another one who introduced himself as Major Nikolić.[10457] Both said they wanted to take a look, and were allowed into the compound.[10458] Some shots came from Čauš Mountain, but no one was hit; the witness saw eight Serb soldiers standing on the hillside.[10459] **Witness RM-255** overheard a 'Chetnik' telling a UN soldier that the Srebrenica enclave was 'finished' and that Žepa and Goražde were to follow.[10460] Several witnesses testified that Mladić participated in the food distribution. **Osmanović** testified that Mladić and VRS soldiers handed out chocolates, water, and bread to the

[10449] P1164 (Video clip of DutchBat, VRS, and people gathered in Potočari, 12 July 1995).
[10450] D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 83. *See also* Joseph Kingori, T. 1049.
[10451] D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 83.
[10452] P1461 (Saliha Osmanović, witness statement, 18 June 2000), para. 10; Saliha Osmanović, T. 11178, 11181, 11193, 11199-11201.
[10453] Ljubodrag Gajić, T. 40278-40279.
[10454] Ljubodrag Gajić, T. 40280-40281.
[10455] P55 (Witness RM-255, witness statement, 25 May 1996), p. 2; Witness RM-255, T. 1188-1190; D24 (Extract from video capturing the bread distribution in Potočari).
[10456] P57 (Eelco Koster, witness statement, 26 September 1995), p. 12.
[10457] P57 (Eelco Koster, witness statement, 26 September 1995), p. 11; D25 (UN Peacekeeper Interview Questionnaire completed by Eelco Koster), p. 3.
[10458] P57 (Eelco Koster, witness statement, 26 September 1995), p. 11.
[10459] P57 (Eelco Koster, witness statement, 26 September 1995), pp. 11-12.
[10460] P55 (Witness RM-255, witness statement, 25 May 1996), p. 2; Witness RM-255, T. 1172.

displaced people in Potočari.[10461] **Milovan Milutinović** saw Mladić handing sweets to the children. Mladić had bought the candy in a store on his way to Potočari and asked the vendor to invoice the VRS Main Staff. According to the witness, Mladić did not hand out the sweets because of the video being made, but because 'he was a man like that'.[10462] **Pero Andrić** testified that he saw that Mladić threw juice packs into the crowd of refugees and told them that they would be taken to the place they wanted to go.[10463] **Dušan Mićić** testified that he saw Mladić handing out food and cigarettes to the people but no soldiers or policemen near them. He also saw Borovčanin in the vicinity of Mladić. Later, he also saw policemen handing out food and water to the gathered people.[10464] Several witnesses testified that the food distribution was filmed by a Serbian TV crew.[10465] **Milutinović** testified that Mladić ordered him to sell the footage to foreign agencies, with funds being paid to the VRS Main Staff Financial Service.[10466] **Koster** testified that when the cameraman stopped filming, they stopped giving these things to the refugees.[10467] **Joseph Kingori** testified that on several occasions he witnessed VRS soldiers and at times General Mladić himself handing out candy and drinks to the displaced people in front of UNMOs or TV cameras, only to take it back when the observers left or the cameras were switched off.[10468]

2439. **Jovičić** testified that he observed that a few army officers started taking the juice and chocolate and Mladić reprimanded those officers by cursing and pushing someone, and ordered the witness and others to assist with the distribution.[10469] **Janjić** saw Mladić shouting at the members of the Logistics Battalion.[10470] He testified that after Mladić

[10461] Saliha Osmanović, T. 11178-11181, 11193-11195. On Mladić's role in the distribution, *see also* P1154 (Leendert van Duijn, *Popović et al.* transcript, 27 September 2006), p. 2277, 2280; Evert Rave, T. 10177-10179, 10252-10253.
[10462] D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 82.
[10463] Pero Andrić, T. 34101.
[10464] D977 (Dušan Mićić, witness statement, 24 March 2013), para. 23.
[10465] D976 (Neđo Jovičić, witness statement, 3 August 2014), para. 22; Neđo Jovičić, T. 33699. *See also* D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 82. P1139 (Pieter Boering, *Popović et al.* transcript, 19, 21 and 22 September 2006), pp. 2008-2009. P1157 (Paul Groenewegen, witness statement, 11 November 2011), para. 31; Paul Groenewegen, T. 10517. P57 (Eelco Koster, witness statement, 26 September 1995), pp. 11-12; Eelco Koster, T. 1230. P55 (Witness RM-255, witness statement, 25 May 1996), p. 2; Witness RM-255, T. 1188-1190; D24 (Extract from video capturing the bread distribution in Potočari).
[10466] D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 84.
[10467] P57 (Eelco Koster, witness statement, 26 September 1995), p. 12.
[10468] P34 (Joseph Kingori, witness statement, 8 January 2012), paras 148-150, 154; Joseph Kingori, T. 1046; P50 (Situation Report from UNMOs in Srebrenica, forwarded by UNPROFOR headquarters Sector Northeast, 12 July 1995), pp. 4-5; D15 (Debrief of UNMOs from the Srebrenica Enclave, 24 July 1995), para. 27.
[10469] D976 (Neđo Jovičić, witness statement, 3 August 2014), para. 22; Neđo Jovičić, T. 33699.
[10470] Mile Janjić, T. 11029-11031.

had left he observed members of the Logistics Battalion distributing water and food to the people along the road and on the buses.[10471] The witness was later told by members of the Logistics Battalion that Mladić had ordered that all the food was to be distributed to the people who were leaving and not to the military policemen or the members of the Special Police.[10472]

2440. The witness also testified that on that day UNPROFOR members and some women from Ljubovija, who came along with the vehicles transporting the food, handed out food, including canned food, bread, chocolate, and juice.[10473]

2441. On 12 July 1995 in Potočari, Krstić and other VRS soldiers also gave press interviews. Krstić told a reporter that the DK was successfully carrying out the liberation of Srebrenica but the operation would not be finished until they had successfully liberated the entire territory of the Srebrenica Municipality. Krstić guaranteed the safety of the civilian population and said they would be safely transported wherever they wished to go. Krstić found the NATO air raids to be puzzling considering NATO was asking the VRS to guarantee the safety of the DutchBat on their territory.[10474]

2442. **Andrić** testified that on 13 July 1995, he and a group of five or six military policemen escorted Mladić in a convoy to Srebrenica *via* Potočari, moving in the direction of the Suseca settlement and Vijogor Village, and then back to Bratunac.[10475] The policemen followed Mladić's vehicle in a '*Pinzgauer*' military vehicle.[10476] Close to the gas station in Srebrenica, Mladić ordered them to take on board some elderly Muslim women and drop them off close to the UN compound in Potočari, which the policemen did.[10477] In the afternoon, the convoy continued towards Konjević Polje and Vlasenica.[10478]

[10471] Mile Janjić, T. 11029-11031, 11047.
[10472] Mile Janjić, T. 11029-11031.
[10473] D976 (Neđo Jovičić, witness statement, 3 August 2014), para. 22; Neđo Jovičić, T. 33698-33699.
[10474] P1147 (Updated Srebrenica Trial video with Transcript), p. 57.
[10475] Pero Andrić, T. 34101, 34103-34105, 34107, 34148; P7295 (Bosnia-Herzegovina Prosecutor's Office record of interview, 29 June 2006), para. 21.
[10476] Pero Andrić, T. 34104; P7295 (Bosnia-Herzegovina Prosecutor's Office record of interview, 29 June 2006), para. 20.
[10477] Pero Andrić, T. 34105; P7295 (Bosnia-Herzegovina Prosecutor's Office record of interview, 29 June 2006), para. 21
[10478] Pero Andrić, T. 34107-34108.

The Trial Chamber's findings

The fall of Srebrenica

2443. Based on the foregoing, the Trial Chamber finds that the VRS attack on the Srebrenica enclave began on 6 July 1995. Members of the VRS 10th Sabotage Detachment participated in the attack. On 10 July 1995 pursuant to an order from the VRS Supreme Commander, the Bosnian-Serb MUP ordered various MUP units, including a company from the MUP training centre in Jahorina, the 2nd Special Police Detachment from Šekovići, the 1st Company of the Zvornik Special Police Unit of the Zvornik CSB, and one company of joint forces of the RSK MUP, the Serbian MUP, and the MUP, to form a combined unit of MUP forces. The order further tasked this unit, commanded by Ljubiša Borovčanin, to participate in the '*Krivaja 95*' operation.

2444. On 10 July 1995, the UN sent an ultimatum to the VRS demanding its withdrawal from the enclave, which responded with an ultimatum of its own that if the DutchBat stopped all hostile activity and agreed to leave its equipment and weapons behind, its personnel and the civilian population would be allowed to leave the enclave. During the attack on the enclave, the defending ABiH forces came under heavy fire and were pushed back towards Srebrenica Town. The town, the UNPROFOR compound in Potočari, DutchBat positions in the municipality, and Bosnian-Muslim villages in the enclave were targeted by shells, grenades, and machine guns.

2445. During the attack, about 4,000 Bosnian-Muslim residents of the enclave, who had been living in a nearby Swedish housing complex for refugees, fled north into Srebrenica Town. Others, including civilians, fled their villages in the municipality to escape the shooting and moved towards Srebrenica Town. On 10 July 1995, a mortar grenade fell close to the UNPROFOR Bravo Company compound, wounding a little boy. On 11 July 1995, in execution of Pelemiš's order, members of the 10th Sabotage Detachment who were approaching Srebrenica Town called the inhabitants to leave their houses and go towards the football stadium in town. About 100 to 200 people, mostly elderly, responded to that call. The VRS entered Srebrenica Town on that day. Thousands of residents crowded around the UNPROFOR Bravo Company compound in town, eventually forcing their way inside. Around noon, mortar shells landed inside the compound, wounding several people. Some Bosnian Muslims left Srebrenica Town after they started hearing shots.

2446. Still on 11 July 1995, the military leadership in Srebrenica told mothers and children to head for the UNPROFOR compound in Potočari. A member of the civilian protection also told Bosnian Muslims in Srebrenica Town that the elderly and infirm should go to the UNPROFOR compound in Potočari. Similarly, when the VRS entered some villages of the municipality, it ordered the villagers to go to the UNPROFOR compound in Potočari. Following the shelling of the UNPROFOR Bravo Company compound in Srebrenica Town and encouraged by the DutchBat troops, who had been ordered by the UNPROFOR Command to withdraw, Bosnian Muslims from Srebrenica began to move towards Potočari. Thousands of Bosnian Muslims, mostly women, children, and elderly and about 1,000 to 2,000 able-bodied men, fled to Potočari seeking protection within the UNPROFOR compound. Some of these able-bodied men were members of the ABiH 28th Division. The VRS fired mortars near the road taken by the Bosnian Muslims fleeing towards Potočari. The shelling ceased upon the arrival of NATO planes. Corpses and people crying for help were found on the road.

2447. Civilians died as a result of the attack on the enclave. In particular, when the 10th Sabotage Detachment arrived in Srebrenica Town on 11 July 1995, Pelemiš ordered Zoran Goronja to kill a Bosnian-Muslim man who had surrendered to them. Goronja slit the man's throat in execution of Pelemiš's order. Srebrenica remained under fire until the enclave fell under the complete control of the VRS on 11 July 1995.

2448. During the attack on the enclave, the VRS embarked upon a campaign of burning Bosnian-Muslim houses in the enclave, including in Potočari, Ljubisavići, and Pusmulići. During the attack on Sućeska on 6 July 1995, Bosnian-Serb forces[10479] heavily shelled the Sućeska mosque. On 8 or 9 July 1995, soldiers identified as 'Chetniks' burned the Slapovići mosque during the attack on the settlement. Around 11 July 1995, the VRS destroyed with explosives the Čaršjska, Petrička, and Vidikovac mosques, burned the White mosque and the building housing the archive and library of the Medžlis of the Islamic Community of Srebrenica, destroyed the Crvena Rijeka mosque, and shelled the Srebrenica Town Catholic church. In the early morning of 12 July 1995, VRS soldiers with German Shepherd dogs in the northern area of the enclave threw hand grenades into civilian houses in Potočari. As a result, inhabitants were forced to flee from their houses to the UNPROFOR compound.

[10479] The Trial Chamber understands the reference to the 'aggressor' in Exhibit P6862 to be a reference to Bosnian-Serb forces.

Gathering of people in Potočari and living conditions

2449. By the end of 11 July 1995, Bosnian Muslims from the municipality, mainly women, children, elderly men, and injured, were gathered in Potočari: several thousands had pressed inside the UNPROFOR compound, while the rest were spread throughout the neighbouring factories and fields and bus depot and were kept back by red and white tape which was put across the road. On the same day, the VRS shelled the area of the bus station wounding some of the Bosnian Muslims and threatened to shell the UNPROFOR compound unless air support provided to the DutchBat was to stop. A man, who had previously tried to get inside the compound, hit his head with a stone to be let inside 'Chetniks' could be heard shouting from the hills which caused panic among the Bosnian Muslims.

2450. The water supply was insufficient for the Bosnian Muslims who had gathered outside the compound and the DutchBat only had food rations for a few days. Many of the people were injured and there was a shortage of medical supplies. People were exhausted, lethargic, and frightened. The presence of armed members of the Bratunac Brigade in Potočari contributed to the intimidation of the Bosnian Muslims there.

2451. Towards the evening of 11 July shelling began from the north, but the shells landed near the road but no one was hit. Rifle shots came from the same direction as the shells, causing people to panic and run in the direction of the factory buildings. During the night of 11 and 12 July 1995, some of the Bosnian Muslims were forced to spend the night in the open.

2452. On 11 and 12 July 1995, various VRS units, including a unit of the Bratunac Brigade Military Police, and police units, members of the 1st Company of the Jahorina Detachment of the Special Police Brigade and a company from the Zvornik PJP were present in Potočari. Two platoons from the 1st company were ordered to secure the Konjević Polje-Bratunac road and one to stay in Potočari because of the planned evacuation. On 12 July 1995, the combat unit of the MUP Special Police Brigade, composed of the 2nd Special Police Detachment, a MUP company of the Zvornik Special Police Unit, and a mixed company of the Janja MUP, was present in Potočari and sealed off the compound.

2453. By 12 July 1995, 25,000 to 30,000 civilians had gathered in Potočari, five percent of whom were able-bodied men. On the same day, the VRS fired mortar rounds which landed in the vicinity of the compound and Serb infantry advanced from the north towards Potočari down the mountains. Screams, gunshots and other noises, including from women and children, were audible throughout the night between 12 and 13 July 1995 and no one could sleep. Soldiers were picking people out of the crowd and taking them away; some returned, others did not. In particular, some men were killed in a house across the road from the compound. As a consequence of the threatening atmosphere, several Bosnian Muslims committed suicide, or attempted to do so. Members of the units present in Potočari used dogs to move people around the compound, confiscating weapons and clothing from UNPROFOR soldiers and taking men, boys, and girls away. Still on 12 July 1995, members of the units present in Potočari raped people in the area of the compound. On the same day, DutchBat tried to create a buffer zone outside the UNPROFOR compound to prevent contact between the Bosnian Muslims and the VRS since the VRS soldiers approached the population aggressively. DutchBat was not capable of keeping the groups separated.

2454. The living conditions in Potočari deteriorated from 12 to 13 July due to hot weather, lack of food, water, and toilets, in particular for the Bosnian Muslims staying in the factory building of the compound. People were afraid to go outside and used the factory hall as a toilet and sleeping area. A nurse was present there on that day. Eleven bodies were buried at the compound, including those of children, two elderly people who are said to have died from dehydration, and two others who died from their wounds. Serb women and soldiers distributed food and beverages to Bosnian Muslims. Some of the soldiers told them things such as ‘here you are, filthy swine’, and the distribution was filmed. Policemen and VRS soldiers also took part in the distribution. Some of the soldiers only handed out chocolate and cigarettes when a cameraman was filming and took them back when the filming stopped.

2455. The Trial Chamber will further consider these findings in relation to Counts 2, 3, 7, and 8 of the Indictment in chapters 8 below.

2456. The Trial Chamber will address the evidence related to the alleged Srebrenica JCE and, in particular, the Accused's alleged contribution to such JCE (some of which has been reviewed above in this chapter such as the Accused’s role and whereabouts

during the attack on Srebrenica and the transfer of Bosnian Muslims out of Potočari) in chapter 9.

7.1.4 The Hotel Fontana meetings

2457. According to the Prosecution, from 11 to 12 July 1995, three meetings took place at Hotel Fontana in Bratunac involving the Accused, his subordinates, members of DutchBat, and, for the second and third meetings, representatives of the Bosnian Muslims in Srebrenica.[10480] The Trial Chamber has received evidence about these meetings from **Pieter Boering**, a former DutchBat Major who served as Liaison Officer with the VRS and ABiH in Srebrenica from 3 January to July 1995;[10481] **Evert Rave**, a member of the DutchBat who served as Security and Liaison Officer in Srebrenica from January to late July 1995;[10482] **Witness RM-294**, a Bosnian Muslim from Srebrenica Municipality;[10483] **Momir Nikolić**, the Assistant Commander for Intelligence and Security of the Bratunac Brigade from November 1992 to at least October 1995;[10484] **Miroslav Deronjić**, the President of the Bratunac Municipality Crisis Staff as of April 1992;[10485] **Milovan Milutinović** Chief of the Press Centre and the Information Service at the 1KK between 1992 and 1994 and head of the VRS Main Staff Information Service and Centre for Information and Propaganda Activities between 1994 and 1996;[10486] **Robert Franken**, the Deputy Commanding Officer of DutchBat in Potočari from 15 January to late July 1995;[10487] **Mile Janjić**, a member of the Bratunac Brigade military police platoon in July 1995;[10488] **Witness RM-284**, a Bosnian Serb;[10489] as well as documentary evidence.

[10480] Prosecution Final Brief, paras 1159-1183.
[10481] P1139 (Pieter Boering, *Popović et al.* transcript, 19, 21 and 22 September 2006), pp. 1867-1873; Pieter Boering, T. 10025.
[10482] P1149 (Evert Rave, witness statement, 17 February 1998), p. 1, paras 1, 61-62; Evert Rave, T. 10255.
[10483] Witness RM-294, T. 9838, 9840; P1136 (Pseudonym sheet for Witness RM-294, 16 April 2013).
[10484] Momir Nikolić, T. 11768-11771, 11776-11777; D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), paras 1, 13-14.
[10485] P3566 (Miroslav Deronjić, witness statement, 25 November 2003), para. 2.
[10486] D862 (Milovan Milutinović, witness statement, 11 July 2014), paras 3, 5, 51, 54, 140; Milovan Milutinović, T. 30038.
[10487] P1417 (Robert Franken, witness statement, 15 January 2012), paras 3-4, 109.
[10488] P1445 (Mile Janjić, *Blagojević and Jokić* transcript, 24-25 May 2004), p. 9756.
[10489] P1460 (Witness RM-284, *Popović et al.* transcript, 31 August 2007), pp. 14582-14583; Witness RM-284, T. 11120, 11139.

First Hotel Fontana Meeting

2458. **Momir Nikolić** testified that Colonel Radoslav Janković of the Main Staff informed him that DutchBat members had surrendered at Hotel Fontana and had requested a meeting between Mladić and DutchBat Colonel Karremans.[10490] The witness was tasked with preparing the hotel and providing security for the meeting.[10491] **Mile Janjić** testified that on 11 July 1995 Nikolić ordered him and 10-15 other military police officers to go to the hotel.[10492] Outside the hotel, the military police officers were greeted by three men in VRS uniforms who introduced themselves as Mladić's personal security detail and who gave them tasks of providing security.[10493] **Nikolić** testified that at 8 p.m. Mladić and Karremans met in the conference room of the hotel.[10494] Milenko Živanović and Radislav Janković attended the meeting as well.[10495]

2459. **Pieter Boering** and **Evert Rave** provided their accounts of the meeting. **Boering** testified that he attended the meeting with Karremans and Rave of DutchBat, Mladić, Janković, Momir Nikolić, possibly Krstić, a person called Kosorić, a UN interpreter named Petar, as well as some other VRS members.[10496] **Rave** specified that Živanović was present as well, in addition to about ten Serbs in military uniforms, a man referred to as Mladić's lawyer, a number of Serb civilians, and a camera crew which was recording the entire event.[10497] When the witness entered, he noticed that in a separate

[10490] Momir Nikolić, T. 11804, 11809-11810.
[10491] Momir Nikolić, T. 11810; D300 (Momir Nikolić, witness statement in the *Popović et al.* case, 16 April 2009), p. 2.
[10492] P1445 (Mile Janjić, *Blagojević and Jokić* transcript, 24-25 May 2004), pp. 9759-9760.
[10493] P1445 (Mile Janjić, *Blagojević and Jokić* transcript, 24-25 May 2004), pp. 9759-9760; Mile Janjić, T. 11002.
[10494] Momir Nikolić, T. 11810-11811, 12145; D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), para. 3. *See also* P1149 (Evert Rave, witness statement, 17 February 1998), paras 20-21, 23-24, 26.
[10495] D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), para. 3.
[10496] P1139 (Pieter Boering, *Popović et al.* transcript, 19, 21 and 22 September 2006), pp. 1941-1944, 1947-1948; Pieter Boering, T. 10007-10009; P1142 (Srebrenica Compilation Video); P1143 (Report from Colonel Karremans on meetings with Mladić to the UNPROFOR Headquarters, 12 July 1995), p. 1; P1146 (Transcript to compilation video, 10 or 11 July 1995), pp. 14-15. *See also* P1147 (Updated Srebrenica Trial Video with Transcript), 33:33-35:53, pp. 44-46. Boering testified that he could not recall whether the VRS officer was named Kosorić or Kosović. Having considered additional evidence in this regard, the Trial Chamber finds that Boering was referring to Colonel Svetozar Kosorić (*see* Momir Nikolić, T. 11779, 11819-11820; P1138 (Declaration of the representatives of the civilian authorities of the enclave of Srebrenica, 17 July 1995), p. 1).
[10497] P1149 (Evert Rave, witness statement, 17 February 1998), paras 20-21, 23-24, 26. *See also* P1147 (Updated Srebrenica Trial Video with Transcript), 33:33-35:53, pp. 44-46.

room some Dutch soldiers were held under guard by the VRS soldiers.[10498] According to **Boering**, the DutchBat soldiers did not have the freedom to leave and looked like they were under threat.[10499]

2460. Mladić said during the meeting that neither the UNPROFOR forces, nor the Muslim population were the objective of his operations, and that he wanted to help the Muslim civilian population because they were not responsible for what had happened.[10500] Mladić offered to discuss a peaceful agreement to resolve the issues facing the civilian population, DutchBat, and the ABiH.[10501] He also offered to 'accept' wounded Muslims.[10502]

2461. According to **Boering**, Mladić, *inter alia*, said that he was in charge and that '[w]e can do as we please with you'.[10503] He moreover warned that if the air strikes continued, harm would befall the DutchBat soldiers held hostage, the Potočari compound, and the refugees, with bombs possibly being used.[10504] Mladić said that every DutchBat soldier only has one life, which the witness considered to be a clear threat.[10505] During the meeting, the witness felt intimidated and Mladić used threatening language and behaved in an imperious manner.[10506] **Robert Franken** testified that he believed Mladić's statements at the meeting about the possibilities of the Bosnian Muslims and DutchBat going away, staying, or dying; as well as Mladić's comments about DutchBat 'POWs' no longer being treated as guests, were implicit threats.[10507]

2462. According to **Rave**, Mladić was very upset about, and blamed DutchBat for, the air strikes inflicted on his troops earlier that day.[10508] Mladić threatened that if the air

[10498] P1149 (Evert Rave, witness statement, 17 February 1998), para. 23. *See also* P1139 (Pieter Boering, *Popović et al.* transcript, 19, 21 and 22 September 2006), p. 1942; Pieter Boering, T. 10014-10015, 10053.
[10499] Pieter Boering, T. 10014-10015, 10053.
[10500] P1147 (Updated Srebrenica Trial Video), pp. 13, 25-26, 29.
[10501] P1147 (Updated Srebrenica Trial Video), pp. 26-27.
[10502] P1147 (Updated Srebrenica Trial Video), pp. 29.
[10503] P1139 (Pieter Boering, *Popović et al.* transcript, 19, 21 and 22 September 2006), p. 1946.
[10504] Pieter Boering, T. 10011; P1142 (Srebrenica Compilation Video); P1146 (Transcript to compilation video, 10 or 11 July 1995), p. 21; P1143 (Report from Colonel Karremans on meetings with Mladić to the UNPROFOR Headquarters, 12 July 1995), p. 1.
[10505] P1139 (Pieter Boering, *Popović et al.* transcript, 19, 21 and 22 September 2006), p. 1946; Pieter Boering, T. 10012-10014; P1142 (Srebrenica Compilation Video); P1146 (Transcript to compilation video, 10 or 11 July 1995), p. 29. *See also* P1147 (Updated Srebrenica Trial Video), 59:13-01:02:10.
[10506] P1139 (Pieter Boering, *Popović et al.* transcript, 19, 21 and 22 September 2006), pp. 1945-1946; Pieter Boering, T. 10010-10011. *See also* P1147 (Updated Srebrenica Trial Video), 47:13-48:15.
[10507] Robert Franken, T. 10801-10804. *See also* P1147 (Updated Srebrenica Trial Video), 00:59:10-01:03:25, pp. 13-32.
[10508] P1149 (Evert Rave, witness statement, 17 February 1998), para. 25; Evert Rave, T. 10171-10172, 10239-10240.

attacks continued, he would retaliate by shelling the Potočari compound and killing the DutchBat hostages then held by the VRS.[10509] In the beginning of the meeting Mladić threatened the Dutch representatives, saying that he would target the UN compound, that they only had one life, and asking whether they wanted to see their families again. The witness even wondered whether they would all be taken outside and shot.[10510] Mladić told the witness and others that a cease-fire was in effect and would remain in place until 10 a.m. the next day, and instructed them to return in the evening with Muslim civilian and military representatives. Mladić said that he wanted the Muslim troops to be disarmed.[10511] Mladić allowed Karremans to see his soldiers who were held hostage in a room of the hotel, but only after he and Karremans would have a drink together 'like true warriors'.[10512] As wine was being served, photographs were taken.[10513]

2463. **Milovan Milutinović** testified that Karremans asked for a suspension of combat activities and presented the request of the Muslim population that wanted to leave Srebrenica.[10514] Mladić accepted his proposal and requested that a delegation of Muslim representatives meet with him for talks the following day.[10515]

2464. **Boering** testified that after the meeting, he and Karremans drove back to Potočari and found a former teacher that Boering knew named Nesib Mandžić, who agreed to act as a representative of the population during the second meeting at Hotel Fontana.[10516] During the preparations for the second meeting, the witness and Karremans considered the various organisations which could help transport the population out of the enclave, noting that the wounded should be the first to be evacuated, followed by the elderly, then the remainder of the population.[10517]

[10509] P1149 (Evert Rave, witness statement, 17 February 1998), para. 25.
[10510] P1149 (Evert Rave, witness statement, 17 February 1998), para. 25; Evert Rave, T. 10172, 10240-10241.
[10511] P1149 (Evert Rave, witness statement, 17 February 1998), para. 26.
[10512] P1149 (Evert Rave, witness statement, 17 February 1998), para. 27.
[10513] P1149 (Evert Rave, witness statement, 17 February 1998), paras 27-28.
[10514] D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 77.
[10515] D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 77.
[10516] P1139 (Pieter Boering, *Popović et al.* transcript, 19, 21 and 22 September 2006), pp. 1950-1952.
[10517] Pieter Boering, T. 10067-10068. *See also* P1147 (Updated Srebrenica Trial Video), 1:26:45-1:29:13.

Second Hotel Fontana Meeting

2465. **Franken** testified that after the first meeting at the Hotel Fontana in the evening of 11 July 1995, he, under orders from Karremans, located a representative of the Muslim population for a second meeting. Mandžić acted as this representative in the second Hotel Fontana meeting and was very nervous and almost panicking afterward because of the responsibility placed on him.[10518] **Nikolić** testified that he prepared Hotel Fontana and provided security for the second meeting.[10519]

2466. **Boering** testified that at 11 p.m. on 11 July 1995, he and Karremans attended this meeting, which lasted around 30 minutes, with the following participants: Rave of DutchBat; Mladić, Nikolić, Krstić, Janković, and a person called Kosorić of the VRS; Mladić's bodyguard, an interpreter named Petar, Nesib Mandžić, and some other civilians.[10520] **Rave** testified that Ljubisav Simić, the Mayor of Bratunac, and a camera crew were also present.[10521] Soon after the beginning of the meeting, a VRS soldier standing next to a window pulled back the window's curtains and opened the window.[10522] The sound of a pig being slaughtered under the window could be heard.[10523] The window was closed afterwards and the witness believed that the slaughter was staged to unnerve the DutchBat and to intimidate the Muslim representative.[10524] **Boering** testified that a broken part of a sign from the Srebrenica town hall was placed on the table in front of Mandžić, which the witness interpreted as signifying that the VRS was now in charge of Srebrenica.[10525]

[10518] P1417 (Robert Franken, witness statement, 15 January 2012), para. 68.
[10519] Momir Nikolić, T. 11810-11811, 11819; D300 (Momir Nikolić, witness statement in the *Popović et al.* case, 16 April 2009), p. 2.
[10520] P1139 (Pieter Boering, *Popović et al.* transcript, 19, 21 and 22 September 2006), pp. 1951-1957, 1959; Pieter Boering, T. 10015; P1142 (Srebrenica Compilation Video), 1:16:09-1:42:31; P1143 (Report from Colonel Karremans on meetings with Mladić to the UNPROFOR Headquarters, 12 July 1995), p. 1; P1146 (Transcript to compilation video), p. 38. *See also* Witness RM-294, T. 9863, 9864-9866, 9870; Momir Nikolić, T. 11819; D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), para. 3.
[10521] P1149 (Evert Rave, witness statement, 17 February 1998, paras 29, 31, 34; Evert Rave, T. 10172-10174.
[10522] Evert Rave, T. 10173.
[10523] P1149 (Evert Rave, witness statement, 17 February 1998), para. 30; Evert Rave, T. 10173-10174, 10241-10242, 10248-10250. *See also* Witness RM-294, T. 9866.
[10524] P1149 (Evert Rave, witness statement, 17 February 1998), para. 30; Evert Rave, T. 10173-10174, 10248-10250. *See also* Witness RM-294, T. 9866.
[10525] P1139 (Pieter Boering, *Popović et al.* transcript, 19, 21 and 22 September 2006), pp. 1959-1960; P1145 (Video still of border sign taken from second meeting at Hotel Fontana). *See also* P1149 (Evert Rave, witness statement, 17 February 1998), para. 32; Witness RM-294, T. 9870-9871, 9960.

2467. During the meeting, Mladić reiterated that the 'innocent Muslim population' was not the target of the VRS operations.[10526] He offered to provide buses for their transportation out of Potočari, if others provided the fuel.[10527] **Boering** testified that Karremans stated that those who remained around the village of Potočari were mostly women, children, and elderly.[10528] Mladić agreed to a ceasefire until 10 a.m. on 12 July and demanded the retreat of the ABiH from the enclave and the handover of their weapons in exchange for treatment of the wounded 'refugees'.[10529] Mladić indicated that there would be more shelling in case of non-compliance.[10530] **Witness RM-294** testified that Karremans also described the extremely poor humanitarian situation in Potočari to Mladić, stating that the population had to be evacuated, and referred Mladić to Mandžić to discuss where the population wanted to go.[10531] The latter told Mladić that he believed there were over 25,000, if not 30,000 people in Potočari, that he was not an official representative and that he was not prepared to say where the population wanted to go.[10532] Mandžić started to say that international organisations should be involved in the evacuation when Mladić interrupted him telling him that his people would either live or vanish and that their fate, not only in Srebrenica but elsewhere, was in Mandžić's hands.[10533] **Rave** testified that Mladić informed Mandžić that the civilian population was free to go or stay and that the Serbs would provide transport for them.[10534]

2468. **Boering** testified that back in Potočari, Mandžić expressed his concern that he would need more representatives to support him in the next meeting, and then went off to look for others to join the delegation.[10535] In a letter to the UNPROFOR Headquarters, Karremans indicated that he was unable to defend the 'refugees' and his

[10526] P1147 (Updated Srebrenica Trial Video), pp. 33, 41.
[10527] P1147 (Updated Srebrenica Trial Video), p. 41. *See also* P1417 (Robert Franken, witness statement, 15 January 2012), para. 72.
[10528] Pieter Boering, T. 10064-10066; P1142 (Srebrenica Compilation Video); P1146 (Transcript to compilation video, 10 or 11 July 1995), p. 39. *See also* P1147 (Updated Srebrenica Trial Video), 1:16:08-1:16:30.
[10529] P1143 (Report from Colonel Karremans on meetings with Mladić to the UNPROFOR Headquarters, 12 July 1995), p. 2. *See also* P1417 (Robert Franken, witness statement, 15 January 2012), para. 68.
[10530] P1143 (Report from Colonel Karremans on meetings with Mladić to the UNPROFOR Headquarters, 12 July 1995), p. 1; P1142 (Srebrenica Compilation Video); P1146 (Transcript to compilation video, 10 or 11 July 1995), pp. 47-48.
[10531] Witness RM-294, T. 9869, 9872.
[10532] Witness RM-294, T. 9873-9874. *See also* P1147 (Updated Srebrenica Trial Video), 01:32:40-01:32:58.
[10533] Witness RM-294, T. 9874-9875, 9902, 9904. *See also* P1147 (Updated Srebrenica Trial Video), 01:35:12, 01:36:52-01:36:59; D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), para. 3.
[10534] P1149 (Evert Rave, witness statement, 17 February 1998), para. 33.
[10535] P1139 (Pieter Boering, *Popović et al.* transcript, 19, 21 and 22 September 2006), p. 1962.

battalion, to find suitable military and civilian representatives, and to meet Mladić's demands.[10536]

Third Hotel Fontana Meeting

2469. **Miroslav Deronjić** stated that he met Mladić at Hotel Fontana in the morning of 12 July 1995.[10537] At that meeting, Deronjić conveyed Karadžić's position with respect to civilians to Mladić as well as the role Deronjić was supposed to take therein.[10538] Deronjić described the conversation as 'unpleasant' as Mladić 'disrespectfully' inquired where Deronjić and Karadžić had been during the fall of Srebrenica.[10539]

2470. **Momir Nikolić** testified that on 12 July 1995, he prepared the Hotel Fontana and provided security for another meeting at 10 a.m.[10540] **Boering** testified that he attended this meeting, which lasted around 30 minutes, with the following participants: Commander Karremans of DutchBat; Mladić, Nikolić, Krstić, Janković, a person called Kosorić, who was responsible for transporting the refugees, all of the VRS; Mladić's bodyguard, an interpreter named Petar, Nesib Mandžić, and two others that had been selected to act as representatives of the enclave: Ćamila Omanović and Ibro Nuhanović.[10541] At the meeting, attempts were made to reach a solution for evacuating the refugees; however, some issues such as who would bear the responsibility for the transport of refugees and the welfare of the civilian population, along with the provision of fuel, could not be resolved.[10542] The screening of men aged between 16 and 60 for

[10536] P1143 (Report from Colonel Karremans on meetings with Mladić to the UNPROFOR Headquarters, 12 July 1995), p. 2.
[10537] P3567 (Miroslav Deronjić, *Blagojević and Jokić* transcript, 19-22 January 2004), pp. 6195, 6286.
[10538] P3567 (Miroslav Deronjić, *Blagojević and Jokić* transcript, 19-22 January 2004), pp. 6195-6196.
[10539] P3567 (Miroslav Deronjić, *Blagojević and Jokić* transcript, 19-22 January 2004), p. 6196.
[10540] Momir Nikolić, T. 11819-11820, 11828; D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), para. 4.
[10541] P1139 (Pieter Boering, *Popović et al.* transcript, 19, 21 and 22 September 2006), pp. 1949-1951, 1962, 1968-1972, 1974; Pieter Boering, T. 10016-10017, 10019-10021; P1142 (Srebrenica Compilation Video), 01:41:37-01:42:42, 01:42:45-01:42:50, 01:43:13, 01:44:55, 01:45:07; P1146 (Transcript to compilation video, 10 or 11 July 1995), pp. 48-53. *See also* Witness RM-294, T. 9847, 9876, 9878-9880, 9883-9984, 9896; P1135 (Video still of Pieter Boering taken from second meeting at Hotel Fontana, 11 July 1995); P1148 (Updated Srebrenica Trial Video Stills Book), pp. 64-66. Boering testified that he was not sure of the exact names of the two other representatives. Having considered additional evidence in this regard, the Trial Chamber finds that Boering was referring to Ćamila Omanović and Ibro Nuhanović (*see* Witness RM-294, T. 9876, 9941; Momir Nikolić, T. 11972; P1146 (Transcript to compilation video, 10 or 11 July 1995), p. 49; P1148 (Updated Srebrenica Trial Video Stills Book), p. 64.).
[10542] P1139 (Pieter Boering, *Popović et al.* transcript, 19, 21 and 22 September 2006), pp. 1974-1975; Pieter Boering, T. 10072-10073; P1146 (Transcript to compilation video, 10 or 11 July 1995), p. 53. *See also* P1147 (Updated Srebrenica Trial Video), 13:00-14:17.

possible war crimes or other criminal behaviour was also discussed at the meeting.[10543] After two soldiers entered the meeting room, Krstić stepped out and later called other people out.[10544] According to the witness, Mladić said that if the Muslim soldiers would not surrender, the enclave would be attacked and bombed by his troops.[10545]

2471. **Witness RM-294** testified that during the meeting, Mladić reminded the Bosniak delegation what he had told them the night before, namely that they could either survive or disappear, and demanded that should they want to survive, all their armed men, even those who had committed crimes against his people should surrender their weapons to the VRS.[10546] Mladić added that, after surrendering the weapons, they could choose to stay in the territory if they so wished, or go where they wished and that he would let everyone go regardless of the fact that some may have been involved in crimes.[10547] According to the witness, the people gathered in Potočari had nothing with them let alone weapons and the Bosniak delegation to which Mladić addressed his demands could not influence the Bosnian military authorities to surrender their weapons.[10548]

2472. **Milovan Milutinović** testified that Mladić gave the Muslim delegation his word that everyone gathered at Potočari who had surrendered their weapons could chose whether to go to 'Yugoslavia, the Federation' or to stay in the Bosnian-Serb Republic, and guaranteed them full rights and freedoms.[10549] Mladić stated that all soldiers could leave apart from those who had committed crimes against Serbs, as proceedings would be instituted against them.[10550] He ordered his subordinates to ensure that there was transportation, food, and fuel for the population.[10551] UNPROFOR representatives informed those present that Muslim forces were opening mortar fire from positions around Srebrenica on 'columns of their compatriots', which were moving towards the UN base in Potočari. According to the witness, they wanted to prevent their gathering in

[10543] P1139 (Pieter Boering, *Popović et al.* transcript, 19, 21 and 22 September 2006), pp. 1969, 1974-1975; Pieter Boering, T. 10018-10019.
[10544] P1139 (Pieter Boering, *Popović et al.* transcript, 19, 21 and 22 September 2006), p. 1975.
[10545] Pieter Boering, T. 10017-10018.
[10546] Witness RM-294, T. 9891.
[10547] Witness RM-294, T. 9891, 9943. *See also* P3567 (Miroslav Deronjić, *Blagojević and Jokić* transcript, 19-22 January 2004), pp. 6237-6238.
[10548] Witness RM-294, T. 9891-9892.
[10549] D862 (Milovan Milutinović, witness statement, 11 July 2014), paras 78-79; Milovan Milutinović, T. 30120-30121. Although there are discrepancies in the dates and sequence of meetings described by Milutinović, the Trial Chamber understands his evidence to refer to two meetings on 11 July, followed by a third meeting on 12 July.
[10550] D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 80; Milovan Milutinović, T. 30120-30122.
[10551] D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 80.

Potočari and their departure from Srebrenica.[10552] When discussing how many vehicles would be needed for transportation, the Muslim representatives informed those present that the number of people in Srebrenica had been considerably exaggerated by the Srebrenica authorities, in order to receive more humanitarian aid.[10553] After talking to the Muslim delegation, Mladić told Krstić that they should 'behave like knights'; that he had given his word as a general, and that no one must be harmed.[10554] When the witness returned to Hotel Fontana the following morning, he was informed that all the Muslims wanted to leave Srebrenica and head for Tuzla.[10555]

2473. **Boering** testified that after the meeting, he returned to Potočari with Karremans and discussed its outcome; as the areas of agreement were unclear, Karremans sent the witness back to Hotel Fontana. At Hotel Fontana, the witness ran into Momir Nikolić who told him that everything had been agreed upon, that Boering had no business there and he should 'get lost,' that things had already started, and that Boering should leave immediately.[10556]

2474. A document signed by the DutchBat Deputy Commander Major Franken, Miroslav Deronjić, and Nesib Mandžić on 17 July 1995 states that at the 12 July 1995 meeting the Serb side was represented by the Civil Affairs Commissioner for Srebrenica Miroslav Deronjić, Mladić, the President of Bratunac Municipality Ljubisav Simić, the Chief Executive of Bratunac Municipality Srbislav Davidović, the Chief of the Zvornik police with the last name Vasić, Krstić, Popović and Kosorić.[10557] It describes that the participants agreed that each civilian could decide to 'remain in the enclave or evacuate', the Bosniak representatives had decided that civilians wanting 'to evacuate' were to evacuate to Kladanj Municipality, and that the evacuation would be carried out by the VRS and Bosnian-Serb Republic police under UNPROFOR supervision and escort.[10558]

[10552] D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 88.
[10553] D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 89.
[10554] D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 79.
[10555] D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 81.
[10556] P1139 (Pieter Boering, *Popović et al.* transcript, 19, 21 and 22 September 2006), p. 1976.
[10557] P1138 (Declaration of the representatives of the civilian authorities of the enclave of Srebrenica, 17 July 1995), pp. 1-2.
[10558] Witness RM-294, T. 9895; P1138 (Declaration of the representatives of the civilian authorities of the enclave of Srebrenica, 17 July 1995), pp. 1-3.

The Trial Chamber's findings

2475. The Defence submitted that the testimony of Momir Nikolić with regard to the Hotel Fontana meetings is not credible because, *inter alia,* he downplayed his role in the meetings, which is in contrast to the evidence of Boering who testified that Nikolić was 'in charge of everything at that point'.[10559] The Trial Chamber notes, however, that the evidence of Boering cited by the Defence relates to meetings with Nikolić other than the Hotel Fontana meetings alleged to have taken place on 11 and 12 July 1995.[10560] The Trial Chamber, therefore, finds the Defence submissions in this regard to be unpersuasive.

2476. Based on the foregoing, the Trial Chamber finds that on 11 and 12 July 1995, three meetings were held at Hotel Fontana in Bratunac. The first meeting was between members of the VRS and DutchBat officers. In the subsequent two meetings, one or more designated representatives of the Bosnian Muslims in Potočari were also present. These individuals had been designated by the Serb side.[10561] At the meetings, the fate of those who had gathered in Potočari was discussed. These meetings were filmed by a camera crew. The first meeting took place at approximately 8 p.m. on 11 July, and was attended by, *inter alios*, Mladić, Živanović, Janković, Nikolić, Krstić, Kosorić, some other VRS members, as well as DutchBat representatives. Also present was a camera team and a UN interpreter. During this meeting unarmed DutchBat soldiers were being detained by the VRS in an adjacent room. Mladić led the meeting in an intimidating atmosphere, using threatening language. He was upset about NATO air strikes earlier that day and warned that if they were to continue the detained DutchBat soldiers would be killed. He further threatened to target the UN compound, stating that each DutchBat soldier and officer had only one life to live and he believed that they did not want to lose it there. He also stated that neither UNPROFOR nor the civilian Muslim population were the objective of the VRS. Mladić offered to discuss a peaceful agreement to resolve the situation of the civilian population, DutchBat and the ABiH and stated his willingness to accept wounded Muslims. He allowed Karremans to see his detained soldiers, but only after they had a drink together. As wine was being served, photographs were taken. Mladić instructed the DutchBat officers to return for a

[10559] Defence Final Brief, para. 2567.
[10560] *See* P1139 (Pieter Boering, *Popović et al.* transcript, 19, 21 and 22 September 2006), pp. 1878-1879.
[10561] The Trial Chamber has throughout the Judgment referred to these individuals as 'designated representatives' or 'representatives'.

subsequent meeting scheduled for that same evening together with Muslim civilian and military representatives.

2477. On the same evening at approximately 10 or 11 p.m., the second meeting took place. It was attended by the same participants, in addition to Ljubisav Simić, the Mayor of Bratunac, and Nesib Mandžić, who had been asked by Karremans and Boering to act as a representative for the Bosnian-Muslim population gathered in Potočari. Soon after the start of the meeting, a VRS soldier pulled back some curtains and opened a window. The sound of a pig being slaughtered just outside could be heard, after which the window was closed. During the meeting, a broken sign of the Srebrenica town hall was placed on the table in front of Mandžić. The evacuation of the civilian population out of Potočari was again discussed and Mladić reiterated that they were not the target of the VRS and were free to go or stay. He offered to provide buses for their transport, if others provided the fuel. When Mandžić proposed that international organizations should be involved in the evacuation process, Mladić told him that his people were to either live or vanish and that their fate was in Mandžić's hands. Mladić agreed to a ceasefire until 10 a.m. the following day, demanding the retreat of ABiH soldiers from the enclave and the handover of all weapons and threatened with more shelling in case of non-compliance.

2478. The following morning, on 12 July 1995, a third meeting took place at around 10 a.m. attended by Mladić, several VRS officers, including Krstić, as well as Miroslav Deronjić, two DutchBat officers Karremans and Boering as well as three Bosnian Muslims who were acting as representatives of the civilian population in Potočari, Nesib Mandžić, Ibro Nuhanović and Ćamila Omanović. Mladić repeated his demand for the surrender of all armed Bosnian-Muslim men and weapons, and stated that 'you can either survive or disappear'. Mladić stated that the civilians could stay or go where they wished and that he would let everyone go regardless of the fact that some of them may have been involved in crimes. On 17 July 1995, a document was signed by Franken, Deronjić, and Mandžić stating that an agreement had been reached that the civilians were to be 'evacuated' to Kladanj Municipality by the VRS and Bosnian-Serb Republic police forces under the supervision and escort of UNPROFOR. The screening of men aged between 16 and 60 was also discussed. For Boering, some issues remained unresolved after the meeting, such as who would bear the ultimate responsibility for the transport or the provision of fuel, however when he sought clarification, Nikolić told

him that everything had been agreed upon, that things had already started, and that he should 'get lost' and leave immediately.

7.1.5 Transportation from Potočari

2479. In this chapter, the Trial Chamber will review the evidence and make findings concerning the transportation of people out of Potočari, including organisation of the transportation of Bosnian Muslims out of the enclave and the separation of Bosnian-Muslim men from the rest of the population in Potočari . The Trial Chamber took judicial notice of a number of Adjudicated Facts relating to this event.[10562] It further received evidence from **Momir Nikolić**, the Assistant Commander for Intelligence and Security of the Bratunac Brigade from November 1992 to at least October 1995;[10563] **Miladin Mlađenović**, a watchman at the Vihor vehicle fleet in Borkovac during the Srebrenica operation;[10564] **Mile Janjić**, a member of the Bratunac Brigade military police platoon in July 1995;[10565] **Mendeljev Đurić**, a.k.a. Mane, the Bosnian-Serb Commander of the 1st Company of the Special Police Brigade at the Jahorina training centre in July 1995;[10566] **Witness RM-306**, a Serb from Bratunac;[10567] **Neđo Jovičić,** a member of the Special Police Brigade as the driver to Deputy Commander of the Special Police Brigade Ljubomir Borovčanin during 1995;[10568] **Ljubodrag Gajić**, a member of the MUP 1st Company of the Jahorina Training Centre;[10569] **Dušan Mićić**, a military policeman of the TO from early May 1992 until March 1993 and later commander of a PJP unit in Bratunac;[10570] **Witness RM-333**, a member of the joint MUP forces of the RSK, Serbia, and the Bosnian-Serb Republic in 1995;[10571] **Nebojša Jeremić**, member of the military police of the Zvornik Brigade from April 1993 until

[10562] Adjudicated Facts numbers 1558, 1560, 1561, and 1564 are reviewed in chapter 7.6.
[10563] Momir Nikolić, T. 11768-11771, 11776-11777; D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), paras 1, 13-14.
[10564] D707 (Miladin Mlađenović, witness statement, 6 June 2014), paras 2, 4.
[10565] P1445 (Mile Janjić, *Blagojević and Jokić* transcript, 24-25 May 2004), p. 9756.
[10566] P2174 (Mendeljev Đurić, Popović *et al.* transcript, 1-3 May 2007), pp. 10790, 10793, 10796.
[10567] P1474 (Witness RM-306, *Popović et al.* transcript, 23, 26-27 March 2007), pp. 9357-9358; Witness RM-306, T. 11446; D293 (Witness RM-306, statement to the Bosnian-Serb MUP, 26 December 2005), pp. 1-2.
[10568] D976 (Neđo Jovičić, witness statement, 3 August 2014), para. 2.
[10569] Ljubodrag Gajić, T. 40268-40269, 40311.
[10570] D977 (Dušan Mićić, witness statement, 24 March 2013), paras 2, 14-16; Dušan Mićić, T. 33758.
[10571] Witness RM-333, T. 6759, 6792-6793; P724 (Report on the combat engagement of police forces in Srebrenica 95 signed by Ljubiša Borovčanin) p. 1; D129 (MUP order signed by Tomislav Kovač, 10 July 1995), p. 1.

the end of July 1995;[10572] **Witness RM-265**, a member of the Bratunac Brigade;[10573] **Pieter Boering**, a DutchBat Major who served as liaison officer with the VRS and ABiH in Srebrenica from 3 January to July 1995;[10574] **Paul Groenewegen**, a member of DutchBat stationed in Potočari from January until July 1995;[10575] **Robert Franken**, the Deputy Commanding Officer of DutchBat in Potočari from 15 January to late July 1995;[10576] **Eelco Koster**, a member of DutchBat;[10577] **Witness RM-372**, an UNPROFOR official stationed in Bosnia-Herzegovina as of January 1995;[10578] **Rupert Smith**, UNPROFOR commander in Bosnia-Herzegovina between 23 January and December 1995;[10579] **Witness RM-314**, a Bosnian-Muslim TO member who worked in Srebrenica during the war;[10580] **Saliha Osmanović**, **Mirsada Gabeljić**, **Šifa Hafizović**, **Witness RM-311**, **Witness RM-312**, **Nura Efendić**, **Witness RM-249**, **Samila Salčinović**, **Razija Pašagić**, **Hanifa Hafizović**, **Witness RM-255**, **Hana Mehmedović**, **Šehra Ibišević**, **Behara Krdžić**, **Witness RM-362**, all Bosnian Muslims from Srebrenica Municipality;[10581] **Evert Rave**, a member of the DutchBat who served as a

[10572] Nebojša Jeremić, T. 34273, 34299.
[10573] P2540 (Witness RM-265, *Popović et al.* transcript, 8-9 November 2006), pp. 3793, 3796, 3800; P2541 (Witness RM-265, *Tolimir* transcript, 15 March 2011), pp. 11274, 11282.
[10574] P1139 (Pieter Boering, *Popović* transcript, 19, 21 and 22 September 2006), pp. 1867-1873; Pieter Boering, T. 10025.
[10575] P1157 (Paul Groenewegen, witness statement, 11 November 2011), paras 3-4, 6.
[10576] P1417 (Robert Franken, witness statement, 15 January 2012), paras 3-4, 109.
[10577] P57 (Eelco Koster, witness statement, 26 September 1995), pp. 1-2; Eelco Koster, T. 1235; D25 (UN Peacekeeper Interview Questionnaire completed by Eelco Koster), p. 1.
[10578] P3499 (Witness RM-372, witness statement, 6 October 2013), para. 3.
[10579] P785 (Rupert Smith, witness statement, 27 October 2009), paras 4, 6; Rupert Smith, T. 7287.
[10580] P1435 (Witness RM-314, witness statement, 16 August 1995), pp. 1-2; P1436 (Witness RM-314, witness statement, 8 June 1999), p. 1; P1437 (Witness statement, 14 June 1999), p. 1; Witness RM-314, T. 10849-10850, 10869-10872, 10896, 10912; P1434 (Pseudonym sheet of Witness RM-314). Witness RM-314's evidence is reviewed in chapter 7.2.
[10581] P1029 (Mirsada Gabeljić, witness statement, 18 June 2000), pp. 1-2; P1030 (Mirsada Gabeljić, statement taken by the Tuzla Cantonal Court, 18 June 2000), p. 1. P1045 (Šifa Hafizović, witness statement, 16 June 2000), pp. 1-2; P1046 (Šifa Hafizović, statement taken by the Tuzla Cantonal Court, 16 June 2000), p. 1. P3520 (Witness RM-311, witness statement, 5 December 2004), pp. 1-2; P3521 (Witness RM-311, *Popović et al*. transcript, 31 October 2006), p. 3306. P3488 (Witness RM-312, witness statement, 16 October 2002), pp. 1-2; P3489 (Witness RM-312, *Popović et al* transcript, 6 November 2006), pp. 3594-3595, 3598. P1027 (Nura Efendić, witness statement, 21 June 2000), pp. 1-2; P1028 (Nura Efendić, statement taken by the Sarajevo Cantonal Court, 21 June 2000), pp. 1-2. P1990 (Witness RM-249, witness statement, 24 January 1996), pp. 1-2; Witness RM-249, T. 15410-15411. P1016 (Samila Salčinović, witness statement, 18 June 2000), pp. 1-2; P1017 (Samila Salčinović, statement taken by the Tuzla Cantonal Court, 18 June 2000), pp. 1-2. P1043 (Razija Pašagić, witness statement, 15 June 2000), pp. 1-2; P1044 (Razija Pašagić, statement taken by the Cantonal Court in Tuzla, 15 June 2000), p. 1. P1008 (Hanifa Hafizović, witness statement, 16 June 2000), pp. 1, 3; P1009 (Hanifa Hafizović, statement taken by the Tuzla Cantonal Court, 16 June 2000), p. 1. P55 (Witness RM-255, witness statement, 25 May 1996), pp. 1-2. Witness RM-255's evidence is also reviewed in chapter 7.1.3. P1038 (Hana Mehmedović, witness statement, 17 June 2000), pp. 1-2; P1039 (Hana Mehmedović, statement taken by the Cantonal Court of Tuzla, 17 June 2000), p. 2. P1021 (Šehra Ibišević, witness statement, 21 June 2000), pp. 1-2; P1022 (Šehra Ibišević, statement taken by the Cantonal Court in Sarajevo, 21 June 2000), p. 2. P1024 (Behara Krdžić, witness statement, 16 June 2000), pp. 1-2; P1025 (Behara Krdžić, statement

Security and Liaison Officer in Srebrenica from January to late July 1995;[10582] **Witness RM-268**, a member of the Special Police Brigade in 1995;[10583] as well as documentary evidence and finds that this evidence is consistent with the Adjudicated Facts.[10584] The

taken by the Tuzla Cantonal Court, 16 June 2000), p. 1. P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), pp. 17301-17302.

[10582] P1149 (Evert Rave, witness statement, 17 February 1998), p. 1, paras 1, 61-62; Evert Rave, T. 10255.

[10583] P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), pp. 8565, 8567.

[10584] **Momir Nikolić**: Momir Nikolić, T. 11834, 11836, 11840-11841; P1510 (Report of the DK Forward Command Post Bratunac, Vujadin Popović, 12 July 1995), p. 2; D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), paras 6, 9; D300 (Momir Nikolić, witness statement in the *Popović et al.* case, 16 April 2009), p. 3. **Miladin Mlađenović**: D707 (Miladin Mlađenović, witness statement, 6 June 2014), para. 5; Miladin Mlađenović, T. T. 27239-27240; 27242, 27245-27246, 27248-27251; P6844 (Aerial photograph of Bratunac with Vihor company and route to Potočari and Tišća marked by Miladin Mlađenović). **Mile Janjić**: P1445 (Mile Janjić, *Blagojević and Jokić* transcript, 24-25 May 2004), pp. 9770-9771, 9784-9785; P1446 (Mile Janjić, *Popović et al.* transcript, 20 November 2007), pp. 17941-17942, 17944; Mile Janjić, T. 11001, 11005. **Mendeljev Đurić**: P2174 (Mendeljev Đurić, *Popović et al.* transcript, 1-3 May 2007), pp. 10790, 10793, 10796, 10806, 10808, 10811-10812, 10822, 10833-10834, 10836-10837, 10870-10871. **Witness RM-306**: P1474 (Witness RM-306, *Popović et al.* transcript, 23, 26-27 March 2007), pp. 9493-9494, 9512-9513; Witness RM-306, T. 11440; P1477 (Excerpt from Bratunac Health Centre patient log). **Neđo Jovičić**: D976 (Neđo Jovičić, witness statement, 3 August 2014), paras 25-26. **Ljubodrag Gajić**: T. 40295-40296, 40305. **Dušan Mićić**: D977 (Dušan Mićić, witness statement, 24 March 2013), paras 24, 31. **Witness RM-333**: P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), pp. 14812-14816, 14818-14819, 14876; Witness RM-333, T. 6752, 6787-6788. **Nebojša Jeremić**: Nebojša Jeremić, T. 34279-34280, 34351.**Witness RM-265**: P2540 (Witness RM-265, *Popović et al.* transcript, 8-9 November 2006), p. 3809. **Pieter Boering**: P1139 (Pieter Boering, *Popović* transcript, 19, 21 and 22 September 2006), pp. 1976, 2008-2009-2010, 2015-2025; Pieter Boering, T. 10074-10076,10082-10083; P1141 (Photograph of White House). **Paul Groenewegen**: P1157 (Paul Groenewegen, witness statement, 11 November 2011), paras 32, 38, 41, 43-45, 48-49, 56; Paul Groenewegen, T. 10485, 10490-10494, 10511-10513, 10516, 10538; P1159 (Aerial image marked by Paul Groenewegen,13 July 1995); P1160 (Aerial image marked by Paul Groenewegen, 13 July 1995).**Robert Franken**: P1417 (Robert Franken, witness statement, 15 January 2012), paras 79, 82-84, 86-88, 100; Robert Franken, T. 10731-10732, 10735-10737; P1422 (Aerial image of Potočari marked by the witness); P1423 (Photograph showing burning personal belongings, undated); P1428 (Aerial image of Potočari annotated by the Prosecution, undated); P1429 (Aerial image of Potočari dated 13 July 1995, marked by the witness); P1432 (UNMO situation report, 12 July 1995). **Eelco Koster**: P57 (Eelco Koster, witness statement, 26 September 1995), pp. 11-13, 15; Eelco Koster, T. 1214-1216, 1231, 1233-1234, 1276; P60 (Aerial image of Potočari marked by Eelco Koster). **Witness RM-372**: P3499 (Witness RM-372, witness statement, 6 October 2013), paras 4-5, 7. **Rupert Smith**: P785 (Rupert Smith, witness statement, 27 October 2009), para. 151. **Witness RM-314**: P1435 (Witness RM-314, witness statement, 16 August 1995), p. 4. **Saliha Osmanović**: P1461 (Saliha Osmanović, witness statement, 18 June 2000), paras 8-10, 12; Saliha Osmanović, T. 11179, 11193-11194. **Mirsada Gabeljić**: P1029 (Mirsada Gabeljić, witness statement, 18 June 2000), p. 2; P1030 (Mirsada Gabeljić, statement taken by the Tuzla Cantonal Court, 18 June 2000), p. 2. **Šifa Hafizović**: P1045 (Šifa Hafizović, witness statement, 16 June 2000), p. 2; P1046 (Šifa Hafizović, statement taken by the Tuzla Cantonal Court, 16 June 2000), p. 2.**Witness RM-311**: P3520 (Witness RM-311, witness statement, 5 December 2004), p. 2; P3521 (Witness RM-311, *Popović et al.* transcript, 31 October 2006), pp. 3110, 3312-3313.**Witness RM-312**: P3488 (Witness RM-312, witness statement, 16 October 2002), pp. 2-3; P3489 (Witness RM-312, *Popović et al* transcript, 6 November 2006), pp. 3611, 3620.**Nura Efendić**: P1027 (Nura Efendić, witness statement, 21 June 2000), pp. 2-3; P1028 (Nura Efendić, statement taken by the Sarajevo Cantonal Court, 21 June 2000), p. 2.**Witness RM-249**: P1990 (Witness RM-249, witness statement, 24 January 1996), pp. 2-4, 11-12, 14; P1991 (Witness RM-249, prior testimony, 18 March 2010), T. 670-671, 723-724; Witness RM-249, T. 15454-15456, 15458. **Samila Salčinović**: P1016 (Samila Salčinović, witness statement, 18 June 2000), p. 2; P1017 (Samila Salčinović, statement taken by the Tuzla Cantonal Court, 18 June 2000), p. 2. **Razija Pašagić**: P1043 (Razija Pašagić, witness statement, 15 June 2000), pp. 2-3; P1044 (Razija Pašagić, statement taken by the Cantonal Court in Tuzla, 15 June 2000), pp. 1-2. **Hanifa Hafizović**: P1008 (Hanifa Hafizović, witness statement, 16 June 2000), pp. 2-3; P1009 (Hanifa Hafizović, statement taken by the Tuzla Cantonal Court, 16 June 2000), pp. 1-2. **Witness RM-255**: P55 (Witness RM-255,

Trial Chamber further received evidence from **Vincentius Egbers**, a member of the DutchBat as Commander of the 3rd platoon manning OP Alpha in the West of the Srebrenica enclave between January 1995 and 21 July 1995;[10585] **Witness RM-294**, a Bosnian Muslim from the Srebrenica municipality;[10586] **Leendert van Duijn**, a DutchBat platoon commander stationed in Potočari from January to July 1995;[10587] **Witness RM-284**, a Bosnian Serb;[10588] **Petar Skrbić**, the Assistant Commander for Organisation, Mobilisation, and Personnel affairs of the VRS Main Staff in July 1995;[10589] **Witness RM-374**, a Bosnian Serb from Zvornik;[10590] **Ljubomir Bojanović**, a member of the Zvornik Brigade in 1995;[10591] **Miroslav Deronjić**, the President of the Bratunac Municipality Crisis Staff as of April 1992;[10592] **Zoran Petrović**, a journalist from Belgrade who travelled the area around Bratunac with Borovčanin from 13 to 15 July 1995;[10593] **Zlatan Čelanović**, who in 1995 was a member of the VRS Bratunac Light Infantry Brigade;[10594] and **Zoran Kovačević**, Commander of various companies of the 2nd Batallion of the Bratunac Brigade as of April 1992.[10595]

Organisation of the transportation of Bosnian Muslims out of the enclave

2480. **Robert Franken** testified that the transportation of Bosnian Muslims out of Potočari to Kladanj was not a decision made by the designated Bosnian-Muslim

witness statement, 25 May 1996), p. 2; Witness RM-255, T. 1170-1173, 1187, 1193, 1196-1197. **Hana Mehmedović**: P1038 (Hana Mehmedović, witness statement, 17 June 2000), pp. 2-3; P1039 (Hana Mehmedović, statement taken by the Cantonal Court of Tuzla, 17 June 2000), pp. 2-3. **Šehra Ibišević**: P1021 (Šehra Ibišević, witness statement, 21 June 2000), pp. 2-3; P1022 (Šehra Ibišević, statement taken by the Cantonal Court in Sarajevo, 21 June 2000), pp. 2-3. **Behara Krdžić**: P1024 (Behara Krdžić, witness statement, 16 June 2000), p. 2; P1025 (Behara Krdžić, statement taken by the Tuzla Cantonal Court, 16 June 2000), p. 2. **Evert Rave**: P1149 (Evert Rave, witness statement, 17 February 1998), paras 36, 39-40, 45-46, 50; Evert Rave, T. 10175-10179. **Witness RM-268**: P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), pp. 8569, 8586-8588-8592, 8619.Witness RM-314's evidence is reviewed in chapter 7.2.

[10585] P1629 (Vincentius Egbers, *Krstić* transcript, 5-6 April 2000), pp. 2201-2203; D307 (Undated UN ICTY UN Peacekeeper interview questionnaire), p. 1.

[10586] Witness RM-294, T. 9838, 9840; P1136 (Pseudonym sheet for Witness RM-294, 16 April 2013).

[10587] P1154 (Leendert van Duijn, *Popović et al.* transcript, 27 September 2006), pp. 2256-2258, 2261.

[10588] P1460 (Witness RM-284, *Popović et al.* transcript, 31 August 2007), pp. 14582-14583; Witness RM-284, T. 11120, 11139.

[10589] Petar Skrbić, T. 13981.

[10590] P1576 (Witness RM-374, *Popović* transcript, 28 February and 1 March 2007), p. 7935.

[10591] P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), pp. 11673, 11676.

[10592] P3566 (Miroslav Deronjić, witness statement, 25 November 2003), para. 2.

[10593] P3347 (Zoran Petrović, *Popović et al.* transcript 4 December 2007), pp. 18738, 18764-18765, 18830.

[10594] P1451 (Zlatan Čelanović, *Popović et al* transcript, 31 January 2007), p.6626. Zlatan Čelanović's evidence is reviewed in chapter 7.1.3.

[10595] D594 (Zoran Kovačević, witness statement, 6 June 2014), paras 2, 4-5, 7.

representatives there, but rather ordered by Mladić.[10596] In an intercepted conversation dated 12 July 1995, between Mladić and an unidentified individual, Mladić inquired about the departure of buses and trucks and stated that they all surrendered and should be evacuated including those who did not want to leave. Mladić told the unidentified individual that a corridor towards Kladanj would be opened for the evacuation. He further instructed the individual to take a patrol to remove the mines and obstacles.[10597] **Franken** further testified that the content of the conversation was consistent with the reality that he witnessed on the ground at the time.[10598]

2481. **Petar Škrbić** testified that late at night on 11 July 1995 he was requested via telephone by someone from the operation centre located at Crna Rijeka to mobilize buses.[10599] The witness knew that the request came from Mladić.[10600]

2482. On 12 July 1995 at around 4:30 a.m., the 1st Company of the Zvornik Special Police Unit and a MUP company from Jahorina had taken their starting positions on both sides of the Žuti Most near Potočari. The MUP companies took control of the UN checkpoint on the bridge without incident and without resistance from the DutchBat soldiers. Borovčanin estimated that there were 25,000 to 28,000 'civilians' gathered in Potočari on that day.[10601]

2483. Still on 12 July 1995, Dragomir Vasić, Chief of the Zvornik SJB, reported that that morning at 8 a.m., Mladić and General Krstić had met at the Bratunac Brigade Command and assigned tasks to all participants at the meeting.[10602] **Momir Nikolić** confirmed that Mladić, Vasić, and other senior officers from the police and the army attended the meeting in the morning of 12 July 1995.[10603] According to Vasić's report, the military operations were proceeding according to plan: the 'Turks' were fleeing towards Sućeska, while around 15,000 'civilians' had gathered in Potočari. Vasić reported that at 10 a.m. that morning, a meeting would be held with representatives of UNPROFOR, the International Red Cross, and the Muslims from Srebrenica, at which

[10596] P1417 (Robert Franken, witness statement, 15 January 2012), para. 105.
[10597] P1235 (Intercept of a communication between Mladić and an unidentified individual, 12 July 1995).
[10598] Robert Franken, T. 10746-10747; P1235 (Intercept of a communication between Mladić and an unidentified individual, 12 July 1995).
[10599] Petar Skrbić, T. 13981, 13984.
[10600] Petar Skrbić, T. 13984-13985, 14020.
[10601] P724 (Report on the combat engagement of police forces in Srebrenica 95 signed by Ljubiša Borovčanin, 5 September 1995) p. 2.
[10602] P1509 (Report of the Zvornik Public Security Centre on meeting in Bratunac, Dragomir Vasić, 12 July 1995); *See also* Momir Nikolić, T. 11814-11815.
[10603] Momir Nikolić, T. 11814-11815.

an agreement would be reached on the evacuation of the civilian population from Potočari to Kladanj, to which he added: 'for them to have more problems there'. One hundred trailer trucks had been provided for transport. Joint police forces were advancing on Potočari to take UNPROFOR personnel prisoner, surround the entire civilian population, and clear the terrain of enemy groups.[10604]

2484. Also in the early morning of 12 July, General Živanović signed an order addressed to all the subordinate units of the DK directing that 'all buses and mini-buses belonging to the VRS be secured for use by the DK,' arrive at the Bratunac stadium by 4:30 p.m., and follow instructions about locations for fuel distribution.[10605] The order further stated that the DK Command had sent a message to the Bosnian-Serb MoD asking for private buses to be mobilised.[10606] The same morning, the Bosnian-Serb MoD sent three orders to its local secretariats directing them to procure buses and send them to Bratunac.[10607] **Skrbić** testified that on that day, he sent an urgent written request to the MoD to mobilise all buses available in the Pale, Sokolac, Rogatica, Višegrad, Han Pijesak, Vlasenica, Milići, Bratunac, and Zvornik Municipalities.[10608] At least 50 buses were to be mobilised and sent to the Bratunac stadium by 2:30 p.m.[10609] According to a document dated 12 July 1995, the DK Command sent a request to the VRS Main Staff for additional approval of 10,000 litres of diesel fuel and 2,000 litres of petrol, referring to the order to provide 50 buses for 'evacuation from the Srebrenica enclave'.[10610] Traffic police and the military police of the 65th Protection Motorised Regiment were tasked to monitor the movement of the buses from the DK area to the SRK area.[10611] The Commander of the 65th Protection Motorised Regiment was Milomir Savčić, whose commander was Mladić.[10612]

2485. General Krstić ordered the procurement of buses for the transportation of the Bosnian-Muslim population from Potočari on 12 and 13 July 1995. He issued orders to his subordinates about securing the road along which the buses would travel to Kladanj

[10604] P1509 (Report of the Zvornik Public Security Centre on meeting in Bratunac, Dragomir Vasić, 12 July 1995).
[10605] Adjudicated Facts II, no. 1411.
[10606] Adjudicated Facts II, no. 1412.
[10607] Adjudicated Facts II, no. 1413.
[10608] P1710 (VRS Main Staff Order 09/31/12-3/154 to the Ministry of Defence, 12 July 1995). *See also* P1714 (DK Command Request 21/6-686 to the Main Staff of the VRS, 12 July 1995).
[10609] P1710 (VRS Main Staff Order 09/31/12-3/154 to the Ministry of Defence, 12 July 1995).
[10610] P1714 (DK Command Request 21/6-686 to the Main Staff of the VRS, 12 July 1995).
[10611] Petar Skrbić, T. 13987-13988, 14022.
[10612] Petar Skrbić, T. 13988.

and he generally supervised the transportation operation.[10613] **Witness RM-284** testified that on the morning of 12 July 1995, he heard Krstić ordering that buses be secured from Zvornik and other municipalities.[10614] He further heard a conversation between Krstić and Popović in front of Hotel Fontana, still on the same day, wherein Krstić asked Popović about how to structure the column of buses to ensure safe passage for the 'civilian' Muslim population that was gathering in Potočari near Srebrenica to the Muslim side.[10615] In front of Hotel Fontana, the witness also heard Mladić asking Krstić how everything was going. Krstić replied that he believed everything was going according to plan but that he was 'going to check'. Krstić then went inside Hotel Fontana.[10616] On 12 July 1995, dozens of buses and trucks arrived in Potočari to collect the Bosnian-Muslim women, children, and elderly.[10617]

2486. **Miladin Mlađenović** testified that between 1 and 2 p.m. still on 12 July, two employees from Vihor – a driver and an electrician named Milenko Jovanović from Bratunac – came to his house.[10618] They told him that his boss at Vihor, a man named Stević who was the head of transport, had ordered that the witness get a bus and drive Muslims to Kladanj.[10619] The director of Vihor was Dragan Jovanović.[10620] The witness reported to the foreman at Vihor who issued him fuel and a white TAM bus with a blue horizontal line and a Vihor logo.[10621] The witness was told to go to Potočari to transport Muslims.[10622] Driving to Potočari, the witness saw approximately 50 buses and heavy-duty vehicles, such as lorries, driving in the direction of Bratunac towards Kladanj.[10623] When he arrived in Potočari, VRS soldiers directed him to park his bus within the grounds of the White House.[10624]

[10613] Adjudicated Facts II, no. 1405.
[10614] P1460 (Witness RM-284, *Popović et al.* transcript, 31 August 2007), p. 14589; Witness RM-284, T. 11126-11127.
[10615] P1460 (Witness RM-284, *Popović et al.* transcript, 31 August 2007), pp. 14589-14591; Witness RM-284, T. 11126-11128.
[10616] Witness RM-284, T. 11128.
[10617] Adjudicated Facts II, no. 1409.
[10618] D707 (Miladin Mlađenović, witness statement, 6 June 2014), para. 4; Miladin Mlađenović, T. 27245.
[10619] D707 (Miladin Mlađenović, witness statement, 6 June 2014), paras 2-4.
[10620] D707 (Miladin Mlađenović, witness statement, 6 June 2014), para. 3.
[10621] D707 (Miladin Mlađenović, witness statement, 6 June 2014), para. 4; Miladin Mlađenović, T. 27245-27248; P6844 (Aerial photograph of Bratunac with Vihor company and route to Potočari and Tišća marked by Miladin Mlađenović).
[10622] D707 (Miladin Mlađenović, witness statement, 6 June 2014), para. 4.
[10623] D707 (Miladin Mlađenović, witness statement, 6 June 2014), para. 5; Miladin Mlađenović, T. 27241-27242, 27248-27250; P6844 (Aerial photograph of Bratunac with Vihor company and route to Potočari and Tišća marked by Miladin Mlađenović); P6845 (Aerial photograph of Bratunac on 12 July 1995 at approximately 2 p.m.).
[10624] D707 (Miladin Mlađenović, witness statement, 6 June 2014), para. 5; Miladin Mlađenović, T. 27251.

2487. On 12 July 1995, at 5:30 p.m., Lieutenant Colonel Vujadin Popović of the DK IKM sent a report to, amongst others, the DK Command and the VRS Main Staff.[10625] Popović reported that there had been no heavy exchange of fire with the '*balijas*' that day, as MUP forces had entered Potočari without combat.[10626] Popović further reported that around 30,000 to 35,000 women, children, elderly, infirm, and sick persons were located near the UNPROFOR base on the road and in former factories.[10627] UNPROFOR soldiers were assisting in loading women and children into the vehicles.[10628] **Nikolić** and Janković also estimated that there were around 30,000 to 40,000 people at Potočari.[10629] At the end of the day, Nikolić compiled a report with all the intelligence information at his disposal and sent it to the DK Command.[10630] That evening, Nikolić also reported verbally to his commander, Blagojević, and they discussed the operation to transport woman and children to Kladanj and to separate, detain, and kill able-bodied Muslim men in Potočari.[10631] The witness generally informed Colonel Blagojević of everything that was happening in the Bratunac Brigade's zone of responsibility on the days around 12 July 1995.[10632]

2488. On 12 July 1995, part of the MUP forces were also involved in organizing the evacuation of 'civilians' from Srebrenica to Kladanj.[10633] On 13 July 1995, at 9:30 a.m., Mladić, Colonel Vasić, Lieutenant Colonel Popović, and General Krstić met at the Bratunac Brigade headquarters.[10634] Mladić informed Vasić, Chief of Zvornik SJB, that part of the MUP forces was delegated the task of organising the evacuation of approximately 15,000 civilians from Srebrenica to Kladanj by bus.[10635] Following this meeting, Blagojević tasked Nikolić with continuing the Potočari operation to transport Muslim women and children to Kladanj and separate and detain able-bodied Muslim men.[10636]

[10625] P1510 (Report of the DK Forward Command Post Bratunac, Vujadin Popović, 12 July 1995).
[10626] P1510 (Report of the DK Forward Command Post Bratunac, Vujadin Popović, 12 July 1995), p. 1.
[10627] P1510 (Report of the DK Forward Command Post Bratunac, Vujadin Popović, 12 July 1995), p. 2.
[10628] P1510 (Report of the DK Forward Command Post Bratunac, Vujadin Popović, 12 July 1995), p. 2.
[10629] Momir Nikolić, T. 11835.
[10630] Momir Nikolić, T. 11840.
[10631] Momir Nikolić, T. 11840; D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), para. 6.
[10632] Momir Nikolić, T. 12108.
[10633] P2117 (Special Police Brigade document to Pale Police Staff Janja, 13 July 1995), p. 1.
[10634] D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), para. 8.
[10635] P2118 (Zvornik SJB Report 13 July 1995).
[10636] D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), para. 8.

2489. When the evacuation began, Nikolić saw the following persons in Potočari: Mladić; Ljubiša Borovčanin; Colonel Janković; Popović and Kosorić, both of the DK intelligence and security; Acamović, Assistant Commander for logistics; Krsmanović, Head of the traffic service in Potočari, and a number of officers from the brigades engaged in the attack on the enclave.[10637] The witness identified several units 'engaged' in Potočari around that day: part of Bratunac Brigade military police, members of the 65th Protection Regiment from Nova Kasaba and part of the Military Police Battalion of the DK, whom the witness knew and recognized; the 2nd Infantry Battalion; a unit which carried out an attack from the area of Pribičevac; the Wolves from Drina, who were members of the Zvornik Brigade; police units, including members of the Bratunac SJB, the MUP Special Brigade under the command of Ljubiša Borovčanin, and a company of the PJP; and parts of the 10th Sabotage Detachment under the responsibility of the VRS Main Staff.[10638] The units of the DK present in Potočari on 12 July 1995 were under the command of Vujadin Popović and Kosorić.[10639] According to the witness, General Krstić was in command of all units taking part in the *Krivaja* operation until Mladić arrived and took over command of all units engaged in the combat operations, which were completed on 11 July 1995.[10640] According to the witness, as of 12 July 1995, the units present in Potočari were under the direct command of their commanders.[10641] When carrying out joint tasks with the army, police officers maintained command and control over their own units when participating in a joint operation.[10642] Prior to this, the engagement of MUP units was discussed at the level of the Minister of the Interior and senior officers of the VRS.[10643]

2490. **Mendeljev Đurić** stated that on 12 July 1995, he deployed the 1st Company of the Special Police Brigade largely around the civilians near the UN compound.[10644] Members of this company were also tasked to secure civilians in Potočari on 13 July 1995.[10645] Members of this company, together with DutchBat, led by a lieutenant called

[10637] Momir Nikolić, T. 11832-11833.
[10638] Momir Nikolić, T. 11831-11832, 12089-12090, 12092-12096; D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), para. 6.
[10639] Momir Nikolić, T. 12092.
[10640] Momir Nikolić, T. 12090-12091.
[10641] Momir Nikolić, T. 12091-12092.
[10642] Momir Nikolić, T. 12093-12096.
[10643] Momir Nikolić, T. 12095-12096.
[10644] P2174 (Mendeljev Đurić, *Popović et al.* transcript, 1-3 May 2007), pp. 10805-10808.
[10645] P2174 (Mendeljev Đurić, *Popović et al.* transcript, 1-3 May 2007), pp. 10811, 10822, 10870-10871.

Van Duijn, were directing the 'civilians' until late afternoon on 12 July 1995.[10646] **Witness RM-333** testified that around 12 July 1995, Đurić ordered a company from the Jahorina police training centre to go to Potočari and secure perimeters on a road close to the UN compound where 'civilians' were expected to be sent to Tuzla or exchanged with the Bosnian government.[10647] Members of the company were tasked to protect the 'civilians' from attacks by the ABiH and to ensure the safe evacuation of the 'civilians'.[10648] Members of the company left the Bjelovac School, where it was stationed, for Potočari on foot around 9 a.m. and arrived at the UN compound two to three hours later.[10649] The company passed the OP Papa, manned by Dutch UN soldiers, without incident.[10650] At the UN compound, lots of 'civilians', including women and children were present: they were scared and the children were crying.[10651] Members of the Drina Wolves and individuals wearing green one-piece camouflage uniforms with insignia with a white eagle were present there.[10652] This company from the Jahorina police training centre was deployed around the UN compound, in a mostly scattered and disorganised fashion, with each member covering an area of around 15 to 100 metres.[10653] The company stayed at the same location until approximately 4:30 to 5 p.m.[10654]

2491. **Leendert van Duijn** testified that on 12 July 1995, he was approached by a Serb military official and his interpreter, 'Miki', at the factory sites near the UN Compound in Potočari.[10655] Through his interpreter, the Serb military official introduced himself as 'Mane'[10656] and told Van Duijn that he was the captain of a military police unit and the

[10646] P2174 (Mendeljev Đurić, *Popović et al.* transcript, 1-3 May 2007), pp. 10790, 10793, 10796, 10808, 10811-10812, 10836-10837.
[10647] P722 (Witness RM-333, *Popović et al. et al.* transcript, 5 September 2007), pp. 14802-14804, 14807, 14904; Witness RM-333, T. 6751.
[10648] P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), pp. 14802-14805, 14807; Witness RM-333, T. 6749-6751, 6796.
[10649] P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), pp. 14808-14809; Witness RM-333, T. 6774, 6795.
[10650] P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), p. 14873.
[10651] P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), pp. 14809-14810, 14820.
[10652] P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), pp. 14810-14812; Witness RM-333, T. 6751.
[10653] P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), pp. 14812, 14874, 14900; Witness RM-333, T. 6737-6739, 6752; P723 (Aerial photo of Potočari, 13 July 1994).
[10654] P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), pp. 14813-14814; Witness RM-333, T. 6752.
[10655] P1154 (Leendert van Duijn, *Popović et al.* transcript, 27 September 2006), pp. 2272, 2277-2278; Leendert van Duijn, T. 10406.
[10656] The Trial Chamber understands this to be a reference to Mendeljev Đurić and will use his full name and his nickname alternatively in this chapter.

local commander of the Serb forces in the area.[10657] Mane also told the witness that his superior was an individual who went by the code name 'Stalin'.[10658] Mane went on to describe Stalin as a short man with a big pair of Ray-Ban sunglasses, and subsequently pointed him out to the witness.[10659] During the course of their conversation, Mane informed Van Duijn that he had a liaison with the Drina Wolves, but that he was not part of that unit.[10660] Mane then stated that there would be 200 buses to pick up the Bosnian Muslims in Potočari and transport them out of the Srebrenica enclave.[10661] He enquired with the witness whether the UN forces would stay or whether they would withdraw to the UN Compound. The witness considered it to be a part of DutchBat's assignment to stay in order to provide humanitarian aid to the Bosnian Muslims in Potočari.[10662] He and other members of DutchBat therefore remained on the scene to try to calm down the Bosnian Muslims; it was hot and people were collapsing from dehydration.[10663] Shortly after, a large number of buses and trucks began to arrive.[10664] Around the same time, Van Duijn had contact with his superior, Major Franken, who told the witness that he had heard about the plans for the evacuation of the Bosnian Muslims from the enclave but appeared to be surprised that the process was already underway.[10665] As for the process whereby the Bosnian Muslims were boarded onto the buses and trucks, the witness testified that Mane would tell him how many people could board.[10666] The witness would then give orders to the DutchBat soldiers to let people through in small groups to ensure families could stay together and to prevent people from trampling on each other.[10667] The witness and Mane agreed on separated designated areas: one for Serb soldiers and another one for the Dutch soldiers and the

[10657] P1154 (Leendert van Duijn, *Popović et al.* transcript, 27 September 2006), pp. 2277-2278, 2282; Leendert van Duijn, T. 10313; P1155 (Compilation of photos of Bosnian Serbs), pp. 60-61.
[10658] P1154 (Leendert van Duijn, *Popović et al.* transcript, 27 September 2006), p. 2278. Leendert van Duijn, T. 10314.
[10659] P1154 (Leendert van Duijn, *Popović et al.* transcript, 27 September 2006), pp. 2278-2279, 2282-2283; P1155 (Compilation of photos of Bosnian Serbs), p. 41.
[10660] P1154 (Leendert van Duijn, *Popović et al.* transcript, 27 September 2006), p. 2278.
[10661] P1154 (Leendert van Duijn, *Popović et al.* transcript, 27 September 2006), pp. 2284-2285.
[10662] P1154 (Leendert van Duijn, *Popović et al.* transcript, 27 September 2006), p. 2285.
[10663] P1154 (Leendert van Duijn, *Popović et al.* transcript, 27 September 2006), pp. 2285-2286; Leendert van Duijn, T. 10312.
[10664] P1154 (Leendert van Duijn, *Popović et al.* transcript, 27 September 2006), p. 2285.
[10665] P1154 (Leendert van Duijn, *Popović et al.* transcript, 27 September 2006), p. 2285; Leendert van Duijn, T. 10378-10379.
[10666] P1154 (Leendert van Duijn, *Popović et al.* transcript, 27 September 2006), p. 2286; Leendert van Duijn, T. 10313.
[10667] P1154 (Leendert van Duijn, *Popović et al.* transcript, 27 September 2006), p. 2286.

'refugees'.[10668] Both agreed that Serb soldiers would not cross over to the area designated for the Dutch soldiers and the 'refugees' and vice versa.[10669]

2492. **Boering** testified that on 12 July 1995 he informed Karremans about Mladić's presence and that Karremans sent him to Mladić with the request that the injured, elderly, and women be transported first.[10670] Mladić considered the request but did not act upon it; buses and trucks were filled with people without any selection.[10671] The witness, however, saw mostly women, children, elderly, and a few men between the ages of 16 and 60 boarding the first convoys.[10672] He did not see any vehicles bringing bread to the population.[10673] In at least one case, he saw a man being refused entry into a bus.[10674] UNMOs and UNPROFOR members were present during this selection.[10675]

2493. **Franken** testified that when the bus convoys first arrived, people in the crowd were eager to board, but he believed that this was only because they were afraid and had no other choice.[10676] Later, the Bosnian-Serb soldiers used some force to get a lot people in a bus, which caused DutchBat to begin preparing busloads of people.[10677]

2494. The DK was instrumental in procuring the buses and other vehicles that were used to transport the Bosnian-Muslim women, children, and elderly out of the Potočari compound on 12 and 13 July 1995, as well as the fuel needed to accomplish this task.[10678] DK Command officers and units were present in Potočari monitoring the transportation of the Bosnian-Muslim civilians out of the area on 12 and 13 July 1995.[10679] General Krstić was present within the area of the former Srebrenica enclave at least up until the evening of 13 July, by which time the first mass executions had already taken place.[10680] The Bratunac Brigade monitored fuel disbursements to buses

[10668] P1154 (Leendert van Duijn, *Popović et al.* transcript, 27 September 2006), p. 2291; Leendert van Duijn, T. 10313-10314, 10318.
[10669] Leendert van Duijn, T. 10318.
[10670] P1139 (Pieter Boering, *Popović* transcript, 19, 21 and 22 September 2006), pp. 2008-2009.
[10671] P1139 (Pieter Boering, *Popović* transcript, 19, 21 and 22 September 2006), pp. 2009-2010; Pieter Boering, T. 10074.
[10672] P1139 (Pieter Boering, *Popović* transcript, 19, 21 and 22 September 2006), p. 2010.
[10673] Pieter Boering, T. 10075.
[10674] P1139 (Pieter Boering, *Popović* transcript, 19, 21 and 22 September 2006), p. 2015.
[10675] P1139 (Pieter Boering, *Popović* transcript, 19, 21 and 22 September 2006), p. 2010; Pieter Boering, T. 10074-10076, 10080.
[10676] P1417 (Robert Franken, witness statement, 15 January 2012), para. 80.
[10677] P1417 (Robert Franken, witness statement, 15 January 2012), para. 81.
[10678] Adjudicated Facts II, no. 1419.
[10679] Adjudicated Facts II, no. 1420.
[10680] Adjudicated Facts II, no. 1406.

and trucks on 12 and 13 July.[10681] It also participated in this operation by contributing two buses and fuel, and by regulating traffic as the buses passed through Bratunac on their way to Konjević Polje.[10682]

2495. **Groenewegen** testified that he saw Mladić in Potočari on both 12 and 13 July 1995.[10683] **Eelco Koster** testified that on 13 July 1995, as it had happened the day before, a Serb film crew arrived. He also saw two trucks with military personnel and Mladić in a military jeep, driving past and in the direction of Srebrenica.[10684] They returned later that day, but Mladić did not get out of the vehicle. The compound was also visited by the Serb airborne troops, who wore bright red berets and had insignia.[10685] There were about four or five of them and they arrived in two jeeps, stayed for approximately 15 minutes, looked around a bit, and spoke to two Serb commanders, Mickey and Mane.[10686] Most buses and trucks taking away refugees were escorted by UN jeeps. The wounded were collected later by people from the Red Cross.[10687]

Separation of Bosnian-Muslim men from the rest of the population in Potočari

2496. Having reviewed the evidence on the organization of the transportation of Bosnian Muslims out of the enclave in the previous section, the Trial Chamber will now review the evidence on the separation of Bosnian-Muslim men from the rest of the population in Potočari.

2497. **Nikolić** testified that in the afternoon of 12 July 1995, he went to Potočari.[10688] He was present at Potočari several times that day.[10689] DutchBat, the police, and the forces present in Potočari maintained order while the buses arrived.[10690] When the first

[10681] Adjudicated Facts II, no. 1414.
[10682] Adjudicated Facts II, no. 1416.
[10683] P1157 (Paul Groenewegen, witness statement, 11 November 2011), para. 57; Paul Groenewegen, T. 10487, 10540.
[10684] P57 (Eelco Koster, witness statement, 26 September 1995), p. 15; Eelco Koster, T. 1234, 1277.
[10685] P57 (Eelco Koster, witness statement, 26 September 1995), p. 15.
[10686] P57 (Eelco Koster, witness statement, 26 September 1995), pp. 13, 15; Eelco Koster, T. 1232-1233, 1274-1275. The Trial Chamber understands that the reference to 'Mickey' is in fact a reference to the man identified as 'Miki' and known as Mendeljev Đurić's interpreter.
[10687] P57 (Eelco Koster, witness statement, 26 September 1995), p. 15.
[10688] Momir Nikolić, T. 11828, 11831; D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), para. 6.
[10689] Momir Nikolić, T. 11831-11832, 11839; D300 (Momir Nikolić, witness statement in the *Popović et al.* case, 16 April 2009), p. 2.
[10690] Momir Nikolić, T. 11833.

convoy boarded the buses, the men were not separated from the women.[10691] Images of this first convoy were filmed and later broadcast by a press service of the DK Command.[10692] The witness concluded that these images of the first convoy (which included men) were used for propaganda purposes, to indicate that nothing unusual or bad had happened.[10693] According to the witness, the men on the first convoy were separated at checkpoints before reaching Kladanj.[10694] **Boering** testified that the convoy stopped in Tišća, where people got out of the vehicles.[10695] The Trial Chamber took judicial notice of Adjudicated Facts number 1560, 1561, and 1564, concerning the presence of DK personnel upon orders from the DK Command at the Tišća checkpoint on that day, reviewed in chapter 7.6. In particular, Major Sarkić, the Chief of Staff of the Milići Brigade, and his troops were present upon orders of the DK Command, including General Krstić. **Boering** testified that a group of approximately ten able-bodied men were separated from the group and taken away in the direction of a forest by VRS soldiers under the command of Major Sarkić, Liaison Officer for the Milići Brigade.[10696] When the witness inquired about the separation of these men from the group, Sarkić responded that he was getting orders to act and had to execute these orders, adding that he did not have a complete picture of what was going on.[10697] The witness tried to follow the group into the forest but was stopped by VRS soldiers.[10698] The convoy resumed and reached a no man's land, where people were asked to disembark and walk to Kladanj in Muslim-held territory.[10699]

2498. **Nikolić** testified that after the first convoy, the women and children were separated from the men.[10700] As the Bosnian-Muslim refugees began boarding the buses, Bosnian-Serb soldiers systematically separated out men of military age who were trying to clamour aboard. Occasionally, younger and older men were stopped as well.[10701] **Nikolić** testified that separation was ordered on the pretext that women and children

[10691] Momir Nikolić, T. 11833-11834; D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), para. 6.
[10692] Momir Nikolić, T. 11836-11837.
[10693] Momir Nikolić, T. 11837; D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), para. 6.
[10694] D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), para. 6.
[10695] P1139 (Pieter Boering, *Popović* transcript, 19, 21 and 22 September 2006), pp. 2021-2022.
[10696] P1139 (Pieter Boering, *Popović* transcript, 19, 21 and 22 September 2006), pp. 2022-2023.
[10697] Pieter Boering, T. 10021-10022.
[10698] P1139 (Pieter Boering, *Popović* transcript, 19, 21 and 22 September 2006), pp. 2022-2024.
[10699] P1139 (Pieter Boering, *Popović* transcript, 19, 21 and 22 September 2006), pp. 2024-2025
[10700] Momir Nikolić, T. 11834.
[10701] Adjudicated Facts II, no. 1487.

should have the priority to board the buses and that the men would be let through later.[10702] **Mile Janjić** testified that when the yard of the White House was full of people unrest started and the witness heard Colonel Janković tell the people that there was no need for concern and that they would join their families later.[10703]

2499. **Witness RM-374** testified that *Drinatrans* was an entity engaged in the transportation to Zvornik of 'POWs' from Bratunac, Kravica, and other locations unknown to him.[10704]A *Drinatrans* driver told him that male Muslim detainees being transported in Bratunac Municipality took weapons from two Serbian policemen or soldiers escorting the bus and began shooting.[10705] Following this, general shooting between Muslim detainees and Serbian policemen or soldiers, both on and outside the bus, ensued.[10706] The witness recalled that it was unknown to the driver he spoke with how many Muslims or Serbs died.[10707]

2500. **Franken** testified that as the transportation was being carried out, he had information gained from a debriefing, that at one of the meetings with DutchBat members, Mladić, and individuals designated as representatives of the Bosnian Muslims, Mladić had said that he wanted to interrogate the men aged 16 to 60 because they were potential soldiers and he wanted to check if they were war criminals.[10708] The separation of Bosnian-Muslim males from the women in Potočari began around 2 p.m. on 12 July, around the same time that the second convoy of buses was nearly full.[10709] Franken challenged Janković with regard to the separation of able-bodied men, and Janković responded by promising to treat the Bosnian-Muslim soldiers in accordance with the Geneva Conventions.[10710] According to the witness's intepretation, the normal procedure when dealing with a large group of people in war time was to separate the group into civilians and military; as well as dividing the group into men, women,

[10702] Momir Nikolić, T. 11834.
[10703] P1445 (Mile Janjić, *Blagojević and Jokić* transcript, 24-25 May 2004), pp. 9786-9787; Mile Janjić, T. 11039. *See also* P1016 (Samila Salčinović, witness statement, 18 June 2000), p. 2; P1017 (Samila Salčinović, statement taken by the Tuzla Cantonal Court, 18 June 2000), p. 2.
[10704] Witness RM-374, T. 12775-12777, 12779.
[10705] Witness RM-374, T. 12776-12779.
[10706] Witness RM-374, T. 12777-12778.
[10707] Witness RM-374, T. 12778.
[10708] P1417 (Robert Franken, witness statement, 15 January 2012), para. 86; Robert Franken, T. 10808-10809
[10709] Robert Franken, T. 10812.
[10710] Robert Franken, T. 10823-10825, 10829-10830; D278 (Debriefing report of General Franken with the Dutch authorities, 31 March 1999), para. 30.

children and elderly was a normal procedure.[10711] According to the witness, the 'existence of war crimes' did not have a role in that procedure.[10712]

2501. **Rave** testified that on 12 July 1995 he saw the Muslim men and boys being crammed into the buses.[10713] Sometimes the Serb soldiers beat them and ordered them to keep their heads down.[10714] Mladić and Janković were present when the separation was taking place.[10715] According to the witness, about 300 to 500 men were separated from their families on that occasion.[10716] During the separation the witness continuously heard firing from small calibre weapons, although there were no ongoing hostilities at the time.[10717] **Groenewegen** testified that he was told by some of the people among the population that the younger men stayed behind the hills since they considered it was better to remain and fight rather than go along willingly.[10718] According to the witness, the vast majority of the people gathered in Potočari did not want to leave and those who left did so out of fear.[10719] Initially, people were allowed to board the buses themselves but after a while, Serb soldiers forced those who did not want to leave.[10720] At first, Serb soldiers shouted at the people and called them names to get them onto the buses and used weapons to force them to board the buses.[10721] During the night of 12 to 13 July 1995, the people remaining in and around the UN compound in Potočari were those who did not want to leave with the buses. The witness did not see any VRS troops then.[10722] The people gathered in Potočari had very few belongings with them and therefore very few belongings were left behind in the compound after they left.[10723] **Koster** testified that buses arrived at 7 a.m on 13 July 1995, the Serbian soldiers loaded the refugees onto them, and there was chaos. It was a very hot day and people were

[10711] Robert Franken, T. 10823-10825.
[10712] Robert Franken, T. 10824.
[10713] P1149 (Evert Rave, witness statement, 17 February 1998), para. 40; Evert Rave, T. 10178-10179.
[10714] P1149 (Evert Rave, witness statement, 17 February 1998), para. 40.
[10715] P1149 (Evert Rave, witness statement, 17 February 1998), paras 42-43; Evert Rave, T. 10176, 10179.
[10716] P1149 (Evert Rave, witness statement, 17 February 1998), para. 40.
[10717] P1149 (Evert Rave, witness statement, 17 February 1998), paras 41-42.
[10718] P1157 (Paul Groenewegen, witness statement, 11 November 2011), para. 42; Paul Groenewegen, T. 10501-10502.
[10719] P1157 (Paul Groenewegen, witness statement, 11 November 2011), paras 38-39; Paul Groenewegen, T. 10484-10485, 10520-10521.
[10720] P1157 (Paul Groenewegen, witness statement, 11 November 2011), paras 32, 34-35; Paul Groenewegen, T. 10515.
[10721] P1157 (Paul Groenewegen, witness statement, 11 November 2011), paras 32, 35-36.
[10722] P1157 (Paul Groenewegen, witness statement, 11 November 2011), para. 46.
[10723] P1157 (Paul Groenewegen, witness statement, 11 November 2011), para. 68; Paul Groenewegen, T. 10517-10518.

collapsing, mothers and children became separated from one another, and babies of mothers who had become ill were abandoned to their fate.[10724]

2502. The Trial Chamber received extensive evidence from people who were separated and transported from Potočari on 12 and 13 July 1995. **Šifa Hafizović** stated that at some point, soldiers began separating women from men.[10725] The soldiers ordered the witness and her neighbour, Tima Klempić, to board trucks and buses along with other women and small children and drove them away. Klempić tried to board the truck with her three sons, but two of them, aged 12 and 14, were taken away from her by the soldiers and she has never seen them again.[10726] The witness stated that she could not return to Potočari because their family house had been burnt down.[10727]

2503. **Nura Efendić** stated that after the Serb army entered her village in July 1995, she went to the UNPROFOR base with her husband where they stayed for one night and were among the last ones to leave the day after.[10728] On that day, the witness and others were lined up on the road and women and children were separated from the men and boys over twelve years old.[10729] The women were put on trucks.[10730] One of the witness's neighbours climbed on the truck with her twelve-year-old twins but the Serbs separated the boys from their mother and took them away.[10731] The witness saw men filming when she was climbing onto the truck.[10732] The witness arrived in Kladanj and lived at different places before moving to Sarajevo a few years later. The witness has not seen her husband since they were separated and she has not seen her sons Meho and Asim since they left for the woods.[10733] The witness stated that her neighbours told her that they had seen a film on television, which was apparently made in Potočari, in which

[10724] P57 (Eelco Koster, witness statement, 26 September 1995), p. 14.
[10725] P1045 (Šifa Hafizović, witness statement, 16 June 2000), p. 2; P1046 (Šifa Hafizović, statement taken by the Tuzla Cantonal Court, 16 June 2000), p. 2.
[10726] P1045 (Šifa Hafizović, witness statement, 16 June 2000), p. 2; P1046 (Šifa Hafizović, statement taken by the Tuzla Cantonal Court, 16 June 2000), p. 2.
[10727] P1045 (Šifa Hafizović, witness statement, 16 June 2000), p. 3.
[10728] P1027 (Nura Efendić, witness statement, 21 June 2000), p. 2; P1028 (Nura Efendić, statement taken by the Sarajevo Cantonal Court, 21 June 2000), p. 2.
[10729] P1027 (Nura Efendić, witness statement, 21 June 2000), pp. 2-3; P1028 (Nura Efendić, statement taken by the Sarajevo Cantonal Court, 21 June 2000), p. 2.
[10730] P1027 (Nura Efendić, witness statement, 21 June 2000), p. 3; P1028 (Nura Efendić, statement taken by the Sarajevo Cantonal Court, 21 June 2000), p. 2.
[10731] P1027 (Nura Efendić, witness statement, 21 June 2000), p. 2.
[10732] P1027 (Nura Efendić, witness statement, 21 June 2000), p. 3.
[10733] P1027 (Nura Efendić, witness statement, 21 June 2000), p. 3; P1028 (Nura Efendić, statement taken by the Sarajevo Cantonal Court, 21 June 2000), p. 2.

they could recognize the witness's husband and cousins, Kasim and Senaid Hafizović.[10734]

2504. **Witness RM-255** saw approximately seven 'Chetniks' walking around with dogs among the crowd in Potočari in the morning of 13 July 1995.[10735] Around 9 a.m., when the witness and his family set out towards the buses, the witness noticed two barricades.[10736] The witness was not sure whether the first barricade was manned by UNPROFOR or the 'Serb army'.[10737] Only about 200 to 250 people were allowed to go through that barricade.[10738] The second barricade was placed 50 meters further down and was manned by the soldiers of the 'Serb Army', who were wearing camouflage or multi-coloured clothes.[10739] The witness overheard that the men were told that they would be questioned and then sent to Tuzla.[10740]

2505. **Witness RM-311** testified that on 13 July 1995, she and some of her family members decided that they should leave Potočari.[10741] When they reached the area allocated for the vehicles, the witness heard that the Serbs told Sabhudin Šećić that he had to step aside and was not permitted to board.[10742] She never saw Sabhudin Šećić again and his body was subsequently discovered in a mass grave in Pilica.[10743] In September 2003, she went to a morgue in Visoko where she viewed the remains of Sakib Muhić, which were discovered in Cerska and identified through DNA testing.[10744]

2506. **Hana Mehmedović** stated that there was a line of yellow tape or rope blocking the road, at which men were directed toward buses and women toward trucks. The witness stated that the last time she saw her husband was when he got on the bus,

[10734] P1027 (Nura Efendić, witness statement, 21 June 2000), pp. 3-5.
[10735] P55 (Witness RM-255, witness statement, 25 May 1996), p. 2.
[10736] P55 (Witness RM-255, witness statement, 25 May 1996), p. 2; Witness RM-255, T. 1170-1171, 1191.
[10737] Witness RM-255, T. 1196-1197.
[10738] Witness RM-255, T. 1170.
[10739] P55 (Witness RM-255, witness statement, 25 May 1996), p. 2; Witness RM-255, T. 1170-1171, 1196-1197.
[10740] P55 (Witness RM-255, witness statement, 25 May 1996), p. 2; Witness RM-255, T. 1170-1171, 1187, 1193.
[10741] P3521 (Witness RM-311, *Popović et al.* transcript, 31 October 2006), pp. 3110, 3312.
[10742] P3520 (Witness RM-311, witness statement, 5 December 2004), p. 2; P3521 (Witness RM-311, *Popović et al.* transcript, 31 October 2006), p. 3312.
[10743] P3520 (Witness RM-311, witness statement, 5 December 2004), p. 2; P3521 (Witness RM-311, *Popović et al.* transcript, 31 October 2006), pp. 3312-3314.
[10744] P3520 (Witness RM-311, witness statement, 5 December 2004), pp. 2-3. P3521 (Witness RM-311, *Popović et al.* transcript, 31 October 2006), pp. 3313-3314.

wearing a white pullover and a backpack.[10745] The witness stated that near Konjević Polje she saw Serb forces surrounding and pointing their weapons at a large group of captured, shirtless Bosnian soldiers sitting in a field beside their bags and backpacks. Further along that road, a single 'Chetnik' stopped the truck, demanded that the women give him their money, and threatened to slaughter them with a knife if they did not comply.[10746]

2507. **Behara Krdžić** stated that on 13 July 1995, she and her husband, Nazif, were told to move towards trucks and buses in columns.[10747] Her husband was first and the witness was following with some members of her husband's family.[10748] As they were approaching a truck, her husband was separated from her by a uniformed soldier of the VRS.[10749] The soldier grabbed her husband and told him to come with him.[10750] When she asked to stay with her husband the soldier replied: 'You can stay, but you'll meet the same fate as he!'. Her husband stayed in Srebrenica, and she never saw him, or anyone who remained at Potočari on that day, again.[10751]

2508. **Miroslav Deronjić** stated that when he learned, on 12 July 1995, about separations going on at Potočari, he asked Vasić to contact Mladić and tell him that this should stop.[10752] Vasić later confirmed to Deronjić that he conveyed the message to Mladić.[10753]

2509. The separations were frequently aggressive. DutchBat members protested, especially when the men were too young or too old to reasonably be screened for war criminals or to be considered members of the military, and when the soldiers were being violent.[10754] According to **Janjić**, he did not see that the population was subjected to any abuses or ill-treatment, because due to Mladić's presence the level of discipline was

[10745] P1038 (Hana Mehmedović, witness statement, 17 June 2000), p. 3; P1039 (Hana Mehmedović, statement taken by the Cantonal Court of Tuzla, 17 June 2000), p. 2.
[10746] P1038 (Hana Mehmedović, witness statement, 17 June 2000), p. 4.
[10747] P1024 (Behara Krdžić, witness statement, 16 June 2000), p. 2; P1025 (Behara Krdžić, statement taken by the Tuzla Cantonal Court, 16 June 2000), p. 2.
[10748] P1024 (Behara Krdžić, witness statement, 16 June 2000), p. 2.
[10749] P1024 (Behara Krdžić, witness statement, 16 June 2000), p. 2; P1025 (Behara Krdžić, statement taken by the Tuzla Cantonal Court, 16 June 2000), p. 2.
[10750] P1024 (Behara Krdžić, witness statement, 16 June 2000), p. 2.
[10751] P1024 (Behara Krdžić, witness statement, 16 June 2000), p. 2; P1025 (Behara Krdžić, statement taken by the Tuzla Cantonal Court, 16 June 2000), p. 2.
[10752] P3567 (Miroslav Deronjić, *Blagojević and Jokić* transcript, 19-22 January 2004), p. 6273, 6412.
[10753] P3567 (Miroslav Deronjić, *Blagojević and Jokić* transcript, 19-22 January 2004), p. 6274, 6412.
[10754] Adjudicated Facts IV, no. 1402.

very high.[10755] On 12 July 1995, **Miladin Mlađenović** neither saw abuse nor maltreatment, nor did he see anyone separated from their families, including in the area around the White House while he was sent on assignment in Potočari to drive Muslims in the direction of Bratunac.[10756] **Franken** testified that on 12 or 13 July, it was reported to him that a soldier of C Company had seen two Serb soldiers execute a Muslim man directly east of the bus station.[10757] **Witness RM-372** stated that one man, carrying two small children, who was about to get on a bus was removed from the line, assaulted, and placed with the rest of the separated men.[10758]

2510. **Zoran Kovačević** testified that, on 12 July 1995, the 4th Company of the Bratunac Brigade 2nd Battalion arrived at the UN checkpoint at Likari and Elevation 707, in the direction of Potočari.[10759] In Potočari, Mladić was present and told the witness to 'press ahead towards Milačevići'.[10760] Kovačević testified that he neither witnessed any mistreatment of the Muslim population gathered there, nor saw the men being separated from the women and children or the Muslim population boarding buses.[10761]

2511. **Witness RM-333** testified that a member of the joint MUP forces of the RSK, Serbia and the Bosnian-Serb Republic saw from a distance vehicles on the main road in front of the UN compound as well empty buses and trucks arriving from the direction of Bratunac and returning crowded with people back towards Bratunac but did not observe the grouping, separation or boarding of 'civilians' in buses.[10762] That member was told by one of his colleagues that 500 people from the UN compound and approximately 5,000 people from Potočari had been evacuated and that some soldiers and policemen had separated 'civilians' before they boarded the buses.[10763] The company gathered in front of the UN Compound between 7 and 10 p.m., at which point the evacuation of

[10755] Mile Janjić, T. 11034.
[10756] D707 (Miladin Mlađenović, witness statement, 6 June 2014), paras 4-5; Miladin Mlađenović, T. 27240-27242, 27248-27250; P6844 (Aerial photograph of Bratunac with Vihor company and route to Potočari and Tišća marked by Miladin Mlađenović); P6845 (Aerial photograph of Bratunac on 12 July 1995 at approximately 2 p.m.).
[10757] P1417 (Robert Franken, witness statement, 15 January 2012), para. 95; Robert Franken, T. 10738-10739; P1422 (Aerial image of Potočari marked by the witness, undated).
[10758] P3499 (Witness RM-372, witness statement, 6 October 2013), para. 6.
[10759] D594 (Zoran Kovačević, witness statement, 6 June 2014), paras 13-14.
[10760] D594 (Zoran Kovačević, witness statement, 6 June 2014), para. 18; Zoran Kovačević, T. 24589.
[10761] D594 (Zoran Kovačević, witness statement, 6 June 2014), para. 20.
[10762] P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), pp. 14812-14815, 14876; Witness RM-333, T. 6752.
[10763] P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), pp. 14816, 14818-14819; Witness RM-333, T. 6787-6788.

'civilians' was over, and returned by bus to a school in Bratunac around 9 or 10 p.m.[10764]

2512. **Witness RM-312** stated that around 10 a.m. on 12 July 1995, Serb soldiers started to arrive from different directions, including Pećišta and Budak, and surrounded Potočari.[10765] The witness's brother was separated and when she wanted to bring his bag to him, the soldiers told her that he would not need it anymore.[10766] When she tried to follow her brother, a soldier pulled her hair, pushed her to the ground and kicked her with his army boots.[10767] She saw her brother walk towards a house and followed him to that house to look for him, but he was not there.[10768] The house was made of red bricks and men dressed in civilian clothes were held inside by guards.[10769] While walking back from the house, the witness saw lorries parked on the road.[10770] Men were being forcibly loaded on to a lorry by soldiers who were kicking and hitting them with rifle butts.[10771]

2513. Elements of the Bratunac Brigade participated in the separation of Bosnian-Muslim men from the Bosnian women, children, and elderly in Potočari. Members of the Bratunac Brigade Military Police participated in the separation, by actively separating men from their families and by providing security for the other units engaged in the separations.[10772] The assistant commander for security and intelligence, Captain Nikolić, participated in the separations of Bosnian-Muslim men from the rest of the Bosnian-Muslim population in Potočari.[10773] **Janjić** testified that he observed that members of the MUP's Special Police units, including their commander Mane or Manić, directed the women and children towards the buses, while they brought the men away, towards the yard of the White House on the other side of the Srebrenica-Bratunac

[10764] P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), pp. 14820-14821, 14876, 14878; Witness RM-333, T. 6754, 6788.
[10765] P3488 (Witness RM-312, witness statement, 16 October 2002), p. 2.
[10766] P3488 (Witness RM-312, witness statement, 16 October 2002) pp. 2-3; P3489 (Witness RM-312, *Popović et al* transcript, 6 November 2006), p. 3611. The Trial Chamber notes discrepancies in Witness RM-312's accounts of this incident found in P3488 and P3489. Therefore, the Trial Chamber considered the most detailed account of the events found in P3489.
[10767] P3489 (Witness RM-312, *Popović et al.* transcript, 6 November 2006), p. 3611.
[10768] P3488 (Witness RM-312, witness statement, 16 October 2002), p. 3; P3489 (Witness RM-312, *Popović et al* transcript, 6 November 2006), pp. 3612-3613, 3617; P3490 (Aerial image of Potočari, 13 July 1995).
[10769] P3488 (Witness RM-312, witness statement, 16 October 2002) p. 3; P3489 (Witness RM-312, *Popović et al* transcript, 6 November 2006), pp. 3612-3613.
[10770] P3489 (Witness RM-312, *Popović et al* transcript, 6 November 2006), pp. 3617, 3619; P3490 (Aerial image of Potočari, 13 July 1995).
[10771] P3489 (Witness RM-312, *Popović et al* transcript, 6 November 2006), pp. 3617-3618.
[10772] Adjudicated Facts II, no. 1401.
[10773] Adjudicated Facts II, no. 1403.

road.[10774] He asked members of the Special Police for the reason of this procedure and they told him that they were acting on Mladić's order.[10775]

2514. **Van Duijn** testified that when he questioned Mane about these separations, Mane responded that the Serb forces had a list of Muslim war criminals whom they intended to prosecute for their activities earlier in the war, and that they were separating the men in order to determine whether any of them were on that list.[10776] This explanation seemed credible to the witness at the time, as he found such a screening process to be a normal military procedure during the time of armed conflict.[10777] Later however, Van Duijn observed that individuals who were either too young or too old to take part in combat activities were also being taken away. He raised the issue with Mane who then made sure that the individuals in question could pass through and accompany their families onto the buses or trucks.[10778] In another instance, he saw a Serb soldier who was dressed in a black overall take hold of the throat of a young boy in order to prevent him from accompanying the group that was boarding the buses.[10779] Following an intervention by Van Duijn, Mane instructed the Serb soldier to let go of the boy and ultimately led the soldier away from that location.[10780] According to Van Duijn, he intervened on 12 and 13 July and was successful in preventing the separation of young boys and elderly men approximately 50 to 100 times a day.[10781] **Witness RM-372** stated that the soldiers loading people onto buses were guided by a VRS major, known by the witness to come from a local military base in Bratunac.[10782]

2515. The separated men were taken to a building in Potočari referred to as the 'White House'.[10783] **Van Duijn** testified that on 13 July the Serb forces led by Mane also

[10774] P1145 (Mile Janjić, *Blagojević and Jokić* transcript, 24-25 May 2004), pp. 9779-9782; P1446 (Mile Janjić, *Popović et al.* transcript, 20 November 2007), p. 17938; Mile Janjić, T. 11003-11004.
[10775] P1445 (Mile Janjić, *Blagojević and Jokić* transcript, 24-25 May 2004), pp. 9780-9781; Mile Janjić, T. 11067-11068.
[10776] P1154 (Leendert van Duijn, *Popović et al.* transcript, 27 September 2006), pp. 2287, 2289.
[10777] P1154 (Leendert van Duijn, *Popović et al.* transcript, 27 September 2006), pp. 2287, 2289; Leendert van Duijn, T. 10383.
[10778] P1154 (Leendert van Duijn, *Popović et al.* transcript, 27 September 2006), p. 2289; Leendert van Duijn, T. 10312.
[10779] P1154 (Leendert van Duijn, *Popović et al.* transcript, 27 September 2006), p. 2291; Leendert van Duijn, T. 10394, 10396.
[10780] P1154 (Leendert van Duijn, *Popović et al.* transcript, 27 September 2006), p. 2291; Leendert van Duijn, T. 10393.
[10781] Leendert van Duijn, T. 10312-10313.
[10782] P3499 (Witness RM-372, witness statement, 6 October 2013), para. 5.
[10783] Adjudicated Facts II, no. 1488.

participated in the separation of men from women and children.[10784] When the men were taken to the White House, they were forced to leave their belongings, including their wallets and identification papers, in a large pile outside the building prior to entering.[10785] **Nikolić** testified that the police or soldiers who escorted the men, insulted them, hit them, and spat on them.[10786] **Franken** saw columns of 30 to 40 unarmed men in total, ten to fifteen of whom were wearing articles of military clothing, being led by uniformed Bosnian Serbs going in the direction of the White House, which was 80 to 90 metres from the Srebrenica-Bratunac road, and later saw piles of their personal belongings along that road.[10787] Franken ordered the UNMOs to the White House to monitor the situation there.[10788] DK officers were seen in the vicinity of the 'White House' during the time the separated men were detained there.[10789] DutchBat patrols attempted to monitor the situation but the VRS did not allow them to enter the White House.[10790] One Dutch officer was removed from the premises at gunpoint.[10791] **Groenewegen** testified that Serb soldiers separated men between the age of 16 and 60 from the crowd and took them to a house.[10792] The separation caused fear amongst the families.[10793] **Van Duijn** testified that he asked Mane why the men detained at the White House had relinquished their passports given that they required those documents in order to prove that they were not on the list of alleged war criminals.[10794] Mane grinned and, through his interpreter, told the witness that the men in the house would not need their passports anymore.[10795] This comment made the witness fear for the fate

[10784] P1154 (Leendert van Duijn, *Popović et al.* transcript, 27 September 2006), pp. 2297-2298, 2300-2301.
[10785] Adjudicated Facts II, no. 1489.
[10786] Momir Nikolić, T. 11834; D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), para. 6; D300 (Momir Nikolić, witness statement in the *Popović et al.* case, 16 April 2009), p. 3.
[10787] P1417 (Robert Franken, witness statement, 15 January 2012), paras 86-87; Robert Franken, T. 10731-10732, 10735-10736; P1422 (Aerial image of Potočari marked by the witness); P1428 (Aerial image of Potočari annotated by the Prosecution, undated); P1429 (Aerial image of Potočari dated 13 July 1995, marked by the witness).
[10788] P1417 (Robert Franken, witness statement, 15 January 2012), para. 87.
[10789] Adjudicated Facts II, no. 1491.
[10790] Adjudicated Facts II, no. 1492.
[10791] Adjudicated Facts II, no. 1493.
[10792] P1157 (Paul Groenewegen, witness statement, 11 November 2011), paras 43-45; Paul Groenewegen, T. 10485, 10493, 10538, 10548-10550; P1160 (Aerial image marked by Paul Groenewegen, 13 July 1995).
[10793] Paul Groenewegen, T. 10485.
[10794] P1154 (Leendert van Duijn, *Popović et al.* transcript, 27 September 2006), p. 2304; Leendert van Duijn, T. 10321.
[10795] P1154 (Leendert van Duijn, *Popović et al.* transcript, 27 September 2006), p. 2304; Leendert van Duijn, T. 10321, 10388-10389.

of the men held at the White House.[10796] **Đurić** stated that he had not told any member of the DutchBat that people in the White House would not be needing their passports.[10797]

2516. **Boering** testified that he saw a group of VRS soldiers being led to the back of the building by Mladić's bodyguard, who told him to '[p]ay attention to what we're doing', but the witness could not follow them because VRS soldiers with dogs blocked his path.[10798] He then heard shots fired from behind the White House.[10799]

2517. **Witness RM-362** testified that some of the soldiers guarding the men in the house threatened that they would cut the men's throats on the night of the 12 July 1995. Not all soldiers guarding them were behaving the same; one of the soldiers was told by another that he should not touch the men.[10800] More men continued to arrive at the house until it was completely full and they had to sit outside.[10801] None of the men held at the house were young; some of them were even older than the witness, and used walking sticks.[10802] No water or food was given to them nor did the soldiers give them any reasons why they had been separated.[10803] At some point, an officer in camouflage uniform who the witness described as 'bare-headed', arrived at the house, escorted by three or four soldiers, asking the men why they did not stick with Fikret Abdić and Alija and telling them that he was going to exchange them for 180 Serbs captured and held in Tuzla.[10804]

2518. **Franken** noted that on 13 July, the reports he had received made it clear to him that treatment of the males in the White House was getting worse, so he tried to protect the Bosnian-Muslim men by first making as many UN IDs as possible to show that they were UN personnel, and then to register them with the intention of sending the list of names to the higher echelons in the UN command, to make the list known in hopes of mobilising the public.[10805] Franken asked the designated Muslim representatives to take

[10796] P1154 (Leendert van Duijn, *Popović et al.* transcript, 27 September 2006), p. 2304; Leendert van Duijn, T. 10389.
[10797] P2174 (Mendeljev Đurić, *Popović et al.* transcript, 1-3 May 2007), p. 10887.
[10798] P1139 (Pieter Boering, *Popović* transcript, 19, 21 and 22 September 2006), pp. 2012-2013, 2015-2016.
[10799] P1139 (Pieter Boering, *Popović* transcript, 19, 21 and 22 September 2006), pp. 2012-2013, 2016.
[10800] P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), p. 17311.
[10801] P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), p. 17312.
[10802] P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), p. 17313.
[10803] P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), pp. 17311-17312.
[10804] P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), pp. 17312-17313.
[10805] P1417 (Robert Franken, witness statement, 15 January 2012), para. 90; Robert Franken, T. 10741-10742.

over the registration process and they began to register males inside and outside of the DutchBat compound, and ultimately about 60 to 70 men refused to be registered.[10806] The 'representatives' stopped registering men because they were massively intimidated by the Serb forces to the extent that the female in the group had a nervous breakdown and had to be taken to the hospital.[10807] In all, 251 males were registered, and Franken sent the list up his chain of command to the UN headquarters for sector north-east Tuzla, Bosnia-Herzegovina Command Sarajevo, and to The Hague Crisis Staff, letting Janković know that the list was known not only to the UN but also to the Dutch government, but Janković did not react.[10808] Franken did not show the list to Janković or any other VRS officer, but he brought the original list when DutchBat withdrew from the enclave.[10809] Franken testified that he did not know if the list ever reached the Tuzla or Bosnia-Herzegovina Commands because he did not get a confirmation of receipt from either entity.[10810]

2519. **Janjić** testified that in the morning of 13 July 1995, after he had provided security at Hotel Fontana over night, Momir Nikolić ordered him to go back to Potočari.[10811] When he arrived at Potočari, Janjić saw that the yard of the White House, to which the men had been brought the day before, was empty.[10812] Members of the MUP's Special Police unit continued to separate men from women and children, leading women and children to trucks and buses, while the men were taken across the Srebrenica-Bratunac road to the yard of the White House.[10813] When the yard was full, the men were sent to a meadow close to the house.[10814] The witness estimated that the number of men separated around the white house was two to three times higher than on 12 July 1995.[10815] In front of the yard, the men boarded buses.[10816] Janjić noticed that

[10806] P1417 (Robert Franken, witness statement, 15 January 2012), para. 91; Robert Franken, T. 10810-10811.
[10807] P1417 (Robert Franken, witness statement, 15 January 2012), para. 91; Robert Franken, T. 10810-10812.
[10808] P1417 (Robert Franken, witness statement, 15 January 2012), paras 91, 112; Robert Franken, T. 10742, 10825-10826. The Trial Chamber notes that Franken gave two numbers in his evidence but specified that he miscounted at the time and that the correct number is 251, P1417 (Robert Franken, witness statement, 15 January 2012), para. 91.
[10809] P1417 (Robert Franken, witness statement, 15 January 2012), para. 91.
[10810] Robert Franken, T. 10825-10826.
[10811] P1445 (Mile Janjić, *Blagojević and Jokić* transcript, 24-25 May 2004), pp. 9793-9794.
[10812] P1445 (Mile Janjić, *Blagojević and Jokić* transcript, 24-25 May 2004), p. 9796.
[10813] P1445 (Mile Janjić, *Blagojević and Jokić* transcript, 24-25 May 2004), p. 9797; P1446 (Mile Janjić, *Popović et al.* transcript, 20 November 2007), p. 17945; Mile Janjić, T. 11003-11004, 11006.
[10814] Mile Janjić, T. 11006.
[10815] P1446 (Mile Janjić, *Popović et al.* transcript, 20 November 2007), p. 17945.

military policemen also boarded the buses and then returned, very soon after, with the empty buses.[10817] Some of the military policemen told Janjić that their order was to bring the men to Bratunac and drop them at a school, where they would be guarded.[10818] At the end of the day, when all the buses had left, the witness followed Colonel Janković's order to drive towards Srebrenica and inform civilians that they might encounter *en route* that they should go to Potočari and wait there until they would be driven away on the next day.[10819]

2520. **Witness RM-372** stated that he heard from a colleague that at the White House, the men were being interrogated and screened for 'people the Serbs specifically wanted'. The witness also heard from that colleague that Muslim men were offering money to UNPROFOR, not as a bribe, but more in the sense that they had no more use for it.[10820] **Zoran Petrović** stated that in Potočari on 13 or 14 July 1995, he saw piles of bags, blankets, clothing, and a large number of people who had fled Srebrenica.[10821]

2521. Beginning on the afternoon of 12 July and continuing throughout 13 July, men detained in the White House were placed on separate buses from the women, children and elderly and were taken out of the Potočari compound to detention sites in Bratunac.[10822] **Witness RM-362** testified that about four hours after arriving at the house on 12 July 1995, when it was getting dark, Serb soldiers told the men to board two buses that had arrived; the buses were so full that some of the men had to stand.[10823] On the bus which the witness boarded, a soldier with an automatic rifle stood next to the bus driver and the bus set off, following a red car that had parked in front of the buses.[10824] **Janjić** testified that Colonel Janković, who had tasked the witness and others to count the people boarding the buses, ordered him to also include the men boarding separate buses into his counting.[10825] Janjić estimated that 10 to 15 buses, each loaded

[10816] P1445 (Mile Janjić, *Blagojević and Jokić* transcript, 24-25 May 2004), pp. 9797-9798, 9805; Mile Janjić, T. 11003-11004.
[10817] P1445 (Mile Janjić, *Blagojević and Jokić* transcript, 24-25 May 2004), pp. 9804-9805.
[10818] P1445 (Mile Janjić, *Blagojević and Jokić* transcript, 24-25 May 2004), p. 9805.
[10819] P1445 (Mile Janjić, *Blagojević and Jokić* transcript, 24-25 May 2004), p. 9799; Mile Janjić, T. 11011, 11051-11052.
[10820] P3499 (Witness RM-372, witness statement, 6 October 2013), para. 6.
[10821] P3347 (Zoran Petrović, *Popović et al.* transcript 4 December 2007), pp. 18764, 18830, 18847.
[10822] Adjudicated Facts II, no. 1495.
[10823] P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), pp. 17313-17314.
[10824] P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), pp. 17314-17315.
[10825] P1445 (Mile Janjić, *Blagojević and Jokić* transcript, 24-25 May 2004) pp. 9784-9786; P1446 (Mile Janjić, *Popović et al.* transcript, 20 November 2007), pp. 17942, 17944.

with 50 to 70 men, left Potočari on that same day.[10826] The witness estimated that altogether more than 9,000 Bosnian men, women, and children were removed from Potočari on 12 July 1995.[10827] A member of the civilian police, Milisav Ilić, also counted the buses.[10828]

2522. **Franken** testified that DutchBat had originally been asked by the UN headquarters to organize the transportation of Bosnian Muslims out of Potočari, but was unable to do so because of its lack of resources, and it was then ordered to assist in the VRS transportation to ensure that it was done in a humanitarian way.[10829] Franken later became aware of the written agreement between General Smith and Mladić, but noted that this agreement did not include guidelines on transportation or how to assist. General Nicolai had said that DutchBat should undertake the transportation of the civilians itself, but Franken made it clear that this was, in his words, absolutely impossible.[10830] Franken heard from the commander on duty in the 'refugee-area' that Mladić came near the compound to address the crowd gathered there and had his soldiers hand out bread while being nice to the children in the presence of Serbian television.[10831] Karremans met Mladić just outside of the compound where Mladić told him that Colonel Acamović would be responsible for the transportation of the population from Potočari and Franken was ordered by Karremans to coordinate the possible support to the Serbs.[10832] At approximately 2 or 3 p.m., Acamović introduced himself to Franken and asked for support, in particular for transportation and fuel.[10833] Franken testified that the VRS was very aware that DutchBat did not have diesel fuel and he refused the request.[10834] When Franken met Acamović, General Krstić, whom he later identified from a video still, was standing in a group of officers in discussions.[10835] Also on 12 July, Franken met Colonel Janković, whom he identified from a picture, and who introduced himself as the General

[10826] P1446 (Mile Janjić, *Popović et al.* transcript, 20 November 2007), pp. 17941-17942, 17944; Mile Janjić, T. 11005.
[10827] P1445 (Mile Janjić, *Blagojević and Jokić* transcript, 24 May 2004), pp. 9770, 9775-9776.
[10828] P1445 (Mile Janjić, *Blagojević and Jokić* transcript, 24 May 2004), p. 9776.
[10829] P1417 (Robert Franken, witness statement, 15 January 2012), para. 72; Robert Franken, T. 10815-10818.
[10830] P1417 (Robert Franken, witness statement, 15 January 2012), para. 72.
[10831] P1417 (Robert Franken, witness statement, 15 January 2012), para. 73.
[10832] P1417 (Robert Franken, witness statement, 15 January 2012), para. 74.
[10833] P1417 (Robert Franken, witness statement, 15 January 2012), para. 75.
[10834] P1417 (Robert Franken, witness statement, 15 January 2012), para. 75.
[10835] P1417 (Robert Franken, witness statement, 15 January 2012), para. 77; P1431 (Video still of Radislav Krstic from the second meeting at the hotel Fontana).

Staff Officer from Supreme Command.[10836] Janković added that he had been tasked with coordinating the withdrawal of DutchBat from the enclave but was not involved in the evacuation.[10837]

2523. DutchBat had estimated on the basis of the number of buses that there were approximately 30,000 people in the crowd at Potočari, with 600 to 700 men among them.[10838] In the evening of 12 July 1995, Ibro Nuhanović, one of the Bosnian-Muslim 'representatives', came to Franken asking for the transportation out of Potočari to be stopped because he feared for the fate of the Bosnian-Muslim males. Franken explained to him that he had to choose between the 800 to 1,000 males and 25,000 to 35,000 women and children and he chose the latter.[10839]

2524. On 13 July 1995, Franken accompanied Ibro Nuhanović out of the compound and saw that he boarded a bus together with his family.[10840] DutchBat estimated that approximately 1,000 able-bodied men were separated from the Bosnian Muslims gathered in Potočari, about 300 inside the DutchBat compound and about 700 outside.[10841] Franken opined that the transportation of so many people in such little time**,** would have been coordinated at the corps level or higher because it would have been a major challenge to organize all the civil vehicles for transportation, and the VRS had performed this task very smoothly.[10842]

2525. Buses procured by the DK were used for the transportation of Bosnian-Muslim prisoners to detention and execution sites**.**[10843] **Mlađenović** testified that on 13 July 1995, the bosses at Vihor ordered him to go to Potočari at approximately 9 a.m.[10844] When he parked the bus within the grounds of the White House, he saw no luggage or

[10836] P1417 (Robert Franken, witness statement, 15 January 2012), para. 76; Robert Franken, T. 10829-10830; P1430 (Photograph of Colonel Janković, undated); D278 (Debriefing report of Major Franken with the Dutch authorities, 31 March 1999), para. 28.
[10837] P1417 (Robert Franken, witness statement, 15 January 2012), para. 76; Robert Franken, T. 10829-10830; D278 (Debriefing report of Major Franken with the Dutch authorities, 31 March 1999), para. 28.
[10838] P1417 (Robert Franken, witness statement, 15 January 2012), para. 86; Robert Franken, T. 10826-10828.
[10839] P1417 (Robert Franken, witness statement, 15 January 2012), para. 92.
[10840] P1417 (Robert Franken, witness statement, 15 January 2012), para. 93.
[10841] P1417 (Robert Franken, witness statement, 15 January 2012), para. 112; Robert Franken, T. 10826-10828.
[10842] P1417 (Robert Franken, witness statement, 15 January 2012), para. 78.
[10843] Adjudicated Facts II, no. 1415.
[10844] D707 (Miladin Mlađenović, witness statement, 6 June 2014), para. 6; Miladin Mlađenović, T. 27252-27254; P6846 (Aerial photograph of Potočari on 13 July 1995 at approximately 2 p.m. with 'White House' marked by Miladin Mlađenović).

other personal items there.[10845] Following orders received from the VRS soldiers at Potočari, the witness drove approximately ten busloads of able-bodied Muslim men from the 'White House' to the sports hall at the elementary school in Bratunac.[10846] The witness estimated that he drove 450 to 500 Muslim men, an estimate he calculated on the basis that the bus had roughly 45 seats and no one was standing.[10847] At all times the witness was accompanied on the bus by at least one, sometimes two, military policemen from the Bratunac Brigade wearing the camouflage uniform of the VRS.[10848]

2526. The Bosnian-Muslim men who had been separated from the women, children and elderly in Potočari (numbering approximately 1,000) were transported to Bratunac and subsequently joined by Bosnian-Muslim men captured from the column .[10849] Ultimately they were taken to the Zvornik Brigade area of responsibility.[10850] From 13 July 1995, the Zvornik Brigade became aware of plans to transport Bosnian-Muslim prisoners to its zone of responsibility and began locating detention sites for them.[10851] No discernible effort was made to keep the prisoners from Potočari and the men captured from the column separate. These men were held in various locations, such as an abandoned warehouse, an old school and even in the buses and trucks that had brought them there.[10852] Identification papers and personal belongings were taken away from both Bosnian-Muslim men at Potočari and men captured from the column; their papers and belongings were piled up and eventually burnt.[10853] **Franken** testified that they were burnt by the VRS.[10854] The Bosnian-Muslim men, from Potočari as well as from Sandići and Nova Kasaba, who had spent the night on 13 July in Bratunac Town went in a long column of buses the following day to various temporary detention facilities and execution sites in the Bratunac and Zvornik municipalities.[10855]

2527. **Witness RM-372** stated that, in Potočari, apart from the buses being loaded with women and children, there was a bus being loaded with only men from the White house.

[10845] D707 (Miladin Mlađenović, witness statement, 6 June 2014), para. 6; Miladin Mlađenović, T. 27243-27244, 27255, 27262-27263.
[10846] D707 (Miladin Mlađenović, witness statement, 6 June 2014), para. 6; Miladin Mlađenović, T. 27261.
[10847] D707 (Miladin Mlađenović, witness statement, 6 June 2014), para. 6.
[10848] Miladin Mlađenović, T. 27243-27244, 27260-27261.
[10849] Adjudicated Facts II, no. 1496.
[10850] Adjudicated Facts II, no. 1498.
[10851] Adjudicated Facts II, no. 1566.
[10852] Adjudicated Facts II, no. 1497.
[10853] Adjudicated Facts II, no. 1499.
[10854] P1417 (Robert Franken, witness statement, 15 January 2012), para. 100; Robert Franken, T. 10736-10737; P1423 (Photograph showing burning personal belongings, undated).
[10855] Adjudicated Facts II, no. 1565.

Two DutchBat members followed this bus to a school in Bratunac. A few 'Serb soldiers' approached them and warned them to return to Potočari saying that 'there was nothing going on'. They refused to leave. Then, six men in military uniform arrived in two civilian vehicles, disarmed these two DutchBat members, took the keys of their vehicle and brought them to the Bratunac police station. After being dropped at the Northern checkpoint, they got a lift back to Potočari.[10856] Later the same day, after they had been released, these two DutchBat members escorted another convoy, but during the trip they were stopped by three armed individuals in military uniform, who forced them out of the vehicle and drove it off.[10857]

2528. **Neđo Jovičić** testified that on 13 July 1995, he saw people boarding buses in Potočari in the presence of Borovčanin and some policemen.[10858] In his opinion, they were being transported to Kladanj or Tuzla.[10859] **Dušan Mićić** testified that he saw buses and lorries passing through a side street in Bratunac towards Konjević Polje in the morning of 14 July 1995.[10860]

2529. **Ljubodrag Gajić** testified that on 13 July, he received a specific task, as a member of the MUP 1st Company of the Jahorina training centre, to evacuate the population present in the area by bus and trucks.[10861] The people wanted to leave voluntarily as it was an area affected by war.[10862] UNPROFOR forces were present.[10863] Food and water were distributed.[10864] DutchBat helped with the evacuation of the people in order to ensure fast transportation.[10865] The evacuation ended between 3 and 4 p.m. and the witness left Potočari around 6 p.m..[10866]

2530. **Rave** testified that at some point on 13 July 1995, he spoke to Mladić who asked him to tell the Bosnia-Herzegovina authorities to surrender.[10867] He said that the Srebrenica males were brought to a camp in Bijeljina.[10868] On 14 July 1995, on the way

[10856] P3499 (Witness RM-372, witness statement, 6 October 2013), para. 8.
[10857] P3499 (Witness RM-372, witness statement, 6 October 2013), paras 8-9.
[10858] D976 (Neđo Jovičić, witness statement, 3 August 2014), paras 25-26. *See also* P1147 (Updated Srebrenica Trial video with Transcript), p. 76.
[10859] D976 (Neđo Jovičić, witness statement, 3 August 2014), para. 26.
[10860] D977 (Dušan Mićić, witness statement, 24 March 2013), paras 32, 34.
[10861] Ljubodrag Gajić, T. 40268-40269, 40294, 40311.
[10862] Ljubodrag Gajić, T. 40281, 40294.
[10863] Ljubodrag Gajić, T. 40294-40295.
[10864] Ljubodrag Gajić, T. 40295.
[10865] Ljubodrag Gajić, T. 40303-40304.
[10866] Ljubodrag Gajić, T. 40306.
[10867] P1149 (Evert Rave, witness statement, 17 February 1998), paras 46, 48.
[10868] Evert Rave, T. 10178.

back from the Serb checkpoint 'JOVO', his vehicle was seized by VRS soldiers under the threat of arms.[10869]

2531. **Franken** testified that sometime after 13 July, Janković told him that the 28th Division had attempted to breakout of the enclave and that the VRS had captured 6,000 'POWs'.[10870] Franken testified that by adding the 6,000 to the 300 Bosnian-Muslim men that DutchBat estimated were inside the compound on 11 July, and the 600 to 800 they estimated were outside the compound, it appeared that there were up to 7,000 Bosnian-Muslim men involved.[10871]

2532. **Ljubomir Bojanović** stated that he spent the night of 14 to 15 July at the barracks of the Zvornik Brigade but did not see a bus with detainees there, whose presence had been recorded in the Zvornik Brigade duty officer logbook.[10872] According to the witness, the entry in the logbook was written by the duty officer of the barracks, who worked at the main gate, and neither he nor the duty operations officer who worked at the command could have been aware of the presence of the bus.[10873]

2533. As early as 14 July 1995, reports of missing Bosnian-Muslim men from Srebrenica began to surface in the international media.[10874] On that day, the UNSC expressed concern about the forced relocation of civilians from the Srebrenica 'safe area' by the Bosnian Serbs, asserting it was a clear violation of their human rights.[10875]

Transportation of Bosnian Muslims out of the enclave

2534. Having reviewed the evidence on the separation of Bosnian-Muslim men from the rest of the population in Potočari, the Trial Chamber will now review the evidence on the transportation of Bosnian Muslims out of the enclave.

2535. On 12 and 13 July 1995, about 25,000 Bosnian-Muslim civilians were bussed outs of the enclave of Srebrenica to the territory under Bosnia-Herzegovina control.[10876]

[10869] P1149 (Evert Rave, witness statement, 17 February 1998), paras 8, 52.
[10870] P1417 (Robert Franken, witness statement, 15 January 2012), para. 112; Robert Franken, T. 10743, 10834-10835.
[10871] P1417 (Robert Franken, witness statement, 15 January 2012), para. 113.
[10872] P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), pp. 11758-11759; P3574 (Excerpt from the Zvornik Brigade Barracks Duty Officer logbook, 9/10 July to 16/17 July 1995), p. 6.
[10873] P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), p. 11759.
[10874] Adjudicated Facts II, no. 1650.
[10875] Adjudicated Facts II, no. 1437.
[10876] Adjudicated Facts II, no. 1424.

The Trial Chamber also took judicial notice of Adjudicated Fact number 1558 on the transportation of Bosnian-Muslim women, children, and elderly from Potočari to Kladanj on 13 and 14 July 1995 reviewed in chapter 7.6. The VRS transferred thousands of Bosnian-Muslim civilians from the Srebrenica enclave.[10877] Women, children, and elderly were bussed out of Potočari to Bosnian Muslim-held territory near Kladanj.[10878] The DK participated in the removal of the Bosnian-Muslim civilians from Potočari following the take-over of Srebrenica.[10879] They coordinated the boarding of the buses by the Bosnian-Muslim refugees.[10880] Some soldiers were hitting and abusing the refugees as they boarded the buses.[10881] **Witness RM-268** saw in various instances, civilians being pushed around and on one occasion, he saw Nedeljko Milodragović, an instructor of the Jahorina Detachment, hit a person.[10882] Along the road, some village residents taunted the passengers with the three-fingered Serb salute.[10883] Others threw stones at the passing buses.[10884] **Van Duijn** testified that in the evening of 12 July 1995 Mane told him that the Serb forces present in Potočari would go back to Bratunac in order to celebrate in Hotel Fontana.[10885] Mane instructed him to clear the asphalt road leading from the north to the south because the Serb forces would need the road to transport troops to the south.[10886] Mane also told him that on the next day, 13 July, they would resume the transport of 'refugees' again around 8:30 a.m.[10887]

2536. DutchBat soldiers attempted to escort the buses carrying the Bosnian-Muslim civilians out of Potočari. They succeeded in accompanying the first convoy of refugees on 12 July, but thereafter they were stopped by the VRS who stole 16 to 18 DutchBat jeeps, as well as around 100 small arms, which rendered further DutchBat escorts impossible.[10888] **Vincentius Egbers** testified that on 12 July 1995, Franken ordered 13 DutchBat soldiers, including the witness, to escort buses with Muslim women and children, to take food, water, and sleeping bags, and to radio any information they may

[10877] Adjudicated Facts II, no. 1421, 1438.
[10878] Adjudicated Facts II, no. 1421.
[10879] Adjudicated Facts II, no. 1410.
[10880] Adjudicated Facts II, no. 1428.
[10881] Adjudicated Facts II, no. 1423.
[10882] P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), pp. 8569, 8589-8590.
[10883] Adjudicated Facts II, no. 1431.
[10884] Adjudicated Facts II, no. 1431.
[10885] P1154 (Leendert van Duijn, *Popović et al.* transcript, 27 September 2006), p. 2295.
[10886] P1154 (Leendert van Duijn, *Popović et al.* transcript, 27 September 2006), pp. 2295-2296.
[10887] P1154 (Leendert van Duijn, *Popović et al.* transcript, 27 September 2006), p. 2296.
[10888] Adjudicated Facts II, no. 1426.

gather about these buses.[10889] Each bus contained about sixty persons.[10890] The buses travelled from Potočari to Bratunac, Konjevic Polje, Nova Kasaba, Milici, Lazenica, and Kladanj.[10891] While escorting the first convoy out of Potočari, the witness saw hundreds of 'Bosnian Serbs' celebrating, shouting, and throwing things at the bus in Bratunac.[10892] During the journey, the witness saw VRS infantry firing at the woods facing the enclave.[10893] He testified that VRS infantry stopped the convoy and told him that they were targeting Muslim fighters in the woods and that the convoy would be able to go through once they fire anti-aircraft guns at the woods with grad rockets.[10894] The witness did not hear any return fire from the woods. The witness saw hundreds of VRS infantry, dressed in green and armed with AK-47s, other types of machine-guns and equipped with vehicles with anti-aircraft guns with four barrels, between Sandići, Nova Kasaba, and Milici, in groups of five or six, positioned every 20 metres and facing the woods.[10895] The women, children, and elderly people disembarked the buses in the woods near the confrontation line and had to walk towards Kladanj.[10896] The women and children were terrified and gestured that they would be slaughtered.[10897]

2537. **Franken** testified that he received reports from the DutchBat escort teams that the initial convoy went well in that the men and women had been transported unharmed to an area near Kladanj, and Franken believed that the second convoy went according to plan as well, and that the situation was reflected in an UNMO report dated 12 July.[10898] After the second convoy, the Serb forces harassed the DutchBat escort teams and robbed them of 16 vehicles, weapons, flak jackets, ammunition, and/or the equipment in their jeeps. Franken believed that the harassment and robbing of the DutchBat escorts was organized in order to deter DutchBat from continuing to escort convoys and

[10889] P1629 (Vincentius Egbers, *Krstić* transcript, 5-6 April 2000), p. 2221; Vincentius Egbers, T. 13426.
[10890] Vincentius Egbers, T. 13375.
[10891] P1629 (Vincentius Egbers, *Krstić* transcript, 5-6 April 2000), p. 2224; Vincentius Egbers, T. 13426.
[10892] P1629 (Vincentius Egbers, *Krstić* transcript, 5-6 April 2000), pp. 2221-2222; Vincentius Egbers, T. 13426-12427.
[10893] P1629 (Vincentius Egbers, *Krstić* transcript, 5-6 April 2000), p. 2224; Vincentius Egbers, T. 13448.
[10894] P1629 (Vincentius Egbers, *Krstić* transcript, 5-6 April 2000), pp. 2224-2225. The Trial Chamber notes that the evidence uses the term 'great rockets' but understands this to be a reference to 'grad' rockets.
[10895] P1629 (Vincentius Egbers, *Krstić* transcript, 5-6 April 2000), p. 2225.
[10896] P1629 (Vincentius Egbers, *Krstić* transcript, 5-6 April 2000), pp. 2227-2229; Vincentius Egbers, T. 13374, 13427.
[10897] P1629 (Vincentius Egbers, *Krstić* transcript, 5-6 April 2000), p. 2228; Vincentius Egbers, T. 13374-13375.
[10898] P1417 (Robert Franken, witness statement, 15 January 2012), paras 82-83; P1432 (UNMO situation report, 12 July 1995).

possibly witnessing whatever happened.[10899] Franken complained to Janković and, although Janković said that he would look into the matter, Franken did not observe that any action was ever taken.[10900]

2538. Most of the women, children, and elderly bussed out of Potočari arrived safely at Tišća.[10901] After disembarking, they were forced to continue on foot for several kilometres through the 'no-man's land' between the Bosnian-Serb and Bosnian-Muslim lines to Kladanj.[10902] The removal of the Bosnian-Muslim civilian population from Potočari was completed on the evening of 13 July by 8 p.m.[10903] **Witness RM-268** stated that the transportation of Bosnian Muslims out of Potočari continued until 10 or 11 p.m.[10904] The witness and those members of the Jahorina Detachment who had been present in Potočari left for Bjelovac.[10905] The witness further stated that on 13 July 1995, after he had met with Borovčanin in Bratunac, members of the Jahorina Detachment of the Special Police Brigade participated in the evacuation of 'civilians' out of Potočari.[10906]

2539. **Šehra Ibišević** stated that on 12 July 1995, buses and trucks were organized to transport the 'refugees'.[10907] She further stated that 'Chetnik' soldiers often stopped the bus to remove people or search for gold and money, and she specifically remembered a Serb soldier stopping the bus in Kravica and an incident in which 'Chetniks' took two girls who were not heard from again.[10908] Eight male members of Ibišević's family did not survive the fall of Srebrenica.[10909] The houses of two of her relatives in Kutlići were burned or destroyed by explosives.[10910]

2540. **Witness RM-249** described how both Dutchbat soldiers and 'Chetnik' forces were present in the morning of 13 July 1995 and that the 'Chetniks' wore blue coloured

[10899] P1417 (Robert Franken, witness statement, 15 January 2012), para. 84.
[10900] P1417 (Robert Franken, witness statement, 15 January 2012), para. 85.
[10901] Adjudicated Facts II, no. 1432.
[10902] Adjudicated Facts II, no. 1433.
[10903] Adjudicated Facts II, no. 1435.
[10904] P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), pp. 8586, 8607.
[10905] P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), pp. 8607-8608, 8618.
[10906] P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), pp. 8608, 8619.
[10907] P1021 (Šehra Ibišević, witness statement, 21 June 2000), p. 2.
[10908] P1021 (Šehra Ibišević, witness statement, 21 June 2000), p. 3; P1022 (Šehra Ibišević, statement taken by the Cantonal Court in Sarajevo, 21 June 2000), p. 2.
[10909] P1021 (Šehra Ibišević, witness statement, 21 June 2000), p. 3; P1022 (Šehra Ibišević, statement taken by the Cantonal Court in Sarajevo, 21 June 2000), p. 3.
[10910] P1021 (Šehra Ibišević, witness statement, 21 June 2000), p. 4.

UN flak jackets and carried weapons of the Dutch soldiers.[10911] The witness managed to slip past a 'Chetnik checkpoint' and boarded a bus.[10912] There were approximately 60 women and children, one elderly man, and the witness with his daughter on the bus.[10913] The bus travelled from Potočari to Luke, close to the separation line via Bratunac, Kravica, Konjevic Polje, Milici, and Vlasenica.[10914] In the village of Magašaći the bus stopped and somebody asked whether there were any men on the bus.[10915] The two men on the bus went unnoticed and the bus was permitted to continue. The bus was stopped approximately nine or ten more times before reaching Luke. While passing through Kravica, the women in the bus started screaming as they recognised some of the men outside.[10916] The witness saw groups of 10 to 15 bodies in civilian clothing lying in the meadows on both sides of the road.[10917] He also saw groups of men walking towards the centre of Kravica, escorted by 'Chetnik' soldiers who wore camouflage uniforms and carried automatic weapons.[10918] The witness testified that the transportation of civilians out of Potočari was against the will of the Muslim population.[10919]

2541. **Behara Krdžić** stated that after being separated from her husband on 13 July 1995, she fainted and was taken on board the truck by her relatives.[10920] The truck drove to Kladanj and then Dubrave, where she received an injection from a doctor and then woke up.[10921]

2542. **Witness RM-265** stated that Mladić had personal guards as well as a military police detail providing security in Potočari.[10922] According to the witness, the military police secured the passage for the outgoing buses only on a precautionary basis in order to avoid any problems with embittered locals.[10923] On 13 July 1995, on orders of Momir Nikolić, Nikolić himself, Mirko Janković, and Mile Petrović, the deputy commander of

[10911] P1990 (Witness RM-249, witness statement, 24 January 1996), p. 3.
[10912] Witness RM-249, T. 15455-15456.
[10913] P1990 (Witness RM-249, witness statement, 24 January 1996), p. 3; Witness RM-249, T. 15456
[10914] P1990 (Witness RM-249, witness statement, 24 January 1996), p. 3; P1991 (Witness RM-249, prior testimony, 18 March 2010), T. 672; P1997 (Map marked by witness showing route taken from Potočari to Luke).
[10915] P1990 (Witness RM-249, witness statement, 24 January 1996), p. 3; P1997 (Map marked by witness showing route taken from Potočari to Luke).
[10916] P1990 (Witness RM-249, witness statement, 24 January 1996), p. 3.
[10917] P1990 (Witness RM-249, witness statement, 24 January 1996), pp. 3-4, 13.
[10918] P1990 (Witness RM-249, witness statement, 24 January 1996), p. 4.
[10919] P1991 (Witness RM-249, prior testimony, 18 March 2010), T. 723-724.
[10920] P1024 (Behara Krdžić, witness statement, 16 June 2000), p. 2; P1025 (Behara Krdžić, statement taken by the Tuzla Cantonal Court, 16 June 2000), p. 2.
[10921] P1024 (Behara Krdžić, witness statement, 16 June 2000), p. 2.
[10922] P2540 (Witness RM-265, *Popović et al.* transcript, 8-9 November 2006), pp. 3806-3807, 3869.
[10923] P2540 (Witness RM-265, *Popović et al.* transcript, 8-9 November 2006), pp. 3810-3811, 3856, 3868.

the military police, drove to Konjević Polje in a white Dutchbat APC bearing the UN sign.[10924] Shortly before the APC took off, Mladić walked up to Popović and started shouting.[10925] Upon arrival in Konjević Polje, the APC was parked at the intersection of the Bratunac and Kravica road.[10926] Two armed Dutchbat soldiers emerged from the forest and asked whether they could join.[10927] They were allowed to board the APC, which subsequently started driving very slowly towards Bratunac, following a blue-white police car with a male voice coming out of a loud-speaker.[10928] On board of the APC at that time were Janković, Nikolić, Petrović and the two Dutchbat soldiers.[10929] After the convoy drove for three kilometres along the Bratunac-Konjević Polje road, they made a U-turn and returned to Konjević Polje.[10930] En route, two 'civilians', who the witness believed were Muslims, boarded the APC and returned with it to Konjević Polje.[10931] Upon its return to Konjević Polje, the APC parked again at the intersection.[10932] The two DutchBat soldiers boarded a vehicle in an approaching convoy with women and children headed by a white UN jeep and left into the direction of Milici.[10933] In the late afternoon, Janković, Nikolić and Petrović returned to Bratunac in the APC.[10934] The witness saw between 500 to 1,000 Muslims escorted by about ten Serb soldiers walking in a column towards Konjević Polje.[10935]

2543. **Witness RM-306** testified that in the afternoon of 13 July 1995 he saw buses full of adults, elderly, women, and children going from Bratunac towards Konjević Polje.[10936] **Nebojša Jeremić** testified that some time between noon and 1 p.m. on a day in mid-July 1995, he saw a lot of buses with detainees, trucks with women and children and combat vehicles passing by the Zvornik Brigade barracks.[10937] VRS soldiers in camouflage uniforms were guarding the detainees in the buses.[10938] The detainees'

[10924] P2540 (Witness RM-265, *Popović et al.* transcript, 8-9 November 2006), pp. 3812-3818, 3822.
[10925] P2540 (Witness RM-265, *Popović et al.* transcript, 8-9 November 2006), p. 3813.
[10926] P2540 (Witness RM-265, *Popović et al.* transcript, 8-9 November 2006), p. 3818.
[10927] P2540 (Witness RM-265, *Popović et al.* transcript, 8-9 November 2006), pp. 3819-3821.
[10928] P2540 (Witness RM-265, *Popović et al.* transcript, 8-9 November 2006), pp. 3818-3819, 3821, 3823.
[10929] P2540 (Witness RM-265, *Popović et al.* transcript, 8-9 November 2006), p. 3819.
[10930] P2540 (Witness RM-265, *Popović et al.* transcript, 8-9 November 2006), pp. 3821-3823.
[10931] P2540 (Witness RM-265, *Popović et al.* transcript, 8-9 November 2006), pp. 3822-3823.
[10932] P2540 (Witness RM-265, *Popović et al.* transcript, 8-9 November 2006), p. 3824.
[10933] P2540 (Witness RM-265, *Popović et al.* transcript, 8-9 November 2006), p. 3826.
[10934] P2540 (Witness RM-265, *Popović et al.* transcript, 8-9 November 2006), p. 3829.
[10935] P2540 (Witness RM-265, *Popović et al.* transcript, 8-9 November 2006), p. 3831.
[10936] P1474 (Witness RM-306, *Popović et al.* transcript, 23, 26-27 March 2007), pp. 9358-9359.
[10937] Nebojša Jeremić, T. 34279-34280, 34351.
[10938] Nebojša Jeremić, T. 34280.

hands were clasped behind their necks and their heads were bent down.[10939] They went along the main road from Zvornik to Bijeljina.[10940]

2544. According to an Annex to a UN daily report of 13 July 1995 from Akashi to Annan, UNMOs observed 34 to 46 full buses heading from Kladanj to Tuzla.[10941] At Kladanj, no males over the age of 12 with the exception of a few over 60, were observed.[10942] The 'refugees' present in Kladanj on 13 July 1995 told UNMOs that they had witnessed that men had been separated from others and were severely beaten, stoned, and sometimes stabbed.[10943] By 5:15 p.m. on 13 July 1995, the transport of all refugees from outside the compound had been completed and transport then focussed on those inside the compound.[10944] By 9:50 p.m. all refugees had left the compound, except for a few patients in the hospital within the compound.[10945] According to the UN daily report of 13 July 1995 from Akashi to Annan, as of the morning of 14 July 1995, 15,000 displaced persons had arrived in Tuzla, 3,000 were on their way on VRS buses, and another 3,000 were about to leave the DutchBat base in Srebrenica.[10946]

2545. **Nikolić** testified that on 18 July 1995, he and Janković wrote to the VRS Main Staff Intelligence Sector and the DK Command Intelligence Department.[10947] They asked whether to authorize the evacuation of the local staff of MSF and the interpreters of the UNMOs and of UNPROFOR personnel. They noted that the State Security Department had provided them with an opinion indicating that Karadžić had allegedly 'abolished' all local staff of UNPROFOR.[10948] **Nikolić** explained that abolished meant that Karadžić had pardoned or amnestied these persons.[10949] They proposed that the local staff should not be held.[10950] The witness explained that this meant that the local staff should be allowed to leave Potočari along with their employers and go wherever

[10939] Nebojša Jeremić, T. 34340.
[10940] Nebojša Jeremić, T. 34280, 34340.
[10941] P793 (UN daily report from Akashi to Annan with annexes, 14 July 1995), p. 5.
[10942] P793 (UN daily report from Akashi to Annan with annexes, 14 July 1995), pp. 5-7.
[10943] P793 (UN daily report from Akashi to Annan with annexes, 14 July 1995), pp. 5, 8.
[10944] P793 (UN daily report from Akashi to Annan with annexes, 14 July 1995), p. 6.
[10945] P793 (UN daily report from Akashi to Annan with annexes, 14 July 1995), pp. 6-7.
[10946] P793 (UN daily report from Akashi to Annan with annexes, 14 July 1995), p. 1.
[10947] Momir Nikolić, T. 11958-11960; P1515 (Report on Srebrenica region, Momir Nikolić, 18 July 1995), p. 1.
[10948] P1515 (Report on Srebrenica region, Momir Nikolić, 18 July 1995), p. 1.
[10949] Momir Nikolić, T. 11958-11959, 11970-11974.
[10950] Momir Nikolić, T. 11958-11959; P1515 (Report on Srebrenica region, Momir Nikolić, 18 July 1995), p. 1.

they chose.[10951] Janković told the witness that the local staff had been allowed to leave Potočari together with the DutchBat convoy.[10952]

2546. **Franken** testified that the only people left at the DutchBat base were MSF personnel with their patients, Mandžić, UNHCR personnel, interpreters, DutchBat and its local staff, and the UNMOs. The DutchBat personnel who had been held in Bratunac were sent home directly from Bratunac and did not come back to the base.[10953] There were also 59 wounded whom DutchBat had tried to evacuate during the transportation of 'civilians' out of Potočari, but who were sent back from the area of Kladanj and placed in the hospital in Bratunac.[10954] Franken tried to evacuate the wounded using a Norwegian medevac company stationed near Tuzla, but that company did not succeed in reaching the enclave. The Bosnian Serbs told Franken that he could hand over the wounded to them, but Franken chose to arrange an evacuation by the ICRC through MSF.[10955]

2547. On 17 July, the VRS and Serb civilian officials arrived for a meeting to coordinate the details of evacuating the wounded from Potočari and Bratunac.[10956] The delegation was led by Janković and included Major Nikolić and his bodyguard, a staff officer of the Bratunac Brigade, a lieutenant-colonel who said that he was a lawyer, a civilian who later on appeared to be the new mayor of Srebrenica, and someone that Franken described as a Mladić look-alike.[10957]

2548. During the meeting, Janković asked Mandžić and Franken to sign a declaration stating that the transportation of the Bosnian Muslims out of Potočari had been performed in a proper and humanitarian way in accordance with international law.[10958] Franken added a clause stating that the transportation was carried out in accordance with the law only 'as far as convoys actually escorted by UN forces [were] concerned' because DutchBat was not able to confirm that this was the case for any of the other

[10951] Momir Nikolić, T. 11959, 11971.
[10952] Momir Nikolić, T. 11972-11973.
[10953] P1417 (Robert Franken, witness statement, 15 January 2012), para. 101.
[10954] P1417 (Robert Franken, witness statement, 15 January 2012), para. 101; P1433 (Handwritten list of 59 names of people allegedly wounded in Potočari, undated).
[10955] P1417 (Robert Franken, witness statement, 15 January 2012), para. 102.
[10956] P1417 (Robert Franken, witness statement, 15 January 2012), para. 102.
[10957] P1417 (Robert Franken, witness statement, 15 January 2012), para. 103.
[10958] P1417 (Robert Franken, witness statement, 15 January 2012), para. 104. *See also* Witness RM-294, T. 9896, 9698; P1138 (Declaration of the representatives of the civilian authorities of the enclave of Srebrenica, 17 July 1995). pp. 1-3.

convoys.[10959] **Witness RM-294** testified that Mandžić and Major Franken agreed that the evacuation did not take place the way described in the statement, and for this reason it was added in handwriting that the affirmation only concerned the convoys escorted by UN forces.[10960] The witness confirmed that this related to only a few dozens of people that were escorted by UNPROFOR vehicles and soldiers to Bosnian Muslim-held territory, while it was incorrect for the rest of the evacuation.[10961] **Franken** testified that Janković smiled upon reading Franken's addition, but the colonel lawyer became angry.[10962] Franken signed and witnessed the signing of the document by the other two signatories together with his addition because Janković had made it clear that signing would positively influence the evacuation of the wounded from the DutchBat compound and Bratunac.[10963] The part of the agreement stating that the evacuation, and more particularly the supervision and the escort of Bosnian Muslims, was to be carried out by the VRS and the MUP was correct in theory. However, this cooperation did not happen during the whole process as illustrated by the difficulties encountered by DutchBat escorts.[10964] Franken further testified that the part of the document stating that the population could remain in the enclave or evacuate was nonsense, because the population did not have a choice to stay or move in any direction because they were tired, afraid, surrounded by Serbs, and did not have any medical care or means to survive.[10965] Franken testified that their only choice was to die slowly or get out.[10966]

2549. **Witness RM-294** testified that the declaration did not reflect the reality in that no one was given a choice either to remain or be evacuated; to the contrary there were killings not far from the DutchBat base so that people would be frightened and the deportation would be quicker, the conditions of the evacuation were never discussed but instead the evacuation was imposed and that document which had been prepared in advance by the military or civilian authorities was put to Mandžić for his signature on 17 July 1995 in circumstances in which very few persons remained in the compound

[10959] P1417 (Robert Franken, witness statement, 15 January 2012), para. 106; Robert Franken, T. 10744-10745, 10841.
[10960] Witness RM-294, T. 9897; P1138 (Declaration of the representatives of the civilian authorities of the enclave of Srebrenica, 17 July 1995), pp. 1, 3.
[10961] Witness RM-294, T. 9897-9899.
[10962] P1417 (Robert Franken, witness statement, 15 January 2012), para. 106.
[10963] P1417 (Robert Franken, witness statement, 15 January 2012), paras 106-107; Robert Franken, T. 10745-10746.
[10964] P1417 (Robert Franken, witness statement, 15 January 2012), para. 105.
[10965] P1417 (Robert Franken, witness statement, 15 January 2012), para. 105; Robert Franken, T. 10743-10744,
[10966] Robert Franken, T. 10744.

and these were intimidated by the VRS.[10967] Killings took near the DutchBat compound to intimidate and frighten the remaining people in the compound and Camila Osmanović, member of the Bosnian 'delegation' at the Hotel Fontana, tried to kill herself.[10968] Only about 25 people were left in the DutchBat compound after 13 July and they were ordered by the commander of the VRS not to go anywhere, but to stay there 'to the end'.[10969] VRS soldiers came inside the DutchBat compound to intimidate them.[10970]

2550. **Deronjić** stated that certain portions of the declaration were not a truthful reflection of the situation on the ground between 12 and 17 July 1995.[10971] In his view, it was impossible for any Muslim inhabitant of Srebrenica to remain in Srebrenica even if they had expressed a wish to do so; the circumstances at that time, especially after the take-over of Srebrenica by the VRS, simply did not leave such possibility open.[10972] According to Deronjić, it would have been impossible to provide security to Muslims who wanted to stay in Srebrenica during that period of time.[10973]

2551. **Rave** testified that on 17 July 1995, Janković and Nikolić came to the UN compound in Potočari, accompanied by an interpreter, and selected seven wounded men that were to be taken to Bratunac hospital and treated separately. These men were to be treated as 'POWs'.[10974] On the same day people from the ICRC arrived to evacuate the remaining wounded persons to Bratunac Hospital.[10975] In Bratunac, a Dutch doctor called Schouten took care of the wounded. Schouten later informed the witness that while he was away for lunch or dinner, several wounded persons had disappeared from the Bratunac hospital.[10976]

2552. **Franken** testified that on 17 July 1995, he handed over the wounded to the ICRC and Nikolić insisted that the wounded be inspected, so the ICRC went to the hospital together with Nikolić and a security squad from DutchBat.[10977] Nikolić

[10967] Witness RM-294, T. 9897, 9899, 9901-9903, 9962, 9965.
[10968] Witness RM-294, T. 9899-9890, 9901-9903.
[10969] Witness RM-294, T. 9899, 9891.
[10970] Witness RM-294, T. 9899.
[10971] P3567 (Miroslav Deronjić, *Blagojević and Jokić* transcript, 19-22 January 2004), pp. 6216-6217, 6219.
[10972] P3567 (Miroslav Deronjić, *Blagojević and Jokić* transcript, 19-22 January 2004), p. 6218.
[10973] P3567 (Miroslav Deronjić, *Blagojević and Jokić* transcript, 19-22 January 2004), pp. 6219-6220.
[10974] P1149 (Evert Rave, witness statement, 17 February 1998), paras 57-58.
[10975] P1149 (Evert Rave, witness statement, 17 February 1998), para. 60.
[10976] P1149 (Evert Rave, witness statement, 17 February 1998), para. 58.
[10977] P1417 (Robert Franken, witness statement, 15 January 2012), paras 103, 107.

identified seven of the wounded men as soldiers and agreed with the ICRC that they would be treated as POWs and transferred to the Bosnian Serbs. These seven men were transferred to the hospital in Bratunac and the ICRC told Franken that they would monitor them and Franken had one of his DutchBat surgeons stay with them to make sure they were treated as wounded. The surgeon was called away to arrange something and reported that when he returned, the wounded men were gone.[10978] The remaining wounded left the UNPROFOR base the same day.[10979]

2553. In the course of events surrounding the signing of the document and transportation of the wounded, Colonel Janković appeared to Franken to be in charge: he was the only one who spoke with Franken and had sent Nikolić away at one point. Janković was also able to have an ICRC truck with emergency supplies released from the Serbian border after a short phone conversation with whom Franken concluded were members of the Serbian border troops.[10980] Between 13 July and 21 July when DutchBat withdrew from the base, they did not have any freedom of movement and Janković had made it clear that they were supposed to remain in the compound.[10981]

2554. **Rave** testified that on 21 July 1995, in the morning, Karremans and the witness met with Mladić to finalise the evacuation of the battalion.[10982] General Nicolai and Colonel De Ruiter were also present.[10983] When Karremans and Nicolai insisted that the UN equipment seized by the VRS be returned, Mladić explained that the equipment was not available, and that if they insisted any further, the entire battalion would walk off the enclave wearing their uniforms only.[10984] Around noon, DutchBat left the enclave with Mladić at the head of the convoy.[10985] The convoy stopped briefly at the Iron Bridge where photographs were taken of *inter alios* Mladić and Janković, before crossing the border into Serbia.[10986]

[10978] P1417 (Robert Franken, witness statement, 15 January 2012), para. 103.
[10979] P1417 (Robert Franken, witness statement, 15 January 2012), para. 107.
[10980] P1417 (Robert Franken, witness statement, 15 January 2012), para. 108.
[10981] P1417 (Robert Franken, witness statement, 15 January 2012), para. 109.
[10982] P1149 (Evert Rave, witness statement, 17 February 1998), para. 61.
[10983] P1149 (Evert Rave, witness statement, 17 February 1998), para. 61. The Trial Chamber notes that the name is spelled 'Nikolai' in P1149 but uses the correct spelling of this man's last name, as found in P1417.
[10984] P1149 (Evert Rave, witness statement, 17 February 1998), para. 61.
[10985] P1149 (Evert Rave, witness statement, 17 February 1998), para. 62; Evert Rave, T. 10179-10182.
[10986] P1149 (Evert Rave, witness statement, 17 February 1998), para. 62; Evert Rave. T. 10180-10182; P1150 (Photograph marked by Evert Rave); P1151 (Photograph marked by Evert Rave).

The Trial Chamber's findings

2555. The Trial Chamber received evidence from Mlađenović, Janjić, Đurić, Kovačević, and Witness RM-333 that the Bosnian Muslims were not abused and maltreated nor separated on 12 July 1995 in Potočari. The Trial Chamber considers that this may reflect the observations of these witnesses. However, since they were not present in Potočari all the time, it finds that this evidence does not contradict Adjudicated Facts number 1401, 1402, and 1403 on the treatment and separation of Bosnian Muslims in Potočari on that day.

Transportation of Bosnian Muslims out of the enclave

2556. Based on the foregoing, the Trial Chamber finds that from 12 to 14 July 1995, the VRS, and more particularly the DK, assisted by members of the Bratunac Brigade Military Police and of the MUP Special Police Brigade, including the Jahorina Detachment, transferred about 25,000 Bosnian-Muslim, mostly women, children, and elderly, out of the enclave of Srebrenica to the territory under ABiH control in buses and trucks.

2557. The people boarding the convoys were told that the men would follow later. Initially, they were allowed to board the buses themselves but after a while soldiers forced those who did not want to leave onto the buses. Some soldiers, as well as one member of the Jahorina Detachment of the Special Police Brigade, hit and abused the Bosnian Muslims as they boarded the buses and called them names. The Bosnian Muslims were restless, partly due to the separation of the mothers from their children. Many people became ill and the babies of ill mothers were abandoned. UNPROFOR soldiers assisted in loading women and children into the vehicles. Members of the Bratunac Brigade Military Police coordinated the boarding of the buses by the Bosnian Muslims. Members of the Bosnian-Serb MUP Special Police Brigade, including members of the Jahorina Detachment, assisted the boarding process pursuant to Borovčanin's order. On 12 July 1995, a bus driver from a private company was asked by his supervisor to transport Bosnian Muslims out of Potočari. DK Command officers and units were present in Potočari. They monitored the transportation of the Bosnian Muslims out of the area on 12 and 13 July 1995. They secured the road along which the buses would travel to Kladanj and supervised the transportation operation. DutchBat

soldiers attempted to escort the buses. They succeeded in accompanying the first convoys on 12 July 1995, but thereafter they were stopped by the VRS who stole 16 to 18 DutchBat jeeps, as well as around 100 small arms and equipment, which rendered further DutchBat escorts impossible.

2558. Most of the women, children, and elderly bussed out of Potočari arrived at Tišća. After disembarking, they were forced to continue on foot for several kilometres through 'no-man's land' between the Bosnian-Serb and Bosnian-Muslim lines to Kladanj. Around 14 July 1995, no males over the age of 12 with the exception of a few over 60, were observed in Kladanj.

2559. The removal of the Bosnian-Muslim civilian population from Potočari was completed on the evening of 13 July 1995. Towards the end of the day, Colonel Janković ordered a member of the Military Police Platoon of the Bratunac Brigade to drive towards Srebrenica Town and inform the Bosnian Muslims they might encounter *en route* that they should go to Potočari and wait there until they would be driven away on the next day. As of the morning of 14 July 1995, 15,000 people had arrived in Tuzla and 3,000 were still on their way on VRS buses. On 17 July 1995, Janković asked Mandžić and Franken to sign a declaration stating that the transportation of the Bosnian Muslims out of Potočari had been performed in a proper and humanitarian way in accordance with international law. Franken added a clause stating that the transportation was carried out in accordance with the law only 'as far as convoys actually escorted by UN forces [were] concerned' because DutchBat was not able to confirm that this was the case for any of the other convoys. The wounded remaining at the UNPROFOR compound were handed over to the ICRC on 17 July 1995, in agreement with Janković, and evacuated towards Bratunac Hospital. Some of the wounded later disappeared from the hospital.

Organisation of the transportation of Bosnian Muslims out of the enclave

2560. The DK procured buses and other vehicles that were then used to transport Bosnian-Muslim women, children and elderly out of the Potočari DutchBat compound on 12 and 13 July 1995, as well as the fuel needed to accomplish this task. On 12 July 1995, in response to a request from the DK, the Bosnian-Serb MoD sent three orders to its local secretariats directing them to procure buses and to send them to Bratunac. On

the same day, dozens of buses and trucks arrived in Potočari. The Bratunac Brigade monitored fuel allocation to buses and trucks on 12 and 13 July. It also provided two buses and fuel, and regulated traffic as the buses passed through Bratunac on their way to Konjević Polje.

2561. On 12 July 1995, members of the Bratunac Brigade military police, the 2nd Infantry Battalion, the military police of the 65th Motorised Protection Regiment from Nova Kasaba, a unit which carried out an attack from the area of Pribičevac, the Drina Wolves from the Zvornik Brigade, the 10th Sabotage Detachment as well as police units, including members of the Bratunac SJB, the 1st Company of the Special Police Brigade, and a company of the PJP were present in Potočari and assisted with the evacuation of Bosnian Muslims. On 12 and 13 July 1995, the 1st Company of the Special Police Brigade was tasked to secure a road close to the UN compound and ensure the safe transportation of civilians. Traffic police and the military police of the 65th Motorised Protection Regiment were tasked with monitoring the movement of the buses from the DK area to the SRK area.

Separation of Bosnian-Muslim men from the rest of the population in Potočari

2562. In the afternoon of 12 July 1995, the first convoy, which included men, left Potočari. The convoy was filmed and the footage was later broadcast by a press service of the DK Command. The men on the first convoy were separated at checkpoints, including the Tišća checkpoint, before reaching Kladanj and taken away by VRS soldiers in execution of Major Sarkić's, the Chief of Staff of the Milići Brigade, order. Sarkić and his troops were present at the Tišća checkpoint on that day pursuant to orders from the DK Command. General Krstić, in particular, had issued orders to DK units to secure a stretch of the road from Vlasenica up to Tišća where the civilians disembarked.

2563. As the Bosnian Muslims later began boarding the buses in Potočari, Bosnian-Serb soldiers systematically separated out men of military age who were trying to get onboard. Some of the separated males were as young as 12 years old and others were older and over 60 years old. Some of the males were unarmed and some were wearing military clothing. The separations were frequently aggressive. Some of the males were beaten, stoned, insulted, spat on, and sometimes stabbed. DutchBat members protested, especially when the men were too young or too old to reasonably be screened for war

criminals or to be considered members of the military, and when the soldiers were being violent. The separations caused fear among the families. When a Bosnian-Muslim woman asked a soldier to stay with her husband as he was being separated from her on 13 July 1995, the soldier replied: 'You can stay, but you'll meet the same fate as he!'. The woman subsequently fainted and was taken onboard a truck by relatives.

2564. The Assistant Commander for Security and Intelligence, Momir Nikolić, and elements of the Bratunac Brigade, including members of the brigade's military police, participated in the separation of Bosnian-Muslim males. Members of the Bratunac Brigade Military Police also provided security for the other units engaged in the separation.

2565. The separated males were taken to a building in Potočari referred to as the White House. Members of the MUP Special Police units brought the males towards the White House. DK officers were seen in the vicinity of the White House during the time the separated males were detained there and a member of the civilian police was seen counting the buses. When the yard of the White House was full of people unrest started and Colonel Janković told the Bosnian-Muslim males that there was no need for concern and that they would join their families later. DutchBat patrols attempted to monitor the situation but the VRS did not allow them to enter the building. One Dutch officer was removed from the premises at gunpoint.

2566. Beginning on the afternoon of 12 July and continuing throughout 13 July 1995, males detained in the White House, numbering approximately 1,000, were placed on separate buses from the women and the majority of children and elderly and were taken out of the Potočari DutchBat compound to detention sites in Bratunac in execution of VRS orders. Military policemen from the Bratunac Brigade escorted the buses. Soldiers kicked and hit the males with rifle butts while loading them onto the buses and ordered them to keep their heads down. DutchBat ordered one of the jeeps to escort the buses but the VRS stopped the escort. The buses came back soon after empty. The males were subsequently joined by Bosnian-Muslim men captured from the column. No discernible effort was made to keep the detainees from Potočari and the men captured from the column separate. Ultimately, they were all taken to the Zvornik Brigade area of responsibility. These men were held in various locations, such as an abandoned warehouse, an old school, and even in the buses and trucks that had brought them there. The Bosnian-Muslim men from Potočari as well as from Sandići and Nova Kasaba who

had spent the night on 13 July in Bratunac Town went in a long column of buses the following day to various temporary detention facilities and execution sites in Bratunac and Zvornik Municipalities. Identification papers and personal belongings, including money, were taken away from Bosnian-Muslim males, before entering the White House in Potočari, as well as from the men captured from the column; their papers and belongings were piled up and eventually burnt by the VRS. The Trial Chamber received evidence from Miladin Mlađenović that he did not see any personal items or luggage on the grounds of the White House on 13 July 1995. As this may reflect the observations of this witness at the time he was present in Potočari, the Trial Chamber finds that this evidence does not contradict Adjudicated Facts numbers 1489 and 1499 on the appropriation and destruction of belongings of Bosnian Muslims. On 12 July 1995 in Potočari, a soldier told a Bosnian-Muslim woman, who had been separated from her brother, that she did not need to bring her brother's bag to him as he would not need it anymore. When she tried to follow her brother, a soldier pulled her hair, pushed her to the ground and kicked her with his army boots. In the evening of 12 July 1995, one of the Bosnian-Muslim 'representatives' asked Franken for the transportation to be stopped because he feared for the fate of Bosnian-Muslim males. On 13 July 1995, the Bosnian-Muslim 'representatives' in Potočari stopped the process of registration of Bosnian-Muslim men for the UN because they were intimidated by the Serb forces to the extent that a female in the group had a nervous breakdown and had to be taken to the hospital.

2567. Bosnian-Muslim men were transported to detention and execution sites in buses procured by the DK. Buses from private companies drove Bosnian Muslims to Bratunac and other locations. From 13 July 1995, the Zvornik Brigade began identifying detention sites for the Bosnian-Muslim men.

2568. As early as 14 July 1995, reports of missing Bosnian-Muslim men from Srebrenica began to surface in the international media. On that day, the UNSC expressed concern about the forced relocation of civilians from the Srebrenica 'safe area' by the Bosnian Serbs, asserting it was a clear violation of their human rights.

2569. The evidence on the fate of the separated Bosnian-Muslim men will be reviewed, along with additional evidence, in chapters 7.2-7.14.

2570. The Trial Chamber will address the evidence and make findings on the alleged incidents of killings, ill-treatment, and forcible transfer and deportation in chapters 7.2-7.17.

2571. The Trial Chamber will address the evidence and make findings related to the alleged Srebrenica JCE and, in particular, the Accused's alleged responsibility (some of which has been reviewed above in this chapter) in chapter 9.

7.1.6 The column

2572. In this chapter, the Trial Chamber will review the evidence and make findings concerning the column of people attempting to leave Srebrenica Town and the Srebrenica enclave in the aftermath of the VRS attack and takeover of the enclave between 6 and 12 July 1995 (discussed in chapter 7.1.3). The Defence submitted that the civilian status of the victims has not been established and that any deaths were the result of combat, minefields, suicides, or in-fighting amongst those in the column.[10987] The Trial Chamber took judicial notice of a number of Adjudicated Facts relating to these events. It further received evidence from **Witness RM-336**, a Serb policeman from the Ugljevik SJB in Bijeljina Municipality;[10988] **Witness RM-253**, **Witness RM-256, Witness RM-346**, and **Reif Mehmedović**, all Bosnian-Muslim ABiH soldiers from Srebrenica Municipality;[10989] **Witness RM-301**, a Bosnian-Muslim soldier from Srebrenica Municipality;[10990] **Witness RM-257**, **Witness RM-204**, **Mevludin Orić**, **Salih Mehmedović**, and **Sulejman Buljubašić**, all Bosnian Muslims from Srebrenica Municipality;[10991] **Ramiz Husić**, a Bosnian Muslim from Brezovica who moved to Srebrenica in 1993 and who was 18 years old in July 1995;[10992] **Mujo Subašić**, a Bosnian Muslim from Podžeplje, Han Pijesak Municipality, who worked as a nurse in the Srebrenica hospital from April 1993 until 11 July 1995;[10993] **Witness RM-314**, a

[10987] Defence Final Brief, paras 2689-2693, 2706-2716 and 2738-2751.
[10988] P3455 (Witness RM-336, *Popović et al*. transcript, 16 November 2006), pp. 4076-4079; P3458 (Statement of Witness RM-336 before the Bijeljina SJB, 23 September 2004), p. 3.
[10989] **Witness RM-253**: P1547 (Witness RM-253, witness statement, 16 August 1995), p. 1, para. 1; Witness RM-253, T. 12485; P1546 (Witness RM-253, pseudonym sheet). **Witness RM-256**: P1592 (Witness RM-256, witness statement, 16 January 1996), p. 1, paras 1-2; Witness RM-256, T. 13187. **Witness RM-346**: P1118 (Witness RM-346, prior testimony), p. 3016; P1117 (Witness RM-346, pseudonym sheet); Witness RM-346, T. 9576. **Reif Mehmedović**: P3452 (Reif Mehmedović, witness statement, 16 August 1996), p. 2.
[10990] P3377 (Witness RM-301, witness statement, 26 August 1995), pp. 1-2.
[10991] **Witness RM-257**: P3370 (Witness RM-257, witness statement, 8 March 1999), p. 1. **Witness RM-204:** P3357 (Witness RM-204, witness statement, 13 August 1995), p. 2; P3358 (Witness RM-204, witness statement, 19 August 1996), p. 1. **Mevludin Orić**: P1757 (Mevludin Orić, *Popović et al*. transcript, 28 -29 August 2006), pp. 861, 869. **Salih Mehmedović**: P1034 (Salih Mehmedović, witness statement, 15 June 2000), p. 1; P1035 (Salih Mehmedović, record of witness interview, 15 June 2000), p. 1. **Sulejman Buljubasić**: P3450 (Sulejman Buljubašić, witness statement, 13 July 1999), p. 1.
[10992] P3376 (Ramiz Husić, witness statement, 9 June 1999), pp. 1-2.
[10993] P3306 (Mujo Subašić, witness statement, 3 October 2012), p. 1, paras 3, 10-11, 29, 31.

Bosnian-Muslim TO member who worked in Srebrenica during the war;[10994] **Witness RM-358**, a Bosnian Muslim from Srebrenica Municipality, who joined the TO in April 1992;[10995] **Witness RM-297**, a Bosnian Muslim from Zvornik;[10996] **Milos Mitrović**, a member of the Transport and Fortification Platoon of the Engineering Company of the Zvornik Brigade since December 1992;[10997] **Milenko Pepić**, a Serb member of the Second 'Šekovići' Platoon of the Second Šekovići Special Police Detachment (part of a Special Police Brigade of the VRS);[10998] **Neđo Jovičić** a member of the Special Police Brigade and driver for the Deputy Commander of the Special Police Brigade Ljubomir Borovčanin during 1995;[10999] **Dušan Mićić**, commander of the 3rd Platoon of the 1st Company of the PJM;[11000] **Witness RM-268**, a member of the Bosnian-Serb MUP Special Police Brigade in 1995;[11001] **Bojan Subotić**, commander of a military police platoon in the military police battalion of the 65th Motorised Protection Regiment and commander for the security of the battalion command in July 1995;[11002] **Witness RM-333**, a member of the joint MUP forces of the RSK, Serbia, and the Bosnian-Serb Republic in 1995;[11003] **Mićo Gavrić**, Chief of artillery in the Bratunac Brigade;[11004] as well as documentary evidence and finds that this evidence is consistent with the Adjudicated Facts.[11005] The Trial Chamber also received evidence from **Richard**

[10994] P1435 (Witness RM-314, witness statement, 16 August 1995), pp. 1-2; P1436 (Witness RM-314, witness statement, 8 June 1999), p. 1; P1437 (Witness statement, 14 June 1999), p. 1; Witness RM-314, T. 10849-10850, 10869-10872, 10896, 10912; P1434 (Pseudonym sheet of Witness RM-314). Relevant evidence from Witness RM-314 is also reviewed in chapter 7.2 *Schedule E.1.1*.
[10995] P3378 (Witness RM-358, witness statements), witness statement of 28 May 2000, p. 1, para. 1, witness statement of 2 October 2013, p. 1, para. 1.
[10996] P1443 (Witness RM-297, witness statement, 14 August 2013), pp. 1-2; P1442 (Pseudonym Sheet for Witness RM-297).
[10997] P3645 (Milos Mitrović, *Blagojević and Jokić* transcript, 3-4 December 2003), pp. 5589, 5590, 5594.
[10998] P1543 (Milenko Pepić, Bosnia-Herzegovina statement, 26 October 2005), pp. 2, 5; Milenko Pepić, T. 12406-12407, 12433.
[10999] D976 (Neđo Jovičić, witness statement, 3 August 2014), para. 2.
[11000] D977 (Dušan Mićić, witness statement, 24 March 2013), paras 2, 14-16; Dušan Mićić, T. 33758.
[11001] P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), pp. 8565, 8567.
[11002] D926 (Bojan Subotić, witness statement, 15 June 2014), paras 2, 4.
[11003] Witness RM-333, T. 6759, 6792-6793; P724 (Report on the combat engagement of police forces in Srebrenica 95 signed by Ljubiša Borovčanin) p. 1; D129 (MUP order signed by Tomislav Kovač, 10 July 1995), p. 1.
[11004] Mićo Gavrić, T. 13899.
[11005] **Witness RM-336**: P3455 (Witness RM-336, *Popović et al*. transcript, 16 November 2006), pp. 4093, 4099-4101. **Witness RM-253**: P1547 (Witness RM-253, witness statement, 16 August 1995), paras. 2-6, 10-11, 16, 18; Witness RM-253, T. 12516-12520, 12522-12523, 12526; P1548 (Witness RM-253, clarifications to witness statement). **Witness RM-256**: P1592 (Witness RM-256, witness statement, 16 January 1996), paras 3-7, 9; Witness RM-256, T. 13188-13191. **Witness RM-301**: P3377 (Witness RM-301, witness statement, 26 August 1995), pp. 2-3. **Witness RM-257**: P3370 (Witness RM-257, witness statement, 8 March 1999), pp. 2-3; P3371 (Witness RM-257, *Popović et al.* transcript, 2 November 2006), pp. 3507-3510, 3512. **Witness RM-346**: P1118 (Witness RM-346, prior testimony), pp. 3016-3021; Witness RM-346, T. 9560-9561, 9578-9581. **Witness RM-204**: P3357 (Witness RM-204, witness statement, 13 August 1995), pp. 2, 4-5. **Mevludin Orić**: P1757 (Mevludin Orić, *Popović et al*. transcript,

Butler, an intelligence research specialist;[11006] **Mendeljev Đurić**, a.k.a. Mane, the Bosnian-Serb Commander of the 1st Company of the Special Police Brigade at the Jahorina training centre in July 1995;[11007] **Nebojša Jeremić**, member of the military police in the Zvornik Brigade from April 1993 until the end of July 1995;[11008] **Mirko Perić**, a reserve policeman mobilised into the Bratunac police between 1992 and 1995;[11009] **Zoran Malinić**, Commander of the Military Police Battalion of the 65th Motorized Protection Regiment;[11010] **Mile Petrović**, **Pero Andrić**, and **Mladen Blagojević**, all members of the Bratunac Brigade military police platoon in July 1995;[11011] **Dragomir Keserović**, a VRS member between 17 June 1992 and 2004 who served from February 1995 as desk officer for the military police in the security administration of the VRS Main Staff;[11012] **Momir Nikolić**, the Assistant Commander

28-29 August 2006), pp. 871, 872-873, 875-877, 880-881, 883-889, 902. **Ramiz Husić**: P3376 (Ramiz Husić, witness statement, 9 June 1999), pp. 2-3. **Mujo Subašić**: P3306 (Mujo Subašić, witness statement, 3 October 2012), paras 33-35, 37-38, 42, 44-45, 54. **Witness RM-358**: P3378 (Witness RM-358, witness statements), witness statement of 28 May 2000, paras 3, 5-6, 7. **Witness RM-297**: P1443 (Witness RM-297, witness statement, 14 August 2013), p. 2; Witness RM-297, T. 10971-10972. **Salih Mehmedović**: P1035 (Salih Mehmedović, record of witness interview, 15 June 2000), p. 2. **Reif Mehmedović**: P3452 (Reif Mehmedović, witness statement, 16 August 1996), p. 2. **Witness RM-314**: Witness RM-314, T. 10911. **Milos Mitrović**: P3645 (Milos Mitrović, *Blagojević and Jokić* transcript, 3-4 December 2003), p. 5598. **Milenko Pepić**: P1543 (Milenko Pepić, Bosnia-Herzegovina statement, 26 October 2005), p. 10; Milenko Pepić, T. 12457. 12459, 12462, 12465. **Neđo Jovčić**: D976 (Neđo Jovičić, witness statement, 3 August 2014), para. 38; Neđo Jovičić, T. 33700-33701. **Sulejman Buljubašić**: P3450 (Sulejman Buljubašić, witness statement, 13 July 1999), pp. 1-2. **Witness RM-204**: P3357 (Witness RM-204, witness statement, 13 August 1995), p. 3. **Witness RM-268**: P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), p. 8634. **Witness RM-333**: P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), pp. 14822, 14836, 14882-14883, 14899; Witness RM-333, T. 6757-6758, 6760, 6771, 6773, 6790, 6799; P724 (Report on the combat engagement of police forces in Srebrenica 95 signed by Ljubiša Borovčanin, 5 September 1995) pp. 2, 4; D129 (MUP order signed by Tomislav Kovač, 10 July 1995). **Dušan Mićić**: D977 (Dušan Mićić, witness statement, 24 March 2013), paras 32-33, 37; Dušan Mićić, T. 33756-33757. **Bojan Subotić**: D926 (Bojan Subotić, witness statement, 15 June 2014), para. 24. **Mićo Gavrić**: Mićo Gavrić, T. 13952-13953. **Documentary evidence**: P724 (Report on the combat engagement of police forces in Srebrenica 95 signed by Ljubiša Borovčanin, 5 September 1995) p. 3. P3572 (Zvornik Brigade Daily Combat Report, 14 July 1995), paras 1-2. P724 (Report on the combat engagement of police forces in *Srebrenica 95* signed by Ljubiša Borovčanin, 5 September 1995) pp. 3-4, 6. P2117 (Special Police Brigade document to Pale Police Staff Janja, 13 July 1995), p. 2. P7304 (Statement of Emin Mustafić, taken by the Zvornik Military Police, 23 July 1995), p. 1. P7305 (Statement of Almir Halilović, taken by the Zvornik Military Police, 23 July 1995), p. 1. P7306 (Statement of Sakib Kivirić, taken by the Zvornik Military Police, 23 July 1995), p. 1. P7307 (Statement of Fuad Dozić, taken by the Zvornik Military Police, 26 July 1995), p. 1.

[11006] Richard Butler, T. 16108; P2094 (Richard Butler, *curriculum vitae*, 10 June 2011).

[11007] P2174 (Mendeljev Đurić, Popović *et al.* transcript, 1-3 May 2007), pp. 10790, 10793, 10796-10797.

[11008] Nebojša Jeremić, T. 34273, 34299.

[11009] Mirko Perić, T. 34228-34229, 34233.

[11010] P1574 (Zoran Malinić, Witness statement, 14 December 2005), p. 41.

[11011] **Mile Petrović**: D894 (Mile Petrović, witness statement, 6 June 2014), para. 1. **Pero Andrić**: Pero Andrić, T. 34096-34097, 34130-34131; P7295 (Bosnia-Herzegovina Prosecutor's Office record of interview, 29 June 2006), p. 1; P7297 (List of conscripts within the Bratunac Brigade, July 1995), p. 2. **Mladen Blagojević**: D922 (Mladen Blagojević, witness statement, 6 June 2014), p.1, para. 3; P7186 (Mladen Blagojević, US Department of Homeland Security, Report of Investigation), pp. 2, 4.

[11012] Dragomir Keserović, T. 12802, 12805-12807.

for Intelligence and Security of the Bratunac Brigade from November 1992 to at least October 1995;[11013] **Bruce Bursik**, an investigator with the Prosecution as of 1 September 1999;[11014] **Zoran Durmić**, a member of the Vlasenica SJB reserve as of 22 September 1991;[11015] **Ljubodrag Gajić**, a member of the MUP 1st Company of the Jahorina Training Centre;[11016] **Milenko Todorović**, Assistant Commander of the Intelligence and Security Organ of the IBK as of 16 November 1993;[11017] **Tomislav Savkić**, the former Commander of the 1st Infantry Battalion in Milići and from 1 November 1993 President of the Milići Municipal Assembly;[11018] **Ljubomir Bojanović**, a member of the Zvornik Brigade in 1995;[11019] and **Vincentius Egbers**, a DutchBat member.[11020]

The formation of the column

2573. The Trial Chamber recalls its findings on the fall of Srebrenica in chapter 7.1.3. **Witness RM-297** testified that Mladić called '"Srebrenica Srpska", Serbian Srebrenica, and he promised to take revenge on the Turks and the janissaries'.[11021] At around 10 p.m. on 11 July 1995, the 'division command', together with the Bosnian-Muslim municipal authorities of Srebrenica, made the decision to form the column.[11022] The young men were afraid they would be killed if they fell into Bosnian-Serb hands in Potočari and believed that they stood a better chance of surviving by trying to escape through the woods to Tuzla.[11023] **Witness RM-253** testified that all 'military-aged men and any other men who could walk' were ordered to go to Šušnjari and all women and children were to go to the UNPROFOR base in Potočari.[11024] **Witness RM-256** testified

[11013] Momir Nikolić, T. 11768-11771, 11776-11777, 11981-11983; D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), paras 1, 13-14.
[11014] Bruce Bursik, T. 38860.
[11015] D659 (Zoran Durmić, witness statement, 12 February 2013), paras 1-3, 5-6, 13, 18, 29; Zoran Durmić, T. 26314; D663 (Bosnia-Herzegovina MUP Certificate re: Zoran Durmić's reserve police force membership), pp. 1-2.
[11016] Ljubodrag Gajić, T. 40268-40269, 40311.
[11017] Milenko Todorović, T. 19835, 19837.
[11018] D699 (Tomislav Savkić, witness statement, 11 August 2014), para. 2.
[11019] P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), pp. 11673, 11676.
[11020] P1629 (Vincentius Egbers, *Krstić* transcript, 5-6 April 2000), pp. 2201-2203; D307 (Undated UN Peacekeeper interview questionnaire), p. 1.
[11021] Witness RM-297, T. 10943.
[11022] Adjudicated Facts II, no. 1440. The Trial Chamber understands this reference to the 'division command' to refer to the Command of the 28th Division of the ABiH.
[11023] Adjudicated Facts II, no. 1441.
[11024] P1547 (Witness RM-253, witness statement, 16 August 1995), para. 2; Witness RM-253, T. 12516-12517; P1548 (Witness RM-253, clarifications to witness statement).

that the order was communicated by ABiH Commander Zulfo Tursunović's courier and that, in addition to the women and children, elderly and injured people were ordered to go to Potočari.[11025] **Witness RM-253** testified that the men, including himself, formed a column because they suspected the forests were mined, and continued to Šušnjari.[11026] **Witness RM-297** testified that the 'evacuation' of the able-bodied men out of Srebrenica was not organized by anyone.[11027] **Witness RM-314** testified that the column was divided into smaller groups, without much organisation and with no one leading or being responsible for it.[11028] The column gathered near the villages of Jaglići and Šušnjari and began to trek north.[11029] At around midnight on 11 July, the column started moving along the axis between Konjević Polje and Bratunac.[11030] On 12 July 1995, the MUP received information that all able-bodied Muslims from Srebrenica had 'set out on a breakthrough' towards Konjević Polje and, further on, towards Tuzla.[11031]

Composition of the column

2574. The Trial Chamber received evidence from a number of witnesses regarding the estimated number of people in the column, as well as about the composition of the column. These estimates ranged from 10,000 to 15,000 people.[11032] **Witness RM-358** provided a slightly higher estimate, stating that on 11 July 1995 he and his unit joined between 17,000 and 18,000 people in the column.[11033]

[11025] P1592 (Witness RM-256, witness statement, 16 January 1996), para. 3; Witness RM-256, T. 13188. *See also* P3371 (Witness RM-257, *Popović et al.* transcript, 2 November 2006), pp. 3507-3510; P3377 (Witness RM-301, witness statement, 26 August 1995), p. 2; P3378 (Witness RM-358, witness statements), witness statement of 28 May 2000, paras 2-3.
[11026] P1547 (Witness RM-253, witness statement, 16 August 1995), para. 3; Witness RM-253, T. 12518.
[11027] P1443 (Witness RM-297, witness statement, 14 August 2013), p. 2.
[11028] P1435 (Witness RM-314, witness statement, 16 August 1995), p. 2; Witness RM-314, T. 10872.
[11029] Adjudicated Facts II, no. 1443.
[11030] Adjudicated Facts II, no. 1451.
[11031] P2117 (Special Police Brigade document to Pale Police Staff Janja, 13 July 1995), pp. 1-2.
[11032] P1547 (Witness RM-253, witness statement, 16 August 1995), para. 3; Witness RM-253, T. 12518-12519; P3377 (Witness RM-301, witness statement, 26 August 1995), p. 2 and P1443 (Witness RM-297, witness statement, 14 August 2013), p. 2. *See also* P1118 (Witness RM-346, prior testimony), p. 3017; Witness RM-346, T. 9579; P1035 (Salih Mehmedović, record of witness interview, 15 June 2000), p. 2; P1757 (Mevludin Orić, *Popović et al.* transcript, 28-29 August 2006), pp. 872-873; P3306 (Mujo Subašić, witness statement, 3 October 2012), para. 33; P1435 (Witness RM-314, witness statement, 16 August 1995), p. 2; Witness RM-314, T. 10910; P3452 (Reif Mehmedović, witness statement, 16 August 1996), p. 2; Nebojša Jeremić, T. 34279-34280, 34298; P1443 (Witness RM-297, witness statement, 14 August 2013), p. 2.
[11033] P3378 (Witness RM-358, witness statements), witness statement of 28 May 2000, paras 2-3.

2575. The group consisted predominately of boys and men who were between the ages of 16 and 65.[11034] **Mevludin Orić** stated that the people ranged in age from 14 to 70.[11035] **Witness RM-253** testified that of the 15,000 people, 13,000 were military-aged men, 2,000 were elderly men and boys, and there was a small number of young women.[11036] A small number of women, children, and elderly travelled with the column in the woods.[11037] **Witness RM-297** stated that some of the men in the column were wounded.[11038]

2576. Around one third of the men in the column were Bosnian-Muslim soldiers from the 28th Division, although not all of the soldiers were armed.[11039] The head of the column was comprised of units of the 28th Division, then came civilians mixed with soldiers, and the last section of the column was the Independent Battalion of the 28th Division.[11040] The Trial Chamber received evidence from a number of witnesses about the types of arms carried by some of the people in the column which included hunting weapons owned from before the war, hand grenades, and pistols.[11041] **Witness RM-257** stated that when he left, he did not see anyone carrying weapons.[11042] **Witness RM-314** testified that he was wearing civilian clothes, and many of those in the column who carried arms were wearing civilian clothing.[11043]

2577. **Mujo Subašić** stated that the column was 10-kilometers long and departed on 12 July 1995 at 2 a.m. while the rear started moving at 7 a.m.[11044] **Witness RM-358** stated that the column began moving around midnight on 11 July 1995, while the rear section did not begin to move until around 2 a.m. on 12 July 1995.[11045]

[11034] Adjudicated Facts II, no. 1444.
[11035] P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), pp. 871, 872-873, 875-876.
[11036] P1547 (Witness RM-253, witness statement, 16 August 1995), para. 3; Witness RM-253, T. 12518-12519.
[11037] Adjudicated Facts II, no. 1445.
[11038] P1443 (Witness RM-297, witness statement, 14 August 2013), p. 2; Witness RM-297, T. 10971-10972.
[11039] Adjudicated Facts II, no. 1450.
[11040] Adjudicated Facts II, no. 1450.
[11041] P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), pp. 874, 888; P3377 (Witness RM-301, witness statement, 26 August 1995), p. 2; P3378 (Witness RM-358, witness statements), witness statement of 28 May 2000, para. 3; Witness RM-314, T. 10908.
[11042] P3371 (Witness RM-257, *Popović et al.* transcript, 2 November 2006), p. 3510.
[11043] P1435 (Witness RM-314, witness statement, 16 August 1995), p. 2; Witness RM-314, T. 10908.
[11044] P3306 (Mujo Subašić, witness statement, 3 October 2012), paras 34-35. *See also* P1547 (Witness RM-253, witness statement, 16 August 1995), paras 3-4; Witness RM-253, T. 12518-12520.
[11045] P3378 (Witness RM-358, witness statements), witness statement of 28 May 2000, para. 4.

Military action in relation to the column

2578. In the afternoon of 12 July 1995, Ljubiša Borovčanin received information from state security employees that approximately 12,000 to 15,000 able-bodied, mostly armed Bosnian Muslims were moving from Srebrenica towards Konjević Polje, Cerska, and Tuzla.[11046] On the same day, Borovčanin received an order from Mladić to send half of his men and available technical equipment to the Konjevic Polje-Cerska axis to block the area and fight the formation.[11047] The 2nd Special Police Detachment and the 1st Company of the Zvornik PJP deployed along the Kravica-Sandići-Pervani-Hričići road, with a launcher for Malyutka missiles, a *praga* self-propelled anti-aircraft gun, and a mortar platoon.[11048] Simultaneously, the 2nd Company of the Zvornik PJP was sent to Srebrenica to form an SJB and set up checkpoints in order to secure the town.[11049] **Richard Butler** testified that on or around 12 July 1995, the Zvornik and Birač Infantry Brigades and the 2nd Romanija Motorised Brigade engaged in sweeping the terrain west of Srebrenica.[11050]

2579. As the Bosnian-Muslim column attempted to break out of the enclave, it first moved through the area of responsibility of the Bratunac Brigade.[11051] Leaving the area of the Bratunac Brigade, the column moved up towards the Zvornik Brigade's zone of responsibility.[11052] The DK's subordinate Brigades, particularly the Bratunac and Zvornik Brigades, engaged in combat with the column as it attempted to break through to Bosnian Muslim-held territory.[11053] In the days following the 11 and 12 July meetings at the Hotel Fontana, VRS units, including units of the DK that were not engaged in the Žepa campaign, were assigned to block the column.[11054] In addition to these DK units, non-DK units, including the MUP Special Police Brigade, elements of the Military

[11046] P724 (Report on the combat engagement of police forces in *Srebrenica 95* signed by Ljubiša Borovčanin, 5 September 1995) p. 3; D129 (MUP order signed by Tomislav Kovač, 10 July 1995).
[11047] P724 (Report on the combat engagement of police forces in *Srebrenica 95* signed by Ljubiša Borovčanin, 5 September 1995) p. 3.
[11048] P724 (Report on the combat engagement of police forces in *Srebrenica 95* signed by Ljubiša Borovčanin, 5 September 1995) p. 3.
[11049] P724 (Report on the combat engagement of police forces in *Srebrenica 95* signed by Ljubiša Borovčanin, 5 September 1995) pp. 3-4.
[11050] P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), paras 4.4-4.5.
[11051] Adjudicated Facts II, no. 1447.
[11052] Adjudicated Facts II, no. 1448.
[11053] Adjudicated Facts II, no. 1449.
[11054] Adjudicated Facts II, no. 1452.

Police Battalion of the 65th Protection Regiment, and subsequently elements of the municipal police, also took action to block the column.[11055]

2580. **Mirko Perić** testified that sometime between 10 and 13 July 1995 a group of Bosnian-Serb soldiers arrived at a Bosnian-Serb police checkpoint in Konjević Polje leading between four and seven men including Resid Sinanović, a Muslim and former Chief of the Bratunac police station, who was holding a stick with a white T-shirt.[11056] The witness had been told to contact the police station if somebody they knew came to surrender.[11057] **Milos Mitrović** testified that on 13 July 1995 at around 10 or 11 a.m., Dragan Jevtić (introduced in chapter 3.1.2) ordered him to go to the Standard military barracks to join the Logistics Unit and, then, to go to Snagovo.[11058]

2581. **Milenko Pepić** testified that on 14 July 1995, he was sent by his commander Rade Čuturić, a.k.a. Oficir, of the 2nd Šekovići Detachment of the Special Police Brigade, (introduced in chapter 3.4) from Konjević Polje to Zvornik and then to the Baljkovica sector.[11059] The witness's group, comprising himself from the 2nd 'Šekovići' Platoon of the 2nd Šekovići Special Police Detachment which was subordinated to a VRS Special Police Brigade, and members of the 1st and 2nd Police Detachments, reached Baljkovica on 15 July 1995.[11060] At this position, they received an order to abort all combat activities and withdraw in order to create a passage for the Muslim civilians and soldiers to pass through.[11061]

2582. **Neđo Jovičić** testified that on 15 July 1995, following a meeting between 'Chief Vasić' and Borovčanin (introduced in chapter 3.4) in Zvornik, a large part of the police force was sent to Baljkovica to block the area and protect Zvornik from an attack by the 28th ABiH Division, which was breaking through towards Tuzla from the direction of Srebrenica.[11062] On that day, an offensive MUP combat group composed of the 2nd and 4th Special Police Units, the latter being led by Miodrag Vikić, equipped with a tank and one praga, a mortar platoon and the 1st Company of the Zvornik PJP was sent in the

[11055] Adjudicated Facts II, no. 1453.
[11056] Mirko Perić, T. 34233-34236.
[11057] Mirko Perić, T. 34236.
[11058] P3645 (Milos Mitrović, *Blagojević and Jokić* transcript, 3-4 December 2003), pp. 5595, 5597-5598.
[11059] P1543 (Milenko Pepić, Bosnia-Herzegovina statement, 26 October 2005), pp. 6, 10; Milenko Pepić, T. 12457, 12459, 12465.
[11060] P1543 (Milenko Pepić, Bosnia-Herzegovina statement, 26 October 2005), pp. 2, 5, 10; Milenko Pepić, T. 12406-12407, 12433,12457, 12459, 12465-12466.
[11061] P1543 (Milenko Pepić, Bosnia-Herzegovina statement, 26 October 2005), p. 10; Milenko Pepić, T. 12467.
[11062] D976 (Neđo Jovičić, witness statement, 3 August 2014), para. 38; Neđo Jovičić, T. 33700-33701.

direction of Donja Baljkovica and Crni Vrh to prevent a breakthrough towards Zvornik of a strong enemy column coming from Cerska and composed of about 3,500 to 4,000 men.[11063]

Attacks on the column on 12-13 July 1995

2583. The Trial Chamber took judicial notice of Adjudicated Facts and received evidence in relation to various ambushes on the column on 12 and 13 July 1995. On 12 July 1995, Bosnian-Serb forces launched an artillery attack against the column which was crossing an asphalt road between the area of Konjević Polje and Nova Kasaba en route to Tuzla.[11064] Only about one third of the men successfully made it across the asphalt road and the column was split in two parts.[11065] Heavy shooting and shelling continued against the remainder of the column throughout the day and during the night.[11066] **Witness RM-257**, **Sulejman Buljubašić**, **Witness RM-301**, and **Witness RM-358** stated that the column was fired at by Pragas, tanks, mortars, shells, fired from hand-held rocket launchers, machine-guns, anti-aircraft machine-guns, and M-53 firearms.[11067] **Witness RM-253** testified that the shelling would take place for 15 minutes, pause briefly and then start again.[11068]

2584. **Witness RM-358** stated that after an attack on the column the smoke generated by the explosion was very thick and the witness was afraid it may have contained some kind of poison.[11069] **Witness RM-253** testified that his group, with wounded at the front, came under sporadic shooting and people's eyes started to burn, which the witness believed was result of tear or some other chemical gas.[11070] Another witness, **Witness RM-254,** testified that during the night of 13 July 1995, he saw a helicopter dropping an 'agent' of blue powder on the part of the column he was in on several occasions in different areas of the column.[11071] The men who were affected choked as they fell whilst

[11063] P724 (Report on the combat engagement of police forces in Srebrenica 95 signed by Ljubiša Borovčanin, 5 September 1995) pp. 3-4, 6.
[11064] Adjudicated Facts II, no. 1456.
[11065] Adjudicated Facts II, no. 1457.
[11066] Adjudicated Facts II, no. 1458.
[11067] P3370 (Witness RM-257, witness statement, 8 March 1999), p. 2; P3450 (Sulejman Buljubašić, witness statement, 13 July 1999), p. 2; P3377 (Witness RM-301, witness statement, 26 August 1995), pp. 2-3; P3378 (Witness RM-358, witness statements), witness statement of 28 May 2000, para. 5.
[11068] P1547 (Witness RM-253, witness statement, 16 August 1995), para. 5.
[11069] P3378 (Witness RM-358, witness statements), witness statement of 28 May 2000, para. 6.
[11070] P1547 (Witness RM-253, witness statement, 16 August 1995), para. 7.
[11071] P1690 (Witness RM-254, witness statement, 18 August 1996), para. 3.

their eyes turned red, their faces turned blue, and their legs jerked.[11072] **Witness RM-253** testified that heavy shelling followed immediately, and the witness heard a loud explosion and the sounds of anti-aircraft fire and Howitzers.[11073] **Witness RM-314**, **Witness RM-257**, **Ramiz Husić**, **Witness RM-204**, **Subašić**, **Witness RM-358**, **Orić**, **Witness RM-256**, **Witness RM-253**, **Witness RM-297**, **Witness RM-301**, **Buljubašić**, and **Witness RM-346** described ambushes and firing on the column and that they saw many dead and wounded people resulting from the attacks on the column on 12-13 July 1995.[11074] **Buljubašić** stated that shortly after the ambush in Pobućka Kamenica, the column was surrounded by 'Chetniks' dressed in plain clothes who said that the group from the column should line up by brigade and bring their wounded in the direction of the asphalt. As a result, five or six groups with wounded people moved towards the asphalt and the witness saw these groups being fired upon as they reached the edge of the woods, not far from where he was. One of the 'Chetniks' referred to himself as the 'Chetnik Duke from Mostar'.[11075] At around 4 a.m., the witness and some others escaped from the clearing where the 'Chetniks' had surrounded them, and he climbed up a tree and hid.[11076] From a distance of around 50 metres, he saw the 'Chetniks' ordering Sabo Alić to come down from another tree in which he was hiding, and when Alić refused, the witness heard the sound of a single shot.[11077]

2585. **Witness RM-253** testified that during an ambush some people were yelling at the 'Chetniks' to stop shooting and negotiate with them and that during the stretch from Jaglići to Kamenica hill, he did not hear anyone from the column return fire.[11078] **Subašić** stated that near the Nova Kasaba-Konjević Polje asphalt road he heard strong

[11072] P1690 (Witness RM-254, witness statement, 18 August 1996), para. 3.
[11073] P1547 (Witness RM-253, witness statement, 16 August 1995), para. 7.
[11074] P1435 (Witness RM-314, witness statement, 16 August 1995), p. 2; P3370 (Witness RM-257, witness statement, 8 March 1999), pp. 1-3; P3376 (Ramiz Husić, witness statement, 9 June 1999), p. 2; P3357 (Witness RM-204, witness statement, 13 August 1995), pp. 2-4; P3306 (Mujo Subašić, witness statement, 3 October 2012), para. 35; P3378 (Witness RM-358, witness statements), witness statement of 28 May 2000, para. 5; P3306 (Mujo Subašić, witness statement, 3 October 2012), para. 35; P3378 (Witness RM-358, witness statements), witness statement of 28 May 2000, paras. 5-8; P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), p. 876; P1592 (Witness RM-256, witness statement, 16 January 1996), para. 7; P1547 (Witness RM-253, witness statement, 16 August 1995), paras 6-8, 10, 12-13; Witness RM-253, T. 12521-12524; P1548 (Witness RM-253, clarifications to witness statement); P1443 (Witness RM-297, witness statement, 14 August 2013), p. 2; Witness RM-297, T. 10965-10970; P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), pp. 876-877, 879-880; P3377 (Witness RM-301, witness statement, 26 August 1995), pp. 2-4; P3450 (Sulejman Buljubašić, witness statement, 13 July 1999), p. 1; P1118 (Witness RM-346, prior testimony), p. 3017; Witness RM-346, T. 9579-9580.
[11075] P3450 (Sulejman Buljubašić, witness statement, 13 July 1999), p. 2.
[11076] P3450 (Sulejman Buljubašić, witness statement, 13 July 1999), pp. 2-3.
[11077] P3450 (Sulejman Buljubašić, witness statement, 13 July 1999), p. 3.

fire from different kinds of weapons and artillery and people screaming and saying 'don't shoot, we surrender'.[11079] **Witness RM-257** stated that during the time he was in the woods, he did not see any ABiH soldiers returning fire at the Serbs.[11080] **Witness RM-301** testified that in the aftermath of an ambush he heard cries for help and moaning for about 15 minutes before members of the column began shooting back.[11081] Along the way, the witness saw men panicking and shooting at their own group while shouting nonsense.[11082] The witness saw people who were unable to walk committing suicide using hand grenades or guns.[11083] **Bojan Subotić** testified that some of the men who surrendered to him said that the Muslims hiding in the woods were arguing and killing one another because some were in favour of surrendering while others were not.[11084] Upon request of some Muslim soldiers who had surrendered, the witness entered the woods where the Muslims were, and saw 500 dead people, including people who had been hanged, wounded by hand grenades or shells, or bombs allegedly thrown at those who tried to surrender by those who objected.[11085] The witness was bandaging five or six survivors, when he heard via radio that a group of 200 Muslim soldiers had surrendered to two of the witness's soldiers.[11086] The witness was confronted by another group of 200 Muslim soldiers who surrendered and followed the witness to the Nova Kasaba football stadium.[11087] The seriously injured Muslims were taken to Milići Hospital, under the authority of the civilian police.[11088] **Witnesses RM-358**, **Subašić**, **Witness RM-297**, and **Witness RM-253** also provided evidence that people from the column were committing suicide and killing one another.[11089] **Husić** stated that three unidentified men, two of whom wore new camouflage uniforms and one of whom wore civilian clothing, told him and approximately 50 other individuals to surrender to the

[11078] P1547 (Witness RM-253, witness statement, 16 August 1995), para. 8; Witness RM-253, T. 12520.
[11079] P3306 (Mujo Subašić, witness statement, 3 October 2012), paras 40-42.
[11080] P3370 (Witness RM-257, witness statement, 8 March 1999), p. 3.
[11081] P3377 (Witness RM-301, witness statement, 26 August 1995), p. 3.
[11082] P3377 (Witness RM-301, witness statement, 26 August 1995), p. 3.
[11083] P3377 (Witness RM-301, witness statement, 26 August 1995), p. 4.
[11084] D926 (Bojan Subotić, witness statement, 15 June 2014), para. 13; Bojan Subotić, T. 32902.
[11085] D926 (Bojan Subotić, witness statement, 15 June 2014), paras 16, 18-19; Bojan Subotić, T. 32822-32824.
[11086] D926 (Bojan Subotić, witness statement, 15 June 2014), para. 20; Bojan Subotić, T. 32824, 32976-32977.
[11087] Bojan Subotić, T. 32824-32825, 32828.
[11088] D926 (Bojan Subotić, witness statement, 15 June 2014), paras 21, 32; Bojan Subotić, T. 32976-32978.
[11089] P3378 (Witness RM-358, witness statements), witness statement of 28 May 2000, para. 6; P3306 (Mujo Subašić, witness statement, 3 October 2012), para. 43; P1547 (Witness RM-253, witness statement, 16 August 1995), para. 12; Witness RM-253, T. 12521-12522, 12525; P1548 (Witness RM-253, clarifications to witness statement); Witness RM-297, T. 10975.

Serbs.[11090] An unidentified young man in the group said that the three men were 'Chetniks' and opened fire killing the two men in uniform and wounding the man in civilian clothing. The witness, armed with a rifle given to him by the young man who had opened fire on the three unidentified individuals, left the group and went to check if there were Serbs in the vicinity. He met a group of men who advised him that the three men that had been shot at were members of the ABiH Mountain Battalion.[11091]

2586. **Orić** stated that 'Chetniks', following negotiations with members of the column, agreed to allow the column to proceed, and that the wounded should go first.[11092] Having collected the wounded and set off across a meadow, the column was subsequently fired upon from all sides, which led to many casualties and the wounded being abandoned.[11093] On another occasion, upon being told to surrender and not to run away, the witness's group was fired upon by the 'Chetniks' using artillery weapons and anti-aircraft guns.[11094]

The capture of Bosnian Muslims from the column

2587. **Mendeljev Đurić** stated that on 12 July 1995, Duško Jević ordered him to re-deploy his company, the 1st Company of the Special Police Brigade of the Jahorina Training Centre, along the Konjević Polje-Bratunac road to prevent incursions from Bosnian-Muslim men from Srebrenica, who were not in Potočari, into Srebrenica town.[11095] The witness confirmed deployment of his company up to Glogova on the Konjević Polje-Bratunac road during the night of 12 July 1995.[11096] According to a MUP Special Police Brigade dispatch, during combat in the direction of Konjević Polje on the night of 12 July 1995, 200 Muslim soldiers were killed and 1,500 Muslim soldiers were captured or had surrendered with that number increasing by the hour.[11097] **Witness RM-268** testified that he heard that during the night of 12 July 1995, a number of armed Muslims were captured in the vicinity of the Bratunac-Konjević Polje

[11090] P3376 (Ramiz Husić, witness statement, 9 June 1999), p. 2.
[11091] P3376 (Ramiz Husić, witness statement, 9 June 1999), p. 3.
[11092] P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), p. 880.
[11093] P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), pp. 880-881.
[11094] P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), p. 882.
[11095] P2174 (Mendeljev Đurić, *Popović et al.* transcript, 1-3 May 2007), pp. 10793, 10796-10797, 10812-10813.
[11096] P2174 (Mendeljev Đurić, *Popović et al.* transcript, 1-3 May 2007), p. 10813.
[11097] P2117 (Special Police Brigade document to Pale Police Staff Janja, 13 July 1995).

road.[11098] **Đurić** stated that he was ordered by Duško Jević to re-deploy his company along the Konjević Polje-Bratunac road for a second night together with the 2nd Company of the Special Police Brigade, commanded by Neđo Ikonić.[11099] The witness neither saw nor received any information of Bosnian Muslims surrendering or being captured along the Konjević Polje-Bratunac road, which his company had been securing during the nights of 12 and 13 July 1995.[11100] The witness's company was not deployed on the Konjević Polje-Bratunac road during the day on 12 and 13 July 1995 and the witness did not receive any information about Bosnian Muslims being captured or surrendering during those days.[11101] According to **Witness RM-268**, on 13 July 1995, 'one unit or detachment of the deserters from Jahorina' guarded the road around Bratunac.[11102]

2588. By the morning of 13 July, a group of approximately 2,000 to 3,000 people from the column had reached an area between Konjević Polje and Nova Kasaba.[11103] On 13 July 1995, MUP forces were deployed along the stretch of road between Konjević Polje and Bratunac where the bulk of the Bosnian-Muslim prisoners were captured from the column.[11104] **Butler** testified that on 13 July 1995, about 1,000 Bosnian Muslims were captured along the Nova Kasaba-Sandići arc and placed under the control of the Military Police Battalion of the 65th Motorised Protection Regiment at Kasaba.[11105] **Subotić** testified that on 13 July 1995, during a patrol near the Zeleni Jadar River with other privates from the Military Police Battalion Command, he saw approximately 1,000 Muslim soldiers, equipped with machine guns, infantry weapons, and a 60-millimetre mortar, firing at him and his men while the Muslim soldiers were withdrawing towards the woods.[11106] The witness's men returned fire.[11107] During the exchange of fire, a number of Muslim soldiers surrendered and a further group of 10 to 15 surrendered after the witness fired six tear gas canisters into the woods.[11108] The

[11098] P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), p. 8620.
[11099] P2174 (Mendeljev Đurić, *Popović et al.* transcript, 1-3 May 2007), pp. 10796, 10812-10814.
[11100] P2174 (Mendeljev Đurić, *Popović et al.* transcript, 1-3 May 2007), p. 10826.
[11101] P2174 (Mendeljev Đurić, *Popović et al.* transcript, 1-3 May 2007), pp. 10826, 10828.
[11102] P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), pp. 8627-8628.
[11103] Adjudicated Facts II, no. 1461.
[11104] Adjudicated Facts II, no. 1462.
[11105] P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 4.8.
[11106] D926 (Bojan Subotić, witness statement, 15 June 2014), paras 6-8, 12; Bojan Subotić, T. 32808-32809, 32988.
[11107] D926 (Bojan Subotić, witness statement, 15 June 2014), paras 7, 12; Bojan Subotić, T. 32808.
[11108] D926 (Bojan Subotić, witness statement, 15 June 2014), para. 12; Bojan Subotić, T. 32803, 32811-32813.

second group was disarmed and brought to the battalion Command.[11109] Some of the Muslims identified their commander as Tursunović.[11110]

2589. The DK was well aware of the presence of MUP units within its zone of responsibility, as well as the action being taken by MUP units to block and capture Bosnian-Muslim men in the column.[11111] The DK Command knew that thousands of Bosnian-Muslim prisoners had been captured along the Bratunac-Konjević Polje Road on 13 July 1995.[11112]

2590. In some places, Bosnian-Serb forces fired into the woods with anti-aircraft guns and other weapons, or used stolen UN equipment to deceive the Bosnian-Muslim men into believing that the UN or the Red Cross were present to monitor the treatment accorded to them upon capture.[11113]

2591. **Mile Petrović** testified that sometime after 12 or 1 p.m. on 13 July 1995, Momir Nikolić ordered Mirko Janković to drive a stolen UN APC from Bratunac to Konjević Polje with Nikolić, Janković, and the witness on board.[11114] On the way, the witness saw between 50 and 100 Muslim men who had surrendered on both sides of the road going from Bratunac to Konjević Polje as well as civilian policemen talking into a megaphone.[11115] In Konjević Polje, Nikolić instructed the witness to give a lift to two UN soldiers, who were present there, to a destination of their choice.[11116] After a few kilometres and at the request of the soldiers, the witness drove them back to Konjević Polje.[11117] **Husić** stated that at approximately 10 a.m. on 13 July 1995, Serbs called upon the group he was with to surrender and advised that UNPROFOR was waiting to take them to Tuzla to exchange them for Serb soldiers.[11118] He later realized that UNPROFOR was not there but instead Serb soldiers wearing UN helmets, which he concluded must have been a ploy to get Muslims to surrender.[11119]

[11109] D926 (Bojan Subotić, witness statement, 15 June 2014), para. 12.
[11110] Bojan Subotić, T. 32814-32815, 32818.
[11111] Adjudicated Facts II, no. 1463.
[11112] Adjudicated Facts II, no. 1469.
[11113] Adjudicated Facts II, no. 1460.
[11114] D894 (Mile Petrović, witness statement, 6 June 2014), paras 4-5; Mile Petrović, T. 31314-31315, 31324-31325.
[11115] Mile Petrović, T. 31325-31326, 31343.
[11116] D894 (Mile Petrović, witness statement, 6 June 2014), para. 8; Mile Petrović, T. 31325-31326, 31328-31329, 31343, 31348, 31354-31355, 31361-31363.
[11117] D894 (Mile Petrović, witness statement, 6 June 2014), para. 9; Mile Petrović, T. 31328-31329, 31344-31345, 31361-31362.
[11118] P3376 (Ramiz Husić, witness statement, 9 June 1999), p. 3.
[11119] P3376 (Ramiz Husić, witness statement, 9 June 1999), p. 5.

2592. The Trial Chamber received evidence from a number of witnesses about messages conveyed to the Bosnian Muslims from the column who were hiding in the woods between 12 and 15 July 1995, and what was said to them to encourage their surrender. The people using the megaphones who were often located on the asphalt road were described as Serbs, Bosnian-Serbs, Serbian soldiers, 'Chetniks', 'the aggressors', Members of the Special Police Forces, and a man nicknamed 'Zijo'.[11120] The messages conveyed included to surrender or else shelling and shooting would commence; that if they surrendered they would not be harmed and would be taken by bus to Tuzla, but that if they did not surrender, the women and children in Potočari would be harmed; informing them that they would be exchanged; that many of their group had been killed during the night; that no one would be harmed and that they would be treated according to the 'Geneva Convention'; that they should surrender because 'tomorrow would be too late'; that if they did not surrender they would open fire and release poison; that they would be kept alive; to 'come down Turks and surrender' and that those that surrendered would be safe; telling them to surrender or they would start shooting at them; and that the ICRC were there to help them.[11121] Some witnesses provided evidence that during this time there was sporadic shooting.[11122] Witnesses provided evidence that hundreds of Bosnian-Muslim soldiers and civilians from the column surrendered.[11123]

[11120] P3376 (Ramiz Husić, witness statement, 9 June 1999), p. 3; P3378 (Witness RM-358, witness statements), witness statement of 28 May 2000, para. 7; P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), pp. 14823, 14827; Witness RM-333, T. 6758; P3377 (Witness RM-301, witness statement, 26 August 1995), p. 3; P1443 (Witness RM-297, witness statement, 14 August 2013), p. 2; P1592 (Witness RM-256, witness statement, 16 January 1996), para. 8; P3370 (Witness RM-257, witness statement, 8 March 1999), p. 3; P3357 (Witness RM-204, witness statement, 13 August 1995), p. 3; P3452 (Reif Mehmedović, witness statement, 16 August 1996), pp. 2-3; P3455 (Witness RM-336, *Popović et al*. transcript, 16 November 2006), pp. 4093-4097, 4106-4110.

[11121] P3376 (Ramiz Husić, witness statement, 9 June 1999), p. 3; P3378 (Witness RM-358, witness statements), witness statement of 28 May 2000, para. 7; P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), pp. 14823, 14827; Witness RM-333, T. 6758; P1547 (Witness RM-253, witness statement, 16 August 1995), paras 9-11; Witness RM-253, T. 12526; P1443 (Witness RM-297, witness statement, 14 August 2013), p. 2; P1592 (Witness RM-256, witness statement, 16 January 1996), para. 8; P3377 (Witness RM-301, witness statement, 26 August 1995), p. 3; P3370 (Witness RM-257, witness statement, 8 March 1999), p. 3; P3357 (Witness RM-204, witness statement, 13 August 1995), p. 3; P3452 (Reif Mehmedović, witness statement, 16 August 1996), p. 2.

[11122] P3370 (Witness RM-257, witness statement, 8 March 1999), p. 3; P1547 (Witness RM-253, witness statement, 16 August 1995), para. 11;

[11123] D926 (Bojan Subotić, witness statement, 15 June 2014), para. 13; Bojan Subotić, T. 32814; P3378 (Witness RM-358, witness statements), witness statement of 28 May 2000, para. 7; P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), pp. 14825-14826, 14840; P1547 (Witness RM-253, witness statement, 16 August 1995), para. 14; Witness RM-253, T. 12527-12528; P1548 (Witness RM-253, clarifications to witness statement); P3452 (Reif Mehmedović, witness statement, 16 August 1996), p. 2.

2593. With regard to the circumstances after their surrender, **Witness RM-358** stated that one group that surrendered were ordered to take off their shirts, pile them, and line up in rows. The 'Chetniks' then opened fire on them from the military vehicles with automatic firearms including anti-aircraft machineguns. During the night the witness's group came across the asphalt road where there were about 35 corpses, which appeared to have been driven over.[11124] **Witness RM-253** testified that small groups of armed soldiers wearing light green camouflage uniforms were waiting for those who had surrendered as a result of the ultimatums.[11125] The soldiers started beating the witness's group as soon as they surrendered.[11126] Some of the soldiers said they were civilian police and searched the captives, ordered them to hand over their money, jewellery and weapons, and beat up several people.[11127] Everyone in the group was in civilian clothing and most of them were unarmed.[11128] The civilian police ordered the captives to walk with their hands above their heads towards Konjević Polje. After about a kilometre they were taken over by another group of soldiers in dark green camouflage uniforms, who, according to the civilian police, were military police. The military police cursed, insulted and threatened the detainees, and told them to carry their wounded.[11129] **Witness RM-297** stated that his group decided to surrender and went down to the Bosnian-Serb positions and saw VRS soldiers in camouflage uniforms, tanks, armoured transports, and howitzers parked in a group.[11130] One VRS soldier was wearing a 'Sajkaca' cap with a 'kokarda' on it, and later the unit guarding them was replaced by a new unit that the guards said was comprised of Arkan's troops who wore new camouflage uniforms and carried the same kind of equipment as the VRS soldiers.[11131] The soldiers asked the men to give them money and threatened to kill any of them if they were later found to have money on them.[11132] **Witness RM-256** testified that on 13 July 1995 after being called upon to surrender he and others were shot at and they dispersed and ran towards a meadow.[11133] The witness observed two men being

[11124] P3378 (Witness RM-358, witness statements), witness statement of 28 May 2000, para. 7.
[11125] P1547 (Witness RM-253, witness statement, 16 August 1995), para. 14.
[11126] Witness RM-253, T. 12528.
[11127] P1547 (Witness RM-253, witness statement, 16 August 1995), para. 14; Witness RM-253, T. 12528-12529.
[11128] Witness RM-253, T. 12526, 12528-12529.
[11129] P1547 (Witness RM-253, witness statement, 16 August 1995), para. 15.
[11130] P1443 (Witness RM-297, witness statement, 14 August 2013), p. 2.
[11131] P1443 (Witness RM-297, witness statement, 14 August 2013), p. 2; Witness RM-297, T. 10972.
[11132] P1443 (Witness RM-297, witness statement, 14 August 2013), p. 3; Witness RM-297, T. 10972.
[11133] P1592 (Witness RM-256, witness statement, 16 January 1996), paras 8-9.

shot.[11134] As the 'Chetniks' came closer, some men took off their white T-shirts, placed them on sticks, and shouted that they wanted to surrender.[11135] **Witness RM-253** testified that the group he was with was instructed to form a column, gather their wounded – who would allegedly be treated – and make their way to the road.[11136] The 'aggressors' then fired at them.[11137]

2594. **Witness RM-204** stated that in the morning of 13 July 1995 he recognised the village of Kamenica and saw one tank and other vehicles with weapons 'mounted on it [*sic*]' near the road behind the bridge.[11138] The witness thought that the tank was painted in olive green colours and the other vehicles in camouflage.[11139] There were five or six 'Chetniks' on the bridge and one by the tank, armed with automatic rifles, similar to those the witness saw the ABiH carrying. The 'Chetniks' told them to leave any weapons and money, or they would be killed. Those who had surrendered were lined up in rows and soldiers who arrived in a police vehicle and a civilian vehicle, and some of whom wore blue camouflaged patterned uniforms pointed their weapons at those who were lined up on the road. Some of the soliders said 'Balija's put your arms up higher, now we are going to show you'. The witness saw *Kraljica Smrt* (Queen of Death) written on the tank. The soldiers ordered them to put their hands in the air and run side-by-side along the road with three fingers raised. They continued running for about one kilometre towards Kravica and passed a column of 'Chetniks' who fired a few rounds into the air.[11140]

2595. **Witness RM-333** testified that around 13 July 1995 in late afternoon, a company from the Jahorina Training Centre received an order from an unidentified MUP officer to relieve police forces deployed on a stretch of the road between Konjevic Polje and Kravica, a couple of kilometres away from Kravica.[11141] A tank and an anti-aircraft vehicle were stationed there.[11142] The new company was deployed along a stretch of the road, a couple of hundred metres away from the meadow and tasked with collecting

[11134] P1592 (Witness RM-256, witness statement, 16 January 1996), para. 9.
[11135] P1592 (Witness RM-256, witness statement, 16 January 1996), para. 9.
[11136] P1547 (Witness RM-253, witness statement, 16 August 1995), para. 13.
[11137] P1547 (Witness RM-253, witness statement, 16 August 1995), para. 13; Witness RM-253, T. 12500.
[11138] P3357 (Witness RM-204, witness statement, 13 August 1995), p. 3.
[11139] P3357 (Witness RM-204, witness statement, 13 August 1995), p. 3.
[11140] P3357 (Witness RM-204, witness statement, 13 August 1995), p. 4.
[11141] P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), pp. 14821-14822; Witness RM-333, T. 6757-6758.
[11142] Witness RM-333, T. 6760; P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), pp. 14821-14822.

armed ABiH members who surrendered and passing them to the platoon leader.[11143] One Muslim threw a grenade at a member of the company as he was surrendering.[11144] He was shot in self-defence.[11145] According to the witness, the detainees who were unarmed, were transported to Tuzla to be exchanged.[11146] The company was deployed there for three to five days.[11147]

2596. **Dušan Mićić** testified that around 13 July 1995, his PJM unit was sent to Baljkovica located approximately 20 kilometres from Zvornik in the direction of Tuzla in order to support an army unit that was surrounded by Muslims from the column.[11148]

2597. **Reif Mehmedović** stated that on 15 July 1995 in the afternoon he saw a group from the column coming under fire as they tried to cross the road, after he had heard some 'Serbian soldiers' with a Motorola radio saying 'they are trying to cross the road'. The group the witness was with, also tried to cross the road and came under fire. The Serb soldiers searched the terrain and the witness saw that one of them placed an anti-personnel mine into the ground at the riverbank. When the witness's group reached Pobuđe village he was informed that the 'Serbian soldiers' had blocked the asphalt road from Nova Kasaba to Kuslat. The witness could see soldiers dispersed along the road about a kilometre away and a helicopter patrolling three times a day. The witness also saw a Praga firing rounds generally into the hills.[11149]

2598. **Husić** stated that during his journey towards Kravica, he saw both wounded and dead individuals.[11150] He also observed several individuals in the column committing suicide and one individual killing four others with a grenade.[11151]

2599. **Witness RM-336** stated that when he was deployed to Snagovo around mid-June to mop-up the area he calling Bosnian Muslims to surrender with loud speakers as well

[11143] P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), pp. 14824-14825; Witness RM-333, T. 6755, 6771-6772.
[11144] P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), pp. 14839, 14887-14888; P725 (Excerpt of Bratunac Health Centre patient log, undated).
[11145] P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), pp. 14839, 14887-14888.
[11146] P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), pp. 14825-14826; Witness RM-333, T. 6763.
[11147] P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), pp. 14836, 14882; Witness RM-333, T. 6773, 6799.
[11148] D977 (Dušan Mićić, witness statement, 24 March 2013), paras 32-33, 37; Dušan Mićić, T. 33756-33757.
[11149] P3452 (Reif Mehmedović, witness statement, 16 August 1996), p. 3.
[11150] P3376 (Ramiz Husić, witness statement, 9 June 1999), p. 4.
[11151] P3376 (Ramiz Husić, witness statement, 9 June 1999), p. 4.

as gunshots in the distance.[11152] During his deployment, the witness saw the bodies of men and children, and traces of blood on clothes.[11153]

2600. **Nebojša Jeremić** testified that he learned from military policemen, who were on the ground in July 1995, that some Bosnian-Muslim men from the column had been captured and were being detained in the Zvornik Brigade barracks; the witness estimated the numbers to have been between 80 to 100 men.[11154] The detainees were later put onto trucks and driven away from the barracks; it was rumoured that they were being driven to Batković to be exchanged.[11155] The witness further testified that a few days after the fall of Srebrenica, the chief of security of the Zvornik Brigade, Drago Nikolić, came to his office in the Standard Barracks and informed him that two Serbs and four Bosnian-Muslims would be brought in.[11156] The Serbs were suspected of having assisted Muslim soldiers to cross the front line.[11157] The witness and his colleagues were instructed to interrogate all six individuals.[11158] According to statements made to the Zvornik Military Police in July 1995 concerning the surrender and capture of six individuals the captives were in a column of civilians and soldiers when fighting with the VRS broke out.[11159] The column scattered into many groups, after which they got lost and surrendered in a Serb village and were then brought to the Zvornik Brigade Command.[11160]

[11152] P3455 (Witness RM-336, *Popović et al*. transcript, 16 November 2006), pp. 4093-4097, 4106-4110.
[11153] P3455 (Witness RM-336, *Popović et al*. transcript, 16 November 2006), pp. 4110-4111; P3458 (Statement of Witness RM-336 before the Bijeljina SJB, 23 September 2004), p. 7.
[11154] Nebojša Jeremić, T. 34298, 34300.
[11155] Nebojša Jeremić, T. 34298-34299.
[11156] Nebojša Jeremić, T. 34274, 34289.
[11157] Nebojša Jeremić, T. 34289; P7308 (Record of the Zvornik Military Police, 25 July 1995), p. 1.
[11158] Nebojša Jeremić, T. 34289.
[11159] P7304 (Statement of Emin Mustafić, taken by the Zvornik Military Police, 23 July 1995), p. 1; P7305 (Statement of Almir Halilović, taken by the Zvornik Military Police, 23 July 1995), pp. 1-2; P7306 (Statement of Sakib Kivirić, taken by the Zvornik Military Police, 23 July 1995), p. 1; P7307 (Statement of Fuad Dozić, taken by the Zvornik Military Police, 26 July 1995), pp. 1-2; P7302 (Statement of Neško Docić, taken by the Zvornik Military Police, 25 July 1995), p. 1; P7303 (Statement of Slobodan Docić, taken by the Zvornik Military Police, 26 July 1995), p. 1.
[11160] P7304 (Statement of Emin Mustafić, taken by the Zvornik Military Police, 23 July 1995), p. 1; P7305 (Statement of Almir Halilović, taken by the Zvornik Military Police, 23 July 1995), pp. 1-2; P7306 (Statement of Sakib Kivirić, taken by the Zvornik Military Police, 23 July 1995), p. 1; P7307 (Statement of Fuad Dozić, taken by the Zvornik Military Police, 26 July 1995), pp. 1-2; P7302 (Statement of Neško Docić, taken by the Zvornik Military Police, 25 July 1995), p. 1; P7303 (Statement of Slobodan Docić, taken by the Zvornik Military Police, 26 July 1995), p. 1.

The gathering of Bosnian Muslims at the Nova Kasaba football field

2601. Several thousand Bosnian-Muslim men from the column who were captured on 13 July 1995 were collected in or near the Sandići meadow and on the Nova Kasaba football field (*see* chapter 7.5 *Schedule E.4.1*).[11161] The soldiers guarding the men at these locations forced them to turn over their valuables and abandon their belongings.[11162] The Trial Chamber has reviewed further evidence related to captured men at Sandići Meadow in chapter 7.5 *Schedule E.4.1*. In this section the Trial Chamber will focus only on the gathering of Bosnian Muslims at the Nova Kasaba football field.

2602. The Trial Chamber received evidence from several witnesses present at the Nova Kasaba football field on 13 July 1995 about the arrival of Bosnian Muslims, their numbers, and the units present. **Witness RM-346** testified that he was captured on the morning of 13 July 1995,[11163] ordered to walk together with other detainees towards a football pitch located right outside of Nova Kasaba.[11164] **Dragomir Keserović** testified that on 12 or 13 July 1995, Colonel Malinić told him that there were approximately 2,500 disarmed and captured Muslims, fighters and 'civilians' from Srebrenica, who came along the road between Kasaba and Konjević Polje.[11165] In execution of Colonel Beara's order, Malinić gathered them on the football pitch.[11166]

2603. Regarding the number of detainees at Nova Kasaba, the Trial Chamber received evidence from **Witness RM-253** who estimated that 1,500 to 2,000 men, many from Srebrenica, were gathered at the stadium at that point, some of whom were already there when the witness arrived.[11167] Armed Serb soldiers had secured the stadium, ten of whom were at the gates.[11168] **Witness RM-346** testified that about 1,500 to 2,000 Bosnian-Muslim men were already sitting on the football pitch, surrounded by armed Serb soldiers.[11169] He also saw one UN vehicle.[11170] More Bosnian-Muslim men were

[11161] Adjudicated Facts II, no. 1464.
[11162] Adjudicated Facts II, no. 1465.
[11163] P1118 (Witness RM-346, prior testimony), pp. 3017-3018; Witness RM-346, T. 9559, 9581.
[11164] P1118 (Witness RM-346, prior testimony), pp. 3020-3021; Witness RM-346, T. 9560-9561.
[11165] Dragomir Keserović, T. 12863-12865, 12867, 12887-12889, 12938-12940.
[11166] Dragomir Keserović, T. 12867-12868.
[11167] P1547 (Witness RM-253, witness statement, 16 August 1995), para. 18; Witness RM-253, T. 12485-12486, 12530; P1549 (Marked picture of Nova Kasaba football stadium).
[11168] P1547 (Witness RM-253, witness statement, 16 August 1995), para. 18; Witness RM-253, T. 12485-12486; P1549 (Marked picture of Nova Kasaba football stadium).
[11169] P1118 (Witness RM-346, prior testimony), pp. 3022-3023; Witness RM-346, T. 9561, 9581; D269 (Photograph, 'People at Football Field, Nova Kasaba Bosnia and Herzegovina', 13 July 1995, marked by Witness RM-346).
[11170] P1118 (Witness RM-346, prior testimony), p. 3023; Witness RM-346, T. 9589.

arriving by foot from Konjević Polje and some were brought from the woods.[11171] The number of people grew to approximately 2,000 to 4,000.[11172] **Mladen Blagojević** testified that on 13 July 1995, there were about 1,000 Muslims from the column at the Nova Kasaba football stadium and were guarded by the VRS and the civilian police.[11173] **Pero Andrić** testified that at the time Mladić addressed the men, they were between 300 and 500 and were guarded by men in camouflage uniforms.[11174] **Subotić** testified that on 13 July 1995 the number of Muslims present in the stadium did not exceed 1,200.[11175] According to a transcript of an intercepted conversation on a telephone line to an extension matching that of the commander of the 65th Motorised Protection Regiment and dated 13 July 1995, 1,500 men were confirmed to be present at the stadium in the presence of Malinić's unit.[11176] In addition, a military police platoon, four military police companies, including an anti-terrorist company and a company of armoured vehicles, also of the military police of the 65th Protection Regiment, were present at the football field.[11177] During the day, several press teams and film crews, including from the Bosnian-Serb Republic news agency and from the VRS press centre, took footage of the Muslims gathered at the football field and also interviewed the witness.[11178] Malinić ordered Subotić not to interfere with their work.[11179]

2604. Regarding the conditions in Nova Kasaba during that day, **Witness RM-346**, **Subotić**, and **Zoran Durmić** testified that Serb soldiers provided first aid to wounded Bosnian Muslims.[11180] **Subotić** gave water to two soldiers and invited the others to fetch some water from the stream near the stadium.[11181] As ordered by Milomir Savčić, Commander of the 65th Motorised Protection Regiment he brought 100 to 150 loaves of

[11171] P1118 (Witness RM-346, prior testimony), pp. 3023-3024.
[11172] Witness RM-346, T. 9582-9584.
[11173] D922 (Mladen Blagojević, witness statement, 6 June 2014), paras 5, 12; Mladen Blagojević, T. 32616-32622, 32624; P7186 (Mladen Blagojević, US Department of Homeland Security, report of investigation), p. 19; P7187 (Video of US Department of Homeland Security interview of Mladen Blagojević, 15 October 2004), pp. 63-65.
[11174] Pero Andrić, T. 34109; P7295 (Bosnia-Herzegovina Prosecutor's Office record of interview, 29 June 2006), para. 10.
[11175] Bojan Subotić, T. 32904-32905, 32911.
[11176] P1280 (Intercept at 4:02 p.m. between unidentified conversants X and Y, 13 July 1995); P7201 (Excerpt from the telephone book of the VRS Main Staff, August 1995).
[11177] Bojan Subotić, T. 32914, 32916-32917.
[11178] D926 (Bojan Subotić, witness statement, 15 June 2014), para. 28; Bojan Subotić, T. 32917. The footage has never been found and therefore has not been viewed by the Prosecution or by the witness, Bojan Subotić, T. 32917-32918.
[11179] D926 (Bojan Subotić, witness statement, 15 June 2014), para. 28.
[11180] Witness RM-346, T. 9592; D926 (Bojan Subotić, witness statement, 15 June 2014), para. 15; D659 (Zoran Durmić, witness statement, 12 February 2013), paras 37-39; Zoran Durmić, T. 26304-26312.
[11181] D926 (Bojan Subotić, witness statement, 15 June 2014), paras 17, 23; Bojan Subotić, T. 32828.

bread to the Muslims gathered on the football field along with his regiment's daily rations.[11182] Serb civilians arrived at the field, cursed, and threw bricks and stones at the Muslims.[11183] **Durmić** testified that he overheard a Muslim man say that Zulfo Tursunović and his unit had wounded him and killed many others who wanted to surrender.[11184] The Muslim man indicated that masses of dead people killed by Zulfo Tursunović could be found in Bokčin stream.[11185] The witness testified that Zulfo Tursunović was one of the Muslim commanders in Srebrenica.[11186]

2605. **Andrić**, **Blagojević**, **Witness RM-253**, and **Subotić**, provided evidence that in the afternoon on 13 July 1995, Mladić arrived at Nova Kasaba.[11187] **Witness RM-253** testified that Mladić introduced himself and told the detainees that they had no state 'here' and had to look for their state.[11188] Mladić further accused the detainees of killing Serb soldiers and asserted that they would not be able to leave the enclave because the Serb soldiers, armed with dogs, had knitted a close net around them.[11189] Mladić told the detainees that they would be transported to either Bratunac or Kravica, where they would spend the night and be given food, and that they would be exchanged and could then join their families in Tuzla.[11190] Several witnesses confirmed that Mladić told the detainees that they would be taken to Bratunac.[11191] **Andrić** testified that Mladić told the detainees that their government and commander Naser Orić had betrayed them and that he would provide buses to take them wherever they wanted.[11192] He told them not to be

[11182] D926 (Bojan Subotić, witness statement, 15 June 2014), paras 3, 4, 22-23; Bojan Subotić, T. 32819-32820.
[11183] D926 (Bojan Subotić, witness statement, 15 June 2014), para. 23; Bojan Subotić, T. 32820-32821.
[11184] D659 (Zoran Durmić, witness statement, 12 February 2013), paras 37-39; Zoran Durmić, T. 26304-26312.
[11185] D659 (Zoran Durmić, witness statement, 12 February 2013), para. 39; Zoran Durmić, T. 26306-26308.
[11186] D659 (Zoran Durmić, witness statement, 12 February 2013), para. 39.
[11187] Pero Andrić, T. 34101, 34103-34105, 34107-34110; D922 (Mladen Blagojević, witness statement, 6 June 2014), paras 5, 12; Mladen Blagojević, T. 32616-32622, 32624; P7186 (Mladen Blagojević, US Department of Homeland Security, report of investigation), p. 19; P7187 (Video of US Department of Homeland Security interview of Mladen Blagojević, 15 October 2004), pp. 63-65; P1547 (Witness RM-253, witness statement, 16 August 1995), para. 19; Witness RM-253, T. 12531-12532; D926 (Bojan Subotić, witness statement, 15 June 2014), paras 5, 11, 29; Bojan Subotić, T. 32825-32826, 32976.
[11188] P1547 (Witness RM-253, witness statement, 16 August 1995), para. 20; Witness RM-253, T. 12486-12487, 12531-12533, 12543-12544; P1549 (Marked picture of Nova Kasaba football stadium).
[11189] P1547 (Witness RM-253, witness statement, 16 August 1995), para. 20; Witness RM-253, T. 12532-12534, 12536.
[11190] P1547 (Witness RM-253, witness statement, 16 August 1995), para. 20; Witness RM-253, T. 12487, 12532-12533, 12543-12544.
[11191] D926 (Bojan Subotić, witness statement, 15 June 2014), paras 29-30; Bojan Subotić, T. 32826; P1118 (Witness RM-346, prior testimony), p. 3024; Witness RM-346, T. 9590.
[11192] Pero Andrić, T. 34109-34110; P7295 (Bosnia-Herzegovina Prosecutor's Office record of interview, 29 June 2006), para. 11.

afraid as they would be exchanged for the imprisoned Serbs.[11193] **Subotić** testified that the Muslim soldiers applauded Mladić and some spoke with him individually.[11194] **Witness RM-346** testified that Mladić gave a speech while a camera was filming him and the detainees.[11195] Mladić said that he would organise groups to collect the wounded in the woods and to bury the dead, and he ordered the soldiers to make a list of all the captured people.[11196] **Witness RM-253** testified that while Mladić was speaking he saw a number of buses with women and children driving past the stadium towards Kladanj, which Mladić confirmed were transporting women and children.[11197]

2606. The Trial Chamber received evidence from a number of witnesses about the events surrounding Mladić's presence at Nova Kasaba. **Witness RM-346** testified that one of the detainees got up and the Serb soldiers beat him with their rifle butts, following which one soldier shot him dead with his pistol, while Mladić was present.[11198] The soldiers told the detainees that if anyone else behaved like this, they would be killed.[11199] Mladić did not respond in any way.[11200] **Zoran Malinić** testified that he had heard that a killing took place at the stadium: a member of the Military Police Battalion was attacked by a detainee and killed him in self defence.[11201] The witness further testified that as far he knew 'there was no *[sic]* a single killing in Nova Kasaba', 'any shooting or killing of prisoners, no'.[11202] **Andrić**, **Witness RM-253**, and **Blagojević** testified that they did not see any mistreatment or killings in Nova Kasaba, including during Mladić's speech.[11203]

[11193] D922 (Mladen Blagojević, witness statement, 6 June 2014), paras 5, 8-9, 12; Mladen Blagojević, T. 32616-32622, 32624, 32629-32634; P7186 (Mladen Blagojević, US Department of Homeland Security, report of investigation), p. 19; P7187 (Video of US Department of Homeland Security interview of Mladen Blagojević, 15 October 2004), pp. 63-65.
[11194] D926 (Bojan Subotić, witness statement, 15 June 2014), paras 29-30; Bojan Subotić, T. 32826.
[11195] P1118 (Witness RM-346, prior testimony), pp. 3024-3025; Witness RM-346, T. 9561, 9587; D269 (Photograph, 'People at Football Field, Nova Kasaba Bosnia and Herzegovina', 13 July 1995, marked by Witness RM-346).
[11196] P1118 (Witness RM-346, prior testimony), p. 3024; Witness RM-346, T. 9569, 9591-9593.
[11197] Witness RM-253, T. 12487.
[11198] P1118 (Witness RM-346, prior testimony), p. 3024; Witness RM-346, T. 9562, 9567, 9596, 9601; D269 (Photograph, 'People at Football Field, Nova Kasaba Bosnia and Herzegovina', 13 July 1995, marked by Witness RM-346).
[11199] Witness RM-346, T. 9567, 9597.
[11200] P1118 (Witness RM-346, prior testimony), pp. 3024-3025; Witness RM-346, T. 9603.
[11201] P1555 (Zoran Malinić, *Tolimir* transcript, 8-9 June 2011), pp. 15382-15383.
[11202] P1574 (Zoran Malinić, Witness statement, 14 December 2005), p. 31.
[11203] Pero Andrić, T. 34110; P7295 (Bosnia-Herzegovina Prosecutor's Office record of interview, 29 June 2006), para. 10; Witness RM-253, T. 12487, 12543; Mladen Blagojević, T. 32620-32622, 32624-32625; P7186 (Mladen Blagojević, US Department of Homeland Security, report of investigation), p. 19.

2607. Regarding the registration of the detainees at Nova Kasaba, **Keserović** testified that he started the registration process when the detainees were gathered on the football pitch.[11204] Upon his arrival at the football pitch, Mladić instructed Malinić to stop with the registration and told the detainees that they would be transferred to Tuzla.[11205] The detainees were put on buses and taken to Bratunac under a military police escort.[11206] **Witness RM-346** testified that when the list of captured people was finished, Mladić left towards Konjević Polje.[11207] **Subotić** testified that a member of the platoon took down the details of the Muslims.[11208] At around 10 or 11 a.m., buses with civilian registration plates full of women, children, and the elderly from Srebrenica passed by the football field and stopped.[11209] Some men gathered on the football field recognised relatives on the buses and managed to get on board.[11210]

2608. The Bosnian-Muslim men who had surrendered or had been captured were also detained in buses and trucks.[11211] As **Witness RM-253** and other detainees were leaving the stadium to be put onto trucks, he heard a Serb soldier tell a detainee that he would not get his bag back because he would not need it anymore.[11212] From this, the witness concluded that the detainees would be executed.[11213] In Kravica, some trucks stopped by a supermarket on 13 July.[11214] Around 119 men were detained in one truck.[11215] **Witness RM-253** testified that the Serb soldiers loaded the detainees onto five or six military trucks, the witness's truck holding about 100 men, and they headed towards Kravica, where they arrived at around 5 p.m. that day.[11216] The men were detained in the trucks overnight outside the Kravica supermarket, with neither food nor water – some started fainting and others screamed out for water.[11217] During the night of 13 July, and the morning of 14 July 1995, armed soldiers in camouflage uniforms came to ask whether

[11204] Dragomir Keserović, T. 12863-12864.
[11205] Dragomir Keserović, T. 12864-12865, 12942-12943.
[11206] Dragomir Keserović, T. 12865-12866.
[11207] P1118 (Witness RM-346, prior testimony), pp. 3024-3025; Witness RM-346, T. 9603.
[11208] D926 (Bojan Subotić, witness statement, 15 June 2014), para. 25.
[11209] D926 (Bojan Subotić, witness statement, 15 June 2014), para. 32; Bojan Subotić, T. 32978.
[11210] D926 (Bojan Subotić, witness statement, 15 June 2014), para. 32; Bojan Subotić, T. 32978-32979.
[11211] Adjudicated Facts II, no. 1466.
[11212] P1547 (Witness RM-253, witness statement, 16 August 1995), para. 21; Witness RM-253, T. 12487, 12543.
[11213] Witness RM-253, T. 12487-12488, 12543-12544.
[11214] Adjudicated Facts II, no. 1466.
[11215] Adjudicated Facts II, no. 1466.
[11216] P1547 (Witness RM-253, witness statement, 16 August 1995), para. 22; Witness RM-253¸ T. 12490, 12544; P1548 (Witness RM-253, clarifications to witness statement).
[11217] P1547 (Witness RM-253, witness statement, 16 August 1995), paras 22-23; Witness RM-253, T. 12489-12490.

men on the trucks were from certain villages, including Glogova, Osmaće, Kamenica, and Zedensko and took those who responded off the truck, which was followed by immediate bursts of gunfire and screaming.[11218] The soldiers assaulted the detainees and threatened to shoot them if they made any noise.[11219] The witness saw about ten soldiers, near the back of his truck, and saw the soldiers take at least 15 men out of the other trucks and threaten, beat and shoot them.[11220]

2609. **Durmić** testified that he returned to the football field later that day, 13 July 1995, at approximately 8:30 or 9 p.m.[11221] There, his colleagues told him that buses had carried the Muslim captives to Bratunac or Zvornik.[11222]

Mladić's alleged encounter with Momir Nikolić after visiting the Nova Kasaba football field

2610. The Trial Chamber received evidence from Momir Nikolić and Bruce Bursik about an encounter of Nikolić with Mladić. **Nikolić** testified that in the afternoon of 13 July 1995, he met Mladić at the crossroads in Konjević Polje.[11223] Nikolić reported to Mladić that the road was secure.[11224] There were prisoners visibly present at Konjević Polje that afternoon, at the time when Mladić was present.[11225] Mladić exited his vehicle, approached a group of detainees and addressed them, stating that everything would be all right, that they should not worry and would soon be taken wherever they pleased.[11226] Returning to the vehicle, the witness asked Mladić what would really happen to the detainees.[11227] Mladić responded by smiling and making a sweeping

[11218] P1547 (Witness RM-253, witness statement, 16 August 1995), para. 23; Witness RM-253, T. 12545-12549.
[11219] Witness RM-253, T. 12489.
[11220] P1547 (Witness RM-253, witness statement, 16 August 1995), para. 24; Witness RM-253, T. 12488-12490, 12545-12549.
[11221] D659 (Zoran Durmić, witness statement, 12 February 2013), paras 38-40; Zoran Durmić, T.26300, 26308-26309.
[11222] D659 (Zoran Durmić, witness statement, 12 February 2013), para. 40; Zoran Durmić, T. 26300.
[11223] Momir Nikolić, T. 11937, 12119-12120; D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), para. 9.
[11224] Momir Nikolić, T. 11937-11938, 12123-12124, 12153, 12155-12156; D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), para. 9.
[11225] Momir Nikolić, T. 11937-11938, 12155; D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), para. 9.
[11226] Momir Nikolić, T. 11938, 12153; D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), para. 9.
[11227] Momir Nikolić, T. 11939-11940.

gesture with his right hand from left to right approximately at the middle of his body.[11228] Mladić then laughed and entered the vehicle, which left for Vlasenica.[11229]

2611. In 2003, Nikolić described to **Bruce Bursik**, an investigator for the Prosecution, his encounter with Mladić in Konjević Polje on 13 July 1995, during which Mladić turned and gestured with his hand with a flat wave which was understood by Nikolić to mean that the detainees were to be killed.[11230] Nikolić was in Konjević Polje as he had the duty of checking if the road Mladić was to pass through was operative, passable and secure.[11231] **Bursik** testified that with regard to the killings on 12 and 13 July 1995, Nikolić stated that he never gave the orders for the killings, but knew that soldiers were carrying out 'unauthorised killings' of men.[11232]

2612. In the supplementary statement of 16 April 2009, Nikolić corrected 12 out of 15 paragraphs from his original statement of facts and acceptance of responsibility.[11233] On 28 and 29 April and 1 May 2003, Bursik conducted interviews with Nikolić, after having agreed with a counsel from the Prosecution not to record the conversations.[11234]

2613. **Blagojević** testified that he did not see Momir Nikolić in Konjević Polje on 13 July 1995.[11235] He testified that Nikolić fabricated the story that he had met Mladić at the intersection in Konjević Polje on that day, and that Mladić had indicated to him with 'a motion of the arm' that the Muslims would be liquidated.[11236]

2614. **Petrović** testified that that he did not meet Mladić at the checkpoint in Konjević Polje or on the road between Bratunac and Konjević Polje on 13 July 1995.[11237]

[11228] Momir Nikolić, T. 11939-11940, 12148-12149, 12156, 12160.
[11229] Momir Nikolić, T. 11940.
[11230] Bruce Bursik, T. 38884, 38900-38901; D1323 (Transcript from Bosnia-Herzegovina State Court trial, 6 February 2008) p. 2.
[11231] Bruce Bursik, T. 38859; D1323 (Transcript from Bosnia-Herzegovina State Court trial, 6 February 2008) p. 2.
[11232] D1228 (Information Report, 23 June 2003), p. 10.
[11233] Bruce Bursik, T. 38866.
[11234] Bruce Bursik, T. 38874-38875.
[11235] D922 (Mladen Blagojević, witness statement, 6 June 2014), paras 5, 11-12; Mladen Blagojević, T. 32615.
[11236] D922 (Mladen Blagojević, witness statement, 6 June 2014), paras 11-12.
[11237] D894 (Mile Petrović, witness statement, 6 June 2014), paras 10-11; Mile Petrović, T. 31364.

Military action taken to capture those who had become separated from the column

2615. Between 12 and 17 July 1995, the DK carried out searches of the area with the purpose of capturing the men from the column.[11238] **Witness RM-336** stated that he was deployed to the area of Snagovo to mop up the area in mid-July 1995, in execution of Commander Kulić's order and that another police unit from the Ugljevik SJB was on assignment in Konjević Polje between 13 and 21 July 1995.[11239]

2616. On 13 July 1995, Milan Gvero issued a series of orders to engage all available men fit for military service in their respective areas of responsibility to detect, block and capture Bosnian-Muslim groups and prevent them from crossing over to the Bosnian-Muslim territory towards Tuzla and Kladanj. Gvero indicated that the orders were issued to protect the Serbian population from the Bosnian-Muslim groups from the Srebrenica enclave, which included 'inveterate criminals and villains who will stop at nothing just to avoid being captured and reach[ing] Muslim controlled territory'. He ordered the Corps and Brigade Commands to detain the captured and disarmed Bosnian Muslims in facilities that could be secured by fewer troops. He also ordered the MUP to engage in the coordination of these tasks and that manpower be made available by the Commands of the DK, Zvornik Infantry Brigade, Birač Infantry Brigade, and Vlasenica Light Infantry Brigade and the other competent authorities.[11240] That same day, Zdravko Tolimir advised Gvero that space had been arranged for 800 'POWs' in the 1st Podrinje Light Infantry Brigade premises in Sjemeč. Tolimir stated that the 'POWs' accommodated in Sjemeč would be used for agricultural work, namely maintaining the horse, pig, and sheep farm. He specified that the transport of these 'POWs' must be done at night using the 1st Podrinje Light Infantry Brigade.[11241] Further, he preferred that this new group of 'POWs' had no contact with other 'POWs'.[11242] According to a VRS Main Staff order dated 13 July 1995, sent to the DK, the 65th Motorised Protection Regiment, and other units, Mladić ordered a ban on the giving of information to the media on the course, situation and results of combat operations and overall activities in this area particularly on 'POWs', evacuated civilians and escapees.[11243] In

[11238] Adjudicated Facts II, no. 1454.
[11239] P3455 (Witness RM-336, *Popović et al*. transcript, 16 November 2006), pp. 4093-4097, 4104-4110; P3456 (List of policemen on assignment in the Zvornik CSB mid-July 1995, issued by the Bijeljina CSB).
[11240] P2119 (VRS Main Staff Order to the Commands of the DK, 13 July 1995), pp. 1-2.
[11241] P2121 (1st Podrinje Light Infantry Brigade report to the Main Staff VRS, 13 July 1995), p. 1.
[11242] P2121 (1st Podrinje Light Infantry Brigade report to the Main Staff VRS, 13 July 1995), pp. 1-2.
[11243] P2120 (VRS Main Staff order, 13 July 1995), pp. 1-2.

particular, Mladić ordered that entry of all uninvited individuals into the combat operations zone in the general sector of Srebrenica and Žepa be prevented, especially entry by local and foreign journalists who were not VRS Main Staff Press Centre journalists.[11244]

2617. Pursuant to a 14 July 1995 order by Vidoje Blagojević (introduced in chapter 3.1.2 as Commander of the 1st Bratunac Light Infantry Brigade), based on an order from the DK Command dated 13 July 1995, between 14 and 16 July 1995 the four infantry battalions of the Bratunac Brigade were tasked to search the terrain of the Srebrenica enclave, including Sandići, the Bratunac-Konjević Polje-Kasaba axis, and the right bank of the Zeleni Jadar river.[11245] **Mićo Gavrić** testified that during the night of the 14 to 15 July 1995, Blagojević, pursuant to an order from the superior command, ordered a mixed artillery unit from the Bratunac Brigade, to assist the Zvornik Brigade against a large concentration of Muslim forces in the area.[11246] The unit went to the Zvornik Brigade Command where it remained until the following day when it was relieved by Major Eskić and Zoran Kovačević, Commander of the 1st Company of the 2nd Battalion, as well as approximately 80 soldiers from the Bratunac Brigade.[11247] Sometime before noon, the witness saw policemen and members of the Bratunac Brigade guarding the Konjević Polje-Bratunac road at Sandići hill.[11248] **Witness RM-268** testified that on 15 July 1995, Borovčanin ordered the MUP Special Police Brigade to continue securing the Bratunac-Konjević Polje road.[11249]

2618. **Ljubodrag Gajić** testified that his unit, the MUP 1st Company of the Jahorina Training Centre swept the terrain between Kravica and Konjević Polje with the Bratunac Brigade on 15 July 1995.[11250] It came across the bodies of ABiH members,

[11244] P2120 (VRS Main Staff order, 13 July 1995), pp. 1-2.
[11245] P1693 (Ground search order from the 1st Bratunac Light Infantry Brigade Command to its Infantry Battalions, 14 July 1995); P1694 (Proposal from Colonel Ignjat Milanović to *inter alia* the DK Command, 15 July 1995); P1695 (Daily combat report from the 1st Bratunac Light Infantry Brigade to the DK Command, 15 July 1995); P1696 (Daily combat report from the 1st Bratunac Light Infantry Brigade to the DK Command, 16 July 1995).
[11246] Mićo Gavrić, T. 13899, 13922-13924.
[11247] Mićo Gavrić, T. 13924-13928; P1695 (Daily combat report from the 1st Bratunac Light Infantry Brigade to the DK Command, 15 July 1995).
[11248] Mićo Gavrić, T. 13928.
[11249] P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), pp. 8565, 8567, 8629-8631.
[11250] Ljubodrag Gajić, T. 40268-40269, 40311, 40328, 40332.

and some weapons and equipment, such as hand-held rocket launchers, automatic rifles, pistols, as well as hanging bodies.[11251]

2619. At a meeting held at the Bratunac Brigade Headquarters on 16 July, part of the MUP force was deployed to search the terrain between Srebrenica and Konjević Polje.[11252] On that day, Colonel Blagojević reported that he had visited all units involved in blocking the enemy, including the MUP, and that he had 'defined their tasks, and organised their joint actions and communications.'[11253]

2620. In the evening of 16 July 1995, Borovčanin, Deputy Commander of the Special Police Brigade, (introduced in chapter 3.4) or Sarić, Special Police Brigade Commander, (introduced in chapter 3.4) ordered the Assistant Commander for operations and training to report to Momir Nikolić at the Bratunac Brigade Headquarters.[11254] In the morning of 17 July 1995, a briefing was held at the Bratunac Brigade Headquarters which was attended by, *inter alios*, Nikolić.[11255] During the briefing, military and police units, including the Milići Brigade, and the MUP Special Police Forces were assigned the task of searching for Bosnian-Muslim forces in the area and de-mining the territory.[11256] The search operation was commanded by a person with the last name Gavrić from the Bratunac Brigade through whom all the reports to the Bratunac Brigade Headquarters were sent.[11257] **Gavrić** testified that Blagojević commanded and organised the cooperation of the units deployed east of the Kasaba-Drnjača road by 16 July 1995, in conformity with Colonel Ignjat Milanović's proposal to the DK Command.[11258] According to daily combat reports from the Bratunac Brigade and a report by Colonel Ignjat Malanović, on 15 and 16 July 1995, large groups of 'enemy soldiers' were present east of the Milići-Konjević Polje-Bratunac road, and in particular about 2,000 in the Pobuđe area.[11259]

[11251] Ljubodrag Gajić, T. 40333.
[11252] Adjudicated Facts II, no. 1470.
[11253] Adjudicated Facts II, no. 1471.
[11254] P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), pp. 8631-8632.
[11255] P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), pp. 8567, 8631-8635.
[11256] P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), pp. 8631, 8633-8634, 8703.
[11257] P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), pp. 8631, 8699, 8705.
[11258] P1691 (Mićo Gavrić, *Popović et al.* transcript, 1-2 October 2008), pp. 26520-26522; Mićo Gavrić, T. 13931; P1694 (Proposal from Colonel Ignjat Milanović to *inter alia* the DK Command, 15 July 1995); P1696 (Daily combat report from the Bratunac Brigade to DK, 16 July 1995).
[11259] P1694 (Proposal from Colonel Ignjat Milanović to *inter alia* the DK Command, 15 July 1995); P1695 (Daily combat report from the 1st Bratunac Light Infantry Brigade to the DK Command, 15 July 1995); P1696 (Daily combat report from the 1st Bratunac Light Infantry Brigade to the DK Command, 16 July 1995).

2621. In the morning of 17 July the search commenced in Kravica, moving in the direction of Konjević Polje.[11260] By the evening, about 200 Bosnian Muslims had surrendered, including four children.[11261] The 5th Special Police Detachment, led by Stjepan Pepić, in coordination with the intervention units of the Zvornik Brigade, combed the area towards Crni Vrh.[11262] **Gavrić** testified that pursuant to an order from Blagojević dated 17 July 1995, he was tasked to assist the Bratunac Brigade's 3rd Infantry Battalion, commanded by Dragan Zekić, and the Special Police Detachment, commanded by Dusko Jević, in searching the terrain for enemy soldiers to the left of the Sandići-Kamenica-Gornji Bratunac-Konjević Polje road and act as a coordinator between the units.[11263] There was an organised system of communication between the commanders.[11264] Units from the Milići Brigade, commanded by Nastić, were deployed on their left flank.[11265] In Kamenića, the witness saw several hundred corpses along the road, a large number of them were dressed in military uniforms while others wore civilian clothing.[11266] According to the witness, many of them killed themselves by activating hand grenades, with their weapons, or by hanging themselves.[11267] At around 5 p.m., Zekić told the witness that he received information *via* radio that resistance had been met.[11268] At the suggestion of the witness, Zekić conveyed to his subordinates that instead of rushing they should go slowly and call people to surrender.[11269] The shooting stopped and a child holding up a white t-shirt walked towards them.[11270] Soldiers from the 3rd Infantry Battalion captured Bosnian-Muslim men, who surrendered in the Burnice village area.[11271] The witness counted the people and ordered that their hands be

[11260] Adjudicated Facts II, no. 1472.
[11261] Adjudicated Facts II, no. 1473.
[11262] P724 (Report on the combat engagement of police forces in Srebrenica 95 signed by Ljubiša Borovčanin, 5 September 1995) pp. 5-6.
[11263] P1691 (Mićo Gavrić, *Popović et al.* transcript, 1-2 October 2008), pp. 26488-26490, 26512-26515, 26596; Mićo Gavrić, T. 13894-13895, 13899-13900, 13929, 13937-13938, 13941.
[11264] Mićo Gavrić, T. 13942.
[11265] P1691 (Mićo Gavrić, *Popović et al.* transcript, 1-2 October 2008), pp. 26513-26515, 26520; Mićo Gavrić, T. 13895-13896, 13933-13934.
[11266] P1691 (Mićo Gavrić, *Popović et al.* transcript, 1-2 October 2008), pp. 26490-26491; Mićo Gavrić, T. 13942.
[11267] P1691 (Mićo Gavrić, *Popović et al.* transcript, 1-2 October 2008), pp. 26491-26492; Mićo Gavrić, T. 13942-13944.
[11268] Mićo Gavrić, T. 13947.
[11269] Mićo Gavrić, T. 13947.
[11270] P1691 (Mićo Gavrić, *Popović et al.* transcript, 1-2 October 2008), p. 26626; Mićo Gavrić, T. 13947.
[11271] P1691 (Mićo Gavrić, *Popović et al.* transcript, 1-2 October 2008), pp. 26493, 26595-26598, 26626; Mićo Gavrić, T. 13894, 13901-13903, 13910, 13948-13952, 13956-13957; P1698 (Report from the 1st Bratunac Light Infantry Brigade to the DK Command, 17 July 1995).

tied with pieces of string.[11272] The witness brought the children to the Bratunac Brigade military police premises and ordered that they be given food and proper treatment.[11273] The children told the witness about people in the column committing suicide and killing one another, as well as stepping on landmines, and being fired at by artillery.[11274] Between 6 and 7 p.m., Momir Nikolić ordered the witness to hand over those captured to Jević, a.k.a. Stalin, so that he could take them to Konjević Polje.[11275] They were brought to the road near the intersection in Konjević Polje where Jević handed them over to three senior officers of his unit.[11276] The witness later received information that they were taken to Batković camp, to be exchanged for Serbs from Tuzla and Sarajevo.[11277] On the same day that those captured were taken to the intersection in Konjević-Polje, Ljubisa Borovčanin asked the witness to arrange the exchange of the children.[11278] The witness handed the children over to a man sent by Borovčanin and they were exchanged for nine policemen captured near Zvornik.[11279] In 2001 or 2002, the witness met with some of the children in Tuzla, a meeting that was made possible by Naser Orić.[11280]

2622. **Ljubomir Bojanović**, a member of the Zvornik Brigade, stated that between 17 and 19 July 1995 he and Major Dragutinović led a unit from Banja Luka which searched the terrain and they did not encounter any 'enemy' troops.[11281]

2623. On 18 July 1995, the Zvornik Public Security Centre reported to the MUP by way of dispatch that units of the Special Police Detachment and PJP of the MUP of the Bosnian-Serb Republic 'very successfully' searched the terrain to the right of the Milići-Drinjača road, including in Cerska and Udrič territories, in order to liquidate the remains of infiltrated groups from Srebrenica.[11282]

[11272] P1691 (Mico Gavrić, *Popović et al.* transcript, 1-2 October 2008), pp. 26594, 26599, 26611-26612; Mićo Gavrić, T. 13948.
[11273] P1691 (Mićo Gavrić, *Popović et al.* transcript, 1-2 October 2008), pp. 26493, 26594, 26599, 26610-26611; Mićo Gavrić, T. 13903, 13905, 13954.
[11274] P1691 (Mićo Gavrić, *Popović et al.* transcript, 1-2 October 2008), pp. 26494-26495; Mićo Gavrić, T. 13960; P1698 (Report from the 1st Bratunac Light Infantry Brigade to the DK Command, 17 July 1995).
[11275] P1691 (Mićo Gavrić, *Popović et al.* transcript, 1-2 October 2008), pp. 26516, 26593-26594; Mićo Gavrić, T. 13950, 13953-13954.
[11276] P1691 (Mićo Gavrić, *Popović et al.* transcript, 1-2 October 2008), pp. 26493, 26516, 26594-26595; Mićo Gavrić, T. 13901, 13948-13949.
[11277] P1691 (Mićo Gavrić, *Popović et al.* transcript, 1-2 October 2008), pp. 29596-26597; Mićo Gavrić, T. 13910, 13918.
[11278] Mićo Gavrić, T. 13911.
[11279] P1691 (Mićo Gavrić, *Popović et al.* transcript, 1-2 October 2008), p. 26494; Mićo Gavrić, T. 13911.
[11280] P1691 (Mićo Gavrić, *Popović et al.* transcript, 1-2 October 2008), pp. 24694, 26596, 26618.
[11281] P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), pp. 11734-11735.
[11282] P1699 (Zvornik Public Security Centre dispatch on activities of MUP forces, 18 July 1995).

2624. The Zvornik and Bratunac Brigades were continuously reporting to the DK Command about matters relating to the column between 12 and 18 July.[11283]

Ambushes on the remaining column and the column reaching Bosnian-Muslim held territory

2625. On 13 July, the head of the column continued its journey up along the Kalesija-Zvornik road, where they too were caught in ambushes and suffered further casualties.[11284] The Trial Chamber took judicial notice of Adjudicated Facts and received evidence from several witnesses concerning additional ambushes on the column between 14 and 17 July 1995. **Subašić** stated that the column was ambushed twice on 14 July 1995, the first time with heavy fire.[11285] Following this ambush, the witness saw a man activate a hand grenade thereby killing himself and wounding others.[11286] The second ambush resulted in Serb soldiers being taken prisoner by the men in the column.[11287] The column established radio contact with the Serbs in the evening requesting to pass through to free territory and announcing, in the alternative, their intent to break through the Serb lines.[11288] The group continued to Baljkovica where it met about 1,000 people from the column, the majority of whom turned back towards Žepa, saying it was impossible to go further.[11289]

2626. Various VRS and MUP units were present in the Zvornik area on 15 and 16 July 1995. **Milenko Todorović** testified that on 15 July 1995, according to the IBK command Duty Operations Book, the VRS Main Staff ordered the IBK to 'round up the men and send them to Pandurević in the DK pursuant to an order from General Miletić.[11290] General Simić sent a message back to Miletić saying that he could not do this, but later on the same day, General Gavrić, the Deputy Commander and the Chief of Staff of the IBK, ordered Captain Dragisa Vulin, the unit commander, to prepare 50

[11283] Adjudicated Facts II, no. 1455.
[11284] Adjudicated Facts II, no. 1467.
[11285] P3306 (Mujo Subašić, witness statement, 3 October 2012), paras 50-51.
[11286] P3306 (Mujo Subašić, witness statement, 3 October 2012), para. 50.
[11287] P3306 (Mujo Subašić, witness statement, 3 October 2012), para. 51.
[11288] P3306 (Mujo Subašić, witness statement, 3 October 2012), para. 52.
[11289] P3378 (Witness RM-358, witness statements), witness statement of 28 May 2000, para. 9; P3379 (Witness RM-358, *Popović et al*. transcript, 6-7 November 2006), p. 3674.
[11290] P2915 (Milenko Todorović, *Tolimir* testimony, 18-20 April 2011), p. 13169; P2921 (IBK Command operations logbook, 5 March 1995-12 June 1996), p. 2.

military policemen to go to Zvornik on 16 July 1995.[11291] These men were to report to the commander of the Zvornik Brigade and would act as a regular combat unit, carrying out operations for the Brigade.[11292] According to the Zvornik Brigade's Duty Officer Notebook, on 16 July 1995, 35 military policemen from the IBK arrived in Zvornik.[11293] According to a report by Radislav Krstić dated 18 July 1995 and a command readiness report from November 1995, these men took part in active combat with the 1st Zvornik Infantry Brigade, a company from the 16th Krajina Brigade, and a platoon from the 1st Vlasenica Light Infantry Brigade on 16 July 1995 in the areas of Planinci, Crni Vrh, Kamenica, and Križevići and helped secure Tuzla road in Zvornik, although the witness denied knowledge of this and attributed the reports to errors by drafting personnel of lower-rank.[11294] According to a report on the combat engagement of police forces, on 16 July 1995, there was fierce fighting with Muslim forces in the areas of Križevići, Tisova Kosa, and Baljkovica during which intervention units of the DK, such as the Drina wolves and members of the military police, fought alongside MUP forces against the Muslim forces.[11295]

2627. After one unsuccessful attempt to move forward to the Bosnian-Muslim front lines on 15 July 1995, the head of the column finally managed to break through to Bosnian Muslim-held territory on 16 July 1995.[11296] ABiH forces attacking from the direction of Tuzla assisted by piercing a line of about one-and-a-half kilometres for the emerging column.[11297] **Subašić** stated that on that day the Serbs attacked the column in the area of Baljkovica, using heavy mortar shelling.[11298] Thirty men were killed, including one of the ABiH commanders, and many were wounded as a result of this attack.[11299]

[11291] P2915 (Milenko Todorović, *Tolimir* testimony, 18-20 April 2011), pp. 12929-12930, 13170-13172, 13180-13181; P2921 (IBK Command operations logbook, 5 March 1995-12 June 1996), p. 3.
[11292] P2915 (Milenko Todorović, *Tolimir* testimony, 18-20 April 2011), pp. 13172-13173, 13175, 13185.
[11293] P2915 (Milenko Todorović, *Tolimir* testimony, 18-20 April 2011), pp. 13182-13183.
[11294] P2914 (Milenko Todorović, Interview, 2 February 2010), pp. 16-17; P2915 (Milenko Todorović, *Tolimir* testimony, 18-20 April 2011), pp. 13025-13026, 13162-13164, 13173-13177, 13207-13209; Milenko Todorović, T. 19847-19849; P2916 (1st Zvornik Infantry Brigade Combat Report, 18 July 1995), pp. 1-2; P2920 (Command Readiness Report of the 3rd Military Police Battalion, 29 November 1995), pp. 1, 3.
[11295] P724 (Report on the combat engagement of police forces in Srebrenica 95 signed by Ljubiša Borovčanin, 5 September 1995) p. 4.
[11296] Adjudicated Facts II, no. 1467.
[11297] Adjudicated Facts II, no. 1468.
[11298] P3306 (Mujo Subašić, witness statement, 3 October 2012), para. 53.
[11299] P3306 (Mujo Subašić, witness statement, 3 October 2012), para. 53.

2628. At 1 p.m. on 16 July 1995, an agreement was reached between Pandurević and Šemso Muminović, Commander of the Muslim forces, that a one-kilometre wide corridor would be opened for 48 hours in the area of Parlog and Baljkovica to allow Muslim soldiers to get out.[11300] After this members of the VRS would again take up their positions.[11301]

2629. Survivors from the column were filmed upon their arrival in Nezuk on 16 July 1995.[11302] One of the survivors said that it was a very difficult journey; they had not eaten bread in six days.[11303] Members of the Brdksi Battalion, the headquarters support Brigade, and the ABiH 284th Brigade were towards, or at, the head of the column.[11304] Other members of the column, such as **Salih Mehmedović**, arrived in Bosnian-Muslim held territory on 19 July 1995.[11305]

2630. **Reif Mehmedović** stated that on 15 July 1995 in the afternoon he saw a group from the column coming under fire as they tried to cross the road, after he had heard some 'Serbian soldiers' with a Motorola radio saying 'they are trying to cross the road'. The group the witness was with, also tried to cross the road and came under fire. The Serb soldiers searched the terrain and the witness saw that one of them placed an anti-personnel mine into the ground at the riverbank. When the witness's group reached Pobuđe village he was informed that the 'Serbian soldiers' had blocked the asphalt road from Nova Kasaba to Kuslat. The witness could see soldiers dispersed along the road about a kilometre away and a helicopter patrolling three times a day. The witness also saw a Praga firing rounds generally into the hills.[11306]

2631. On 17 July 1995 near Baljkovica, **Witness RM-301** the group from the column that the witness was with captured by 'Serbs' dressed in camouflage.[11307] The 'Serbs' beat the men while taking them to another location. The witness stated that he was beaten more than others because he was wearing a green shirt. While beating him the 'Serbs' shouted that he was a real 'Alinovac', a member of Alija's army. A man the 'Serbs' called 'Stari' was called from another location by Motorola and appeared to be

[11300] P724 (Report on the combat engagement of police forces in *Srebrenica 95* signed by Ljubiša Borovčanin, 5 September 1995) p. 5.
[11301] P724 (Report on the combat engagement of police forces in *Srebrenica 95* signed by Ljubiša Borovčanin, 5 September 1995) p. 5.
[11302] P1147 (Updated Srebrenica Trial video with Transcript), p. 89.
[11303] P1147 (Updated Srebrenica Trial video with Transcript), p. 90.
[11304] P1147 (Updated Srebrenica Trial video with Transcript), p. 91.
[11305] P1034 (Salih Mehmedović, witness statement, 15 June 2000), p. 2.
[11306] P3452 (Reif Mehmedović, witness statement, 16 August 1996), p. 3.

the commander of the group. The witness stated that 'Stari' wore camouflage with a yellow insignia reading 'KRAJISNICI' on his left sleeve. Velaga and Faro Zukić, who had been at the front of the small group when it came under fire, were not present. The 'Serbs' told 'Stari' that the two men had committed suicide to avoid being arrested.[11308] The witness later made his way to free territory arriving on 20 July 1995.[11309] The Trial Chamber also considered additional evidence of Witness RM-301, which has been placed in the confidential annex in Appendix D.

2632. **Witness RM-358** stated that his part of the column came under fire when attempting to cross the reserve line in the afternoon of 17 July 1995, though no one was killed.[11310] The next day, 'Chetniks' asked them to surrender and opened fire repeatedly from 20 metres away.[11311] The witness heard the soldiers refer to this location on the radio as Tisova Kosa.[11312] The witness and five others surrendered, while those who remained in the grass were fired upon.[11313] The witness was searched and beaten, and when the commander asked him if he was a soldier he replied that he was.[11314] While the commander interrogated the witness, one of the soldiers came to him and asked the commander if he could use his bayonet to kill one of the captives. The commander said that he could choose anyone. The soldier then chose the witness.[11315] These soldiers wore camouflage uniforms bearing insignia with the Serbian flag and a spread eagle, four Cyrillic Ss, and the name of the VRS.[11316] They were armed with M-84 machine guns, automatic rifles, and sniper rifles.[11317] One of them told the witness that they were '*Krajišnici*'.[11318] The captives were forced to lie down and the commander ordered the soldiers to shoot them in the back one at a time.[11319] The five others who had surrendered were shot one at a time, however before it was the witness's turn to be executed the commander spoke on his radio to another commander and ordered the

[11307] P3377 (Witness RM-301, witness statement, 26 August 1995), pp. 2, 4.
[11308] P3377 (Witness RM-301, witness statement, 26 August 1995), p. 4.
[11309] P3377 (Witness RM-301, witness statement, 26 August 1995), p. 6.
[11310] P3378 (Witness RM-358, witness statements), witness statement of 28 May 2000, para. 10.
[11311] P3378 (Witness RM-358, witness statements), witness statement of 28 May 2000, para. 10.
[11312] P3379 (Witness RM-358, *Popović* transcript, 6-7 November 2006), pp. 3673-3674.
[11313] P3378 (Witness RM-358, witness statements), witness statement of 28 May 2000, para. 10.
[11314] P3378 (Witness RM-358, witness statements), witness statement of 28 May 2000, paras 10-11.
[11315] P3378 (Witness RM-358, witness statements), witness statement of 28 May 2000, para. 11.
[11316] P3378 (Witness RM-358, witness statements), witness statement of 28 May 2000, para. 11; P3379 (Witness RM-358, *Popović* transcript, 6-7 November 2006), p. 3719.
[11317] P3378 (Witness RM-358, witness statements), witness statement of 28 May 2000, para. 11.
[11318] P3378 (Witness RM-358, witness statements), witness statement of 28 May 2000, para. 11.
[11319] P3378 (Witness RM-358, witness statements), witness statement of 28 May 2000, para. 11.

witness to be taken to Zvornik to be exchanged for captured Serb soldiers.[11320] The soldier who had wanted to kill the witness was not pleased but the commander explained that as the witness was a soldier he could be used for exchange purposes.[11321] The witness heard on the radio the other commander being referred to as 'Vukašinovic'.[11322]

2633. On 18 July 1995, two MUP companies from Jahorina combed the area along the Pobuđe-Nova Kasaba axis while a MUP combat group, comprised of the 2nd, 4th, and 5th Special Police Detachments combed the areas of Cerska and Udrč.[11323] Around that date, a MUP company from the Jahorina Training Centre was ordered to sweep the mountain area from Kravica towards Konjević Polje with regular VRS units for any survivors.[11324] The company did not have any armed encounters with ABiH forces during the sweep nor did they capture anybody.[11325] However, it encountered a few dead bodies higher up in the mountains and, after having come down from the mountain, a member of the company saw people wearing uniforms coming downhill with between 100 and 150 captured Bosnian-Muslims.[11326] The company stayed at the location for one day and then returned to Jahorina.[11327] Neither the recruits nor regular members of the Special Police Brigade were asked to report on their activities in Potočari or on the Kravica-Konjević Polje road in July 1995 by officers of the Jahorina Training Centre.[11328] Duško Jević warned the members of the company that if they talked about the events in these locations, they may be prosecuted for war crimes in The Hague.[11329] On 19 July 1995, all available MUP forces combed the areas of Kamenica, Jošanica, Liplje, Đafin Kamen, Crni Vrh, and Snagovo.[11330] On 20 July 1995, the 2nd, 4th, and

[11320] P3378 (Witness RM-358, witness statements), witness statement of 28 May 2000, para. 11.
[11321] P3378 (Witness RM-358, witness statements), witness statement of 28 May 2000, para. 11.
[11322] P3378 (Witness RM-358, witness statements), witness statement of 28 May 2000, para. 11, witness statement of 2 October 2013, para. 3.
[11323] P724 (Report on the combat engagement of police forces in Srebrenica 95 signed by Ljubiša Borovčanin, 5 September 1995) p. 5.
[11324] P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), pp. 14836-14837, 14904; Witness RM-333, T. 6771-6772, 6797-6799.
[11325] Witness RM-333, T. 6772.
[11326] P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), pp. 14837-14838; Witness RM-333, T. 6772, 6800, 6805.
[11327] P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), p. 14840.
[11328] P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), pp. 14844-14845.
[11329] P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), p. 14845.
[11330] P724 (Report on the combat engagement of police forces in Srebrenica 95 signed by Ljubiša Borovčanin, 5 September 1995) p. 5.

5th Special Police Units of the Zvornik and Bijeljina centres took over the combing of Crni Vrh and Snagovo.[11331]

2634. A member of the VRS, **Tomislav Savkić**, testified that several days after 13 July 1995, while moving along the route of the column of the Muslim soldiers from the graveyard in Gornji Mratinjci, he saw 'hundreds' of Muslim bodies in the Bokićin Potok area.[11332] While moving through Gornji Mratinjci, Bokićin Potok, towards Pervani and Sandići, he saw more than 2,000 Muslim bodies along the road, some of which had been blown up by hand grenades.[11333] Most of the bodies were dressed in military uniforms, some wore blue Civilian Protection uniforms, and some were dressed in civilian clothes.[11334]

2635. The Trial Chamber recalls its review of Nikolić's evidence on the reporting of military operations in the Srebrenica enclave to the MUP on 12 July 1995 in chapter 7.1.5. The Trial Chamber further recalls its review of Franken's evidence on the capture of 'POWs' by the VRS around 13 July 1995 in chapter 7.1.5. The Trial Chamber also recalls its review of Egbers's evidence on VRS attacks on the woods facing the enclave on 12 July 1995 in chapter 7.1.5**.** The Trial Chamber also recalls its review of exhibit P3518 in chapter 7.4 *Schedule E.3.1*.

2636. The Trial Chamber received evidence from Mendeljev Đurić which appeared to contrast with Adjudicated Fact 1462. Adjudicated Fact 1462 provides that on 13 July 1995 MUP forces were deployed along the stretch of road between Konjević Polje and Bratunac, where the bulk of Bosnian-Muslim detainees were captured from the column. Đurić stated that while his company, the 1st Company of the Special Police Brigade at the Jahorina Training Centre, was deployed along the Konjević Polje-Bratunac road during the nights of 12 and 13 July 1995 he did not see and could not recall having received any information of Bosnian Muslims surrendering or being captured along the road during the days or nights of 12 and 13 July 1995. The Trial Chamber notes that the witness's evidence pertains only to what he observed on the stretch of the road to which he was deployed during the nights of 12 and 13 July. That he testified that he did not recall receiving any information about the surrender of Bosnian Muslims along the road

[11331] P724 (Report on the combat engagement of police forces in Srebrenica 95 signed by Ljubiša Borovčanin, 5 September 1995) p. 5.
[11332] D699 (Tomislav Savkić, witness statement, 11 August 2014), para. 78; Tomislav Savkić, T. 27165.
[11333] D699 (Tomislav Savkić, witness statement, 11 August 2014), para. 79.
[11334] D699 (Tomislav Savkić, witness statement, 11 August 2014), para. 79.

during the days of 12 and 13 July 1995 does not mean that Bosnian Muslims were not captured nor surrendered there. The Trial Chamber therefore finds that this evidence does not contradict Adjudicated Facts 1462.

The Trial Chamber's findings

The formation and composition of the column

2637. Based on the foregoing, the Trial Chamber finds that with regard to the formation of the column, on 11 July 1995, after Srebrenica town fell to the VRS, the Command of the 28th Division of the ABiH and the Bosnian-Muslim municipal authorities decided to form a column.[11335] Military-aged men and men able to walk were ordered to go to Šušnjari. The Bosnian-Muslim men of the enclave feared that they would be killed by Bosnian Serbs if they went to the UNPROFOR base in Potočari, and thought that they had a better chance of survival by trying to escape through the woods towards Tuzla. The column gathered near the villages of Jaglići and Šušnjari and started moving north, along the axis between Konjević Polje and Bratunac, around midnight on 11 July 1995.

2638. With regard to the composition of the column the Trial Chamber finds that it comprised approximately 15,000 people, the majority of whom were Bosnian-Muslim boys and men between the ages of 16 and 65.[11336] A small number of women, children, and elderly also joined the column. When it set out, the column was approximately ten kilometres in length.

[11335] Witness RM-297 testified that the movement of the column out of Srebrenica was not organised by anyone. While the Trial Chamber notes that this appears to contrast with Adjudicated Fact 1440 which provides that a decision was taken to form the column, the Trial Chamber finds that the decision to form a column does not necessarily mean that the movement of the column was organised. Further, given the size of the column, the witness provided an account of his personal experience within a part of the column. Therefore the Trial Chamber is satisfied that Witness' RM-297's evidence does not contrast with Adjudicated Fact 1440.

[11336] The Trial Chamber notes that while it received estimated figures that put the number of people at the slightly lower figure of 10,000-12,000, and one slightly higher estimate of 17,000-18,000 people, it received overwhelming evidence placing the estimated number of people in the column at 15,000 and has therefore relied on these estimates to establish the number of people in the column. Further, the Trial Chamber notes that Mevuldin Orić testified that some people in the column were as young as 14 and as old as 70, which appears to contrast with Adjudicated Fact 1444. However, given that the Adjudicated Fact refers to boys and men in addition to an age range of between 16 and 65, it finds that it does not exclude the possibility that males younger than 16 and older than 65 were also in the column and that there is no contradiction with Adjudicated Fact 1444.

2639. Around one third of the men in the column were Bosnian-Muslim soldiers from the ABiH 28th Division, although not all of the soldiers were armed. The head of the column was comprised of units of the 28th Division, then civilians mixed with soldiers, and the rear of the column comprised members of the Independent Battalion of the 28th Division. Some of the men carried their own hunting rifles while others had hand grenades. Some men carried pistols. Many of the armed men were wearing civilian clothes.

2640. The Defence submits in its Final Brief that Witness RM-314's evidence is not credible for a variety of reasons.[11337] In this regard the Trial Chamber recalls its assessment of the reliability and credibility of some portions of the witness's evidence in chapter 7.2 *Schedule E.1.1*. The Trial Chamber will now address the Defence's arguments relevant to this chapter. With respect to the Defence submission that the witness made inconsistent statements in relation to whether or not Osman Suljić, a man who led parts of the column, was wearing a uniform and was armed, the Trial Chamber notes that it did not consider the evidence of Witness RM-314 in this regard and that the Trial Chamber's assessment as to the affiliation of men leading the column and the composition of the column rests on evidence from other witnesses and Adjudicated Facts.[11338] The Defence further submits that Witness RM-314 repeatedly denied his status as a combatant and 'avoided providing truthful testimony' on the nature of the column.[11339] The Trial Chamber does not consider Witness RM-314's testimony to be ambiguous in relation to his status in the TO. Moreover, the presence of some armed ABiH personnel in the column is uncontested and judicially noticed as Adjudicated Fact 1450. Therefore the Trial Chamber rejects the Defence's arguments in this regard.

Military action in relation to the column

2641. In relation to the deployment of VRS forces along the path of the column between 12 and 19 July 1995, the Trial Chamber finds that as the column attempted to break out of the enclave, it moved first through the Bratunac Brigade's area of responsibility, then up towards the Zvornik Brigade's zone of responsibility. In the days following the 11 and 12 July meetings at the Hotel Fontana, VRS units, including DK

[11337] Defence Final Brief, paras 2979-3002.
[11338] Defence Final Brief, para. 2980.
[11339] Defence Final Brief, paras 2987, 2989-2990.

units, were assigned to block the column. Milan Gvero, Vidoje Blagojević, Commander of the 1st Bratunac Light Infantry Brigade (introduced in chapter 3.1.2), Rade Čuturić, a.k.a. Oficir, Commander of the 2nd Šekovići Detachment of the Special Police Brigade (introduced in chapter 3.4), and Dragan Jevtić, Commander of the Zvornik Brigade Engineering Unit (introduced in chapter 3.1.2), issued deployment orders. On 13 July 1995, Gvero issued orders aimed at preventing Bosnian Muslims from crossing over into the Bosnian-Muslim territory towards Tuzla and Kladanj in order to protect the Serbian population from Bosnian-Muslims, who included 'inveterate criminals and villains'. His orders further directed the detention of the captured and disarmed Bosnian-Muslims in facilities that could be secured by fewer troops. Further, he ordered the MUP to engage in the coordination of these tasks, and that the manpower be made available by the Commands of the DK and other VRS units. Blagojević commanded and organised the cooperation of the units deployed east of the Kasaba-Drnjača road by 16 July 1995. Four infantry battalions of the Bratunac Brigade were tasked to search the Sandići area, Bratunac-Konjević Polje-Kasaba axis, and the right bank of the Zeleni Jadar River between 14 and 17 July 1995. On 17 July 1995, Momir Nikolić, together with a member of the MUP Special Police Brigade, attended a briefing at the Bratunac Brigade headquarters, during which military and police units, including the Milići Brigade and the MUP Special Police Forces were assigned the task of searching for Bosnian-Muslim forces in the area and de-mining the territory. Between 12 and 17 July 1995, the DK and units from the Milići Brigade commanded by Nastić carried out searches of the area with the purpose of capturing the men from the column. The Bratunac and Zvornik brigades engaged in combat with the column as it attempted to break through to Bosnian-Muslim territory between 10 and 15 July 1995. Members of the Zvornik Brigade swept the terrain on 18 and 19 July 1995.

2642. In addition to these DK units, the Trial Chamber finds that between 12 and 17 July 1995, other units, including the MUP Special Police Brigade, elements of the Military Police Battalion of the 65th Protection Regiment, and subsequently elements of the municipal police, also took action to block the column. On 12 July 1995, Borovčanin (introduced in chapter 3.4) received an order from Mladić to send half of his men and available technical equipment to the Konjevic Polje-Cerska axis to block the area and fight the column. The 2nd Special Police Detachment and the 1st Company of the Zvornik PJP, deployed along the Kravica-Sandići-Pervani-Hričići road, were

equipped with a launcher for Malyutka missiles, a *praga* self-propelled anti-aircraft gun, and a mortar platoon. On 15 July 1995, Borovčanin ordered the MUP Special Police Brigade to continue securing the Bratunac-Konjević Polje road. On that day, the MUP 1st Company of the Jahorina Training Centre swept the terrain between Kravica and Konjević Polje with the Bratunac Brigade.

2643. On 15 July 1995, following a meeting between Chief Vasić and Borovčanin, a large part of the police force was sent to Baljkovica near Zvornik to block the column. Around 15 or 17 July 1995, a PJP unit was also sent to Baljkovica to support an army unit which was surrounded by Bosnian Muslims from the column. On 16 July 1995, 35 military policemen from the IBK were deployed to Zvornik and participated in active combat with the 1st Zvornik Infantry Brigade, a company from the 16th Krajina Brigade, and a platoon from the 1st Vlasenica Light Infantry Brigade in the areas of Planici, Crni Vrh, Kamenica, and Križevici, and helped secure the Tuzla Road in Zvornik. During an attack on the column in the area of Baljkovica on 15 July, Serbs used heavy mortar shelling.

2644. At a meeting held at the Bratunac Brigade Headquarters on 16 July, part of the MUP force was deployed to search the terrain between Srebrenica and Konjević Polje. On the same day, Borovčanin ordered the MUP Special Police Brigade to report to Momir Nikolić at the Bratunac Brigade Headquarters where the brigade, along with the Milići Brigade, was assigned to search the area for Bosnian-Muslims. The operation was commanded by Gavrić from the Bratunac Brigade. Around 16 July, policemen and members of the Bratunac Brigade guarded the Konjević Polje-Bratunac road at Sandići Hill. On 17 July 1995, the 5th Special Police Detachment led by Stjepan Pepić, in coordination with the intervention units of the Zvornik Brigade, combed the area towards Crni Vrh. On 17 July 1995 pursuant to an order from Blagojević, the chief of artillery of the Bratunac Brigade was tasked to assist the Bratunac Brigade's 3rd Infantry Battalion, commanded by Dragan Zekić, and the Special Police Detachment, commanded by Dusko Jević, in searching the terrain for enemy soldiers to the left of the Sandići-Kamenica-Gornji Bratunac-Konjević Polje road and act as a coordinator between the units. Police units from Ugljevik SJB were also deployed in mid-July 1995 to Snagovo to mop-up the area in execution of Commander Kulić's order, and were on assignment in Konjević Polje between 13 and 21 July 1995.

2645. With regard to reporting, the Trial Chamber finds that between 12 and 18 July 1995, the Zvornik and Bratunac Brigades continuously reported to the DK Command on column-related matters. On 12 and 18 July 1995, Vasić, chief of the Zvornik Public Security Centre, reported to the MUP that military operations were proceeding to plan: the 'Turks' were fleeing towards Sućeska and units of the Special Police Detachment and of the PJP had successfully searched the terrain. Further, on 16 July 1995, Colonel Blagojević reported that he had visited all units involved in blocking the enemy, including the MUP, and that he had 'defined their tasks, and organised their joint actions and communications'.

The circumstances of the surrender and capture of Bosnian Muslims from the column between 12 and 17 July 1995

2646. The Trial Chamber finds that between 12 and 15 July 1995, tanks, lorries, an UNPROFOR carrier, Pragas, APCs resembling those used by the former JNA, an anti-aircraft tank, armoured transports, and howitzers were placed along the road between Konjević Polje and Bratunac.

2647. By the morning of 13 July, a group of approximately 2,000 to 3,000 Bosnian-Muslims from the column, some of whom were members of the ABiH, had reached an area between Konjević Polje and Nova Kasaba. On that day, MUP forces, including a company from the Jahorina Training Centre, were deployed along the stretch of road between Konjević Polje and Bratunac where the bulk of the Bosnian-Muslim detainees were captured from the column. Malinić, Commander of the Military Police Battalion of the 65th Motorized Protection Regiment, ordered members of a platoon of the military police battalion of the 65th Motorised Protection Regiment to patrol an area of the road, and they engaged in an exchange of fire with about 1,000 Bosnian Muslims from the 28th Division and fired gas canisters into the woods.

2648. Between 12 and 15 July 1995, VRS soldiers and members of the military police of the 65th Motorised Protection Regiment, and members of the civilian police used loudspeakers or megaphones to call on the Bosnian-Muslims hidden in the woods to surrender. Those using the loudspeakers or megaphones threatened that if they did not surrender, the women and children at Potočari would be harmed. Some announcements were made that the ICRC were there to help them and promises were made that no one

would be harmed; that they would all stay alive; that they would be safe; and that they would be exchanged as prisoners and treated according to the Geneva Conventions. Serb soldiers offered some of the Bosnian Muslims transportation by bus to Tuzla in exchange for their surrender, and on another occasion they said that UNPROFOR would take them to Tuzla to be exchanged for Serb soldiers. They were given warnings and ultimatums, and there was sporadic shooting.

2649. Further attacks by Serb forces took place on 14 and 15 July 1995, resulting in human losses. In some places, Bosnian-Serb forces fired into the woods with anti-aircraft guns and other weapons, or used stolen UN equipment to deceive the Bosnian-Muslim men into believing that the UN or the Red Cross were present. Some of the Bosnian Muslims who surrendered had abandoned their weapons while others were still armed. Others surrendered after being called to surrender over a loudspeaker while others surrendered when they encountered the military police after entering the woods. On 13 July 1995, Momir Nikolić, Commander for Intelligence and Security of the Bratunac Brigade from November 1992 to at least October 1995 (introduced in chapter 3.1.2), ordered Mirko Janković, Commander of the Bratunac Brigade military police platoon from April 1995 (introduced in chapter 3.1.2), to drive a stolen UN APC from Bratunac to Konjević Polje with Nikolić, Janković, and Mile Petrović, Deputy Commander of the Bratunac Brigade military police platoon (introduced in chapter 3.1.2), on board. On the same day, a group of 200 people surrendered, and after having been ordered to take off their shirts and line up in rows, were fired upon by automatic firearms including anti-aircraft machineguns. Some of those who surrendered placed their white T-shirts on sticks, and shouted that they wanted to surrender. Serbs described as 'chetniks' told a group from the column that they should leave any weapons or money or they would be killed, and told them to line up on the asphalt road in five rows of approximately 100 meters, with wounded people lying on the road between those standing. Some of the soldiers pointed their weapons at them and said 'Balija's put your arms up higher, now we are going to show you'. They were made to run along the road with their hands in the air and with three fingers raised. The head of the column continued its journey up along the Kalesija-Zvornik road, where they too were caught in ambushes and suffered further casualties. Some detainees were transported to Tuzla to be exchanged. Members of the civilian police searched some of

the captives, ordered them to hand over their money, jewellery, and weapons, and beat up several people.

2650. In the context of the circumstances surrounding surrender described above, between 13 and 17 July 1995, a number of Bosnian Muslims from the column committed suicide. The civilian police, military police and VRS soldiers guarded some of those that surrendered. On 12 July 1995, VRS soldiers demanded money from some Bosnian Muslims who had surrendered, and threatened to kill them if they later found money on them. On 13 July 1995, the military police cursed, insulted, and threatened some of those who had surrendered and told the captives to carry their wounded. On that same day approximately 1000 of the detainees were placed under the control of the Military Police Battalion of the 65th Motorised Protection Regiment at Nova Kasaba.

Attacks on the column on 12-13 July 1995

2651. In relation to attacks on the column, the Trial Chamber finds that on 12 July 1995, MUP Special Police Brigade units launched an artillery attack against the column that was crossing an asphalt road between the area of Konjević Polje and Nova Kasaba. Only about one third of the men successfully made it across the asphalt road and the column was split in two parts. Heavy shooting and shelling continued against the remainder of the column throughout the day and during the night. The shelling would take place for 15 minutes, pause briefly, and then start again. Different parts of the column were ambushed and attacked with artillery, including anti-aircraft guns. At one point a group experienced what they thought was some kind of tear gas. Another group experienced very thick smoke caused by an explosion, which they thought may have contained some kind of poison. On another occasion a helicopter was seen dropping blue powder on part of the column which affected the men who experienced choking with their eyes turning red, their faces turning blue, and their legs jerked.

2652. During an attack near the Nova Kasaba-Konjević-Polje asphalt road people were heard screaming and saying ‘don’t shoot, we surrender’. During another attack on the stretch between Jaglići to Kamenica Hill, no one was heard returning fire from the column. In the context of the attacks some members of the column were seen committing suicide by using guns, detonating hand grenades, or hanging themselves, and they were also seen shooting one another.

The gathering of Bosnian Muslims at the Nova Kasaba football field

2653. Several thousand Bosnian-Muslim men from the column who were captured on 13 July 1995 were collected in or near Sandići Meadow and on the Nova Kasaba football field. VRS soldiers or members of the civilian police guarding the men at Nova Kasaba football field forced them to turn over their valuables and abandon their belongings. The Trial Chamber received evidence from various witnesses on various ranges concerning the number of Bosnian Muslims at the football field in Nova Kasaba: these numbers ranged from 300 to 4,000. The Trial Chamber notes that the number of Bosnian Muslims may have fluctuated throughout the day, and given the circumstances it may have been difficult to estimate their exact number. The Trial Chamber further notes that several witnesses testified that about 1,500 Bosnian Muslims were detained at the stadium. The Trial Chamber is satisfied that at least at one point on 13 July 1995, 1,500 Bosnian-Muslim men were kept at the Nova Kasaba football field. VRS soldiers, including members of the battalion of the military police of the 65th Motorised Protection Regiment commanded by Malinić, four military police companies including an anti-terrorist company and a company of armoured vehicles, and civilian police were present at the football field. Before entering the field, some Bosnian Muslims were ordered to throw their weapons to the side of the road and they complied. Serb soldiers provided first aid to wounded Bosnian Muslims. During the day, several press teams and film crews, including from the Bosnian-Serb Republic news agency and from the VRS press centre, filmed the Bosnian Muslims gathered at the field. Still on the same day, Malinić ordered the commander of a military police platoon in the military police battalion of the 65th Motorised Protection Regiment not to interfere with the work of the press teams and films crews, including those from the Bosnian-Serb Republic news agency and from the VRS press centre. Serb civilians arrived at the field and cursed and threw bricks and stones at the Bosnian-Muslims.

2654. The Trial Chamber notes that it received evidence from a number of witnesses with regard to the alleged killing of a detainee at the Nova Kasaba football field on 13 July 1995. Pero Andrić and Mladen Blagojević, both members of the Bratunac Brigade Military Police Platoon which was escorting Mladić that day, provided evidence that there was no mistreatment of detainees, and no one was killed. Zoran Malinić provided hearsay evidence about the killing. Further, there were two witnesses, Witness RM-346

and Witness RM-253, who were present at the field, in close proximity to Mladić. Witness RM-346 provided evidence that VRS soldiers or members of the civilian police present at Nova Kasaba football field beat up one Bosnian-Muslim male detainee with their rifle butts and then shot him with a pistol in Mladić's presence because he had stood up. Witness RM-253 testified that he did not observe anyone being harmed or killed at the location. Both witnesses were in close enough proximity to Mladić to hear his speech to the detainees. The Trial Chamber has considered the Defence's argument that Witness RM-346's evidence is unreliable due to, *inter alia*, inconsistencies between the testimony and a prior statement given to the Bosnian authorities.[11340] The Trial Chamber notes that the witness's evidence on this event bore some minor inconsistencies, for instance, whether the detainee was shot with a pistol or a rifle.[11341] The Trial Chamber found no internal inconsistencies in Witness RM-253's evidence in relation to this incident. The Trial Chamber has taken into consideration the Prosecution's argument that Zoran Malinić's evidence corroborates Witness RM-346's evidence.[11342] However, the Trial Chamber notes the internal inconsistencies in Malinić's evidence that during his testimony in the *Tolimir* case in 2011 he said that he had heard of the killing, whereas in his 2005 statement to the Prosecution he said that no one was killed at the Nova Kasaba football field. The Trial Chamber finds that these internal inconsistencies combined with the hearsay nature of Malinić's evidence render his evidence unreliable in this regard, and therefore will not rely on his evidence with regard to this alleged incident. Based on all of this, the Trial Chamber finds that it has not been demonstrated beyond a reasonable doubt that the alleged incident took place and will therefore not consider this incident further.

The transportation of Bosnian Muslims to various locations from the Nova Kasaba football field, including Kravica

2655. With regard to the transportation of Bosnian Muslims to various locations, the Trial Chamber finds that the Bosnian-Muslim men who had surrendered or had been captured were also detained in buses and trucks. Buses carrying Bosnian-Muslim

[11340] Defence Final Brief, para. 3183.
[11341] The Trial Chamber notes that Witness RM-346 referred to the detainee being shot with a pistol in his prior testimony, P1118 (Witness RM-346, prior testimony), p. 3024. During his testimony before this Trial Chamber the witness referred to a pistol at T. 9596 and T. 9622, and to the shot being fired from a rifle at T. 9567.

detainees left the football field and headed towards Bratunac or Zvornik. In Kravica, some trucks stopped by a supermarket on 13 July at around 5 p.m. and the men were kept in the trucks overnight, without food or water. Around 119 men were detained in one truck. During the night of 13 July 1995 and the morning of 14 July 1995, VRS soldiers, among them a man called Radovan Grujicić from Orahovica in Srebrenica Municipality, shot and killed at least 15 Bosnian-Muslim detainees who were being held in trucks escorted by the Military Police Battalion of the 65th Motorized Protection Regiment outside of the supermarket at Kravica. The soldiers selected some men from among the detainees after asking whether they were from certain villages and threatened, beat, and shot them dead. Before Witness RM-253 boarded the trucks he had heard a Serb soldier tell another detainee that he would not get his bag back because he would not need it anymore.

2656. The evidence on the whereabouts of some of the men transported towards Bratunac and Zvornik, and, for some, to alleged execution sites will be reviewed, along with additional evidence, in chapters 7.2 to 7.15.

The safe passage agreement and the arrival of the column in Bosnian Muslim-held territory

2657. With regard to the safe passage agreement and the arrival of the column in Bosnian Muslim-held territory, the Trial Chamber finds that after one unsuccessful attempt to move forward to the Bosnian-Muslim front lines on 15 July 1995, the head of the column finally managed to break through to Bosnian Muslim-held territory on 16 July 1995. Survivors from the column said that it had been a very difficult journey and that they had not eaten bread for six days. ABiH forces attacking from the direction of Tuzla assisted by piercing a line of about one-and-a-half kilometres for the emerging column and members of the ABiH 284th Brigade, the Brdksi Battalion, and the headquarters support Brigade were towards, or at, the head of the column. Pursuant to an agreement between Vinko Pandurević, Commander of the Zvornik Brigade, and Šemso Muminović, Commander of the Muslim forces, a one-kilometre wide corridor was opened for 48 hours in the area of Parlog and Baljkovica to allow the Bosnian Muslims to get out. On that same day, some police detachments positioned at

[11342] Prosecution Final Brief, para. 1260.

Baljkovica received orders to abort all combat activities and withdraw to the nearby hills in order to create a passage for the Muslim civilians and soldiers to pass through.

Searches of the terrain and capture of Bosnian Muslims from the column on 17-20 July 1995

2658. With regard to searches of the terrain and the resulting capture of the Bosnian Muslims, the Trial Chamber finds that on 17 July 1995, a search operation commanded by Mićo Gavrić from the Bratunac Brigade, commenced in Kravica, moving in the direction of Konjević Polje. All the reports to the Bratunac Brigade headquarters were sent through Gavrić. By the evening, about 200 Bosnian Muslims had surrendered, including four children. Before being capture, one of the children had walked towards Zekić and Gavrić with a white T-shirt in his hands. Gavrić ordered that the hands of the captured be tied with pieces of string. The children were put into Gavrić's care and brought to the Bratunac Brigade Headquarters, where he ordered that they be fed and well treated. On 18 July 1995, Ljubisa Borovčanin asked Gavrić to arrange the exchange of the children, who were then handed over to a man sent by Borovčanin and were exchanged for nine policemen captured near Zvornik. On 17 July 1995, Momir Nikolić, chief of Security at the Bratunac Brigade Command ordered Gavrić to hand the rest of those captured over to Jević, a.k.a. Stalin, so that he could take them to Konjević Polje.

The killing of persons captured from the column around 18 July 1995

2659. With regard to the killing of people who were captured from the column around 18 July 1995, the Trial Chamber finds that on or about 18 July 1995, VRS soldiers shot and killed four Bosnian Muslims, including a 15-year-old boy, whom they had captured at Tisova Kosa. They beat the Bosnian Muslims and referred to one as '*Alinovac*' (member of Alija's army) and '*Balija*'. They forced the Bosnian Muslims to lie down, and 'Stari', the commander of the group, ordered his soldiers to shoot them in the back one at a time. While the commander was interrogating Witness RM-358, one of the soldiers came to him and asked the commander if he could use his bayonet to kill one of the captives. The commander answered that he could choose anyone after which the soldier chose the witness. The soldier who had wanted to use the bayonet was not

pleased when the commander ordered his men not to kill the witness because as a soldier he could be used for exchange purposes.

2660. The Trial Chamber received evidence from a number of witnesses pertaining to dead bodies seen along the path the column took. The Trial Chamber also received evidence from a number of witnesses that people in the column were committing suicide and killing one another. Due to a lack of specificity with regard to the status of the victims and the manner in which these people died, the Trial Chamber has not considered these incidents in the context of killings as charged in the Indictment.

2661. The Trial Chamber will address the above-mentioned findings and the evidence related to the alleged Srebrenica JCE and, in particular, the Accused's alleged responsibility (some of which has been reviewed above in this chapter) in chapters 7.15, 7.16, 7.17, 9.3.4, and 9.7.

7.2 Jadar River (Schedule E.1.1)

2662. According to the Indictment, the Accused is responsible for the killing of approximately 15 Bosnian-Muslim men in an isolated area on the bank of the Jadar River on 13 July 1995, at 11 a.m.[11343] The Defence submitted that Witness RM-314's evidence is not credible, that medical records demonstrate his wound was caused by shrapnel rather than a bullet, and that there is insufficient evidence to conclude that the perpetrators of this alleged incident were members of the VRS.[11344] The Trial Chamber took judicial notice of Adjudicated Fact 1357 with regard to this incident. Further, it received evidence from **Witness RM-314**, a Bosnian-Muslim TO member who worked in Srebrenica during the war;[11345] **Mujo Subašić**, a Bosnian Muslim from Podžeplje, Han Pijesak Municipality, who worked as a nurse in the Srebrenica hospital from April 1993 until 11 July 1995;[11346] **Mirko Perić**, a reserve policeman mobilized into the Bratunac police between 1992 and 1995;[11347] **Momir Nikolić** the Assistant Commander for Intelligence and Security of the Bratunac Brigade from November 1992 to at least October 1995;[11348] **Nenad Deronjić**, a Serb policeman in Bratunac and Srebrenica from 1991 until 1996;[11349] **Slavoljub Mlađenović**, a Serb and the Commander of the 2nd Company of the Zvornik CSB from mid-1994;[11350] **Mile Petrović**, a member of the Bratunac Brigade military police platoon in July 1995;[11351] **Zoran Stanković**, a specialist in forensic medicine;[11352] and **Milan Pejić**, Director of Blažuj Military Hospital from approximately 8 May 1992 until at least 14 October 1993,[11353] as well as documentary evidence.

2663. **Witness RM-314** testified that at around 5 a.m. on 13 July 1995, he was discovered by five or six men in blue Bosnian-Serb police uniforms at the intersection

[11343] Indictment, paras 11-12, 21-22, 46(a), 59(a)(iii), 65(a), Schedule E.1.1.
[11344] Defence Final Brief, paras 2978-3002.
[11345] P1435 (Witness RM-314, witness statement, 16 August 1995), pp. 1-2; P1436 (Witness RM-314, witness statement, 8 June 1999), p. 1; P1437 (Witness statement, 14 June 1999), p. 1; Witness RM-314, T. 10849-10850, 10869-10872, 10896, 10912; P1434 (Pseudonym sheet of Witness RM-314).
[11346] P3306 (Mujo Subašić, witness statement, 3 October 2012), p. 1, paras 3, 10-11, 29, 31.
[11347] Mirko Perić, T. 34228-34229, 34233.
[11348] Momir Nikolić, T. 11768-11771, 11776-11777; D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), paras 1, 13-14.
[11349] D584 (Nenad Deronjić, witness statement, 6 June 2014), paras 1-4; Nenad Deronjić, T. 24428.
[11350] Slavoljub Mlađenović, T. 34154-34155, 34161-34162.
[11351] D894 (Mile Petrović, witness statement, 6 June 2014), para. 1. Petrović's evidence is reviewed in chapter 7.1.6.
[11352] Zoran Stanković, T. 43246.
[11353] D589 (Milan Pejić, witness statement, 29 May 2014), p. 1, paras 1, 3; Milan Pejić, T. 24547, 24564.

called Konjević Polje.[11354] The witness was handed over to a former police inspector in Srebrenica whom the witness knew from before the war.[11355] The former police inspector brought the witness to a guard house next to a school and told the soldiers there not to mistreat him.[11356] Inside the house there were two other detainees: Hamed Omerović from Glogova in Bratunac Municipality, who was dressed in civilian clothes, and Azem Mujić from Rijeke in Han Pijesak Municipality, who was wearing one piece of military clothing.[11357] After about 20 minutes, the former police inspector took the three detainees to a nearby house for interrogation.[11358]

2664. Later, the former police inspector took the detainees to another house, where they were joined by four other detainees: a young boy about 14 years old from Sućeska; Hasan Salihović from Potočari, who used to be a policeman and knew the former police inspector well; Rešid Sinanović, former Chief of the SUP in Bratunac who left Srebrenica in the same group as the witness; and a man named Hamdija from Konjević Polje who knew one of the policemen and was taken away shortly after he was brought in.[11359]

2665. A Serb man in civilian clothes named Mirko, who before the war had worked for the police but had been fired, ordered Salihović and Sinanović to stay at the house and took the witness, Omerović, Mujić, and the 14-year-old boy to a building near the Konjević Polje intersection.[11360] When the detainees arrived at the building, a young police officer informed an individual, later identified by the witness as Nenad Deronjić, that one of his colleagues was upstairs. The witness was not certain that the individual in question was Deronjić until October 1995, when Salihović's mother visited him and described Deronjić. Salihović's mother knew what Deronjić, her son's colleague, looked like because he had visited her home.[11361] The witness identified Deronjić in his

[11354] P1435 (Witness RM-314, witness statement, 16 August 1995), pp. 2-3; Witness RM-314, T. 10857-10858; P1438 (Photograph of Konjević Polje intersection and warehouse).
[11355] P1435 (Witness RM-314, witness statement, 16 August 1995), p. 3.
[11356] P1435 (Witness RM-314, witness statement, 16 August 1995), p. 3; Witness RM-314, T.10855-10856.
[11357] P1435 (Witness RM-314, witness statement, 16 August 1995), p. 3.
[11358] P1435 (Witness RM-314, witness statement, 16 August 1995), p. 3; P1436 (Witness RM-314, witness statement, 8 June 1999), p. 2.
[11359] P1435 (Witness RM-314, witness statement, 16 August 1995), pp. 4-5; P1436 (Witness RM-314, witness statement, 8 June 1999), p. 2; P1437 (Witness RM-314, witness statement, 14 June 1999), p. 2; Witness RM-314, T. 10920.
[11360] P1435 (Witness RM-314, witness statement, 16 August 1995), p. 5; P1436 (Witness RM-314, witness statement, 8 June 1999), p. 2; Witness RM-314, T. 10856-10857; P1438 (Photograph of Konjević Polje intersection and warehouse).
[11361] Witness RM-314, T. 10919.

14 June 1999 statement as being 170 to 180 centimetres tall with curly hair, and subsequently testified that Deronjić is 185 centimetres tall with straight hair.[11362] Deronjić is not mentioned in the witness's 16 August 1995 or 8 June 1999 statements, although the witness testified that he mentioned Deronjić in the 1995 statement.[11363]

2666. Inside the building, the detainees were taken to a room where there were twelve Bosnian-Muslim men who were naked except for their underwear.[11364] They were guarded by four soldiers, including the man later identified by the witness as Deronjić, all of whom wore green camouflage uniforms without insignia and carried automatic rifles.[11365] The soldiers ordered the four arriving detainees to take off their clothes and stand in line with the twelve other detainees. The soldiers then threw the detainees on the floor and beat them up with their fists and kicked them in the head with their boots.[11366] The witness was beaten by all four soldiers.[11367] After some time, a young man in a blue uniform with a beret cap came in and asked why the detainees' clothes had been taken off. He told the detainees that they were supposed to be exchanged together with others and that earlier a large group of approximately 1,000 people had surrendered. One of the uniformed men told the young man in a blue uniform that there would be no exchange for the detainees and that the young man knew very well whom he had buried 45 days earlier. He added something that the witness understood to mean that he wanted to kill the detainees.[11368] The young man answered that if there was somebody there who should kill the detainees, it was him because of the person he himself had to bury.[11369] The two of them went out and, shortly afterwards, another uniformed man came in and ordered the detainees to put their clothes back on. They were brought into a larger room where the four soldiers hit them again; the witness was hit in the back of his head with a rifle butt.[11370]

[11362] P1437 (Witness RM-314, witness statement, 14 June 1999), p. 2); Witness RM-314, T. 10915-10916.
[11363] P1435 (Witness RM-314, witness statement, 16 August 1995); P1436 (Witness RM-314, witness statement, 8 June 1999); Witness RM-314, T. 10912, 10914-10915.
[11364] P1435 (Witness RM-314, witness statement, 16 August 1995), p. 5.
[11365] P1435 (Witness RM-314, witness statement, 16 August 1995), p. 5; P1437 (Witness RM-314, witness statement, 14 June 1999), p. 2; Witness RM-314, T.10889, 10912-10916, 10918-10920.
[11366] P1435 (Witness RM-314, witness statement, 16 August 1995), p. 5.
[11367] P1435 (Witness RM-314, witness statement, 16 August 1995), p. 5; P1437 (Witness RM-314, witness statement, 14 June 1999), p. 2.
[11368] P1435 (Witness RM-314, witness statement, 16 August 1995), p. 5.
[11369] P1435 (Witness RM-314, witness statement, 16 August 1995), pp. 5-6.
[11370] P1435 (Witness RM-314, witness statement, 16 August 1995), p. 6.

2667. Witness RM-314 and 15 other Muslims detained at the building near the Konjević Polje intersection were ordered to board a bus driven by a blond woman in civilian clothes.[11371] Four soldiers who were with the detainees in the building, including the man later identified by the witness as Nenad Deronjić, also boarded the bus.[11372] After a short drive of about three kilometres, the bus stopped at a small parking lot in Podkuslat, a canyon between Konjević Polje and Drinjača.[11373] The soldiers ordered the detainees to get off the bus, walk towards the bank of the Jadar River, and line up, which they did.[11374] The witness was third in the row.[11375] Two of the soldiers stood about three and a half metres away from each end of the row and the other two, including the man later identified by the witness as Deronjić, stood behind them.[11376] At approximately 10 or 11 a.m., the four soldiers opened fire with their infantry rifles on the detainees.[11377] The person next to the witness fell in front of the witness, and the witness was shot in the hip and fell into the water.[11378] He could hear bullets hitting the water around him but managed to drag himself towards the river's current. He was carried about 10 to 15 metres downstream and turned onto his back when the soldiers started shooting again. After some time, he saw the soldiers walking back towards the bus.[11379] He passed a bend in the river, got out of the water, and waited for other survivors, but none came.[11380] He walked through abandoned Muslim villages, and the following day he came across other Muslims from Srebrenica, including Mujo Subašić, with whom he walked for three days until they reached Nezuk in Bosnian-Muslim controlled territory.[11381] **Subašić** stated that at around noon on 14 July 1995, he provided medical care to a wounded man who joined the column in the area between

[11371] P1435 (Witness RM-314, witness statement, 16 August 1995), pp. 2-6; P1436 (Witness RM-314, witness statement, 8 June 1999), p. 2; Witness RM-314, T. 10856-10859, 10888; P1438 (Photograph of Konjević Polje intersection and warehouse).
[11372] P1437 (Witness RM-314, witness statement, 14 June 1999), p. 2; Witness RM-314, T. 10858.
[11373] P1435 (Witness RM-314, witness statement, 16 August 1995), pp. 6-7; P1436 (Witness RM-314, witness statement, 8 June 1999), p. 2; Witness RM-314, T. 10860; P1439 (Map showing the execution site).
[11374] P1435 (Witness RM-314, witness statement, 16 August 1995), p. 6; P1436 (Witness RM-314, witness statement, 8 June 1999), p. 2; Witness RM-314, T. 10858-10859, 10888.
[11375] P1435 (Witness RM-314, witness statement, 16 August 1995), p. 6.
[11376] P1435 (Witness RM-314, witness statement, 16 August 1995), p. 6; P1437 (Witness RM-314, witness statement, 14 June 1999), p. 2.
[11377] P1435 (Witness RM-314, witness statement, 16 August 1995), p. 6; P1437 (Witness RM-314, witness statement, 14 June 1999), p. 2; Witness RM-314, T. 10859, 10889, 10928.
[11378] P1435 (Witness RM-314, witness statement, 16 August 1995), p. 6; Witness RM-314, T. 10860-10862, 10928; P1440 (Photograph of entry and exit wound of Witness RM-314).
[11379] P1435 (Witness RM-314, witness statement, 16 August 1995), p. 6.
[11380] P1435 (Witness RM-314, witness statement, 16 August 1995), pp. 6-7.
[11381] P1435 (Witness RM-314, witness statement, 16 August 1995), p. 7; Witness RM-314, T. 10863.

Liplje and Kamenica.[11382] The man told him that he had survived an execution which took place on 13 July 1995 along the bank of the river near Kušlat.[11383] **Witness RM-314** was admitted to an ABiH clinic on 16 July 1995, and his discharge report states that he was treated for an explosive injury in the area of his hip, pelvis, and buttock.[11384] **Zoran Stanković** testified that explosive injuries could not be caused by firearms but acknowledged that the doctor who treated Witness RM-314 later explained that the term 'explosive' was a 'common term used during the war-time period for the wartime injuries' and that he used this term 'mechanically'.[11385] **Milan Pejić** testified that explosive wounds may be caused by shrapnel or by bullets.[11386]

2668. With regard to the units present at and in the vicinity of the Konjević Polje checkpoint, the Trial Chamber notes that MUP units were placed along the Bratunac-Konjević Polje road, where they engaged in blocking and capturing large numbers of men from the Bosnian-Muslim column on 13 July 1995.[11387] **Mirko Perić** testified that he manned the only checkpoint in Konjević Polje for three or four days around 10 to 13 July 1995 along with other Bratunac police officers dressed in camouflage police uniforms with full equipment, including belts, handcuffs, truncheons, and weapons, as well as members of the military police.[11388] The witness recalled seeing Momir Nikolić at the checkpoint on two occasions, and he testified that he never saw Nenad Deronjić, one of his colleagues, at Konjević Polje.[11389] Throughout the time that the witness was responsible for manning the checkpoint, he left Konjević Polje only once and was away for five or six hours to attend a funeral.[11390] **Momir Nikolić** testified that he arrived in Konjević Polje on 13 July 1995 at approximately 12:30 p.m. and that there was a civilian police checkpoint at the intersection in Konjević Polje manned by members of the Bratunac SJB. The witness saw both Nenad Deronjić and Mirko Perić, both members of the Bratunac SJB, engaged at the checkpoint that day.[11391]

[11382] P3306 (Mujo Subašić, witness statement, 3 October 2012), para. 46.
[11383] P3306 (Mujo Subašić, witness statement, 3 October 2012), paras 46-47.
[11384] Zoran Stanković, T. 43295; D283 (ABiH 2nd Corps Independent Medial Battalion Out-patients Clinic – Tuzla Garrison Discharge List, 11 August 1995).
[11385] Zoran Stanković, T. 43489-43500.
[11386] Milan Pejić, T. 24560.
[11387] Adjudicated Facts II, no. 1357.
[11388] Mirko Perić, T. 34233-34234, 34241-34242, 34265.
[11389] Mirko Perić, T. 34239-34241, 34263-34265, 34267-34268.
[11390] Mirko Perić, T. 34234-34235.
[11391] D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), para. 9; Momir Nikolić, T. 11946-11947.

2669. **Mile Petrović** testified that on the way to Konjević Polje on 13 July 1995, he saw two Muslim men dressed in civilian clothes waving at the APC and requesting it to stop.[11392] Nikolić, also onboard the vehicle, tasked Petrović to bring them into the APC. Upon their entering the vehicle, Nikolić hit one of the two men on the head with a rifle butt.[11393] In Konjević Polje, Nikolić interrogated the two men in an unfinished house.[11394] After the interrogation, Nikolić ordered the witness to take the two men to a building across the road where other prisoners were held. However, before the witness was able to do so he was approached by a soldier who told him that there was no need for him to bring them in and that he would take the two men to another house, together with some other men.[11395]

2670. **Nenad Deronjić** testified that he belonged to the 2nd Company from Bratunac, which was part of the special police unit of the Zvornik CSB, as of 12 July 1995.[11396] From early July 1995 up to and including 12 July 1995 at 8 a.m., he worked at the Konjević Polje checkpoint, which was manned by Bratunac police officers.[11397] He and other members of the 2nd Company, including the commander Slavoljub Mlađenović, went to Srebrenica in the afternoon of 12 July 1995.[11398] The witness was assigned to discharge military duties there and stayed at the Srebrenica police station for the next seven or eight days.[11399] They patrolled the town and tried to protect property from individuals who came to loot.[11400] The witness denied that he had been present at the checkpoint in Konjević Polje on 13 July 1995 and that he had participated in killings on the bank of the Jadar River on that day.[11401] According to a bulletin of the Zvornik CSB, dated 14 July 1995, on 13 and 14 July 1995, the 1st, 2nd, 5th, and 6th companies of the Zvornik CSB had been engaged in the areas of Konjević Polje, Cerska, Han Pogled,

[11392] D894 (Mile Petrović, witness statement, 6 June 2014), para. 6; Mile Petrović, T. 31324.
[11393] D894 (Mile Petrović, witness statement, 6 June 2014), para. 7.
[11394] D894 (Mile Petrović, witness statement, 6 June 2014), para. 8; Mile Petrović, T. 31311.
[11395] D894 (Mile Petrović, witness statement, 6 June 2014), para. 8.
[11396] D584 (Nenad Deronjić, witness statement, 6 June 2014), paras 5-6; Nenad Deronjić, T. 24440.
[11397] D584 (Nenad Deronjić, witness statement, 6 June 2014), paras 5-6, 12; Nenad Deronjić, T. 24429, 24440.
[11398] D584 (Nenad Deronjić, witness statement, 6 June 2014), paras 15, 20; Nenad Deronjić, T. 24480, 24487; D585 (Bratunac SJB Duty Roster), p. 2; D586 (Decision on appointment of Nenad Deronjić to the Srebrenica police station, 18 June 1996); D587 (Order assigning Nenad Deronjić and others to the Srebrenica police stations, 18 July 1995).
[11399] D584 (Nenad Deronjić, witness statement, 6 June 2014), paras 17, 20; Nenad Deronjić, T. 24428, 24430, 24440-24441, 24453-24454, 24456-24459, 24470-24471, 24496; D585 (Bratunac SJB Duty Roster), p. 2; D586 (Decision on appointment of Nenad Deronjić to the Srebrenica police station, 18 June 1996); D587 (Order assigning Nenad Deronjić and others to the Srebrenica police stations, 18 July 1995).
[11400] D584 (Nenad Deronjić, witness statement, 6 June 2014), para. 17; Nenad Deronjić, T. 24441-24445.

Džafin, Kamen, Snagovo, and Maričići in the previous 24 hours due to 'infiltration of enemy military formations from Srebrenica'.[11402]

2671. **Slavoljub Mlađenović** testified that he and other members of the 2nd and 3rd Companies of the Zvornik PJP, including Nenad Deronjić, complied with an order to report to Srebrenica to provide security on 12 July 1995.[11403] The witness was on duty from 7 a.m. on 13 July to 7 a.m. on 14 July 1995 but travelled to Bratunac Municipality on 13 July to console the family of a policeman who had been killed.[11404] The witness was physically present at the Srebrenica police station 'as necessary to be briefed' throughout his shift and was never away from the police station for more than five hours at a time.[11405] Every time he was at the Srebrenica police station that day, the witness observed Deronjić.[11406] The witness testified that Ravni Buljim is located between Jaglici and Konjević Polje and that 'there's no chance that anyone of my platoons was in that area' around 12 July 1995.[11407] According to the witness, on 13 July 1995, the 2nd Company was in Srebrenica.[11408]

2672. According to a report of the Zvornik CSB to the Headquarters of the MUP in Bijeljina on 12 July 1995, the 2nd company of the Zvornik PJP (60 men) was dispatched to Srebrenica with the task of securing all facilities of vital importance in the town and protect them from being looted, pursuant to Karadžić's order.[11409] A platoon of this company was ordered to lie in ambush at Ravni Buljim, where Muslim groups had been spotted fleeing.[11410] It would carry out its task without the cooperation with the military police.[11411]

2673. With regard to Witness RM-314's evidence on the presence of Deronjić at the scene of the killings on 13 July 1995, the Trial Chamber notes that although the witness named Deronjić as one of the perpetrators in his testimony before the Trial Chamber, he specified that he was unable to identify him at the time of the killings. The witness's

[11401] D584 (Nenad Deronjić, witness statement, 6 June 2014), paras 5, 21-23; Nenad Deronjić, T. 24441, 24461.
[11402] P6687 (CSB Zvornik Bulletin No. 195/95, 14 July 1995), p. 2.
[11403] Slavoljub Mlađenović, T. 34163-34166, 34178, 34202.
[11404] Slavoljub Mlađenović, T. 34204, 34209-34210
[11405] Slavoljub Mlađenović, T. 34204-34205.
[11406] Slavoljub Mlađenović, T. 34203, 34205-34206, 34208.
[11407] Slavoljub Mlađenović, T. 34210-34211.
[11408] Slavoljub Mlađenović, T. 34211-34212.
[11409] P2111 (Zvornik CSB dispatch to the police headquarters in Bijeljina, 12 July 1995), pp. 1-2.
[11410] P2111 (Zvornik CJB dispatch to the police headquarters in Bijeljina, 12 July 1995), p. 2.
[11411] P2111 (Zvornik CJB dispatch to the police headquarters in Bijeljina, 12 July 1995), p. 2.

first two statements, given on 16 August 1995 and 8 June 1999, do not name Deronjić as one of the perpetrators. Deronjić is first identified as a perpetrator in the witness's 14 June 1999 statement, although the witness testified that he mentioned Deronjić when he gave his first statement in 1995. Finally, the witness's identification of Deronjić is based on an oral description of Deronjić that he heard approximately three months after the incident. This description was provided by Salihović's mother, who knew Deronjić, but there is no evidence as to what her description entailed or how detailed it was. In light of these concerns, the Trial Chamber will not rely on the witness's evidence on this issue.

2674. With respect to the Defence submission that Witness RM-314 was not credible, the Defence more specifically submits that the witness has 'disavowed/recanted' portions of his witness statements and 'corrected/changed' portions of his testimony in prior proceedings before the Tribunal.[11412] The Trial Chamber notes that the witness's medical record corroborates his testimony that he was injured. The Trial Chamber further notes that none of the instances flagged by the Defence pertain to the witness's testimony regarding the alleged killing incident at the Jadar River on 13 July 1995, and that Witness RM-314's account of this incident is internally consistent and consistent with the account provided by Subašić. With respect to the Defence submission that Witness RM-314's injury was the result of shrapnel rather than gunfire, the Trial Chamber is satisfied that the use of the term 'explosive' in the witness's medical record is not inconsistent with him having suffered a gunshot wound. The Trial Chamber thus finds the evidence of Witness RM-314 reliable.

2675. The Trial Chamber notes the Defence submission that Witness RM-314 has given contradictory evidence regarding the content of a statement he made to an individual wearing ABiH insignia on 27 July 1995.[11413] The witness testified that this individual visited him while he was 'in a psychological condition' in hospital, pressured him to falsely state that he had been injured in Karakaj, and forced him to give a statement under duress.[11414] The Defence submits that the witness has given evidence both that he did and that he did not accede to this individual's pressure to state that he had been injured in Karakaj.[11415] As the witness has reliably testified that this statement

[11412] Defence Final Brief, paras 2979-2983.
[11413] Defence Final Brief, paras 2991-2992.
[11414] Witness RM-314, T. 10879-10882, 10923-10925.
[11415] Defence Final Brief, paras 2991-2992.

was taken under duress, and as the witness has consistently given evidence that he was injured at the Jadar River, the Trial Chamber does not consider this matter to affect the credibility of the witness.

2676. Based on the foregoing, the Trial Chamber finds that, on the morning of 13 July 1995, four individuals in green camouflage uniforms shot and killed 15 Bosnian-Muslim male detainees, including a 14-year-old boy, one man wearing civilian clothing, and one man wearing a piece of military clothing, after lining them up on the bank of the Jadar River. The men had been detained at a building near the Konjević Polje intersection before being killed. With regard to the perpetrators, the Trial Chamber took judicial notice of Adjudicated Fact 1357 and received evidence on the units present at the relevant time at and around the Konjević Polje checkpoint, located in the immediate vicinity of the building from which the perpetrators and the victims departed prior to the killing. Based on this, the Trial Chamber finds that the perpetrators were members of the police or the VRS military police.[11416] The Trial Chamber will further consider this incident in relation to Counts 2 to 6 of the Indictment in chapter 8, below.

[11416] With respect to the Defence submission that Witness RM-314's identification of the perpetrators wearing camouflage uniforms without insignia is insufficient to determine their affiliation (Defence Final Brief, para. 2997), the Trial Chamber notes that its finding as to the affiliation of the perpetrators rests on Adjudicated Fact 1357 and the reliable evidence of Witness RM-314, Perić, Nikolić, and Deronjić, and therefore rejects the Defence submission.

7.3 Cerska Valley (Schedule E.2.1)

2677. According to the Indictment, the Accused is responsible for the killing and subsequent burial of approximately 150 Bosnian-Muslim men in an area along a dirt road in the Cerska valley about three kilometres from Konjević Polje, between 13 and 17 July 1995.[11417] The Defence submitted that the VRS conducted legitimate military operations in the Cerska valley area, including the collecting of information on remaining ABiH combatants in the area on 17 July 1995.[11418] The Defence also submitted that the victims of this alleged incident may have died during combat, internal ABiH clashes, or committed suicide.[11419] The Trial Chamber took judicial notice of a number of Adjudicated Facts related to this incident. It also received evidence from **William Haglund**, a forensic anthropologist;[11420] and **Dušan Janc**, an investigator,[11421] and finds that this evidence is consistent with the Adjudicated Facts.[11422] The Trial Chamber further received evidence from **Reif Mehmedović**, a Bosnian-Muslim soldier in the ABiH 284th Brigade in July 1995;[11423] **Sulejman Buljubašić**, a Bosnian from Ljeskovik in Srebrenica Municipality;[11424] **Mićo Gavrić**, Chief of Artillery in the Bratunac Brigade from 14 November 1992 until the end of the war;[11425] **Witness RM-336**, a Serb policeman from the Ugljevik SJB;[11426] and **Dragomir Keserović**, a desk officer for the military police in the security administration of the Main Staff of the VRS from 1995 and commander of an armoured brigade in the 1KK;[11427] as well as documentary evidence.

2678. **Reif Mehmedović** stated that on 16 July 1995 around 4 p.m., he was hiding with Abdulah Mehmedović, nicknamed Cipi, near Pobuđe, when he saw some vehicles on

[11417] Indictment, paras 11-12, 21-22, 46(a), 59(a)(iii), 65(a), Schedule E.2.1.
[11418] Defence Final Brief, paras 3008-3023.
[11419] Defence Final Brief, para. 3037.
[11420] P1828 (William Haglund, *Krstić* transcript, 29 May 2000), p. 3724; William Haglund, T. 14974.
[11421] P1987 (Dušan Janc, Srebrenica Investigation, Update to Summary of Forensic Evidence, 28 June 2013), p. 1; P1982 (Annex D to the report titled Update to the Summary of Forensic Evidence, Srebrenica Investigation, by Dušan Janc).
[11422] **William Haglund**: P1828 (William Haglund, *Krstić* transcript, 29 May 2000), pp. 3733-3734, 3737, 3745; P1831 (William Haglund, Cerska Valley report, 15 June 1998), pp. 8-10, 12, 15, 21, 38, 53, 60-61; William Haglund, T. 14911, 14933. **Dušan Janc**: P1987 (Dušan Janc, Srebrenica Investigation, Update to Summary of Forensic Evidence, 28 June 2013), p. 3, Annex A, p. 2.
[11423] P3452 (Reif Mehmedović, witness statement, 16 August 1996), p. 2.
[11424] P3450 (Sulejman Buljubašić, witness statement, 13 July 1999), p. 1.
[11425] Mićo Gavrić, T. 13899. Mićo Gavrić's evidence is aslo reviewed in chapter 7.1.6.
[11426] P3455 (Witness RM-336, *Popović et al*. transcript, 16 November 2006), pp. 4076-4079; P3458 (Statement of Witness RM-336 before the Bijeljina SJB, 23 September 2004), p. 3. Witness RM-336's evidence is reviewed in chapter 7.1.6.

the asphalt road about one and a half kilometres away.[11428] The vehicles were coming from the direction of Konjević Polje and turned right onto the macadam road heading towards Cerska.[11429] There were eight vehicles in total: first an olive-green APC, then three trucks covered with tarpaulin, followed by three buses of which the third looked overloaded as it was closer to the ground and going slower than the others, and finally a yellow excavator.[11430] Later, the witness heard a detonation coming from the area the convoy had headed towards, followed by small arms fire for three to four minutes. At around 7 p.m., the witness saw the excavator and a bus turning from the macadam road onto the asphalt road towards Konjević Polje.[11431] **Sulejman Buljubašić** was also present in the area at the time. He stated that on 17 or 18 July 1995, on his way to Cerska, he stopped in Kaldrmice. There, around 9:30 a.m., he saw 'Chetniks' arriving from the direction of Nova Kasaba in a convoy of three buses with detainees, two trucks, one passenger car, and two transporters, all heading in the direction of Cerska.[11432] He saw the 'Chetniks' exit one of the trucks and deploy in a sweep-and-clear formation, moving in the direction of Cerska. He later heard the sound of shooting coming from the direction the convoy had gone to. Some time later, he saw the vehicles from the convoy return, and an excavator, a Lada Niva, and another passenger vehicle drive in the direction of Cerska. The excavator and the passenger vehicle stayed there for approximately one hour. Around 3:30 p.m., the witness left towards Kamenica.[11433]

2679. **Mehmedović** stated that on the morning of 17 July 1995, the day after he had seen the vehicles going towards Cerska, he and two other men went closer to the road.[11434] At around 8 p.m., the witness and the other two crossed the road running from Nova Kasaba to Konjević Polje and crossed the bridge over the Jadar River near to the mill where the convoy had driven to. They went up the track towards Cerska for about three kilometres and came upon some disturbed earth less than a metre from the left side

[11427] Dragomir Keserović, T. 12802, 12805-12807. Dragomir Keserović's evidence is also reviewed in chapter 9.7.2.
[11428] P3452 (Reif Mehmedović, witness statement, 16 August 1996), p. 3.
[11429] P3452 (Reif Mehmedović, witness statement, 16 August 1996), p. 3; P3453 (Sketch drawn by Reif Mehmedović showing the location and the direction the vehicles moved in).
[11430] P3452 (Reif Mehmedović, witness statement, 16 August 1996), pp. 3-4.
[11431] P3452 (Reif Mehmedović, witness statement, 16 August 1996), p. 4.
[11432] P3450 (Sulejman Buljubašić, witness statement, 13 July 1999), pp. 3-4.
[11433] P3450 (Sulejman Buljubašić, witness statement, 13 July 1999), p. 4.
[11434] P3452 (Reif Mehmedović, witness statement, 16 August 1996), pp. 2, 4.

of the track.[11435] The area was about 15 metres long along the road and approximately ten metres wide.[11436] The witness smelled a stench.[11437]

2680. **Keserović** testified that the next morning, on his way to Bratunac, he saw Major Malinić along the road in Nova Kasaba.[11438] Malinić told him that most of the military police battalion of the protection regiment was deployed on the front lines around Sarajevo and that the company undergoing training in Nova Kasaba was deployed along the road in the area of a blockade from Kasaba to Konjević Polje.[11439] The witness met with Colonel Blagojević at his command post around 11 a.m.[11440] Blagojević informed him that the implementation of the sweeping task continued and that MUP units from Bratunac and Srebrenica were on their way to join the operation.[11441] According to the witness, the intercept of a communication dated 17 July 1995 between Mičić and Badem, code name for the command of the Bratunac brigade, mentioning the departure of 400 in seven buses at 11:30 a.m., headed by Blagojević, referred to a unit of the Bratunac brigade which set off in the direction of Žepa.[11442]

2681. On the same day, the witness saw Ljubiša Borovčanin, Chief of Staff and Deputy Commander of the Special Brigade of the Bosnian-Serb MUP, headed by Goran Šarić, at the Bratunac SJB.[11443] The witness learned that units of the MUP, including members of this brigade, were tasked to search the terrain on the right hand side of the road to Milići.[11444] Per order dated 17 July 1995, Goran Šarić tasked Borovčanin with the command and control of two combat groups, including the one in charge of the mop up operation in the Milići-Drinjača road area.[11445] Duško Jevrić was appointed commander of the 2nd combat group, composed of the Doboj Special Police Detachment, two

[11435] P3452 (Reif Mehmedović, witness statement, 16 August 1996), p. 4.
[11436] P3452 (Reif Mehmedović, witness statement, 16 August 1996), p. 4; P3454 (Sketch drawn by Reif Mehmedović showing the location of the shooting).
[11437] P3452 (Reif Mehmedović, witness statement, 16 August 1996), p. 4.
[11438] Dragomir Keserović, T. 12863, 12940; P1580 (ICRC Communication to the press on the evacuation of wounded persons from Bratunac and Potočari, 18 July 1995).
[11439] Dragomir Keserović, T. 12863.
[11440] Dragomir Keserović, T. 12870-12871, 12973-12974.
[11441] Dragomir Keserović, T. 12862, 12933.
[11442] Dragomir Keserović, T. 12975-12978; P1581 (Intercept from 2nd Corps Command of a communication between Badem addressed to Mičić, dated 17 July 1995) pp. 1-2.
[11443] Dragomir Keserović, T. 12873, 12958.
[11444] Dragomir Keserović, T. 12873, 12982; P1582 (Order by the commander of the special police brigade addressed, inter alia, to L. Borovčanin concerning the formation of a battalion tasked to engage in mop up operations, 17 July 1995), paras 1, 3.
[11445] Dragomir Keserović, T.12981-12982; P1582 (Order by the commander of the special police brigade addressed, inter alia, to L. Borovčanin concerning the formation of a battalion tasked to engage in mop up operations, 17 July 1995), paras 4, 7.

special police units and two other companies, and was tasked to regroup with the first combat group for the search of Cerska.[11446]

2682. Between 7 and 18 July 1996, investigators from the Prosecution, in conjunction with a team from Physicians for Human Rights, exhumed a mass grave to the southwest of the road through the Cerska valley from the main road from Konjević Polje to Nova Kasaba.[11447] One hundred and fifty bodies were recovered from a mass grave near Cerska, and the cause of death for 149 was determined to be gunshot wounds.[11448] All of the bodies exhumed were male, with a mean age from 14 to 50.[11449] Of the bodies exhumed, 147 were wearing civilian clothes.[11450] Forty-eight wire ligatures were recovered from the grave, about half of which were still in place binding the victims' hands behind their backs.[11451] Investigation into the cartridges discovered at the grave site revealed that the cartridges found in the grave itself matched with those found along the road at the gravesite, indicating that the victims in the grave were shot at the gravesite.[11452] **Haglund** testified that cartridges were moved to the grave, together with the soil, when it was removed from the side of the road where the killing took place.[11453] The bodies of the victims had been covered by transferring earth moved from the roadside opposite to the burial site, using earthmoving equipment.[11454] **Haglund** testified that Muslim paraphernalia, including official papers of the Islamic Community of Sarajevo and prayer beads, were found on nine corpses.[11455] Identifying information for some victims was recovered. According to the ICRC, some of these persons were last seen alive in July 1995.[11456]

2683. With regard to the Defence submission that the VRS conducted legitimate military operations in Cerska Valley, the Trial Chamber notes that the underlying evidence referred to by the Defence mainly concerns 1992 and 1993 and is therefore

[11446] Dragomir Keserović, T. 12921-12923; P1582 (Order by the commander of the special police brigade addressed, inter alia, to L. Borovčanin concerning the formation of a battalion tasked to engage in mop up operations, 17 July 1995), paras 1-2.
[11447] Adjudicated Facts II, no. 1522.
[11448] Adjudicated Facts II, no. 1524.
[11449] Adjudicated Facts II, no. 1525. The Trial Chamber understands this Adjudicated Fact to refer to the age range of the victims.
[11450] Adjudicated Facts II, no. 1526.
[11451] Adjudicated Facts II, no. 1527.
[11452] Adjudicated Facts II, no. 1528.
[11453] P1828 (William Haglund, *Krstić* transcript, 29 May 2000), pp. 3733-3734, 3736-3737; P1831 (William Haglund, Cerska Valley report, 15 June 1998), pp. 8-9, 12, 15, 21, 38, 53; William Haglund, T. 14933.
[11454] Adjudicated Facts II, no. 1529.
[11455] P1831 (William Haglund, Cerska Valley report, 15 June 1998), pp. 9, 63.

irrelevant for this incident. With regard to the Defence's argument concerning VRS operations in the area on 17 July 1995, the Trial Chamber notes that the VRS activities, mentioned in Gavrić's evidence, went beyond the mere collection of information on the presence of remaining ABiH members in the Cerska area and involved the capture of Bosnian Muslims. However, the Trial Chamber notes that the legitimacy of the operation in which this capture took place is not relevant to the analysis of this alleged incident.

2684. Based on the foregoing, the Trial Chamber finds that on or around 17 July 1995, 'Chetniks' killed 150 non-Serb males, of whom at least 149 were shot, including minors, some as young as 14 years old, in an area along the road from Nova Kasaba to Konjević Polje, near Cerska.[11457] Considering Keserović's evidence reviewed above as well as the evidence reviewed in chapters 7.1.6 and 9.7 the Trial Chamber finds that these perpetrators included members of the Special Police Detachment and Special Police Unit of the MUP. The perpetrators subsequently buried them in a mass grave to the southwest of the road. Civilian clothes were found on all but three of the victims and some of them were found with their hands tied behind their backs.[11458] The Trial Chamber will further consider this incident in relation to Counts 2 through 6 of the Indictment in chapter 8 below.

[11456] P1831 (William Haglund, Cerska Valley report, 15 June 1998), pp. 66-67.
[11457] The Trial Chamber noticed slight differences in the account of the incident in the evidence of Reif Mehmedović and Sulejman Buljubašić. In particular, it noted differences concerning the exact date of the incident and the composition of the convoy and its route. However, the Trial Chamber does not find these differences to be so considerable as to affect the outcome of its finding.
[11458] In this regard, the Trial Chamber is satisfied that Adjudicated Fact 1527, and in particular the reference to the ligatures found on the victims' hands, establishes that the 150 Bosnian-Muslim men were executed and rejects the Defence's argument that the victims may have died in combat or committed suicide. With regard to the other cause of death proposed by the Defence, namely internal ABiH clashes, the Trial Chamber has received no evidence in this regard and is satisfied on the basis of the evidence reviewed, including Buljubašić's evidence, that 'Chetniks' killed the 150 Bosnian-Muslim men.

7.4 Kravica Warehouse (Schedule E.3.1)

2685. According to the Indictment, the Accused is responsible for the killing of over 1,000 Bosnian-Muslim men in a large warehouse in the village of Kravica on 13 July 1995.[11459] The bodies of the victims were transported to two large mass graves located in the nearby villages of Glogova and Ravnice on 14 July 1995.[11460] The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this incident. It also received evidence from **Witness RM-274**, a member of the ABiH in July 1995;[11461] **Witness RM-254**, a Bosnian Muslim from Srebrenica Municipality;[11462] **Witness RM-256** and **Witness RM-346**, Bosnian Muslims from Srebrenica and members of the ABiH;[11463] **Zoran Petrović**, a journalist from Belgrade who travelled the area around Bratunac with Ljubiša Borovčanin from 13 to 15 July 1995;[11464] **Milenko Pepić** and **Predrag Čelić**, Bosnian-Serb members of the 2nd Šekovići Special Police Brigade;[11465] **Bojan Subotić**, commander of a platoon in the military police battalion of the 65th Motorised Protection Regiment in July 1995;[11466] **Witness RM-268**, a member of the Special Police Brigade in 1995;[11467] **Witness RM-306**, a Serb from Bratunac;[11468] **Neđo Jovičić**, a member of the Special Police Brigade as the driver to the brigade's Deputy Commander, Ljubomir Borovčanin, during 1995;[11469] **Witness RM-260**, a member of of the Civilian Protection Staff in Bratunac Municipality in July 1995;[11470] **Momir Nikolić**, the Assistant Commander for Intelligence and Security of the Bratunac Brigade

[11459] Indictment, paras 11-12, 21-22, 46(a), 59(a)(iii), 65(a), Schedule E.3.
[11460] Indictment, Schedule E.3.
[11461] P3098 (Witness RM-274, *Popović et al.* transcript, 6 February 2007), p. 6972.
[11462] P1690 (Witness RM-254, witness statement, 18 August 1996), p. 1, para. 1. The evidence of Witness RM-254 is also reviewed in chapter 7.14.1.
[11463] **Witness RM-256**: P1592 (Witness RM-256, witness statement, 16 January 1996), p. 1, paras 1-2; Witness RM-256, T. 13187. **Witness RM-346**: P1118 (Witness RM-346, prior testimony), p. 3016; P1117 (Witness RM-346, pseudonym sheet); Witness RM-346, T. 9576.
[11464] P3347 (Zoran Petrović, *Popović et al.* transcript 4 December 2007), pp. 18738, 18741, 18764-18765, 18830.
[11465] **Milenko Pepić**: P1543 (Milenko Pepić, Bosnia-Herzegovina statement, 26 October 2005), pp. 2, 5; Milenko Pepić, T. 12406-12407, 12433. **Predrag Čelić** : P2173 (Predrag Čelić, *Popović et al.* transcript, 28 June 2007), pp. 13456-13458, 13462. The Trial Chamber understands the two spellings of Šekovići and Šehovici to refer to the same place and will use them interchangeably throughout the Judgment.
[11466] D926 (Bojan Subotić, witness statement, 15 June 2014), paras 2, 4.
[11467] P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), pp. 8565, 8567.
[11468] P1474 (Witness RM-306, *Popović et al.* transcript, 23, 26-27 March 2007), pp. 9357-9358; Witness RM-306, T. 11446; D293 (Witness RM-306, statement to the Bosnian-Serb MUP, 26 December 2005), pp. 1-2.
[11469] D976 (Neđo Jovičić, witness statement, 3 August 2014), para. 2.
[11470] P3621 (Witness RM-260, *Blagojević and Jokić* transcript, 20 April 2004), pp. 7861-7862.

from November 1992 to at least October 1995;[11471] **David Harland**, an UNPROFOR civil affairs officer assigned to Sarajevo as of May 1993;[11472] **Witness RM-333**, a member of the joint MUP forces of the RSK, Serbia, and the Bosnian-Serb Republic in 1995;[11473] **Rahima Malkić**, a Bosnian Muslim from Srebrenica Municipality;[11474] **John Clark**, a forensic pathologist;[11475] and **Dušan Janc**, an investigator;[11476] as well as documentary evidence and finds that this evidence is consistent with the Adjudicated Facts.[11477] The Trial Chamber also received evidence from **Ljubodrag Gajić**, a member

[11471] Momir Nikolić, T. 11768-11771, 11776-11777; D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), paras 1, 13-14.
[11472] P1 (David Harland, witness statement, 4 September 2009), p. 1, para. 5; David Harland, T. 661.
[11473] Witness RM-333, T. 6759, 6792-6793; P724 (Report on the combat engagement of police forces in Srebrenica 95 signed by Ljubiša Borovčanin) p. 1; D129 (MUP order signed by Tomislav Kovač, 10 July 1995), p. 1.
[11474] P1005 (Rahima Malkić, witness statement, 17 June 2000), pp. 1-2; P1006 (Rahima Malkić, statement taken by the Cantonal Court of Tuzla, 17 June 2000), p. 2.
[11475] John Clark, T. 17185; P2236 (*Curriculum vitae* of John Clark); P2257 (John Clark, *Krstić* transcript, 30-31 May 2000), pp. 3897-3899; P2258 (John Clark, *Karadžić* transcript, 10 January 2012), pp. 22692-22693. John Clark's evidence is also reviewed in chapters 7.3 and 7.7.
[11476] P1987 (Dušan Janc, Srebrenica Investigation, Update to Summary of Forensic Evidence, 28 June 2013), p. 1; P1982 (Annex D to the report titled Update to the Summary of Forensic Evidence, Srebrenica Investigation, by Dušan Janc).
[11477] **Witness RM-274**: P3098 (Witness RM-274, *Popović et al.* transcript, 6 February 2007), pp. 6989-6990, 6999-7000. **Witness RM-256**: P1592 (Witness RM-256, witness statement, 16 January 1996), paras 8, 18; 20-23, P1593 (Witness RM-256, witness statement, 21 September 1995), p. 4; Witness RM-256, T. 13181-13182, 13195-13197. **Witness RM-254**: P1690 (Witness RM-254, witness statement, 18 August 1996), para. 5; Witness RM-254, T. 13837-13838; D321 (Statement by Witness RM-254, 5 June 1997), pp. 1-2; D322 (Record of witness interview, 16 April 2009), p. 5; D323 (Internal Memorandum, Interview with Witness RM-254, 13 November 2003), p. 1; D324 (Court documents), pp. 12-13, 35 57; D325 (Court documents), pp. 6-7, 27-28, 37. **Witness RM-346**: P1118 (Witness RM-346, prior testimony), pp. 3025-3027; P1119 (Witness RM-346, *Karadžić* transcript, 2 February 2012), p. 24123; Witness RM-346, T. 9568; P1120 (Panoramic photograph of Kravica Warehouse); P1124 (Annotated photo of Kravica Warehouse, marked by Witness RM-346 in *Karadžić*, 2 February 2012). **Zoran Petrović**: P3347 (Zoran Petrović, *Popović et al.* transcript 4 December 2007), pp. 18802, 18807-18808; P3350 (Video still panorama montage of the Kravica Warehouse, taken from the Srebrenica Trial Video at 02:56:16). **Milenko Pepić**: P1543 (Milenko Pepić, Bosnia-Herzegovina statement, 26 October 2005), p. 9; Milenko Pepić, T. 12418-12419, 12447, 13477; P1545 (Still taken from aerial film of Kravica Warehouse, marked by Milenko Pepić). **Bojan Subotić**: D926 (Bojan Subotić, witness statement, 15 June 2014), paras 6, 29, 31, 34-35; Bojan Subotić, T. 32971-32974, 32988. **Witness RM-268**: P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), pp. 8621-8624. **Witness RM-306**: P1474 (Witness RM-306, *Popović et al.* transcript, 23, 26-27 March 2007), pp. 9362-9363, 9365-9370, 9372, 9392; Witness RM-306, T. 11428-11429, 11431, 11443, 11465-11466, 11473, 11475, 11495, 11511. **Witness RM-260**: P3621 (Witness RM-260, *Blagojević and Jokić* transcript, 20 April 2004), p. 7879-7880, 7882; P3622 (Witness RM-260, *Popović et al.* transcript, 19 November 2007), p. 17851; P3623 (Witness RM-260, *Karadžić* transcript, 7 February 2012), p. 24221. **Neđo Jovičić**: D976 (Neđo Jovičić, witness statement, 3 August 2014), paras 30-33; Neđo Jovičić, T. 33724-33727, 33729-33733, 33735-33738. **Momir Nikolić**: D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), para. 9; Momir Nikolić, T. 12098. The Trial Chamber notes that the witness refers to the Kravica farm cooperative throughout his testimony and understands this to be the Kravica Warehouse. **David Harland**: David Harland, T. 904; **Witness RM-333**: P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), pp. 14835, 14888; **John Clark**: P2260 (John Clark, Report on autopsies of human remains from Lazete 1-2, Glogova 1, Kravica, and Ravnice, 2000), pp. 1, 6-8, 10-11, 14, 16, 25-27; P2261 (John Clark, Report on autopsies of human remains from Ravnice, Glogova, Zeleni Jadar, 2001), pp. 6-7, 9-11. **Dušan Janc**: P1987 (Dušan Janc, Srebrenica Investigation, Update to Summary of Forensic Evidence), Annex A, pp. 5-8. **Predrag Čelić**: P2173 (Predrag Čelić, *Popović et al.* transcript, 28 June

of the MUP 1st Company of the Jahorina Training Centre;[11478] **Mevludin Orić**, a Bosnian Muslim from Lehovići in Srebrenica Municipality;[11479] **Mile Simanić**, a member of the Vlasenica TO and Deputy Commander of the 5th Engineering Battalion of the DK in 1995;[11480] **Miroslav Deronjić**, the President of the Bratunac Municipality Crisis Staff as of April 1992 and member of the SDS main board as of the summer of 1993;[11481] **Mladen Blagojević**, a Serb member of the Military Police Platoon with the Bratunac Light Infantry Brigade in July 1995;[11482] **Jose Baraybar**, a forensic anthropologist;[11483] **Vesna Ivanović**, a medical doctor working at the Health Centre in Bratunac since 1986;[11484] and **Christopher Lawrence**, a forensic pathologist.[11485]

Detention and killing of Bosnian Muslims at Kravica Warehouse

2686. **Predrag Čelić** stated that on 12 July 1995, the 2nd Šekovici Detachment of the Special Police Brigade was ordered to deploy along the road from Sandići towards Kravica, and was assigned to secure the Bratunac-Konjević Polje road and to protect the surrounding villages from the people who had left Srebrenica.[11486] At that time, the detachment was commanded by Rade Čuturić who was present with the unit in the field on 12 and 13 July 1995.[11487] The Commander and Deputy Commander of the Special Police Brigade were Goran Sarić and Ljubiša Borovčanin, respectively.[11488] The witness's unit wore camouflage uniforms, with a patch on the left shoulder featuring the words 'Special Brigade' and 'the police', as well as a number and a flag with the coat of

2007), pp. 13477, 13479-13480. **Rahima Malkić**: P1005 (Rahima Malkić, witness statement, 17 June 2000), p. 2; P1006 (Rahima Malkić, statement taken by the Cantonal Court of Tuzla, 17 June 2000), p. 2. **Documentary evidence**: P2795 (ICMP Srebrenica Update Expert Report, 21 July 2013); P5588 (ICMP Notice of DNA Reports, December 2007. Mevludin Orić's evidence is reviewed in chapter 7.14.1.

[11478] Ljubodrag Gajić, T. 40268-40269, 40311.

[11479] P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), pp. 861, 869.

[11480] P3517 (Mile Simanić, *Popović et al.* transcript, 3 September 2007), pp. 14619, 14621-14622.

[11481] P3566 (Miroslav Deronjić, witness statement, 25 November 2003), para. 2.

[11482] D922 (Mladen Blagojević, witness statement, 6 June 2014), p. 1, para. 3; P7186 (Mladen Blagojević, US Department of Homeland Security, Report of Investigation), pp. 2, 4.

[11483] Jose Baraybar, T. 16002; P2071 (*Curriculum vitae* of Jose Baraybar, undated), p. 1. Jose Baraybar's evidence is also reviewed in chapter 7.10.

[11484] P3154 (Vesna Ivanović, witness statement, 26 August 2013), pp. 1, 5, para. 1.

[11485] Christopher Lawrence, T. 14695; P1803 (*Curriculum vitae* of Christopher Lawrence, undated), pp. 1-2.

[11486] P2173 (Predrag Čelić, *Popović et al.* transcript, 28 June 2007), pp. 13465-13469. *See also* P1543 (Milenko Pepić, Bosnia-Herzegovina statement, 26 October 2005), p. 7; Milenko Pepić, T. 12408, 12411, 12434-12435; D305 (Colour photograph, marked by Milenko Pepić).

[11487] P2173 (Predrag Čelić, *Popović et al.* transcript, 28 June 2007), pp. 13458, 13461, 13473.

[11488] P2173 (Predrag Čelić, *Popović et al.* transcript, 28 June 2007), p. 13459.

arms, a two-headed eagle.[11489] The witness's detachment, the 2nd Šekovici Detachment, was deployed along the road, in groups of two or three.[11490] The witness stood at a house with Brano Džinić, Zoran Tomić, and Slobodan Stjepanović, around 600 metres from Kravica Warehouse.[11491] The 1st Company of the Zvornik SJB, was also stationed in the area between Sandići and Konjević Polje.[11492] **Milenko Pepić**, another member of the 2nd Šekovici Detachment, testified that he and others were deployed to the left side of the road, when viewed from Konjević Polje towards Kravica, and that he arrived at this position in the afternoon of 13 July 1995.[11493] Rade Čuturić came on that day and told him that a large group of Muslims located in Sandići was about to surrender, and they needed to be escorted to Kravica Warehouse.[11494] The witness drove with Čuturić to a bridge near Kravica centre.[11495] Čuturić handed the witness a Motorola headset and instructed him to halt the vehicles coming from Srebrenica containing women and children once Čuturić would call him. This was necessary to enable the escort of the detainees to Kravica Warehouse without causing a traffic jam.[11496] The witness received Čuturić's call about an hour later, and he stopped a column of buses carrying women and children from Srebrenica, stopping the traffic for about an hour.[11497] The witness saw buses carrying refugees along the road from Sandići towards Kravica, but did not see any military vehicles or soldiers.[11498] **Predrag Čelić** stated that in the afternoon of 12 July and on 13 July 1995, he saw buses and trucks with civilians passing along the road, coming from the area of Srebrenica and Potočari.[11499]

2687. Between 1,000 and 1,500 Bosnian-Muslim men from the column (*see* chapter 7.1.6) fleeing through the woods, who had been captured and detained in Sandići Meadow (*see* chapter 7.5), were bussed or marched to Kravica Warehouse at Glogova

[11489] P2173 (Predrag Čelić, *Popović et al.* transcript, 28 June 2007), p. 13462.
[11490] P2173 (Predrag Čelić, *Popović et al.* transcript, 28 June 2007), pp. 13459-13450, 13470.
[11491] P2173 (Predrag Čelić, *Popović et al.* transcript, 28 June 2007), pp. 13470-13471.
[11492] P2173 (Predrag Čelić, *Popović et al.* transcript, 28 June 2007), pp. 13470-13472.
[11493] P1543 (Milenko Pepić, Bosnia-Herzegovina statement, 26 October 2005), p. 7; Milenko Pepić, T. 12429.
[11494] P1543 (Milenko Pepić, Bosnia-Herzegovina statement, 26 October 2005), p. 8.
[11495] P1543 (Milenko Pepić, Bosnia-Herzegovina statement, 26 October 2005), p. 8; Milenko Pepić, T. 12415-12417, 12436; P1544 (Map of eastern Bosnia from Zelani Jadar to Konjević Polje, marked by Milenko Pepić); D305 (Colour photograph, marked by Milenko Pepić).
[11496] P1543 (Milenko Pepić, Bosnia-Herzegovina statement, 26 October 2005), p. 8; Milenko Pepić, T. 12437-12438.
[11497] P1543 (Milenko Pepić, Bosnia-Herzegovina statement, 26 October 2005), p. 8; Milenko Pepić, T. 12438.
[11498] P1543 (Milenko Pepić, Bosnia-Herzegovina statement, 26 October 2005), p. 8.
[11499] P2173 (Predrag Čelić, *Popović et al.* transcript, 28 June 2007), p. 13474.

on the afternoon of 13 July 1995.[11500] **Witness RM-274** estimated that on the same day and within two hours of his arrival at the warehouse around 2,500 to 3,000 other men arrived at the warehouse and were ordered to sit in the same section of the building as he was sitting. They were so tightly packed that they were almost suffocating.[11501] A number of guards would occasionally go in and out of the warehouse, and the Serb soldiers there wore new, multi-coloured and green camouflage uniforms.[11502] One of the soldiers also wore a blue UN helmet.[11503] The guards ordered the men to surrender any money, jewellery, or other valuables and told the men that the items would eventually be returned.[11504] When the guards brought in a bucket of water, a fight to get it almost broke out among the exhausted men.[11505] At one point, a frightened man ran outside and the guards killed him in front of the entrance. They told the men that if anyone else tried to escape, he would be shot just like this man.[11506] Shortly thereafter, the Serb soldiers became agitated and angry, and the witness heard shooting outside from tanks, automatic rifles, and other weapons, as well as hand grenade detonations.[11507]

2688. **Witness RM-306** testified that on 13 July 1995 in the afternoon, on his way from Bratunac to Konjević Polje he saw a man in a green camouflage uniform ordering five men to lie on their stomachs and then shooting them in the back near Kravica Warehouse.[11508] In front of the warehouse were about 10 to 20 other people in camouflage uniforms as well as a pile of 40 to 50 bodies.[11509]

2689. **Witness RM-254** testified that he was brought to the warehouse by five or six Serb soldiers with automatic rifles, wearing olive-drab uniforms and red arm bands with the word 'Yugoslavia' on them.[11510] They cursed the witness's '*balija* mother', and asked where Naser Orić was now to defend them. As the warehouse was already full,

[11500] Adjudicated Facts II, no. 1530.
[11501] P3098 (Witness RM-274, *Popović et al.* transcript, 6 February 2007), p. 6990.
[11502] P3098 (Witness RM-274, *Popović et al.* transcript, 6 February 2007), pp. 6990-6992.
[11503] P3098 (Witness RM-274, *Popović et al.* transcript, 6 February 2007), p. 6992.
[11504] P3098 (Witness RM-274, *Popović et al.* transcript, 6 February 2007), pp. 6990-6991.
[11505] P3098 (Witness RM-274, *Popović et al.* transcript, 6 February 2007), p. 6992.
[11506] P3098 (Witness RM-274, *Popović et al.* transcript, 6 February 2007), p. 7001.
[11507] P3098 (Witness RM-274, *Popović et al.* transcript, 6 February 2007), pp. 6992-6993, 6996.
[11508] P1474 (Witness RM-306, *Popović et al.* transcript, 23, 26-27 March 2007), pp. 9360-9361, 9365; Witness RM-306, T. 11438-11439, 11470-11471; P1480 (Photo marked by Witness RM-306).
[11509] P1474 (Witness RM-306, *Popović et al.* transcript, 23, 26-27 March 2007), pp. 9360-9361, 9365; Witness RM-306, T. 11438-11439; P1480 (Photo marked by Witness RM-306).
[11510] P1690 (Witness RM-254, witness statement, 18 August 1996), para. 5; Witness RM-254, T. 13837-13838; D321 (Statement by Witness RM-254, 5 June 1997), pp. 1-2; D322 (Record of witness interview, 16 April 2009), p. 5; D323 (Internal Memorandum, Interview with Witness RM-254, 13 November 2003), p. 1; D324 (Court documents), pp. 12-13, 35 57; D325 (Court documents), pp. 6-7, 27-28, 37.

the witness was ordered to stay outside.[11511] Ten detainees were already in front of the warehouse and the 'Chetniks' kept bringing new groups of captured men.[11512] Serb soldiers in dark green camouflage and black uniforms lined up a group of seven to ten men in plain clothes and executed them with automatic rifles.[11513] A 15 or 16-year-old boy called Nermin Nukić was shot in the legs by a Serb soldier wearing a black uniform.[11514] One of the soldiers said that Nukić required help and first aid, and he was carried behind the warehouse by two soldiers. The witness did not know whether Nukić survived but his mother inquired about the whereabouts of her son later on.[11515] The Serb soldiers said to the witness's group that this would happen to them if they tried to escape and that 'you'll get the same as soon as it's your turn, because we still have a full warehouse to kill'.[11516] After the first group was executed, more people were brought out of the hangar, in groups of approximately ten, and they were lined up against the wall and shot at.[11517] The witness could not recall how many groups of people were brought out of the hangar.[11518]

2690. At around 6 p.m., when the warehouse was full, the soldiers started throwing grenades and shooting directly into the midst of the men packed inside.[11519] **Witness RM-256** testified that the guards fired anti-tank rockets at the detainees.[11520] **Witness RM-274** described how a soldier with black glasses, a flak jacket, and long shoulder-length curly black hair was the first to open fire, followed by the soldier wearing the blue UN helmet.[11521] Guards surrounding the building killed prisoners who tried to

[11511] D321 (Statement by Witness RM-254, 5 June 1997), p. 2.
[11512] P1690 (Witness RM-254, witness statement, 18 August 1996), para. 5; D321 (Statement by Witness RM-254, 5 June 1997), p. 2.
[11513] P1690 (Witness RM-254, witness statement, 18 August 1996), para. 5; Witness RM-254, T. 13866-13867; D321 (Statement by Witness RM-254, 5 June 1997), p. 2; D324 (Court documents), pp. 12, 15-16; D325 (Court documents), pp. 8, 19.
[11514] P1690 (Witness RM-254, witness statement, 18 August 1996), para. 5; Witness RM-254, T. 13810-13812, 13838-13839, 13841; D321 (Statement by Witness RM-254, 5 June 1997), p. 2; D322 (Record of witness interview, 16 April 2009), p. 5; D324 (Court documents), pp.14-15, 36-37, 40-41, 52-53, 57-58; D325 (Court documents), pp. 4, 9, 18, 34-35.
[11515] P1690 (Witness RM-254, witness statement, 18 August 1996), para. 5; Witness RM-254, T. 13810-13812, 13839-13840; D321 (Statement by Witness RM-254, 5 June 1997), p. 2; D324 (Court documents), pp. 14, 18; D325 (Court documents), pp. 9-10.
[11516] P1690 (Witness RM-254, witness statement, 18 August 1996), para. 5; D324 (Court documents), p. 16; D325 (Court documents), p. 9.
[11517] Witness RM-254, T. 13867; D322 (Record of witness interview, 16 April 2009), p. 5; D324 (Court documents), p. 14; D325 (Court documents), pp. 10, 36-37.
[11518] Witness RM-254, T. 13867-13868; D324 (Court documents), p. 47; D325 (Court documents), p. 10.
[11519] Adjudicated Facts II, no. 1531.
[11520] P1592 (Witness RM-256, witness statement, 16 January 1996), paras 20-21; Witness RM-256, T. 13181-13182, 13196-13197.
[11521] P3098 (Witness RM-274, *Popović et al.* transcript, 6 February 2007), p. 6999.

escape through the windows.[11522] The soldiers continued to fire at the men throughout the night, stopping only for short breaks.[11523] The witness stayed on his stomach through the night, and was shot in his right leg and injured by a piece of shrapnel in his back.[11524] Through the night, he could hear the moans and shouts of people calling out names of loved ones.[11525] During the lulls in shooting, he attempted to reach a container he had seen near a window by crawling over dead bodies.[11526] After several attempts, and completely soaked in hot blood, he made it to the container and jumped out the very narrow window.[11527] As he hit the ground he heard a voice say, '[t]here is another one jumping out', so he stayed on the ground waiting for someone to kill him.[11528] A soldier came through the cornfield, pointed a torch light at him, and then fired a bullet from a few metres away, hitting him in the right shoulder and asked, '[d]o you want another one?'. The witness kept quiet pretending to be dead, and the soldier left.[11529]

2691. The witness remained still and in the morning another soldier came by him in the field. He was covered in blood and flies and slowed down his breathing so the soldier would think he was dead. After a minute, the soldier went back into the cornfield.[11530] While lying under the window he heard more men being shot and soldiers saying of the wounded, 'This one seems to be still alive. He needs to be shot', and of the bodies that needed to be collected, 'No, let's leave those alone for the time being and focus on those inside'.[11531] The witness crawled through the cornfield and saw two dead men whom he thought had also tried to escape before him.[11532] He crossed a river and made it to the other side of the river bank. He then fled into the forest, eventually deciding to make his way to Žepa with a group of about a dozen people he had met in the forest.[11533]

2692. **Witness RM-256** described how he ran to the guardhouse when the shooting started, which was full of other detainees, and then the shooting concentrated there. The witness was soaked with blood from the other detainees and he grabbed a dead body to

[11522] Adjudicated Facts II, no. 1532.
[11523] P3098 (Witness RM-274, *Popović et al.* transcript, 6 February 2007), pp. 6999-7000.
[11524] P3098 (Witness RM-274, *Popović et al.* transcript, 6 February 2007), pp. 7000, 7006-7007.
[11525] P3098 (Witness RM-274, *Popović et al.* transcript, 6 February 2007), p. 7000.
[11526] P3098 (Witness RM-274, *Popović et al.* transcript, 6 February 2007), p. 7001.
[11527] P3098 (Witness RM-274, *Popović et al.* transcript, 6 February 2007), p. 7001; P4208 (Photograph of warehouse windows, marked by Witness RM-274); P4209 (Still from aerial film of Kravica Warehouse, marked by Witness RM-274).
[11528] P3098 (Witness RM-274, *Popović et al.* transcript, 6 February 2007), p. 7003.
[11529] P3098 (Witness RM-274, *Popović et al.* transcript, 6 February 2007), p. 7005.
[11530] P3098 (Witness RM-274, *Popović et al.* transcript, 6 February 2007), p. 7005.
[11531] P3098 (Witness RM-274, *Popović et al.* transcript, 6 February 2007), p. 7006.
[11532] P3098 (Witness RM-274, *Popović et al.* transcript, 6 February 2007), p. 7007.

put on top of himself.[11534] By the time the shooting stopped, the warehouse was filled with corpses.[11535] On that evening, approximately 1,000 Bosnian-Muslim men were executed in the warehouse.[11536]

2693. In the evening of 13 July 1995, while passing by Kravica Warehouse**, Milenko Pepić** observed hay scattered in front of the entrance to the warehouse.[11537] He assumed that the hay was used to cover the bodies of the Muslims killed, so that the women and children passing along that road in coaches would not see them.[11538] The witness and others spent the night in abandoned houses located between Konjević Polje and Zvornik.[11539]

2694. **Mladen Blagojević** testified that he heard that Ilija Nikolić, a member of the Bratunac Brigade, was involved in the executions at the Kravica Warehouse.[11540] **Ljubodrag Gajić** testified that on 14 July 1995 around 1 to 2 a.m., he and his unit, the MUP 1st Company of the Jahorina training centre, went to a location near Kravica Warehouse.[11541] People were brought to the warehouse by two types of trucks: the '110' truck could hold six or seven people and the '150' truck could hold 25 or 30 people.[11542] The trucks made around eight to ten rounds but were not always fully loaded.[11543] The witness saw people in the warehouse being shot by two policemen from the Šekovići Special Police Detachment.[11544] **Momir Nikolić** testified that the DK command ordered him to investigate the perpetrators of killings at Kravica Warehouse and determine whether VRS members had participated.[11545] The witness went into the field and 'established' that members of the police forces had committed the killings. According to Nikolić, Milovan Matić and Ilia Nikolić, members of the 1st Infantry Battalion of the Bratunac Brigade, and Nikola Popović, a member of the Bratunac Brigade Military

[11533] P3098 (Witness RM-274, *Popović et al.* transcript, 6 February 2007), pp. 7007, 7011.
[11534] P1592 (Witness RM-256, witness statement, 16 January 1996), para. 21.
[11535] Adjudicated Facts II, no. 1533.
[11536] Adjudicated Facts II, no. 1534.
[11537] P1543 (Milenko Pepić, Bosnia-Herzegovina statement, 26 October 2005), p. 9; Milenko Pepić, T. 12418-12419, 12447; P1545 (Still taken from aerial film of Kravica Warehouse, marked by Milenko Pepić).
[11538] P1543 (Milenko Pepić, Bosnia-Herzegovina statement, 26 October 2005), p. 9.
[11539] P1543 (Milenko Pepić, Bosnia-Herzegovina statement, 26 October 2005), pp. 9-10.
[11540] P7186 (Mladen Blagojević, US Department of Homeland Security, Report of Investigation), p. 9.
[11541] Ljubodrag Gajić, T. 40311, 40314-40315.
[11542] Ljubodrag Gajić, T. 40321-40322.
[11543] Ljubodrag Gajić, T. 40322.
[11544] Ljubodrag Gajić, T. 40317-40318, 40336.
[11545] Momir Nikolić, T. 12098.

Police, participated in the execution, but had not been sent there under VRS orders.[11546] These Bratunac Brigade members were former residents of Kravica who were seeking revenge.[11547] After the war, members of the police units informed the witness that prior to the Kravica killings, there had been an incident during which one policeman was killed and one was wounded, in response to which the perpetrators had killed everybody they found at the location.[11548] The witness learned that on 13 July 1995, machines were brought from Zvornik and Bratunac to bury the bodies.[11549] One or two days after the events, he reported his findings to Colonel Blagojević.[11550]

2695. The next morning, the soldiers called out to see if any of the wounded men were still alive.[11551] **Witness RM-256** testified that he heard one soldier promise that a car would take those who answered to the hospital.[11552] Upon identifying some wounded prisoners, the guards made some of them sing Serb songs and then they killed them.[11553] **Witness RM-256** heard the 'Chetniks' curse at one man 'Fuck you, you Turk'.[11554] Later, he heard them cursing another man's 'Islamic tribe'.[11555] After the last one had been killed, an excavator began taking the bodies out of the warehouse.[11556] A water tank was used to wash the blood off the asphalt.[11557] **Witness RM-256** heard a voice ordering someone to cover the bodies with hay and this order was carried out.[11558] The next evening, on 14 July 1995, the witness found two other survivors and together with one of them, he managed to escape and hide in a cornfield and forest nearby for five days.[11559] The witness eventually made it to Kladanj on 17 September 1995.[11560]

[11546] Momir Nikolić, T. 12098; D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), para. 9.
[11547] Momir Nikolić, T. 12098.
[11548] Momir Nikolić, T. 12106; D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), para. 9.
[11549] D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), para. 9.
[11550] D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), para. 9.
[11551] Adjudicated Facts II, no. 1535.
[11552] P1592 (Witness RM-256, witness statement, 16 January 1996), para. 22.
[11553] Adjudicated Facts II, no. 1535.
[11554] P1592 (Witness RM-256, witness statement, 16 January 1996), para. 22.
[11555] P1592 (Witness RM-256, witness statement, 16 January 1996), para. 22.
[11556] Adjudicated Facts II, no. 1536.
[11557] Adjudicated Facts II, no. 1536.
[11558] P1592 (Witness RM-256, witness statement, 16 January 1996), para. 23.
[11559] P1592 (Witness RM-256, witness statement, 16 January 1996), paras 24-26; Witness RM-256, T. 13198-13200.
[11560] P1592 (Witness RM-256, witness statement, 16 January 1996), paras 27-32; Witness RM-256, T. 13200.

Burnt-hands incident

2696. **Milenko Pepić** testified that after he received the order to stop the traffic, he heard gunfire and bomb detonations coming from the direction of Kravica Warehouse lasting around an hour, with the gunfire having been louder, stronger, and more frequent than the shooting he heard from the woods earlier that day.[11561] The witness added that the sound of gunfire appeared to be one-sided, without any return fire.[11562] The witness later heard Čuturić say, over the communications system, possibly to Borovčanin, that a member of the 3rd Skelani Platoon with the first name Krsto, a.k.a. Krle, had been killed.[11563] Ten minutes later, Čuturić drove to the bridge and told the witness that the Muslims had snatched Krle's rifle from him and killed him with it, and that at that moment, the Muslims were being fired at.[11564] Čuturić, who had grabbed the gun by the barrel, had his burnt hands in bandages and was on his way to the infirmary.[11565] **Neđo Jovičić** testified that on 13 July 1995, on his way from Sandići to Konjević Polje with Ljubiša Borovčanin, the latter received a call from Mišo Stupar requesting that they come immediately to Kravica Warehouse as one of their members had been killed and another one was wounded.[11566] During a radio exchange on 13 July 1995 at 4:48 p.m., between, *inter alios*, Ljubiša Borovčanin and an unidentified male referred to as 'Officer', Borovčanin ordered the officer to stop the traffic behind him.[11567] The officer replied that a man named Kovač said he would do it.[11568] At the warehouse, they found the wounded man, called 'Officir', put him in a car and drove him to the Bratunac

[11561] P1543 (Milenko Pepić, Bosnia-Herzegovina statement, 26 October 2005), pp. 8-9; Milenko Pepić, T. 12412-12414, 12438.
[11562] Milenko Pepić, T. 12413-12414.
[11563] P1543 (Milenko Pepić, Bosnia-Herzegovina statement, 26 October 2005), pp. 8-9; Milenko Pepić, T. 12419-12420, 12438-12440, 12451.
[11564] P1543 (Milenko Pepić, Bosnia-Herzegovina statement, 26 October 2005), p. 9; Milenko Pepić, T. 12396-12398, 12457. *See* also P1543 (Milenko Pepić, Bosnia-Herzegovina statement, 26 October 2005), p. 10; Milenko Pepić, T. 12451-12452; P2173 (Predrag Čelić, *Popović et al.* transcript, 28 June 2007), pp. 13460, 13480-13482. Momir Nikolić, T. 12106; D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), para. 9.
[11565] P1543 (Milenko Pepić, Bosnia-Herzegovina statement, 26 October 2005), p. 9; Milenko Pepić, T. 12445-12446, 12454. *See also* P1543 (Milenko Pepić, Bosnia-Herzegovina statement, 26 October 2005), p. 10; Milenko Pepić, T. 12452, 12459; P2173 (Predrag Čelić, *Popović et al.* transcript, 28 June 2007), p. 13482; P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), pp. 8622, 8624-8626.
[11566] D976 (Neđo Jovičić, witness statement, 3 August 2014), paras 25, 30-31. The Trial Chamber notes that the witness refers to the 'Kravica agricultural cooperative' throughout his testimony and understands this to refer to the Kravica Warehouse.
[11567] P1541 (Video footage of 13-14 July 1995), pp. 10-11. The voice of Ljubiša Borovčanin during this radio conversation was identified by his driver Neđo Jovičić, *see* T. 33711-33712.
[11568] P1541 (Video footage of 13-14 July 1995), p. 11.

Health Centre.[11569] When he was back in Bratunac, Borovčanin ordered the witness to return to the warehouse to see what had happened.[11570] At the warehouse, the witness saw two men running out of the enclosed part of the building, where the shooting was taking place. One of the armed men firing through the door of the warehouse shot at them. The witness dropped down to avoid being shot at but saw that the two men who were running out of the warehouse were eventually hit by bullets and fell to the ground.[11571] Right after, he drove back to Bratunac and reported the incident to Borovčanin.[11572] Together they then went to the SDS premises and reported the incident to Deronjić asking him to take action.[11573] The following day, on 14 July 1995, the witness accompanied Deronjić to a meeting with Karadžić in Pale.[11574]

2697. **Pepić** testified that after one hour, Čuturić returned from the infirmary with his arm still in bandages and drove straight towards Kravica Warehouse.[11575] An excerpt of a patient logbook for the Health Centre lists Rade Čuturić as having been admitted to the centre on 13 July 1995 at 5:40 p.m.[11576] The firing from the direction of the warehouse stopped a short while later, just before nightfall, and Čuturić ordered the witness to let traffic through.[11577] **Witness RM-260** stated that on 13 July 1995, he learned about the rifle incident at Kravica Warehouse, which resulted in chaos and the death of many 'POWs'.[11578]

Burial and reburial operations

2698. On the evening of 13 July, Colonel Beara, together with Miroslav Deronjić and others, began organizing the burials of the Bosnian-Muslim men killed at Kravica

[11569] D976 (Neđo Jovičić, witness statement, 3 August 2014), paras 30-31.
[11570] D976 (Neđo Jovičić, witness statement, 3 August 2014), paras 31, 33; Neđo Jovičić, T. 33733.
[11571] D976 (Neđo Jovičić, witness statement, 3 August 2014), para. 33.
[11572] D976 (Neđo Jovičić, witness statement, 3 August 2014), paras 33-34.
[11573] D976 (Neđo Jovičić, witness statement, 3 August 2014), para. 34.
[11574] D976 (Neđo Jovičić, witness statement, 3 August 2014), paras 36-37.
[11575] P1543 (Milenko Pepić, Bosnia-Herzegovina statement, 26 October 2005), p. 9.
[11576] P1477 (Excerpt of patient log from Bratunac Health Centre, 13-15 July 1995), p. 2. *See also* P3154 (Vesna Ivanović, witness statement, 26 August 2013), paras 2-3.
[11577] P1543 (Milenko Pepić, Bosnia-Herzegovina statement, 26 October 2005), p. 9; Milenko Pepić, T. 12447.
[11578] P3621 (Witness RM-260, *Blagojević and Jokić* transcript, 20 April 2004), p. 7873. The Trial Chamber notes that the witness refers to the 'cooperative building in Kravica' and understands this to refer to the Kravica Warehouse.

Warehouse.[11579] **Miroslav Deronjić** stated that Ljubiša Borovčanin told him on 16 July 1995 about the Kravica massacre and what had caused it.[11580]

2699. **Mile Simanić** stated that around 11 to 13 July 1995, during the leave of the Commander of his unit, the 5th Engineering Battalion of the DK, he spent most of his time at construction sites around Konjević Polje and Vlasenica to make sure that works followed the schedule required from their superiors.[11581] After the fall of Srebenica, the witness heard from soldiers returning from leave about the movement of Muslim soldiers in the Konjević Polje area.[11582] According to a combat report from the 5th Engineering Battalion dated 14 July 1995, a large 'enemy' group from the direction of Srebrenica was infiltrating the Pobuđe-Konjević Polje area.[11583] The report further refers to the organization of ambushes to fight and 'destroy the enemy' in Pobuđe Hill.[11584] The report points out the involvement of the 1st Pioneers Company, the Road and Bridge Company, the Logistics Platoon, and a MUP Police Company in the organization and participation in combat activities against the 'enemy'.[11585] According to this report, 1,000 to 1,500 'enemy civilians and soldiers' had been arrested and killed.[11586] Furthermore, the report mentions that preparatory activities needed to be carried out for the loading machine engaged to bury the killed enemy soldiers and assigned 50 litres of oil for that task.[11587] According to the witness, the 5th Engineering Battalion never arrested anybody and was only involved in defensive activities in the area of the barracks.[11588] The logistics platoon did not have any organizational function and could only implement tasks.[11589] The equipment required to carry out preparatory

[11579] Adjudicated Facts II, no. 1537.
[11580] P3567 (Miroslav Deronjić, *Blagojević and Jokić* transcript, 19-22 January 2004), pp. 6226-6228.
[11581] P3517 (Mile Simanić, *Popovic* transcript, 3 September 2007), pp. 14622, 14631-14632, 14634, 14638-14639.
[11582] P3517 (Mile Simanić, *Popović* transcript, 3 September 2007), p. 14633.
[11583] P3518 (Regular Combat Report from the 5th engineering battalion signed by Mile Simanić, 14 July 1995), pp. 1-3.
[11584] P3518 (Regular Combat Report from the 5th engineering battalion signed by Mile Simanić, 14 July 1995), pp. 3-4.
[11585] P3518 (Regular Combat Report from the 5th engineering battalion signed by Mile Simanić, 14 July 1995), pp. 1-2.
[11586] P3518 (Regular Combat Report from the 5th engineering battalion signed by Mile Simanić, 14 July 1995), p. 1.
[11587] P3518 (Regular Combat Report from the 5th engineering battalion signed by Mile Simanić, 14 July 1995), pp. 3-4.
[11588] P3517 (Mile Simanić, *Popović et al.* transcript, 3 September 2007), pp. 14643, 14649; P3518 (Regular Combat Report from the 5th engineering battalion signed by Mile Simanić, 14 July 1995), p. 3.
[11589] P3517 (Mile Simanić, *Popović et al.* transcript, 3 September 2007), p. 14645; P3518 (Regular Combat Report from the 5th engineering battalion signed by Mile Simanić and dated 14 July 1995), p. 2.

activities to bury killed 'enemy' soldiers most likely referred to the small tractor with a loading bucket at the back and front which had been returned to the battalion.[11590]

2700. Between 14 and 16 July, the bodies of the Bosnian-Muslim men were taken in trucks from the warehouse to be buried at grave sites in Glogova and Ravnice.[11591] **Witness RM-306** testified that on 14 July 1995, workers from the utility company dug out a grave in Glogova with a loader excavator from the Brickworks Bratunac Company.[11592] Later that day, a backhoe excavator arrived and during the following days three more pits were dug out and in total between 400 and 500 bodies, all Muslims, were buried in the graves in Glogova.[11593] On 14 July 1995, members of the Bratunac Brigade participated in the burial of the victims.[11594] A loader of the *Rad* Utilities Company was used to load the bodies onto the trucks. It was operated by two members of the Bratunac Brigade.[11595] **Witness RM-260** stated that the eyes of the workers were bloody and they seemed to be very tired.[11596] The witness recognized the drivers Radomir Djurković and a man named Simić.[11597] He further recognized Dragan Mirković and Momir Nikolić, and he saw 20 to 30 soldiers with automatic rifles.[11598] On 15 July 1995, members of the Engineering Company of the Zvornik Brigade participated in the burial operation at Glogova following the mass executions.[11599]

2701. The Trial Chamber also considered additional evidence of Witness RM-260 on the burial and reburial operations, which has beeen placed in the confidential annex in Appendix D.

2702. The Prosecution sent a team of experts to examine Kravica Warehouse on 30 September 1996. Experts determined the presence of bullet strikes, explosives residue, bullets, and shell cases, as well as human blood, bones, and tissue adhering to the walls

[11590] P3517 (Mile Simanić, *Popović et al.* transcript, 3 September 2007), p. 14648; P3518 (Regular Combat Report from the 5th engineering battalion signed by Mile Simanić and dated 14 July 1995), p. 1.
[11591] Adjudicated Facts II, no. 1538.
[11592] P1474 (Witness RM-306, *Popović et al.* transcript, 23, 26-27 March 2007), pp. 9371-9372, 9387-9388; Witness RM-306, T. 11464-11465.
[11593] P1474 (Witness RM-306, *Popović et al.* transcript, 23, 26-27 March 2007), pp. 9371-9372, 9387-9389, 9392; Witness RM-306, T. 11434, 11440, 11442, 11475 11512-11513, 11517; P1478 (Aerial Photography of mass grave Glogova marked by Witness RM-306); P1481 (Srebrenica mass graves, Primary and secondary mass grave aerial imagery), pp. 10-15.
[11594] Adjudicated Facts II, no. 1539.
[11595] Adjudicated Facts II, no. 1540.
[11596] P3621 (Witness RM-260, *Blagojević and Jokić* transcript, 20 April 2004), p. 7880.
[11597] P3621 (Witness RM-260, *Blagojević and Jokić* transcript, 20 April 2004), pp. 7881-7882, 7909.
[11598] P3621 (Witness RM-260, *Blagojević and Jokić* transcript, 20 April 2004), pp. 7881-7882.
[11599] Adjudicated Facts II, no. 1541.

and floors of the building.[11600] **Dušan Janc** testified that, based on DNA analysis, the victims of this scheduled incident were buried in the primary mass graves of Glogova 1 and 2 and Ravnice 1 and 2.[11601] Bodies from the Glogova 1 and 2 primary mass graves were subsequently reburied in the secondary mass graves of Zeleni Jadar 1A, 1B, 2, 3, 4, 5, and 6; Blječeva 1, 2, and 3; Zalazje 1 and 2; and Budak 1 and 2.[11602]

2703. The Glogova 2 gravesite was exhumed by the Prosecution between 11 September and 22 October 1999.[11603] The victims predominantly died of gunshot wounds and in 22 cases there was evidence of charring to the bodies. No ligatures or blindfolds were uncovered.[11604] Exhumations were conducted at Glogova 1 between 7 August and 20 October 2000.[11605] The primary gravesite at Glogova 1 is less than 400 metres from the command post of the 1st Infantry Battalion of the Bratunac Brigade.[11606] Broken masonry, door frames, and other artefacts found at the primary gravesite of Glogova 1 revealed matches with the Kravica Warehouse execution site.[11607] The primary graves in Glogova contained the bodies of victims who had been injured as a result of an explosive blast in the form of grenades and shrapnel.[11608] During the reburial operation, which lasted a couple of nights, the members of the Civilian Protection unit used at least one loader and an excavator for the exhumations at the Glogova grave site.[11609] According to a report authored by **John Clark**, many shell cases as well as three very small samples of human remains were recovered from Kravica Warehouse during the Glogova grave sites exhumations but the examination of these samples was inconclusive.[11610]

2704. According to a report authored by forensic pathologist John Clark, 478 bodies or body parts were exhumed from three primary mass graves in 2000, namely Glogova 1,

[11600] Adjudicated Facts II, no. 1542.
[11601] P1987 (Dušan Janc, Srebrenica Investigation, Update to Summary of Forensic Evidence), Annex A, pp. 5-8.
[11602] P1987 (Dušan Janc, Srebrenica Investigation, Update to Summary of Forensic Evidence), Annex A, pp. 19-26, Annex C.
[11603] Adjudicated Facts II, no. 1544.
[11604] Adjudicated Facts II, no. 1546.
[11605] Adjudicated Facts II, no. 1549.
[11606] Adjudicated Facts II, no. 1550.
[11607] Adjudicated Facts II, no. 1547.
[11608] Adjudicated Facts II, no. 1548.
[11609] Adjudicated Facts II, no. 1551.
[11610] P2260 (John Clark, Report on autopsies of human remains from Lazete 1-2, Glogova 1, Kravica, and Ravnice, 2000), p. 24.

Ravnice, as well as two pieces of human remains from Kravica Warehouse.[11611] The total amount of bodies does not necessarily equate to the number of individuals represented as some body parts may have been from additional people.[11612] The report provides the causes of death for each body and each body part.[11613] Due to the advanced level of decomposition of the bodies and possibly having occurred after death, the report highlights some limitations of the autopsies such as the difficulty to recognize injuries having occurred in life as opposed to after death.[11614] However, the report is compiled on the assumption that the vast majority of injuries found occurred in life and were or contributed to the cause of death.[11615]

2705. According to Clark, 1757 bodies or body parts were exhumed from two primary graves, Glogova and Ravnice, and one secondary grave, Zeleni Jadar, between 1999 and 2001.[11616] The individuals found in Ravnice, where sex could be determined, were male and, at the time of their deaths, were between the ages of eight and 90.[11617] Concerning the 148 body parts found in Ravnice, most of them were from adults and some from people less than 17 years of age.[11618] At the time of their deaths, the bodies were aged between eight and 90, with at least 36 bodies aged 25 or younger and 14 bodies aged 17 or younger.[11619] While items of clothing were present on most bodies, none of them were wearing military uniforms. None of the bodies were found with weapons in their possession.[11620] Concerning the 324 body parts, it was determined that 124 were from males and two possibly from females. For the remainder of the body parts, sex could not

[11611] P2260 (John Clark, Report on autopsies of human remains from Lazete 1-2, Glogova 1, Kravica, and Ravnice, 2000), pp. 1, 7, 14.
[11612] P2260 (John Clark, Report on autopsies of human remains from Lazete 1-2, Glogova 1, Kravica, and Ravnice, 2000), p. 1.
[11613] P2260 (John Clark, Report on autopsies of human remains from Lazete 1-2, Glogova 1, Kravica, and Ravnice, 2000), pp. 1, 3.
[11614] P2260 (John Clark, Report on autopsies of human remains from Lazete 1-2, Glogova 1, Kravica, and Ravnice, 2000), pp. 3-4.
[11615] P2260 (John Clark, Report on autopsies of human remains from Lazete 1-2, Glogova 1, Kravica, and Ravnice, 2000), pp. 3-5.
[11616] P2261 (John Clark, Report on autopsies of human remains from Ravnice, Glogova, Zeleni Jadar, 2001), pp. 1, 6, 11, 13, 19, 22-23, 27.
[11617] P2260 (John Clark, Report on autopsies of human remains from Lazete 1-2, Glogova 1, Kravica, and Ravnice, 2000), pp. 25-26.
[11618] P2260 (John Clark, Report on autopsies of human remains from Lazete 1-2, Glogova 1, Kravica, and Ravnice, 2000), p. 26.
[11619] P2261 (John Clark, Report on autopsies of human remains from Ravnice, Glogova, Zeleni Jadar, 2001), pp. 6, 11.
[11620] P2261 (John Clark, Report on autopsies of human remains from Ravnice, Glogova, Zeleni Jadar, 2001), pp. 6, 28.

be determined. Most of the body parts were from adults but 59 body parts were assessed as aged 17 or younger, including one aged between seven and 12.[11621]

The Trial Chamber's findings

2706. The Trial Chamber notes that Janc found that one of the secondary mass graves connected to this scheduled incident, Blječeva 1, also contained remains of bodies unconnected with the fall of Srebrenica.[11622] In addition, Janc found that one of the primary mass graves, Glogova 1, also contained the remains of victims unconnected with the fall of Srebrenica as well as from victims related to other alleged killing incidents.[11623] Janc further testified that although most of the 1,385 individuals identified in the primary and secondary mass graves connected to Kravica Warehouse must be directly connected to this scheduled incident, it is impossible to provide the exact number of victims.[11624] In addition, the Trial Chamber received forensic evidence from Clark, Baraybar, Lawrence, as well as documentary evidence concerning bodies exhumed from some of the primary and secondary mass graves related to the killings at Kravica Warehouse. The evidence received relates to the following mass graves: Glogova 2-9, Blječeva 1, as well as Zeleni Jadar 5 and 6.[11625] The Trial Chamber however considers that none of the aforementioned forensic evidence provides further specificity to the number of victims as found in Adjudicated Fact 1534 and will therefore not consider this evidence further.

2707. Based on the foregoing, the Trial Chamber finds that from 13 to 14 July 1995, members of the 2nd Šehovići Detachment of the Special Police Brigade, killed approximately 1,000 Bosnian-Muslim males, including minors and elderly, who were detained in Kravica Warehouse. Based on the evidence received by Momir Nikolić and

[11621] P2261 (John Clark, Report on autopsies of human remains from Ravnice, Glogova, Zeleni Jadar, 2001), p. 10.
[11622] P1987 (Dušan Janc, Srebrenica Investigation, Update to Summary of Forensic Evidence, 28 June 2013), Annex A, pp. 23-25, 33.
[11623] P1987 (Dušan Janc, Srebrenica Investigation, Update to Summary of Forensic Evidence, 28 June 2013), Annex A, pp. 33-34; D342 (Corrigendum to Dušan Janc's, Srebrenica Investigation Report, 9 April 2009).
[11624] D342 (Corrigendum to Dušan Janc's, Srebrenica Investigation Report, 9 April 2009).
[11625] P1983 (ICMP, Summary Report on Blječeva 1, Bosnia-Herzegovina, 25 March 2008), paras 3-5, 7-8, 34-37, 39-49, 54; P2089 (Jose Baraybar, Report on excavations at Glogova 2, Bosnia-Herzegovina 1999-2001); P2090 (Jose Baraybar, Report on excavations at the site of Zelani Jadar 6, Bosnia-Herzegovina 2001); P2259 (John Clark, Report on autopsies of human remains from Kozluk, Nova Kasaba, Konjević Polje, Glogova, 1999); P2260 (John Clark, Report on autopsies of human remains from Lazete 1-2,

Blagojević, as well as Adjudicated Fact 1539 which specifies that members of the Bratunac Brigade participated in the burial operation (*see* chapter 7.18), the Trial Chamber finds that at least three members of the Bratunac Brigade were involved in the killings at the warehouse. Some of the detainees wore civilian clothing, while others were members of the ABiH; all were unarmed. Before the beginning of the killings inside the warehouse, members of the 2nd Šehovići Detachment of the Special Police Brigade executed some detainees in front of the warehouse and told the others 'you'll get the same as soon as it's your turn, because we still have a full warehouse to kill'. Once the warehouse was full, hand grenades and anti-tank rockets were fired into the warehouse and shots were fired into the crowd of detainees. Krsto Dragičević, a member of the 3rd Skelani Platoon, was killed in the warehouse with his own rifle after some Muslim detainees had snatched his rifle from him. Rade Čuturić, Commander of the 2nd Šehovići Detachment of the Special Police Brigade, who had grabbed the rifle by the barrel, burned his hands during this incident. Members of the 2nd Šehovići Detachment of the Special Police Brigade killed detainees who survived the shootings, including those who tried to escape from the warehouse. After shooting a detainee who tried to escape, members of the 2nd Šehovići Detachment of the Special Police Brigade warned the other detainees that if they tried to escape they would also be shot. One member of the 2nd Šehovići Detachment of the Special Police Brigade fired at a wounded detainee, asking, '[d]o you want another one?' and another member of the detachment who was examining other wounded men said, '[t]his one seems to be still alive. He needs to be shot.', whereupon another member of the detachment responded, '[n]o, let's leave those alone for the time being and focus on those inside'. Members of the 2nd Šehovići Detachment of the Special Police Brigade also insulted and cursed the detainees prior to and after the killings and referred to them as '*balijas*', 'Islamic tribe' and 'Turks'. The detainees were forced to sing Serb songs and asked where Naser Orić was to defend them.

2708. The Trial Chamber will further consider this incident in relation to Counts 2 to 6 of the Indictment in chapter 8 below.

Glogova 1, Kravica, and Ravnice, 2000); P2261 (John Clark, Report on autopsies of human remains from Ravnice, Glogova, Zeleni Jadar, 2001).

7.5 Sandići Meadow (Schedule E.4.1)

2709. According to the Indictment, the Accused is responsible for the summary execution of approximately 15 Bosnian Muslims detained at Sandići Meadow on 13 July 1995, after sunset.[11626] In relation to the evidence on the exhumation of bodies from a grave near Sandići Meadow, the Defence argued that no reliable evidence links these bodies to this incident nor establishes the cause or manner of death.[11627] The Defence further argued that MUP personnel were the only units present around Sandići Meadow at the time and that the Jahorina Units were not deployed in combat activities at the time of the alleged killings; MUP tasks were from the MUP structure, thus 'without VRS contact'.[11628] With regard to the Defence's argument that Witnesses RM-333 and RM-358 gave irreconcilable versions of the events in Sandići which undermine each other, the Trial Chamber recalls its 18 July 2013 decision in which it determined, *inter alia*, that Witness RM-358 is a survivor of an unscheduled killing incident in Nezuk in July of 1995.[11629] Therefore, since Witness RM-358's evidence relates to another incident, the Trial Chamber considers that his evidence does not undermine Witness RM-333's evidence on the Sandići Meadow events. The Trial Chamber took judicial notice of a number of Adjudicated Facts related to this charge.[11630] It also received evidence from **Ramiz Husić**, a Muslim from Brezovica who moved to Srebrenica in 1993 and who was 18 years old in July 1995;[11631] **Witness RM-297**, a Bosnian Muslim from Zvornik;[11632] **Witness RM-306**, a Serb from Bratunac;[11633] **Witness RM-260**, a member of the Civilian Protection staff in Bratunac Municipality in July 1995;[11634] **Zoran Petrović**, a journalist from Belgrade who travelled the area around Bratunac with Borovčanin from 13 to 15 July 1995;[11635] **Witness RM-274**, a member of the ABiH in July 1995;[11636] **Witness RM-256**, a Bosnian Muslim from Srebrenica and member of

[11626] Indictment, paras 11-12, 21-22, 46(a), 59(a)(iii), 65(a), Schedule E.4.
[11627] Defence Final Brief, para. 3071.
[11628] Defence Final Brief, paras 3066, 3068.
[11629] Defence Final Brief, paras 3061-3065; Decision on Prosecution Eighth Motion to Admit Evidence Pursuant to Rule 92 *bis*: Srebrenica Survivors, 18 July 2013, para. 26.
[11630] Adjudicated Facts II, nos 1465, 1554-1557.
[11631] P3376 (Ramiz Husić, witness statement, 9 June 1999), pp. 1-2.
[11632] P1443 (Witness RM-297, witness statement, 14 August 2013), pp. 1-2; P1442 (Pseudonym Sheet for Witness RM-297).
[11633] P1474 (Witness RM-306, *Popović et al.* transcript, 23, 26-27 March 2007), pp. 9357-9358; Witness RM-306, T. 11446; D293 (Witness RM-306, statement to the Bosnian-Serb MUP, 26 December 2005), pp. 1-2.
[11634] P3621 (Witness RM-260, *Blagojević and Jokić* transcript, 20 April 2004), pp. 7861-7862.
[11635] P3347 (Zoran Petrović, *Popović et al.* transcript 4 December 2007), pp. 18738, 18764-18765, 18830.
[11636] P3098 (Witness RM-274, *Popović et al.* transcript, 6 February 2007), p. 6972.

the ABiH in 1995;[11637] and **Robert Franken**, the Deputy Commanding Officer of DutchBat in Potočari from 15 January to late July 1995,[11638] and finds that this evidence is consistent with the Adjudicated Facts.[11639] The Trial Chamber also received evidence from **Witness RM-257**, a Bosnian Muslim who was a minor in July 1995;[11640] **Momir Nikolić**, the Assistant Commander for Intelligence and Security of the Bratunac Brigade from November 1992 to at least October 1995;[11641] **Pero Andrić**, a Serb member of the Military Police Platoon of the Bratunac Brigade from 1994 until July 1995;[11642] **Mladen Blagojević**, a Serb member of the Military Police Platoon with the Bratunac Light Infantry Brigade in July 1995;[11643] **Neđo Jovičić**, a member of the Special Police Brigade and driver to Deputy Commander of the brigade Ljubomir Borovčanin during 1995;[11644] **Witness RM-333**, a member of the joint MUP forces of the RSK, Serbia, and the Bosnian-Serb Republic in 1995;[11645] and **Dušan Janc**, an investigator.

2710. Several thousand Bosnian-Muslim men from the column (*see* chapter 7.1.6) who were captured on 13 July 1995 were collected in or near Sandići Meadow and on the Nova Kasaba football field.[11646] A number of witnesses who surrendered at the meadow on that day gave evidence before the Trial Chamber. **Robert Franken** testified that sometime between that evening and the early morning of 14 July, the DutchBat personnel from OP Alpha were brought back to the enclave, on the route from Milići to Bratunac, and they reported to Franken that they had seen a large group of men on the

[11637] P1592 (Witness RM-256, witness statement, 16 January 1996), p. 1, paras 1-2; Witness RM-256, T. 13187.
[11638] P1417 (Robert Franken, witness statement, 15 January 2012), paras 3-4, 109.
[11639] **Ramiz Husić**: P3376 (Ramiz Husić, witness statement, 9 June 1999), pp. 3-5, 9. **Witness RM-297**: Witness RM-297, T. 10973-10974. **Witness RM-306**: T. 11454-11459. **Witness RM-260**: P3621 (Witness RM-260, *Blagojević and Jokić* transcript, 20 April 2004), p. 7871; P3622 (Witness RM-260, *Popović et al.* transcript, 19 November 2007), pp. 17889-17890; P3630 (Aerial photograph of Sandići marked by witness RM-260 II). **Witness RM-274**: P3098 (Witness RM-274, *Popović et al.* transcript, 6 February 2007), p. 6972-6976, 6980. **Zoran Petrović**: P3348 (Zoran Petrović, *Tolimir* transcript 24 May 2011), pp. 14568, 14577. **Witness RM-256:** P1592 (Witness RM-256, witness statement, 16 January 1996), para. 14. **Robert Franken**: P1417 (Robert Franken, witness statement, 15 January 2012), para. 99; Robert Franken, T. 10739-10741, 10837.
[11640] P3370 (Witness RM-257, witness statement, 8 March 1999), p. 1.
[11641] Momir Nikolić, T. 11768-11771, 11776-11777; D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), paras 1, 13-14.
[11642] Pero Andrić, T. 34096-34097, 34130-34131; P7295 (Bosnia-Herzegovina Prosecutor's Office record of interview, 29 June 2006), p. 1; P7297 (List of conscripts within the Bratunac Brigade, July 1995), p. 2. The evidence of Pero Andrić is also reviewed in chapter 7.1.3.
[11643] D922 (Mladen Blagojević, witness statement, 6 June 2014), p.1, para. 3; P7186 (Mladen Blagojević, US Department of Homeland Security, Report of Investigation), pp. 2, 4.
[11644] D976 (Neđo Jovičić, witness statement, 3 August 2014), para. 2.
[11645] Witness RM-333, T. 6759, 6792-6793; P724 (Report on the combat engagement of police forces in Srebrenica 95 signed by Ljubiša Borovčanin) p. 1; D129 (MUP order signed by Tomislav Kovač, 10 July 1995), p. 1. The evidence of Witness RM-033 is also reviewed in chapter 7.1.6.

way, kneeling in a football pitch along the side of the road in rows with their hands on their necks.[11647] **Witness RM-297** testified that the group of Bosnian Muslims from the column that he had surrendered with was composed of about 1,000 men, mostly civilians and a few soldiers.[11648] The group included some wounded.[11649] **Witness RM-274** stated that there were 1,500 to 2,000 men at the meadow.[11650] **Witness RM-256** stated that all detainees in the meadow were wearing civilian clothes and he overheard from a conversation that there were about 2,000 of them.[11651] **Witness RM-257** stated that a cameraman filmed the members of the column as they emerged from the woods.[11652] **Witness RM-274** stated that journalists briefly came and took pictures and recorded the people in the meadow.[11653]

2711. The witnesses described the soldiers and armed forces present at the meadow. **Witness RM-256** testified that there was an APC and two tanks and that the soldiers guarding them were young and did not have any patches on their camouflage uniforms.[11654] **Witness RM-257** stated that he surrendered to Serb soldiers and that a black Serb tank was parked on the left side of the meadow as well as a white UNPROFOR APC and soldiers in full UNPROFOR uniforms were present.[11655] The Serb soldiers wore camouflage uniforms with red patches with fours S's and some wore red bandanas.[11656] **Witness RM-274** stated that the guards in the meadow wore camouflage, multi-coloured uniforms, and one man he believed to be an officer wore a white T-shirt. The officer held a knife and occasionally fired his semi-automatic rifle into the air to quieten the crowd.[11657] **Pero Andrić** testified that the soldiers had camouflage uniforms of a kind worn by the *Panteri* and some Zvornik Brigade

[11646] Adjudicated Facts II, no. 1464.
[11647] P1417 (Robert Franken, witness statement, 15 January 2012), para. 99; Robert Franken, T. 10739-10741, 10837.
[11648] P1443 (Witness RM-297, witness statement, 14 August 2013), pp. 2-3; Witness RM-297, T. 10973. *See also* P3376 (Ramiz Husić, witness statement, 9 June 1999), pp. 2, 4, 7, 9, 16; P3370 (Witness RM-257, witness statement, 8 March 1999), p. 3.
[11649] P1443 (Witness RM-297, witness statement, 14 August 2013), p. 2.
[11650] P3098 (Witness RM-274, *Popović et al.* transcript, 6 February 2007), pp. 6972-6973, 6975.
[11651] P1592 (Witness RM-256, witness statement, 16 January 1996), para. 11.
[11652] P3370 (Witness RM-257, witness statement, 8 March 1999), p. 3; P3371 (Witness RM-257, *Popović et al.* transcript, 2 November 2006), pp. 3520-3521, 3527; P3372 (Still from aerial video of Sandići meadow); P3374 (Excerpt from video compilation of Srebrenica 1995).
[11653] P3098 (Witness RM-274, *Popović et al.* transcript, 6 February 2007), p. 6978.
[11654] P1592 (Witness RM-256, witness statement, 16 January 1996), paras 12-13.
[11655] P3370 (Witness RM-257, witness statement, 8 March 1999), p. 3; P3371 (Witness RM-257, *Popović et al.* transcript, 2 November 2006), pp. 3527, 3533, 3539-3540, 3542-3543; P3372 (Still from aerial video of Sandići meadow); P3374 (Excerpt from video compilation of Srebrenica 1995); P3375 (Sketch of the Sandići Meadow).
[11656] P3370 (Witness RM-257, witness statement, 8 March 1999), p. 3.

units.[11658] **Ramiz Husić** stated that there were two Serb women wearing uniforms and armed with Skorpion pistols.[11659] **Mladen Blagojević** testified that VRS soldiers as well as, what he believed to be, special police units guarded the Muslim detainees. He stated that their commander was 'Ljubisa Boroc'.[11660]

2712. The soldiers guarding the men forced them to turn over their valuables and abandon their belongings.[11661] **Witness RM-257** stated that Serb soldiers searched the men, asked them for money, and asked about the positions and weapons in possession of the ABiH.[11662] The men were forced to lie on their stomachs for long periods of time, to make the Serb salute, and to sing Serbian songs, such as 'Long live the king, long live Serbia'.[11663] One man was made to call out to the Bosnian-Muslim men in the column that it was 'safe to come to the Serbs'.[11664]

2713. While the detainees were in the meadow they were given very little food and some water.[11665] **Witness RM-274** described how people kept fainting from the heat and the guards sent people to get water to cool them down.[11666] He stated that he was next to a tank. The driver of the tank kept going in and out of it and other soldiers were sitting on and around the tank.[11667] **Witness RM-257** stated that a Serb soldier sitting on the tank said: 'Fuck your balija mother. Get up and come here'.[11668] **Witness RM-274** stated that one of the men who had escorted the wounded to a nearby house was brought back to the meadow by a Serb soldier who said the man had attempted to flee. A soldier

[11657] P3098 (Witness RM-274, *Popović et al.* transcript, 6 February 2007), p. 6974.
[11658] Pero Andrić, T. 34119-34120; P7295 (Bosnia-Herzegovina Prosecutor's Office record of interview, 29 June 2006), para. 3; P7296 (Photo of Borovčanin and two other persons in camouflage uniforms, undated).
[11659] P3376 (Ramiz Husić, witness statement, 9 June 1999), pp. 2, 4, 7, 9, 16. *See also* P3370 (Witness RM-257, witness statement, 8 March 1999), p. 3; P3371 (Witness RM-257, *Popović et al.* transcript, 2 November 2006), pp. 3529-3530, 3541; P3372 (Still from aerial video of Sandići meadow); P3373 (Photograph of a burned house); P3374 (Excerpt from video compilation of Srebrenica 1995); P3375 (Sketch of the Sandići Meadow).
[11660] P7186 (Mladen Blagojević, US Department of Homeland Security, Report of Investigation), p. 19. The Trial Chamber notes that the name 'Ljubisa Boroc' as written in the original version (English) of exhibit P7186, p. 19 is translated as 'Ljubiša Boroč' in the BCS translation of exhibit P7186, p. 19 and thus understands that this could refer to Ljubiša Borovčanin.
[11661] Adjudicated Facts II, no. 1465.
[11662] P3370 (Witness RM-257, witness statement, 8 March 1999), p. 3; P3371 (Witness RM-257, *Popović et al.* transcript, 2 November 2006), pp. 3545-3546; P3374 (Excerpt from video compilation of Srebrenica 1995).
[11663] Adjudicated Facts II, no. 1554.
[11664] Adjudicated Facts II, no. 1555.
[11665] Adjudicated Facts II, no. 1554.
[11666] P3098 (Witness RM-274, *Popović et al.* transcript, 6 February 2007), p. 6974.
[11667] P3098 (Witness RM-274, *Popović et al.* transcript, 6 February 2007), pp. 6975-6976.
[11668] P3370 (Witness RM-257, witness statement, 8 March 1999), p. 3; P3371 (Witness RM-257, *Popović et al.* transcript, 2 November 2006), p. 3533.

on the tank hit the man in his face and the man fell down on his back about ten metres from the witness. Another group of soldiers arrived, wearing black uniforms with pants and T-shirts, and boots. One of those soldiers took an automatic rifle, stood over the man on the ground, and fired into his chest. He then ordered Muslims to carry that man about 20 to 30 metres away and drop his body there, which they did.[11669] **Witness RM-256** testified that one detainee complained that he did not get any water while others had the opportunity to drink twice. One soldier kicked him in the face on one side and another one gave him a kick in the face from the other side. The man started to bleed from the mouth. The soldiers grabbed him, threw him a few metres away, and shot him in front of all of the detainees. The corpse was left there right at the spot where he was killed.[11670]

2714. **Witness RM-257** described how he managed to escape from the meadow. A soldier gave him two jerrycans and asked him, while cursing and threatening him with his weapon, to fetch water for the detainees.[11671] Soldiers were standing around a house and he heard cries and the sound of blows coming from the house.[11672] Around 5 p.m., two black cars carrying officers came from the direction of the water fountain towards the house and the meadow.[11673] Shortly after, a bus full of women arrived from the same direction and stopped next to the water fountain to collect water. The witness snuck onto the bus, hid between seats, and put bags on top of himself. The bus left the meadow and stopped near Kladanj and its passengers walked to the free territory without interference from the Serb soldiers present there.[11674] The witness did not know what happened to the men in the meadow and never heard of them again, including his father, the Tabaković brothers, Ramo Kabilović, Almir from Pusmulići, Mehmedalija Husić, Mehmed Husić, and Sead Krdžić.[11675] His brother, also present in the meadow,

[11669] P3098 (Witness RM-274, *Popović et al.* transcript, 6 February 2007), p. 6976.
[11670] P1592 (Witness RM-256, witness statement, 16 January 1996), para. 14.
[11671] P3370 (Witness RM-257, witness statement, 8 March 1999), p. 3; P3371 (Witness RM-257, *Popović et al.* transcript, 2 November 2006), p. 3533.
[11672] P3371 (Witness RM-257, *Popović et al.* transcript, 2 November 2006), p. 3534.
[11673] P3370 (Witness RM-257, witness statement, 8 March 1999), p. 4; P3375 (Sketch of the Sandići Meadow).
[11674] P3370 (Witness RM-257, witness statement, 8 March 1999), p. 4.
[11675] P3370 (Witness RM-257, witness statement, 8 March 1999), pp. 3-4; P3371 (Witness RM-257, *Popović et al.* transcript, 2 November 2006), pp. 3540, 3542, 3544, 3546-3547; P3374 (Excerpt from video compilation of Srebrenica 1995).

was put on a bus by Serb soldiers, after he identified himself as one of 'the young ones', and transported to Kladanj.[11676]

2715. The Bosnian-Serb forces on the scene began shepherding the men out of the meadow. Some were put on buses or marched towards the nearby Kravica Warehouse. Others were loaded on buses and trucks and taken to Bratunac and other nearby locations.[11677] **Witness RM-297** testified that the commander of the unit guarding the men who had surrendered wore a black scarf on his head and informed them that Mladić had said that the Bosnian and Bosnian-Serb governments were discussing an exchange of all detainees. The soldiers told the group that they were in Serb country and that no one could fight the Serb soldiers.[11678] **Witness RM-274** also stated that the only people allowed to leave the meadow were children younger than 18 years old and women.[11679] **Husić** stated that at the meadow, he heard a Serb soldier who said that he was from Tuzla and dressed in camouflage with a red bandana around his head, call out for detainees born in 1979 and 1980.[11680] Husić stood up despite being older and was allowed, along with approximately ten other individuals, to board a civilian blue truck which already contained approximately 20 women from Potočari.[11681] After disembarking the truck in Tišča, Husić was instructed to walk towards Kladanj, whereupon he reached the last checkpoint.[11682] At the checkpoint, a man who introduced himself as Željko Živkić, and who the witness described as the commander, allowed Husić to go to Muslim-controlled territory.[11683] **Witness RM-274** stated that the women and children were taken to Tuzla by a convoy of buses and trucks which had also evacuated civilians from Potočari.[11684] In addition to the earlier convoy, UN APCs escorted women and children from Potočari on buses and trucks towards Tuzla.[11685]

2716. Those remaining in the meadow were then told they would be taken to Tuzla and exchanged for Serbs.[11686] **Husić** stated that before he left the meadow, a Serb soldier

[11676] P3370 (Witness RM-257, witness statement, 8 March 1999), p. 4; P3371 (Witness RM-257, *Popović et al.* transcript, 2 November 2006), p. 3547.
[11677] Adjudicated Facts II, no. 1557.
[11678] P1443 (Witness RM-297, witness statement, 14 August 2013), p. 3.
[11679] P3098 (Witness RM-274, *Popović et al.* transcript, 6 February 2007), pp. 6976-6977. *See also* Witness RM-297, T. 10973-10974.
[11680] P3376 (Ramiz Husić, witness statement, 9 June 1999), pp. 2, 4-5.
[11681] P3376 (Ramiz Husić, witness statement, 9 June 1999), p. 5.
[11682] P3376 (Ramiz Husić, witness statement, 9 June 1999), p. 5.
[11683] P3376 (Ramiz Husić, witness statement, 9 June 1999), p. 6.
[11684] P3098 (Witness RM-274, *Popović et al.* transcript, 6 February 2007), pp. 6976-6977.
[11685] P3098 (Witness RM-274, *Popović et al.* transcript, 6 February 2007), p. 6978.
[11686] P3098 (Witness RM-274, *Popović et al.* transcript, 6 February 2007), p. 6979.

told the group that they were going to be detained in an agricultural warehouse in Kravica and then exchanged. The Serb soldier mentioned that Mladić and the DK Commander would arrive at 8 p.m. to inform the group about what would happen to them. There were approximately 15 to 20 armed Serb soldiers in the area.[11687] Husić observed a soldier called Krle wearing a camouflage T-shirt grab and take Dulan Tabaković, who had a head injury, to a cornfield.[11688] After approximately 20 minutes, Krle returned without Dulan.[11689] During the course of the day those who were wounded or injured were sent to a house close to the meadow and were later executed.[11690]

2717. **Witness RM-297** stated that at approximately 7 p.m. on 13 July 1995, the detainees were allowed to sit up just before a man, whom other detainees referred to as and the witness later recognized to be Mladić, arrived on foot.[11691] **Witness RM-256** testified that Mladić appeared at the meadow together with four or five soldiers and introduced himself.[11692] **Pero Andrić** testified that these soldiers were military policemen and that Mladić stopped at the meadow for approximately 20 minutes.[11693] **Witness RM-256** testified that he heard Mladić, who was standing 15 metres from the body of a detainee who had been killed, say the following:[11694]

> Isn't it better like this, you could have been killed in the forest. Naser left you and he escaped. Sheep can't escape from the stable unless somebody opens the door. It is not easy to fight with the Serbs. We almost finished the evacuation of your families. They are mostly sent towards Zivinice and Tuzla. Probably within a day or two all of you will be exchanged and you will join your families. Nobody will beat you nor mistreat you nor provoke you. We will give you food and find a cooler place for you because it is very hot here in the field.[11695]

[11687] P3376 (Ramiz Husić, witness statement, 9 June 1999), p. 4.
[11688] P3376 (Ramiz Husić, witness statement, 9 June 1999), pp. 5-6, 14.
[11689] P3376 (Ramiz Husić, witness statement, 9 June 1999), p. 5.
[11690] Adjudicated Facts II, no. 1556.
[11691] P1443 (Witness RM-297, witness statement, 14 August 2013), p. 3; Witness RM-297, T. 10974-10975.
[11692] P1592 (Witness RM-256, witness statement, 16 January 1996), paras 16-17; Witness RM-256, T. 13193-13194. *See also* D976 (Neđo Jovičić, witness statement, 3 August 2014), para. 29.
[11693] Pero Andrić, T. 34101, 34103-34105, 34107-34108, 34148; P7295 (Bosnia-Herzegovina Prosecutor's Office record of interview, 29 June 2006), para. 2. *See also* D922 (Mladen Blagojević, witness statement, 6 June 2014), para. 8; Mladen Blagojević, T. 32621; D976 (Neđo Jovičić, witness statement, 3 August 2014), para. 29.
[11694] P1592 (Witness RM-256, witness statement, 16 January 1996), para. 17.
[11695] P1592 (Witness RM-256, witness statement, 16 January 1996), para. 16; Witness RM-256, T. 13194-13195. *See also* Pero Andrić, T. 34108-34109; P7295 (Bosnia-Herzegovina Prosecutor's Office record of interview, 29 June 2006), para. 2.

2718. According to **Witness RM-297**, Mladić told the detainees that the governments were negotiating; they would be exchanged the following day; and they would not be given anything to eat that evening, but would be provided with water, which they were.[11696] **Blagojević** testified that Mladić told them not to be afraid, as they would be exchanged for imprisoned Serbs, and he asked them if they needed to see a doctor.[11697] **Witness RM-297** testified that after Mladić left, trucks and buses arrived and the detainees were ordered to board these vehicles.[11698] While being loaded onto the trucks, the witness and his brother were separated and the witness later learned that some of his brother's remains had since been identified.[11699] The trucks took the detainees to Bratunac.[11700]

2719. **Momir Nikolić** testified that on 13 July 1995, around noon, at Sandići, he saw officers of the Special MUP Brigade, including deputy commander Ljubiša Borovčanin.[11701] At the time, there were 80 to 100 surrendered or captured Muslim men at this location.[11702] The witness recognized members of the special brigade and of the Jahorina units, who were engaged between Sandići and Konjević Polje, by their heavy weaponry and APCs and by the presence of Borovčanin.[11703] Later that day, on the ride back to Bratunac, at Sandići Nikolić saw about 10 to 15 corpses and a large mass of detainees in a meadow.[11704]

2720. **Witness RM-333** testified that around 13 July 1995, around late afternoon or early evening, a member of the 1st company of the Jahorina police training centre told him that 10 to 15 detainees were awaiting transport in a meadow by the road between Konjević Polje and Kravica, a couple of kilometres away from Kravica, where the company had been deployed in the late afternoon on the same day.[11705] A man called

[11696] P1443 (Witness RM-297, witness statement, 14 August 2013), p. 3; Witness RM-297, T. 10947-10948, 10974-10975.
[11697] D922 (Mladen Blagojević, witness statement, 6 June 2014), paras 8-9; Mladen Blagojević, T 32629-32634; P7186 (Mladen Blagojević, US Department of Homeland Security, Report of Investigation), p. 19.
[11698] P1443 (Witness RM-297, witness statement, 14 August 2013), p. 3; Witness RM-297, T. 10975.
[11699] P1443 (Witness RM-297, witness statement, 14 August 2013), p. 3; Witness RM-297, T. 10937-10938.
[11700] P1443 (Witness RM-297, witness statement, 14 August 2013), p. 3.
[11701] Momir Nikolić, T. 11936-11937; D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), para. 9.
[11702] Momir Nikolić, T. 11936; D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), para. 9.
[11703] Momir Nikolić, T. 11936-11937.
[11704] D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), para. 9.
[11705] P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), pp. 14822, 14824, 14830; Witness RM-333, T. 6758, 6764-6765, 6775-6777. The Trial Chamber is satisfied that the meadow referred to by Witness RM-333 is Sandići Meadow.

Aleksa told four or five members of the company that no more buses were coming to pick up the detainees and ordered them to shoot the remaining detainees.[11706] Aleksa was the deputy of Goran, one of four platoon commanders from the Jahorina training centre.[11707] Three members of the company refused to obey the order and were punished with deprivation of food and contact with other members for one day.[11708] Two members of the company, one named Crnogorac, obeyed the order and went up the road in the direction of the detainees, with three or four men who volunteered for the task.[11709] One member of the company who had refused to comply with the order heard bursts of gunshots and then saw the volunteers return with Aleksa.[11710] When that member asked Crnogorac how he could have shot detainees, he replied that it was revenge for his family having 'been wiped out'.[11711] Crnogorac also informed him that some of the detainees had been shot in the head while others had been executed with a burst of fire.[11712] According to the witness, somebody higher-ranked must have ordered the shooting because Aleksa was a low-level member of the company who would not risk carrying out an execution without authorisation.[11713] Aleksa, like other members of the company in charge of small units, had a two-way radio.[11714]

2721. **Dušan Janc** testified that bodies were exhumed from a primary mass grave in the Sandići Meadow area between 14 and 21 June 2004 and DNA examinations identified 17 individuals.[11715]

2722. With regard to the forensic evidence, and in particular the reports authored by Janc, in evidence as exhibits P1982 and P1987, the Trial Chamber notes that these exhibits refer to the discovery of a mass grave located in the Sandići Meadow area and

[11706] P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), pp. 14830-14832, 14883-14884; Witness RM-333, T. 6764-6766.
[11707] P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), p. 14831; Witness RM-333, T. 6769-6770.
[11708] P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), pp. 14833-14834; Witness RM-333, T. 6765-6766.
[11709] P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), pp. 14832-14833, 14884-14885, 14904-14905; Witness RM-333, T. 6765, 6784.
[11710] P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), pp. 14832, 14885-14886; Witness RM-333, T. 6742-6743.
[11711] P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), p. 14833.
[11712] P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), p. 14834.
[11713] P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), pp. 14833, 14884, 14907; Witness RM-333, T. 6740-6742.
[11714] P722 (Witness RM-333, *Popović et al.* transcript, 5 September 2007), pp. 14826, 14831; Witness RM-333, T. 6769.
[11715] P1987 (Dušan Janc, Srebrenica Investigation, Update to Summary of Forensic Evidence), p. 33. *See also* P1982 (List of Names of Victims, Annex D), pp. 307-308.

containing 17 bodies. It further notes that the number of bodies exhumed from this mass grave is close to the number of bodies Witness RM-333 and Momir Nikolić testified having seen in the Sandići Meadow on 13 July 1995. In light of the above, the Trial Chamber considers it very likely that this forensic evidence relates to Scheduled Incident E.4.1. However, in the absence of specific evidence to establish that the bodies heard about and seen by Witness RM-333 and Momir Nikolić were the ones exhumed from the mass grave located in the Sandići Meadow area, and considering the number of killing incidents that occurred in this area around that time, the Trial Chamber is not satisfied beyond reasonable doubt that the remains identified in the mass grave are those of the bodies mentioned by Witness RM-333 and Nikolić. The Trial Chamber will therefore not rely on the above-mentioned forensic evidence to make its finding on the number of victims of this scheduled incident.

2723. Based on the foregoing, the Trial Chamber finds that on 13 July 1995,[11716] members of the 1st company of the Jahorina police training centre shot and killed 10-15 unarmed Bosnian-Muslim men[11717] who had surrendered from the column near Sandići Meadow. They were killed pursuant to the order of a man called Aleksa. The Trial Chamber further finds that a Serb soldier, wearing a black uniform, shot and killed one wounded Bosnian-Muslim man on the same day after he had allegedly attempted to escape. While the men were in the meadow after having surrendered, guarded by VRS soldiers, they were forced to lie on their stomachs, make the Serb salute, and sing Serbian songs. Further, the soldiers guarding them forced them to give up their valuables and abandon their belongings. One of the soldiers present at the meadow also insulted the men, using derogatory terms: 'Fuck your balija mother. Get up and come here'. The Trial Chamber will further consider this incident in relation to Counts 2 to 6 of the Indictment in chapter 8 below.

[11716] The Trial Chamber notes that the account of the events given by Witness RM-333 and Momir Nikolić are slightly different. Witness RM-333 testified that 10 to 15 detainees were killed in the late afternoon or early evening of 13 July 1995 after the departure of the other detainees. Nikolić testified that he saw 10 to 15 bodies in the meadow in the afternoon and a large number of detainees. However, the Trial Chamber notes that both witnesses testified about killings which occurred on the same date and which resulted in the same range of victims. The Trial Chamber further notes that Witness RM-333 was not an eye witness to the killings and that his evidence does not provide a clear and unambiguous timeframe. However, the Trial Chamber finds that the differences in their respective accounts of the events are minimal and immaterial.

7.6 Luke School near Tišća (Schedule E.5.1)

2724. According to the Indictment, the Accused is responsible for the detention of 25 Bosnian-Muslim men at Luke School and the summary execution of them in an isolated nearby pasture on or about 13 or 14 July 1995.[11718] The Defence submitted that Witness RM-249's evidence is unreliable and uncorroborated and that there is insufficient evidence to conclude that the perpetrators of this alleged incident were members of the VRS, but rather were individuals acting without authority and as revenge against Muslims for acts committed against Serbs.[11719] The Trial Chamber took judicial notice of a number of Adjudicated Facts related to this incident. It also received evidence from **Witness RM-249**, a Bosnian-Muslim from Srebrenica,[11720] and finds that this evidence is consistent with the Adjudicated Facts.[11721] It also received evidence from **Dušan Janc**, an investigator.[11722]

2725. On 13 and 14 July 1995, as buses crowded with Bosnian-Muslim women, children, and elderly made their way from Potočari to Kladanj, they were stopped at Tišća, searched, and the Bosnian-Muslim men found on board were removed from the bus.[11723] Bosnian-Serb forces systematically stopped the buses transporting the women, children, and elderly at Tišća and checked that no men were hiding on board.[11724] The Bosnian-Muslim men who managed to get to Luke by bus were separated by VRS soldiers and detained in the nearby elementary school.[11725] DK personnel were present in Tišća on 12 July 1995. A DutchBat officer escorting one of the first convoys of buses and trucks came across Major Sarkić, the Chief of Staff of the Milići Brigade, at the Tišća checkpoint.[11726] The Chief of Staff of the Milići Brigade and troops from his unit were present at the Tišća screening site upon orders from the DK Command.[11727] General Krstić had been involved in issuing orders to DK units about securing the

[11717] Regarding the detainees identified by Witness RM-257 as being present in the meadow and never seen or heard of again since, in the absence of further information about their whereabouts, the Trial Chamber finds that it cannot consider that they were killed in the meadow.
[11718] Indictment, paras 11-12, 21-22, 46(a), 59(a)(iii), 65(a), Schedule E.5.1.
[11719] Defence Final Brief, paras 2588-2596.
[11720] P1990 (Witness RM-249, witness statement, 24 January 1996), pp. 1-2; Witness RM-249, T. 15410-15411.
[11721] Witness RM-249: P1990 (Witness RM-249, witness statement, 24 January 1996), pp. 1-4; Witness RM-249, T. 15410-15411, 15415.
[11722] P1987 (Dušan Janc, Srebrenica Investigation, Update to Summary of Forensic Evidence), p. 1.
[11723] Adjudicated Facts II, no. 1558.
[11724] Adjudicated Facts II, no. 1559.
[11725] Adjudicated Facts II, no. 1562.
[11726] Adjudicated Facts II, no. 1561.
[11727] Adjudicated Facts II, no. 1560.

stretch of the road from Vlasenica up toward Tišća, where the civilians were disembarking.[11728]

2726. **Witness RM-249** testified that on 13 July 1995 after disembarking the bus in Luke he was instructed by a 'Chetnik' soldier to hand his daughter to his wife; the same soldier then proceeded to escort the witness to a school that was approximately 250 metres away from the bus.[11729] His hands were tied and he had to sit in a meadow in front of the school where he could see additional buses and trucks arriving to drop off detainees throughout the day.[11730] By dusk, 22 men, dressed in civilian clothing, were separated from their families and brought to the school.[11731] The witness recalled a 'Chetnik' soldier nicknamed 'Zeljko' receiving calls at the telephone on the school steps.[11732] The soldiers carried automatic weapons and wore three different types of uniforms: a camouflage uniform, another uniform of a higher quality, and a third uniform of poor quality.[11733] He was further able to identify some of the Serb soldiers present: Savo Ristanović, a.k.a. Žućo;[11734] and a soldier named 'Stanimir' from Vlasenica.[11735] The witness recalled the names of several of his fellow detainees: 'Abdul Kadir', a medical technician from the war hospital;[11736] 'Hasan', a medical technician from Đogazi who had worked in a lab in Srebrenica;[11737] 'Zajko' from Jagonija; brothers 'Fuad' and 'Alija' who were wounded;[11738] Rizo Mustafić, an electrician who worked for DutchBat in Potočari; Azem Bečić, who had been wounded in a forest near Srebrenica;[11739] and 'Hamed' from Višegrad.[11740]

2727. All of the men were then individually taken inside the school where they were searched, their valuables, including money, were confiscated, and their lives were

[11728] Adjudicated Facts II, no. 1564.
[11729] P1990 (Witness RM-249, witness statement, 24 January 1996), pp. 3-4; Witness RM-249, T. 15415-15416.
[11730] P1990 (Witness RM-249, witness statement, 24 January 1996), p. 4; P1991 (Witness RM-249, prior testimony, 18 March 2010), p. 674; P1994 (Photograph of meadow in front of Luke School).
[11731] P1990 (Witness RM-249, witness statement, 24 January 1996), p. 4; P1991 (Witness RM-249, prior testimony, 18 March 2010), p. 674; P1992 (Photograph Luke School).
[11732] P1991 (Witness RM-249, prior testimony, 18 March 2010), p. 675; P1994 (Photograph of meadow in front of Luke School).
[11733] P1990 (Witness RM-249, witness statement, 24 January 1996), p. 4.
[11734] P1990 (Witness RM-249, witness statement, 24 January 1996), p. 4; Witness RM-249, T. 15465.
[11735] P1990 (Witness RM-249, witness statement, 24 January 1996), p. 5.
[11736] P1990 (Witness RM-249, witness statement, 24 January 1996), p. 4; Witness RM-249, T. 15480.
[11737] P1990 (Witness RM-249, witness statement, 24 January 1996), p. 4; Witness RM-249, T. 15478-15479.
[11738] P1990 (Witness RM-249, witness statement, 24 January 1996), p. 4; Witness RM-249, T. 15413.
[11739] P1990 (Witness RM-249, witness statement, 24 January 1996), p. 4; Witness RM-249, T. 15414.
[11740] P1990 (Witness RM-249, witness statement, 24 January 1996), p. 6; Witness RM-249, T. 15478.

threatened.[11741] The detainees were put into an empty classroom and ordered to all sit in one corner.[11742] The witness saw an UNPROFOR jeep arrive but instead of UNPROFOR personnel driving the vehicle, a 'Chetnik' soldier got out of the vehicle.[11743] A Serb soldier called Stanimir told the witness that Spomenko Garić, who was the commander of a special intervention platoon and whom the witness knew to be a member of the reserve forces prior to the war, was in Kravica that day and was expected to arrive at the Luke School.[11744] About 30 minutes later, Garić arrived with his men. Ten to fifteen of Garić's men entered the classroom. The men wore bandannas on their heads, carried grenades on their belts, and their clothes smelled like blood. These men were asked by a 'Chetnik' soldier who guarded the door to the classroom what had happened in Kravica that day. They answered that the 'balijas' had been defeated. One of the soldiers mentioned that he had cut off the head of one 'balija' and that this man remained alive without a head for an unspecified period of time. Then 'Garić's men' started harassing and beating the detainees, including the witness until he lost consciousness. After the beatings, another soldier who guarded the school during the day entered the room and said that 'it was time', following which Garić's men left.[11745]

2728. At approximately 00:30 on 14 July 1995, the witness and 21 other detainees from the school, dressed in civilian clothes, were loaded onto a truck.[11746] Those who were unable to board the truck because of injuries sustained as a result of the severe beatings that had taken place at the school were thrown on board by the 'Chetnik' soldiers. A driver and five armed soldiers, one of whom was an albino, were also on the truck, as well as a man identified as a 'commander' who said that it was time for him to 'make up' for what had happened to him while detained by the ABiH.[11747]

2729. The truck departed and drove for approximately 40 minutes in the direction of Vlasenica, and eventually stopped about 100 metres off the road in an area with a pasture.[11748] The 'Chetnik' soldiers got off the truck, pulled out the men who were lying

[11741] P1990 (Witness RM-249, witness statement, 24 January 1996), p. 5.
[11742] P1990 (Witness RM-249, witness statement, 24 January 1996), p. 6; P1991 (Witness RM-249, prior testimony, 18 March 2010), p. 676; P1995 (Photograph of classroom in Luke School).
[11743] P1990 (Witness RM-249, witness statement, 24 January 1996), p. 6.
[11744] P1990 (Witness RM-249, witness statement, 24 January 1996), p. 6; Witness RM-249, T. 15467-15468.
[11745] P1990 (Witness RM-249, witness statement, 24 January 1996), p. 6.
[11746] P1990 (Witness RM-249, witness statement, 24 January 1996), pp. 4, 6-7, 16.
[11747] P1990 (Witness RM-249, witness statement, 24 January 1996), p. 7.
[11748] P1990 (Witness RM-249, witness statement, 24 January 1996), pp. 7, 15, 17.

on the floor of the truck, and shot them while they were on the ground. Two detainees with their hands tied behind their backs attempted to escape and were killed immediately. The witness managed to sever the material binding his hands, which he believed to have been telephone cables, jumped off the truck, and ran away from the soldiers while under constant fire. Exhausted from running, he hid behind a rock and remained there until dawn. After taking refuge behind the rock, he heard shooting from the pasture for approximately ten minutes and concluded that the 'Chetniks' must have killed the other men who had been on the truck with him.[11749] On 27 July 1995, the witness was taken by the ICRC to Kladanj.[11750]

2730. According to a report authored by Janc, the remains of 16 bodies, including Azem Bečić, Rizo Mustafić, Abdulkadir Kadić, Hasan Smajić, Fuad Mustafić, and Alija Mustafić, identified by Witness RM-249 as fellow detainees at Luke School,[11751] and nine ligatures, were found in a mass grave in Mršići near Vlasenica between 25 and 29 May 2009.[11752]

2731. With respect to the Defence submission on the reliability of Witness RM-249's evidence, the Trial Chamber considered that he provided a detailed account of this killing incident and that his evidence is internally consistent and is corroborated by Janc's report on this incident. The Trial Chamber thus finds that Witness RM-249's evidence is reliable.

2732. Based on the foregoing, the Trial Chamber finds that on 14 July 1995, approximately 21 Bosnian-Muslim men dressed in civilian clothes, whose hands had been tied, were shot and killed in an isolated pasture near Luke School. After one of the soldiers who was guarding the detainees at the school before the killing stated that 'it was time', the detainees were loaded onto a truck and driven to a pasture. In the truck, a man identified as a 'commander' stated that it was time to 'make up' for what happened to him while he was detained by the ABiH. With regard to the perpetrators, the Trial Chamber took judicial notice of Adjudicated Facts 1560-1562 and 1564 on the units present in the Tišća area and at Luke School during the days immediately leading up to this incident. Based on this, the Trial Chamber finds that the perpetrators of this incident

[11749] P1990 (Witness RM-249, witness statement, 24 January 1996), p. 7.
[11750] P1990 (Witness RM-249, witness statement, 24 January 1996), p. 8.
[11751] P1990 (Witness RM-249, witness statement, 24 January 1996), pp. 4, 6; Witness RM-249, T. 15413-15414, 15478-15480.

were members of the VRS. The Trial Chamber will further consider this incident in relation to Counts 2 through 6 of the Indictment in chapter 8 below.

[11752] P1982 (List of Names of Victims, Annex D), pp. 311-312; P1987 (Dušan Janc, Srebrenica Investigation, Update to Summary of Forensic Evidence), p. 34.

7.7 School in Orahovac and nearby field (Schedule E.6.1 and E.6.2)

2733. According to the Indictment, the Accused is responsible for the killing of two Bosnian-Muslim prisoners who were detained at the school in Orahovac on or about 14 July 1995.[11753] The two prisoners were removed from the school and summarily executed by rifle fire.[11754] The Accused is also responsible for the killing of approximately 1,000 Bosnian-Muslim detainees which began in the afternoon of 14 July 1995.[11755] The men were blindfolded, transported to a nearby field by truck, and summarily executed on that field. The bodies of the victims were buried in mass graves at the execution site on 14 and 15 July 1995.[11756] The Trial Chamber took judicial notice of a number of Adjudicated Facts related to these incidents. It also received evidence from **Mevludin Orić**, a Bosnian Muslim from Lehovići in Srebrenica Municipality;[11757] **Witness RM-297**, a Bosnian Muslim from Zvornik;[11758] **Witness RM-362**, a resident of Srebrenica Municipality until 11 July 1995;[11759] **Damjan Lazarević**, a Serb member of the Engineering Unit of the Zvornik Brigade in July 1995;[11760] **Cvijetin Ristanović**, a Serb member of the Engineering Unit of the Zvornik Brigade from July 1992 until March 1996;[11761] **Milorad Birčaković**, a member of the VRS Zvornik Brigade Military Police in 1995;[11762] **Nebojša Jeremić**, member of the Zvornik Brigade Military Police from April 1993 until the end of July 1995;[11763] **Milos Mitrović**, a member of the Transport Platoon and Fortification Platoon within the Engineering Company of the Zvornik Brigade since December 1992;[11764] **Richard Butler**, an intelligence research specialist;[11765] **Dragoje Ivanović** and **Stanoje Birčaković**, both Bosnian-Serb military police officers in the Zvornik Brigade from 1993 until the end of the war;[11766] **Witness RM-269**, a member of the Drina Wolves from 1993 and a Military Police Officer in the

[11753] Indictment, paras 11-12, 21-22, 46(a), 59(a)(iii), 65(a), Schedule E.6.1.
[11754] Indictment, Schedule E.6.1.
[11755] Indictment, paras 11-12, 21-22, 46(a), 59(a)(iii), 65(a), Schedule E.6.2.
[11756] Indictment, Schedule E.6.2.
[11757] P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), pp. 861, 869.
[11758] P1443 (Witness RM-297, witness statement, 14 August 2013), pp. 1-2; P1442 (Pseudonym Sheet for Witness RM-297).
[11759] P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), pp. 17301-17302.
[11760] P3636 (Damjan Lazarević, *Popović et al.* transcript, 29-30 August 2007), pp. 14431-14432.
[11761] P3647 (Cvijetin Ristanović, *Blagojević and Jokić* transcript, 1 December 2003), pp. 5359-5360.
[11762] P2161 (Milorad Birčaković, *Popović et al.* transcript, 7-8 May 2007), pp. 11010-11011.
[11763] Nebojša Jeremić, T. 34273, 34299.
[11764] P3645 (Milos Mitrović, *Blagojević and Jokić* transcript, 3-4 December 2003), pp. 5589, 5590, 5594.
[11765] Richard Butler, T. 16108.
[11766] **Dragoje Ivanović**: P2169 (Dragoje Ivanović, *Popović et al.* transcript, 30 August 2007), pp. 14537-14538. **Stanoje Birčaković**: P2166 (Stanoje Birčaković, *Popović et al.* transcript, 1 May 2007), pp. 10740-10741.

Zvornik Brigade in June and July 1995;[11767] and **Lazar Ristić**, the Acting Commander of the 4th Infantry Battalion of the Zvornik Brigade between 1 July and 18 July 1995,[11768] and finds that this evidence is consistent with the Adjudicated Facts.[11769] The Trial Chamber also received evidence from **Witness RM-265**, a member of the Bratunac Brigade,[11770] **William Haglund**, a forensic anthropologist;[11771] **Dean Manning**, an investigator;[11772] **Dušan Janc**, an investigator; **Christopher Lawrence**, a forensic pathologist.[11773] **Jose Baraybar**, a forensic anthropologist;[11774] **Richard Wright**, who worked as a forensic archaeologist for the Prosecution from June 1997 to 2001;[11775] **John Clark**, a forensic pathologist;[11776] and **Fredy Peccerelli**, a forensic anthropologist.[11777]

[11767] P1561 (Witness RM-269, *Popović et al.* transcript, 29 January 2007), pp. 6437-6438.
[11768] P3510 (Lazar Ristić, *Popović et al.* transcript, 16 and 18 April 2007), pp. 10035, 10037.
[11769] **Mevludin Orić**: P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), pp. 937-939, 944, 947, 950-951. **Witness RM-297**: P1443 (Witness RM-297, witness statement, 14 August 2013), pp. 5-8. **Damjan Lazarević**: P3636 (Damjan Lazarević, *Popović et al.* transcript, 29-30 August 2007), pp. 14439-14444, 14445-14451, 14453, 14469-14471, 14476-14477; P3638 (Photograph of an 'ULT-220'); P3639 (Aerial image of a meadow in Orahovac, marked by Damjan Lazarević); P3642 (Zvornik brigade vehicle log for Rovakopac Torpedo, July 1995), p. 3; P3643 (Engineering unit daily orders log), p. 15. **Cvijetin Ristanović**: P3647 (Cvijetin Ristanović, *Blagojević and Jokić* transcript, 1 December 2003), pp. 5361-5362, 5365, 5367-5370, 5375-5388, 5406-5407; P3646 (Diagram depicting excavators), p. 2; P3648 (Zvornik Brigade Engineering Company attendance roster for the month of July 1995); P3649 (Brochure for a 'BGH-600'); P3650 (Sketch), p. 2. **Milorad Birčaković**: P2161 (Milorad Birčaković, *Popović et al.* transcript, 7-8 May 2007), p. 11041. **Nebojša Jeremić**: Nebojša Jeremić, T. 34342-34345. **Milos Mitrović**: P3645 (Milos Mitrović, *Blagojević and Jokić* transcript, 3-4 December 2003), pp. 5599, 5600-5602. **Richard Butler**: P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), paras 7.6, 7.10-7.11, 7.13-7.14, 7.18, 7.20, 7.22-7.23, 7.25-7.26. **Dragoje Ivanović**: P2169 (Dragoje Ivanović, *Popović et al.* transcript, 30 August 2007), pp. 14538, 14541-14545, 14550-14551, 14572. **Stanoje Birčaković**: P2166 (Stanoje Birčaković, *Popović et al.* transcript, 1 May 2007), pp. 10741-10744, 10754-10759, 10747. **Witness RM-362**: P3381 (Witness RM-362, *Tolimir* transcript, 22 March 2010), pp. 743-745, 749; P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), pp. 17328-17329, 17330-17332, 17334-17336; P3382 (Photograph of the gym); P3383 (Photograph of the gym); P3384 (Photograph of the gym). **Witness RM-269**: P1561 (Witness RM-269, *Popović et al.* transcript, 29 January 2007), pp. 6441, 6443-6446, 6449, 6466; Witness RM-269, T. 12711-12712, 12731-12732; P1562 (Photograph of a school). **Lazar Ristić**: P3511 (Lazar Ristić, *Tolimir* transcript, 1 February 2011), pp. 9250-9254; P3512 (Exterior photograph of Orahovac school gym, marked by Lazar Ristić); P3513 (Exterior photograph of Orahovac school gym, marked by Lazar Ristić); P3514 (Interior photograph of the Orahovac school gym, marked by Lazar Ristić)
[11770] P2540 (Witness RM-265, *Popović et al.* transcript, 8-9 November 2006), pp. 3793, 3796, 3800; P2541 (Witness RM-265, *Tolimir* transcript, 15 March 2011), pp. 11274, 11282.
[11771] P1828 (William Haglund, *Krstić* transcript, 29 May 2000), p. 3724; William Haglund, T. 14974.
[11772] P1730 (Dean Manning, *Karadžić* transcript, 6 March 2012), p. 25801.
[11773] Christopher Lawrence, T. 14695; P1803 (*Curriculum vitae* of Christopher Lawrence, undated), pp. 1-2.
[11774] Jose Baraybar, T. 16002; P2071 (*Curriculum vitae* of Jose Baraybar, undated), p. 1. Jose Braybr's evidence is also reviewed in chapter 7.10.
[11775] Richard Wright, T. 14413; P1760 (*Curriculum Vitae* of Richard Wright, 11 November 2011), pp. 1-3.
[11776] John Clark, T. 17185; P2236 (*Curriculum vitae* of John Clark); P2257 (John Clark, *Krstić* transcript, 30-31 May 2000), pp. 3897-3899; P2258 (John Clark, *Karadžić* transcript, 10 January 2012), pp. 22692-22693.
[11777] P2548 (*Curriculum vitae* of Fredy Peccerelli), pp. 1-2

2734. Members of the Zvornik Brigade participated in the detention, execution, and burial of Bosnian-Muslim men at Grbavci School and nearby field in Orahovac.[11778] Personnel from the 4th Battalion of the brigade were present at Orahovac during the executions, assisting in their commission.[11779] Members of the Military Police Company of the brigade were present immediately prior to the executions, presumably for such purposes as guarding the prisoners and then facilitating their transportation to the execution fields.[11780] Soldiers from the Zvornik Brigade Command and the 4th Battalion of the brigade assisted in guarding the prisoners at Grbavci School in Orahovac.[11781] Members of the Zvornik Brigade Military Police assisted in the detention of prisoners, with the approval of Dragan Obrenović, the Deputy Commander of the Zvornik Brigade, who knew of the murder operation at the time when he allowed the Military Police members to assist Drago Nikolić, the Chief of Security of the Zvornik Brigade, who was in charge of the detention of the Bosnian-Muslim men in Orahovac.[11782]

Transport to and detention at Grbavci School in Orahovac

2735. **Witness RM-265** stated that in the morning of 13 or 14 July 1995, Colonel Popović ordered Mirko Janković, a member of the VRS Bratunac Brigade, to take an APC to an intersection near the bus station in Zvornik.[11783] Mile Petrović and Nikola Popović, who was a military police officer, were also in the APC.[11784] Later, Janković drove the APC to a turning point in front of the headquarters of the Bratunac Brigade, following which a column of trucks and buses started forming behind the APC.[11785] One VRS soldier was onboard each bus. The trucks and buses were boarded by able-bodied Muslim men from the surrounding school buildings.[11786] Colonel Popović then appeared in a civilian car and led the column to Grbavci School in Orahovac, where the Muslim men disembarked and moved to the school gym.[11787] **Milorad Birčaković** stated that in

[11778] Adjudicated Facts II, no. 1571.
[11779] Adjudicated Facts II, no. 1572.
[11780] Adjudicated Facts II, no. 1577.
[11781] Adjudicated Facts II, no. 1569.
[11782] Adjudicated Facts II, no. 1570.
[11783] P2540 (Witness RM-265, *Popović et al.* transcript, 8-9 November 2006), pp. 3793, 3796, 3800, 3837-3839, 3841-3842, 3858-3859; P2541 (Witness RM-265, *Tolimir* transcript, 15 March 2011), pp. 11274, 11282.
[11784] P2540 (Witness RM-265, *Popović et al.* transcript, 8-9 November 2006), pp. 3839, 3841-3842.
[11785] P2540 (Witness RM-265, *Popović et al.* transcript, 8-9 November 2006), pp. 3839-3842, 3851.
[11786] P2540 (Witness RM-265, *Popović et al.* transcript, 8-9 November 2006), p. 3842.
[11787] P2540 (Witness RM-265, *Popović et al.* transcript, 8-9 November 2006), pp. 3838, 3840, 3843-3844, 3849, 3851; P2542 (Photograph of the Grbavci School in Orahovac).

the morning of 14 July 1995, on orders from Milorad Trbić, he drove Drago Nikolić from Jerkici to Karakaj for a meeting with Ljubisa Beara, who was the Chief of Security of the VRS Main Staff, and Vijudin Popović, who was the Chief of Security of the DK.[11788] He then drove Nikolić to the Vidikovac hotel, where the witness saw approximately five to ten buses arriving between 8:30 and 9 a.m.[11789] According to the witness, the buses carried security guards and Muslim male detainees.[11790] The witness entered the first bus and Nikolić took the car.[11791] The buses went to the primary school in Orahovac where approximately 200 detainees were moved into the school gym.[11792] At approximately 11 a.m., Nikolić arrived at the school.[11793] Trbić was also present.[11794] **Lazar Ristić** stated that he saw Commander Jasikovac near the Orahovac school gym.[11795] He also saw Trbić, Čedo Jović, and Goran Bogdanović approximately 50 metres from the school.[11796] **Witness RM-269** testified that he saw approximately a dozen civilian buses arriving at the school, escorted by civilian police in blue uniforms, and between 700 and 800 detainees exiting the buses and entering the school gym.[11797] The witness's duties at the time were to secure the facility and to ensure that the crowd could not get to the detainees.[11798] Approximately 100 locals who had gathered near the school were aggressive towards the detainees, and one of these locals told the witness that all of the detainees should be killed.[11799] **Stanoje Birčaković** stated that detainees were transported to the Orahovac school in a convoy of around 15 to 20 buses led by a

[11788] P2161 (Milorad Birčaković, *Popović et al.* transcript, 7-8 May 2007), pp. 11011, 11012-11014.
[11789] P2161 (Milorad Birčaković, *Popović et al.* transcript, 7-8 May 2007), pp. 11017-11018.
[11790] P2161 (Milorad Birčaković, *Popović et al.* transcript, 7-8 May 2007), p. 11019.
[11791] P2161 (Milorad Birčaković, *Popović et al.* transcript, 7-8 May 2007), pp. 11018-11019.
[11792] P2161 (Milorad Birčaković, *Popović et al.* transcript, 7-8 May 2007), p. 11019-11020, 11022.
[11793] P2161 (Milorad Birčaković, *Popović et al.* transcript, 7-8 May 2007), p. 11022. *See also* P1561 (Witness RM-269, *Popović* transcript, 29 January 2007), pp. 6451-6452, 6484; P2166 (Stanoje Birčaković, *Popović et al.* transcript, 1 May 2007), pp. 10748-10750; P2167 (Photograph of the Grbavci school, marked by Stanoje Birčaković); P2169 (Dragoje Ivanović, *Popović et al.* transcript, 30 August 2007), pp. 14538, 14544-15545, 14551.
[11794] P2161 (Milorad Birčaković, *Popović et al.* transcript, 7-8 May 2007), p. 11027.
[11795] P3511 (Lazar Ristić, *Tolimir* transcript, 1 February 2011), pp. 9250-9251; P3512 (Exterior photograph of Orahovac school gym, marked by Lazar Ristić); P3513 (Exterior photograph of Orahovac school gym, marked by Lazar Ristić). *See also* P1561 (Witness RM-269, *Popović* transcript, 29 January 2007), p. 6451; P2166 (Stanoje Birčaković, *Popović et al.* transcript, 1 May 2007), pp. 10748-10750; P2167 (Photograph of the Grbavci school, marked by Stanoje Birčaković); P2169 (Dragoje Ivanović, *Popović et al.* transcript, 30 August 2007), pp. 14538, 14544-15545.
[11795] P2161 (Milorad Birčaković, *Popović et al.* transcript, 7-8 May 2007), p. 11027.
[11796] P3511 (Lazar Ristić, *Tolimir* transcript, 1 February 2011), pp. 9251, 9254; P3515 (Exterior photograph of Orahovac school gym, marked by Lazar Ristić).
[11797] P1561 (Witness RM-269, *Popović* transcript, 29 January 2007), pp. 6446, 6450, 6449, 6478-6479; Witness RM-269, T. 12721-12722, 12725.
[11798] P1561 (Witness RM-269, *Popović* transcript, 29 January 2007), p. 6451; Witness RM-269, T. 12734.
[11799] P1561 (Witness RM-269, *Popović* transcript, 29 January 2007), pp. 6448, 6450-6451, 6461; Witness RM-269, T. 12722-12723.

UN APC.[11800] There were no UN soldiers in the APC.[11801] The detainees were men between the ages of 20 and 60, many wearing civilian clothing and some wearing military uniforms.[11802] **Dragoje Ivanović** stated that approximately 350 civilians arrived at Orahovac school in buses escorted by several UN vehicles and one or two military jeeps. The civilians were accompanied by VRS soldiers and were brought into the school gym.[11803]

2736. **Mevludin Orić** stated that on 14 July 1995, he and other detainees were transported by bus from Vuk Karadžić School in Bratunac to a school in a hamlet in the direction of Karakaj-Kalesija.[11804] Upon arrival, the people on the bus were ordered to run across a concrete football pitch towards the school, while soldiers lined either side of the pitch.[11805] **Witness RM-297** testified that he and other detainees were transported on trucks from Sandići Meadow to the gym of Grbavci School in Orahovac, which was a five-to-ten-minute drive from Karakaj.[11806] The detainees were ordered to disembark and place their clothes, other than the shirts and trousers they were wearing, on a large pile just before entering the gym.[11807]

2737. By the time **Witness RM-297** entered the gym, which was approximately 15 metres long by 12 metres wide, it was more than half full with detainees who were ordered to sit in long rows.[11808] He estimated that approximately 1,000 detainees were placed in the gym.[11809] Four boys, who the witness estimated were between 10 and 14 years old, were sitting in a separate group. The witness later learned that these boys were released and were still alive.[11810] **Witness RM-362** stated that people continued to arrive in trucks and buses, the last ones around 10 a.m., until the gym was full.[11811] He

[11800] P2166 (Stanoje Birčaković, *Popović et al.* transcript, 1 May 2007), pp. 10745-10746.
[11801] P2166 (Stanoje Birčaković, *Popović et al.* transcript, 1 May 2007), p. 10745.
[11802] P2166 (Stanoje Birčaković, *Popović et al.* transcript, 1 May 2007), pp. 10745-10746.
[11803] P2169 (Dragoje Ivanović, *Popović et al.* transcript, 30 August 2007), pp. 14541-14543, 14572.
[11804] P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), pp. 889-892, 908, 933-937, 944.
[11805] P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), pp. 937-938. *See also* P3381 (Witness-362, *Tolimir* transcript, 22 March 2010), p. 749; P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), pp. 17325, 17327-17328.
[11806] P1443 (Witness RM-297, witness statement, 14 August 2013), pp. 2-4; Witness RM-297, T. 10949-10950, 10977; P1132 (Photographs, maps, and aerials, compiled by Jean-René Ruez), pp. 129-133.
[11807] P1443 (Witness RM-297, witness statement, 14 August 2013), p. 4; Witness RM-297, T. 10949-10950; P1132 (Photographs, maps, and aerials, compiled by Jean-René Ruez), p. 131. *See also* P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), pp. 938-939.
[11808] P1443 (Witness RM-297, witness statement, 14 August 2013), pp. 4-5; Witness RM-297, T. 10949-10950, 10978; P1132 (Photographs, maps, and aerials, compiled by Jean-René Ruez), p. 133.
[11809] P1443 (Witness RM-297, witness statement, 14 August 2013), p. 5.
[11810] P1443 (Witness RM-297, witness statement, 14 August 2013), p. 5; Witness RM-279, T. 10978.
[11811] P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), pp. 17332-17333.

estimated that there were about 2,500 people in the gym.[11812] They were not given any water or food.[11813] **Orić** estimated that there were around 2,000 people, including at least four boys, crammed into the gym, with many suffering from heat exhaustion and thirst. Many, especially the elderly, fainted and were left without medical attention or food. The detainees were forced to sit with their knees touching their chins, which made it difficult to breathe. The four boys were allowed to carry buckets of water to the people in the gym, but there was not enough water for everyone.[11814] **Ristić** stated that he saw Military Police Officer Nada Stojanović carrying water to the detainees.[11815]

Schedule E.6.1

2738. Three witnesses provided accounts of the alleged killings at the school. **Witness RM-297** testified that at one point during his detention at the school that day, there was some commotion among the detainees because it was very hot and there was not enough air, and the guards fired warning shots from the door of the gym over the heads of the detainees.[11816] One of the detainees said to the guards that '[t]hese people must not be killed', and a guard responded, 'Now we will see whether these people can or cannot be killed'. Shortly thereafter, this detainee was taken out; the witness heard gunshots and the detainee screaming, then more gunshots, and the detainee never returned.[11817] **Orić** also stated that a man from the crowd of people stood up and shouted, 'Don't be afraid people. There is enough of us'.[11818] In response, a man, whom the witness believed to be the commander on the basis that he saw him giving orders and instructions, asked the crowd to push the man who had shouted towards the exit, threatening that everyone would be shot if they refused.[11819] When the man was pushed out by the crowd, the guards shot and killed him at the exit of the gym.[11820] Finally, **Witness RM-362** also described how one man stood up and complained about the conditions in the school,

[11812] P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), pp. 17337-17338.
[11813] P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), p. 17333.
[11814] P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), pp. 944-945.
[11815] P3511 (Lazar Ristić, *Tolimir* transcript, 1 February 2011), pp. 9252-9254; P3512 (Exterior photograph of Orahovac school gym, marked by Lazar Ristić); P3514 (Interior photograph of the Orahovac school gym, marked by Lazar Ristić).
[11816] Witness RM-297, T. 10950; P1132 (Photographs, maps, and aerials, compiled by Jean-René Ruez), pp. 131-134.
[11817] P1443 (Witness RM-297, witness statement, 14 August 2013), p. 5.
[11818] P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), pp. 945-946.
[11819] P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), pp. 946-947, 950-951.
[11820] P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), pp. 946-947, 951.

saying that he was suffocating and did not want to stay there any longer, and asking why the soldiers were 'torturing' him. The soldiers told him to come out and 'cool off a bit'.[11821] After the man went through the entrance of the gym, the witness heard a burst of gunfire, and the man never returned.[11822] **Witness RM-362** stated that no other detainees left the gym.[11823] According to **Witness RM-297**, after the killing of the first detainee, the guards took another detainee out for reasons unknown to the witness, and the witness again heard gunshots and then silence. The detainee did not return.[11824]

Schedule E.6.2

2739. With respect to the alleged further killings of detainees from Grbavci School in nearby fields, **Orić** stated that while he was detained at the school, a man whom the witness identified as the commander informed the detainees that they would be transferred to Batković camp.[11825] The commander directed them into a locker room.[11826] A man the witness identified as Mezir Gusić, whom the witness knew as a native from Križevci in Srebrenica Municipality, was crying as he blindfolded the people in the locker room area.[11827] The witness asked Gusić where they would be taken, to which Gusić replied that he did not know.[11828] While the detainees were blindfolded, they spoke among themselves, wondering whether they would indeed be exchanged, or killed.[11829] The witness's blindfold was loosely fitted and he could see below it. He could also hear what was happening in the vicinity.[11830] From the locker room which had an exit leading outside, 12 or 13 people at a time were placed onto trucks that had arrived at the school.[11831] The witness listed the following people,

[11821] P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), p. 17333.
[11822] P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), pp. 17733-17334.
[11823] P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), p. 17334.
[11824] P1443 (Witness RM-297, witness statement, 14 August 2013), p. 5.
[11825] P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), pp. 933, 937, 947. *See also* P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), pp. 17334-17335. The Trial Chamber understands Orić's evidence to refer to Grbavci School in Orahovac.
[11826] P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), pp. 947, 950, 951.
[11827] P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), pp. 951-953, 954. *See also* P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), para. 7.11; P1443 (Witness RM-297, witness statement, 14 August 2013), pp. 5-6.
[11828] P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), p. 953.
[11829] P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), pp. 952-953.
[11830] P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), p. 953.
[11831] P1757 (Mevludin Orić, *Popović et al.* transcript, 28-29 August 2006), pp. 947, 952-953, 954. *See also* P3381 (Witness-362, *Tolimir* transcript, 22 March 2010), pp. 746-747; P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), pp. 17332, 17334-17335; P3382 (Photograph of the gym); P3383 (Photograph of the gym); P3384 (Photograph of the gym).

including his relatives and neighbours, as being close to him in the truck he was placed in: Nurif Hodzić, Ehrem Hasanović, Haris Hasanović, Hakija Malić, and Eso or Esad Malić.[11832] **Witness RM-297** testified that some of the detainees asked where they were being taken to which guards responded that they were being taken to a camp in Bijeljina. One of the soldiers wore a red beret with a badge on the front with four S's.[11833] Once on the trucks, the detainees could remove their blindfolds.[11834]

2740. **Witness RM-269** testified that a truck arrived and military policemen and soldiers loaded the detainees, who had their hands tied, on the truck.[11835] The truck then drove in the direction of Tuzla. It returned empty shortly afterwards and once again detainees were loaded onto the truck and driven away; this went on until the school gym was emptied. The witness could hear bursts of fire from the direction where the detainees were taken.[11836] There were a couple of soldiers in uniform and one or two military police officers from the Zvornik Brigade accompanying the truck. They recharged ammunition when returning to the school and the witness heard some of them saying that the detainees had been killed.[11837] **Stanoje Birčaković** stated that, from the yards of the surrounding houses approximately 100 metres away from the school, he saw how the detainees were loaded onto trucks and driven away, and this continued throughout the day.[11838] Apart from the normal firing going on around them, he heard a particular pattern of shooting throughout the day in intervals of 15 to 20 minutes which continued until dusk, leaving him to think that the detainees might not have been exchanged but executed.[11839] On the following day, he learned that the detainees had probably been killed.[11840] **Milorad Birčaković** stated that he saw the detainees, whose hands were tied, being loaded into 'TAM' trucks.[11841] Later, they were blindfolded.[11842] He then saw two 'TAM' trucks each taking approximately 20 to 30 detainees towards

[11832] P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), pp. 947, 952-953, 954.
[11833] P1443 (Witness RM-297, witness statement, 14 August 2013), p. 5.
[11834] P1443 (Witness RM-297, witness statement, 14 August 2013), p. 6.
[11835] P1561 (Witness RM-269, *Popović et al.* transcript, 29 January 2007), pp. 6454, 6458; Witness RM-269, T. 12718; P1566 (Photograph marked by Witness RM-269).
[11836] P1561 (Witness RM-269, *Popović et al.* transcript, 29 January 2007), p. 6455.
[11837] P1561 (Witness RM-269, *Popović et al.* transcript, 29 January 2007), pp. 6455-6456; Witness RM-269, T. 12739-12741.
[11838] P2166 (Stanoje Birčaković, *Popović et al.* transcript, 1 May 2007), pp. 10748, 10753-10754.
[11839] P2166 (Stanoje Birčaković, *Popović et al.* transcript, 1 May 2007), pp. 10754-10758.
[11840] P2166 (Stanoje Birčaković, *Popović et al.* transcript, 1 May 2007), p. 10759.
[11841] P2161 (Milorad Birčaković, *Popović et al.* transcript, 7-8 May 2007), pp. 11025-11026.
[11842] P2161 (Milorad Birčaković, *Popović et al.* transcript, 7-8 May 2007), p. 11026.

Križevići along a dirt road.[11843] The witness recognised one of the drivers as a member of the 4th Battalion of the Zvornik Brigade.[11844] The trucks passed a water point and then made a left turn towards the railway tracks.[11845] The total number of trips made by the trucks was between six and nine. The witness partially escorted four to six such trips on the order of Miomir Jasikovac.[11846] **Ivanović** also saw that around five military trucks repeatedly took up civilians from the school building and drove them towards the separation line.[11847] After returning to their military barracks, Jasikovac told Ivanović and the other soldiers that some of the civilians had been exchanged while others had been liquidated.[11848]

2741. **Orić** stated that at one point while he was on the truck he lifted his blindfold to take a cigarette offered by one of his relatives and could see a red car following the truck he was in; a Serb soldier, who was looking through the window of the car and holding a rifle, told him to put his blindfold back on.[11849] The truck arrived at its destination within five minutes, which led the witness to believe that they were not being taken to Bijeljina since that would have taken longer.[11850] The Serb soldiers ordered the witness and the other people on the truck to jump out onto a meadow and line up, and then summarily shot them.[11851] All of the people in the witness's group were killed but the witness threw himself to the ground after one of his relatives was shot; he pretended to be dead and his relative died on top of him.[11852] The witness heard trucks arriving every five minutes and he believed they were loaded with people on the basis that he could hear people being lined up or pleading not to be killed as they were

[11843] P2161 (Milorad Birčaković, *Popović et al.* transcript, 7-8 May 2007), pp. 11025-11027, 11038, 11041; P2163 (Photograph marked by Milorad Birčaković); P2164 (Photograph marked by Milorad Birčaković).
[11844] P2161 (Milorad Birčaković, *Popović et al*. transcript, 7-8 May 2007), p. 11038.
[11845] P2162 (Milorad Birčaković, *Tolimir* transcript, 1 February 2011), p. 9190; P2163 (Photograph marked by Milorad Birčaković).
[11846] P2161 (Milorad Birčaković, *Popović et al*. transcript, 7-8 May 2007), pp. 11026-11027, 11037.
[11847] P2169 (Dragoje Ivanović, *Popović et al.* transcript, 30 August 2007), pp. 14545-15546, 14549, 14552.
[11848] P2169 (Dragoje Ivanović, *Popović et al.* transcript, 30 August 2007), pp. 14550-14551.
[11849] P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), pp. 954-955. *See also* P3525 (Witness RM-362, *Popović et al*. transcript, 1 November 2007), pp. 17335-17336.
[11850] P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), pp. 953, 955. *See also* P1443 (Witness RM-297, witness statement, 14 August 2013), p. 6; Witness RM-297, T. 10950.
[11851] P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), pp. 955-956. *See also* P1443 (Witness RM-297, witness statement, 14 August 2013), p. 6; P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), p. 17336; P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), para. 7.12.
[11852] P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), p. 956.

taken off the trucks, and were killed in the same manner.[11853] The soldiers were killing those who were only wounded by the initial shots, sometimes saying 'suffer some more, you *Ustaša*' or, 'you Muslim'.[11854] Throughout the killings, the soldiers were referring to the men as 'Turks' and said 'fuck [their] Turk mothers' and that they 'were best off dead'.[11855] The witness clarified that he heard killings lasting at least one hour until he fainted in the afternoon.[11856] During the killings, the witness heard what he thought were big machines working nearby.[11857] When the witness regained consciousness it had gone dark and the killings were still occurring for a further hour until someone said that they had finished and that the next day the bodies would be thrown into the grave. The big machines turned their engines off as the soldiers left.[11858] Following the executions, the soldiers referred to the dead using derogatory terms and said, '[f]uck them. They're all dead. There's no need for us to stay'.[11859]

2742. **Witness RM-297**, who also survived the shooting, stated that, following the shooting of the detainees in his group, he fell to the ground and was covered by the bodies of others. After everyone had fallen, they were shot at again, but the witness sustained only a minor injury. One of the men was begging the soldiers to kill him and a soldier answered 'slowly, slowly'.[11860] About ten minutes later, another truck arrived and the process was repeated until sometime in the evening when the witness concluded that the site of the executions had been changed because he could no longer hear trucks arriving, but continued to hear gunshots from approximately 300 metres away from an area the witness later discovered was on the other side of the railroad tracks.[11861] The witness eventually managed to take off his blindfold and saw a yellow backhoe and a group of seven to eight soldiers in camouflage uniforms who the witness concluded had done the shooting.[11862] Among these soldiers the witness recognized Gojko Simić who was from the village of Orahovac in the area where the shootings happened.[11863] The

[11853] P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), pp. 956, 959, 961-962.
[11854] P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), p. 957.
[11855] P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), p. 961.
[11856] P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), p. 958.
[11857] P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), pp. 957, 960.
[11858] P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), pp. 959-960.
[11859] P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), pp. 957, 961.
[11860] P1443 (Witness RM-297, witness statement, 14 August 2013), p. 6.
[11861] P1443 (Witness RM-297, witness statement, 14 August 2013), pp. 6-7.
[11862] P1443 (Witness RM-297, witness statement, 14 August 2013), p. 6.
[11863] P1443 (Witness RM-297, witness statement, 14 August 2013), p. 6; Witness RM-297, T. 10951-10952; P1444 (Zvornik Brigade Death Certificate of Gojko Simić), p. 1. *See also* P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), para. 7.13.

witness overheard the soldiers talking about changing the location of the executions to a mowed meadow. Simić ordered three of the soldiers to stay with the backhoe and the others to take ammunition to the meadow.[11864] **Richard Butler** testified that an eyewitness recalled hearing some of the soldiers refer to each other as Risto and Vojo.[11865]

2743. **Witness RM-362**, a third survivor, stated that, following the shooting, a man standing behind him fell on him, causing him to fall on his stomach. The witness lay still for fear of being discovered alive. When another truck of people approached, the witness turned his head a little and saw the people lining up in four rows.[11866] As soon as the truck left, 'they' started shooting at the group that had just arrived.[11867] Two TAM trucks would bring people to the field in turns, escorted by a red car carrying an armed soldier who would stay at the execution site until all people were shot.[11868] **Witness RM-297** stated that one of the detainees who had also survived the shooting ran to some nearby woods and the soldiers started to shoot in his direction.[11869] A yellow front end loader pointed its lights towards the woods and its driver saw the witness moving and called out to the soldiers that another one was running away.[11870] The soldiers opened fire on the witness who was able to escape by running through a corn field.[11871] For some time the witness continued to hear gunfire coming from the meadow in which he later saw corpses and heard the moaning of a person in agony.[11872] The witness escaped from the area, eventually making his way to Bosnian-Muslim-controlled territory.[11873] **Witness RM-362** stated that while the killings went on, a yellow excavator behind him was digging a grave. According to the witness, the killings continued until night time.[11874] At some point after it got dark, the witness climbed up from underneath the bodies and crawled for about ten metres up to the bushes and shrubbery behind which

[11864] P1443 (Witness RM-297, witness statement, 14 August 2013), p. 7.
[11865] P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), para. 7.13.
[11866] P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), p. 17336.
[11867] P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), pp. 17336-17337.
[11868] P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), p. 17337.
[11869] P1443 (Witness RM-297, witness statement, 14 August 2013), p. 7.
[11870] P1443 (Witness RM-297, witness statement, 14 August 2013), pp. 6-7. *See also* P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), p. 17337.
[11871] P1443 (Witness RM-297, witness statement, 14 August 2013), p. 7.
[11872] P1443 (Witness RM-297, witness statement, 14 August 2013), pp. 7-8.
[11873] P1443 (Witness RM-297, witness statement, 14 August 2013), pp. 8-9.
[11874] P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), p. 17337.

he hid, watching the soldiers at the site.[11875] The witness arrived in the 'free territory' on 19 July 1995.[11876]

2744. **Orić** testified that sometime long after midnight, once he had made sure that the killing had stopped and the soldiers had left, he managed to escape from the meadow to a forest uninjured, walking over the heap of bodies together with another person who survived the shooting.[11877] Before he left the meadow, he saw that it was covered with dead bodies and an excavator had dug out a pit measuring five metres in depth and ten metres in length.[11878] The two men discovered two additional Bosnian-Muslim men who had survived the shooting but whom they could not help; they did not see other survivors of the shooting in the vicinity.[11879] As they made their way through the forest, the two men hid in the bushes near to a torched house and fell asleep until the sun came up the following day.[11880] They encountered another man who had a survived another shooting in the area and they all arrived in Nezuk, in free territory, on 21 July 1995.[11881]

2745. Members of the Zvornik Brigade Engineering Company participated in the burials from the night of 14 July 1995 through the morning of 15 July 1995, using the equipment belonging to the company.[11882] The machinery and equipment belonging to the company was engaged in tasks relating to the burial of the victims from Orahovac between 14 and 16 July 1995.[11883] Records of the Zvornik Brigade's Engineer Company reflect the presence of a number of vehicles in Orahovac on 14 July: a 'TAM 75' (small size transportation vehicle), which made two round-trips between the base and Orahovac; a Mercedes 2626 which towed an excavator to the village of Križevići, located one kilometre from Orahovac; one excavator, which went from the base to Orahovac, spent six hours digging, and then returned to base; and an excavator-loader that went from the base to Orahovac and spent five hours working.[11884] The Engineer Company Daily Orders Journal lists the following items on both 15 and 16 July: work with 'BGH-700' (excavator) in Orahovac; work with 'ULT 220' (loader) in

[11875] P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), p. 17338.
[11876] P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), p. 17341.
[11877] P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), pp. 963-964.
[11878] P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), pp. 964, 967.
[11879] P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), pp. 963, 968.
[11880] P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), p. 969.
[11881] P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), pp 969-970.
[11882] Adjudicated Facts II, no. 1578.
[11883] Adjudicated Facts II, no. 1573.
[11884] Adjudicated Facts II, no. 1574.

Orahovac.[11885] Zvornik Brigade vehicle utilisation records also show that, on 15 and 16 July, one 'ULT 220' (loader) was operating for five hours at Orahovac and a 'TAM 75' truck made three or four trips between the base and Orahovac. Also on 15 July, 40 litres of diesel fuel were disbursed to the Rear Services Battalion, operating out of Orahovac and, on 16 July, a Mercedes truck towed an excavator with a trailer between the base and Orahovac, and a 'TAM 75' truck made two trips to Kozluk.[11886] **Cvijetin Ristanović** specified that sometime before noon on 14 July 1995, the chief of engineers, Major Dragan Jokić ordered him to take an excavator and go to a location near the school in Orahovac.[11887] The witness went to the school and continued from there for approximately another kilometre and reached a water point on the road between Orahovac and Križevići, where he stopped.[11888] Slavko Bogičević, a member of the command staff of the Engineering Unit, then asked him to drive the excavator through the nearby underpass beneath the Živinice-Zvornik railroad.[11889] The witness complied with this instruction. Having reached the other side of the underpass, the witness encountered a meadow with a forest behind it. On the meadow, he saw a number of civilians and soldiers.[11890] Bogičević then instructed the witness to dig approximately one and a half to two metres deep in an area that had been marked with four wooden stakes and that measured approximately two to three metres wide and approximately 15 metres long.[11891] The witness followed this instruction.[11892] After the witness had been digging for a while, he was asked by an unknown person to stop, go back towards the underpass at the railroad, and wait there with his back towards the excavation site.[11893] The witness walked accordingly to the rail tracks. When standing near the railroad, he heard a truck approaching.[11894] After a short while, he heard shouts of '[g]et out!' followed by bursts of gunfire.[11895] After this incident, an unknown individual approached the witness and told him to go back and continue with his work. The

[11885] Adjudicated Facts II, no. 1575.
[11886] Adjudicated Facts II, no. 1576.
[11887] P3647 (Cvijetin Ristanović, *Blagojević and Jokić* transcript, 1 December 2003), pp. 5363-5364, 5406.
[11888] P3647 (Cvijetin Ristanović, *Blagojević and Jokić* transcript, 1 December 2003), pp. 5365-5369.
[11889] P3647 (Cvijetin Ristanović, *Blagojević and Jokić* transcript, 1 December 2003), pp. 5365, 5370-5371, 5407.
[11890] P3647 (Cvijetin Ristanović, *Blagojević and Jokić* transcript, 1 December 2003), p. 5371.
[11891] P3647 (Cvijetin Ristanović, *Blagojević and Jokić* transcript, 1 December 2003), pp. 5371-5372, 5378-5379; P3650 (Sketch), p. 2.
[11892] P3647 (Cvijetin Ristanović, *Blagojević and Jokić* transcript, 1 December 2003), pp. 5371-5372.
[11893] P3647 (Cvijetin Ristanović, *Blagojević and Jokić* transcript, 1 December 2003), pp. 5372-5373.
[11894] P3647 (Cvijetin Ristanović, *Blagojević and Jokić* transcript, 1 December 2003), p. 5373.
[11895] P3647 (Cvijetin Ristanović, *Blagojević and Jokić* transcript, 1 December 2003), pp. 5373-5374.

witness complied and when he approached the excavation site he came across a number of dead bodies.[11896] According to the witness, the victims had been blindfolded with white fabric and had civilian clothing.[11897] The witness resumed his work but after a short period, the same sequence of events repeated itself.[11898]

2746. In the morning of 15 July 1995, the witness returned to the water point and across the underpass, he saw more dead bodies, four to six individuals in civilian overalls or working clothes, as well as a number of soldiers.[11899] He drove through the underpass towards the meadow and saw that a second area had been marked with stakes.[11900] The witness started digging there but was forced to stop when he inadvertently caused an underground water pipe to rupture and fill the unfinished pit with water.[11901] After this incident, the witness continued to dig in another area.[11902] **Damjan Lazarević** stated that on 15 July 1995, he walked from the school in Orahovac, following the road to Krizevići, to a nearby water point in a meadow.[11903] At the water point he saw between 20 and 30 corpses, some of which were wearing camouflage uniforms and others dressed in civilian clothes.[11904] About 150 to 200 metres from the water point was an overpass with a railroad track leading to Tuzla.[11905] The witness passed this overpass and noticed an even larger group of corpses on his right-hand side about 20 to 30 metres away in the meadow, also dressed in uniforms, as well as civilian clothing.[11906] The witness saw various machines at work on the spot, such as a yellow excavator that had been sent there from his unit the day before.[11907] It was operated by

[11896] P3647 (Cvijetin Ristanović, *Blagojević and Jokić* transcript, 1 December 2003), p. 5374; P3650 (Sketch), p. 2.
[11897] P3647 (Cvijetin Ristanović, *Blagojević and Jokić* transcript, 1 December 2003), pp. 5374-5375.
[11898] P3647 (Cvijetin Ristanović, *Blagojević and Jokić* transcript, 1 December 2003), p. 5375.
[11899] P3647 (Cvijetin Ristanović, *Blagojević and Jokić* transcript, 1 December 2003), pp. 5365, 5381-5384; P3650 (Sketch), p. 2.
[11900] P3647 (Cvijetin Ristanović, *Blagojević and Jokić* transcript, 1 December 2003), pp. 5384-5385; P3650 (Sketch), p. 2.
[11901] P3647 (Cvijetin Ristanović, *Blagojević and Jokić* transcript, 1 December 2003), p. 5385.
[11902] P3647 (Cvijetin Ristanović, *Blagojević and Jokić* transcript, 1 December 2003), pp. 5385-5386; P3650 (Sketch), p. 2.
[11903] P3636 (Damjan Lazarević, *Popović et al.* transcript, 29-30 August 2007), pp. 14439-14442, 14469-14471; P3643 (Engineering unit daily orders log), p. 15.
[11904] P3636 (Damjan Lazarević, *Popović et al.* transcript, 29-30 August 2007), pp. 14443-14444, 14453; P3639 (Aerial image of a meadow in Orahovac, marked by Damjan Lazarević).
[11905] P3636 (Damjan Lazarević, *Popović et al.* transcript, 29-30 August 2007), p. 14444.
[11906] P3636 (Damjan Lazarević, *Popović et al.* transcript, 29-30 August 2007), pp. 14444-14445, 14448, 14453; P3639 (Aerial image of a meadow in Orahovac marked by the witness).
[11907] P3636 (Damjan Lazarević, *Popović et al.* transcript, 29-30 August 2007), pp. 14445-14447; P3637 (Photograph of a BGH-500 excavator).

Cvijetin Ristanović from the engineering unit.[11908] After having spent between three to four hours at the site and while the machine was still loading the bodies, the witness returned to the school in Orahovac by foot.[11909] He learned the next day that the burial operation continued until 6 or 7 p.m.[11910]

2747. The Trial Chamber received evidence from forensic anthropologist Fredy Peccerelli and forensic pathologist John Clark concerning the bodies exhumed from the Lažete 1 mass grave. According to a report authored by forensic anthropologist **Fredy Peccerelli**, Lažete 1 was located along the paved road between Lažete and Krizevići and consisted of a field immediately east of Lažete 2.[11911] The south-eastern quarter of the field contained the grave area in which a total of 129 bodies were found; 127 in a grave and two in a ditch.[11912] A report authored by forensic pathologist **John Clark** confirmed that 129 bodies and a number of body parts were exhumed from Lažete 1.[11913] Autopsies were performed on the 129 bodies and the report indicates the following with respect to the cause of death, relying on the most fatal injury found on the bodies: 54 had gunshot injuries to the trunk; 37 had multiple gunshot injuries; 32 had gunshot injuries to the head; two had gunshot injuries to the legs; and four had an undetermined cause of death.[11914] In total, 549 gunshots had been fired at the 129 individuals, with an average of four gunshots per person.[11915] At the time of their deaths, the individuals found in Lažete 1 were male between the age of 15 and 85 years, with the majority being between the age of 30 and 60 years.[11916] While some items of clothing were found on nearly all of the bodies in Lažete 1, none of the individuals examined appeared to have been wearing military clothing and no weapons or ammunitions were found.[11917]

[11908] P3636 (Damjan Lazarević, *Popović et al.* transcript, 29-30 August 2007), pp. 14451, 14473-14475; P3642 (Zvornik Brigade vehicle log for Rovakopac Torpedo, July 1995), pp. 1, 3.
[11909] P3636 (Damjan Lazarević, *Popović et al.* transcript, 29-30 August 2007), p. 14452.
[11910] P3636 (Damjan Lazarević, *Popović et al.* transcript, 29-30 August 2007), p. 14452.
[11911] P2552 (Fredy Peccerelli, Report on excavation and exhumation, Lažete 1, Bosnia-Herzegovina, 2000), p. 4. The Trial Chamber notes that Peccerelli's report also refers to the Lažete 1 mass grave as 'LZ01'.
[11912] P2552 (Fredy Peccerelli, Report on excavation and exhumation, Lažete 1, Bosnia-Herzegovina, 2000), pp. 2-4, 17, 21.
[11913] P2260 (John Clark, Report on autopsies of human remains from Lažete 1-2, Glogova 1, Kravica, and Ravnice, 2000), pp. 1, 7.
[11914] P2260 (John Clark, Report on autopsies of human remains from Lažete 1-2, Glogova 1, Kravica, and Ravnice, 2000), p. 13.
[11915] P2260 (John Clark, Report on autopsies of human remains from Lažete 1-2, Glogova 1, Kravica, and Ravnice, 2000), pp. 9, 16.
[11916] P2260 (John Clark, Report on autopsies of human remains from Lažete 1-2, Glogova 1, Kravica, and Ravnice, 2000), pp. 7, 16.
[11917] P2260 (John Clark, Report on autopsies of human remains from Lažete 1-2, Glogova 1, Kravica, and Ravnice, 2000), pp. 8, 27.

Personal possessions such as identification documents, jewellery, and a Koran were found on the bodies.[11918] In Lažete 1, 89 definite and five probable blindfolds, made of a variety of material and for most of them out of a pink cloth, were recovered at the site, usually over the eyes of the individuals but also pulled upwards or downwards.[11919] Clear bullet holes were present in several of the blindfolds.[11920] A small number of individuals had their hands tied together behind their backs with ligatures, made of electrical wire and thick wire, tied around their wrists and another individual had connecting loop of cloths around his legs.[11921] Concerning the body parts found in Lažete 1, all were from adults whose sex could not be determined.[11922] Blindfolds were present around parts of two skulls. Gunshot injuries were present in five cases, including two to the head, representing the potential cause of death.[11923]

2748. According to **Peccerelli**, there was no evidence of funeral artefacts or observation of religious or cultural funerary practices in relation to any of the bodies found in Lažete 1.[11924] Seventy of the 129 bodies had fractures, 36 of which were to the head.[11925] The 127 bodies in the grave were disorganised, dug into undisturbed brown yellow clay, and covered by disturbed soil.[11926] This indicated that machinery had scraped the ground while pushing the bodies, along with the excavated soil, into the grave.[11927] The disorganisation of the bodies in the ditch indicated that they had been displaced from the primary grave during a robbing.[11928] The ditch fill over the two

[11918] P2260 (John Clark, Report on autopsies of human remains from Lažete 1-2, Glogova 1, Kravica, and Ravnice, 2000), p. 8.
[11919] P2260 (John Clark, Report on autopsies of human remains from Lažete 1-2, Glogova 1, Kravica, and Ravnice, 2000), pp. 8-9, 27. *See also* P2552 (Fredy Peccerelli, Report on excavation and exhumation, Lažete 1, Bosnia-Herzegovina, 2000), pp. 3, 22.
[11920] P2260 (John Clark, Report on autopsies of human remains from Lažete 1-2, Glogova 1, Kravica, and Ravnice, 2000), pp. 8, 11, 16.
[11921] P2260 (John Clark, Report on autopsies of human remains from Lažete 1-2, Glogova 1, Kravica, and Ravnice, 2000), pp. 9, 16. *See also* P2552 (Fredy Peccerelli, Report on excavation and exhumation, Lažete 1, Bosnia-Herzegovina, 2000), pp. 3, 23.
[11922] P2260 (John Clark, Report on autopsies of human remains from Lažete 1-2, Glogova 1, Kravica, and Ravnice, 2000), pp. 13, 16.
[11923] P2260 (John Clark, Report on autopsies of human remains from Lažete 1-2, Glogova 1, Kravica, and Ravnice, 2000), p. 13.
[11924] P2552 (Fredy Peccerelli, Report on excavation and exhumation, Lažete 1, Bosnia-Herzegovina, 2000), pp. 2, 13, 17.
[11925] P2552 (Fredy Peccerelli, Report on excavation and exhumation, Lažete 1, Bosnia-Herzegovina, 2000), p. 21.
[11926] P2552 (Fredy Peccerelli, Report on excavation and exhumation, Lažete 1, Bosnia-Herzegovina, 2000), pp. 2, 13.
[11927] P2552 (Fredy Peccerelli, Report on excavation and exhumation, Lažete 1, Bosnia-Herzegovina, 2000), pp. 2-3, 13, 21
[11928] P2552 (Fredy Peccerelli, Report on excavation and exhumation, Lažete 1, Bosnia-Herzegovina, 2000), pp. 2-3, 15, 17.

bodies was a mixture; probably the fill of the mass grave and soil removed from the grave area during the robbing.[11929] Eight truncated bodies were recovered in the primary grave and they had probably been truncated during the robbing.[11930] The soil filling the robbed areas was different in texture, consistency, and colour from the remainder of the grave, indicating that it was material introduced to the Lažete 1 site.[11931] No complete bodies were recovered from the robbing areas but only nine body parts.[11932]

2749. The Trial Chamber received evidence from Fredy Peccerelli, William Haglund and John Clark concerning the bodies exhumed from the Lažete 2 A, B, and C mass graves. According to a report authored by **Peccerelli**, Lažete 2 was located along the paved road between Lažete and Krizevići and consisted of a field immediately west of Lažete 1.[11933] According to a report authored by **Clark**, 17 bodies and 25 body parts were exhumed from the Lažete 2 primary mass grave, while according to **Peccerelli**, a total of 16 bodies, 26 body parts and a pre-existing trench containing a water pipe were found in the mass grave.[11934] According to **Clark**, autopsies were performed on the 17 bodies and the report indicates the following with respect to the cause of death, relying on the most fatal injury found on the bodies: ten had gunshot injuries to the head; three had gunshot injuries to the trunk; two had multiple gunshot injuries; and two had an undetermined cause of death.[11935] Sixty-eight shots were identified in the bodies, with an average of four gunshots per person and a range of one to nine. [11936] The bullets and fragments recovered from the bodies indicated the use of high velocity rifles.[11937] At the

[11929] P2552 (Fredy Peccerelli, Report on excavation and exhumation, Lažete 1, Bosnia-Herzegovina, 2000), p. 17.
[11930] P2552 (Fredy Peccerelli, Report on excavation and exhumation, Lažete 1, Bosnia-Herzegovina, 2000), pp. 2-3, 16-17, 21.
[11931] P2552 (Fredy Peccerelli, Report on excavation and exhumation, Lažete 1, Bosnia-Herzegovina, 2000), p. 15.
[11932] P2552 (Fredy Peccerelli, Report on excavation and exhumation, Lažete 1, Bosnia-Herzegovina, 2000), pp. 3, 16.
[11933] P2553 (Fredy Peccerelli, Report on excavation and exhumation, Lažete 2, Bosnia-Herzegovina, 2000), p. 4. The Trial Chamber notes that Peccerelli's report also refer to the Lažete 2 mass grave as 'LZ02'.
[11934] P2260 (John Clark, Report on autopsies of human remains from Lažete 1-2, Glogova 1, Kravica, and Ravnice, 2000), pp. 1, 14; P2553 (Fredy Peccerelli, Report on excavation and exhumation, Lažete 2, Bosnia-Herzegovina, 2000), pp. 2-3, 13, 17-19, 22. The Trial Chamber notes that the mass grave referred to by John Clark has been designated 'LZ02C'. The Trial Chamber therefore understands the evidence of Clark and Peccerelli with respect to the Lažete 2 mass grave to refer to the same mass grave, namely Lažete 2 C.
[11935] P2260 (John Clark, Report on autopsies of human remains from Lažete 1-2, Glogova 1, Kravica, and Ravnice, 2000), pp. 15-16.
[11936] P2260 (John Clark, Report on autopsies of human remains from Lažete 1-2, Glogova 1, Kravica, and Ravnice, 2000), pp. 14, 16.
[11937] P2260 (John Clark, Report on autopsies of human remains from Lažete 1-2, Glogova 1, Kravica, and Ravnice, 2000), p. 14.

time of their deaths, the individuals found in Lažete 2 were male potentially between the age of 17 and 85 years.[11938] While some items of clothing were found on all but one body in Lažete 2, none of the individuals examined appeared to have been wearing military clothing and no weapons or ammunitions were found.[11939] Personal possessions such as a watch and prayer beads were found on the bodies.[11940] Blindfolds, from the same variety of material as those found in Lažete 1, were recovered on eight out of the 17 bodies.[11941] Concerning the 25 body parts found in Lažete 2, all were from adults, apart from one from someone under the age of 17.[11942] Gunshot injuries were identified in two cases, one to a skull and one to a part of a pelvis and were found to be the potential cause of death.[11943]

2750. According to **Peccerelli**, there was no evidence of funeral artefacts or observation of religious or cultural funerary practices in relation to any of the bodies found in Lažete 2. The bodies were disorganised, dug into undisturbed yellow clay, and lay on and were covered by disturbed soil containing large pieces of turf, topsoil, and clay.[11944] This indicated that machinery had scraped the ground as it pushed the bodies, along with excavated soil, into the grave.[11945] A robbing event affected two separate sectors of the grave.[11946] From these areas an undetermined number of bodies had been removed.[11947] From the edges of the robbing areas but within the primary grave, six truncated bodies were recovered, indicating that they were truncated during the robbing.[11948] The body parts were recovered from the robbed areas; there were no

[11938] P2260 (John Clark, Report on autopsies of human remains from Lažete 1-2, Glogova 1, Kravica, and Ravnice, 2000), pp. 14, 16, 27. *See* entry on John Clark's evidence in Appendix B.
[11939] P2260 (John Clark, Report on autopsies of human remains from Lažete 1-2, Glogova 1, Kravica, and Ravnice, 2000), pp. 14, 27.
[11940] P2260 (John Clark, Report on autopsies of human remains from Lažete 1-2, Glogova 1, Kravica, and Ravnice, 2000), p. 14.
[11941] P2260 (John Clark, Report on autopsies of human remains from Lažete 1-2, Glogova 1, Kravica, and Ravnice, 2000), pp. 14, 16. *See also* P2553 (Fredy Peccerelli, Report on excavation and exhumation, Lažete 2, Bosnia-Herzegovina, 2000), pp. 3, 22-25.
[11942] P2260 (John Clark, Report on autopsies of human remains from Lažete 1-2, Glogova 1, Kravica, and Ravnice, 2000), pp. 15-16.
[11943] P2260 (John Clark, Report on autopsies of human remains from Lažete 1-2, Glogova 1, Kravica, and Ravnice, 2000), p. 15.
[11944] P2553 (Fredy Peccerelli, Report on excavation and exhumation, Lažete 2, Bosnia-Herzegovina, 2000), pp. 2, 13.
[11945] P2553 (Fredy Peccerelli, Report on excavation and exhumation, Lažete 2, Bosnia-Herzegovina, 2000), pp. 2-3, 13, 22.
[11946] P2553 (Fredy Peccerelli, Report on excavation and exhumation, Lažete 2, Bosnia-Herzegovina, 2000), pp. 2-3, 16-17.
[11947] P2553 (Fredy Peccerelli, Report on excavation and exhumation, Lažete 2, Bosnia-Herzegovina, 2000), pp. 3, 17.
[11948] P2553 (Fredy Peccerelli, Report on excavation and exhumation, Lažete 2, Bosnia-Herzegovina, 2000), pp. 2-3, 13, 17-19, 22.

complete bodies found.[11949] The soil filling the robbed areas was different in texture, consistency, and colour from the remainder of the grave, indicating that the material was introduced to the Lažete 2 site.[11950] A total of 671 shell cases, 20 live rounds, and 46 bullets were recovered.[11951]

2751. **William Haglund** testified that at the Lažete 2A primary mass grave, 112 male bodies were exhumed.[11952] Lažete 2B was also a primary mass grave but showed certain 'disturbances', meaning that bodies had been removed.[11953] Lažete 2B contained the remains of at least 52 male persons.[11954] The majority of the bodies' ages in the Lažete 2A and 2B mass graves ranged from 16 to 45.[11955] One hundred and four cloth blindfolds were recovered during the exhumation.[11956] In relation to cause of death, 158 of the 165 died of gunshot wounds.[11957] All individuals were dressed in civilian clothing.[11958] Muslim paraphernalia were found on 12 individuals.[11959] According to the ICRC, some of these people were last seen alive between 11 and 13 July 1995.[11960]

2752. The Trial Chamber received evidence connecting the Lažete 1 and 2 primary mass graves with the secondary mass graves at Hodžići Road. **Dean Manning** testified that Lažete 1 is located in a grass covered and generally water logged field adjacent to the roadway leading from Grbavci School and alongside a dirt track leading to railroad tracks and the Lažete 2 mass grave.[11961] Aerial images show that the soil was disturbed in the area where the Lažete 1 and 2 mass graves are located sometime between 5 and

[11949] P2553 (Fredy Peccerelli, Report on excavation and exhumation, Lažete 2, Bosnia-Herzegovina, 2000), pp. 3, 17, 19.
[11950] P2553 (Fredy Peccerelli, Report on excavation and exhumation, Lažete 2, Bosnia-Herzegovina, 2000), p. 17.
[11951] P2553 (Fredy Peccerelli, Report on excavation and exhumation, Lažete 2, Bosnia-Herzegovina, 2000), pp. 3, 10.
[11952] P1828 (William Haglund, *Krstić* transcript, 29 May 2000), pp. 3746-3747, 3750; P1832 (William Haglund, Lažete 2 report, 15 June 1998), pp. 10-11.
[11953] P1828 (William Haglund, *Krstić* transcript, 29 May 2000), pp. 3747-3748; P1832 (William Haglund, Lažete 2 report, 15 June 1998), pp. 10, 19, 65, 76.
[11954] P1828 (William Haglund, *Krstić* transcript, 29 May 2000), p. 3750; P1832 (William Haglund, Lažete 2 report, 15 June 1998), pp. 10-11.
[11955] P1828 (William Haglund, *Krstić* transcript, 29 May 2000), p. 3750; P1832 (William Haglund, Lažete 2 report, 15 June 1998), p. 54.
[11956] P1828 (William Haglund, *Krstić* transcript, 29 May 2000), p. 3750; P1832 (William Haglund, Lažete 2 report, 15 June 1998), pp. 11, 61.
[11957] P1828 (William Haglund, *Krstić* transcript, 29 May 2000), pp. 3750-3751; P1832 (William Haglund, Lažete 2 report, 15 June 1998), pp. 10-11, 62.
[11958] P1832 (William Haglund, Lažete 2 report, 15 June 1998), pp. 11, 54.
[11959] P1832 (William Haglund, Lažete 2 report, 15 June 1998), pp. 11, 77.
[11960] P1832 (William Haglund, Lažete 2 report, 15 June 1998), p. 11.
[11961] P1735 (Dean Manning, Summary of forensic evidence mass graves exhumed in 2000, February 2001), p. 4.

27 July 1995.[11962] Furthermore, aerial images taken on 7 September 1995 show that by that date, the Lažete 1 and 2 mass graves had been overgrown and had not been disturbed since 27 July 1995, while images taken on 27 September 1995 show significant disturbance of the two sites which had occurred by that point.[11963] Further aerial images show that on 7 September 1995, no disturbance could be seen in the area where the Hodžići Road mass graves are located while by 2 October 1995 it could be seen that the Hodžići Road 4 and 5 mass graves had been created.[11964] The witness further testified that soil and pollen samples, as well as matched shell cases, indicate that the source of the Hodžići Road 3, 4, and 5 secondary mass graves were the Lažete 1 and 2 primary mass graves.[11965] Matches were also found between the blindfolds recovered from Grbavci School in Orahovac and the Hodžići Road 4 secondary mass grave, as well as between blindfolds recovered from the Lažete 2 mass grave and the Hodžići Road 3, 4, and 5 mass graves.[11966] Connections were also found between the blindfolds and ligatures recovered from the Hodžići Road 4 and the Liplje 2 mass graves.[11967] Furthermore, the exhumation of the Lažete 1 mass grave provided reinforcement of the links between the two Lažete primary mass graves and their associated secondary graves of Hodžići Road 3, 4, and 5. Particularly noteworthy was a black plastic water pipe which had originally been laid through the field of Lažete 1, which had been cut through on initial creation of the grave, and an identical length of black plastic pipe was located in the secondary grave of Hodžići Road 5.[11968]

2753. **Richard Wright** testified that the Hodžići site was 13 metres long, 3 metres wide, and 1.5 to 2 metres deep and had been dug by a wheeled front loader with a toothed bucket.[11969] At the Hodžići Road 3, 4, and 5 mass graves, the witness and his

[11962] Dean Manning, pp. 14167-14168; P1481 (Srebrenica mass graves, Primary and secondary mass grave aerial imagery), p. 17.
[11963] Dean Manning, pp. 14168-14169; P1481 (Srebrenica mass graves, Primary and secondary mass grave aerial imagery), pp. 18-19 17.
[11964] Dean Manning, pp. 14169-14170; P1481 (Srebrenica mass graves, Primary and secondary mass grave aerial imagery), pp. 44, 49-50.
[11965] P1736 (Dean Manning Summary of forensic evidence – execution points and mass graves, 16 May 2000), pp. 16, 51, 55, 60, 63.
[11966] P1736 (Dean Manning Summary of forensic evidence – execution points and mass graves, 16 May 2000), pp. 17, 52.
[11967] P1736 (Dean Manning Summary of forensic evidence – execution points and mass graves, 16 May 2000), p. 17.
[11968] P1735 (Dean Manning, Summary of forensic evidence mass graves exhumed in 2000, February 2001), p. 4.
[11969] P1762 (Report on Exhumations in Eastern Bosnia in 1998, Richard Wright, 12 May 1999), pp. 23-24; P1768 (Richard Wright, *Krstić* transcript, 26, 29 May 2000), p. 3660-3661.

team discovered 40, 81, and 57 bodies, respectively.[11970] The witness established that the Hodžići Road 3, 4 and 5 sites were secondary graves.[11971] On the basis of pieces of flaked limestone and glossy black rocks and several pieces of plastic black pipe found at the Hodžići Road sites, the witness and Dr. Brown concluded that the graves near Lažete were the primary graves for the Hodžići Road 3, 4 and 5 sites.[11972]

2754. The Trial Chamber received evidence from Christopher Lawrence concerning the bodies exhumed from the Hodžići Road Site 3, 4, and 5 mass graves. According to a report authored by **Lawrence**, the remains of at least 40 individuals were exhumed from the Hodžići Road Site 3 between 1 and 3 July 1998.[11973] The remains were collected in 83 body bags of which only 47 were the subject of autopsy reports.[11974] Autopsies were performed on the remains of the contents of the 47 body bags and the report indicates that: 32 had gunshot injuries sufficient to cause death; 12 had an undetermined cause of death; and three had gunshot injuries that could possibly cause death.[11975] Of the 25 complete bodies, 20 had gunshot injuries sufficient to cause death; and two had gunshot injuries that could cause death and only three had an undetermined cause of death.[11976] Where sex could be determined, 39 individuals were identified as male. At the time of their deaths, three individuals were between the age of 13 and 18 years; ten individuals were between the ages of 18 and 24 years; and 27 individuals were over the age of 25.[11977] While some items of clothing found on the bodies could have been of military origin, none of the individuals examined appeared to be in military or police uniforms and none appeared to be carrying weapons.[11978] Two of the bodies had healed head

[11970] P1768 (Richard Wright, *Krstić* transcript, 26, 29 May 2000), p. 3661.
[11971] P1762 (Report on Exhumations in Eastern Bosnia in 1998, Richard Wright, 12 May 1999), pp. 23-25.
[11972] Richard Wright, T. 14418-14419; P1762 (Report on Exhumations in Eastern Bosnia in 1998, Richard Wright, 12 May 1999), pp. 22-23, 167, 169-171.
[11973] P1809 (Christopher Lawrence, Report on autopsies of human remains from Hodžići Road Site 3, October 1998), pp. 2-3.
[11974] P1809 (Christopher Lawrence, Report on autopsies of human remains from Hodžići Road Site 3, October 1998), pp. 2, 7, 18.
[11975] P1809 (Christopher Lawrence, Report on autopsies of human remains from Hodžići Road Site 3, October 1998), pp. 2-3.
[11976] P1809 (Christopher Lawrence, Report on autopsies of human remains from Hodžići Road Site 3, October 1998), pp. 3, 18.
[11977] P1809 (Christopher Lawrence, Report on autopsies of human remains from Hodžići Road Site 3, October 1998), pp. 2, 8.
[11978] P1809 (Christopher Lawrence, Report on autopsies of human remains from Hodžići Road Site 3, October 1998), pp. 2, 18.

injuries and one had a long-term tracheotomy.[11979] Sixteen blindfolds were recovered at the site, including five found around the heads of individuals.[11980]

2755. According to a second report authored by Lawrence, the remains of at least 81 individuals were exhumed from the Hodžići Road Site 4 between 22 and 30 July 1998.[11981] The remains were collected in 138 body bags.[11982] Autopsies were performed on the contents of the 138 body bags and the report indicates that: 72 had an undetermined cause of death; one had a cause of death of homicidal violence including gunshot wound; 54 had gunshot injuries sufficient to cause death; seven had gunshot injuries that probably caused death; and four had gunshot injuries that could cause death.[11983] Of the 49 almost complete bodies, 37 had gunshot injuries sufficient to cause the death of the individual, nine had an undetermined cause of death, two had gunshot injuries that probably caused the death of the individual, and one had a cause of death of homicidal violence including gunshot wound.[11984] Of the nine almost complete bodies with an undetermined cause of death, five had bullets or parts of bullets present, four had extensive skull fractures, and four had apparent gunshot wounds in non-lethal areas.[11985] Where gender could be determined, 66 individuals were identified as male. At the time of their death, one individual was between the age of 8 and 13; three individuals were between the age of 13 and 18; 11 were between the age of 18 and 25; and 66 were over the age of 25.[11986] While some items of clothing found on the bodies could have been of military origin, none of the individuals examined appeared to be in military or police uniforms and none appeared to be carrying weapons.[11987] Forty-one blindfolds were recovered from the site, including 13 which were found around the face

[11979] P1809 (Christopher Lawrence, Report on autopsies of human remains from Hodžići Road Site 3, October 1998), pp. 2, 19.
[11980] P1809 (Christopher Lawrence, Report on autopsies of human remains from Hodžići Road Site 3, October 1998), pp. 2, 15.
[11981] P1810 (Christopher Lawrence, Report on autopsies of human remains from Hodžići Road Site 4, October 1998), pp. 2-3, 10, 21.
[11982] P1810 (Christopher Lawrence, Report on autopsies of human remains from Hodžići Road Site 4, October 1998), pp.2, 6, 10.
[11983] P1810 (Christopher Lawrence, Report on autopsies of human remains from Hodžići Road Site 4, October 1998), pp. 2-3, 22-29.
[11984] P1810 (Christopher Lawrence, Report on autopsies of human remains from Hodžići Road Site 4, October 1998), pp. 3, 10, 23.
[11985] P1810 (Christopher Lawrence, Report on autopsies of human remains from Hodžići Road Site 4, October 1998), pp. 3, 23.
[11986] P1810 (Christopher Lawrence, Report on autopsies of human remains from Hodžići Road Site 4, October 1998), pp. 2, 10.
[11987] P1810 (Christopher Lawrence, Report on autopsies of human remains from Hodžići Road Site 4, October 1998), pp. 2, 23.

of individuals, seven associated with other body parts, and 21 in the grave.[11988] The fabric was similar to the fabric of ligatures found in other Hodžići Road sites and in particular Site 5.[11989] One of the blindfolds came from the same pair of trousers as a blindfold recovered from Hodžići Road Site 5.[11990] One possible ligature, a black shoelace, was found associated with the body of a sub-adult.[11991]

2756. According to a third report authored by Lawrence, the remains of at least 57 individuals were exhumed from the Hodžići Road Site 5 between 12 July and 20 July 1998.[11992] The remains were collected in 93 body bags of which only 69 were the subject of autopsy reports.[11993] Autopsies were performed on the contents of the 69 body bags and the report indicates that: 53 had gunshot injuries sufficient to cause the death; 10 had an undetermined cause of death; three had gunshot injuries that could possibly cause death; two had gunshot injuries that could probably cause death; two had gunshot injuries sufficient to cause death; and one possibly died from suffocation.[11994] Of the 51 complete bodies, 45 had gunshot injuries sufficient to cause death and two had gunshot injuries that could probably cause death while only three had an undetermined cause of death and one possibly died of suffocation.[11995] Where gender could be determined, 54 individuals were identified as male. At the time of their death, at least seven individuals were between the age of 55 and 65 and one was over the age of 65. None of the individuals were under the age of 25.[11996] While some items of clothing found on the bodies could have been of military origin, none of the individuals examined appeared to be in military or police uniforms and none appeared to be carrying weapons.[11997] Thirty-one blindfolds were recovered from the site: 19 around the heads of individuals, four

[11988] P1810 (Christopher Lawrence, Report on autopsies of human remains from Hodžići Road Site 4, October 1998), pp. 2, 17-21.
[11989] P1810 (Christopher Lawrence, Report on autopsies of human remains from Hodžići Road Site 4, October 1998), pp. 2, 17, 20-21.
[11990] P1810 (Christopher Lawrence, Report on autopsies of human remains from Hodžići Road Site 4, October 1998), pp. 2, 17, 20-21.
[11991] P1810 (Christopher Lawrence, Report on autopsies of human remains from Hodžići Road Site 4, October 1998), pp. 2, 17.
[11992] P1811 (Christopher Lawrence, Report on autopsies of human remains from Hodžići Road Site 5, October 1998), pp. 2-3, 7-8, 20-21.
[11993] P1811 (Christopher Lawrence, Report on autopsies of human remains from Hodžići Road Site 5, October 1998), pp. 2-3, 21.
[11994] P1811 (Christopher Lawrence, Report on autopsies of human remains from Hodžići Road Site 5, October 1998), pp. 3, 21, 23-29.
[11995] P1811 (Christopher Lawrence, Report on autopsies of human remains from Hodžići Road Site 5, October 1998), pp. 2, 8, 21.
[11996] P1811 (Christopher Lawrence, Report on autopsies of human remains from Hodžići Road Site 5, October 1998), pp. 2, 8.

which were associated with other body parts, and two in the grave.[11998] The fabric was similar to the fabric of ligatures found in other Hodžići Road sites, in particular Site 3 and Site 4.[11999] One of the blindfolds came from the same pair of trousers as a blindfold recovered from the Hodžići Road Site 4.[12000] One individual had his hands tied behind his back with a cord ligature.[12001]

2757. According to a report authored by **Dušan Janc**, as of April 2013, the remains of 848 individuals were identified through DNA analysis from various mass graves: 120 individuals from the Lažete 1 mass grave, 188 individuals from the Lažete 2 mass grave, 90 individuals from the Hodžići Road 1 mass grave, 103 individuals from the Hodžići Road 2 mass grave, 40 individuals from the Hodžići Road 3 mass grave, 71 individuals from the Hodžići Road 4 mass grave, 55 individuals from the Hodžići Road 5 mass grave, 70 individuals from the Hodžići Road 6 mass grave, and 111 individuals from the Hodžići Road 7 mass grave.[12002] Janc identified twelve DNA connections between the remains identified in the Lažete 1 primary mass grave and the remains identified in the Hodžići Road 5 secondary mass grave.[12003] Furthermore, ten DNA connections were found between the Lažete 2 and the Hodžići Road 1 primary mass grave, seven between Lažete 2 and Hodžići Road 2, four between Lažete 2 and Hodžići Road 3, two between Lažete 2 and Hodžići Road 4, five between Lažete 2 and Hodžići Road 6, and twenty between Lažete 2 and Hodžići Road 7. Seven DNA connections were also found between the Hodžići Road 1 and the Hodžići Road 2 secondary mass graves, two between Hodžići Road 1 and Hodžići Road 7, eight between Hodžići Road 2 and Hodžići Road 3, three between Hodžići Road 4 and Hodžići Road 6, and two between Hodžići Road 6 and Hodžići Road 7. Janc further identified one DNA connection between the remains identified in the Hodžići Road 5 secondary mass grave

[11997] P1811 (Christopher Lawrence, Report on autopsies of human remains from Hodžići Road Site 5, October 1998), pp. 2, 21.
[11998] P1811 (Christopher Lawrence, Report on autopsies of human remains from Hodžići Road Site 5, October 1998), pp. 2, 15, 17, 19.
[11999] P1811 (Christopher Lawrence, Report on autopsies of human remains from Hodžići Road Site 5, October 1998), pp. 2, 15, 19.
[12000] P1811 (Christopher Lawrence, Report on autopsies of human remains from Hodžići Road Site 5, October 1998), pp. 2, 19.
[12001] P1811 (Christopher Lawrence, Report on autopsies of human remains from Hodžići Road Site 5, October 1998), pp. 2, 15-16.
[12002] P1987 (Dušan Janc, Srebrenica Investigation, Update to Summary of Forensic Evidence), pp. 3-4, Annex A, pp. 3-4, 14-17, 34-35; P1982 (Annex D to the report titled Update to the Summary of Forensic Evidence, Srebrenica Investigation, by Dušan Janc), pp. 18-32, 179-210.
[12003] P1987 (Dušan Janc, Srebrenica Investigation, Update to Summary of Forensic Evidence), Annex C, pp. 2, 29, 31. For Janc's methodology, *see* Appendix B.

and Liplje 2, a secondary mass graves connected to a primary mass grave distinct from the Lažete 1 and 2 sites.[12004]

2758. According to a report authored by **Jose Baraybar**, bodies recovered from the Hodžići Road secondary grave sites 3, 4, and 5 were originally disposed of in the Lažete primary graves sites.[12005]

The Trial Chamber's findings concerning Scheduled Incident E.6.1

2759. With regard to Scheduled Incident E.6.1, and based on the foregoing, the Trial Chamber finds that on 14 July 1995, members of the Zvornik Brigade shot and killed two Bosnian-Muslim men who were detained at Grbavci School in Orahovac after having told the detainees they would be shot if they did not sit still. One of the guards told the detainees 'we will see whether these people can or cannot be killed'. Witness RM-297, Witness RM-362, and Mevludin Orić all provided evidence of a detainee being killed after speaking up. While these witnesses' accounts differ slightly, they are consistent in recounting that a detainee spoke up to the guards at Grbavci School and was subsequently shot. The Trial Chamber is satisfied that these accounts refer to the same incident. The Trial Chamber notes that only Witness RM-297 provided evidence of a second detainee being taken out of the gymnasium and killed, and that Witness RM-362 stated that no detainees left the gymnasium after one detainee was killed. The Trial Chamber finds Witness RM-297's testimony regarding this second killing detailed and convincing. It considers that Witness RM-297 observed an incident that Witness RM-362 did not. Thus, the Trial Chamber finds that their accounts are not inconsistent with one another, as Witness RM-362 would not necessarily have observed the second incident given that the gymnasium was large and crowded – approximately 15 by 20 metres and holding at least 1,000 detainees. Many of the detainees fainted and were left without medical attention or food. While the Trial Chamber received evidence that some of the detainees at Grbavci School were wearing civilian clothing and others were wearing military uniforms, it has not received any evidence that would allow it to determine the type of clothing worn by the particular victims of this incident. The Trial

[12004] P1987 (Dušan Janc, Srebrenica Investigation, Update to Summary of Forensic Evidence), Annex C, pp. 2, 29, 31.
[12005] P2083 (Jose Baraybar, Report on the anthropology examination of human remains from eastern Bosnia, 8 December 1999), pp. 3, 8.

Chamber will consider this incident in relation to Counts 2 to 6 of the Indictment in chapter 8 below.

The Trial Chamber's findings concerning Scheduled Incident E.6.2

2760. With respect to Scheduled Incident E.6.2, the Trial Chamber received evidence from Mevludin Orić, Witness RM-297, and Witness RM-362 on the number of people detained at Grbavci School in Orahovac on 14 July 1995. The numbers provided by these witnesses range from 1,000 to 2,500 detainees.[12006] Further, the Trial Chamber received contradictory evidence from Orić, Witness RM-297, and Milorad Birčaković with respect to the frequency of the transports of detainees between the school and the nearby fields where they were subsequently killed. Under these circumstances, the Trial Chamber will rely primarily on the relevant forensic evidence in order to calculate the number of victims for Scheduled Incident E.6.2.

2761. The Trial Chamber received extensive forensic evidence concerning the bodies exhumed from the Lažete 1 and 2 and the Hodžići Road 1 through 7 mass graves. The Trial Chamber has considered Adjudicated Fact 1571, according to which the Bosnian-Muslim men detained at Grbavci School were executed and buried in a nearby field. It has also considered the evidence of Dean Manning, Fredy Peccerelli, Milorad Birčaković, Cvijetin Ristanović, Damjan Lazarević, Mevludin Orić, and Witness RM-297 pertaining to the location of the Lažete 1 and 2 mass graves; the description of the place where the detainees from Grbavci School in Orahovac were transported to, which matches the description of the location of the Lažete 1 and 2 mass graves; the presence of a yellow excavator at this location which was used to dig out a pit; and the fact that corpses were being buried in graves at this location. The Trial Chamber has also considered the evidence of Dean Manning, Jose Baraybar, and Richard Wright connecting the Lažete 1 and 2 mass graves with the Hodžići Road 1 through 7 mass graves.

[12006] The Trial Chamber notes that while Milorad Birčaković, Witness RM-269, and Dragoje Ivanović provided evidence of the number of detainees they personally observed arriving at Grbavci School in Orahovac, none of these witnesses provided evidence regarding the total number of individuals detained at the school.

2762. The Trial Chamber first refers to its review of Janc's methodology as set out in Appendix B. Second, the Trial Chamber notes that Hodžići Road 5 is solely connected to the Lažete 1 primary mass grave.

2763. All other secondary graves, namely Hodžići Road 1, 2, 3, 4, 6, and 7, were connected with the Lažete 2 primary mass grave and with each other. The Trial Chamber notes that Janc identified one DNA match between Hodžići Road 5 and Liplje 2, a secondary mass grave connected to a primary mass grave related to another Scheduled Incident. In accordance with the above, the Trial Chamber then considered the frequency of DNA connections.

2764. The high number of DNA connections between Hodžići Road 5 and the Lažete 1 primary mass grave, compared to the very low number of 'external' DNA connections with the Liplje 2 mass grave, led the Trial Chamber to find that a majority of the bodies from the Hodžići Road 5 mass grave are to be counted as part of Scheduled Incident E.6.2.

2765. On the basis of this evidence, the Trial Chamber took a conservative approach as explained in Appendix B, and finds that the victims of Scheduled Incident E.6.2 were buried in the Lažete 1 and 2 mass graves and that bodies from the Lažete 1 and 2 primary mass graves were subsequently reburied in the Hodžići Road 1 through 7 secondary mass graves and will therefore rely on the number of DNA profiles identified in the Lažete 1 and 2 and the Hodžići Road 1, 2, 3, 4, 6, and 7 mass graves, as well as the majority of the DNA profiles identified in the Hodžići Road 5 secondary mass grave, to calculate the number of victims of this Scheduled Incident (*i.e.*, 120 individuals from Lažete 1, 188 individuals from Lažete 2, 90 individuals from Hodžići Road 1, 103 individuals from Hodžići Road 2, 40 individuals from Hodžići Road 3, 71 individuals from Hodžići Road 4, the majority of 55 individuals from Hodžići Road 5, 70 individuals from Hodžići Road 6, and 111 individuals from Hodžići Road 7). The Trial Chamber will subtract from this number the two individuals who were killed outside Grbavci School in Orahovac and which pertain to Scheduled Incident E.6.1, as their remains may have also been in the Lažete 1 or 2 or the Hodžići Road 1 through 7 mass graves.

2766. Based on the foregoing, the Trial Chamber finds that on 14 July 1995, members of the Zvornik Brigade, including personnel from the 4th Battalion and the Military Police Company of the Zvornik Brigade, a man named Gojko Simić, and two soldiers

referred to as ‘Risto’ and ‘Vojo’, shot and killed at least 819 Bosnian-Muslim men previously detained at Grbavci School in Orahovac on two meadows near Orahovac. Many of the victims were dressed in civilian clothing while some were wearing military uniforms. Some were under the age of 18 and some were over the age of 60. Some of them were blindfolded before being killed and some had their hands or legs tied. During the killings, the soldiers referred to the Bosnian Muslims using phrases such as ‘fuck [their] Turk mothers’, ‘suffer some more, you *Ustaša’*, and said that they were ‘best off dead’. Dragan Obrenović, the Deputy Commander of the Zvornik Brigade, knew of the killings at the time when he allowed the members of the Zvornik Brigade Military Police Company to assist in the detention of the Bosnian-Muslim men at Grbavci School in Orahovac. The Trial Chamber will consider this incident in relation to Counts 2 through 6 of the Indictment in chapter 8 below.

7.8 Petkovci (Schedule E.7)

7.8.1 School in Petkovci (Schedule E.7.1)

2767. According to the Indictment, the Accused is responsible for the killing of some of the approximately 1,000 Bosnian-Muslim men detained at Petkovci School on or about 14 July 1995.[12007] The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to this incident. It also received evidence from **Witness RM-253**, a Bosnian-Muslim ABiH soldier from Srebrenica Municipality,[12008] and finds that this evidence is consistent with the Adjudicated Facts.[12009] The Trial Chamber further received evidence from **Witness RM-204**, a Bosnian Muslim from Srebrenica;[12010] **Marko Milošević**, Deputy Commander of the 6th Battalion of the Zvornik Brigade from the beginning of April 1995;[12011] **Witness RM-322**, an officer in the VRS Zvornik Brigade in 1995,[12012] and **Ljubomir Bojanović**, a member of the Zvornik Brigade in 1995.[12013]

2768. On 14 July 1995, approximately 1,000 males from detention sites in and around Bratunac were transported to the Petkovci School.[12014] At the school, it was extremely hot and crowded, the men had no food or water, and some prisoners became so thirsty they resorted to drinking their own urine.[12015] Periodically, soldiers came in and beat the prisoners or called them out to be killed.[12016]

2769. Two witnesses provided further details about the alleged killings at the school. **Witness RM-204,** previously held in Sandići Meadow, and **Witness RM-253**, previously detained in Kravica, were transferred with other detainees (for further details

[12007] Indictment, paras 11-12, 21-22, 46(a), 59(a)(iii), 65(a), Schedule E.7.1.
[12008] P1547 (Witness RM-253, witness statement, 16 August 1995), p. 1, para. 1; Witness RM-253, T. 12485; P1546 (Witness RM-253, pseudonym sheet).
[12009] P1547 (Witness RM-253, witness statement, 16 August 1995), paras 25-28, 30, 32, 35; Witness RM-253, T. 12490, 12553; P1548 (Witness RM-253, clarifications to witness statement); P1550 (Marked video still of Petkovci school).
[12010] P3357 (Witness RM-204, witness statement, 13 August 1995), p. 2; P3358 (Witness RM-204, witness statement, 19 August 1996), p. 1.
[12011] P3504 (Marko Milošević, *Popović et al*. transcript, 26 June 2007), p. 13299.
[12012] Witness RM-322, T. 11621-11622, 11626-11627, 11667-11668; P1492 (Pseudonym sheet for Witness RM-322).
[12013] P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), pp. 11673, 11676. Ljubomir Bojanović's evidence is also reviewed in chapter 9.6.3.
[12014] Adjudicated Facts II, no. 1579.
[12015] Adjudicated Facts II, no. 1580.
[12016] Adjudicated Facts II, no. 1581.

about this, *see* chapter 7.1.6), to Petkovci School on 14 July 1995.[12017] **Witness RM-253** stated that upon arrival, armed Serb soldiers in camouflage uniforms assaulted the detainees and forced them to run towards a school building shouting something along the lines of, '[l]ong live Serbia, Srebrenica is Serbian'.[12018] Inside the school, the detainees were held in several classrooms, filled with people, and had to sit with their legs folded.[12019] **Witness RM-253** stated that the soldiers threatened to kill the detainees if they went near the windows or made noise.[12020] The detainees could not open the windows.[12021] The detainees present in the witness's room heard a shot and screams coming from outside the classroom. A detainee, who had gone to the window to look outside, was shot in the chest by someone from outside.[12022] **Witness RM-204** stated that while the detainees tried to open the windows to get more air in the classroom where he was held, the detainees were fired upon from below and four or five people got injured.[12023]

2770. **Witness RM-253** stated that inside the school, he saw Razim Buhić and another man lying on the ground with their faces and clothes covered in blood.[12024] The witness also saw Ramo Fejzić, and Fuad Pilav and Pilav's father in classrooms in the school building.[12025] These men's remains were later found in mass graves.[12026]

2771. **Witness RM-204** stated that after nightfall, an armed soldier asked for people from Čerska, Glogova, Sućeska, Osmace, and other villages that the witness could not recall. Two detainees responded and after they were taken out of the room the witness heard screaming and the sounds of beating from the hallway outside the classroom. Those detainees never returned. The witness could hear voices in other rooms saying: '[c]ome on you *Balija's* get out'. They also said: '[t]hree *Balija* lets go out; five *Balijas*; two *Balijas*… get out'. According to the witness, the time it would take for a person to

[12017] P1547 (Witness RM-253, witness statement, 16 August 1995), paras 25, 28; P3357 (Witness RM-204, witness statement, 13 August 1995), pp. 3-5.
[12018] P1547 (Witness RM-253, witness statement, 16 August 1995), paras 25, 27-29; Witness RM-253, T. 12490-12491.
[12019] P3357 (Witness RM-204, witness statement, 13 August 1995), p. 7; P3358 (Witness RM-204, witness statements, 19 August 1996), p. 2. *See also*, P1547 (Witness RM-253, witness statement, 16 August 1995), para. 30; Witness RM-253, T. 12491; P1548 (Witness RM-253, clarifications to witness statement); P1551 (Marked photograph of the interior of Petkovci School).
[12020] P1547 (Witness RM-253, witness statement, 16 August 1995), para. 31.
[12021] P1547 (Witness RM-253, witness statement, 16 August 1995), para 32.
[12022] P1547 (Witness RM-253, witness statement, 16 August 1995), para. 31.
[12023] P3357 (Witness RM-204, witness statement, 13 August 1995), p. 7.
[12024] P1547 (Witness RM-253, witness statement, 16 August 1995), para. 30; Witness RM-253, T. 12493-12494.
[12025] Witness RM-253, T. 12493-12494.

walk from the classrooms towards outside at the entrance was the time that passed before the witness heard gunfire. It sounded as though the gunfire came from near the entrance of the building. This continued until midnight.[12027]

2772. **Witness RM-253** stated that after nightfall, a soldier came into the classroom where he was held and told the detainees to hand over their money, jewellery, documents, and any other possessions and told them to step out into the corridor in groups of two to four every five to ten minutes.[12028] Soon after, two men whom the witness recognized as detainees came and informed the witness and other detainees that they needed to collect more money from them or they would all be killed.[12029] The witness heard the sound of gunfire and when detainee Salih Mehmedović asked for water, he was taken out of the room, and the witness heard bursts of gunfire and what sounded like beatings. The witness never saw Mehmedović again.[12030] After some time, the witness passed out or fell asleep. When he woke up, there were only between 10 and 15 men left in the room. The witness heard someone order two men to step into the hallway.[12031] When the witness, along with another man, Kadrija Becirović**,** stepped out, he saw four or five soldiers in the hallway and what appeared to be a lot of blood on the floor outside the classroom.[12032] A soldier ordered the men to take off their shirts and shoes and empty their pockets, after which another soldier tied the witness's hands behind his back with a rope, insulted and assaulted him, and then pushed him into another classroom.[12033] About 20 minutes later, the soldiers called out for groups of five to ten men to run from the classrooms and onto trucks parked near the building's entrance. The soldiers assaulted the detainees while they ran and if they fell while attempting to board the truck.[12034] While running out of the building, the witness saw about 20 bodies, most with their chests covered in blood, and he assumed that they had

[12026] Witness RM-253, T. 12493-12494.
[12027] P3357 (Witness RM-204, witness statement, 13 August 1995), p. 7.
[12028] P1547 (Witness RM-253, witness statement, 16 August 1995), paras 33, 36; Witness RM-253, T. 12492. *See also* P3357 (Witness RM-204, witness statement, 13 August 1995), p. 7.
[12029] P1547 (Witness RM-253, witness statement, 16 August 1995), para. 33.
[12030] P1547 (Witness RM-253, witness statement, 16 August 1995), para. 35.
[12031] P1547 (Witness RM-253, witness statement, 16 August 1995), para. 36. *See also* P3357 (Witness RM-204, witness statement, 13 August 1995), p. 7.
[12032] P1547 (Witness RM-253, witness statement, 16 August 1995), para. 37; Witness RM-153, T. 12492; P1551 (Marked photograph of the interior of Petkovci school).
[12033] P1547 (Witness RM-253, witness statement, 16 August 1995), para. 37; Witness RM-253, T. 12492-12493, 12551-12552; P1551 (Marked photograph of the interior of Petkovci school). *See also* P3357 (Witness RM-204, witness statement, 13 August 1995), pp. 7-8.
[12034] P1547 (Witness RM-253, witness statement, 16 August 1995), paras 38-39.

been shot.[12035] **Witness RM-204** stated that while he walked out of the building, he saw many bodies.[12036] **Witness RM-253** testified that the truck in which he was placed was over-crowded. Once the back of the truck was closed, a round of bullets was fired at the detainees' legs, wounding some of the men.[12037]

2773. **Marko Milošević** stated that while he was on duty at the 6th Battalion Command in Petkovci, between 10 a.m. and noon on 14 July 1995, he received a telephone call from the Zvornik Brigade duty operations officer intended for the Battalion Commander, Ostoja Stanišić. As Stanišić was not there, the witness took the call, which came in on a secure, wired military line.[12038] The Zvornik Brigade duty officer told the witness that some imprisoned Muslims would be brought to the Petkovci School accompanied by security in about two hours.[12039] Petkovci School was 700 to 800 metres away from the 6th Battalion Command, which was stationed in the old school of Petkovci.[12040] When Ostoja Stanišić returned to the battalion command two hours after the call, the witness conveyed this information to him.[12041]

2774. At around 4 or 5 p.m. at the Zvornik Brigade's 6th Battalion Command, Stanišić told the witness he had received a message from the Zvornik Brigade Command, and instructed the witness to search for Beara at Petkovci School and tell him that he should report to the Zvornik Brigade Command.[12042] The witness went towards the school.[12043] Approximately 70 to 80 meters from the school, at the crossroads of the main road leading to Petkovci where the road forked off to the school, the witness met Drago Nikolić, whom he knew from having worked with him in 1994 as his assistant.[12044] The witness asked Nikolić if he knew whether a man named Beara was there, and Nikolić pointed him to Beara – whom the witness described as a man of about 60 years old with grey hair.[12045] The witness conveyed the message from Stanišić to Beara.[12046] Four or five military police officers were with Beara and Nikolić at the crossroads; they wore

[12035] P1547 (Witness RM-253, witness statement, 16 August 1995), para. 38.
[12036] P3357 (Witness RM-204, witness statement, 13 August 1995), p. 8.
[12037] P1547 (Witness RM-253, witness statement, 16 August 1995), para. 40.
[12038] P3504 (Marko Milošević, *Popović et al*. transcript, 26 June 2007), pp. 13300, 13341-13342.
[12039] P3504 (Marko Milošević, *Popović et al*. transcript, 26 June 2007), pp. 13301, 13342.
[12040] P3504 (Marko Milošević, *Popović et al*. transcript, 26 June 2007), p. 13318.
[12041] P3504 (Marko Milošević, *Popović et al*. transcript, 26 June 2007), p. 13301.
[12042] P3504 (Marko Milošević, *Popović et al*. transcript, 26 June 2007), pp. 13302-13303.
[12043] P3504 (Marko Milošević, *Popović et al*. transcript, 26 June 2007), p. 13303.
[12044] P3504 (Marko Milošević, *Popović et al*. transcript, 26 June 2007), pp. 13299-13300, 13303-13304, 13347; P3505 (Aerial photograph of Petkovci, marked by Marko Milošević); P3506 (Aerial photograph of Petkovci, marked by Marko Milošević).
[12045] P3504 (Marko Milošević, *Popović et al*. transcript, 26 June 2007), pp. 13303, 13319.

camouflage uniforms with white belts, which were typical of the military police. As the witness did not recognize any of the military policemen, he believed that they were not from the Zvornik Brigade. The witness also saw troops around the school, some of whom wore camouflage uniforms and some of whom wore olive-drab uniforms.[12047] These troops were too far away for the witness to recognize any of them.[12048] Down the road, the witness observed parked buses and lorries, as well as a blue Golf.[12049] Once the witness had returned to the 6th Battalion Command, he briefed Stanišić that he had accomplished his mission, whereupon Stanišić in turn conveyed this to the Zvornik Brigade Command.[12050] In the late afternoon on the same day, the witness heard isolated shots and bursts of gunfire coming from the direction of the Petkovci School.[12051] The witness distinguished this from the gunfire coming from the lines and from the area of the companies of the 6th Battalion.[12052] On 16 July 1995, the witness was wounded at Parlog and brought to the Zvornik hospital, where he stayed for about 10 days to recover. During his stay in hospital, on or after 20 July 1995, the witness was told that the Muslims who had been brought to Petkovci School on 14 July 1995 had been killed.[12053] Stanišić also visited the witness in hospital and told him that he had sent soldiers from his battalion to clean up the school as the local villagers had allegedly asked for this to be done.[12054]

2775. In relation to this scheduled incident, the Trial Chamber also considered the evidence of Witness RM-322 which has been placed in the confidential annex in Appendix D. **Witness RM-322** further testified that around 7 p.m. on 13 July 1995, 2nd Lieutenant Drago Nikolić, who was then the duty officer at the brigade's forward command post in Kitovnica, called the Zvornik Brigade headquarters located at the Standard shoe factory in the Karakaj neighbourhood a few kilometres from the centre of Zvornik.[12055] Nikolić reported that Popović had called and asked them to prepare for the

[12046] P3504 (Marko Milošević, *Popović et al*. transcript, 26 June 2007), p. 13303.
[12047] P3504 (Marko Milošević, *Popović et al*. transcript, 26 June 2007), pp. 13304-13305.
[12048] P3504 (Marko Milošević, *Popović et al*. transcript, 26 June 2007), p. 13304.
[12049] P3504 (Marko Milošević, *Popović et al*. transcript, 26 June 2007), p. 13305.
[12050] P3504 (Marko Milošević, *Popović et al*. transcript, 26 June 2007), pp. 13303, 13306.
[12051] P3504 (Marko Milošević, *Popović et al*. transcript, 26 June 2007), p. 13307.
[12052] P3504 (Marko Milošević, *Popović et al*. transcript, 26 June 2007), p. 13307.
[12053] P3504 (Marko Milošević, *Popović et al*. transcript, 26 June 2007), pp. 13308-13309.
[12054] P3504 (Marko Milošević, *Popović et al*. transcript, 26 June 2007), pp. 13333-13334.
[12055] P1494 (Witness RM-322, statement of facts, 20 May 2003), p. 1; Witness RM-322, T. 11630-11631, 11634-11638, 11726-11727; P1495 (Excerpts of the Kitovnica Forward Command Post logbook, 7 July-10 August 1995), p. 6.

arrival of a large number of Muslim detainees from Bratunac to Zvornik.[12056] On the basis of the intelligence information on the number of Muslims captured in the area of Konjević Polje, the witness expected that thousands of detainees would be brought in.[12057] Nikolić further explained that the detainees could not be sent to the Batković camp, because everyone, including the Red Cross, knew about Batković, and that the orders stated that the detainees were to be brought to Zvornik and executed by firing squad.[12058] Nikolić was told that without informing the Main Staff Command they would not be able to accept this task, but Nikolić said that the order had come from Mladić, that Popović and Beara, the Main Staff Security Chief, would organise the operation, and that everyone, including Vinko Pandurević, was aware of it.[12059] Around 2 p.m. on 14 July 1995, Major Zoran Jovanović arrived in the Snagovo area with reinforcements from Zvornik and informed the VRS Zvornik Brigade that Beara had brought a large number of detainees in buses to the Zvornik area.[12060] Around 11 a.m. on 15 July 1995, the witness learned that there were major problems with the burials of the executed detainees as well as with the guarding of those detainees who were still to be executed and that there was general chaos and that the situation had become critical.[12061] The witness also learned that Beara, Nikolić, and Popović were taking people 'as they wished', and that Popović had instructed Dragan Jokić not to make records of the activities involving the killing operation or to speak about it on the radio.[12062]

2776. Based on the foregoing, the Trial Chamber finds that on 14 July 1995, members of the VRS, including members of the military police killed, including by gunfire, about 20 of the approximately 1,000 Bosnian-Muslim men detained at Petkovci School.[12063] Detainees were called out and killed, and at least one detainee was shot in the chest

[12056] P1494 (Witness RM-322, statement of facts, 20 May 2003), p. 1; Witness RM-322, T. 11631-11632, 11729-11731.
[12057] P1494 (Witness RM-322, statement of facts, 20 May 2003), p. 1.
[12058] P1494 (Witness RM-322, statement of facts, 20 May 2003), p. 1; Witness RM-322, T. 11631, 11735; D295 (Transcript of Prosecution's interviews with Witness RM-322).
[12059] P1494 (Witness RM-322, statement of facts, 20 May 2003), p. 1; Witness RM-322, T. 11631, 11730-11732, 11735.
[12060] P1494 (Witness RM-322, statement of facts, 20 May 2003), p. 2; Witness RM-322, T. 11639-11640.
[12061] P1494 (Witness RM-322, statement of facts, 20 May 2003), p. 3; Witness RM-322, T. 11647-11648, 11877.
[12062] P1494 (Witness RM-322, statement of facts, 20 May 2003), p. 3; Witness RM-322, T. 11648.
[12063] While Ljubomir Bojanović testified that a mass execution of detainees in the Zvornik Brigade's area of responsibility would have been reflected in the daily combat report, he was not involved in the drafting of the report in question, and his comments on it are merely speculative. Therefore, the Trial Chamber has not relied on this aspect of Bojanović's evidence.

while he was looking outside through the window of one of the classrooms.[12064] The soldiers called the detainees '*Balijas*' while taking them out of the classrooms. The Trial Chamber will further consider this incident in relation to Counts 2 through 6 of the Indictment in chapter 8 below.

7.8.2 Dam near Petkovci (Schedule E.7.2)

2777. According to the Indictment, the Accused is responsible for the killing of the surviving portion[12065] of the approximately 1,000 Bosnian-Muslim men who were detained at Petkovci School on or about 14 July 1995 in the evening until 15 July 1995.[12066] The men were summarily executed in an area below the dam near Petkovci.[12067] While the executions continued on 15 July, excavators and heavy equipment were used to bury the victims.[12068] The Defence argued that the Prosecution's witnesses failed to identify the perpetrators of these killings.[12069] The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this incident. It further received evidence from **Witness RM-253**, a Bosnian-Muslim ABiH soldier from Srebrenica Municipality;[12070] **Witness RM-204**, a Bosnian Muslim from Srebrenica;[12071] and **Richard Butler**, an intelligence research specialist;[12072] and finds that this evidence is consistent with the Adjudicated Facts.[12073] The Trial Chamber also received evidence from **Ljubomir Bojanović**, a member of the Zvornik Brigade in 1995;[12074] **Dušan Janc**, an investigator;[12075] **Marko Milošević**, Deputy Commander of

[12064] With regard to Salih Mehmedović, *see* chapter 7.8.2.
[12065] *See* chapter 7.8.1.
[12066] Indictment, paras 11-12, 21-22, 46(a), 59(a)(iii), 65(a), Schedule E.7.2.
[12067] Indictment, Schedule E.7.2.
[12068] Indictment, Schedule E.7.2.
[12069] Defence Final Brief, paras 3114-3119.
[12070] P1547 (Witness RM-253, witness statement, 16 August 1995); Witness RM-253, T. 12485; P1546 (Witness RM-253, pseudonym sheet). The evidence of Witness RM-253 is also reviewed in chapter 7.8.1.
[12071] P3357 (Witness RM-204, witness statement, 13 August 1995); P3358 (Witness RM-204, witness statement, 19 August 1996). The evidence of Witness RM-204 is also reviewed in chapter 7.8.1.
[12072] Richard Butler, T. 16108
[12073] **Witness RM-253**: P1547 (Witness RM-253, witness statement, 16 August 1995), paras 37, 40-41, 50, 54; T. 12494-12495, 12498-12499; P1552 (Photograph of Petkovci Dam); P1554 (Sketch of Petkovci Dam at daytime). **Witness RM-204**: P3357 (Witness RM-204, witness statement, 13 August 1995), pp. 8, 10. **Richard Butler**: P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), paras 7.28, 7.31-7.35.
[12074] P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004).
[12075] P1987 (Dušan Janc, Srebrenica Investigation, Update to Summary of Forensic Evidence, 28 June 2013), p. 1; P1982 (Annex D to the report titled Update to the Summary of Forensic Evidence, Srebrenica Investigation, by Dušan Janc).

the 6th Battalion of the Zvornik Brigade from the beginning of April 1995;[12076] **Witness RM-322**, an officer in the VRS Zvornik Brigade in 1995;[12077] and **Christopher Lawrence**, a forensic pathologist.[12078]

2778. **Witness RM-253** testified that on 14 July, some time between 11 p.m. and midnight, the truck onto which Serb soldiers had loaded the witness and at least 60 other detainees, all of whom had their hands tied, left the school in Petkovci.[12079] **Witness RM-204** stated that after walking out of the school he had to get into a truck with about 100 to 200 other men.[12080] The witness heard a gunshot and someone at the end of the truck screamed.[12081] **Witness RM-253** described how the truck onto which he had been loaded travelled a short distance over asphalt and about two to three kilometres on a gravel road to a gravel area, which the witness later saw was a plateau beneath a dam.[12082] The drivers and trucks from the 6th Infantry Battalion of the Zvornik Brigade were used to transport the prisoners from the detention site to the execution site at Petkovci Dam on 15 July 1995.[12083] **Butler** testified that the dam was in the zone of responsibility of the Zvornik Brigade, located in the 6th Infantry Battalion's sector less than two kilometres from the 6th Battalion's command post in Baljkovica.[12084]

2779. **Witness RM-204** and **Witness RM-253** described what happened to the detainees when the truck arrived at the dam. After the truck stopped, **Witness RM-204** heard very loud gunfire followed by what sounded like stones falling on the canvas top of the truck. The detainees stayed in the truck for some time and heard bursts of gunfire often. Someone opened the back of the truck and the witness saw two or three soldiers standing outside. He heard someone saying: '[f]ive *Balijas* get out.'[12085] Almost

[12076] P3504 (Marko Milošević, *Popović et al*. transcript, 26 June 2007), p. 13299. The evidence of Marko Milošević is also reviewed in chapter 7.8.1.
[12077] Witness RM-322, T. 11621-11622, 11626-11627, 11667-11668; P1492 (Pseudonym sheet for Witness RM-322). Witness RM-322's evidence is reviewed in chapter 7.8.1.
[12078] Christopher Lawrence, T. 14695; P1803 (*Curriculum vitae* of Christopher Lawrence, undated), pp. 1-2.
[12079] P1547 (Witness RM-253, witness statement, 16 August 1995), paras 37, 40-41.
[12080] P3357 (Witness RM-204, witness statement, 13 August 1995), p. 8.
[12081] P3357 (Witness RM-204, witness statement, 13 August 1995), p. 8.
[12082] P1547 (Witness RM-253, witness statement, 16 August 1995), para. 41; Witness RM-253, T. 12494-12495; P1552 (Photograph of Petkovci Dam). *See also* P3357 (Witness RM-204, witness statement, 13 August 1995), p. 8.
[12083] Adjudicated Facts II, no. 1584. The Trial Chamber understands the 'detention site' mentioned in this Adjudicated Fact to refer to Petkovci School.
[12084] P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), para. 7.28.
[12085] P3357 (Witness RM-204, witness statement, 13 August 1995), p. 8. *See also* P1547 (Witness RM-253, witness statement, 16 August 1995), para. 42; P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), para. 7.31.

immediately after the men got out, the witness heard a burst of gunfire. According to the witness, the men were called out continuously and he could hear gunfire after each group had left the truck.[12086] **Witness RM-253** testified that this happened throughout the night.[12087] **Witness RM-204** got out of the truck with four other detainees and he saw soldiers armed with automatic rifles.[12088] The witness saw rows of dead bodies, approximately 20 metres long, and heard men moaning.[12089] The witness saw two lights shining from the direction of a guard house located on a dam.[12090] A soldier ordered the witness and the four other detainees to lie down, but because their hands were tied, they fell to the ground.[12091] As they fell, someone started to fire.[12092] The witness felt pain in his right arm and side and he smelled something like burning gunpowder.[12093] **Witness RM-253** fell next to a body which was already lying on the ground and managed to survive.[12094] **Witness RM-204** heard someone ordering one of the detainees to say '*Allahu Akbar*', after which there was a burst of gunfire. He also heard someone saying: 'Haris Silajdžić will exchange your dead bodies.' The witness heard more people brought down behind and more gunfire.[12095] He felt a severe pain in his left foot, more painful than that in his arm and side.[12096] People were screaming and the '*Chetniks*' were laughing. He heard one of them saying: '[t]his hunting was good, these rabbits are very good'.[12097] **Witness RM-253** heard the soldiers being ordered to check the rows of

[12086] P3357 (Witness RM-204, witness statement, 13 August 1995), p. 8.
[12087] P1547 (Witness RM-253, witness statement, 16 August 1995), paras 44-45. *See also* P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), para. 7.31.
[12088] P3357 (Witness RM-204, witness statement, 13 August 1995), p. 8.
[12089] P3357 (Witness RM-204, witness statement, 13 August 1995), p. 9. *See also* P1547 (Witness RM-253, witness statement, 16 August 1995), paras 36, 43; Witness RM-253, T. 12497; P1553 (Sketch of Petkovci Dam at night).
[12090] P3357 (Witness RM-204, witness statement, 13 August 1995), p. 9; P3360 (Photograph of guard house at top of dam and over-flow canal from dam); P3363 (Photograph of execution site); P3364 (Photograph of execution site).
[12091] P3357 (Witness RM-204, witness statement, 13 August 1995), p. 9. *See also* P1547 (Witness RM-253, witness statement, 16 August 1995), paras 43-44; P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), para. 7.31.
[12092] P3357 (Witness RM-204, witness statement, 13 August 1995), p. 9. *See also* P1547 (Witness RM-253, witness statement, 16 August 1995), paras 43-44; P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), para. 7.31.
[12093] P3357 (Witness RM-204, witness statement, 13 August 1995), p. 9; P3359 (Witness RM-204, *Blagojević and Jokić* transcript, 21 July 2003), pp. 1424-1425; P3367 (Photograph of injuries on shoulder and chest of Witness RM-204); P3368 (Photograph of chest injuries of Witness RM-204); P3369 (Photograph of sole of foot of Witness RM-204).
[12094] P1547 (Witness RM-253, witness statement, 16 August 1995), paras 43-47.
[12095] P3357 (Witness RM-204, witness statement, 13 August 1995), p. 9.
[12096] P3357 (Witness RM-204, witness statement, 13 August 1995), p. 9; P3359 (Witness RM-204, *Blagojević and Jokić* transcript, 21 July 2003), pp. 1424-1425; P3367 (Photograph of injuries on shoulder and chest Witness RM-204); P3368 (Photograph of chest injuries of Witness RM-204); P3369 (Photograph of sole of foot of Witness RM-204).
[12097] P3357 (Witness RM-204, witness statement, 13 August 1995), p. 9.

bodies for survivors, and shoot anyone who was still alive.[12098] **Witness RM-204** heard someone saying: 'Jovo let's go, everyone takes one row and check who is cold. If he is cold, then he is dead, if warm, then they are still alive and it has to be a bullet to the head'. Someone answered: '[f]uck their mother, they are dead'. The witness saw one man coming down his row, and he walked over the witness to reach the man on his right, who was still screaming. He heard the man being shot. The witness felt pain all over his right arm and neck and later he saw that he had multiple cuts on his right arm and neck.[12099] There was grit, dust and fragments of bullets in the witness's wounds, which the witness stated, are still in his body.[12100] When they checked the area for survivors, **Witness RM-253** pretended to be dead and then lost consciousness.[12101] **Witness RM-204** remained quiet and after he heard vehicles leaving the site, he got up and helped another man get up.[12102]

2780. When **Witness RM-253** regained consciousness, the shooting had stopped and there were two or three men lying on top of him.[12103] The witness heard sounds of other men who were alive and managed to untie another survivor, who helped the witness get up, leave the gravel area and hide in a concrete canal nearby, where they stayed until the next morning.[12104] **Butler** testified that the survivors heard shooting and machine noises throughout the night.[12105] He testified that those executed were Muslim men.[12106]

2781. Around 9 to 9:30 a.m. on 15 July 1995, **Witness RM-253** and the other survivor moved towards a burnt-down village on top of a hill to the right side of the execution site.[12107] From there, they could see the execution site and the witness saw soldiers walking between the bodies and shooting at some of them, from which he concluded

[12098] P1547 (Witness RM-253, witness statement, 16 August 1995), para. 45.
[12099] P3357 (Witness RM-204, witness statement, 13 August 1995), p. 9.
[12100] P3359 (Witness RM-204, *Blagojević and Jokić* transcript, 21 July 2003), p. 1425.
[12101] P1547 (Witness RM-253, witness statement, 16 August 1995), paras 45-47.
[12102] P3357 (Witness RM-204, witness statement, 13 August 1995), pp. 9-10.
[12103] P1547 (Witness RM-253, witness statement, 16 August 1995), para. 47.
[12104] P1547 (Witness RM-253, witness statement, 16 August 1995), paras 47-49, 51; Witness RM-253, T. 12496-12497; P1553 (Sketch of Petkovci Dam at night); P1554 (Sketch of Petkovci Dam at daytime). *See also* P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), para. 7.32.
[12105] P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), para. 7.32.
[12106] P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), para. 7.28.
[12107] P1547 (Witness RM-253, witness statement, 16 August 1995), paras 52-53. *See also* P3357 (Witness RM-204, witness statement, 13 August 1995), p. 10; P3358 (Witness RM-204, witness statement, 19 August 1996), p. 2; P3360 (Photograph of guard house at top of dam and over-flow canal from dam); P3361 (Photograph showing over-flow canal); P3362 (Photograph of over-flow canal).

that some were still alive.[12108] They continued walking through the forest for four days and reaching the free territory at Vitinica on 18 July 1995.[12109]

2782. The Zvornik Brigade Engineer Company was assigned to work with earthmoving equipment to assist with the burial of the victims from Petkovci Dam.[12110] The Zvornik Brigade Daily Orders record shows that, on 15 July, the Zvornik Brigade Engineer Company was assigned to work with a ULT and an excavator in Petkovci.[12111] Vehicle records for the 6th Infantry Battalion of the Zvornik Brigade show that two trucks made a total of ten roundtrips between Petkovci and the Dam on 15 July, with two members of the 6th Infantry Battalion assigned as drivers of the vehicles.[12112] **Butler** testified that the Engineer Company's vehicle records do not place any of the unit's earthmoving equipment at the execution site.[12113] **Witness RM-253** testified that the loading of corpses continued until after dark, and based on the witness's calculation of the number of detainees present at the school, the size of the area covered by the bodies, and the number of trips the tractor truck made, he estimated that there were 1,500 to 2,000 bodies on the plateau.[12114] The witness and the other survivor left the hill after nightfall and started walking towards free territory.[12115] They crossed the frontline and reached the Muslim village of Vitinica on 18 July 1995.[12116]

2783. According to a report authored by forensic pathologist **Christopher Lawrence**, the remains of at least 46 individuals were exhumed from the Petkovci Dam site between 15 April 1998 and 13 May 1998.[12117] The remains were placed in 91 body bags.[12118] Autopsies were performed on the contents of the 91 body bags and cause of

[12108] P1547 (Witness RM-253, witness statement, 16 August 1995), paras 54, 56. *See also* P3357 (Witness RM-204, witness statement, 13 August 1995), pp. 9-10; P3358 (Witness RM-204, witness statement, 19 August 1996), p. 2; P3360 (Photograph of guard house at top of dam and over-flow canal from dam); P3363 (Photograph of execution site); P3364 (Photograph of execution site).
[12109] P3357 (Witness RM-204, witness statement, 13 August 1995), p. 11. P1547 (Witness RM-253, witness statement, 16 August 1995), paras 57-59.
[12110] Adjudicated Facts II, no. 1584.
[12111] Adjudicated Facts II, no. 1585.
[12112] Adjudicated Facts II, no. 1583.
[12113] P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), paras 7.33-7.34.
[12114] P1547 (Witness RM-253, witness statement, 16 August 1995), para. 54; Witness RM-253, T. 12499, 12553-12555, 12559-12560.
[12115] P1547 (Witness RM-253, witness statement, 16 August 1995), paras 57-59.
[12116] P1547 (Witness RM-253, witness statement, 16 August 1995), paras 58-59; Witness RM-253, T. 12499. *See also* P3357 (Witness RM-204, witness statement, 13 August 1995), p. 11.
[12117] P1806 (Christopher Lawrence, Report on autopsies of human remains from the Dam Site, June 1998), pp. 2-3, 8.
[12118] P1806 (Christopher Lawrence, Report on autopsies of human remains from the Dam Site, June 1998), pp. 2, 22.

death was examined in relation to the body parts in each body bag rather than each individual.[12119] The report indicates that for 81 body parts, the cause of death was undetermined; four had gunshot injuries sufficient to cause the death; another four had gunshot injuries that were probably sufficient to cause death; two had possible non-lethal gunshot wounds, but no clear cause of death; one had injuries which were consistent with a fatal gunshot wound; and one had head trauma which could not be classified.[12120] None of the cases had an intact skull; there were 464 skull fragments and 211 shell casings recovered at the site which, according to the report, is consistent with a number of individuals being shot in the head.[12121] In all cases where sex could be determined, 15 individuals were identified as male. At the time of their deaths, one individual was between 13 and 18 years of age; three individuals were between 18 and 25 years of age; and 42 individuals were over the age of 25.[12122] A twine ligature and a possible blindfold were found in the Petkovci Dam site.[12123]

2784. According to another report authored by **Lawrence**, the remains of at least 192 individuals were exhumed from Liplje Site 2 between 7 August 1998 and 25 August 1998.[12124] The remains were collected in 807 body bags of which 610 were the subject of autopsy reports.[12125] Autopsies were performed on the contents of the 610 body bags and the report indicates that: 543, mostly small body parts, had an undetermined cause of death; 33 had gunshot injuries sufficient to cause death; 26 had gunshot injuries that could possibly cause death; five had gunshot injuries sufficient to probably cause death; and two had injuries consistent with homicidal violence including gunshot wounds.[12126] The report indicates that tampering and decomposition may have obscured many

[12119] P1806 (Christopher Lawrence, Report on autopsies of human remains from the Dam Site, June 1998), p. 2.
[12120] P1806 (Christopher Lawrence, Report on autopsies of human remains from the Dam Site, June 1998), pp. 2, 4, 22.
[12121] P1806 (Christopher Lawrence, Report on autopsies of human remains from the Dam Site, June 1998), pp. 2, 9, 22.
[12122] P1806 (Christopher Lawrence, Report on autopsies of human remains from the Dam Site, June 1998), pp. 2, 8.
[12123] P1806 (Christopher Lawrence, Report on autopsies of human remains from the Dam Site, June 1998), pp. 2, 20.
[12124] P1813 (Christopher Lawrence, Report on autopsies of human remains from Liplje Site 2, October 1998), pp. 2-3, 8, 21-40.
[12125] P1813 (Christopher Lawrence, Report on autopsies of human remains from Liplje Site 2, October 1998), pp. 2, 8, 21-40.
[12126] P1813 (Christopher Lawrence, Report on autopsies of human remains from Liplje Site 2, October 1998), pp. 2-3, 20-40.

gunshot wounds.[12127] Furthermore, examination of the clothing recovered at the site revealed extensive tampering and, in some cases, large numbers of bullet holes, more than apparent when examining the bodies.[12128] The most common areas where gunshot wounds were found, in order of frequency, were: legs, torso, head and neck, and arms.[12129] Of the four relatively intact bodies, two had an undetermined cause of death, one had gunshot injuries sufficient to cause death, and one had possible gunshot injuries sufficient to cause death.[12130] In all 122 cases where sex could be determined, all individuals were identified as male. At the time of their deaths, one individual was between the age of 8 and 13, 14 were between the age of 13 and 18, 22 were between the age of 18 and 25, and 155 were over the age of 25.[12131] There did not appear to be any significant trend in the direction of the bullet tracks.[12132] None of the individuals examined appeared to be in military or police uniforms or carrying weapons; unfired bullets, which were not from contemporary weapons, were found in two jackets.[12133] One of these jackets was described as being of military style but the other two items of clothing on that body did not appear to be of military origin. Two pairs of fatigue-style trousers in khaki and an olive-drab coloured jacket that could have been of military origin were also recovered.[12134] Identification documents were found on one body at the site and three legible identifications were found in the grave.[12135] There were 23 ligatures recovered at the site, 14 of which were associated with parts of hands or forearm.[12136] The white synthetic twine ligatures were also found in Dam Site, Čančari

[12127] P1813 (Christopher Lawrence, Report on autopsies of human remains from Liplje Site 2, October 1998), pp. 3, 21.
[12128] P1813 (Christopher Lawrence, Report on autopsies of human remains from Liplje Site 2, October 1998), pp. 16, 21.
[12129] P1813 (Christopher Lawrence, Report on autopsies of human remains from Liplje Site 2, October 1998), pp. 2, 12-13.
[12130] P1813 (Christopher Lawrence, Report on autopsies of human remains from Liplje Site 2, October 1998), pp. 2, 21.
[12131] P1813 (Christopher Lawrence, Report on autopsies of human remains from Liplje Site 2, October 1998), pp. 2, 10.
[12132] P1813 (Christopher Lawrence, Report on autopsies of human remains from Liplje Site 2, October 1998), p. 14.
[12133] P1813 (Christopher Lawrence, Report on autopsies of human remains from Liplje Site 2, October 1998), pp. 2, 14-15, 21.
[12134] P1813 (Christopher Lawrence, Report on autopsies of human remains from Liplje Site 2, October 1998), p. 21.
[12135] P1813 (Christopher Lawrence, Report on autopsies of human remains from Liplje Site 2, October 1998), pp. 3, 21-22.
[12136] P1813 (Christopher Lawrence, Report on autopsies of human remains from Liplje Site 2, October 1998, October 1998), pp. 2, 21-22.

Road site 3 and Čančari Road site 12.[12137] Lawrence identified three other similarities between Liplje Site 2 and Dam site: (1) similar decomposition, weathering and post mortem damage to the remains; (2) angular stones embedded in the bones; and (3) a relatively low number of recognizable gunshot wounds.[12138]

2785. According to a report authored by **Dušan Janc**, the remains of a number of individuals, including 45 minors, were identified through DNA analysis from various mass graves: 19 individuals from the Petkovci Dam mass grave; 159 individuals from Liplje 1; 172 individuals from Liplje 2; 57 individuals from Liplje 3; 292 individuals from Liplje 4, and 116 individuals from Liplje 7.[12139] In particular, the remains of Fuad Pilav, Zaim Pilav, Ramo Fejzić, Razim Buhić, Kadrija Becirović, and Salih Mehmedović were identified in Liplje 1, 2, 4, and 7.[12140] In his report, Janc indicated that DNA connections were reported when the remains of one individual were found in at least two different graves.[12141] Janc identified 37 DNA connections between the remains identified in the Petkovci Dam site, referred to as a primary mass grave, and the remains identified in secondary mass graves known as Liplje 1, 2, 3, 4, and 7. Fifty-two DNA connections between the remains identified in the secondary graves were also found. He further found one DNA connection between remains identified in one of the secondary graves, Liplje 2, and remains found in Čančari Road.[12142]

2786. The Trial Chamber received extensive forensic evidence concerning the bodies exhumed from the Petkovci Dam and the Liplje 1, 2, 3, 4, and 7 mass graves. The Trial Chamber has considered Adjudicated Facts 1583 and 1584, and the evidence of Witness RM-253, Witness RM-204 and Butler, according to which the men detained at Petkovci School were transported to, executed, and buried in an area near Petkovci Dam. It has also considered the evidence of Lawrence and Janc, linking the primary mass grave at Petkovci Dam with the secondary mass graves at Liplje 1, 2, 3, 4 and 7.

[12137] P1813 (Christopher Lawrence, Report on autopsies of human remains from Liplje Site 2, October 1998), pp. 2-3, 16-17.
[12138] P1813 (Christopher Lawrence, Report on autopsies of human remains from Liplje Site 2, October 1998), pp. 2-3, 16-18.
[12139] P1987 (Dušan Janc, Srebrenica Investigation, Update to Summary of Forensic Evidence, 28 June 2013), pp. 3-4, 10-11, 24-25, 41; P1982 (Annex D to the report titled Update to the Summary of Forensic Evidence, Srebrenica Investigation, by Dušan Janc), pp. 39-40, 211-251.
[12140] P1982 (Annex D to the report titled Update to the Summary of Forensic Evidence, Srebrenica Investigation, by Dušan Janc), pp. 214-215, 224, 240, 249. *See also*, P2795 (ICMP Srebrenica Update Expert Report, 21 July 2013); P5588 (ICMP Notice of DNA Reports, December 2007).
[12141] P1987 (Dušan Janc, Srebrenica Investigation, Update to Summary of Forensic Evidence, 28 June 2013), p. 48.

2787. The Trial Chamber first refers to its review of Janc's methodology as set out in Appendix B. Second, the Trial Chamber notes that none of the secondary graves were solely connected to the Petkovci Dam primary grave or to secondary graves that were not connected to another primary grave.

2788. All secondary graves were connected with the Petkovci Dam primary grave and with each other. However, the Trial Chamber notes that for one of the secondary mass grave, Liplje 2, Janc identified two DNA matches, each connected to a distinct secondary mass grave, namely Čančari Road 3 and Hodžići Road 5. The Trial Chamber further notes that Janc connects both of these mass graves to two other primary graves, related to other Scheduled Incidents. In accordance with the above, the Trial Chamber then considered the frequency of DNA connections.

2789. The high number of DNA connections between Liplje 1, 2, 3, 4, and 7 and the Petkovci Dam primary grave and among each other, compared to the very low number of 'external' connections with Čančari Road 3 and Hodžići Road 5, led the Trial Chamber to find that a majority of the bodies of Liplje 1, 2, 3, 4, and 7 secondary graves are to be counted as part of Scheduled Incident E.7.2.

2790. On the basis of this evidence, the Trial Chamber took a conservative approach as explained in Appendix B, and finds that the victims of this Scheduled Incident were buried in the Petkovci Dam mass grave and that bodies from the Petkovci Dam primary mass grave were subsequently reburied in Liplje 1, 2, 3, 4, and 7 secondary mass graves and will therefore rely on the number of DNA profiles identified in Petkovci Dam as well as the majority of the bodies found in Liplje 1, 2, 3, 4, and 7 to calculate the number of victims of this Scheduled Incident (*i.e* 19 individuals from Petkovci Dam mass grave, the majority of 159 individuals from Liplje 1, the majority of 172 individuals from Liplje 2, the majority of 57 individuals from Liplje 3, the majority of 292 individuals from Liplje 4, and the majority of 116 individuals from Liplje 7). The Trial Chamber will subtract from this number the 20 individuals who were killed in Scheduled Incident E.7.1 (*see* chapter 7.8.1) as their remains may also have been buried in the Petkovci Dam or Liplje 1, 2, 3, 4, and 7 mass graves.[12143]

[12142] P1987 (Dušan Janc, Srebrenica Investigation, Update to Summary of Forensic Evidence, 28 June 2013), p. 49.
[12143] The Trial Chamber notes that the six victims whose remains were identified in Liplje 1, 2, 4, and 7 are included in the total number of victims per mass grave mentioned in Janc's report.

2791. Based on the foregoing, the Trial Chamber finds that on 14 and 15 July 1995, at least 401 Bosnian-Muslim males, including minors, were shot and killed at Petkovci Dam.[12144] With regard to the Defence's argument that the Prosecution's witnesses failed to provide evidence identifying the perpetrators, the Trial Chamber notes that it did not rely on these witnesses' testimonies to identify the perpetrators of this scheduled incident. Rather, the Trial Chamber considered Adjudicated Facts number 1583 and 1584, which indicate that the 6th Infantry Battalion of the Zvornik Brigade transported the detainees from Petkovci School to the execution site. Further, Butler testified that the execution site was in the zone of responsibility of the Zvornik Brigade. Based on the foregoing, the Trial Chamber finds that members of the 6th Infantry Battalion of the Zvornik Brigade killed the Bosnian Muslims. The men had their hands tied up prior to being killed. No military or police uniforms were identified among the clothing found on some of the bodies exhumed from the mass graves. A Serb soldier called the detainees '*Balijas'* while calling them out to be killed. One soldier ordered one of the detainees to say '*Allahu Akbar*' immediately prior to killing him. While detainees were being shot, someone also said 'Haris Silajdžić will exchange your dead bodies'. After shooting a number of detainees, the soldiers were overheard saying 'this hunting was good, these rabbits are very good.' One of the soldiers then told the others to check the rows of bodies for survivors, saying that every detainee still living should be killed with a bullet to the head. The Trial Chamber will consider the aforementioned incidents in relation to Counts 2 to 6 of the Indictment in chapter 8 below.

[12144] Concerning the Trial Chamber's assessment of Ljubomir Bojanović's evidence concerning a mass execution of detainees in the Zvornik Brigade's area of responsibility, *see* chapter 7.8.1.

7.9 Roćević School and Kozluk (Schedule E.8.1 and E.8.2)

2792. According to the Indictment, the Accused is responsible for the killing of some of the approximately 1,000 Bosnian-Muslim men detained at Roćević School on or about 14 or 15 July 1995 (Scheduled Incident E.8.1) and the killing of the surviving portion of these Bosnian-Muslim men on 15 July 1995 (Scheduled Incident E.8.2).[12145] With regard to the second incident, the men were summarily executed at a site on the bank of the Drina River near Kozluk and the victims were buried in a nearby mass grave.[12146] Having considered that: (i) the events alleged in Scheduled Incident E.8.1 directly preceded those alleged in Scheduled Incident E.8.2; (ii) the killings alleged in Scheduled Incident E.8.2 relate to Bosnian- Muslim men previously detained at Roćević School; and (iii) a number of witnesses testified about both incidents, the Trial Chamber considers that both incidents are intrinsically linked and will analyse them both below. In relation to Scheduled Incident E.8.1, the Defence argued that the evidence does not show that VRS members perpetrated the killings.[12147] Further, according to the Defence, the Prosecution failed to provide sufficient evidence to establish the number and manner of death of the victims as set forth in Schedule Incidents E.8.1 and E.8.2.[12148] The Trial Chamber took judicial notice of a number of Adjudicated Facts regarding Scheduled Incident E.8.2.[12149] Further, it received evidence from **Witness RM-269**, a Military Police Officer in the Zvornik Brigade in 1995;[12150] **Witness RM-281**, a Bosnian Serb from Zvornik Municipality;[12151] **Damjan Lazarević**, a Serb member of the Engineering Unit of the Zvornik Brigade in July 1995;[12152] **Miloš Mitrović**, a member of the Transport Platoon and Fortification Platoon within the Engineering Company of the Zvornik Brigade since December 1992;[12153] **Richard Butler**, an intelligence research specialist;[12154] and finds that this evidence is consistent with the Adjudicated Facts.[12155]

[12145] Indictment, paras 11-12, 21-22, 46(a), 59(a)(iii), Schedule E.8.1 and Schedule E.8.2.
[12146] Indictment, Schedule E.8.2.
[12147] Defence Final Brief, paras 3149-3177.
[12148] Defence Final Brief, para. 3177.
[12149] Adjudicated Fact 1576 is reviewed in chapter 7.7.
[12150] P1561 (Witness RM-269, *Popović et al.* transcript, 29 January 2007), pp. 6437-6438.
[12151] P3451 (Witness RM-281, *Tolimir* transcript, 13 December 2010), pp. 8785, 8789-8790.
[12152] P3636 (Damjan Lazarević, *Popović et al.* transcript, 29-30 August 2007), pp. 14431-14432.
[12153] P3645 (Miloš Mitrović, *Blagojević and Jokić* transcript, 3-4 December 2003), pp. 5589-5590, 5594. While there are no diacritics in the name of the witness in P3645, the Trial Chamber understands that it is the same person as the one mentioned in P1486 and P3462 which contain diacritics and will therefore use this spelling.
[12154] Richard Butler, T. 16108.
[12155] **Witness RM-281**: P3451 (Witness RM-281, *Tolimir* transcript, 13 December 2010), pp. 8790, 8800-8801. **Witness RM-269**: P1561 (Witness RM-269, *Popović et al.* transcript, 29 January 2007), p. 6464;

Further, it received evidence from **Srecko Ačimović**, **Aćimović**, a Bosnian Serb from Roćević in Zvornik Municipality and Commander of the 2nd/3rd Infantry Battalion of the Zvornik Brigade between November 1992 and 1995;[12156] **Dragoje Ivanović** and **Milorad Birčaković**, both Bosnian-Serb military police officers in the Zvornik Brigade from 1993 until the end of the war in 1995;[12157] **Stanoje Birčaković**, a Bosnian-Serb military police officer in the Zvornik Brigade from 1993 until the end of the war;[12158] **Mile Janjić**, a member of the Bratunac Brigade military police platoon in July 1995;[12159] **Mitar Lazarević**, an officer in the 2nd Battalion of the VRS Zvornik Brigade in July 1995;[12160] **Dragan Jović**, the driver for VRS 2nd Battalion Commander Srecko Ačimović;[12161] **Mladen Blagojević,** a Serb member of the Military Police Platoon of the Bratunac Light Infantry Brigade;[12162] **Veljko Ivanović**, a driver of the VRS 4th Battalion in Malešić, Zvornik, under the command of Srecko Ačimović as of 23 January 1995;[12163] **Witness RM-266**, a Serb from Zvornik Municipality;[12164] **John Clark**, a forensic pathologist;[12165] **Jose Baraybar**, a forensic anthropologist;[12166] **Christopher Lawrence**, a forensic pathologist;[12167] and **Dušan Janc**, an investigator,[12168] as well as documentary evidence.

Witness RM-269, T. 12735. **Damjan Lazarević**: P3636 (Damjan Lazarević, *Popović et al.* transcript, 29-30 August 2007), pp. 14433, 14438, 14454-14459, 14474-14475; P3642 (Zvornik Brigade vehicle log for Rovakopac Torpedo, July 1995), pp. 1, 3. **Miloš Mitrović**: P3645 (Miloš Mitrović, *Blagojević and Jokić* transcript, 3-4 December 2003), pp. 5592-5596, 5603-560-5611, 5615, 5620-5622, 5634-5635; P3646 (Diagrams of machines). **Richard Butler**: P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), paras 7.55, 7.57.

[12156] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), pp. 12930-12931; Srecko Ačimović, T. 13230.

[12157] P2169 (Dragoje Ivanović, *Popović et al.* transcript, 30 August 2007), pp. 14537-14538 ; P2161 (Milorad Birčaković, *Popović et al.* transcript, 7-8 May 2007), pp. 11010-11011.

[12158] P2166 (Stanoje Birčaković, *Popović et al.* transcript, 1 May 2007), pp. 10740-10741.

[12159] P1445 (Mile Janjić, *Blagojević and Jokić* transcript, 24-25 May 2004), p. 9756.

[12160] P3500 (Mitar Lazarević, *Popović et al.* transcript, 26-27 June 2007), pp. 13358-13359, 13362; P3503 (Attendance for Zvornik Brigade 2nd Battalion Command Staff).

[12161] P3633 (Dragan Jović, *Popović et al.* transcript, 21 November 2007), p. 18048.

[12162] D922 (Mladen Blagojević, witness statement, 6 June 2014), p.1, para. 3; P7186 (Mladen Blagojević, US Department of Homeland Security, Report of Investigation), pp. 2, 4.

[12163] P3632 (Veljko Ivanović, *Popović et al.* transcript, 26 November 2007), pp. 18173-18174.

[12164] P78 (Witness RM-266, *Slobodan Milošević* transcript, 22-23 May 2003), p. 21003; P79 (Witness RM-266 pseudonym sheet and summary of *curriculum vitae*).

[12165] John Clark, T. 17185; P2236 (*Curriculum vitae* of John Clark); P2257 (John Clark, *Krstić* transcript, 30 and 31 May 2000), pp. 3897-3899; P2258 (John Clark, *Karadžić* transcript, 10 January 2012), pp. 22692-22693.

[12166] Jose Baraybar, T. 16002; P2071 (*Curriculum vitae* of Jose Baraybar, undated), p. 1. The evidence of Jose Baraybar (P2083) is reviewed in chapter 7.10.

[12167] Christopher Lawrence, T. 14695; P1803 (*Curriculum vitae* of Christopher Lawrence, undated), pp. 1-2.

[12168] P1987 (Dušan Janc, Srebrenica Investigation, Update to Summary of Forensic Evidence, 28 June 2013), p. 1; P1982 (Annex D to the report titled Update to the Summary of Forensic Evidence, Srebrenica Investigation, by Dušan Janc).

Arrival of Bosnian-Muslims detainees at Roćević School

2793. **Mladen Blagojević** testified that on 14 July 1995 he escorted a column of buses transporting Muslim detainees from Vuk Karadžić Elementary School in Bratunac to Roćević in Zvornik Municipality where they were transferred into the custody of the Zvornik military personnel and held in the Roćević school's gym.[12169] **Mile Janjić** testified that in the late afternoon hours of 14 or 15 July 1995 he drove in a military vehicle with six or seven other military policemen to Roćević School.[12170] He saw a UN APC in front of the school as well as the Bratunac Military Police Platoon Commander, Mirko Janković, and a military policeman named Zoran Živanović.[12171] The witness further saw a group of 10 to 15 soldiers in a meadow next to the school, whom he recognized as members of the Bratunac Brigade from Zenica.[12172] He learned from Živanović that there were Muslim men inside the school who were supposed to be brought elsewhere.[12173]

Events at Roćević School on 14 July 1995

2794. **Srecko Ačimović** testified that on 14 July 1995, both the priest and the president of the Roćević local commune told him that detainees were being held and killed in the gym of an elementary school in Roćević.[12174] They also told him that a woman had been accidentally shot and wounded near the school by those guarding the detainees, and that there was a lot of panic among the locals.[12175] Between 8 and 9 p.m., the witness entered the school yard, where a number of unfamiliar, dishevelled soldiers, behaving in a triumphant and arrogant manner refused to give him any information on what was

[12169] Mladen Blagojević, T. 32659-32661; P7186 (Mladen Blagojević, US Department of Homeland Security, Report of Investigation), p. 4. *See also* Srecko Ačimović, T. 13234-13235.
[12170] P1446 (Mile Janjić, *Popović et al.* transcript, 20 November 2007), pp. 17948-17951; Mile Janjić, T. 11011-11014, 11059; P1148 (Photo showing Roćević school).
[12171] P1446 (Mile Janjić, *Popović et al.* transcript, 20 November 2007), p. 17951; Mile Janjić, T. 11011-11013.
[12172] P1446 (Mile Janjić, *Popović et al.* transcript, 20 November 2007), p. 17951; Mile Janjić, T. 11011-11013.
[12173] Mile Janjić, T. 11012-11013.
[12174] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), pp. 12934-12935, 12941, 12943; Srecko Ačimović, T. 13220-13221, 13263-13265.
[12175] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), pp. 12934-12935, 12941; Srecko Ačimović, T. 13220-13221. *See also* P3500 (Mitar Lazarević, *Popović et al.* transcript, 26-27 June 2007), p. 13367; P3501 (Mitar Lazarević, *Tolimir* transcript, 6 December 2010), pp. 8520-8521.

happening or on the presence of their commanding officer(s).[12176] The witness was of the opinion that the soldiers were not from the Zvornik Brigade and later heard that some of them may have been from Bratunac, and some from Višegrad.[12177] He explained that the behaviour of the soldiers implied that 'someone above the Zvornik Brigade was their superior' and as if 'someone else was in command and control of their unit rather than the Zvornik Brigade'.[12178] When one of the soldiers pointed a rifle at him, he assumed that these men were under the influence of alcohol or narcotics.[12179] From the schoolyard, he heard the detainees calling out for water and access to a bathroom.[12180] After about half an hour, he left the school to join his unit.[12181] **Mitar Lazarević** stated that based on what Ačimović said, he believed that the detainees at the school were civilians.[12182] **Dragoje Ivanović** testified that soldiers told him that 'civilians' from Srebrenica were held at the school.[12183]

2795. **Ačimović** testified that he then went to his former logistics unit's office in Kozluk in Zvornik Municipality, from where he called the duty operations officer of the Zvornik Brigade command around 8:30 or 9:30 p.m..[12184] The duty operations officer said that he did not know anything about the people in the Roćević School gym, to which the witness responded that a large number of soldiers were guarding detainees at Roćević School and behaving erratically, and that they had wounded a woman.[12185] When the witness asked to speak with the Brigade Commander he was told that Vinko Pandurevic, the brigade commander, had not returned to the Zvornik Brigade and that Dragan Obrenovic, the Chief of Staff, was not there, so he asked the duty operations

[12176] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), pp. 12934-12936, 13033; Srecko Ačimović, T. 13235, 13270-13271. *See also* P3500 (Mitar Lazarević, *Popović et al.* transcript, 26-27 June 2007), pp. 13362, 13364-13367, 13372; P3501 (Mitar Lazarević, *Tolimir* transcript, 6 December 2010), pp. 8518-8519, 8521; P3503 (Attendance for Zvornik Brigade 2nd Battalion Command Staff).
[12177] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), p. 13033; Srecko Ačimović, T. 13231, 13269-13271. *See also* P3500 (Mitar Lazarević, *Popović et al.* transcript, 26-27 June 2007), pp. 13366-13367.
[12178] Srecko Ačimović, T. 13270.
[12179] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), p. 12936; Srecko Ačimović, T. 13231-13232. *See also* P3500 (Mitar Lazarević, *Popović et al.* transcript, 26-27 June 2007), pp. 13362, 13364-13367, 13372; P3501 (Mitar Lazarević, *Tolimir* transcript, 6 December 2010), pp. 8518-8519, 8521; P3503 (Attendance for Zvornik Brigade 2nd Battalion Command Staff).
[12180] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), pp. 12936-12937.
[12181] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), p. 12937.
[12182] P3501 (Mitar Lazarević, *Tolimir* transcript, 6 December 2010), p. 8519.
[12183] P2169 (Dragoje Ivanović, *Popović et al.* transcript, 30 August 2007), pp. 14554-14555.
[12184] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), pp. 12937-12938; Srecko Ačimović, T. 13221, 13262, 13295-13296, 13297.
[12185] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), p. 12938.

officer to tell them about the situation and to tell them to call the witness.[12186] The witness then spoke with Vujadin Popović, the Assistant Commander for Intelligence and Security in the DK, on the phone and informed him that soldiers were killing detainees at Roćević School, that they had no control over the situation and that there could be a 'general disaster and tragedy'.[12187] Popović told the witness to calm down and assured him that the detainees would be exchanged the following morning.[12188]

2796. After this phone conversation, Ačimović went back to Roćević School and told the soldiers guarding the detainees that they would be exchanged the following day and suggested to provide them with water and allow them to go out and use the toilet or to give them some containers to be used for this purpose.[12189] The soldiers agreed.[12190] Back at his battalion command, the witness discussed the situation with Vujo Lazarević, the Assistant Battalion Commander for Morale and Religious Affairs, and Mitar Lazarević.[12191] He then tried again unsuccessfully to contact the commander or chief of staff at the Brigade command.[12192]

Events during the night of 14 to 15 July 1995

2797. **Mitar Lazarević** stated that in the night between 14 and 15 July 1995, by telegram, the Zvornik Brigade ordered the 2nd Battalion to send a group of men to Roćević for the execution of the detainees.[12193] **Ačimović** testified that on 15 July 1995 between 1 and 2 a.m., the duty officer at the battalion command at the time, whom the witness believed to be Mitar Lazarević, told the witness that they had received an encrypted telegram, which contained an order from the Zvornik Brigade Command that

[12186] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), pp. 12938-12939; Srecko Ačimović, T. 13241.
[12187] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), pp. 12939-12940; Srecko Ačimović, T. 13221-13222, 13232, 13242.
[12188] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), pp. 12940-12941; Srecko Ačimović, T. 13232, 13303. *See also* P3500 (Mitar Lazarević, *Popović et al.* transcript, 26-27 June 2007), pp. 13372-13373; P3501 (Mitar Lazarević, *Tolimir* transcript, 6 December 2010), pp. 8521-8523.
[12189] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), pp. 12941-12942; Srecko Ačimović, T. 13222, 13232-13233.
[12190] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), p. 12942; Srecko Ačimović, T. 13233
[12191] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), p. 12943; Srecko Ačimović, T. 13235.
[12192] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), pp. 12943-12944; Srecko Ačimović, T. 13241, 13297.
[12193] P3500 (Mitar Lazarević, *Popović et al.* transcript, 26-27 June 2007), pp. 13373-13376, 13379; P3501 (Mitar Lazarević, *Tolimir* transcript, 6 December 2010), p. 8525.

a platoon of soldiers be detached to execute the detainees at Roćević School.[12194] The order further stipulated that the battalion inform the company commanders about the content of the telegram.[12195] According to the witness, he and the personnel at the battalion command were shocked that such an order was given.[12196] The witness, Vujo Lazarević, and Mitar Lazarević decided not to deploy their personnel and responded to the brigade command that they did not have any personnel available for that purpose.[12197] **Lazarević** stated that Ačimović replied, through telegram, and refused to carry out this order.[12198] **Ačimović** testified that about 45 minutes later, the battalion command received another telegram from the brigade command, stressing that the order had to be carried out and instructing the witness to personally inform the company commanders and the battalion command of the order, which Ačimović did.[12199] The witness, Vujo Lazarević, and Mitar Lazarević reiterated their stance to the brigade command that they would not detach any of their men for this purpose.[12200]

2798. Ten minutes after sending the second refusal, Drago Nikolić called Ačimović at the battalion command between 1 and 2:30 a.m.[12201] **Lazarević** stated that Ačimović received a phone call from the brigade, putting him under pressure to comply with the order.[12202] **Ačimović** protested when Nikolić insisted that the order be carried out because it had 'come from above', which the witness understood to mean that it had come from the Main Staff Command.[12203] When the witness told Nikolić that they did not have enough personnel, Nikolić responded that the witness's battalion was to do everything they could to allocate soldiers for the ordered purpose by 7 a.m., around

[12194] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), pp. 12944-12948; Srecko Ačimović, T. 13223-13226, 13230-13231, 13237-13238, 13261, 13263-13265.
[12195] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), p. 12946.
[12196] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), p. 12946; Srecko Ačimović, T. 13239.
[12197] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), pp. 12946-12947; Srecko Ačimović, T. 13223-13224, 13235, 13239-13240, 13242.
[12198] P3500 (Mitar Lazarević, *Popović et al.* transcript, 26-27 June 2007), pp. 13375-13377; P3501 (Mitar Lazarević, *Tolimir* transcript, 6 December 2010), p. 8525.
[12199] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), pp. 12944, 12947-12949; Srecko Ačimović, T. 13223-13224, 13226-13227, 13231, 13238, 13243, 13246, 13251-13253, 13257.
[12200] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), pp. 12944, 12948-12949.
[12201] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), pp. 12949-12951; Srecko Ačimović, T. 13224, 13231, 13242-13243, 13264-13265.
[12202] P3500 (Mitar Lazarević, *Popović et al.* transcript, 26-27 June 2007), pp. 13377-13378; P3501 (Mitar Lazarević, *Tolimir* transcript, 6 December 2010), pp. 8529-8530.
[12203] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), pp. 12950-12951; Srecko Ačimović, T. 13224-13225, 13265-13267, 13286, 13298.

which time Nikolić would call again to check what had been done.[12204] Nikolić called at 7 or 8 a.m. to check whether the order had been executed, and the witness informed him, again, that they had not done so nor were they planning to execute the order.[12205] Nikolić, who had been talking in 'high tones' and swearing, told the witness that if he could not allocate men for this purpose, the witness should conduct the executions himself, using his battalion.[12206] Nikolić further told the witness to wait for him at the school around 9 or 10 a.m.[12207] The witness then called the duty operations officer again, informed him of the developments and asked to speak with the chief of staff at any cost, requesting that the duty operations officer speak with the chief of staff himself if he got the chance.[12208]

Events at Roćević School on 15 July 1995

2799. **Lazarević** stated that Ačimović told the men that he would go to Roćević to say that he was not going to provide men for executions and then left.[12209] **Ačimović** left to meet Nikolić at the school around the designated time.[12210] When **Dragan Jović** entered the school yard with Ačimović, there was a white UNPROFOR APC to the left.[12211] The witness saw approximately 15 to 20 military police officers there and was told either by Ačimović or someone else that they belonged to the Bratunac Brigade.[12212] When he looked into the school gym, he saw that three-quarters of the gym was filled with detainees, including soldiers and 'civilians', sitting on the floor.[12213] **Ačimović** testified that chaos had progressed at the school by that time; he saw many soldiers and unfamiliar faces in the school yard and at least a dozen corpses lying on the grass in front of the school bathroom.[12214] **Lazarević** stated that Ačimović later told him about

[12204] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), pp. 12950-12951; Srecko Ačimović, T. 13286, 13298.
[12205] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), pp. 12951-12952, 13066.
[12206] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), pp. 12952-12956; Srecko Ačimović, T. 13286, 13298.
[12207] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), pp. 12953-12954.
[12208] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), p. 12957; Srecko Ačimović, T. 13262-13263, 13297.
[12209] P3500 (Mitar Lazarević, *Popović et al.* transcript, 26-27 June 2007), p. 13379; P3501 (Mitar Lazarević, *Tolimir* transcript, 6 December 2010), pp. 8530-8531.
[12210] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), p. 12957. *See also* P3633 (Dragan Jović, *Popović et al.* transcript, 21 November 2007), pp. 18051-18052.
[12211] P3633 (Dragan Jović, *Popović et al*. transcript, 21 November 2007), pp. 18052-18053.
[12212] P3633 (Dragan Jović, *Popović et al*. transcript, 21 November 2007), p. 18053.
[12213] P3633 (Dragan Jović, *Popović et al*. transcript, 21 November 2007), pp. 18054-18055.
[12214] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), pp. 12958, 12960.

his visit to the school and said that the guards had killed a few detainees.[12215] Those bodies lay in the grassy area behind the gym of the school.[12216] **Stanoje Birčaković** heard that the people held in the Roćević school building had been executed and buried on the spot but that their bodies had later been moved.[12217] **Jović** stated that on the eve of the execution, outside the command centre, he overheard a soldier of the 2nd Battalion saying that Muslim detainees were being held in Roćević School, that there were dead among the detainees, and that Joco Stojanović had come to take them away with a tractor.[12218]

2800. **Ačimović** met Popović in front of the school, but Nikolić was absent.[12219] Popović and the witness went to an office located on the first floor of the open school building.[12220] Popović demanded to know why the witness had not brought any of his men and threatened that he would be held responsible for failing to carry out an order.[12221] During this conversation, Popović often left the office to give instructions to some of his soldiers.[12222] Popović cursed throughout, and told the witness that it was impossible that none of his men wanted to participate in the executions.[12223] Popović tried to persuade the witness to go to the school yard and ask whether any of the soldiers would be willing to participate in the executions.[12224]

2801. The witness asked Popović to evacuate the detainees from the school and to either return them where they had come from or to transfer them to the Standard Barracks near Kozluk where the conditions were better to accommodate them.[12225] Popović, who, according to the witness, had been searching for potential execution sites, refused to discuss the witness's suggestion, and instead asked the witness to give him

[12215] P3500 (Mitar Lazarević, *Popović et al.* transcript, 26-27 June 2007), pp. 13366-13367.
[12216] P3501 (Mitar Lazarević, *Tolimir* transcript, 6 December 2010), pp. 8518-8519; P3502 (Two photographs of Roćević elementary school), p. 1.
[12217] P2166 (Stanoje Birčaković, *Popović et al.* transcript, 1 May 2007), p. 10763.
[12218] P3633 (Dragan Jović, *Popović et al.* transcript, 21 November 2007), pp. 18049-18050.
[12219] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), pp. 12957-12958, 12986; Srecko Ačimović, T. 13287.
[12220] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), p. 12958.
[12221] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), pp. 12958-12959.
[12222] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), pp. 12959, 12964.
[12223] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), pp. 12960, 12965; Srecko Ačimović, T. 13286.
[12224] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), p. 12960; Srecko Ačimović, T. 13286.
[12225] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), pp. 12965-12966, 13117; Srecko Ačimović, T. 13227-13228, 13291-13292, 13295, 13301-13304.

names of possible locations.[12226] Popović called the duty operations officer at the brigade command and told him that trucks had to be sent to Roćević urgently.[12227] Around 40 minutes after the call, a single truck, sent by the brigade command, reached the school yard.[12228] The truck driver, Veljko Ivanović, was a member of the witness's unit.[12229] While the witness talked with Popović in the office, another member of the witness's unit, Dragan Jović, was standing outside the office and listening to their conversation. Popović cursed when the truck arrived, disappointed that there was only one.[12230] Popović told one of the soldiers guarding the detainees that the executions had to be carried out in Roćević near the school.[12231] Jović interjected and said that the battalion had six or seven trucks which could be used to drive the detainees away.[12232] Once Jović had provided the names of the drivers, Popović told Ačimović to call them and tell them to come to the school with their vehicles.[12233]

2802. Popović left the office, and during this time, the witness deliberately 'played some tricks' to ensure that he could not contact any of the drivers and reported to Popović that the drivers were unavailable.[12234] Popović ordered the witness to physically go to the drivers' houses and check. Ačimović testified that he was unsure whether he went to the houses of Mičo Lazarević, Djoko Nikolić, and Radivoje Jekić to warn them that Popović was looking for them to transport detainees. In any event, he made it clear to them that they should make themselves scarce, and while Lazarević and Jekić did so, Nikolić was too scared.[12235] After 15 or 20 minutes, Nikolić arrived in a small civilian truck which had a capacity of about 15 people.[12236] Popović was disappointed with the size of the truck.[12237] Jović then left to secure a vehicle from another driver, Mičo

[12226] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), p. 13117; Srecko Ačimović, T. 13286.
[12227] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), pp. 12965-12967.
[12228] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), p. 12967.
[12229] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), pp. 12967-12968, 12981-12983.
[12230] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), p. 12968.
[12231] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), pp. 12968-12969; Srecko Ačimović, T. 13286, 13303.
[12232] Srecko Ačimović, T. 13288; P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), p. 12969.
[12233] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), p. 12969; Srecko Ačimović, T. 13286, 13288-13289.
[12234] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), pp. 12969, 13105; Srecko Ačimović, T. 13288-13290.
[12235] Srecko Ačimović, T. 13289.
[12236] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), pp. 12970-12972, 12981, 13288; Srecko Ačimović, T. 13285, 13288-13289.
[12237] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), p. 12972.

Stanojević, and returned with another truck.[12238] Popović asked the brigade command to send 'one of the two men' located at Petkovci or Orahovac in Zvornik Municipality to transport the detainees and ordered the witness not to leave until one of the two men showed up.[12239]

2803. **Jović** stated that Ačimović instructed him to see Drašković, whose brother had been killed early on in the war, to ask him if he wanted to 'execute'.[12240] When Ačimović mentioned the execution, the firing and the extent of it, the witness opposed him and asked him '[Srecko], is that more normal? What are you doing, man?'.[12241] Ačimović replied: 'We have to do that. It's an order, the order must be carried out'.[12242] After the witness returned from talking with Drašković, who had refused to take part in the executions, Ačimović ordered the witness to go with Veljko Ivanović in the battalion's truck to Kozluk, because the executions of the detainees would take place there.[12243] The witness was to show Ivanović the place, as he knew the area.[12244]

2804. **Ačimović** left the school and on his way out, passed by drivers Dragan Jović, Veljko Ivanović, and Djordje Nikolić, and told them that his unit had nothing to do with the operation and that he was leaving for Malešić in Zvornik Municipality.[12245] He testified that these three men were involved in the transportation of detainees.[12246] At the battalion command, the witness informed Vujo Lazarević and Mitar Lazarević of the situation at the school.[12247] He then called the brigade command and updated the duty operations officer regarding the situation and the action which he had taken.[12248] Like the previous day, the officer informed the witness that neither the commander nor the chief of staff was available.[12249]

[12238] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), p. 12972; Srecko Ačimović, T. 13287, 13295.
[12239] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), pp. 12986, 12988; Srecko Ačimović, T. 13301-13304.
[12240] P3633 (Dragan Jović, *Popović et al*. transcript, 21 November 2007), pp. 18056-18057, 18080.
[12241] P3633 (Dragan Jović, *Popović et al*. transcript, 21 November 2007), pp. 18056-18057, 18080.
[12242] P3633 (Dragan Jović, *Popović et al*. transcript, 21 November 2007), pp. 18057, 18081.
[12243] P3633 (Dragan Jović, *Popović et al*. transcript, 21 November 2007), pp. 18057-18058, 18082.
[12244] P3633 (Dragan Jović, *Popović et al*. transcript, 21 November 2007), pp. 18058-18059.
[12245] P1595 (Srecko Ačimović, *Tolimir* transcript, 8 February 2011), pp. 9548-9549; Srecko Ačimović, T. 13285-13286. The Trial Chamber understands that t. 13289: Djoko Nikolić (mentioned by Ačimović at T. 13289) could be the same man as Dordje Nikolić (mentioned by Srecko Ačimović at T. 13285-13286).
[12246] Srecko Ačimović, T. 13285-13286.
[12247] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), pp. 12989-12990.
[12248] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), p. 12990; Srecko Ačimović, T. 13263, 13297.
[12249] P1594 (Srecko Ačimović, *Popović et al.* transcript, 20-22 June 2007), p. 12990.

2805. **Witness RM-269** testified that on 15 July 1995, Miomir Jasikovac ordered military police officers of the Zvornik Brigade to secure the facility and the detainees at Roćević School.[12250] **Milorad Birčaković** stated that on 15 July 1995 he drove Jasikovac to Roćević.[12251] At Roćević School, there were already soldiers guarding the detainees.[12252] **Witness RM-269** testified that the military police officers arrived at the school around 10 or 11 a.m and saw that the detainees were already in the school and inside the gym.[12253] He saw a few bodies of Muslim detainees lying around.[12254] Some were wearing civilian clothing, except one possibly wearing a camouflage short or trousers.[12255] He heard that a local man who had lost his son took a couple of these detainees from the gym and killed them.[12256] The detainees were guarded by members of the military police of the Zvornik Brigade, as well as other soldiers in VRS uniforms.[12257] The task of the military police was to secure the facility and to make sure that the detainees would stay where they were and to prevent the local population from approaching or coming close to the detainees.[12258]

2806. **Veljko Ivanović** stated that he was told that Ačimović had ordered him to load ammunition and bring it to Roćević School.[12259] When he arrived at the school, soldiers unloaded the truck and installed planks to build a ramp to the truck.[12260] They started loading people from the school, who had their hands tied and their eyes bound, onto the truck.[12261] As they started loading people, the witness asked Ačimović 'what is going on? I can't do this. I refuse', to which Ačimović shrugged his shoulders and said that

[12250] P1561 (Witness RM-269, *Popović et al.* transcript, 29 January 2007), pp. 6460-6461; Witness RM-269, T. 12711-12712, 12733-12734.
[12251] P2161 (Milorad Birčaković, *Popović et al.* transcript, 7-8 May 2007), pp. 11045, 11047. *See also* P2169 (Dragoje Ivanović, *Popović et al.* transcript, 30 August 2007), pp. 14538-14539, 14553-14554.
[12252] P2161 (Milorad Birčaković, *Popović et al.* transcript, 7-8 May 2007), p. 11047. *See also* P2166 (Stanoje Birčaković, *Popović et al.* transcript, 1 May 2007), p. 10761.
[12253] P1561 (Witness RM-269, *Popović et al.* transcript, 29 January 2007), p. 6461; Witness RM-269, T. 12733-12734. *See also* P2166 (Stanoje Birčaković, *Popović et al.* transcript, 1 May 2007), pp. 10741, 10743, 10760; P2169 (Dragoje Ivanović, *Popović et al.* transcript, 30 August 2007), pp. 14538-14539, 14553-14554.
[12254] P1561 (Witness RM-269, *Popović et al.* transcript, 29 January 2007), pp. 6461-6462; Witness RM-269, T. 12733-12734.
[12255] P1561 (Witness RM-269, *Popović et al.* transcript, 29 January 2007), pp. 6461-6464.
[12256] P1561 (Witness RM-269, *Popović et al.* transcript, 29 January 2007), pp. 6461-6462; Witness RM-269, T. 12733-12735.
[12257] P1561 (Witness RM-269, *Popović et al.* transcript, 29 January 2007), p. 6462; Witness RM-269, T. 12735, 12737-12738.
[12258] Witness RM-269, T. 12733-12734.
[12259] P3632 (Veljko Ivanović, *Popović et al.* transcript, 26 November 2007), pp. 18175, 18177-18179.
[12260] P3632 (Veljko Ivanović, *Popović et al.* transcript, 26 November 2007), p. 18177.
[12261] P3632 (Veljko Ivanović, *Popović et al.* transcript, 26 November 2007), pp. 18177, 18182.

this had to be done.[12262] As many of them fell down they decided to cut the bonds and take off the blindfolds.[12263] **Witness RM-281**'s recollection is that he saw detainees with their hands tied on trucks located close to the school.[12264] **Witness RM-269** testified that the detainees were made to board onto trucks by people in VRS uniforms and the witness heard that they were taken to a dump in Kozluk, approximately 20 minutes away, where they were shot.[12265] **Witness RM-266** stated that he visited Roćević in mid-July 1995 after he had learned from one woman about killings at Roćević School.[12266] In Roćević, he saw up to 50 women and children in front of the school playground which was full of buses and soldiers.[12267] The witness talked to locals who told him that 'they were killing people from Srebrenica there, and [that] bursts of fire could be heard frequently'. He himself heard gunfire about 100 metres from the road.[12268] The locals were protesting against what was happening and said that the soldiers had brought several busloads there and were killing people behind the school.[12269]

2807. **Jović** stated that the first truck transporting the detainees stopped at a gravel pit about three kilometres from Kozluk.[12270] Two to four Bratunac Brigade military police officers accompanied the trucks.[12271] The detainees were offloaded by the military police officers and taken away. The witness returned to Roćević and was ordered by Ačimović to fetch a truck from Mico Stanojević.[12272] Stanojević's mother and wife refused to give him the truck.[12273] Ačimović then joined the witness and sternly ordered them to hand over the keys of the truck. The witness then continued, as ordered by Ačimović, to transport soldiers and detainees from Roćević to Kozluk with this truck. The truck could hold approximately ten detainees and the soldiers securing them.[12274] When the witness returned to the gravel pit, there was a larger presence of the army but

[12262] P3632 (Veljko Ivanović, *Popović et al.* transcript, 26 November 2007), p. 18177.
[12263] P3632 (Veljko Ivanović, *Popović et al.* transcript, 26 November 2007), p. 18182.
[12264] P3451 (Witness RM-281, *Tolimir* transcript, 13 December 2010), pp. 8790, 8795-8796.
[12265] P1561 (Witness RM-269, *Popović et al.* transcript, 29 January 2007), p. 6464; Witness RM-269, T. 12735. *See also* Srecko Ačimović, T. 13227-13228, 13302-13304.
[12266] P78 (Witness RM-266, *Slobodan Milošević* transcript, 22-23 May 2003), pp. 21040, 21043, 21091, 21096.
[12267] P78 (Witness RM-266, *Slobodan Milošević* transcript, 22-23 May 2003), pp. 21040, 21043-21044.
[12268] P78 (Witness RM-266, *Slobodan Milošević* transcript, 22-23 May 2003), p. 21040.
[12269] P78 (Witness RM-266, *Slobodan Milošević* transcript, 22-23 May 2003), p. 21042.
[12270] P3633 (Dragan Jović, *Popović et al.* transcript, 21 November 2007), p. 18059.
[12271] P3633 (Dragan Jović, *Popović et al.* transcript, 21 November 2007), pp. 18059, 18083.
[12272] P3633 (Dragan Jović, *Popović et al.* transcript, 21 November 2007), p. 18060.
[12273] P3633 (Dragan Jović, *Popović et al.* transcript, 21 November 2007), pp. 18060-18061.
[12274] P3633 (Dragan Jović, *Popović et al.* transcript, 21 November 2007), p. 18061.

these soldiers were not from the 2nd Battalion.[12275] The witness carried out two or three trips.[12276] He also saw Milivoje Lazarević drive a truck-load of detainees.[12277] The entire operation started at 2 or 3 p.m. and was still ongoing when the witness left at around 5 or 6 p.m., as he was given another task. Subsequently, Mico Stanojević took over the truck from the witness.[12278]

2808. **Witness RM-281** stated that in the afternoon of a Saturday in July 1995[12279] he saw a dug out hole at Kozluk with bodies in it.[12280] There was also a truck with detainees on it.[12281] The witness estimated that there were about 50 soldiers; about half on each side of the truck, with a five- or six-metre deep hole in between them.[12282] When the detainees came off the truck, they fell into the hole and they were shot from both sides.[12283] It was not possible for the detainees to go anywhere else other than the hole, because soldiers were standing to their left and right and the hole was in front of them.[12284] The witness also saw an armed man, with what he thought were white cross belts, crying.[12285]

2809. **Ivanović** stated that the detainees were offloaded from the truck when he arrived in Kozluk.[12286] The witness observed about eight men shooting at and killing the detainees.[12287] The witness recalled one 12 to 14-year-old boy amongst the detainees who was begging for his life. Ivanović later heard that this boy had been killed.[12288] The witness saw detainees who tried to escape but were chased, beaten, and shot.[12289] When the witness came back to transport the second group of detainees, the school gym was open and he saw detainees sitting with their legs crossed one next to another.[12290] He drove detainees from the Roćević School to Kozluk three or four times that day.[12291]

[12275] P3633 (Dragan Jović, *Popović et al.* transcript, 21 November 2007), p. 18065.
[12276] P3633 (Dragan Jović, *Popović et al.* transcript, 21 November 2007), p. 18061.
[12277] P3633 (Dragan Jović, *Popović et al.* transcript, 21 November 2007), p. 18063.
[12278] P3633 (Dragan Jović, *Popović et al.* transcript, 21 November 2007), pp. 18063-18064.
[12279] The Trial Chamber notes that in July 1995, the 1st, 8th, 15th, 22nd and 29th were Saturdays.
[12280] P3451 (Witness RM-281, *Tolimir* transcript, 13 December 2010), pp. 8790, 8800-8801.
[12281] P3451 (Witness RM-281, *Tolimir* transcript, 13 December 2010), pp. 8790-8791, 8796.
[12282] P3451 (Witness RM-281, *Tolimir* transcript, 13 December 2010), pp. 8791, 8801-8804, 8809.
[12283] P3451 (Witness RM-281, *Tolimir* transcript, 13 December 2010), pp. 8812-8813.
[12284] P3451 (Witness RM-281, *Tolimir* transcript, 13 December 2010), pp. 8809, 8812-8813.
[12285] P3451 (Witness RM-281, *Tolimir* transcript, 13 December 2010), pp. 8804-8805, 8813.
[12286] P3632 (Veljko Ivanović, *Popović et al.* transcript, 26 November 2007), p. 18189.
[12287] P3632 (Veljko Ivanović, *Popović et al.* transcript, 26 November 2007), pp. 18189-18190.
[12288] P3632 (Veljko Ivanović, *Popović et al.* transcript, 26 November 2007), p. 18190.
[12289] P3632 (Veljko Ivanović, *Popović et al.* transcript, 26 November 2007), pp. 18189-18190, 18223-18224.
[12290] P3632 (Veljko Ivanović, *Popović et al.* transcript, 26 November 2007), pp. 18182-18183.
[12291] P3632 (Veljko Ivanović, *Popović et al.* transcript, 26 November 2007), pp. 18188, 18191.

Other drivers that day were Radivoje Jekić, Mico Stanić, Djoko Nikolić, and Dragan Jović.[12292] **Witness RM-281** saw Milan Tomić and Vukasin Drašković, who were both armed, on the trucks transporting detainees to Kozluk.[12293] **Witness RM-269** testified that by dusk, all of the detainees had been taken away from the school and the military policemen were brought back to the barracks.[12294]

2810. **Ivanović** learned subsequently from other people that Milan Ostojić, Zoran Simanić, 'Zuzi' Drasković, Beco Ristanović, and a minor called Kosović, were among the eight people who had done the shooting.[12295] **Ačimović** testified that he subsequently learned that the detainees were executed in Kozluk on the bank of the Drina River and that some men from his unit, but not his battalion as a whole, took part in the process.[12296] **Witness RM-281** stated that all the soldiers were wearing multi-coloured uniforms and some of them had white cross-belts and, according to the witness, they were members of the military police.[12297] The witness recognised Milan Stjepanović and Zoran Simenić[12298], both armed, but he could not remember whether they were shooting.[12299] Simenić wore a multi-coloured uniform.[12300] The witness believed that he was in Srecko Ačimović's unit.[12301] The witness also recognised an armed person in multi-coloured uniform and white cross-belts called 'Cigo', who he believed belonged to the Zvornik military police.[12302]

2811. A large scale execution and burial operation was carried out at Kozluk between 15 and 16 July 1995.[12303] On 16 July, the victims were buried in mass graves near the site of their execution.[12304] The Kozluk execution site is located within the zone of responsibility of the Zvornik Brigade.[12305]

[12292] P3632 (Veljko Ivanović, *Popović et al.* transcript, 26 November 2007), pp. 18181-18182; *See also* P3451 (Witness RM-281, *Tolimir* transcript, 13 December 2010), pp. 8790, 8797-8798.
[12293] P3451 (Witness RM-281, *Tolimir* transcript, 13 December 2010), pp. 8790, 8797-8798.
[12294] P1561 (Witness RM-269, *Popović et al.* transcript, 29 January 2007), p. 6465.
[12295] P3632 (Veljko Ivanović, *Popović et al.* transcript, 26 November 2007), pp. 18192-18193, 18209-18210. *See also* P3451 (Witness RM-281, *Tolimir* transcript, 13 December 2010), p. 8790.
[12296] Srecko Ačimović, T. 13227-13228, 13296, 13302-13304.
[12297] P3451 (Witness RM-281, *Tolimir* transcript, 13 December 2010), p. 8802.
[12298] The Trial Chamber understands that 'Zoran Simanić' mentioned by Ivanović is the same man as 'Zoran Simenić' mentioned by Witness RM-281.
[12299] P3451 (Witness RM-281, *Tolimir* transcript, 13 December 2010), pp. 8806, 8809-8811.
[12300] P3451 (Witness RM-281, *Tolimir* transcript, 13 December 2010), p. 8809.
[12301] P3451 (Witness RM-281, *Tolimir* transcript, 13 December 2010), pp. 8809-8810.
[12302] P3451 (Witness RM-281, *Tolimir* transcript, 13 December 2010), pp. 8806-8808.
[12303] Adjudicated Facts II, no. 1586.
[12304] Adjudicated Facts II, no. 1587.
[12305] Adjudicated Facts II, no. 1588.

2812. From Roćević School, **Witness RM-266** went to the VRS Command in Zvornik to talk to the chief of the brigade, Dragan Obrenović, whom he knew well, 'believing that they too didn't know what was happening on the ground'.[12306] Ratko Vidović, Chief of the SUP in Mali Zvornik, was present at the VRS Command in Zvornik.[12307] After a while, a 'lower ranking officer' covered in black soot and wearing a soldier's shirt arrived and cursed that he himself had to pick up a weapon and shoot because the Serbs refused to kill.[12308] The witness asked for his name and the officer told him that his first name was Drago.[12309] Later, the witness learned that the officer's surname was Nikolić.[12310] That officer said that he was coming from an execution site where they were killing people and that 'Beara had ordered that 6,900 people had to disappear within five days, from Zvornik southwards towards Bijeljina'.[12311] The witness later learned that Beara was the Deputy Head for Security of the VRS Main Staff.[12312] The officer also told the witness that 'they were transporting men to various villages' where they were killed.[12313]

Burial in Kozluk

2813. Members of the Zvornik Brigade Engineering Company, using Zvornik Brigade excavators and bulldozers, participated in the burial of Bosnian-Muslim men in mass graves at Kozluk on 16 July.[12314] On that day a Brigade excavator-loader operated for eight hours in Kozluk.[12315] A bulldozer operated in Kozluk for one and a half hours on 18 July and another hour on 19 July.[12316] A number of bodies exhumed at Kozluk showed signs of pre-existing disability or chronic disease, ranging from arthritis to amputations.[12317] Fifty-five blindfolds and 168 ligatures were uncovered at the Kozluk

[12306] P78 (Witness RM-266, *Slobodan Milošević* transcript, 22-23 May 2003), pp. 21040-21042, 21094, 21096, 21106.
[12307] P78 (Witness RM-266, *Slobodan Milošević* transcript, 22-23 May 2003), pp. 21040-21041, 21093-21096.
[12308] P78 (Witness RM-266, *Slobodan Milošević* transcript, 22-23 May 2003), p. 21041.
[12309] P78 (Witness RM-266, *Slobodan Milošević* transcript, 22-23 May 2003), pp. 21041, 21092.
[12310] P78 (Witness RM-266, *Slobodan Milošević* transcript, 22-23 May 2003), pp. 21041, 21092.
[12311] P78 (Witness RM-266, *Slobodan Milošević* transcript, 22-23 May 2003), pp. 21041, 21043, 21092, 21096.
[12312] P78 (Witness RM-266, *Slobodan Milošević* transcript, 22-23 May 2003), p. 21092.
[12313] P78 (Witness RM-266, *Slobodan Milošević* transcript, 22-23 May 2003), p. 21042.
[12314] Adjudicated Facts II, nos 1589-1590, 2883.
[12315] Adjudicated Facts II, no. 1591.
[12316] Adjudicated Facts II, no. 1592.
[12317] Adjudicated Facts II, no. 1593.

grave.[12318] Plant specimens found in the grave proved that the executions of the victims occurred around the middle of July.[12319] **Damjan Lazarević** stated that on 16 July 1995 'the major' ordered him to go to Kozluk to bury the bodies of executed people.[12320] He further stated that when he was at a range of about 20 metres from a gravel pit he saw decomposing bodies in military and civilian clothing lying close to one another, most of them in the pit, and a few on the surface.[12321] The witness also noticed three to four uniformed young men with painted faces and masks further away from him.[12322] **Miloš Mitrović** stated that the corpses were dressed in civilian clothing.[12323]

2814. According to a report authored **John Clark**, 838 bodies or body parts were exhumed from four primary grave sites in 1999: 292 bodies and 233 body parts from Kozluk.[12324] The report provides a cause of death for each body and each body part.[12325] Due to the advanced level of decomposition of the bodies and the potential for *post mortem* damage, the report highlights some limitations of the autopsies such as correctly distinguishing *post mortem* injuries from *ante mortem* injuries.[12326] The autopsies were carried out on the basis of two assumptions (i) the vast majority of injuries suggestive of gunshot damage occurred in life and were fatal; and (ii) any non-gunshot injuries were caused *post mortem* unless proven otherwise.[12327] The report therefore concedes that some genuine blunt force injuries, such as beating, could have been misinterpreted as *post mortem* damage.[12328] The 292 bodies and 233 body parts were found in two main locations, with separate three bodies nearby, and some bone fragments on the surface of

[12318] Adjudicated Facts II, no. 1594.
[12319] Adjudicated Facts II, no. 1595.
[12320] P3636 (Damjan Lazarević, *Popović et al.* transcript, 29-30 August 2007), pp. 14433, 14454-14455.
[12321] P3636 (Damjan Lazarević, *Popović et al.* transcript, 29-30 August 2007), pp. 14456-14457.
[12322] P3636 (Damjan Lazarević, *Popović et al.* transcript, 29-30 August 2007), p. 14457.
[12323] P3645 (Miloš Mitrović, *Blagojević and Jokić* transcript, 3-4 December 2003), p. 5606.
[12324] P2259 (John Clark, Report on autopsies of human remains from Kozluk, Nova Kasaba, Konjević Polje, Glogova, 1999), pp. 1, 6, 13, 16-17, 19, 20, 24.
[12325] P2259 (John Clark, Report on autopsies of human remains from Kozluk, Nova Kasaba, Konjević Polje, Glogova, 1999), p. 3.
[12326] P2259 (John Clark, Report on autopsies of human remains from Kozluk, Nova Kasaba, Konjević Polje, Glogova, 1999), p. 3.
[12327] P2259 (John Clark, Report on autopsies of human remains from Kozluk, Nova Kasaba, Konjević Polje, Glogova, 1999), pp. 3-4.
[12328] P2259 (John Clark, Report on autopsies of human remains from Kozluk, Nova Kasaba, Konjević Polje, Glogova, 1999), p. 3.

the site in Kozluk.[12329] These bodies, body parts and bone fragments constituted a minimum of 340 individuals.[12330]

2815. Autopsies performed in 1999 on the bodies indicate the following causes of death: 83 died of gunshot injuries to the head; 76 died of gunshot injuries to the trunk; 72 died of multiple gunshot injuries; five died of gunshot injuries to the legs; and one died of gunshot injuries to the arms.[12331] The cause of death for 55 of the bodies was undetermined.[12332] At least 600 gunshot injuries were found on 260 individuals. The majority were shot at once or twice but some as many as seven times.[12333] The most common areas where gunshot wounds were identified, in order of frequency, were: trunk, legs, head, and arms.[12334] In some cases it was possible to identify from which direction a shot had been fired; the individuals were most often shot from behind but a large number of shots were fired from unknown directions.[12335] Given the lack of soft tissue on most of the bodies, it was impossible to identify from what distance shots had been fired. However, the shots that were 'neatly' placed at the back of the head suggest that some of them had been fired at close range. The fragmentation pattern of the injuries to the bones and the recovery of sharp-pointed copper jacketed bullets of 7.62 millimetres diameter indicated that high velocity rifles had been used.[12336] Given the difficulty in identifying whether the additional body parts found came from the whole bodies, the report does not include an analysis of their cause of death.[12337] Furthermore, most of the body parts were completely skeletonised.[12338] However, while most body

[12329] P2259 (John Clark, Report on autopsies of human remains from Kozluk, Nova Kasaba, Konjević Polje, Glogova, 1999), pp. 1, 6.
[12330] P2259 (John Clark, Report on autopsies of human remains from Kozluk, Nova Kasaba, Konjević Polje, Glogova, 1999), p. 6.
[12331] P2259 (John Clark, Report on autopsies of human remains from Kozluk, Nova Kasaba, Konjević Polje, Glogova, 1999), pp. 8, 11-12.
[12332] P2259 (John Clark, Report on autopsies of human remains from Kozluk, Nova Kasaba, Konjević Polje, Glogova, 1999), pp. 11-12.
[12333] P2259 (John Clark, Report on autopsies of human remains from Kozluk, Nova Kasaba, Konjević Polje, Glogova, 1999), p. 8.
[12334] P2259 (John Clark, Report on autopsies of human remains from Kozluk, Nova Kasaba, Konjević Polje, Glogova, 1999), pp. 8-9, 12.
[12335] P2259 (John Clark, Report on autopsies of human remains from Kozluk, Nova Kasaba, Konjević Polje, Glogova, 1999), p. 9.
[12336] P2259 (John Clark, Report on autopsies of human remains from Kozluk, Nova Kasaba, Konjević Polje, Glogova, 1999), p. 10.
[12337] P2259 (John Clark, Report on autopsies of human remains from Kozluk, Nova Kasaba, Konjević Polje, Glogova, 1999), p. 6.
[12338] P2259 (John Clark, Report on autopsies of human remains from Kozluk, Nova Kasaba, Konjević Polje, Glogova, 1999), p. 6.

parts were completely uninjured, 19 body parts showed injuries suggestive of gunshot damage.[12339]

2816. At the time of their death, the individuals found in Kozluk were between the ages of eight and 85 years, with the majority being over the age of 25 years. Where gender could be determined, they were all male.[12340] While items of clothing were found on nearly all of the bodies, the report does not indicate that they were military clothing. Personal possessions such as documents, jewellery and money were found on the bodies.[12341] Forty-four definite and two probable blindfolds, made of a variety of pieces of cloth, were recovered at the site. One hundred and forty individuals, with a further possible three individuals had their hands tied behind their back with ligatures, with the exception of one tied at the front. Ligatures were also present on 13 of the body parts.[12342] The ligatures were made from narrow strips of cloth, most of them from the same pattern material, while others were made from nylon string. A strip of cloth, which was several feet long and made of the same material as many of the ligatures, was found in the pocket of an individual whose hands were not tied. Six individuals had double ligatures and 21 had both ligatures and blindfolds.[12343] According to another report authored by **Clark**, an autopsy was performed on 26 July 1999 on a complete body recovered from the Kozluk mass grave.[12344] The report provides that the individual died from a gunshot wound to the chest.[12345] The individual was identified as being male and at the time of his death between the age of 35 and 60.[12346] While items of clothing found on the body – *i.e.* green checked long sleeve shirt, dark brown trousers, light brown shoes – could have been of military origin, the individual examined did not appear to be

[12339] P2259 (John Clark, Report on autopsies of human remains from Kozluk, Nova Kasaba, Konjević Polje, Glogova, 1999), pp. 6, 11.
[12340] P2259 (John Clark, Report on autopsies of human remains from Kozluk, Nova Kasaba, Konjević Polje, Glogova, 1999), pp. 6, 12.
[12341] P2259 (John Clark, Report on autopsies of human remains from Kozluk, Nova Kasaba, Konjević Polje, Glogova, 1999), p. 7.
[12342] P2259 (John Clark, Report on autopsies of human remains from Kozluk, Nova Kasaba, Konjević Polje, Glogova, 1999), pp. 7, 12.
[12343] P2259 (John Clark, Report on autopsies of human remains from Kozluk, Nova Kasaba, Konjević Polje, Glogova, 1999), p. 7.
[12344] P2339 (John Clark, Report on autopsy of human remains from Kozluk, 1999), pp. 1-2, 4, 8, 13.
[12345] P2339 (John Clark, Report on autopsy of human remains from Kozluk, 1999), pp. 1-4, 6-7, 10, 12-14.
[12346] P2339 (John Clark, Report on autopsy of human remains from Kozluk, 1999), pp. 1-2, 6-7, 13.

wearing a military or police uniform, nor was he found carrying any weapons.[12347] The individual was found with his hands tied behind his back with a cloth ligature.[12348]

2817. According to a report authored by **Christopher Lawrence**, the remains of at least 159 individuals were exhumed from Čančari Road site 3, between 29 May 1998 and 10 June 1998.[12349] The remains were collected in 383 body bags.[12350] The contents of the body bags ranged from single bones to complete bodies, which resulted in the report providing causes of death for body parts in each body bag rather and for each individual.[12351] The author emphasized that it is therefore possible that an individual be assigned more than one cause of death.[12352] Autopsies were performed on the contents of the 383 body bags and the report indicates that: 254 had an undetermined cause of death; 103 had gunshot injuries sufficient to cause death; 15 had gunshot injuries that could possibly cause death; 13 had gunshot injuries which would probably cause death; and two had gunshot injuries consistent with a cause of death of gunshot wounds.[12353] The most common areas where gunshot wounds were found, in order of frequency, were: torso, legs, head and neck, and arms.[12354] Of the 35 essentially complete bodies, 29 had gunshot injuries sufficient to cause the death and only six had an undetermined cause of death.[12355] In the 126 cases where gender could be determined, all were identified as male. One individual was recovered wearing female clothing but because the individual was a sub-adult, gender could not be determined. A number of body bags included apparent female clothing which suggests, in the absence of female skeletal remains, that the men could have been wearing or carrying these items or, alternatively,

[12347] P2339 (John Clark, Report on autopsy of human remains from Kozluk, 1999), pp. 1-2, 4-5, 13.
[12348] P2339 (John Clark, Report on autopsy of human remains from Kozluk, 1999), pp. 1-2, 4, 13.
[12349] P1808 (Christopher Lawrence, Report on autopsies of human remains from Čančari Road Site 3, August-September 1998), pp. 2-3, 9, 33.
[12350] P1808 (Christopher Lawrence, Report on autopsies of human remains from Čančari Road Site 3, August-September 1998), pp. 2, 9, 33.
[12351] P1808 (Christopher Lawrence, Report on autopsies of human remains from Čančari Road Site 3, August-September 1998), pp. 2-3, 9, 33.
[12352] P1808 (Christopher Lawrence, Report on autopsies of human remains from Čančari Road Site 3, August-September 1998), pp. 2, 33.
[12353] P1808 (Christopher Lawrence, Report on autopsies of human remains from Čančari Road Site 3, August-September 1998), pp. 2-3, 6, 9, 33, 36-46. The Trial Chamber notes that Lawrence gave the breakdown of the cause of death per body bag. However, the Trial Chambers notes a discrepancy between the overall number of body bags (383) and total number of cause of death for each body bag (387).
[12354] P1808 (Christopher Lawrence, Report on autopsies of human remains from Čančari Road Site 3, August-September 1998), pp. 2, 12-16.
[12355] P1808 (Christopher Lawrence, Report on autopsies of human remains from Čančari Road Site 3, August-September 1998), pp. 3, 33.

that they could have been among the rubbish at the site.[12356] Of the 159 individuals, it was estimated that at the time of death, one individual was between the ages of 8 and 13, six between the ages of 13 and 18, three between the ages of 18 and 25, 150 over the age of 25, and at least seven were over the age of 65.[12357] With the exception of one individual who had an unfired cartridge in a pocket, none of the individuals appeared to be carrying weapons. With the exception of a JNA jacket recovered at the site, there was no evidence of any of the individuals wearing army or military uniforms.[12358] Identification documents were found on or near 12 bodies.[12359] There were 37 ligatures recovered from the site: 25 associated with hands or arms; eight associated with other parts of the body; and four not associated with body parts.[12360] The material of some of the ligatures, a white embroidered cloth with a circle and flower buds, was similar to the material of ligatures recovered at Čančari Road site 12.[12361] Eight blindfolds were recovered at the site, including four around the faces of individuals.[12362]

2818. According to another report authored by Lawrence, two body parts were exhumed from Čančari Road Site 3 near Kozluk in 1998.[12363] Following the autopsies which were performed on the contents of the body bags, the cause of death for the contents of one of the body bags – a skeletonised lower half of a male body – was possible gunshot wounds and the cause of death for the contents of the other one is unknown.[12364]

2819. According to a report authored by **Dušan Janc**, as of April 2013, the remains of 825 individuals were identified through DNA analysis from various mass graves: 341

[12356] P1808 (Christopher Lawrence, Report on autopsies of human remains from Čančari Road Site 3, August-September 1998), pp. 2, 10.
[12357] P1808 (Christopher Lawrence, Report on autopsies of human remains from Čančari Road Site 3, August-September 1998), pp. 2, 9.
[12358] P1808 (Christopher Lawrence, Report on autopsies of human remains from Čančari Road Site 3, August-September 1998), pp. 2, 34.
[12359] P1808 (Christopher Lawrence, Report on autopsies of human remains from Čančari Road Site 3, August-September 1998), pp. 3, 34-35.
[12360] P1808 (Christopher Lawrence, Report on autopsies of human remains from Čančari Road Site 3, August-September 1998), pp. 2, 20-28
[12361] P1808 (Christopher Lawrence, Report on autopsies of human remains from Čančari Road Site 3, August-September 1998), pp. 2, 20-21, 28; P1815 (Christopher Lawrence, Report on ligatures found in Čančari Road Site 3), pp. 1-4.
[12362] P1808 (Christopher Lawrence, Report on autopsies of human remains from Čančari Road Site 3, August-September 1998), pp. 2, 28-31.
[12363] P1805 (Christopher Lawrence, Report on autopsies of human remains from Čančari Road Site 3, June 1999).
[12364] P1805 (Christopher Lawrence, Report on autopsies of human remains from Čančari Road Site 3, June 1999); P1809 (Christopher Lawrence, Report on autopsies of human remains from Hodžići Road Site 3, 3 October 1998), p.5.

individuals from the Kozluk mass grave; 53 individuals from Čančari Road 1; 120 individuals from Čančari Road 2; 140 individuals from Čančari Road 3; 110 individuals from Čančari Road 7, and 61 individuals from Čančari Road 13.[12365] In particular, the remains of Kasim Hafizović and Senahid Hafizović were exhumed from and identified in Kozluk and Čančari Road 3, respectively.[12366] Janc identified 113 DNA connections between the remains identified in the Kozluk site, referred to as a primary mass grave, and the remains identified in secondary mass graves known as Čančari Road 1, 2, 3, 7, and 13: three connections with Čančari Road 1; ten with Čančari Road 2; 67 with Čančari Road 3; 20 with Čančari Road 7; and 13 with Čančari Road 13.[12367] Twenty-nine DNA connections between the remains identified in the Čančari Road secondary mass graves were also found: five between Čančari Road 1 and 2; four between Čančari Road 1 and 13; 15 between Čančari Road 2 and 7; and five between Čančari Road 3 and 13.[12368] Janc further found two DNA connections between the remains identified in two of the secondary mass graves connected to the Kozluk site and two other secondary mass graves connected to two distinct primary mass graves: one of these connections was between Čančari Road 3 and Liplje 2 and the other was between Čančari Road 7 and Čančari Road 11.[12369]

The Trial Chamber's findings concerning Scheduled Incident E.8.1

2820. With regard to Scheduled Incident E.8.1 the Trial Chamber notes that it received reliable evidence depicting the circumstances surrounding the events at Roćević School from Ačimović, Mitar Lazarević, Stanoje Birčaković and Ivanović that contrasts with Witness RM-269's vague and unsourced evidence that a local killed some of the Bosnian-Muslim detainees at Roćević School and will thus not rely on Witness RM-269's evidence in this respect. Therefore, the Trial Chamber finds that on 14 or 15 July

[12365] P1987 (Dušan Janc, Srebrenica Investigation, Update to Summary of Forensic Evidence, 28 June 2013), pp. 2-4, 11, 14-18, 20, 41; P1982 (Annex D to the report titled Update to the Summary of Forensic Evidence, Srebrenica Investigation, by Dušan Janc), pp. 41-54, 89-104, 129-134, 175-178.
[12366] P1982 (Annex D to the report titled Update to the Summary of Forensic Evidence, Srebrenica Investigation, by Dušan Janc), pp. 49, 102. *See also* P2795 (ICMP Srebrenica Update Expert Report, 21 July 2013); P5588 (ICMP Notice of DNA Reports, December 2007).
[12367] P1987 (Dušan Janc, Srebrenica Investigation, Update to Summary of Forensic Evidence, 28 June 2013), pp. 48-49, 75-76. For Janc's methodology, *see* Appendix B.
[12368] P1987 (Dušan Janc, Srebrenica Investigation, Update to Summary of Forensic Evidence, 28 June 2013), pp. 49, 75-76.
[12369] P1987 (Dušan Janc, Srebrenica Investigation, Update to Summary of Forensic Evidence, 28 June 2013), pp. 49, 75-77.

1995, members of the 2nd Infantry Battalion or members of the military police of the Zvornik Brigade[12370] killed at least twelve Bosnian Muslims who prior to their killing were detained among a group of only Bosnian Muslims at Roćević School in Zvornik Municipality, behind the school.[12371] Some of the bodies were wearing civilian clothing. The Trial Chamber will consider this incident in relation to Counts 2 to 6 of the Indictment in chapter 8 below.

The Trial Chamber's findings concerning Scheduled Incident E.8.2

2821. With regard to Scheduled Incident E.8.2, the Trial Chamber first refers to its review of Janc's methodology as set out in Appendix B. Second the Trial Chamber notes that none of the secondary graves were solely connected to Kozluk primary grave or to secondary graves that were not connected to another primary grave.

2822. All secondary graves were connected with Kozluk primary grave and with each other. However, there were also two DNA matches in Čančari Road 3 and 7 which were also connected to secondary graves connected to other primary graves. In accordance with the above, the Trial Chamber then considered the frequency of DNA connections.

2823. The high number of DNA connections between Čančari Road 1, 2, 3, 7, and 13 and the Kozluk primary grave and among each other, compared to the very low number of 'external' connections with Liplje 2 and Čančari Road 11, led the Trial Chamber to find that a majority of the bodies of Čančari Road 1, 2, 3, 7, and 13 secondary graves are to be counted as part of Scheduled Incident E.8.2.

2824. On the basis of this evidence, the Trial Chamber took a conservative approach as explained in Appendix B, and finds that the victims of this Scheduled Incident were buried in the Kozluk mass grave and that bodies from the Kozluk primary mass grave were subsequently reburied in the Čančari Road 1, 2, 3, 7, and 13 secondary mass

[12370] Srecko Ačimović, Mile Janjić, Mladen Blagojević, and Dragan Jović testified about the presence of members of the Bratunac Brigade military police during the transportation of Bosnian Muslims from Vuk Karadžić Elementary School in Bratunac to Roćević School and prior to their transportation out of the Roćević School. However, the Trial Chamber received no evidence that members of this unit participated in the killings at Roćević School.

[12371] With regard to the Defence's argument that the Prosecution has failed to provide sufficient evidence on the number the victims, the Trial Chamber notes that it received reliable evidence showing that at least twelve bodies were seen in and around Roćević School on 15 July 1995. Regarding the Defence's argument on the manner of death, the Trial Chamber considers that its finding that the detainees were killed is sufficient for a positive factual finding on this Scheduled Incident and thus the 'manner' of death as raised by the Defence is irrelevant in the context of this finding.

graves and will therefore rely on the number of DNA profiles identified in Kozluk as well as the majority of the bodies found in Čančari Road 1, 2, 3, 7, and 13 to calculate the number of victims of this Scheduled Incident (*i.e* 341 individuals from Kozluk mass grave, the majority of 53 individuals from Čančari Road, the majority of 120 individuals from Čančari Road 2, the majority of 140 individuals from Čančari Road 3, the majority of 110 individuals from Čančari Road 7, and the majority of 61 individuals from Čančari Road 13). The Trial Chamber will subtract from this number the 12 individuals who were killed in or around Roćević School, and which pertain to Scheduled Incident E.8.1 *(see* chapter 7.9), as their remains may have also be buried in the Kozluk and Čančari Road 1, 2, 3, 7 or 13 secondary mass graves.

2825. Based on the foregoing, the Trial Chamber finds that on 15 July 1995, members of the Zvornik and Bratunac Brigades, including members of the military police of these brigades, shot and killed at least 575 Bosnian-Muslim males who prior to their killing were detained among a group of only Bosnian Muslims at Roćević School. The victims were shot from both sides as they got off the truck and fell into a hole. The victims included minors and elderly people. Some of the bodies were dressed in civilian clothing while others were dressed in military clothing. Some of the bodies had their hands tied and blindfolds over their eyes. The Trial Chamber will further consider the above in relation to Counts 2 through 6 of the Indictment in chapter 8 below.

7.10 Kula School (Schedule E.9.1), Branjevo Military Farm (Schedule E.9.2), and Pilica Cultural Centre (Schedule E.10.1)

2826. According to the Indictment, the Accused is responsible for the killing of a number of the approximately 1,200 Bosnian-Muslim men detained at Kula School near Pilica on or about 14 or 15 July 1995;[12372] then, on 16 July 1995, the transport of the the survivors from Kula School to Branjevo Military Farm and killing of them there;[12373] and then the killing of approximately 500 Bosnian Muslim men inside the Pilica Cultural Centre.[12374] Having considered that the events alleged in Scheduled Incidents E.9.1 and E.9.2 directly preceded those alleged in Scheduled Incident E.10.1; and that the killings alleged in Scheduled Incident E.9.2 relate to Bosnian-Muslim men previously detained at Kula School, the Trial Chamber considers that these incidents are closely related and will analyse them together below. In its Final Brief in relation to incidents E.9.1 and E.9.2, the Defence mainly argued that the Prosecution premised its allegations on witnesses who are not reliable, namely Dražen Erdemović, Witness RM-255, and Witness RM-346.[12375] With regard to Scheduled Incident E.10.1, the Defence argued that the Prosecution presented 'limited evidence', that was insufficient and unreliable to establish the perpetrators and circumstances of death.[12376]

2827. The Trial Chamber took judicial notice of a number of Adjudicated Facts related to these incidents.[12377] Further, it received evidence from **Slavko Perić**, the Assistant Commander for the Intelligence and Security Section of the 1st Battalion of the Zvornik Brigade;[12378] **Jevto Bogdanović**, a Bosnian-Serb member of a work platoon of the Zvornik Brigade;[12379] **Witness RM-255**, a Bosnian Muslim from Srebrenica Municipality;[12380] **Witness RM-346**, a Bosnian Muslim from Srebrenica who served in the ABiH;[12381] **Dražen Erdemović**, a Bosnian-Croat member of the VRS 10th Sabotage Detachment;[12382] **Damjan Lazarević** and **Cvijetin Ristanović**, Serb members of the

[12372] Indictment, paras 11-12, 21-22, 46(a), 59(a)(iii), 65(a), Schedule E.9.1.
[12373] Indictment, paras 11-12, 21-22, 46(a), 59(a)(iii), 65(a), Schedule E.9.2.
[12374] Indictment, paras 11-12, 21-22, 46(a), 59(a)(iii), 65(a), Schedule E.10.1.
[12375] Defence Final Brief, paras 3179-3183.
[12376] Defence Final Brief, paras 3203-3204.
[12377] Adjudicated Fact no. 1349 is reviewed in chapter 3.1.2.
[12378] P3508 (Slavko Perić, *Popović et al.* transcript, 11 May 2007), pp. 11367, 11369, 11371.
[12379] P2940 (Jevto Bogdanović, *Popović et al.* transcript, 10 May 2007), pp. 11313-11314.
[12380] P55 (Witness RM-255, witness statement, 25 May 1996), pp. 1-2.
[12381] P1118 (Witness RM-346, prior testimony), p. 3016; P1117 (Witness RM-346, pseudonym sheet); Witness RM-346, T. 9576.
[12382] P1673 (Dražen Erdemović, Rule 61 hearing transcript, 5 July 1996), pp. 832, 834-835.

Engineering Unit of the Zvornik Brigade;[12383] **William Haglund**, a forensic anthropologist;[12384] **Christopher Lawrence**, a forensic pathologist;[12385] and **Richard Butler**, an intelligence research specialist;[12386] and finds that this evidence is consistent with the Adjudicated Facts.[12387] The Trial Chamber also received evidence from **Milorad Birčaković**, a member of the VRS Zvornik Brigade military police;[12388] **Husein Delić**, a Bosnian Muslim from Srebrenica,[12389] reviewed in chapter 7.13.1; and **Milenko Tomić**, a Bosnian Serb working as a truck driver for the Zvornik-based *Metalno* company assigned to what the witness called the 'R Battalion.';[12390] **Jose Baraybar**, a forensic anthropologist;[12391] and **Dušan Janc**, a former Prosecution investigator.[12392]

[12383] P3636 (Damjan Lazarević, *Popović et al.* transcript, 29-30 August 2007), pp. 14431-14432; P3647 (Cvijetin Ristanović, *Blagojević and Jokić* transcript, 1 December 2003), pp. 5359-5360.
[12384] P1828 (William Haglund, *Krstić* transcript, 29 May 2000), p. 3724; William Haglund, T. 14974.
[12385] Christopher Lawrence, T. 14695; P1803 (*Curriculum vitae* of Christopher Lawrence, undated), pp. 1-2.
[12386] Richard Butler, T. 16108; P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), paras 7.28-7.30.
[12387] **Slavko Perić**: P3508 (Slavko Perić, *Popović et al.* transcript, 11 May 2007), pp. 11367, 11369, 11371, 11407-11418. **Jevto Bogdanović**: P2940 (Jevto Bogdanović, *Popović et al.* transcript, 10 May 2007), pp. 11313-11314, 11330-11333. **Witness RM-255**: P55 (Witness RM-255, witness statement, 25 May 1996), pp. 1-5; Witness RM-255, T. 1199-1200. **Witness RM-346**: P1118 (Witness RM-346, prior testimony), p. 3016, 3029, 3031, 3039-3045; P1119 (Witness RM-346, *Karadžić* transcript, 2 February 2012), p. 24127; Witness RM-346, T. 9576, 9617; P1122 (Photograph of Helicopter view of Branjevo farm, with area for executioners marked by Witness RM-346); P1127 (Annotated aerial photo of Branjevo Farm, marked by Witness RM-346 in *Karadžić*, 2 February 2012). **Dražen Erdemović**: P1673 (Dražen Erdemović, Rule 61 hearing transcript, 5 July 1996), pp. 839-841, 843-847, 849; Dražen Erdemović, T. 13744-13746, 13756, 13760-13761, 13765-13766; P1686 (Photograph of the Zvornik Brigade Headquarters, marked and initialled by Dražen Erdemović on 4 May 2007); P1674 (Dražen Erdemović, Popović et al. transcript, 4 May 2007), pp. 10964-10967, 10978-10979; P1675 (Dražen Erdemović's plea agreement, 8 January 1998), p. 4; P1685 (Aerial photograph of the Branjevo Military Farm, 17 July 1995). **Damjan Lazarević**: P3636 (Damjan Lazarević, *Popović et al.* transcript, 29-30 August 2007), pp. 14459-14465, 14472, 14480; P3641 (Aerial image of Branjevo Military Farm, marked by Damjan Lazarević); P3644 (Aerial image of Branjevo Military Farm, marked by Damjan Lazarević); **Cvijetin Ristanović**: P3647 (Cvijetin Ristanović, *Blagojević and Jokić* transcript, 1 December 2003), pp. 5363, 5389-5395; P3643 (Zvornik Brigade vehicle log for a Mercedes 2626); P3650 (Sketch), p. 1; P1489 (Brochure for an ULT-200); **William Haglund**: P1828 (William Haglund, *Krstić* transcript, 29 May 2000), pp. 3751-3752, 3754; P1833 (William Haglund, Pilica report, 15 June 1998), pp. 11, 56-60, 62-63; **Christopher Lawrence**: P1807 (Christopher Lawrence, Report on autopsies of human remains from Čančari Road Site 12, August 1998), pp. 2, 33; **Richard Butler**: P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), paras 7.36-7.37, 7.39, 7.40-7.41, 7.43-7.48.
[12388] P2161 (Milorad Birčaković, *Popović et al.* transcript, 7-8 May 2007), pp. 11010-11011.
[12389] P1013 (Husein Delić, witness statement, 21 June 2000), pp. 1-2; P1014 (Husein Delić, statement taken by Sarajevo Cantonal Court, 21 June 2000), pp. 1-2.
[12390] P3652 (Milenko Tomić, *Popović et al*. transcript, 5 February 2008), pp. 20997-20999.
[12391] Jose Baraybar, T. 16002; P2071 (*Curriculum vitae* of Jose Baraybar, undated), p. 1.
[12392] P1987 (Dušan Janc, Srebrenica Investigation, Update to Summary of Forensic Evidence, 28 June 2013), p. 1; P1982 (Annex D to the report titled Update to the Summary of Forensic Evidence, Srebrenica Investigation, by Dušan Janc).

Kula School (Schedule E.9.1)

2828. **Rajko Babić** stated that on 14 July 1995 between 8 and 9 a.m., he read a note in the Zvornik Brigade duty officer's logbook, that a group of between 100 and 200 people from Srebrenica were to arrive at the Pilica school, where they would stay overnight and be exchanged the following day.[12393] The message was sent from the Zvornik Brigade command.[12394]

2829. **Slavko Perić** stated that on 14 July 1995, all staff of the 1st Battalion of the Zvornik Brigade were at the battalion command in the village of Manojlovići, except the Battalion's Commander, Milan Stanojević, who was in Srebrenica.[12395] Momir Pelemiš, the Battalion's Deputy Commander, was in charge of the battalion that day.[12396] Pelemiš told those present at the command that someone at the brigade had informed him that around 200 Muslim detainees would be arriving and would be put up in the schoolhouse near Kula, to spend the night and be exchanged the next day.[12397] The Kula School was also called Pilica School.[12398] The news from Pelemiš was followed by a telegram and about one hour later the witness received a call from Drago Nikolić, the Assistant Zvornik Brigade Commander for Intelligence and Security, who repeated more or less the content of the telegram. Nikolić told the witness that regardless of who Pelemiš appointed to go to Kula School, the witness should also go to prevent any problems with local citizens.[12399]

2830. The witness agreed to go to Kula School and did so with the Officer for General Affairs of the 1st Battalion of the Zvornik Brigade, Rajko Babić; and the Assistant Commander for Morale and Information of the Battalion, Dragan Pantić.[12400] Sometime that afternoon, the witness and his two colleagues arrived at the school, but no one was there, and the witness went to his house to see his family for about 20 minutes.[12401] When he returned to the school, there was a convoy of about ten vehicles, mainly buses, along with three or four men escorting each vehicle, and the school's gymnasium was

[12393] P3459 (Rajko Babić, witness statement, 14 September 2005), para. 3.
[12394] P3459 (Rajko Babić, witness statement, 14 September 2005), para. 3.
[12395] P3508 (Slavko Perić, *Popović et al.* transcript, 11 May 2007), pp. 11371, 11373-11374.
[12396] P3508 (Slavko Perić, *Popović et al.* transcript, 11 May 2007), pp. 11371, 11373-11375.
[12397] P3508 (Slavko Perić, *Popović et al.* transcript, 11 May 2007), pp. 11371, 11374-11377, 11391.
[12398] Adjudicated Facts II, no. 1599.
[12399] P3508 (Slavko Perić, *Popović et al.* transcript, 11 May 2007), pp. 11370, 11376-11379.
[12400] P3508 (Slavko Perić, *Popović et al.* transcript, 11 May 2007), pp. 11371, 11379-11380.
[12401] P3508 (Slavko Perić, *Popović et al.* transcript, 11 May 2007), p. 11381.

already full of detainees.[12402] **Witness RM-255** testified that there were seven buses, each bus carrying about 50 detainees.[12403] According to **Perić**, there was not enough space for all the detainees inside the school and detainees remained in the vehicles parked outside the school.[12404]

2831. The men were held at the school for two nights.[12405] There was no food or water and several men died in the school gym from heat and dehydration.[12406] The prisoners were not always allowed to go to the toilet. When they were allowed, some of them were beaten by the soldiers with their rifles.[12407] Four witnesses provided further details about the conditions at the school: Witness RM-346, Witness RM-255, Perić, and Jevto Bogdanović.

2832. **Witness RM-346** testified that when he arrived at the school on 14 July 1995, it was less than half full with Muslim men but later filled up, becoming overcrowded.[12408] **Witness RM-255** testified that he was put in a room at the school with about 200 to 300 men.[12409] From time to time throughout the night, soldiers wearing camouflage uniforms without police insignia came in and took out one or two men at a time.[12410] Subsequently, the witness heard shouting, screaming, and shooting, which led him to believe that the men taken out had been killed.[12411] **Witness RM-346** testified that he heard a bus arriving, followed by shooting and people crying for help from behind the school.[12412] The men at the school did not receive any medical treatment.[12413] On 15 July 1995, the soldiers took jewellery, watches and money from the prisoners.[12414] According to **Witness RM-346**, soldiers came and asked the detainees for 10,000 DEM and said if they did not pay they would all be killed, but the detainees did not have any

[12402] P3508 (Slavko Perić, *Popović et al.* transcript, 11 May 2007), pp. 11381-11383.
[12403] P55 (Witness RM-255, witness statement, 25 May 1996), p. 3; Witness RM-255, T. 1199.
[12404] P3508 (Slavko Perić, *Popović et al.* transcript, 11 May 2007), p. 11393.
[12405] Adjudicated Facts II, no. 1598.
[12406] Adjudicated Facts II, no. 1597.
[12407] Adjudicated Facts II, no. 1601.
[12408] P1118 (Witness RM-346, prior testimony), pp. 3031-3032, 3035; Witness RM-346, T.9568, 9606, 9609.
[12409] P55 (Witness RM-255, witness statement, 25 May 1996), pp. 3-4.
[12410] P55 (Witness RM-255, witness statement, 25 May 1996), p. 4. The Trial Chamber understands the reference to 'police insignia' in P55 to be a reference to the Military Police insignia which Witness RM-255 had previously seen on the uniforms of those who were taking out detainees in Bratunac.
[12411] P55 (Witness RM-255, witness statement, 25 May 1996), p. 4.
[12412] P1118 (Witness RM-346, prior testimony), p. 3033; P1119 (Witness RM-346, *Karadžić* transcript, 2 February 2012), p. 24126; P1121 (Photograph of helicopter overview of the area).
[12413] P1118 (Witness RM-346, prior testimony), pp. 3036-3037.
[12414] Adjudicated Facts II, no. 1602.

money.[12415] During the night of 15 July 1995 men were taken out of the gymnasium and only some of them returned.[12416] No sounds were heard when those men were taken out of the gym.[12417] **Witness RM-255** testified that around 16 July 1995, two '*Chetniks*' in uniform entered the room where he was being held and took about 12 detainees aged 15 and 16 out of the room, telling them that they would be sent to Fikret Abdić and added 'who needs guys like you'.[12418] Later on, the beating and the killing started again.[12419] At some point, a soldier entered the room and announced that the detainees who could pay 20 DEM could be sent to Sarajevo. Around 20 detainees wanted to pay, and those detainees were taken out of the room. Afterwards, the witness heard buses leaving. The detainees who remained then had to tie the hands of the other prisoners behind their backs, and they were all ordered out of the room. The detainees went down to the ground floor, where the witness saw one dead body lying on the floor. The detainees were then placed on buses and they travelled away from the school.[12420]

2833. The prisoners were guarded by VRS soldiers who rotated in shifts.[12421] **Perić** stated that a group of around 10 to 15 men, sent by Pelemiš, arrived to protect the detainees from the local population.[12422] **Bogdanović** stated that the commander of his work platoon in the Zvornik Brigade, Captain Radivoje Lakić, held a daily roll-call at Branjevo Military Farm, where his work platoon was stationed.[12423] A few days after 12 July 1995, Lakić sent two men from the platoon, Stevo Ostojić and Rajo Jurosević, to the witness's house where they relayed Lakić's order to report to the Kula School, otherwise known as the Nikola Tesla School, because 'some people had been brought there.'[12424] When the witness arrived at the school, he saw Lakić and some soldiers he could not identify. The witness was ordered by the soldiers present at the school to stand guard at the entrance facing the road so that the people kept inside would not be able to escape and could be put on buses and taken away.[12425] From where he was standing, the witness could see people inside the school and observed that they were all in civilian

[12415] P1118 (Witness RM-346, prior testimony), pp. 3037-3038.
[12416] P1118 (Witness RM-346, prior testimony), p. 3038.
[12417] P1118 (Witness RM-346, prior testimony), p. 3039.
[12418] P55 (Witness RM-255, witness statement, 25 May 1996), p. 4; Witness RM-255, T. 1199.
[12419] P55 (Witness RM-255, witness statement, 25 May 1996), p. 4.
[12420] P55 (Witness RM-255, witness statement, 25 May 1996), p. 4.
[12421] Adjudicated Facts II, no. 1600.
[12422] P3508 (Slavko Perić, *Popović et al.* transcript, 11 May 2007), pp. 11381, 11383, 11385.
[12423] P2940 (Jevto Bogdanović, *Popović et al.* transcript, 10 May 2007), pp. 11314-11316.
[12424] P2940 (Jevto Bogdanović, *Popović et al.* transcript, 10 May 2007), pp. 11318-11320.
[12425] P2940 (Jevto Bogdanović, *Popović et al.* transcript, 10 May 2007), pp. 11320 -11321.

clothing.[12426] The witness was uncertain as to the number of people in the school but said that buses leaving the school were 'crammed' and the school was 'crowded'.[12427] The witness saw nine dead bodies lying approximately 50 metres from the school.[12428] As the detainees from the school were taken outside and put on buses to be transported to Pilica Dom the witness and some other men from his work platoon were forced to put the dead bodies onto the trailer of a tractor after which a man drove the tractor away.[12429] **Milorad Birčaković** stated that when on 15 July 1995 he drove Miomir Jasikovac, Commander of the Military Police Company, to inspect the battalion in Pilica and Lokanj, they stopped at Pilica School.[12430] The witness saw a corpse outside the school and heard from a local man that the man had died trying to jump out of the window.[12431] The witness later saw on television that the detainees were ultimately killed.[12432]

2834. **Perić** provided further details about his attempts to have the detainees removed from the school. He stated that on the morning of 15 July 1995, the buses, in which some detainees had spent the night parked outside of the school, left.[12433] Pelemiš talked to the witness on the phone and both realized that the detainees remaining in the school were not leaving as the witness and Pelemiš had been told earlier. Pelemiš told the witness that he had spoken with someone from the Zvornik Brigade Command and that he had requested that the detainees be driven away.[12434] However, because 'this request was not met with any understanding', they agreed that the witness was to go to the Zvornik Brigade Command and see the commanding officer on duty with the same request.[12435]

2835. At around 10 or 11 a.m., the witness went to the Brigade Command, together with a driver, Milan Jovanović, to see the commanding officer on duty.[12436] The witness had an informal discussion with four or five uniformed commanding officers from the Brigade, about the detainees and he was surprised by their lack of concern with the

[12426] P2940 (Jevto Bogdanović, *Popović et al.* transcript, 10 May 2007), pp. 11321-11322.
[12427] P2940 (Jevto Bogdanović, *Popović et al.* transcript, 10 May 2007), p. 11322.
[12428] P2940 (Jevto Bogdanović, *Popović et al.* transcript, 10 May 2007), pp. 11323-11324.
[12429] P2940 (Jevto Bogdanović, *Popović et al.* transcript, 10 May 2007), pp. 11322-11324.
[12430] P2161 (Milorad Birčaković, *Popović et al.* transcript, 7-8 May 2007), pp. 11012, 11045-11046.
[12431] P2161 (Milorad Birčaković, *Popović et al.* transcript, 7-8 May 2007), pp. 11045-11046.
[12432] P2161 (Milorad Birčaković, *Popović et al.* transcript, 7-8 May 2007), p. 11046.
[12433] P3508 (Slavko Perić, *Popović et al.* transcript, 11 May 2007), pp. 11393, 11430.
[12434] P3508 (Slavko Perić, *Popović et al.* transcript, 11 May 2007), p. 11392.
[12435] P3508 (Slavko Perić, *Popović et al.* transcript, 11 May 2007), pp. 11392, 11395.
[12436] P3508 (Slavko Perić, *Popović et al.* transcript, 11 May 2007), p. 11395.

situation and their disinterest in his request to have the detainees driven away from Kula School as soon as possible.[12437] At some point one of the officers asked the witness something along the lines of, 'are there any woods close to where you are' or 'why aren't you killing them off'. The witness responded that he and his men could not kill anyone, to which he believed an officer replied something like, 'if you are not going to kill them, then let them drown you all down at the village.'[12438] One of the officers left the office during the discussion and returned with information that Major Obrenović was not interested in the problem.[12439] Based on the unusual responses of these officers and the fact that no one was responding to his request for help, the witness concluded that operations involving the detainees were being conducted from a level much higher than that of the Brigade.[12440] After the discussion with the officers at the Brigade Command, the witness and his driver stopped briefly at Pilica Cultural Centre before returning to Kula School where, he believed, he spoke to Pelemiš again over the radio and told him about the results of his trip to the Brigade Command.[12441] During this conversation, Pelemiš and the witness agreed to replace the shift of 15 soldiers stationed at the school, which, the witness believed, was done that evening.[12442] Babić and Pantić reported to the witness that there had been no incidents at the school and Perić stayed at the school until around 10 p.m. at which time he went home.[12443]

2836. On the morning of 16 July 1995, Babić and Pantić again reported to the witness that there had been no incidents at the school and, at around 8 or 9 a.m., Pelemiš called the witness to tell him that someone from the Zvornik Brigade Command had called to say that they should not worry because the detainees would be taken away.[12444] Around noon, two officers arrived, followed by a van with around ten to twelve soldiers and then an empty bus.[12445] The witness did not recognize the officers at the time, but knew they were not commanding officers from the Zvornik Brigade.[12446] The witness overheard a soldier calling one of the officers 'Pope'. He explained that he noticed a resemblance between the two officers and pictures he later saw in the media of Beara

[12437] P3508 (Slavko Perić, *Popović et al.* transcript, 11 May 2007), pp. 11397-11401.
[12438] P3508 (Slavko Perić, *Popović et al.* transcript, 11 May 2007), p. 11399.
[12439] P3508 (Slavko Perić, *Popović et al.* transcript, 11 May 2007), pp. 11400-11402.
[12440] P3508 (Slavko Perić, *Popović et al.* transcript, 11 May 2007), pp. 11397, 11402.
[12441] P3508 (Slavko Perić, *Popović et al.* transcript, 11 May 2007), pp. 11404-11406.
[12442] P3508 (Slavko Perić, *Popović et al.* transcript, 11 May 2007), p. 11405.
[12443] P3508 (Slavko Perić, *Popović et al.* transcript, 11 May 2007), pp. 11406-11407.
[12444] P3508 (Slavko Perić, *Popović et al.* transcript, 11 May 2007), pp. 11407-11408.
[12445] P3508 (Slavko Perić, *Popović et al.* transcript, 11 May 2007), pp. 11409-11410.
[12446] P3508 (Slavko Perić, *Popović et al.* transcript, 11 May 2007), pp. 11411-11413.

and Popović.[12447] The soldiers and officers were hostile towards members of the witness's battalion and began loading detainees on the bus right away.[12448]

2837. As the bus left, followed by the soldiers who had been guarding the detainees at the school, it passed by the witness who believed that he saw that detainees were blindfolded.[12449] The same bus drove back and forth about four or five times to take all of the detainees away, with each roundtrip taking about two hours.[12450] When the bus had departed for the second or third time, the witness heard gun shots, and he and the other members of his battalion assumed that the detainees were being executed not far away.[12451] **Babić** stated that on 16 July 1995 he discovered that the duty officer's logbook note regarding the arrival of the detainees at the Pilica school had been removed.[12452]

2838. **Husein Delić** stated that on 17 April 1992 he left Srebrenica for Tuzla, together with most of his family.[12453] His brother Bajazit Delić, whose family also fled with the witness, stayed in Srebrenica.[12454] The witness was told that when the Serbs attacked Srebrenica in July 1995, his brother went to Potočari and was taken prisoner by the Serbs.[12455] The witness was further told that his brother was last seen in Pilica.[12456] The witness has not seen his brother since then and considers that he was killed.[12457] The witness further stated that his wife's brother, Salčin Halilović, and his cousin, Ahmo Gurdić, were missing.[12458]

[12447] P3508 (Slavko Perić, *Popović et al.* transcript, 11 May 2007), pp. 11414-11415.
[12448] P3508 (Slavko Perić, *Popović et al.* transcript, 11 May 2007), pp. 11410, 11415.
[12449] P3508 (Slavko Perić, *Popović et al.* transcript, 11 May 2007), pp. 11415-11416.
[12450] P3508 (Slavko Perić, *Popović et al.* transcript, 11 May 2007), pp. 11416, 11418.
[12451] P3508 (Slavko Perić, *Popović et al.* transcript, 11 May 2007), pp. 11416-11417.
[12452] P3459 (Rajko Babić, witness statement, 14 September 2005), para. 9.
[12453] P1013 (Husein Delić, witness statement, 21 June 2000), p. 2; P1014 (Husein Delić, statement taken by Sarajevo Cantonal Court, 21 June 2000), p. 2.
[12454] P1013 (Husein Delić, witness statement, 21 June 2000), p. 2; P1014 (Husein Delić, statement taken by Sarajevo Cantonal Court, 21 June 2000), p. 2.
[12455] P1013 (Husein Delić, witness statement, 21 June 2000), pp. 2-3; P1014 (Husein Delić, statement taken by Sarajevo Cantonal Court, 21 June 2000), p. 2; P1015 (Photograph showing Bajazit Delić, Salcin Halilović, and Ahmo Gurdić).
[12456] P1014 (Husein Delić, statement taken by Sarajevo Cantonal Court, 21 June 2000), p. 2.
[12457] P1014 (Husein Delić, statement taken by Sarajevo Cantonal Court, 21 June 2000), p. 2.
[12458] P1013 (Husein Delić, witness statement, 21 June 2000), p. 3; P1015 (Photograph showing Bajazit Delić, Salcin Halilović, and Ahmo Gurdić).

Branjevo Military Farm (Schedule E.9.2)

2839. On 16 July 1995, Bosnian-Muslim men, who had been detained for two days at the Pilica School, were taken by bus to the nearby Branjevo Military Farm and executed.[12459] Branjevo Military Farm was under the direct authority and control of the 1st Infantry Battalion of the Zvornik Brigade.[12460] **Witness RM-346** described the detainees as young men.[12461] They were called out of the school and loaded onto buses.[12462] **Witness RM-346** testified that when his group was taken out, they were asked if anyone had relatives abroad that could send money, and those who spoke up were separated from the group.[12463]

2840. **Erdemović** testified that, in the meantime, on the morning of 16 July 1995, pursuant to an order issued by his superior Pelemiš, he, Brano Gojković, Marko Boškić, Franc Kos, Aleksandar Cvetković, Vlastimir Golijanin, Stanko Savanović, and Zoran Goronja departed from their base in Dragaševac for the Zvornik Brigade headquarters, with Gojković acting as the squad's commander.[12464] According to Erdemović, the order was relayed to the members of the 10th detachment by Gojković, and Gojković indicated that it had been issued by Pelemiš.[12465] After having parked the van in which they had been travelling in front of the Zvornik Brigade headquarters, Gojković went into the building and shortly after came out with a lieutenant colonel in a VRS uniform and two members of the DK military police.[12466] The witness concluded that the lieutenant colonel was also from the DK since he was in Zvornik.[12467] The lieutenant colonel and the two military policemen then got into another vehicle and led the squad to the Branjevo Military Farm, near the town of Pilica.[12468] At the farm, the lieutenant

[12459] Adjudicated Facts II, no. 1604.
[12460] Adjudicated Facts II, no. 1603.
[12461] P1118 (Witness RM-346, prior testimony), pp. 3039-3040.
[12462] Adjudicated Facts II, no. 1605.
[12463] P1118 (Witness RM-346, prior testimony), p. 3041.
[12464] P1673 (Dražen Erdemović, Rule 61 hearing transcript, 5 July 1996), pp. 839-840, 843; Dražen Erdemović, T. 13744-13746, 13756, 13760, 13765.
[12465] Dražen Erdemović, T. 13745-13746, 13756.
[12466] P1673 (Dražen Erdemović, Rule 61 hearing transcript, 5 July 1996), pp. 840-841; P1674 (Dražen Erdemović, *Popović et al*. transcript, 4 May 2007), pp. 10964-10967; Dražen Erdemović, T. 13760-13761; P1686 (Photograph of the Zvornik Brigade Headquarters, marked and initialled by Dražen Erdemović on 4 May 2007).
[12467] P1673 (Dražen Erdemović, Rule 61 hearing transcript, 5 July 1996), p. 840.
[12468] P1673 (Dražen Erdemović, Rule 61 hearing transcript, 5 July 1996), pp. 840-841; P1674 (Dražen Erdemović, *Popović et al*. transcript, 4 May 2007), pp. 10966-10967; Dražen Erdemović, T. 13760-13761.

colonel only spoke with Gojković and Cvetković.[12469] Erdemović overheard the lieutenant colonel tell Gojković that buses would be coming to the farm.[12470] After the lieutenant colonel left, Gojković announced to the squad that the lieutenant colonel had told him that buses carrying detainees from Srebrenica would be arriving at the farm and that the members of the detachment were ordered to execute those detainees by shooting them.[12471] When Erdemović objected, he was told by Gojković that he could hand in his rifle, stand with the detainees, and be shot together with them.[12472] Sometime between 10 and 11 a.m., before the lieutenant colonel had left the farm, the first bus arrived.[12473] **Richard Butler** testified that Erdemović's unit operated under direct command of the 1st Infantry Battalion Commander, Lieutenant Milan Stajonević.[12474]

2841. Buses began to arrive at the farm carrying Bosnian-Muslim men, some of whom were blindfolded and had their hands tied.[12475] Colonel Popović was involved in organising fuel to transport the Bosnian-Muslim prisoners to the execution site at the farm, and the allocation of fuel was coordinated through the DK Command.[12476] Upon reaching the farm, DK military police, who had escorted and guarded the buses of prisoners, began unloading the Bosnian-Muslim men ten at a time to be then taken away and executed.[12477] **Witness RM-255** testified that when the buses arrived, *'Chetniks'* were standing next to the bus door, cursing at the detainees by saying 'Alija does not want you, step out.'[12478] The prisoners were brought to a meadow. Soldiers, standing in a line, told the men to turn their backs and then shot the prisoners with automatic rifles and machine guns.[12479] **Erdemović** described how some detainees were brought to the meadow by Gojković and Golijanin and, on the order of Gojković, were shot in the back

[12469] Dražen Erdemović, T. 13761.
[12470] P1673 (Dražen Erdemović, Rule 61 hearing transcript, 5 July 1996), p. 842; Dražen Erdemović, T. 13762, 13764.
[12471] P1673 (Dražen Erdemović, Rule 61 hearing transcript, 5 July 1996), pp. 842-843; Dražen Erdemović, T. 13761-13762, 13764; P1675 (Dražen Erdemović's plea agreement, 8 January 1998), p. 4.
[12472] P1673 (Dražen Erdemović, Rule 61 hearing transcript, 5 July 1996), p. 845; Dražen Erdemović, T. 13764; P1675 (Dražen Erdemović's plea agreement, 8 January 1998), p. 4.
[12473] P1673 (Dražen Erdemović, Rule 61 hearing transcript, 5 July 1996), p. 843; Dražen Erdemović, T. 13762-13764.
[12474] P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), paras 7.36, 7.39, 7.46.
[12475] Adjudicated Facts II, no. 1606.
[12476] Adjudicated Facts II, no. 1608.
[12477] Adjudicated Facts II, nos 1609, 1613.
[12478] P55 (Witness RM-255, witness statement, 25 May 1996), p. 4.
[12479] Adjudicated Facts II, no. 1610.

by the witness and his fellow soldiers from the 10th Sabotage Detachment.[12480] The witness testified that as one elderly Bosnian-Muslim detainee was being taken off a bus, he said that he had saved many Serbs and that he should be spared. When Erdemović asked Gojković to let the man live, Gojković responded by saying that he did not want to have any witnesses of that crime. Subsequently, the man was led to the execution site by Golijanin.[12481] **Witness RM-346** threw himself on the ground when the shooting started and another person fell on his head.[12482] After every group of Bosnian-Muslim men was executed, the soldiers asked if there was anybody still alive. The men who responded were then also killed.[12483] **Witness RM-346** heard a voice saying that they should shoot the victims in the back as opposed to the head so their brains would not spill out.[12484] The soldiers shot the witness in the back but the bullet passed under his armpit and only scratched him.[12485] He remained lying there for approximately four hours while the shooting continued.[12486] **Witness RM-255** described how, after having been taken off the bus, a *'Chetnik'* asked him for money, and when he said that he did not have any, the *'Chetnik'* kicked him in the stomach. The witness heard another *'Chetnik'* saying to the first one: 'don't commit genocide, if you want to kill … take a rifle and strike in a military way.' The *'Chetnik'* who had kicked the witness earlier asked the detainees if one of them wanted to declare himself as a Serb and to be released. Two of the men said they were Serbs, but were not separated from the line. The witness heard the soldiers who had escorted them step back a few metres. One of the soldiers ordered the detainees to lay down, and the soldiers opened fire immediately.[12487] The witness fell down, and the body of Behaja Malkić, who had been in the same room as the witness in Pilica, fell on top of him.[12488]

2842. **Erdemović** testified that later, in the early afternoon, a group of approximately ten soldiers in VRS uniforms arrived at the farm.[12489] These soldiers, who Erdemović

[12480] P1673 (Dražen Erdemović, Rule 61 hearing transcript, 5 July 1996), pp. 844-847; P1674 (Dražen Erdemović, *Popović et al*. transcript, 4 May 2007), pp. 10978-10979; P1675 (Dražen Erdemović's plea agreement, 8 January 1998), p. 4; P1685 (Aerial photograph of the Branjevo Military Farm, 17 July 1995).
[12481] P1673 (Dražen Erdemović, Rule 61 hearing transcript, 5 July 1996), p. 847.
[12482] P1118 (Witness RM-346, prior testimony), p. 3041.
[12483] Adjudicated Facts II, no. 1611.
[12484] P1118 (Witness RM-346, prior testimony), p. 3041.
[12485] P1118 (Witness RM-346, prior testimony), pp. 3041-3042; Witness RM-346, T. 9617.
[12486] P1118 (Witness RM-346, prior testimony), p. 3042.
[12487] P55 (Witness RM-255, witness statement, 25 May 1996), p. 4.
[12488] P55 (Witness RM-255, witness statement, 25 May 1996), pp. 4, 6.
[12489] P1673 (Dražen Erdemović, Rule 61 hearing transcript, 5 July 1996), p. 846; Dražen Erdemović, T. 13769.

believed to be from Bratunac, proceeded to beat and humiliate the detainees by, for example, forcing them to 'pray in the Muslim manner' just before executing them.[12490] The witness further recalled that Gojković entered every bus, gave an automatic rifle to its driver and ordered each driver to kill at least one Bosnian Muslim. According to Erdemović, Gojković did this so that the drivers could not testify.[12491]

2843. Erdemović testified that Stanko Savanović boasted about having killed 250 Bosnian Muslims from Srebrenica as revenge for what he alleged to be the murder of his brother.[12492] When the last groups of Bosnian-Muslim men were being executed, the lieutenant colonel returned to the farm and saw the corpses in the field. Around the same time, Erdemović was informed by one of the guards in charge of watching the Branjevo Military Farm that excavators would eventually be brought there in order to bury the victims.[12493] Between 1,000 and 1,200 men were killed in the course of that day at this execution site.[12494] Erdemović testified that the men were between 17 and 70 years old.[12495]

2844. **Witness RM-255** testified that later, when he heard sounds of machinery and feared it could be bulldozers, he fled into the bushes.[12496] As he gathered with four other survivors, he saw soldiers checking the area; as someone tried to escape, the soldiers began to shout and opened fire.[12497] While he was hiding, the witness overheard a conversation between two soldiers, from which he understood that they were still trying to catch a survivor they had noticed fleeing. The witness heard one soldier tell the other: 'we committed the genocide like in Jasenovac in 1941.'[12498] During the night, the witness was left behind by the other four survivors.[12499] The next day, while walking along a road, the witness saw a truck passing by him, its rear loaded with a pile of dead bodies. The witness heard someone on the truck shouting that he was the man who had escaped the day before, but as the witness did not attempt to flee, the truck driver

[12490] P1673 (Dražen Erdemović, Rule 61 hearing transcript, 5 July 1996), p. 846.
[12491] P1673 (Dražen Erdemović, Rule 61 hearing transcript, 5 July 1996), p. 848.
[12492] P1673 (Dražen Erdemović, Rule 61 hearing transcript, 5 July 1996), pp. 848, 852.
[12493] P1673 (Dražen Erdemović, Rule 61 hearing transcript, 5 July 1996), p. 849.
[12494] Adjudicated Facts II, no. 1612.
[12495] P1673 (Dražen Erdemović, Rule 61 hearing transcript, 5 July 1996), pp. 843, 845, 849.
[12496] P55 (Witness RM-255, witness statement, 25 May 1996), p. 5.
[12497] P55 (Witness RM-255, witness statement, 25 May 1996), p. 5; Witness RM-255, T. 1175.
[12498] P55 (Witness RM-255, witness statement, 25 May 1996), p. 5.
[12499] P55 (Witness RM-255, witness statement, 25 May 1996), p. 5; Witness RM-255, T. 1175-1176.

continued on his way. According to the witness, the truck driver was not wearing a military jacket but his trousers might have been camouflage.[12500]

2845. Zvornik Brigade equipment was used for activities relating to the burial of the victims in the Branjevo Military Farm.[12501] On 16 July 1995, the Zvornik Brigade First Battalion requested that a loader, an excavator, and a dump truck be brought to the farm the next day.[12502] Zvornik Brigade vehicle records show that a 'ULT 220' was in operation at Branjevo for eight and a half hours on 17 July 1995 and that a truck towed a 'BG-700' that day.[12503] On 17 July 1995, the Zvornik Brigade Engineering Company provided an excavator, which was used to dig a mass grave. Members of the Company participated in digging mass graves.[12504] The Fuel Disbursal Log reveals that 100 litres of diesel fuel was disbursed to a BGH-700 on 17 July 1995.[12505] The Daily Orders Journal of the Zvornik Brigade Engineering Company records work assignments of a ULT 220 in Branjevo and transportation of a BGH-700 to Branjevo on 17 July 1995.[12506] **Damjan Lazarević** stated that the burial operation was no secret to anybody within his unit as everybody knew about it and soldiers were openly talking among themselves about the operation.[12507]

2846. **William Haglund** testified that the Pilica grave site, a.k.a. the Branjevo Military Farm grave site, contained the remains of at least 132 men.[12508] Mean ages at the time of death ranged from 15 to 61 years for 125 individuals and all but one (who had 'military-type' trousers) of the clothed individuals wore civilian attire.[12509] Seventy-seven had their hands tied behind their backs.[12510] Muslim paraphernalia were found on five individuals.[12511] Eight of the individuals, identified by recovered name bearing documents, were last seen on 11 and 13 July 1995 according to the ICRC.[12512] Haglund

[12500] P55 (Witness RM-255, witness statement, 25 May 1996), p. 5.
[12501] Adjudicated Facts II, no. 1614.
[12502] Adjudicated Facts II, no. 1615.
[12503] Adjudicated Facts II, no. 1616.
[12504] Adjudicated Facts II, no. 1617.
[12505] Adjudicated Facts II, no. 1618.
[12506] Adjudicated Facts II, no. 1619.
[12507] P3636 (Damjan Lazarević, *Popović et al.* transcript, 29-30 August 2007), pp. 14450, 14465-14466.
[12508] P1828 (William Haglund, *Krstić* transcript, 29 May 2000), pp. 3751-3752, 3754; P1833 (William Haglund, Pilica report, 15 June 1998), pp. 10-11, 17, 55.
[12509] P1833 (William Haglund, Pilica report, 15 June 1998), pp. 11, 61.
[12510] P1828 (William Haglund, *Krstić* transcript, 29 May 2000), p. 3754; P1833 (William Haglund, Pilica report, 15 June 1998), pp. 11, 61.
[12511] P1833 (William Haglund, Pilica report, 15 June 1998), pp. 11, 64.
[12512] P1833 (William Haglund, Pilica report, 15 June 1998), pp. 11, 81.

could not determine whether the Pilica grave site was a disturbed primary or undisturbed secondary grave.[12513]

2847. According to a report authored by **Jose Baraybar**, between 1996 and 1999 a team of forensic anthropologists examined the remains of at least 1,866 people exhumed from 29 primary and secondary gravesites in Bosnia-Herzegovina.[12514] 1,656 were identified as male and one as female.[12515] Seven of the individuals were aged between 8 and 12 years, 329 were aged between 13 and 24 years, and a further 1547 were aged 25 years or more at time of death.[12516] Soil and pollen analyses indicated that the bodies recovered from secondary graves were originally disposed of in sites identified as primary. Bodies recovered from the secondary site from Čančari Road Site 12 were originally disposed of at the primary site of the Branjevo Military Farm.[12517] The matches were corroborated by archaeological findings and demonstrate that some primary sites were 'robbed' by forcefully extracting the contents of the graves in order to conceal or destroy them prior to ICTY exhumation, and dispose of the contents in secondary graves.[12518]

2848. According to a report authored by **Christopher Lawrence**, the remains of at least 177 individuals were exhumed from Čančari Road Site 12 between April 1998 and 25 May 1998.[12519] The remains were collected in 313 body bags, which resulted in the report providing causes of death for body parts in each body bag rather than for each individual.[12520] The author emphasised the possibility that a divided individual might be assigned more than one cause of death.[12521] Autopsies were performed on the contents of approximately 313 body bags and the report indicates that the remains in 145 body

[12513] P1828 (William Haglund, *Krstić* transcript, 29 May 2000), pp. 3758-3759; P1833 (William Haglund, Pilica report, 15 June 1998), pp. 10-11, 77-79; William Haglund, T. 14966.

[12514] P2083 (Jose Baraybar, Report on the anthropology examination of human remains from eastern Bosnia, 8 December 1999), pp. 1, 3, 5, 9.

[12515] P2083 (Jose Baraybar, Report on the anthropology examination of human remains from eastern Bosnia, 8 December 1999), pp. 3, 11.

[12516] P2083 (Jose Baraybar, Report on the anthropology examination of human remains from eastern Bosnia, 8 December 1999), pp. 3, 6-7, 9-10.

[12517] P2083 (Jose Baraybar, Report on the anthropology examination of human remains from eastern Bosnia, 8 December 1999), pp. 3, 8.

[12518] P2083 (Jose Baraybar, Report on the anthropology examination of human remains from eastern Bosnia, 8 December 1999), pp. 3-5.

[12519] P1807 (Christopher Lawrence, Report on autopsies of human remains from Čančari Road Site 12, August 1998), pp. 2-3, 11, 14, 44.

[12520] P1807 (Christopher Lawrence, Report on autopsies of human remains from Čančari Road Site 12, August 1998), pp. 3, 33, 44.

[12521] P1807 (Christopher Lawrence, Report on autopsies of human remains from Čančari Road Site 12, August 1998), p. 3.

bags had an undetermined cause of death, 145 had gunshot injuries sufficient to cause death, 15 had gunshot injuries that could possibly cause death, eight had gunshot injuries which could probably cause death, and two had gunshot injuries consistent with causing death.[12522] The most common areas that gunshot wounds were found, in order of frequency, were: torso, legs, head and neck and arm.[12523] Of the 43 almost complete bodies 39 had gunshot injuries sufficient to cause death and four had an undetermined cause of death.[12524] The report states that these four bodies probably sustained perforating gunshot wounds to soft tissue which could no longer be recognised because of loss of soft tissue and bone damage.[12525] There was a cluster of 22 bodies with gunshot wounds to the tops of their heads, which may be explained by one or more of the following reasons: individual heads were flexed forward, the shooter(s) were positioned above the victims; or individuals were lying on the ground when the shots were fired.[12526] A large number of peripheral gunshot wounds, especially in the knee, raises the possibility that they may have been deliberately inflicted to incapacitate and cause pain.[12527] In all 144 instances in which gender could be determined, it was identified as male.[12528] At the time of their deaths, five individuals were between the ages of 8 and 13, eleven were between the ages of 13 and 18, 23 were between the ages of 18 and 25, and 138 were over the age of 25.[12529] There were at least five individuals between the ages of 55 and 64 and one over the age of 65.[12530] While some items of clothing found on the bodies could have been of military origin, none of the individuals examined appeared to be in military or police uniforms and none appeared to be carrying ammunition or weapons.[12531] Also among the bodies were individuals with

[12522] P1807 (Christopher Lawrence, Report on autopsies of human remains from Čančari Road Site 12, August 1998), pp. 3, 11, 15-17, 44-52.
[12523] P1807 (Christopher Lawrence, Report on autopsies of human remains from Čančari Road Site 12, August 1998), pp. 2, 15-17, 45-52.
[12524] P1807 (Christopher Lawrence, Report on autopsies of human remains from Čančari Road Site 12, August 1998), pp. 3, 11, 44.
[12525] P1807 (Christopher Lawrence, Report on autopsies of human remains from Čančari Road Site 12, August 1998), p. 3.
[12526] P1807 (Christopher Lawrence, Report on autopsies of human remains from Čančari Road Site 12, August 1998), pp. 2, 20.
[12527] P1807 (Christopher Lawrence, Report on autopsies of human remains from Čančari Road Site 12, August 1998), p. 2.
[12528] P1807 (Christopher Lawrence, Report on autopsies of human remains from Čančari Road Site 12, August 1998), pp. 2, 14.
[12529] P1807 (Christopher Lawrence, Report on autopsies of human remains from Čančari Road Site 12, August 1998), pp. 2, 14.
[12530] P1807 (Christopher Lawrence, Report on autopsies of human remains from Čančari Road Site 12, August 1998), pp. 2, 14.
[12531] P1807 (Christopher Lawrence, Report on autopsies of human remains from Čančari Road Site 12, August 1998), pp. 2, 44.

significant disabilities such as hip replacements or poorly-healed fractures that would preclude military service.[12532] Identification documents were found on or near 14 bodies.[12533] There were 18 ligatures recovered at the site: 12 associated with hands, four not associated with body parts, and two associated with other parts of the body.[12534] Two of the ligatures were made with the same white cloth, embroidered with circles and flowers as ligatures recovered at Čančari Road Site 3.[12535] Six blindfolds were also recovered, three of which were used around the face.[12536] The report indicates that a bullet hole was found on one of the blindfolds.[12537]

2849. According to a report authored by **Dušan Janc**, as of April 2013, the remains of 1,751 individuals were identified through DNA analysis from various mass graves: 140 individuals in the Branjevo Military Farm; 186 individuals in Čančari Road 4; 290 individuals in Čančari Road 5; 185 individuals in Čančari Road 6; 51 individuals in Čančari Road 8; 210 individuals in Čančari Road 9; 382 individuals in Čančari Road 10; 140 individuals in Čančari Road 11; and 167 individuals in Čančari Road 12.[12538] Through DNA connections, Janc established that Čančari Road secondary graves were linked to either the Branjevo Military Farm or Kozluk primary graves.[12539] Janc identified 43 DNA connections between the remains identified at the Branjevo Military Farm primary mass grave, and the remains identified in the Čančari Road 4, 8, 9, 11, and 12 secondary mass graves: one with Čančari Road 4, two with Čančari Road 8, 30 with Čančari Road 9, six with Čančari Road 11, and four with Čančari Road 12.[12540]

[12532] P1807 (Christopher Lawrence, Report on autopsies of human remains from Čančari Road Site 12, August 1998), p. 2.
[12533] P1807 (Christopher Lawrence, Report on autopsies of human remains from Čančari Road Site 12, August 1998), pp. 3, 34-35.
[12534] P1807 (Christopher Lawrence, Report on autopsies of human remains from Čančari Road Site 12, August 1998), pp. 2, 25.
[12535] P1807 (Christopher Lawrence, Report on autopsies of human remains from Čančari Road Site 12, August 1998), pp. 2, 28; P1814 (Christopher Lawrence, Report on ligatures found in Čančari Road Site 12), pp. 1-3.
[12536] P1807 (Christopher Lawrence, Report on autopsies of human remains from Čančari Road Site 12, August 1998), pp. 2, 33.
[12537] P1807 (Christopher Lawrence, Report on autopsies of human remains from Čančari Road Site 12, August 1998), pp. 2, 33.
[12538] P1987 (Dušan Janc, Srebrenica Investigation, Update to Summary of Forensic Evidence, 28 June 2013), pp. 3, 4, 10, 16-17, 18-20, 39-41; P1982 (Annex D to the report titled Update to the Summary of Forensic Evidence, Srebrenica Investigation, by Dušan Janc), pp. 105-128, 135-174.
[12539] P1987 (Dušan Janc, Srebrenica Investigation, Update to Summary of Forensic Evidence, 28 June 2013), pp. 38-39.
[12540] P1987 (Dušan Janc, Srebrenica Investigation, Update to Summary of Forensic Evidence, 28 June 2013), p. 48.

Additionally, 110 DNA connections were found between remains identified in the secondary graves.[12541]

Pilica Cultural Centre (Schedule E.10.1)

2850. **Erdemović** testified that on 16 July 1995, as the last groups of Bosnian-Muslim men were being executed at the Branjevo Military Farm, a VRS lieutenant colonel returned to the farm and informed members of the 10th Sabotage Detachment that there were some 500 Bosnian-Muslims in the Pilica Cultural Centre who must be executed.[12542] The Pilica Cultural Centre was in the DK zone of responsibility.[12543] **Butler** specified that it was located in the area of the 1st Battalion of the Zvornik Brigade.[12544] **Erdemović** and other members of the 10th Sabotage Detachment, namely Franc Kos, Marko Boškić, and Zoran Goronja refused to comply with this order.[12545] Instead, soldiers from Bratunac left the farm with the lieutenant colonel.[12546] Shortly thereafter, Brano Gojković, commander of a squad of the Vlasenica platoon of the VRS 10th Sabotage Detachment, told Erdemović that the lieutenant colonel had ordered Gojković to Pilica for a meeting so the witness and the rest of his squad left for Pilica.[12547] When he arrived in Pilica with members of his unit, Erdemović heard the sound of gunfire and hand-grenade explosions coming from the Pilica Cultural Centre.[12548] On that day, approximately 500 Bosnian-Muslim men were killed by VRS soldiers in the Pilica Cultural Centre.[12549] **Butler** testified that there were no known survivors.[12550]

2851. **Butler** further testified that his review of intercepts established that on 16 July 1995, 500 liters of fuel were distributed to the DK Command so that Lieutenant-Colonel Vujadin Popović, the DK Assistant Commander for Security, could continue his

[12541] P1987 (Dušan Janc, Srebrenica Investigation, Update to Summary of Forensic Evidence, 28 June 2013), p. 49.
[12542] P1673 (Dražen Erdemović, Rule 61 hearing transcript, 5 July 1996), p. 850; Dražen Erdemović, T. 13745, 13760, 13780. The Trial Chamber understands the reference to the 'hall' in P1673 to be a reference to the Pilica Cultural Centre.
[12543] Adjudicated Facts II, no. 1621.
[12544] P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), para. 7.47.
[12545] P1673 (Dražen Erdemović, Rule 61 hearing transcript, 5 July 1996), p. 850.
[12546] P1673 (Dražen Erdemović, Rule 61 hearing transcript, 5 July 1996), pp. 846, 850.
[12547] P1673 (Dražen Erdemović, Rule 61 hearing transcript, 5 July 1996), pp. 834, 840, 850.
[12548] P1673 (Dražen Erdemović, Rule 61 hearing transcript, 5 July 1996), pp. 850-851.
[12549] Adjudicated Facts II, no. 1622.

'work'.[12551] Later on the same day, Popović told Rašić that he 'finished the job' and would come back the next day to report to General Krstić.[12552] The witness further testified that one of the intercepts reviewed established that Colonel Slobodan Cerović, the DK Assistant Commander for Moral, Legal and Religious Affairs, told Colonel Beara on the morning of 16 July 1995 that he had instructions from above and that the 'triage' needed to be done on the detainees.[12553]

2852. **Bogdanović** stated that a few days after 12 July 1995, the Commander of a work platoon of the Zvornik Brigade, Captain Radivoje Lakić, ordered him, together with other men from his work platoon, to go to Pilica 'because some people had been brought there'.[12554] The witness walked with Lakić and other members of his work platoon from Branjevo Military Farm to the Pilica Cultural Centre, and saw approximately ten corpses along the way, dressed in civilian clothes, who had been shot.[12555] Upon arrival at the Pilica Cultural Centre, which the witness described as a youth hall with just one room which looked like a sports hall, he observed soldiers securing the area who were not members of his work platoon.[12556] Inside the Pilica Cultural Centre, he saw the bodies of men and of two women, all wearing civilian clothes, piled up on each other and scattered all over the place.[12557]

2853. **Milenko Tomić** stated that on 17 July 1995, Radislav Pantić, Head of Transports, gave him a travel order to report to Pilica and then Kula to drive soldiers.[12558] The witness was wearing an old JNA uniform.[12559] His truck was a freight vehicle and he was the only truck driver sent to Pilica on that day.[12560] On his way out of Pilica, about 100 metres away from the centre of the village, the witness was pulled over by a soldier, wearing an old JNA uniform without rank or insignia, who told him to

[12550] P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), para. 7.47.
[12551] P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), paras 10.41-10.42.
[12552] P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), para. 10.44.
[12553] P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), para. 10.40.
[12554] P2940 (Jevto Bogdanović, *Popović et al.* transcript, 10 May 2007), pp. 11314, 11319, 11326-11327.
[12555] P2940 (Jevto Bogdanović, *Popović et al.* transcript, 10 May 2007), pp. 11326-11327.
[12556] P2940 (Jevto Bogdanović, *Popović et al.* transcript, 10 May 2007), pp. 11327-11328.
[12557] P2940 (Jevto Bogdanović, *Popović et al.* transcript, 10 May 2007), pp. 11330-11332.
[12558] P3652 (Milenko Tomić, *Popović et al*. transcript, 5 February 2008), pp. 21000-21001, 21003, 21012-21013, 21023; P3655 (Excerpt of Zvornik brigade transportation records).
[12559] P3652 (Milenko Tomić, *Popović et al*. transcript, 5 February 2008), p. 21004.
[12560] P3652 (Milenko Tomić, *Popović et al*. transcript, 5 February 2008), pp. 21006-21007, 21009-21010, 21023; P3655 (Excerpt of Zvornik brigade transportation records).

report outside the Pilica Cultural Centre and to park next to a side door.[12561] The soldier told him to wait in a nearby house and come back about half an hour later.[12562] Tomić noticed that the tarpaulin of the truck had been lowered without being tied and, after inquiring about the content of the truck, he was told by the soldier that they were about to drive dead bodies to Branjevo.[12563]

2854. **Bogdanović** stated that on the order of Commander Lakić, 12 members of the work platoon, including himself, loaded the bodies onto two gravel trucks by dragging them from the Pilica Cultural Centre.[12564] Lakić was present during this process.[12565]

2855. **Tomić** stated that after his arrival at Branjevo, he saw some individuals wearing civilian clothes and was told by the soldier to wait in cattle barns.[12566] Later, the soldier told him to drive back to the Pilica Cultural Centre and to wait in the same house.[12567] The soldier returned half an hour later and told the witness that they should leave again.[12568] Back in Branjevo, Tomić saw five or ten bodies lying on the ground next to the backside of the barn and a few civilians eating nearby.[12569] He parked the truck and waited in the barn for half an hour.[12570] On his way back to the Pilica Cultural Centre, Tomić was alerted by a soldier that one side of the back of his truck had not been lowered, and saw that the backside of the truck was muddy and bloody.[12571] Tomić then left for Zvornik, where he left the truck on the barracks' parking lot along with the keys and the travel order.[12572] **Butler** testified that it was noted that on 17 July 1995, one TAM 130 truck registered to the Zvornik-based *Metalno* Company made a total of five trips between Zvornik, Pilica, and Kula.[12573]

2856. The Prosecution sent a team of experts to conduct a forensic examination of the Pilica Cultural Centre between 27 and 29 September 1996, and again on 2 October

[12561] P3652 (Milenko Tomić, *Popović et al*. transcript, 5 February 2008), pp. 21001, 21003.
[12562] P3652 (Milenko Tomić, *Popović et al*. transcript, 5 February 2008), pp. 21001, 21008; P3653 (Sketch of the Pilica Dom and location of his truck, drawn by Milenko Tomić).
[12563] P3652 (Milenko Tomić, *Popović et al*. transcript, 5 February 2008), p. 21001.
[12564] P2940 (Jevto Bogdanović, *Popović et al.* transcript, 10 May 2007), pp. 11328-11329, 11332.
[12565] P2940 (Jevto Bogdanović, *Popović et al.* transcript, 10 May 2007), p. 11332.
[12566] P3652 (Milenko Tomić, *Popović et al*. transcript, 5 February 2008), p. 21002.
[12567] P3652 (Milenko Tomić, *Popović et al*. transcript, 5 February 2008), p. 21002; P3653 (Sketch of the Pilica Dom and location of his truck, drawn by Milenko Tomić).
[12568] P3652 (Milenko Tomić, *Popović et al*. transcript, 5 February 2008), p. 21002.
[12569] P3652 (Milenko Tomić, *Popović et al*. transcript, 5 February 2008), pp. 21002, 21005.
[12570] P3652 (Milenko Tomić, *Popović et al*. transcript, 5 February 2008), p. 21002; P3653 (Sketch of the Pilica Dom and location of his truck, drawn by Milenko Tomić).
[12571] P3652 (Milenko Tomić, *Popović et al*. transcript, 5 February 2008), pp. 21002-21003, 21005-21006.
[12572] P3652 (Milenko Tomić, *Popović et al*. transcript, 5 February 2008), pp. 21003, 21005.

1998.[12574] Experts determined the presence of bullet strikes, explosives residue, bullets and shell cases, as well as human blood, bones, and tissue adhering to the walls, ceilings, and floors.[12575] A DNA analysis of blood and tissue samples collected at the centre identified the samples as being of human origin.[12576]

2857. **Richard Butler** testified that Lieutenant-Colonel Vinko Pandurević reported to the DK on 16 July 1995 that his forces consisted of the Zvornik Infantry Brigade, a MUP company of 100 people, two platoons from the Bratunac Infantry Brigade, and a part of the Military Police Platoon from the IBK.[12577]

The Trial Chamber's Findings

2858. With regard to the Defence's arguments concerning the reliability of witnesses for these three incidents, the Trial Chamber notes that for the central aspects of its findings, including the identification of perpetrators and number of victims, it relies on unrebutted Adjudicated Facts. With regard to other aspects, the Trial Chamber relied on, among others, Dražen Erdemović, Witness RM-255, and Witness RM-346. In order to assess the reliability of the witnesses' evidence, it observed their demeanour while testifying, considered that their evidence was internally consistent, and considered that their evidence was overall consistent with each other. For these reasons, the Trial Chamber finds that their evidence is reliable.

2859. With regard to Scheduled Incident E.9.1, the Trial Chamber finds that on or about 14 or 15 July 1995, members of the VRS Zvornik Brigade's 1st Battalion killed at least eight Bosnian-Muslim men at the Kula School near Pilica.[12578] The VRS soldiers killed some of the men by shooting them outside of the school, and others by keeping

[12573] P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), para. 7.52.
[12574] Adjudicated Facts II, no. 1626. The Trial Chamber understands the reference to the Pilica Dom in Adjudicated Fact number 1626 to be a reference to the Pilica Cultural Centre.
[12575] Adjudicated Facts II, no. 1627.
[12576] Adjudicated Facts II, no. 1624.
[12577] P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), para.7.49.
[12578] In determining the total number of victims, the Trial Chamber has considered, *inter alia*, evidence that one person might have committed suicide at Kula school. In addition, it is insufficiently clear whether the body seen by Witness RM-255 was included in the nine bodies seen by Bogdanović. The Trial Chamber has, therefore, made a conservative calculation that the minimum number of victims was eight.

them in hot, overcrowded conditions with no food or water. The victims wore civilian clothing.

2860. With regard to Scheduled Incident E.9.2, the Trial Chamber notes that it received extensive forensic evidence concerning the bodies exhumed from the Branjevo Military farm and the Čančari Road 4, 8, 9, 11, and 12 mass graves. The Trial Chamber has considered Adjudicated Fact 1604, and the evidence of Witness RM-346, Witness RM-255 and Richard Butler, according to which the men detained at Kula School were transported to, executed, and buried in the Branjevo Military Farm. It has also considered the evidence of Haglund, Baraybar and Janc with respect to the connections between the primary mass grave at the Branjevo Military Farm and the secondary mass graves at Čančari Road. The Trial Chamber considers that since the Branjevo Military Farm and Čančari Road mass graves contained bodies from multiple incidents, the evidence of Haglund, Baraybar, and Janc, in this respect, does not establish the total number of victims of the Branjevo Military Farm incident. Accordingly, the Trial Chamber finds that this evidence does not contradict Adjudicated Fact 1612 with respect to the total number of victims.

2861. The Trial Chamber finds that on 16 July 1995, VRS soldiers, including members of the 10th Sabotage Detachment and a group of soldiers from Bratunac, summarily executed between 1,000 and 1,200 male Bosnian-Muslim detainees from Kula School in Pilica by shooting them at the Branjevo Military Farm. The victims were bussed to the farm and led to the execution site in groups of around ten. One of the perpetrators said that they should shoot the victims in the back as opposed to the head so their brains would not spill out. The perpetrators ordered the victims to turn their backs or to lie down before they were shot. The victims were men aged between 17 and 70 and some of them had their hands tied and were blindfolded. Just prior to killing the detainees, the soldiers from Bratunac beat them and humiliated some of the detainees by forcing them to ‘pray in the Muslim manner’. The perpetrators cursed the detainees by telling them ‘Alija does not want you, step out’. Perpetrators were saying to one another: ‘don’t commit genocide, if you want to kill … take a rifle and strike in a military way’ and ‘we committed the genocide like in Jasenovac in 1941.’ The Trial Chamber also finds that the victims of this incident were buried at the Branjevo Military Farm mass grave, and that bodies from this mass grave were subsequently reburied in the Čančari Road 4, 8, 9, 11, and 12 mass graves.

2862. With regard to Scheduled Incident E.10.1, the Trial Chamber has considered the Defence submission that the Prosecution presented only 'limited evidence' that was insufficient to establish the perpetrators and circumstances of death. The Chamber notes, however, the Prosecution adduced evidence from multiple witnesses, as set out above, which the Trial Chamber found to be relevant and probative in determining the alleged perpetrators and the circumstances of the victims' deaths. Having considered this evidence as well as the relevant adjudicated facts, the Trial Chamber finds that on 16 July 1995, VRS soldiers, including soldiers from Bratunac, killed approximately 500 Bosnian-Muslim men and two women inside the Pilica Cultural Centre. The soldiers killed the victims by shooting them and using hand-grenades against them. Some of the victims were wearing civilian clothes. Lieutenant-Colonel Vujadin Popović oversaw the execution process.

2863. The Trial Chamber will further consider these incidents in relation to Counts 2 through 6 of the Indictment in chapter 8 below.

7.11 Bišina (Schedule E.12.1)

2864. According to the Indictment, the Accused is responsible for the killing of over 30 Bosnian-Muslim men, some of whom had previously been detained in Sušica prison, in Bišina in Šekovići Municipality on 23 July 1995.[12579] The Defence argued that (i) Witness RM-318 failed to provide an adequate explanation when confronted with evidence excluding the presence of Popović in Bišina on 23 July 1995 and (ii) the criminal activities charged were committed by individuals outside the VRS chain of command.[12580] The Trial Chamber received evidence from **Svetozar Andrić**, Commander of the VRS Birač Brigade in Šekovići from 19 May 1992 to 6 August 1995, then Chief of Staff of the DK until March 1996;[12581] **Witness RM-318**, a Bosnian-Serb VRS military policeman in July 1995;[12582] **Witness RM-285**, a member of the DK;[12583] **Dragan Todorović**, a Bosnian Serb who served as a logistics officer in the 10th Sabotage Detachment unit of the VRS;[12584] **Ljubomir Bojanović**, a member of the Zvornik Brigade in 1995;[12585] **Nikodin Jovičić**, Deputy Commander of the Uniformed Police for the Han Pijesak SJB in July 1995;[12586] **Dušan Janc**, an investigator;[12587] and **Helge Brunborg**, a demographer who analyzed the deaths in Srebrenica,[12588] as well as documentary evidence.

2865. According to **Svetozar Andrić**, the Birač Infantry Brigade was established on 19 May 1992 and had its command post in Šekovići.[12589] As of late January 1993, its zone of responsibility comprised of the municipalities of Šekovići, Kalesija, and part of the

[12579] Indictment, paras 11-12, 46(a), 59(a)(iii), 65(a), Schedule E.12.1.
[12580] Defence Final Brief, para. 3214.
[12581] D1033 (Svetozar Andrić, witness statement, 16 July 2013), para. 1; Svetozar Andrić, T. 34737; D1034 (Order of hand-over of duties as Commander of the 1st Birač Infantry Brigade from Andrić to Colonel Ljubomir Vlačić, 6 August 1995)
[12582] P1821 (Witness RM-318, *Popović et al.* transcript, 10 March 2009), pp. 32566-32567; Witness RM-318, T. 14874; P1820 (Pseudonym sheet for Witness RM-318).
[12583] P3634 (Witness RM-285, *Popović et al.* transcript, 25 March 2009), p. 32781; P3635 (Pseudonym sheet for Witness RM-285).
[12584] Dragan Todorović, T. 35356, 35365-35367, 35411.
[12585] P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), pp. 11673, 11676.
[12586] P2170 (Nikodin Jovićić, witness statement, 17 March 2008), p. 1, paras 4-7; P2171 (Nikodin Jovićić, *Tolimir* transcript, 13 May 2010), p. 1706.
[12587] P1987 (Dušan Janc, Srebrenica Investigation, Update to Summary of Forensic Evidence, 28 June 2013), p. 1; P1982 (Annex D to the report titled Update to the Summary of Forensic Evidence, Srebrenica Investigation, by Dušan Janc).
[12588] P1900 (2009 Integrated Report on Srebrenica Missing Including a Progress Report on DNA-Based Identification, 9 April 2009); P1890 (Helge Brunborg, *curriculum vitae*), p. 1.
[12589] D1033 (Svetozar Andrić, witness statement, 16 July 2013), paras 1-2; P7352 (1st Birač Infantry Brigade Report on the Establishment of the DK, 30 October 1993), p. 1.

municipality of Kladanj.[12590] As of 30 October 1993, its zone of responsibility started from Memići village, in the east, and was around 62 kilometres in length towards the west, encompassing the Bišina area.[12591] The Brigade consisted of five infantry battalions.[12592] The 3rd Bišina Battalion had its combat position along the defence line between Makalići and Zaboj.[12593]

2866. **Witness RM-318** testified that approximately ten days after the fall of Srebrenica, at around 8 or 9 a.m., he and two other soldiers were ordered to drive to the nearby Sušica prison in Vlasenica Municipality, which he believed was under the control of the VRS at that time, to collect detainees and take them to be exchanged.[12594] A vehicle log indicates that a TAM-110 truck carrying 15 people took the Vlasenica-Bišina-Vlasenica route on 23 July 1995.[12595] When they arrived at Sušica prison, another truck was already there.[12596] After the prison security officers loaded detainees onto the witness's truck, the convoy, consisting of the two trucks and a car, set off in the direction of Šekovići, stopping at the Lovac restaurant just before Šekovići.[12597] At the restaurant, more detainees were loaded onto the two trucks.[12598] The convoy then set out in the direction of Bišina.[12599]

2867. **Witness RM-285** stated that on 23 July 1995, in the meantime, his commander 'Momo' Amović ordered him to pick up people by the side of a road near Dragasevac.[12600] The Vlasenica base of the 10th Sabotage Detachment was in Dragasevac.[12601] When he arrived there, five or six men in military fatigues of different colours, masked and wearing caps over their heads, got into the car.[12602] On the basis of

[12590] P7352 (1st Birač Infantry Brigade Report on the Establishment of the DK, 30 October 1993), pp. 2-3; *see also* P1087 (Srebrenica Court Binder of maps), p. 7.
[12591] P7352 (1st Birač Infantry Brigade Report on the Establishment of the DK, 30 October 1993), pp. 1,10.
[12592] P7352 (1st Birač Infantry Brigade Report on the Establishment of the DK, 30 October 1993), pp. 1, 10.
[12593] P7352 (1st Birač Infantry Brigade Report on the Establishment of the DK, 30 October 1993), p. 10.
[12594] P1821 (Witness RM-318, *Popović et al.* transcript, 10 March 2009), pp. 32570, 32575; Witness RM-318, T. 14877-14879.
[12595] P1822 (Vehicle log for a 'TAM' 110 T7, 1-31 July 1995), pp. 1-2.
[12596] Witness RM-318, T. 14878.
[12597] P1821 (Witness RM-318, *Popović et al.* transcript, 10 March 2009), pp. 32570-32571; Witness RM-318, T. 14879-14881.
[12598] P1821 (Witness RM-318, *Popović et al.* transcript, 10 March 2009), pp. 32571-32572; Witness RM-318, T. 14881.
[12599] P1821 (Witness RM-318, *Popović et al.* transcript, 10 March 2009), pp. 32571-32572; Witness RM-318, T. 14881-14882.
[12600] P3634 (Witness RM-285, *Popović et al.* transcript, 25 March 2009), pp. 32782-32783.
[12601] Dragan Todorović, T. 35366-35367, 35384.
[12602] P3634 (Witness RM-285, *Popović et al.* transcript, 25 March 2009), pp. 32784-32785.

hearing these men speak to each other, he concluded that there were some Muslims and some Croats among them.[12603] With regard to the mixed composition of the 10th Sabotage Detachment, the Trial Chamber refers to chapter 3.1.2. Around noon, the witness drove the men to the 4th Battalion of the Šekovići Brigade in Bišina, stopping about 200 to 300 metres away from the 4th Battalion headquarters, along a macadam road.[12604] The witness stated that Amović had initially told him to take the men to the Šekovići Brigade, but *en route*, one of the men who had gotten in the car had told the witness to head directly to the 4th Battalion.[12605]

2868. **Witness RM-318** testified that when they stopped on a village road in Bišina, he noticed that a second car, which he recognized as Vujadin Popović's car, a Golf D-2, had joined the convoy.[12606] Five soldiers then got out of the first car.[12607] Among them were soldiers who had the insignia of the 10th Sabotage Detachment on their upper left sleeve, soldiers who wore camouflage uniforms, and soldiers who wore civilian T-shirts.[12608] The witness could not see their faces because they were wearing hats and sunglasses.[12609] **Witness RM-285** noticed that all of them carried automatic rifles.[12610] He also observed three or four men in uniform standing close to the 4th Battalion headquarters wearing belts that were either yellow or white, and two vehicles, one of which was a TAM-110 truck.[12611] The witness was instructed to wait near the barracks that were being built about one kilometre away.[12612]

2869. **Witness RM-318** testified that the five soldiers opened the back door of one of the trucks and took out five detainees.[12613] They took the detainees about 30 metres away from the trucks and then the witness heard shots.[12614] The procedure continued at

[12603] P3634 (Witness RM-285, *Popović et al.* transcript, 25 March 2009), p. 32784.
[12604] P3634 (Witness RM-285, *Popović et al.* transcript, 25 March 2009), pp. 32783, 32785-32787, 32789.
[12605] P3634 (Witness RM-285, *Popović et al.* transcript, 25 March 2009), pp. 32783, 32785-32786, 32789.
[12606] P1821 (Witness RM-318, *Popović et al.* transcript, 10 March 2009), p. 32572; Witness RM-318, T. 14880, 14894-14895.
[12607] P1821 (Witness RM-318, *Popović et al.* transcript, 10 March 2009), pp. 32572-32573; Witness RM-318, T. 14882.
[12608] P1821 (Witness RM-318, *Popović et al.* transcript, 10 March 2009), pp. 32575, 32588; Witness RM-318, T. 14883.
[12609] Witness RM-318, T. 14883, 14889.
[12610] P3634 (Witness RM-285, *Popović et al.* transcript, 25 March 2009), p. 32788.
[12611] P3634 (Witness RM-285, *Popović et al.* transcript, 25 March 2009), pp. 32787-32789.
[12612] P3634 (Witness RM-285, *Popović et al.* transcript, 25 March 2009), pp. 32787-32788
[12613] P1821 (Witness RM-318, *Popović et al.* transcript, 10 March 2009), pp. 32572-32573; Witness RM-318, T. 14884.
[12614] P1821 (Witness RM-318, *Popović et al.* transcript, 10 March 2009), p. 32573; Witness RM-318, T. 14884-14885.

the same rate until all detainees had been taken off the trucks.[12615] The witness did not know how many detainees were in the two trucks, but testified that normally these types of trucks carried ten people with equipment.[12616] The five soldiers finished the task very quickly, got back into their car, and left.[12617] When asked what had just happened, Popović did not reply and had tears in his eyes.[12618] Popović was present during the entire incident, but the witness did not see him give any orders to the five soldiers.[12619] After a while, a big construction machine arrived and dug a hole.[12620] Popović then asked two of the soldiers to bury the bodies, which they did.[12621] According to a vehicle log, the Golf D-2 used by Popović travelled along the Vlasenica-Zvornik-Vlasenica route on 23 July 1995.[12622] According to Witness RM-318, Bišina is not on that route.[12623] **Witness RM-285** stated that after three to five hours, the men he had dropped off approached the car and told the witness to drive them back to the road near Dragasevac.[12624]

2870. According to a vehicle log, the car driven by Witness RM-285 carried eight people and took the Vlasenica-Šekovići-Bišina-Šekovići route on 23 July 1995.[12625] According to the witness, vehicle logs were supposed to be signed immediately after a journey was finished, but on this occasion his vehicle log was not signed. After his journey, he was told to leave the vehicle log on a desk and get out. Two or three days later, there was a signature on the vehicle log and his 'boss' asked him whose signature it was.[12626] The witness could not discern whose signature it was, but his 'boss' told him that Popović was probably the one in charge, so the witness wrote Popović's name next to the signature.[12627] On 23 July 1995, **Ljubomir Bojanović**, in accordance with his duties as the Duty Operations Officer, recorded in the duty operations officer's

[12615] P1821 (Witness RM-318, *Popović et al.* transcript, 10 March 2009), p. 32573; Witness RM-318, T.14884.
[12616] Witness RM-318, T. 14884.
[12617] P1821 (Witness RM-318, *Popović et al.* transcript, 10 March 2009), p. 32573; Witness RM-318, T. 14885.
[12618] P1821 (Witness RM-318, *Popović et al.* transcript, 10 March 2009), p. 32574.
[12619] P1821 (Witness RM-318, *Popović et al.* transcript, 10 March 2009), p. 32575; Witness RM-318, T. 14885.
[12620] P1821 (Witness RM-318, *Popović et al.* transcript, 10 March 2009), p. 32573; Witness RM-318, T. 14885.
[12621] P1821 (Witness RM-318, *Popović et al.* transcript, 10 March 2009), p. 32574; Witness RM-318, T. 14885-14888, 14890, 14902.
[12622] D341 (Vehicle work log for a car model Golf D-2, 1-31 July 1995), pp. 1, 4.
[12623] Witness RM-318, T. 14895.
[12624] P3634 (Witness RM-285, *Popović et al.* transcript, 25 March 2009), pp. 32789-32790.
[12625] P1823 (Vehicle work log for minibus, 18-31 July 1995), pp. 1-2.
[12626] P3634 (Witness RM-285, *Popović et al.* transcript, 25 March 2009), p. 32795.

notebook that at 8:30 a.m., Lieutenant Colonel Cerović had relayed a message for the commander that Popović would arrive at the command of the Zvornik Brigade by 5 p.m. that day.[12628]

2871. One witness provided evidence about one of the victims of this incident. **Nikodin Jovičić** stated that Himzo Mujić, a Bosnian Muslim from the Muslim village of Rijeke, was an operational contact of his, but that he had lost contact with him in mid-1992.[12629] According to the transcript of a phone intercept of 24 July 1995 between 'Kane' and an unknown person, Mujić was a detainee, and in an attempt to be exchanged, had mentioned the witness's name.[12630] The witness stated that Goran Kanostrevac, a.k.a. Kane, was the Chief of the Han Pijesak SJB.[12631] The intercept furthermore specifies that a certain Dragićwas the warden of the prison in which Mujić was detained.[12632] According to the transcript of another phone intercept of the same day, between two unidentified individuals, Mujić was no longer in the prison and Popović was the only one who knew where Mujić went and what had happened to him.[12633]

2872. **Dušan Janc** testified that bodies were exhumed from a primary mass grave in the Bišina area above Šekovići between 20 May and 7 June 2006 and DNA examination identified 39 individuals, two of whom were under the age of 18.[12634] Eighteen ligatures and four blindfolds were also found in this grave.[12635] Himzo Mujić is listed among those identified.[12636] In addition, bodies were exhumed from a primary mass grave located in a cave in the Bišina area above Šekovići between 5 and 27 October 2009 and

[12627] P3634 (Witness RM-285, *Popović et al.* transcript, 25 March 2009), pp. 32795, 32796-32797.
[12628] P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), pp. 11695-11696, 11698, 11701, 11703-11704, 11742, 11760; P1501 (Zvornik Brigade Duty Officer Log Book, Teacher's edition, 11-23 July 1995), p. 143. With regard to the location of the command of the Zvornik Brigade, *see* P1087 (Srebrenica Court Binder of maps), p. 7.
[12629] P2170 (Nikodin Jovićić, witness statement, 17 March 2008), para. 8.
[12630] P2170 (Nikodin Jovićić, witness statement, 17 March 2008), para. 10; P2172 (Transcript of intercept, 24 July 1995), pp. 1-2.
[12631] P2170 (Nikodin Jovićić, witness statement, 17 March 2008), para. 6.
[12632] P2172 (Transcript of intercept, 24 July 1995), pp. 1-2.
[12633] P1390 (Transcript of intercept of phone conversation), pp. 1-2; P1391 (ABiH intercept of phone conversation, 24 July 1995), pp. 1-2.
[12634] P1987 (Dušan Janc update to summary of forensic evidence, Srebrenica investigation, 28 June 2013), Annex A, pp. 26-27; P1982 (Annex D to Dušan Janc update to summary of forensic evidence, Srebrenica investigation, 28 June 2013), pp. 302-304; P1984 (Explanation of photographic documentation, exhumation of Bišina, Tuzla Canton Prosecutor's Office, 3 February 2008), p. 6; Dušan Janc, T. 15262-15263.
[12635] P1987 (Dušan Janc update to summary of forensic evidence, Srebrenica investigation, 28 June 2013), Annex A, pp. 26-27; Dušan Janc, T. 15373.

DNA examinations identified 16 individuals.[12637] A 2008 Tuzla Canton exhumation report indicates that 39 bodies were exhumed from a primary mass grave in Bišina located near the local road to the Sajtovići neighbourhood.[12638] Twenty-seven of the bodies had wire ligatures around their hands.[12639] A 2009 report on the people reported missing and dead after the take-over of Srebrenica includes the names of all 39 individuals later identified from the Bišina grave, indicating that 38 of them were male while the gender for one individual, with the first name Mirsad, is not listed.[12640] According to the report, 85.8 to 99.1 per cent of the 7,663 individuals reported missing and dead in Srebrenica were of Muslim ethnicity, as checked against the 1991 Population Census.[12641] According to another 2009 report on the people missing from Srebrenica, 27 of the bodies exhumed from the mass grave in Bišina were identified from ABiH military records of dead and missing soldiers and other military personnel.[12642]

2873. The Trial Chamber sees no merit in the Defence's argument that Witness RM-318 failed to provide an adequate explanation when confronted with evidence that excluded the presence of Popović in Bišina on 23 July 1995.[12643] The Trial Chamber notes that Witness RM-318 was presented with the vehicle log for Popović's car and the

[12636] P1982 (Annex D to Dušan Janc update to summary of forensic evidence, Srebrenica investigation, 28 June 2013), pp. 302-304.
[12637] P1987 (Dušan Janc update to summary of forensic evidence, Srebrenica investigation, 28 June 2013), Annex A, p. 27; *see also* P1982 (Annex D to Dušan Janc update to summary of forensic evidence, Srebrenica investigation, 28 June 2013), pp. 305-306.
[12638] P1984 (Explanation of photographic documentation, exhumation of Bišina, Tuzla Canton Prosecutor's Office, 3 February 2008), pp. 1-6.
[12639] P1984 (Explanation of photographic documentation, exhumation of Bišina, Tuzla Canton Prosecutor's Office, 3 February 2008), pp. 1-6.
[12640] P1901 (Prosecution 2009 Progress Report on the DNA-Based Identification by ICMP, 9 April 2009), pp. 8, 11-12, 22-23, 35, 45, 53, 55, 59, 66, 72-73, 78, 88, 90, 93, 102-103, 107, 129, 132, 137, 139, 141, 147, 150, 155, 166, 172, 193, 204, 216, 232; s*ee also* P1982 (Annex D to Dušan Janc update to summary of forensic evidence, Srebrenica investigation, 28 June 2013), pp. 302-304.
[12641] P1901 (Prosecution 2009 Progress Report on the DNA-Based Identification by ICMP, 9 April 2009), p. 3. The list of 7,663 individuals reported missing and dead includes the records of 1,032 missing persons that could not be linked with the 1991 census. The report states that although the ethnicity of these unlinked individuals is unknown, it can be safely assumed that the proportion of Muslims among them is about the same as for those who were linked, which would bring the total of missing Muslims to 7,619, or 99.1 per cent. The Trial Chamber moreover notes that the report lists an additional 213 individuals reported as missing in the ICMP records. These individuals were not included in the analysis on ethnicity and include one of the individuals identified from the Bišina grave.
[12642] P1900 (2009 Integrated Report on Srebrenica Missing Including a Progress Report on DNA-Based Identification, 9 April 2009), pp. 56, 96. The Trial Chamber notes that the report indicates that the ABiH military reports may include non-army personnel and that the expert assessed that the impact of this was likely small, but would need further investigation, *see ibid*. pp. 94-95.
[12643] The Trial Chamber notes that when Witness RM-318 was presented with the vehicle log for Popović's car, D341, and the notebook of the Duty Operations Officer of the Zvornik Brigade, P1501,

notebook of the Duty Operations Officer of the Zvornik Brigade and was asked if this evidence would change his claim regarding Popović's presence in Bišina during the alleged killings, and the witness responded that it would not.[12644] The Trial Chamber finds that the witness gave a reliable and coherent eyewitness account of the events unfolding in Bišina that day and, having never seen the evidence presented to him before, was not in a position to weigh it against his own testimony. The Trial Chamber therefore rejects the Defence's contention that the witness's response was inadequate. Moreover, the Trial Chamber notes that the Duty Operations Officer's notebook presented to the witness does not exclude the presence of Popović in Bišina during the alleged killings.[12645] With regard to the vehicle log, the Trial Chamber notes that the entry referring to the duration that the vehicle was used on 23 July is incomplete, the date of 23 July appears to have been altered, and the entry referring to the vehicle's odometer reading on 28 July does not match up with the corresponding entry pertaining to the number of kilometres travelled that day.[12646] The Trial Chamber is therefore not convinced of the accuracy of the entries in the log. In light of the above, the Trial Chamber rejects the Defence's submission in its totality.

2874. The Trial Chamber notes that the forensic evidence, in particular Janc's report, refers to the discovery of two mass graves, one being the Bišina grave near the Sajtovići neighbourhood and the other one a cave in the Bišina area. In this regard, the Trial Chamber notes that Witness RM-318 testified that he was present during the killings, the digging of the grave, and the burial of the bodies and did not testify to the presence of a cave at the grave site. In light of this, and given that the number of bodies exhumed from the grave in Bišina, near the Sajtovići neighbourhood, is close to the number of victims indicated by Witness RM-318, the Trial Chamber is satisfied that the forensic evidence in relation to the grave relates to Scheduled Incident E.12.1. The Trial Chamber, therefore, will not further consider the forensic evidence in relation to the cave in the Bišina area in relation to this incident.

and was asked if this evidence would change his claim regarding Popović's presence in Bišina during the alleged killings, the witness responded that it would not. Witness RM-318, T. 14895-14900.

[12644] Witness RM-318, T. 14895-14900

[12645] The Trial Chamber notes that since the alleged killings occurred around noon and in light of the fact that the command of the Zvornik Brigade was located about 35 kilometres from Bišina, Popović's arrival at the Zvornik Brigade by 5 p.m. would not exclude the possibility that he was present at the site of the alleged killings in Bišina around noon.

[12646] With respect to the vehicle log, the Trial Chamber relies on the original vehicle log submitted into evidence and not the translation.

2875. The Trial Chamber further notes that it received no direct evidence regarding the ethnicity of the individuals found in the Bišina grave. However, the Trial Chamber received evidence that 27 of the 39 individuals exhumed from the mass grave in Bišina were members of the ABiH. All 39 individuals identified from the Bišina grave were moreover included in the 2009 report on the people reported missing and dead after the take-over of Srebrenica. Out of the 7,663 people reported as missing and dead from Srebrenica, 85.8 per cent are confirmed to have been Bosnian Muslim, while up to 99.1 per cent are estimated to have been Bosnian Muslims. In light of the above, the Trial Chamber is satisfied that, if not all, almost all of the individuals found in the Bišina grave were Bosnian Muslims.

2876. Based on the foregoing, the Trial Chamber finds that on 23 July 1995, members of the VRS 10th Sabotage Detachment shot and killed 39 men and boys, almost all of whom were Bosnian Muslims, in Bišina.[12647] With regard to the Defence's argument that the evidence is insufficient to establish involvement of an entire VRS unit or the 10th Sabotage Detachment and instead shows criminal activity outside the VRS chain of command, the Trial Chamber notes that it did not receive any evidence supporting this claim. On the contrary, Witness RM-318 identified some of the soldiers as members of the 10th Sabotage Detachment. In addition, Witness RM-285 picked up the soldiers near the base of the 10th Sabotage Detachment. Among those killed were Himzo Mujić, a Bosnian-Muslim man, and two minors. Several of the bodies exhumed from the gravesite in Bišina had ligatures on their hands and a few had blindfolds on. The Trial Chamber will further consider the above in relation to Counts 2 through 6 of the Indictment in chapter 8 below.

[12647] As noted above, the Prosecution 2009 Progress Report on the DNA-Based Identification by ICMP does not indicate the gender for one victim with the first name Mirsad. In light of the fact that Mirsad is a common name for males in Bosnia-Herzegovina, the Trial Chamber finds that this person was also male.

7.12 Trnovo (Schedule E.13.1)

2877. According to the Indictment, sometime in late July or early August 1995, members of the Serb forces and Bosnian-Serb political and governmental organs (as defined in the Indictment) killed six Bosnian Muslim men and boys from Srebrenica near the town of Trnovo The Trial Chamber received evidence from **Witness RM-280**, a Serb from Croatia;[12648] **Mujo Subašić**, a Bosnian Muslim from Podžeplj in Han Pijesak Municipality, who worked as a nurse in the Srebrenica hospital from April 1993 until 11 July 1995;[12649] **Witness RM-311**, a Muslim from Srebrenica Municipality;[12650] and Dušan Janc, a former ICTY Prosecution investigator;[12651] as well as documentary evidence in relation to this incident.

2878. **Witness RM-280** testified that at a certain point in 1995, after an operation in Velika Kladuša, the Assistant Minister of Police for the RSK, Milan Milanović a.k.a. Mrgud, told the Skorpions that they would go to Trnovo in Bosnia-Herzegovina for an operation.[12652] Mrgud provided the unit with new badges from the Serbian MUP.[12653] Sometime around early July 1995, the unit, comprising approximately 150 men, travelled from Đeletovci to Trnovo.[12654] Two days after arrival, the unit was sent to a defence line on Mount Treskavica.[12655] The Skorpions replaced one VRS or police unit in the area.[12656] The witness was told that units were regrouping around Srebrenica and that the purpose of the operation was to simulate an attack on Sarajevo.[12657] The simulated attack took place simultaneously with the Serb offensive in Srebrenica.[12658] During the operation, the Skorpions worked in co-ordination with VRS units, in an area

[12648] P2577 (Witness RM-280, witness statement, 17 February 2005), pp. 1-2, 6; Witness RM-280, T. 18687; P2576 (Pseudonym sheet for Witness RM-280). The evidence of Witness RM-280 is also reviewed in chapter 9.2.8.
[12649] P3306 (Mujo Subašić, witness statement, 3 October 2012), p. 1, paras 3, 10-11, 29, 31.
[12650] P3520 (Witness RM-311, witness statement, 5 December 2004), pp. 1-2; P3521 (Witness RM-311, *Popović et al.* transcript, 31 October 2006), p. 3306.
[12651] P1987 (Dušan Janc, Srebrenica Investigation, Update to Summary of Forensic Evidence), p. 1.
[12652] P2577 (Witness RM-280, witness statement, 17 February 2005), pp. 7, 9; Witness RM-280, T. 18711, 18718.
[12653] P2577 (Witness RM-280, witness statement, 17 February 2005), pp. 7, 10; Witness RM-280, T. 18712.
[12654] P2577 (Witness RM-280, witness statement, 17 February 2005), pp. 9-11; P2580 (Witness RM-280, *Tolimir* transcript, 20 June 2011), pp. 15666-15672, 15676; Witness RM-280, T. 18718; P2584 (Annotated map of travel route from Đeletovci to Trnovo).
[12655] P2577 (Witness RM-280, witness statement, 17 February 2005), p. 10; P2580 (Witness RM-280, *Tolimir* transcript, 20 June 2011), p. 15676; Witness RM-280, T. 18728.
[12656] P2577 (Witness RM-280, witness statement, 17 February 2005), p. 10; Witness RM-280, T. 18717-18718, 18742.
[12657] P2577 (Witness RM-280, witness statement, 17 February 2005), p. 10.
[12658] P2577 (Witness RM-280, witness statement, 17 February 2005), p. 10.

falling under the responsibility of the SRK.[12659] The witness further specified that during the operation, Medić and a man known as 'Asteriks' received their orders from Mrgud, who himself received his orders from the Serbian SDB.[12660] The witness testified that the members avoided referring to themselves as Skorpions when dealing with the VRS and rather claimed to be from the police of the RSK.[12661] The operation lasted for approximately 21 days and the Skorpions returned to Đeletovci in late July or early August 1995.[12662]

2879. Witness RM-280 learned about the alleged killings by watching a video tape of the Skorpions' Trnovo operation and hearing about them from members of the Skorpions who participated in the operation.[12663] Sometime around mid-July 1995, towards the end of the Skorpions' operation in Trnovo, someone in the chain of command ordered Medić to send a bus and a truck as well as the two drivers, Braco and Đuro Meleusić, and go to Srebrenica.[12664] The drivers came back to the Skorpions' camp near Trnovo with six Muslim men.[12665] Medić issued the order to take the men away and kill them.[12666] He chose the men who should kill the prisoners: the driver Branislav Medić, his body-guards Aleksander Medić, Pero Petrašević, and Milorad Momić, and the person in charge of the kitchen, Slobodan Davidović.[12667] Slobodan Stojković, a.k.a. Bugar, was sent with them to videotape the execution.[12668]

[12659] P2577 (Witness RM-280, witness statement, 17 February 2005), pp. 6, 10-11; P2580 (Witness RM-280, *Tolimir* transcript, 20 June 2011), p. 15677; Witness RM-280, T. 18715-18717.
[12660] P2577 (Witness RM-280, witness statement, 17 February 2005), p. 11; Witness RM-280, T. 18713-18714, 18718.
[12661] Witness RM-280, T. 18727.
[12662] P2578 (Witness RM-280, witness statement, 25 May 2005), para. 6; P2580 (Witness RM-280, *Tolimir* transcript, 20 June 2011), pp. 15677, 15680, 15718-15719; Witness RM-280, T.18728.
[12663] P2577 (Witness RM-280, witness statement, 17 February 2005), p. 12; P2578 (Witness RM-280, witness statement, 25 May 2005), paras 8-10; P2580 (Witness RM-280, *Tolimir* transcript, 20 June 2011), p. 15680; P2581 (Skorpions video of Trnovo operation), 1'38''59-1'57''17.
[12664] P2577 (Witness RM-280, witness statement, 17 February 2005), p. 11; P2580 (Witness RM-280, *Tolimir* transcript, 20 June 2011), pp. 15693-15694, 15713, 15718-15719; Witness RM-280, T. 18691-18692, 18728.
[12665] P2577 (Witness RM-280, witness statement, 17 February 2005), p. 11; P2580 (Witness RM-280, *Tolimir* transcript, 20 June 2011), pp. 15693-15694, 15701-15702, 15715; Witness RM-280, T. 18691-18692.
[12666] P2577 (Witness RM-280, witness statement, 17 February 2005), p. 11; Witness RM-280, T. 18731-18733, 18744.
[12667] P2577 (Witness RM-280, witness statement, 17 February 2005), p. 11; Witness RM-280, T. 18729-18733, 18733-18735; P2582 (Photograph of Aleksander Medić, Slobodan Medić, Slobodan Davidović, Miroslav Grkinić, and Nikola Koljević at the hotel in Jahorina).
[12668] P2577 (Witness RM-280, witness statement, 17 February 2005), p. 11; P2578 (Witness RM-280, witness statement, 25 May 2005), para. 7; P2580 (Witness RM-280, *Tolimir* transcript, 20 June 2011), pp. 15669-15670, 15681-15682.

2880. The witness identified the following members of the unit escorting the six captured Muslim males down the road in the video: Pero Petrašević, Branislav Medić, Milorad Momić, Aleksander Medić, Slobodan Davidović, Slobodan Stojković, a man called Šiptar, a man called Saša a.k.a. Vuk, and two members of the reconnaissance platoon.[12669] All of the Muslim detainees were wearing civilian clothing.[12670] Before the killings, a member of the Skorpions unit said, "Fuck you and your Alija who gave you thick socks to wage war in".[12671] Petrašević, Branislav Medić, Momić, Aleksander Medić, Davidović, and Šiptar walked off the road and entered a grassy area beside an abandoned summer house where they made some of the captured men walk on their knees.[12672] Two of the captives had to lie down on the grass.[12673] Petrašević killed the first three captured men and Branislav Medić killed the fourth.[12674] They then made the two remaining captured men stand up and Šiptar untied their hands.[12675] Davidović shot the four dead bodies in the head.[12676] The two remaining captured men were forced to carry the bodies behind nearby trees.[12677] Branislav Medić killed the two remaining captured men inside the abandoned summer house and others shot at the two dead bodies.[12678] Copies of the video were made after the unit came back from Bosnia-Herzegovina.[12679] Some days after their return, members of the unit watched the video in the command room in the camp.[12680]

2881. **Mujo Subašić** stated that he recognized Sidik Salkić from Joševo as one of the victims on a TV broadcast showing the execution of six men in Trnovo who had fled

[12669] P2577 (Witness RM-280, witness statement, 17 February 2005), p. 15; P2581 (Skorpions video of Trnovo operation), 1'48''10-1'49''07.
[12670] P2581 (Skorpions video of Trnovo operation), from 1'38''59 onwards.
[12671] P2581 (Skorpions video of Trnovo operation), transcript, p. 91.
[12672] P2577 (Witness RM-280, witness statement, 17 February 2005), p. 15; P2581 (Skorpions video of Trnovo operation), 1'49''07-1'49''46.
[12673] P2577 (Witness RM-280, witness statement, 17 February 2005), p. 15; P2581 (Skorpions video of Trnovo operation), transcript, p. 95.
[12674] P2577 (Witness RM-280, witness statement, 17 February 2005), p. 15; P2581 (Skorpions video of Trnovo operation), 1'49''52-1'50''28.
[12675] P2577 (Witness RM-280, witness statement, 17 February 2005), p. 15; P2581 (Skorpions video of Trnovo operation), 1'50''56-1'51''48.
[12676] P2577 (Witness RM-280, witness statement, 17 February 2005), p. 15; P2581 (Skorpions video of Trnovo operation), 1'51''50-1'51''55.
[12677] P2577 (Witness RM-280, witness statement, 17 February 2005), p. 15; P2581 (Skorpions video of Trnovo operation), 1'52''01-1'55''16.
[12678] P2577 (Witness RM-280, witness statement, 17 February 2005), p. 15; P2581 (Skorpions video of Trnovo operation), 1'55''50-1'57''17.
[12679] P2577 (Witness RM-280, witness statement, 17 February 2005), p. 12; P2578 (Witness RM-280, witness statement, 25 May 2005), para. 9.
[12680] P2578 (Witness RM-280, witness statement, 25 May 2005), para. 10.

Srebrenica.[12681] **Witness RM-311** identified Safet Fejzić in video stills shown to her by a Prosecution investigator.[12682] Fejzić was not in the military and was a 17-year old minor dressed in civilian clothes, when he fled Srebrenica with the column of men, which was the last time that the witness saw him alive.[12683] According to a report authored by Janc, the remains of six bodies, including those of three minors, two aged 16 and one aged 17 at the time of the killings, were recovered from Godinjske Bare near Trnovo, on 28 April 1999, and subsequently identified.[12684] All of the individuals were reported to have disappeared on 11 or 12 July 1995 after the take-over of the Srebrenica enclave by the VRS.[12685]

2882. Based on the above, the Trial Chamber finds that sometime between mid-July and mid-August 1995, members of the Skorpions Unit, commanded by Slobodan Medić, killed six detained Bosnian-Muslim males dressed in civilian clothing, at a location near Trnovo. Before they were shot, a member of the Skorpions Unit said to the victims, "Fuck you and your Alija who gave you thick socks to wage war in." The victims, two aged 16 and one aged 17, were reported missing on 11 or 12 July after the fall of Srebrenica. At the time, the Skorpions worked in coordination with VRS units in an area under the responsibility of the SRK. The Trial Chamber will further consider this incident in relation to Counts 2 through 6 of the Indictment in chapter 8 below.

[12681] P3306 (Mujo Subašić, witness statement, 3 October 2012), para. 35.
[12682] P3520 (Witness RM-311, witness statement, 5 December 2004), p. 3 and pp. 6-11 (B/C/S version); P3522 (Video still).
[12683] P3520 (Witness RM-311, witness statement, 5 December 2004), p. 2.
[12684] P1982 (Dušan Janc, List of Names of Victims, Annex D), pp. 336-337; P1987 (Dušan Janc, Srebrenica Investigation, Update to Summary of Forensic Evidence), p. 39; P2795 (Ewa Tabeau, ICMP Annexes to 2013 Srebrenica Update). The following persons were identified at Godinjske Bare: Safet Fejzić (1978), Azmir Alispahić (1978), Sidik Salkić (1959), Juso Delić (1970), Dino Salihović (1979), and Smajil Ibrahimović (1960).
[12685] P1901 (Srebrenica missing, The 2009 Progress Report on the DNA-based Identification by ICMP, 9 April 2009), pp. 21, 46, 95, 176, 183; P1982 (Dušan Janc, List of Names of Victims, Annex D), pp. 336-337; P1987 (Dušan Janc, Srebrenica Investigation, Update to Summary of Forensic Evidence), p. 39; P2795 (Ewa Tabeau, ICMP Annexes to 2013 Srebrenica Update).

7.13 Potočari (Schedule E.14)

7.13.1 Near the UN Compound (Schedule E.14.1)

2883. According to the Indictment, the Accused is responsible for killing nine Bosnian-Muslim men near the UN Compound on the Budak side of the main road in Potočari on or about 12 July 1995.[12686] The Defence argued that the absence of eyewitness to the killings and the evidence on the presence of MUP at the White House at the time of the incident suggests that it cannot be concluded beyond reasonable doubt that VRS soldiers perpetrated this alleged killing.[12687] The Trial Chamber took judicial notice of Adjudicated Fact 1486 with regard to this incident. Further, it received evidence from **Hana Mehmedović**, a Bosnian Muslim from Bostahovina in Srebrenica Municipality;[12688] **Eelco Koster**, a member of DutchBat;[12689] and **Robert Franken**, the Deputy Commanding Officer of DutchBat in Potočari from 15 January to late July 1995,[12690] and finds that this evidence is consistent with the Adjudicated Fact.[12691] In addition, the Trial Chamber received evidence from **Behara Krdžić**, a Bosnian Muslim from Sase, Srebrenica Municipality.[12692]

2884. During the days immediately after the fall of the Srebrenica enclave, a number of corpses were discovered in the Potočari area.[12693] The bodies of nine men who had been killed were discovered on 13 July by DutchBat in a field near the river, about 500 metres from the UN Compound.[12694] The dead men were all dressed in civilian clothes and had been shot in the back.[12695] One of the DutchBat soldiers, **Eelco Koster**, testified

[12686] Indictment, paras 11-12, 21-22, 46(a), 59(a)(iv), 65(b), Schedule E.14.1.
[12687] Defence Final Brief, para. 3249.
[12688] P1038 (Hana Mehmedović, witness statement, 17 June 2000), pp. 1-2; P1039 (Hana Mehmedović, statement taken by the Cantonal Court of Tuzla, 17 June 2000), p. 2. The evidence of this witness is reviewed in chapter 7.1.3.
[12689] P57 (Eelco Koster, witness statement, 26 September 1995), pp. 1-2; Eelco Koster, T. 1235; D25 (UN Peacekeeper Interview Questionnaire completed by Eelco Koster), p. 1.
[12690] P1417 (Robert Franken, witness statement, 15 January 2012), paras 3-4, 109.
[12691] **Hana Mehmedović**: P1038 (Hana Mehmedović, witness statement, 17 June 2000), p. 2; P1039 (Hana Mehmedović, statement taken by the Cantonal Court of Tuzla, 17 June 2000), p. 2. **Eelco Koster**: P57 (Eelco Koster, witness statement, 26 September 1995), p. 15; P59 (Aerial image of Potočari dated 13 July 1995, titled 'Overview' marked by Eelco Koster); P60 (Aerial image of Potočari marked by Eelco Koster); Eelco Koster, T. 1213-1214, 1217, 1219, 1258, 1272-1273; D25 (UN Peacekeeper Interview Questionnaire completed by Eelco Koster), p. 4; **Robert Franken**: P1417 (Robert Franken, witness statement, 15 January 2012), para. 94; Robert Franken, T. 10738; P1422 (Aerial image of Potočari marked by the witness, undated); P1429 (Aerial image of Potočari marked by the witness, 13 July 1995).
[12692] P1024 (Behara Krdžić, witness statement, 16 June 2000), pp. 1-2; P1025 (Behara Krdžić, statement taken by the Tuzla Cantonal Court, 16 June 2000), pp. 1-2.
[12693] Adjudicated Facts II, no. 1486.
[12694] Adjudicated Facts II, no. 1486.
[12695] Adjudicated Facts II, no. 1486.

that, on the same day, he saw nine people lying roughly in a line on their stomachs with their heads bent forwards.[12696] The witness thought that they had been shot fairly recently, as the blood had not yet clotted, but he could not tell exactly how long the bodies had been lying there.[12697] The location where the bodies were found is on the west side of the main road.[12698] Budak is on the west side of the main road.[12699] **Robert Franken** specified that he received a report that the bodies had been found in the meadow near a brook, 80 to 100 metres south - south west of the White House.[12700] The Chamber also received evidence from Hana Mehmedović and Behara Krdžić in relation to the people who had gathered in and around the UN compound and the presence of 'Chetniks' during these alleged killings, which has been reviewed in chapter 7.1.3.

2885. With regard to the Defence's argument concerning the absence of eyewitness to the killings, the Trial Chamber notes that the mere fact it did not receive eyewitness evidence to the alleged killing is not sufficient, in light of the reliable circumstantial evidence it reviewed in relation to this incident, to affect its finding that a killing incident took place.

2886. Based on the foregoing, the Trial Chamber finds that on 12 July 1995, members of the VRS[12701] led some Bosnian-Muslim men who had gathered in and around the UN compound in Potočari towards the river near Budak, situated about 500 metres from the compound. There, in a field close to the river, the members of the VRS lined up nine of the men, shot them in the back, killing them. The men were wearing civilian clothes. The Trial Chamber will further consider this incident in relation to Counts 2 through 6 of the Indictment in chapter 8 below.

[12696] P57 (Eelco Koster, witness statement, 26 September 1995), p. 15; Eelco Koster, T. 1217-1219, 1271-1272; P60 (Aerial image of Potočari marked by Eelco Koster); D25 (UN Peacekeeper Interview Questionnaire completed by Eelco Koster), p. 4.
[12697] P57 (Eelco Koster, witness statement, 26 September 1995), p. 15; Eelco Koster, T. 1219.
[12698] Adjudicated Facts II, no. 1486.
[12699] Adjudicated Facts II, no. 1486.
[12700] P1417 (Robert Franken, witness statement, 15 January 2012), para. 94; Robert Franken, T. 10738; P1422 (Aerial image of Potočari marked by the witness, undated); P1429 (Aerial image of Potočari marked by the witness, 13 July 1995).
[12701] With regard to the Defence's argument concerning the perpetrators of this killing, the Trial Chamber is satisfied that the authorities in charge of the Bosnian-Muslims in Potočari on 12 July 1995 at the time of the killing are responsible for this killing incident and refers to its finding in chapters 7.1.3 and 7.1.5.

7.13.2 Near the 'White House' (Schedule E.14.2)

2887. According to the Indictment, the Accused is responsible for killing one Bosnian-Muslim man behind a building near the White House in Potočari on or about 13 July 1995.[12702] The Defence challenged the credibility of Paul Groenewegen and submitted that the witness could not identify the perpetrator and that it was therefore impossible to establish that the perpetrator of this alleged crime was a VRS member.[12703] It further submitted that the evacuation proceeded without mistreatment and that therefore the killing of the man could have been the act of a few individuals without any superior order.[12704] Additionally, it submitted that Groenewegen testified that the perpetrators of this alleged crime hesitated as to who would fire the shot and that this is not the way a professional soldier would execute an order.[12705] Therefore, it is not proven beyond reasonable doubt that the killing was ordered.[12706] The Trial Chamber received evidence from **Paul Groenewegen**, a member of DutchBat stationed in Potočari from January until July 1995;[12707] **Robert Franken**, the Deputy Commanding Officer of DutchBat in Potočari from 15 January to late July 1995,[12708] **Witness RM-268** a member of the Special Police Brigade in 1995;[12709] **Joseph Kingori**, an UNMO present in the Srebrenica enclave from March 1995 to around 20 July 1995;[12710] **Ljubodrag Gajić**, a member of the MUP 1st Company of the Jahorina Training Centre;[12711] **Witness RM-362**, who lived in Srebrenica Municipality until 11 July 1995;[12712] and **Miladin Mlađenović**, a watchman at the Vihor vehicle fleet in Borkovac during the Srebrenica operation.[12713]

2888. **Robert Franken** testified that around 12 July 1995 he received reports that the men in the White House were being treated badly.[12714] Franken sent DutchBat patrols to

[12702] Indictment, paras 11-12, 21-22, 46(a), 59(a)(iv), 65(b), Schedule E.14.2.
[12703] Defence Final Brief, paras 3252, 3257.
[12704] Defence Final Brief, para. 3256.
[12705] Defence Final Brief, para. 3256.
[12706] Defence Final Brief, para. 3256.
[12707] P1157 (Paul Groenewegen, witness statement, 11 November 2011), paras 3-4, 6.
[12708] P1417 (Robert Franken, witness statement, 15 January 2012), paras 3-4, 109.
[12709] P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), pp. 8565, 8567. The evidence of Witness RM-268 is also reviewed in chapter 7.1.5.
[12710] P34 (Joseph Kingori, witness statement, 8 January 2012), paras 3, 7.
[12711] Ljubodrag Gajić, T. 40268-40269, 40311.
[12712] P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), pp. 17301-17302. The evidence of Witness RM-362 is reviewed in chapter 7.1.5.
[12713] D707 (Miladin Mlađenović, witness statement, 6 June 2014), paras 2, 4. The evidence of Miladin Mlađenović is reviewed in chapter 7.1.5.
[12714] P1417 (Robert Franken, witness statement, 15 January 2012), para. 89.

the White House in the afternoon, but they were blocked by the Serb forces.[12715] Franken informed Colonel Janković about the mistreatment of the men, and Janković told him that the men were POWs and that if the Serb soldiers' actions were too aggressive, he would take steps to prevent it.[12716] However, Janković also stated that he had nothing to do with the evacuation because he was only there to deal with the withdrawal of DutchBat.[12717] Franken did not know whether Janković took any steps to prevent the aggression, but he did not see any results thereof.[12718]

2889. **Paul Groenewegen** testified that on 13 July 1995 three or four Serb soldiers, wearing camouflage uniforms in various shades or colours, separated a man, by force, from the rest of the 'refugees' gathered in Potočari.[12719] The man was wearing blue jeans and a blue-green sweater and was unarmed; the witness believed him to be a civilian and approximately 30 or 40 years old.[12720] The camouflage uniforms worn by the soldiers were identical to those worn by the vast majority of the soldiers present at the site.[12721] Based on his observation of how the soldiers behaved and their interactions with other soldiers present, the witness concluded that the soldiers must have belonged to the VRS.[12722] The witness strayed further from the road where the crowd was gathered, and approximately 10 to 15 minutes after seeing the man being taken away, he saw the Serb soldiers turning the man with his face towards the wall of a house, and one of the soldiers shot the man in the head from a distance of about three metres.[12723] The man who had been shot collapsed immediately after being hit by the bullet.[12724] The witness observed this incident from a distance of about 30 metres with nothing obstructing his view except the corner of the house, which prevented him from seeing

[12715] P1417 (Robert Franken, witness statement, 15 January 2012), para. 89.
[12716] P1417 (Robert Franken, witness statement, 15 January 2012), para. 89; Robert Franken, T. 10733-10734.
[12717] P1417 (Robert Franken, witness statement, 15 January 2012), para. 89; Robert Franken, T. 10733-10734.
[12718] P1417 (Robert Franken, witness statement, 15 January 2012), para. 89; Robert Franken, T. 10734.
[12719] P1157 (Paul Groenewegen, witness statement, 11 November 2011), paras 58-62, 67; Paul Groenewegen, T. 10489-10490, 10519, 10525, 10528-10531; P1158 (Aerial image marked by Paul Groenewegen, 13 July 1995).
[12720] P1157 (Paul Groenewegen, witness statement, 11 November 2011), paras 61-63.
[12721] P1157 (Paul Groenewegen, witness statement, 11 November 2011), para. 59.
[12722] P1157 (Paul Groenewegen, witness statement, 11 November 2011), paras 59-60.
[12723] P1157 (Paul Groenewegen, witness statement, 11 November 2011), paras 61, 64-65, 67; Paul Groenewegen, T. 10485-10486, 10488-10490, 10493, 10532; P1158 (Aerial image marked by Paul Groenewegen, 13 July 1995); P1160 (Aerial image marked by Paul Groenewegen, 13 July 1995).
[12724] P1157 (Paul Groenewegen, witness statement, 11 November 2011), para. 65.

the face of the man who had been shot.[12725] The shooting took place 100 to 150 metres away from the rest of the 'refugees'.[12726] Other Serb soldiers in the vicinity saw the incident but did not react and continued their activities.[12727] The witness unofficially reported the incident to his sergeant that evening, and gave an official statement to Lieutenant Schotman the next morning.[12728]

2890. **Joseph Kingori** testified that on 13 July, the men who had been separated from the women were continuously held under gravely dissatisfactory circumstances in the White House, which was lacking water, food, and sanitation.[12729] **Ljubodrag Gajić** testified that DutchBat members protested about the poor conditions in the White House and the fact that the Bosnian-Muslim men who were held there were crammed inside and had to sit on top of each other.[12730]

2891. **Witness RM-268** stated that he did not recall that civilians were abused, hit, kicked or pushed towards or on any of the buses on 13 July, nor did he receive any reports about this.[12731]

2892. The Trial Chamber notes that the Defence raised concerns with regard to Groenewegen's credibility.[12732] The Trial Chamber took note of these concerns but nevertheless finds his evidence with regard to this incident credible and reliable. Groenewegen provided a detailed account of the killing incident. Although he indicated his lack of knowledge about certain details of the incident, the Trial Chamber considers those details to be of minor relevance and finds that it does not negatively impact his testimony with regard to this incident.

2893. The Trial Chamber reviewed the evidence of Witness RM-268 and Mlađenović on the absence of any abuse during the evacuation in Potočari above and in chapter 7.1.5 and further notes that both witnesses did not testify specifically about the absence of any killings in Potočari.

[12725] P1157 (Paul Groenewegen, witness statement, 11 November 2011), para. 65; Paul Groenewegen, T. 10532-10534.
[12726] P1157 (Paul Groenewegen, witness statement, 11 November 2011), para. 65.
[12727] P1157 (Paul Groenewegen, witness statement, 11 November 2011), para. 65.
[12728] P1157 (Paul Groenewegen, witness statement, 11 November 2011), para. 66; Paul Groenewegen, T. 10526-10528.
[12729] P34 (Joseph Kingori, witness statement, 8 January 2012), para. 191; Joseph Kingori, T. 1058-1059.
[12730] Ljubodrag Gajić, T. 40298-40300.
[12731] P2176 (Witness RM-268, *Popović et al.* transcript, 9, 12-13 March 2007), p. 8619.
[12732] Defence Final Brief, para. 3252.

2894. Based on the foregoing, the Trial Chamber finds that on 13 July 1995, three or four VRS soldiers separated an unarmed Bosnian-Muslim man wearing civilian clothing from the people gathered in Potočari and took him to a house near the White House. One of the VRS soldiers shot the man in the head while his face was turned towards the wall of that house, thereby killing him. The Trial Chamber further finds that the Bosnian-Muslim men at the White House were held under unsatisfactory circumstances and that the house was overcrowded and lacked water and sanitation (*see also* chapter 7.1.3). The Trial Chamber will further consider this incident in relation to Counts 2 through 6 in the Indictment in chapter 8 below.

7.14 Bratunac Town (Schedule E.15)

7.14.1 In and around the Vuk Karadžić elementary school (Schedule E.15.1)

2895. According to the Indictment, the Accused is responsible for killing 50 or more Bosnian-Muslim men inside and outside Vuk Karadžić Elementary School and in the surrounding area between 12 and 15 July 1995.[12733] The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this incident. It also received evidence from **Witness RM-255**, **Mevludin Orić**, and **Witness RM-362**, all Bosnian Muslims from Srebrenica Municipality;[12734] **Mile Janjić**, **Mladen Blagojević**, and **Pero Andrić**, all members of the Bratunac Brigade military police platoon;[12735] **Momir Nikolić**, the Assistant Commander for Intelligence and Security of the Bratunac Brigade from November 1992 to at least October 1995;[12736] **Witness RM-260**, a member of the Civilian Protection staff in Bratunac Municipality;[12737] **Zlatan Čelanović**, a member of the VRS 1st Bratunac Light Infantry Brigade in 1995;[12738] **Witness RM-306**, a Serb from Bratunac;[12739] **Richard Butler**, an intelligence research specialist,[12740], and finds that this evidence is consistent with the Adjudicated Facts.[12741] The Trial Chamber also

[12733] Indictment, paras 11-12, 46 (a), 59 (a) (iv), 65 (b), Schedule E.15.1. The Trial Chamber noticed that the Indictment and some witnesses refer to 'Vuk Karadžić Elementary School', while Adjudicated Facts and other witnesses refer to it as 'Vuk Karadžić School'. It understood that they are the same school and chose to use the name of the school as used in the Indictment throughout the Judgment.

[12734] P55 (Witness RM-255, witness statement, 25 May 1996), pp. 1-2; P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), pp. 861, 869; P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), pp. 17301-17302.

[12735] P1445 (Mile Janjić, *Blagojević and Jokić* transcript, 24-25 May 2004), p. 9756; D922 (Mladen Blagojević, witness statement, 6 June 2014), para. 3, P7186 (Mladen Blagojević, US Department of Homeland Security, Report of Investigation), pp. 2, 4; Pero Andrić, T. 34096-34097, 34130-34131, P7295 (Bosnia-Herzegovina Prosecutor's Office record of interview, 29 June 2006), p. 1, P7297 (List of conscripts within the Bratunac Brigade, July 1995), p. 2.

[12736] Momir Nikolić, T. 11768-11771, 11776-11777; D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), paras 1, 13-14.

[12737] P3621 (Witness RM-260, *Blagojević and Jokić* transcript, 20 April 2004), pp. 7861-7862.

[12738] P1451 (Zlatan Čelanović, *Popović et al* transcript, 31 January 2007), p.6626.

[12739] P1474 (Witness RM-306, *Popović et al.* transcript, 23, 26-27 March 2007), pp. 9357-9358; Witness RM-306, T. 11446; D293 (Witness RM-306, statement to the Bosnian-Serb MUP, 26 December 2005), pp. 1-2.

[12740] Richard Butler, T. 16108.

[12741] **Witness RM-255**: P55 (Witness RM-255, witness statement, 25 May 1996), p. 3. **Mevludin Orić**: P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), pp. 908-909, 915-919,933. **Witness RM-362**: P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), pp. 17315-17317, 17319-17322, 17324; P3381 (Witness-362, *Tolimir* transcript, 22 March 2010), p. 748-751. **Mile Janjić**: P1445 (Mile Janjić, *Blagojević and Jokić* transcript, 24-25 May 2004), pp. 9799, 9804-9805, 9811-9812; Mile Janjić, T. 11052-11055, 11058. **Mladen Blagojević**: Mladen Blagojević, T. 32625-32627, 32636-32642, 32646; P7186 (Mladen Blagojević, US Department of Homeland Security, Report of Investigation), pp. 4, 9, 11, 18, 20. **Pero Andrić**: P7298 (Bosnia-Herzegovina Prosecutor's Office witness examination record, 28 February 2007), paras 3-6, p. 9; Pero Andrić, T. 34144. **Momir Nikolić**: D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), para. 11; D300 (Momir Nikolić, witness statement in the *Popović et al.* case, 16 April 2009), p. 4. **Witness RM-260**: P3621

received evidence from **Bojan Subotić**, commander of a platoon in the military police battalion of the 65th Motorised Protection Regiment in July 1995;[12742] **Miladin Mlađenović**, a watchman at the Vihor vehicle fleet in Borkovac during the Srebrenica operation;[12743] **Witness RM-372**, an UNPROFOR official stationed in Bosnia-Herzegovina as of January 1995;[12744] **Witness RM-346**, a Bosnian Muslim from Srebrenica who served in the ABiH;[12745] and **Witness RM-265**, a member of the Bratunac Brigade.[12746]

2896. **Bojan Subotić** testified that on 13 July 1995 at the Nova Kasaba football field, having addressed the Muslims from the column who had surrendered and were being guarded there, Mladić ordered the Commander of the Military Police Battalion of the 65th Motorized Protection Regiment Major Zoran Malinić and the witness to secure the transfer of detainees to Bratunac, stating that the buses and trucks would arrive in an hour or an hour and a half (*see also* chapter 7.1.6).[12747] In accordance with Mladić's order, the witness was tasked with getting the men onto the buses alive and well, escorting them to Vuk Karadžić Elementary School in Bratunac, and handing them over to the civilian police.[12748] After a while, about six or seven buses, and as many trucks arrived from the direction of Zvornik and Milići, and the witness instructed the Muslim soldiers to drink some water before getting on the buses and trucks.[12749] At around 7 p.m., the column of buses and trucks set off for Bratunac, headed by the witness in a combat armoured vehicle (a 'BOV-7') with about three soldiers from the regiment and escorted, at the rear, by a Praga.[12750] Upon arrival of the column in Bratunac at 9:15 or

(Witness RM-260, *Blagojević and Jokić* transcript, 20 April 2004), pp. 7883, 7917, 7920; P3622 (Witness RM-260, *Popović et al.* transcript, 19 November 2007), pp 17864,17866-17867; **Zlatan Čelanović**: P1451 (Zlatan Čelanović, *Popović et al* transcript, 31 January 2007), pp. 6638-6642, 6646, 6650-6653; Zlatan Čelanović, T. 11082. **Witness RM-306**: P1474 (Witness RM-306, *Popović et al.* transcript, 23, 26-27 March 2007), pp. 9372, 9388-9389; Witness RM-306, T. 11440, 11468-11469. **Richard Butler**: P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), paras 6.2, 6.3, 6.5.

[12742] D926 (Bojan Subotić, witness statement, 15 June 2014), paras 2, 4.

[12743] D707 (Miladin Mlađenović, witness statement, 6 June 2014), paras 2, 4. The evidence of Miladin Mlađenovic is reviewed in chapter 7.1.5.

[12744] P3499 (Witness RM-372, witness statement, 6 October 2013), para. 3. The evidence of Witness RM-377 is reviewed in chapter 7.1.5.

[12745] P1118 (Witness RM-346, prior testimony), p. 3016; P1117 (Witness RM-346, pseudonym sheet); Witness RM-346, T. 9576.

[12746] P2540 (Witness RM-265, *Popović et al.* transcript, 8-9 November 2006), pp. 3793, 3796, 3800; P2541 (Witness RM-265, *Tolimir* transcript, 15 March 2011), pp. 11274, 11282.

[12747] D926 (Bojan Subotić, witness statement, 15 June 2014), paras 3, 5, 11, 29-30, 33; Bojan Subotić, T. 32825-32826, 32911-32914, 32976.

[12748] D926 (Bojan Subotić, witness statement, 15 June 2014), paras 31, 34; Bojan Subotić, T. 32911.

[12749] D926 (Bojan Subotić, witness statement, 15 June 2014), paras 31-34; Bojan Subotić, T. 32828.

[12750] D926 (Bojan Subotić, witness statement, 15 June 2014), para. 35; Bojan Subotić, T. 32969-32970.

9:30 p.m., the witness notified a civilian policeman present at the Elementary School that he was escorting detainees, to which the civilian policeman responded that everything was in order.[12751] The witness saw military police at a checkpoint at the entrance to Bratunac and in the town. While he did not observe military policemen at the school, the witness testified he did not enter Vuk Karadžić Elementary School or the school yard and therefore did not know who was involved in securing the school.[12752] Only some buses entered the school yard due to its size, after which a civilian policeman took over the detainees and the witness together with the soldiers returned to the command.[12753]

2897. **Richard Butler** testified that, according to a witness, Muslim men were separated in Potočari from women, children, and elderly and moved into a white house across from the UN compound on 13 July 1995.[12754] Once the house was full, the men were loaded into three or four buses and transported to Bratunac, to the old school located behind Vuk Karadžić Elementary School.[12755] Other Muslim detainees arrived at the school throughout that day, and they were all held there until the afternoon of 15 July 1995, when they were transported to Pilica.[12756]

2898. **Mevludin Orić** stated that around 9 to 10 p.m. on 13 July 1995, he and nine other men were transported by bus from Konjevic Polje to Vuk Karadžić Elementary School where they arrived late in the evening.[12757] They were accompanied, on the bus, by three military policemen who the witness identified by insignia on their arms bearing the letters 'VP'. The witness noted that they were also wearing blue flak jackets he associated with UNPROFOR.[12758] *En route* to Bratunac the bus stopped in Kravica where about 400 to 500 detainees were sitting on a meadow adjacent to a warehouse, guarded by soldiers.[12759] Some of them were transferred onto the two buses in the witness's convoy until the buses reached capacity.[12760] The witness noted that upon

[12751] D926 (Bojan Subotić, witness statement, 15 June 2014), para. 36.
[12752] Bojan Subotić, T. 32975-32976.
[12753] D926 (Bojan Subotić, witness statement, 15 June 2014), para. 37.
[12754] P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), para. 6.4.
[12755] P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), paras 6.4, 7.37.
[12756] P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), paras 6.4, 6.5, 7.37.
[12757] P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), pp. 887, 889-891, 908.
[12758] P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), pp. 890-892, 908-909.
[12759] P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), pp. 898.
[12760] P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), pp. 898, 907.

arrival in Bratunac, two additional buses were parked in front of the school, guarded by soldiers.[12761] From 12 to 14 July 1995, several thousand Bosnian-Muslim men were detained in and around Vuk Karadžić Elementary School and on board the between 80 to 120 buses lining the streets of Bratunac Town.[12762] Groups of men were taken from the buses to the school all through the night and did not return.[12763] The prisoners were deprived of sufficient food, water and medical aid.[12764] **Orić** stated that, in the night of 13 July 1995, a 'soldier' wearing a camouflage t-shirt, and who appeared to be drunk, entered the bus which was parked in front of the school**,** recognized one of the men detained on the bus, and beat him with the wooden butt of his automatic rifle. Whilst beating the man, the 'soldier' was asking him who had killed Serbs in Jadro in an ambush. The man replied that he did not know and the 'soldier' continued to strike him with his rifle butt and kicked him. The beating continued until the members of the military police, who escorted the bus on its way to the school, returned and chased the 'soldier' away.[12765]

2899. Vuk Karadžić Elementary School and the various buildings surrounding it were secured by several units of the Bosnian-Serb Republic armed forces, including by members of the Bratunac Brigade Military Police Platoon, the special police, the civilian police of the MUP, as well as members of the Drina Wolves and paramilitary formations.[12766] Members of the Bratunac Brigade Military Police also participated in guarding the hundreds of Bosnian-Muslim men detained in the buses parked around town on the night of 12 and 13 July.[12767] **Mile Janjić** testified that in the evening of 13 July 1995 he went to the military police building near the Bratunac Brigade headquarters, where Momir Nikolić gave the order that all the policemen present at this moment should engage in protecting the Muslim men brought from Potočari and placed in the school and the buses.[12768] With respect to the buses, Momir Nikolić ordered the policemen not to open the doors of the buses or let anyone in or out, and to keep away civilians from the buses in order to prevent any incidents.[12769] **Blagojević** testified that

[12761] P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), pp. 908-909.
[12762] Adjudicated Facts II, no. 1503.
[12763] Adjudicated Facts II, no. 1518.
[12764] Adjudicated Facts II, nos 1503, 1508.
[12765] P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), p. 914.
[12766] Adjudicated Facts II, nos 1506.
[12767] Adjudicated Facts II, nos 1502, 1506, 1517.
[12768] P1445 (Mile Janjić, *Blagojević and Jokić* transcript, 24-25 May 2004), pp. 9799, 9804-9805; Mile Janjić, T. 11052-11055.
[12769] P1445 (Mile Janjić, *Blagojević and Jokić* transcript, 24-25 May 2004), pp. 9807, 9811.

on 13 July 1995 he and eight other military policemen, including Milovan Mitrović, Slobodan Mijatović, Borivoje Jakovljević, and Pero Andrić**,** assisted in securing captured Muslims held at the school following an order issued by a superior officer to do so.[12770]

2900. On the evening of 12 July 1995, prisoners were detained in a warehouse-looking building called the hangar,[12771] which was located behind Vuk Karadžić Elementary School.[12772] **Witness RM-362** stated that the detainees were elderly and/or infirm.[12773] The hangar became so full that there was not enough space for everyone to sit down.[12774] The witness estimated that there were at least about 400 people in the hangar.[12775] The detained men complained that they would suffocate due to the lack of space and air. The soldiers threatened to kill them if they did not keep silent.[12776] The witness stated that when they complained about the conditions the guards fired over the men's heads.[12777] One man was taken from the hangar, and the prisoners then heard blunt blows and his screams and moans. When the screams stopped, the soldiers came back with flashlights and called out again for people from various towns to identify themselves.[12778] According to the witness, the soldiers pointed torches at those who responded, and told them they should get up and go out of the hangar.[12779] When prisoners did not respond, the soldiers selected people at random with the beam of a flashlight.[12780] The witness was under the impression that when it was dark, the soldiers were randomly pointing torches at anyone, while the next morning the soldiers were selecting people who seemed to be more fit than the others. People who got up would ask if they needed to take anything with them, in response to which the soldiers would say that they would not need anything anymore.[12781] After those selected left the hangar,

[12770] In his statement, the witness indicated it was Momir Nikolić who issued this order. In court, the witness testified he could not recall whether it was Bratunac Brigade Military Police Commander Mirko Janković or Momir Nikolić who issued the order. Mladen Blagojević, T. 32611, 32625-32627, 32636-32637, 32641; P7186 (Mladen Blagojević, US Department of Homeland Security, Report of Investigation), pp. 4, 11, 18, 20.
[12771] A number of witnesses referred to the hangar as 'the warehouse'; the Trial Chamber understands their testimony to refer to the hangar as well and has described their evidence as such.
[12772] Adjudicated Facts II, no. 1511.
[12773] P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), pp. 17315-17317.
[12774] Adjudicated Facts II, no. 1512.
[12775] P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), p. 17316.
[12776] Adjudicated Facts II, no. 1512.
[12777] P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), p. 17319.
[12778] Adjudicated Facts II, no. 1513.
[12779] P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), p. 17319.
[12780] Adjudicated Facts II, no. 1513.
[12781] P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), p. 17320.

the witness heard a voice of soldiers commanding these people to stand in front of them after which the witness would hear blunt blows followed by moaning and screaming, a fall, and a voice saying something like: 'Alright, he is finished. Just drag him off over here.'[12782] According to the witness, a man named Hamed Efendić was taken out from the hangar and shot dead that evening.[12783]

2901. On a few occasions, soldiers brought beaten up prisoners back into the hangar.[12784] Some men had to hold badly beaten prisoners due to the lack of space and some of the wounded died overnight.[12785] On 13 July 1995, the soldiers allowed the prisoners to take the dead bodies out of the hangar.[12786] When the chosen men returned to the hangar they were crying and said that they saw a pile of dead bodies behind the hangar. Witness RM-362 heard the sound of machinery which he described as buses and trucks, arriving. A soldier then entered the hangar and said he needed ten people to go and 'do something'.[12787] Ten men were chosen to load bodies in vehicles and these men never came back.[12788] Witness RM-362 stated that about an hour after the men had left the hangar, he heard the vehicles departing again.[12789]

2902. Prisoners were called out one by one to 'get up' and were either allowed to use a room next to the hangar that was used as a toilet, or they were taken by the shoulder in order to be killed. The witness was taken to the room that was used as a toilet, from where he observed a man taken by the shoulder and being told by a soldier with an automatic rifle to walk towards him, passing three to four other guards on either side of him.[12790] While approaching the armed guard, one of the guards on the left side hit the man with an iron bar on the head. The man fell to the ground and another soldier from the right side started hitting him on his backbone with an axe. The witness was then returned to the hangar.[12791] A tall man with dark hair wearing a camouflage uniform demanded that the people hand over their belongings, including identification documents, money and watches, throwing everything into a bag and threatening them

[12782] P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), pp. 17320-17323.
[12783] P3381 (Witness RM-362, *Tolimir* transcript, 22 March 2010), p. 748; P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), p. 17321.
[12784] Adjudicated Facts II, no. 1514.
[12785] Adjudicated Facts II, no. 1515.
[12786] Adjudicated Facts II, no. 1516.
[12787] P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), p. 17322.
[12788] Adjudicated Facts II, no. 1516.
[12789] P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), p. 17322.
[12790] P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), pp. 17322-17323.
[12791] P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), p. 17323.

that if anyone tried to hide money he would find out and bring dogs.[12792] Men continued to be taken out of the hangar until the afternoon of 13 July, until two trucks arrived. At that point, the events of the morning were repeated, starting with ten of the men from inside the hangar again being separated and assigned to go to 'do something'.[12793]

2903. **Butler** testified that, according to a witness, on 13 July 1995 at 6 p.m., one of the detainees counted the number of men in the hangar for transportation purposes, which totalled 296.[12794] **Momir Nikolić** testified that a member of the civilian protection unit who was responsible for clearing up the relevant terrain, told him that 80 to 100 Muslims had been murdered in the hangar on the evening of 13 July 1995.[12795] After the murder, their bodies were deposited on a hillside and covered with dirt.[12796] **Butler** testified that the men who survived their detention at the hangar were transported to Grbavci School during the evening of 13 July 1995 in six buses, arriving in the early morning of 14 July.[12797]

2904. Prisoners would frequently be taken out of Vuk Karadžić Elementary School by VRS soldiers in camouflage uniforms and policemen in blue uniforms.[12798] During the nights, when individual prisoners in Bratunac were called out, cries of pain and gunfire could be heard.[12799] Men detained in Bratunac between 12 and 14 July 1995 were executed at night opportunistically.[12800]

2905. **Janjić** testified that around midnight on 13 July 1995, he heard a male voice from the direction of Vuk Karadžić Elementary School, shouting something like 'People from Glogova, where are you? What are we waiting for? Don't you see they're going to kill us all?'.[12801] Thereafter, the witness heard shootings from the same direction and the shouts did not continue.[12802] **Blagojević** testified that he heard that some Muslims

[12792] P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), p. 17326.
[12793] P3525 (Witness RM-362, *Popović et al.* transcript, 1 November 2007), p. 17323.
[12794] P2203 (Richard Butler, Military Narrative on Operation *Krivaja 95* in Srebrenica, 1 November 2002), para. 6.3.
[12795] D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), para. 11; D300 (Momir Nikolić, witness statement in the *Popović et al.* case, 16 April 2009), p. 4.
[12796] D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), para. 11.
[12797] P2203 (Richard Butler, Military Narrative on Operation *Krivaja 95* in Srebrenica, 1 November 2002), para. 6.3.
[12798] Adjudicated Facts II, no. 1509.
[12799] Adjudicated Facts II, no. 1507.
[12800] Adjudicated Facts II, no. 1505.
[12801] P1445 (Mile Janjić, *Blagojević and Jokić* transcript, 24-25 May 2004), p. 9812; Mile Janjić, T. 11057-11058.
[12802] P1445 (Mile Janjić, *Blagojević and Jokić* transcript, 24-25 May 2004), pp. 9811-9812; Mile Janjić, T. 11058.

attempted to escape.[12803] He later heard that armed Bosnian Serbs took Muslims out of buses and killed them behind the school.[12804]

2906. **Witness RM-255** testified that on 13 July 1995, shortly after he and other male detainees had arrived at the old school in Bratunac, the military police arrived at the classroom where the witness was held, wearing camouflage uniforms with a round insignia on the sleeve which had 'POLICIA' written on it. [12805] One military policeman started to beat a detainee with a whip and a rifle. After the military police had left the classroom with two of the detainees, the witness could hear screams for help coming from outside. The military police later came back and took out the man who had been beaten, and he never returned. The detainees were forced to stay in a sitting position and were not allowed to use the toilets, therefore had to urinate on themselves. Shots were fired from outside to prevent the detainees from standing up or from looking through the window. The remaining detainees stayed in the classroom until 15 July 1995.[12806]

2907. **Zlatan Čelanović** testified that on the evening of 12 July 1995, or the morning of 13 July 1995, he met with Ljubiša Beara in the yard in front of the military police building in Bratunac, which was located next to the Bratunac Brigade Headquarters.[12807] Beara enquired whether the witness had any information about any individuals who had 'sinned' against the Serb people, and asked the witness to interrogate individuals .[12808] On 13 July 1995 at approximately 10 or 11 a.m., the witness observed that soldiers - who referred to themselves as the 'special forces' – arrived in front of the building,

[12803] Mladen Blagojević, T. 32640-32642; P7186 (Mladen Blagojević, US Department of Homeland Security, Report of Investigation), pp. 4, 20.

[12804] Mladen Blagojević, T. 32638-32639. In a verdict of 6 November 2008 by the court of Bosnia-Herzegovina in the case against Mladen Blagojević, the court held that on the night of 13 to 14 July 1995 several hundred civilian Bosnian-Muslim men were detained in Vuk Karadžić Elementary School. One of the Bosnian-Muslim men appeared at the window of a room at the school, whereupon, Mladen Blagojević mounted on a Pinzgauer (military vehicle), pointed a Browning machine gun at the window at which a Bosnian-Muslim man appeared and opened fire from the gun targeting both the man and other men inside the same room, while the bullets hit the window and the wall around the window. P1517 (Bosnia-Herzegovina Court Verdict, 6 November 2008), p. 2. In court, Blagojević confirmed the verdict against him was upheld on appeal, T. 32610-32611. When confronted with this verdict, Blagojević conceded he had been ordered to operate the Browning machine gun, but denied having fired it at the prisoners inside the school. Instead, Blagojević claimed that at some point that evening, he had left the Pinzgauer on which the Browning machine gun was mounted, following which he believed 'military policemen and the army troops who were there' fired the machine gun at the prisoners inside the school. The witness testified he observed the machine gun being fired from a distance, Mladen Blagojević, T. 32610-32611, 32641-32645.

[12805] P55 (Witness RM-255, witness statement, 25 May 1996), pp. 2-3; Witness RM-255, T. 1172.

[12806] P55 (Witness RM-255, witness statement, 25 May 1996), p. 3.

[12807] P1451 (Zlatan Čelanović, *Popović et al* transcript, 31 January 2007), pp. 6627-6631, 6649; P1456 (Aerial image of Bratunac town, marked by Zlatan Čelanović); P1458 (Aerial image of Bratunac town, marked by Zlatan Čelanović).

escorting five Muslim detainees.[12809] These special forces soldiers, who wore new uniforms that consisted of black, dark blue or multicoloured camouflage overalls and modern belts, said they had been instructed to transport the detainees to the school and asked for directions to Vuk Karadžić Elementary School,[12810] The witness told them that he would first need to identify and interrogate the prisoners, in accordance with Beara's instructions, before they could be transferred to the school.[12811] At some point following this exchange, Momir Nikolić escorted Rešid Sinanović into the witness's office, and asked the witness to interrogate Sinanović regarding suspicions of having participated in an attack on a Serb village.[12812] The witness testified that his interrogations revealed that Sinanović had not been involved in an attack and that the majority of the five Muslim prisoners brought by the special forces were civilians.[12813] Nonetheless, following the interrogations, the 'special forces' escorted all six men to Vuk Karadžić Elementary School.[12814]

2908. On the evening of 13 July 1995, around dusk, Čelanović met Beara in front of the military police building.[12815] At approximately the same time, numerous trucks and buses carrying Muslim men were parked on the street leading to Vuk Karadžić

[12808] P1451 (Zlatan Čelanović, *Popović et al* transcript, 31 January 2007), pp. 6631-6632.
[12809] P1451 (Zlatan Čelanović, *Popović et al* transcript, 31 January 2007), pp. 6627-6628, 6632, 6647, 6655, 6658-6659; P1452 (Zlatan Čelanović, Bratunac Brigade Interrogation Notes); P1454 (Zlatan Čelanović, Bratunac Brigade Interrogation Notes); P1457 (Zlatan Čelanović, Bratunac Brigade Interrogation Notes).
[12810] P1451 (Zlatan Čelanović, *Popović et al* transcript, 31 January 2007), pp. 6632, 6639, 6645, 6670-6671.
[12811] P1451 (Zlatan Čelanović, *Popović et al* transcript, 31 January 2007), pp. 6631-6632.
[12812] P1451 (Zlatan Čelanović, *Popović et al* transcript, 31 January 2007), pp. 6627, 6629, 6633-6634.
[12813] P1451 (Zlatan Čelanović, *Popović et al* transcript, 31 January 2007), pp. 6634, 6636-6637, 6639, 6644-6645, 6657-6658.
[12814] P1451 (Zlatan Čelanović, *Popović et al* transcript, 31 January 2007), pp. 6639, 6645-6646; Zlatan Čelanović, T. 11091. Čelanović concluded that, based on a Banja Koviljaca medical report of 15 July 1995, Sinanović survived the war and was alive. Zlatan Čelanović, T. 11091; P1451 (Zlatan Čelanović, Popović et al transcript, 31 January 2007), pp. 6660-6661; P1455 (Letter addressed to Veselin Londrović attaching photocopy of medical register from Banja Koviljača, signed by Dr. Zoran Jović, 5 March 2003). Nikolić testified, however, that Sinanović was transported to Vuk Karadžić Elementary School in order to be executed, but that Sinanović somehow survived the execution with severe injuries. When members of the Zvornik police were subsequently informed that Sinanović had survived and was hospitalized, they lifted Sinanović from the hospital and liquidated him on a bridge in the Zvornik sector. Momir Nikolić, T. 11941-11944. The Trial Chamber observes Rešid Šinanović was still listed as a missing person from Srebrenica in 2009 and was recorded as last seen on 12 July 1995. P1901 (Prosecution 2009 Progress Report on the DNA-Based Identification by ICMP, 9 April 2009), p. 190. *See also* Richard Butler, T. 16271-16272; Milovan Milutinović, T. 30112; P7027 (newspaper article dated 25 July 1995), pp. 1-2.
[12815] P1451 (Zlatan Čelanović, *Popović et al* transcript, 31 January 2007), pp. 6638, 6641; P1456 (Aerial image of Bratunac town, marked by Zlatan Čelanović); P1458 (Aerial image of Bratunac town, marked by Zlatan Čelanović).

Elementary School and at the stadium.[12816] The witness told Beara that he was concerned about the security of the town, considering the large number of Muslim detainees in contrast to the number of Serb soldiers, to which Beara responded, 'I hope that they will make it through the night and we will too, because I guess they're going to Kladanj tomorrow'.[12817] Then they walked towards the school; on the way Beara observed the vehicles and the guards but did not address any of the detainees.[12818] When the witness asked why the detainees on the vehicles were not being transported out of Bratunac immediately, Beara responded that there were too few vehicles to transport them.[12819] The vehicles that took women and children had to be returned, then transportation would be reorganized, and the detainees would be transported to Kladanj the next morning. When the witness and Beara arrived at the street leading towards the school, Beara continued 10 to 15 metres ahead, and on his return told the witness that it was not quite safe, but that there would not be any problems.[12820] Through the windows of the school, the witness observed Muslim detainees shouting for water and asking when they would let the detainees go.[12821] He did not observe any of the guards responding to these requests.[12822] He also observed soldiers within the vicinity of the school and the stadium but was not able to identify whether those soldiers were members of the Bratunac Brigade or not.[12823] They then went to the stadium, where the witness saw approximately two or three vehicles next to the gate outside the stadium and, because the gate obstructed his view, only parts of buses and trucks inside the stadium.[12824] He may have seen Muslims on the first vehicle and people on the vehicles inside the stadium.[12825] Beara and the witness then returned to the military police building via the school and the witness observed, alongside Beara, approximately 20 or

[12816] P1451 (Zlatan Čelanović, *Popović et al* transcript, 31 January 2007). pp. 6638-6642, 6650-6652; P1456 (Aerial image of Bratunac town, marked by Zlatan Čelanović); P1458 (Aerial image of Bratunac town, marked by Zlatan Čelanović).
[12817] P1451 (Zlatan Čelanović, *Popović et al* transcript, 31 January 2007). pp. 6640-6641.
[12818] P1451 (Zlatan Čelanović, *Popović et al* transcript, 31 January 2007). pp. 6640-6641, 6650; P1456 (Aerial image of Bratunac town, marked by Zlatan Čelanović); P1458 (Aerial image of Bratunac town, marked by Zlatan Čelanović).
[12819] P1451 (Zlatan Čelanović, *Popović et al* transcript, 31 January 2007). p. 6641.
[12820] P1451 (Zlatan Čelanović, *Popović et al* transcript, 31 January 2007), pp. 6640-6641.
[12821] P1451 (Zlatan Čelanović, *Popović et al* transcript, 31 January 2007), pp. 6646, 6653; Zlatan Čelanović, T. 11082.
[12822] Zlatan Čelanović, T. 11082.
[12823] P1451 (Zlatan Čelanović, *Popović et al* transcript, 31 January 2007), pp. 6690-6691.
[12824] P1451 (Zlatan Čelanović, *Popović et al* transcript, 31 January 2007), pp. 6641-6643, 6652-6653; P1456 (Aerial image of Bratunac town, marked by Zlatan Čelanović); P1458 (Aerial image of Bratunac town, marked by Zlatan Čelanović).
[12825] P1451 (Zlatan Čelanović, *Popović et al* transcript, 31 January 2007), p.6642.

so vehicles containing Muslims near the school, together with some empty buses and trucks on the side streets.[12826]

2909. Between 12 and 14 July 1995, more than 50 Bosnian-Muslim men were summarily executed in and around Vuk Karadžić Elementary School.[12827] On or after 15 July 1995, 40 to 50 bodies were discovered in the classrooms at the school in Bratunac.[12828] **Blagojević** testified that on the morning of 14 July, he saw bodies of 10 to 15 Muslims in a second floor hallway in the school and four or five bodies outside the school.[12829] The witness did not report the killings to his superiors.[12830] Detainees were taken out of the school and put on buses in the presence of the civilian police and the army.[12831] One of the police officers, Sreten Micić, was pushing and hurrying people onto the bus.[12832] The witness saw some people being taken out of the bus by people wearing uniforms, brought behind the school, and heard shots.[12833]

2910. **Pero Andrić** testified that on 14 July 1995, between 11 a.m. and noon, he passed the school where some elderly men, including his father, who had been mobilised into a 'Work Obligation Platoon', were ordered to load dead bodies of Bosnian Muslims on a yellow truck.[12834] The witness was later informed that the buses and trucks had left for Zvornik, escorted by the military police.[12835]

2911. A representative of the Bratunac Department of Defence arranged for a truck which transported the bodies from the school to Glogova where a grave had already been dug.[12836] The Trial Chamber also considered the evidence of **Witness RM-260** on the burial operation, which has been placed in the confindential annex in Appendix D.

[12826] P1451 (Zlatan Čelanović, *Popović et al* transcript, 31 January 2007), pp. 6641, 6643, 6651-6652; Zlatan Čelanović, T. 11083-11084, 11105.
[12827] Adjudicated Facts II, no. 1519.
[12828] Adjudicated Facts II, no. 1520.
[12829] Mladen Blagojević, T. 32639; P7186 (Mladen Blagojević, US Department of Homeland Security, Report of Investigation), p. 4.
[12830] Mladen Blagojević, T. 32642.
[12831] Mladen Blagojević, T. 32654.
[12832] Mladen Blagojević, T. 32654-32655; P7186 (Mladen Blagojević, US Department of Homeland Security, Report of Investigation), p. 9.
[12833] Mladen Blagojević, T. 32655-32658, 32670-32672; P7187 (Video of US Department of Homeland Security interview of Mladen Blagojević, 15 October 2004), p. 82.
[12834] P7298 (Bosnia-Herzegovina Prosecutor's Office witness examination record, 28 February 2007), paras 9-10, p. 9.
[12835] P7298 (Bosnia-Herzegovina Prosecutor's Office witness examination record, 28 February 2007), para. 11.
[12836] Adjudicated Facts II, no. 1521.

2912. **Witness RM-306** testified that on 14 July 1995, in accordance with the order of Colonel Beara, graves were dug out by workers from Bratunac Public Utility Company in Glogova and the burial operation was carried out.[12837] The witness assumed the bodies were from Kravica, however a group of workers collected 10 to 15 bodies in Konjević Polje.[12838] They also collected a military bus full of bodies from the road between Konjević Polje and Bratunac and five to six bodies from Vuk Karadžić Elementary School.[12839] All these bodies were buried in the graves in Glogova.[12840] On that same day, the witness saw these five to six bodies in front of Vuk Karadžić Elementary School and one of the drivers told him about a lot more bodies in the vicinity of the school.[12841]

2913. **Witness RM-346** testified that on 13 July 1995, approximately an hour before night fell, he and the other prisoners were ordered to get onto buses which drove to Bratunac and the detainees had to spend the night on the buses.[12842] During the night he heard shooting and four or five men were taken out of the bus and did not return.[12843] On the morning of 14 July 1995, the driver started the engine and turned on the heating and then left the bus.[12844] The detainees were not given any water and during the afternoon some people fainted because of the heat.[12845] Later, the buses drove northwards, through Zvornik, towards the area of Pilica.[12846]

2914. **Witness RM-265** stated on 13 July 1995, Muslim men started to gather at the intersection; they were then directed by soldiers to a gas station building on the right-hand side of the road.[12847] Once that building was full, the remaining Muslims, about 30 men, were taken to another building nearby.[12848] To the witness' knowledge, both

[12837] Witness RM-306, T. 11440-11441, 11464-11465.
[12838] P1474 (Witness RM-306, *Popović et al.* transcript, 23, 26-27 March 2007), pp. 9372, 9388-9389; Witness RM-306, T. 11435-11436, 11442; P1479 (Photo marked by Witness RM-306).
[12839] P1474 (Witness RM-306, *Popović et al.* transcript, 23, 26-27 March 2007), pp. 9372, 9388-9389; Witness RM-306, T. 11468-11469.
[12840] P1474 (Witness RM-306, *Popović et al.* transcript, 23, 26-27 March 2007), pp. 9372, 9388-9389; Witness RM-306, T. 11440.
[12841] P1474 (Witness RM-306, *Popović et al.* transcript, 23, 26-27 March 2007), pp. 9372, 9389-9391; Witness RM-306, T. 11468-11469; P1475 (Photograph: Aerial annotated with various key locations); P1476 (Aerial of Bratunac town, marked by Witness RM-306).
[12842] P1118 (Witness RM-346, prior testimony), pp. 3025-3028; Witness RM-346, T. 9568, 9594, 9604.
[12843] P1118 (Witness RM-346, prior testimony), p. 3029; Witness RM-346, T. 9605.
[12844] P1118 (Witness RM-346, prior testimony), pp. 3029-3030.
[12845] P1118 (Witness RM-346, prior testimony), p. 3030.
[12846] P1118 (Witness RM-346, prior testimony), pp. 3030, 3032; Witness RM-346, T. 9568.
[12847] P2540 (Witness RM-265, *Popović et al.* transcript, 8-9 November 2006), pp. 3824-3825.
[12848] P2540 (Witness RM-265, *Popović et al.* transcript, 8-9 November 2006), pp. 3824-3825.

groups were transferred to Bratunac.[12849] The witness later heard that the men were detained in Vuk Karadžić Elementary School, the civil technical engineering school and a hangar located between both schools.[12850] Upon orders of Nikolić, the military police was assigned to assist another unit in guarding these detainees in Bratunac.[12851]

2915. The Trial Chamber received forensic evidence regarding primary graves in Glogova and connected secondary graves in Zeleni Jadar, Blječeva, Zalazje and Budak, which it reviewed in chapter 7.4, and found that Hamed Efendić's remains were identified by DNA in the Zeleni Jadar 5 secondary grave.[12852] It considered that the persons found in the graves at Glogova were killed in various incidents, and some of them were reburied in secondary graves. The Trial Chamber observes that in relation to the killings at Vuk Karadžić Elementary School, it has only identified Hamed Efendić from the aforementioned graves. For these reasons, the Trial Chamber was unable to rely on this forensic evidence to determine the number of victims of this scheduled incident.

2916. The Trial Chamber received evidence from Bojan Subotić, who testified that on the evening of 13 July 1995, he only saw military police at a checkpoint at the entrance of Bratunac and in the town, but not near Vuk Karadižić Elementary School. This seems to contrast Adjudicated Fact 1506 that Vuk Karadžić Elementary School and the various buildings surrounding it were secured by, amongst others, members of the Bratunac Brigade Military Police Platoon. The witness testified that he arrived in Bratunac on 13 July at around 9:15 or 9:30 p.m. and left shortly after. He further testified that he did not enter the school or its yard and that he did not know who was inside, securing the school. Considering the limited time the witness spent in Bratunac and in light of the fact that he did not approach or enter the school that day, also the fact that the witness did not see military police does not necessarily mean that they were not present there, the Trial Chamber finds that his evidence does not contradict Adjudicated Fact 1506 regarding the presence of military police on 13 July 1995 in and around Vuk Karadžić Elementary School.

[12849] P2540 (Witness RM-265, *Popović et al.* transcript, 8-9 November 2006), pp. 3824-3825.
[12850] P2540 (Witness RM-265, *Popović et al.* transcript, 8-9 November 2006), p. 3833.
[12851] P2540 (Witness RM-265, *Popović et al.* transcript, 8-9 November 2006), pp. 3834-3836.
[12852] P1982 (Annex D to the report titled Update to the Summary of Forensic Evidence, Srebrenica Investigation, by Dušan Janc), p.268.

2917. Based on the foregoing, the Trial Chamber finds that from 12 to 14 July 1995, members of the VRS Bratunac Brigade Military Police Platoon, members of the special police, members of the Bosnian-Serb MUP civilian police, members of the Drina Wolves and paramilitary formations held several thousand Bosnian-Muslim civilians and soldiers in and around Vuk Karadžić Elementary School, and on buses parked outside the school. Members of the aforementioned groups killed more than 50 Bosnian-Muslim men[12853] inside and outside the school in the surrounding area. The first of these killings started on the night of 12 and 13 July. The Chamber will further consider the above incidents in relation to Counts 2 to 6 in chapter 8, below.

7.14.2 In front of the Vuk Karadžić elementary school (Schedule E.15.3)

2918. According to the Indictment, the Accused is responsible for executing a 'mentally retarded' Bosnian-Muslim man taken off a bus parked in front of the Vuk Karadžić elementary school in Bratunac in the evening of 13 July 1995.[12854] The Defence argued that the evidence of Mevludin Orić is insufficient to establish beyond a reasonable doubt the identity of the perpetrator(s) or whether the individual was shot resisting arrest or in self-defence.[12855] The Trial Chamber received evidence from **Mevludin Orić**, a Bosnian Muslim from Lehovići in Srebrenica Municipality,[12856] with regard to this incident. The Trial Chamber also considered the following Adjudicated Facts set out in chapter 7.14.1: 1502-1503, 1505-1506, and 1517-1519.

2919. **Mevludin Orić** stated that in the night of 13 July 1995, one man, who the witness heard was mentally unstable, fell asleep in a bus parked in front of the Vuk Karadžić school despite an instruction from the military policemen that they were not to sleep that night.[12857] The man was hit on the shoulder by a military policeman and the witness heard from other detainees that the man had hit the policeman back.[12858] Two other military policemen then entered the bus, took the man off it, and dragged him

[12853] The Trial Chamber observes that Momir Nikolić gave testimony which suggests that the number of victims was significantly greater than 50 persons. Considering that Nikolić's evidence on this point is hearsay evidence, while the source he relied on did not corroborate this information, the Trial Chamber has not relied on Nikolić's testimony to determine the number of victims of this scheduled incident.
[12854] Indictment, paras 11-12, 46(a), 59(a)(iv), 65(b), Schedule E.15.3.
[12855] Defence Final Trial Brief, para. 3265.
[12856] P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), pp. 861, 869. The evidence of Mevludin Orić is also reviewed in chapter 7.14.1.
[12857] P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), pp. 908-909, 911-912.
[12858] P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), pp. 911-912.

towards the school.[12859] The witness heard a single burst of fire and the man screaming but did not see who fired the shot.[12860] He then heard someone say 'drag him into the school'.[12861]

2920. Based on the foregoing, the Trial Chamber finds that in the night of 13 July 1995, VRS military policemen forced a Bosnian-Muslim man off a bus parked in front of the Vuk Karadžić elementary school in Bratunac Town and dragged him towards the school. Orić did not see the killing but heard fire and the man screaming, and then someone saying 'drag him into the school'. With regard to the Defence's submission that the evidence is insufficient to establish the identity of the perpetrator beyond reasonable doubt, the Trial Chamber notes that there is no requirement that perpetrators are identified in order to come to a positive finding; it is sufficient that the affiliation of the perpetrators is known to the Trial Chamber. It further finds that the evidence does not support the Defence's assertion that that the Bosnian-Muslim man might have been shot while resisting arrest or that the perpetrators were acting in self-defence. Shooting the man, and thereby killing him, was not a proportional and justified response to him allegedly resisting arrest. Moreover, considering the circumstances, namely that an unarmed mentally unstable man had allegedly hit a military policeman in response to being hit by that policeman himself and was consequently dragged of a bus and taken away by at least two military policemen, the Trial Chamber also finds that the perpetrators who shot the man did not do so in self-defence.

2921. Based on this, the Trial Chamber is convinced that the man was killed by the military policemen who forced him off the bus. The Trial Chamber will further consider this incident in relation to Counts 2-6 of the Indictment in chapter 8, below.

[12859] P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), pp. 911-913.
[12860] P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), pp. 911-914.
[12861] P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), pp. 911-913.

7.15 Other incidents of killings

2922. In addition to the Scheduled Incidents discussed above, the Indictment further alleges that the Accused is responsible for other killings of Bosnian-Muslim men and boys in Srebrenica.[12862]

Killings on 13 and14 July 1995 outside the Kravica supermarket

2923. The Prosecution argued that on 13 July 1995, at least four or five trucks escorted by members of the 65th Motorized Protection Regiment Military Police Battalion drove from Nova Kasaba to Kravica and stopped near the supermarket where during the night 'Srebrenica Forces' took five detainees off one of the trucks after which shots were heard and later about ten detainees were beaten and shot near the same truck.[12863]

2924. The Trial Chamber recalls its finding in chapter 7.1.6 where it found that during the night of 13 July 1995 and in the morning of 14 July 1995, VRS soldiers, among them a man called Radovan Grujicić from Orahovica in Srebrenica Municipality, shot and killed at least 15 Bosnian-Muslim detainees who were being held in trucks escorted by the Military Police Battalion of the 65th Motorized Protection Regiment outside the supermarket in Kravica. The soldiers selected some men from among the detainees after asking whether they were from certain villages and threatened, beat, and shot them dead. Before Witness RM-253 boarded the trucks he had heard a Serb soldier tell another detainee that he would not get his bag back because he would not need it anymore. The Trial Chamber will further consider this incident in relation to Counts 2-6 of the Indictment in chapter 8, below.

Killings on or about 18 July 1995

2925. The Prosecution argued that on or about 19 July 1995, VRS soldiers from the 16th Krajina Motorized Brigade killed at least four Bosnian Muslims whom they had captured at Tisova Kosa.[12864]

[12862] Indictment paras 20-22, 46(a), 47-48, 57, 59(a), 60, 65.
[12863] Prosecution Final Brief, paras 1262, 1424-1425.
[12864] Prosecution Final Brief, paras 1546-1551.

2926. The Trial Chamber recalls its finding in chapter 7.1.6 where it found that on or about 18 July 1995, VRS soldiers shot and killed four Bosnian Muslims, including a 15-year-old boy, whom they had captured at Tisova Kosa. They beat the Bosnian Muslims and referred to one as '*Alinovac*' (member of Alija's army) and '*Balija*'. They forced the Bosnian Muslims to lie down, and 'Stari', the commander of the group, ordered his soldiers to shoot them in the back one at a time. While the commander was interrogating Witness RM-358, one of the soldiers came to him and asked the commander if he could use his bayonet to kill one of the captives. The commander answered that he could choose anyone after which the soldier chose the witness. The soldier who had wanted to use the bayonet was not pleased when the commander ordered his men not to kill the witness because as a soldier he could be used for exchange purposes. The Trial Chamber will further consider this incident in relation to Counts 2-6 of the Indictment in chapter 8, below.

Killings on or about 23 July 1995 of detainees held at the Standard Barracks at the Zvornik Brigade

2927. The Prosecution argued that on or around 23 July 1995 ten wounded Muslim patients were taken from the Zvornik Barracks and executed by the Zvornik Brigade Military Police.[12865] The Defence submitted that Witness RM-322, who testified about the alleged killings, never witnessed this incident and that his testimony is unreliable.[12866] With regard to this incident, the Trial Chamber received evidence from **Jugoslav Gavrić**, Director of the Zvornik Hospital in July 1995;[12867] **Witness RM-322**, an officer in the VRS Zvornik Brigade in 1995;[12868] and **Nebojša Jeremić**, member of the military police in the Zvornik Brigade from April 1993 until the end of July 1995,[12869] as well as documentary evidence. Parts of the documentary evidence are reviewed in chapter 7.11.[12870]

[12865] Prosecution Final Brief, paras 1376-1378.
[12866] Defence Final Brief, paras 3217-3220.
[12867] P3338 (Jugoslav Gavrić, witness statement, 20 March 2007), p. 1; P3339 (ICTY Information Report regarding an Interview with Jugoslav Gavrić, 30 January 2003), p. 1.
[12868] Witness RM-322, T. 11621-11622, 11626-11627, 11667-11668; P1492 (Pseudonym sheet for Witness RM-322).
[12869] Nebojša Jeremić, T. 34273, 34299.
[12870] P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), pp. 11695-11696, 11698, 11701, 11703-11704, 11742, 11760; P1501 (Zvornik Brigade Duty Officer Log Book, Teacher's edition, 11-23 July 1995), p. 143.

2928. According to patient files and a patient log book, eleven males were admitted into the Sveti Nikola Hospital in Milići on 13 July 1995 and were treated there between 13 and 14 July 1995 for various injuries.[12871] On 20 July 1995, the Director of the Milići Hospital reported that following an order by the Chief of the VRS Medical Corps, the Head of the Municipality, and the Chief of the Milići SJB, injured persons were to be transferred to Zvornik Hospital and that Dr. Gavrić had taken charge of them.[12872] **Jugoslav Gavrić** stated that General Roković, Chief Medical Officer of the VRS, ordered him to go to Milići and transfer all 10 to 15 wounded Muslim men to Zvornik Hospital for surgical treatment.[12873] Some of them were heavily wounded.[12874] The witness, a nurse, a policeman, and the driver of the transport vehicle belonging to the 'Drina Transport Cie' arrived in Milići around noon and loaded the patients into the vehicle.[12875] The witness stated that he probably signed for the patients list in Milići.[12876] Towards the evening they arrived at Zvornik Hospital and the witness handed the patients over to Dr. Zoran Lazarević.[12877] According to Milići hospital patient files, all patients were discharged on 14 July 1995 and transferred to Zvornik Hospital for further treatment on the orders of the VRS Chief of the Medical Corps.[12878] **Gavrić** stated that because some civilians and some patients protested firmly against admitting Muslims to the hospital, the witness asked for security and the hospital ensured that the wounded Muslims were kept separate from the other wounded at the Zvornik hospital.[12879] The following day, the witness heard that all of the wounded had survived the night and had

[12871] P2137 (Extract from a hospital patient logbook, 13 July 1995); P2138 (Patient files from the Sveti Nikola Hospital in Milići, 13-14 July 1995), pp. 1-2, 4-5, 7-10, 12-13, 15-18, 20-22, 24-25, 27-29, 31-38, 40-42.
[12872] P1512 (Letter from the Director of the Milići hospital, 20 July 1995). *See also* Witness RM-322, T. 11919-11922; P1494 (Witness RM-322, statement of facts, 20 May 2003), p. 7.
[12873] P3339 (ICTY Information Report regarding an Interview with Jugoslav Gavrić, 30 January 2003), p. 2; P3340 (Jugoslav Gavrić, *Popović et al.* transcript, 21 March 2007), p. 9114; P3341 (Jugoslav Gavrić, *Tolimir* transcript, 2 December 2010), p. 8400.
[12874] P3338 (Jugoslav Gavrić, witness statement, 20 March 2007), p. 2; P3339 (ICTY Information Report regarding an Interview with Jugoslav Gavrić, 30 January 2003), p. 2.
[12875] P3339 (ICTY Information Report regarding an Interview with Jugoslav Gavrić, 30 January 2003), p. 2; P3340 (Jugoslav Gavrić, *Popović et al.* transcript, 21 March 2007) p. 9115.
[12876] P3339 (ICTY Information Report regarding an Interview with Jugoslav Gavrić, 30 January 2003), p. 3.
[12877] P3339 (ICTY Information Report regarding an Interview with Jugoslav Gavrić, 30 January 2003), p. 2; P3340 (Jugoslav Gavrić, *Popović et al.* transcript, 21 March 2007), p. 9115.
[12878] P2138 (Patient files from the Sveti Nikola Hospital in Milići, 13-14 July 1995), pp. 3, 7, 11, 15, 19, 23, 27, 31, 35, 39, 43.
[12879] P3339 (ICTY Information Report regarding an Interview with Jugoslav Gavrić, 30 January 2003), p. 3; P3340 (Jugoslav Gavrić, *Popović et al.* transcript, 21 March 2007), pp. 9118-9119.

been evacuated to Tuzla in order to be exchanged.[12880] Although it was standard practice in the Zvornik Hospital that patients who were brought in overnight as an emergency case were registered by the emergency service, the witness confirmed that the 10 or 15 Muslim men were not recorded in the Zvornik Hospital medical logbook.[12881] According to the Zvornik Brigade Duty Officer logbook, one patient died on 16 July at Zvornik Hospital.[12882] A report dated 24 July 1995 sent from the director of the Milići Hospital to the DK Command, stated that 18 wounded 'enemy' soldiers had undergone surgery and been transferred to Zvornik Hospital on the orders of the Main Staff.[12883]

2929. **Witness RM-322** testified that sometime after 20 July 1995, Pandurević ordered Obrenović to go to the clinic at the Standard Barracks, where up to ten wounded detainees, who had arrived at the clinic upon written instructions from a colonel in the Medical Corps, were being treated.[12884] Because of the concerns related to Bosnian-Serb soldiers receiving medical treatment in the next room, Obrenović was to brief the clinic staff and ensure that there were no security problems in relation to the 'enemy wounded'.[12885] Obrenović told the staff not to let anyone in the room and that the detainees were to be individually transported to Batković camp once they had recovered.[12886] Pandurević referred repeatedly to these detainees at briefings and told the DK that they had to be taken away.[12887] In a 22 July 1995 combat report of the 1st Zvornik Infantry Brigade addressed to the DK Command Pandurević requested instructions as to what to do with the detainees, where to put them, and to whom they should be handed.[12888] On or around 23 July 1995 at about 8 a.m., Pandurević called the DK to resolve the issue of the detainees.[12889] Later, they received word that Colonel Popović would come to deal with the detainees.[12890] The witness knew at this time that

[12880] P3339 (ICTY Information Report regarding an Interview with Jugoslav Gavrić, 30 January 2003), p. 3; P3340 (Jugoslav Gavrić, *Popović et al.* transcript, 21 March 2007), p. 9116.
[12881] P3341 (Jugoslav Gavrić, *Tolimir* transcript, 2 December 2010), pp. 8411-8412; P3342 (Zvornik Hospital Medical Logbook July 1995).
[12882] P1501 (Zvornik Brigade Duty Officer logbook, 11-17 July 1995), p. 77. This patient was among the eleven patients admitted to Milići Hospital on 13 July 1995 and transferred to Zvornik Hospital on 14 July 1995.
[12883] P2136 (Milići War Hospital Report, 24 July 1995).
[12884] P1494 (Witness RM-322, statement of facts, 20 May 2003), p. 7; Witness RM-322, T. 11906, 11910, 11913-11914.
[12885] P1494 (Witness RM-322, statement of facts, 20 May 2003), p. 7; Witness RM-322, T. 11908, 11914.
[12886] P1494 (Witness RM-322, statement of facts, 20 May 2003), p. 7; Witness RM-322, T. 11907-11909.
[12887] P1494 (Witness RM-322, statement of facts, 20 May 2003), p. 8.
[12888] P2130 (Combat Report of the 1st Zvornik Infantry Brigade to the DK Command, signed by Vinko Pandurevič, 22 July 1995).
[12889] P1494 (Witness RM-322, statement of facts, 20 May 2003), p. 8.
[12890] P1494 (Witness RM-322, statement of facts, 20 May 2003), p. 8; Witness RM-322, T. 11910.

the detainees would probably not be taken to Bijeljina as previously stated.[12891] The witness learned, that military policemen from the Zvornik Brigade or DK took the detainees away from the clinic early one morning and shot them dead.[12892] When asked about the detainees on the day they disappeared, Pandurević said that Popović, acting as courier, had passed an order from Mladić to Drago Nikolić to execute these detainees.[12893]

2930. **Nebojša Jeremić** testified that he saw wounded Muslim detainees in the infirmary of the Standard Barracks at Zvornik Hospital and that he later saw VRS soldiers putting them on two trucks outside of the barracks and drive them away.[12894] The witness testified that he was unofficially told that the Muslim detainees were taken to Batković.[12895]

2931. According to a combat report of the 1st Zvornik Infantry Brigade addressed to the DK Command, on 22 July 1995, two companies from the 1st Zvornik Infantry Brigade and one from the MUP, 'combed' the terrain along the Planinci-Perunika-Brezik village line.[12896] During this combat activity, 10 enemy soldiers were liquidated and 23 Muslim soldiers were captured.[12897]

2932. The Trial Chamber also received in evidence transcripts of a number of intercepts that are relevant to this incident. On 23 July 1995 at 8 a.m., Vinko Pandurević told an unidentified person that they were still catching 'Turks', that he had wounded detainees and that he did not know what to do with them or where to send them.[12898] Pandurević asked if the person knew if there was any talk about an exchange for 'these' from Lisača and to whom he should transport 'these'.[12899] The person replied that

[12891] P1494 (Witness RM-322, statement of facts, 20 May 2003), p. 8.
[12892] P1494 (Witness RM-322, statement of facts, 20 May 2003), p. 8; Witness RM-322, T. 11906-11907.
[12893] P1494 (Witness RM-322, statement of facts, 20 May 2003), p. 8; Witness RM-322, T. 11906-11907, 11910.
[12894] Nebojša Jeremić, T. 34335-34338.
[12895] Nebojša Jeremić, T. 34336-34337.
[12896] P2130 (Combat Report of the 1st Zvornik Infantry Brigade to the DK Command, signed by Vinko Pandurevič, 22 July 1995).
[12897] P2130 (Combat Report of the 1st Zvornik Infantry Brigade to the DK Command, signed by Vinko Pandurevič, 22 July 1995).
[12898] P2139 (Intercept of Pandurević and a person at 8 a.m.), p. 1; P4213 (Intercept of Pandurević and a person, 23 July 1995 at 8 a.m.), p. 1; P4214 (Intercept of Pandurević and a person, 23 July 1995 at 8:05 a.m.).
[12899] P2139 (Intercept of Pandurević and a person at 8 a.m.), p. 1; P4213 (Intercept of Pandurević and a person, 23 July 1995 at 8 a.m.), p. 1; P4214 (Intercept of Pandurević and a person, 23 July 1995 at 8:05 a.m.).

Begović had said he did not have 'something'.[12900] Pandurević inquired about 'Matković' and confirmed there were some of 'them' in the camp.[12901] Pandurević referred to a memo that had arrived and stated that the wounded were to be sent to Zvornik Hospital, but stated that there was a problem with that and that a solution had to be found that day.[12902] At 8:05 a.m., the unidentified person who had called earlier asked for Vinko again, but Ljubo answered.[12903] The person told Ljubo to tell Vinko that 'something' that Vinko and that person had earlier discussed, was to arrive at Vinko's place by 5 p.m.[12904] The 'boss', Lieutenant Colonel Popović was to arrive and would tell what had to be done with regard to 'the work' they had talked about.[12905]

2933. According to the 2009 Progress Report on the DNA-based Identification by ICMP the eleven former Milići Hospital patients have been missing since July 1995.[12906]

2934. In relation to the Defence's submission regarding Witness RM-322, the Trial Chamber has considered the evidence of this witness relating to the incident and finds that his account of the sequence of events is generally credible and reliable, except for his unsourced hearsay evidence related to the killing of the detainees from the Standard Barracks on which the Trial Chamber will not rely.

2935. Based on the foregoing, the Trial Chamber finds that on or about 23 July 1995, ten injured Bosnian-Muslim male detainees were taken away in trucks by VRS soldiers from the Standard Barracks of the Zvornik Brigade and disappeared.[12907] The Trial Chamber received differing evidence as to their destination and fate: while Gavrić stated that he heard that the men were sent to Tuzla to be exchanged, Jeremić stated that they were sent to Batković. Given that both witnesses provided unsourced hearsay evidence,

[12900] P2139 (Intercept of Pandurević and a person at 8 a.m.), p. 1; P4213 (Intercept of Pandurević and a person, 23 July 1995 at 8 a.m.), p. 1; P4214 (Intercept of Pandurević and a person, 23 July 1995 at 8:05 a.m.).
[12901] P2139 (Intercept of Pandurević and a person at 8 a.m.), p. 1; P4213 (Intercept of Pandurević and a person, 23 July 1995 at 8 a.m.), p. 1; P4214 (Intercept of Pandurević and a person, 23 July 1995 at 8:05 a.m.).
[12902] P2139 (Intercept of Pandurević and a person at 8 a.m.), p. 1; P4213 (Intercept of Pandurević and a person, 23 July 1995at 8 a.m.), p. 1; P4214 (Intercept of Pandurević and a person, 23 July 1995 at 8:05 a.m.).
[12903] P2140 (Intercept of Ljubo and a person, at 8:05a.m.).
[12904] P2140 (Intercept of Ljubo and a person, at 8:05a.m.).
[12905] P2140 (Intercept of Ljubo and a person, at 8:05a.m.).
[12906] P1901 (Srebrenica missing, The 2009 Progress Report on the DNA-based Identification by ICMP, 9 April 2009), pp. 29, 33, 66, 68, 92, 113, 115, 177, 182, 202.

the Trial Chamber will not rely on Gavrić's or Jeremić's evidence on this matter. The Trial Chamber finds, based on the reliable evidence of Witness RM-322 related to the detention of the ten Bosnian Muslims at the Standard Barracks and their subsequent disappearance, as well as exhibits P1901 and P2139, that on or about 23 July 1995 VRS soldiers of the Zvornik Brigade killed the ten detained men while they were in the Zvornik Brigade's custody. The Trial Chamber will further consider this incident in relation to Counts 2-6 of the Indictment in chapter 8, below.

[12907] The Trial Chamber received differing evidence on the number of disappeared Bosnian-Muslim patients. However, based on the most conservative calculation as well as P2137, P2138, P1901, and P1501 the Trial Chamber considers that the minimum number was ten.

7.16 Incidents of ill-treatment

2936. According to the Indictment, the Accused is responsible for the terror and abuse of Bosnian Muslims of Srebrenica in Potočari and the beating of men and boys of Srebrenica prior to their execution, between 11 July 1995 and 1 November 1995.[12908] In addition, in the same period, the Accused is allegedly responsible for causing serious bodily or mental harm to thousands of female and male Bosnian Muslims of Srebrenica, including but not limited to separating men and boys from their families and forcibly removing the women, young children, and some elderly men from the enclave.[12909] The Defence submitted that the population in Potočari was evacuated for humanitarian purposes and that no mistreatment took place during this evacuation.[12910] The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to these incidents.[12911] It further received evidence from **Šehra Ibišević**, **Witness RM-255**, **Witness RM-362**, **Witness RM-249**, **Witness RM-254**, and **Witness RM-204**, all Bosnian Muslims from Srebrenica Municipality;[12912] **Witness RM-274**, a member of the ABiH in July 1995;[12913] **Witness RM-253**, and **Witness RM-346,** both Bosnian Muslims from Srebrenica Municipality who served in the ABiH;[12914] **Slavko Perić**, the Assistant Commander for the Intelligence and Security Section of the 1st Battalion of

[12908] Indictment, paras 19, 21-22, 50-52, 57-58, 59(e). The Trial Chamber understands 'Bosnian Muslims *of Srebrenica*' and 'men and boys *of Srebrenica*' to refer to residents of the Srebrenica enclave. Moreover, it considers beatings of men and boys of Srebrenica 'prior to their execution' to include beatings of men and boys who survived mass executions.
[12909] Indictment, para. 46(b).
[12910] Defence Final Brief, paras 2912-2931, 3243-3244, 3256.
[12911] Adjudicated Facts 1558-1559 are reviewed in chapter 7.6. Adjudicated Facts 1570-1571 are reviewed in chapter 7.7. Adjudicated Facts 1579-1581 are reviewed in chapter 7.8.1. Adjudicated Facts 1597-1598 and 1600-1601 are reviewed in chapter 7.10. Adjudicated Facts 1503, 1505, 1507-1509, 1511-1515, and 1518 are reviewed in chapter 7.14.1. Adjudicated Facts 1484-1485 are reviewed in chapter 8.2.2.
[12912] **Šehra Ibišević**: P1021 (Šehra Ibišević, witness statement, 21 June 2000), pp. 1-2; P1022 (Šehra Ibišević, statement taken by the Cantonal Court in Sarajevo, 21 June 2000), p. 2. **Witness RM-255**: P55 (Witness RM-255, witness statement, 25 May 1996), pp. 1-2. **Witness RM-362**: P3525 (Witness RM-362, *Popović et al*. transcript, 1 November 2007), pp. 17301-17302. **Witness RM-249**: P1990 (Witness RM-249, witness statement, 24 January 1996), pp. 1-2; Witness RM-249, T. 15410-15411. **Witness RM-254**: P1690 (Witness RM-254, witness statement, 18 August 1996), p. 1, para. 1. **Witness RM-204**: P3357 (Witness RM-204, witness statement, 13 August 1995), p. 2; P3358 (Witness RM-204, witness statement, 19 August 1996), p. 1. Šehra Ibišević's evidence is also reviewed in chapter 7.1.5. Witness RM-255's evidence is reviewed in chapters 7.10 and 7.14.1. Witness RM-362's evidence is reviewed in chapter 7.7. Witness RM-249's evidence is reviewed in chapters 7.1.4 and 7.6. Witness RM-254's evidence is reviewed in chapter 7.4. Witness RM-204's evidence is reviewed in chapter 7.8.1.
[12913] P3098 (Witness RM-274, *Popović et al.* transcript, 6 February 2007), p. 69.
[12914] P1547 (Witness RM-253, witness statement, 16 August 1995), p. 1, para. 1; Witness RM-253, T. 12485; P1546 (Witness RM-253, pseudonym sheet). P1118 (Witness RM-346, prior testimony), p. 3016; P1117 (Witness RM-346, pseudonym sheet); Witness RM-346, T. 9576. Witness RM-253's evidence is reviewed in chapter 7.8.1. Witness RM-346's evidence is reviewed in chapter 7.10.

the Zvornik Brigade;[12915] **Mevludin Orić**, a Bosnian Muslim from Srebrenica Municipality;[12916] **Jevto Bogdanović**, a Bosnian-Serb member of a work platoon of the Zvornik Brigade;[12917] **Witness RM-297**, a Bosnian Muslim from Zvornik;[12918] **Mile Petrović**, a member of Bratunac Brigade military police platoon in July 1995;[12919] **Witness RM-314**, a Bosnian-Muslim TO member who worked in Srebrenica during the war;[12920] **Marko Milošević**, Deputy Commander of the 6th Battalion of the Zvornik Brigade from the beginning of April 1995;[12921] and **Witness RM-280**, a Serb from Croatia.[12922]

Terrorising and abuse of Bosnian Muslims of Srebrenica in Potočari

2937. With regard to the alleged terrorising and abuse of Bosnian Muslims of Srebrenica in Potočari, the Trial Chamber recalls its finding in chapter 7.1.3 that on 11 July 1995, Bosnian Muslims from Srebrenica fled to Potočari seeking protection within the UNPROFOR compound. On 11 and 12 July 1995, the VRS shelled an area within the vicinity of the UNPROFOR compound, the area of the bus station, and an area near the roads in Potočari, wounding some of the Bosnian Muslims. In the early morning of 12 July 1995, VRS soldiers threw hand grenades into civilian houses in Potočari forcing the inhabitants to flee from their houses to the UNPROFOR compound. 'Chetniks' used dogs to move people around the compound, confiscating weapons and clothing from UNPROFOR soldiers, and taking men, boys, and girls away. Some people were raped. Screams, gunshots and other noises, including from women and children, were audible throughout the night between 12 and 13 July 1995 and no one could sleep. As a

[12915] P3508 (Slavko Perić, *Popović et al.* transcript, 11 May 2007), pp. 11367, 11369, 11371. Slavko Perić's evidence is reviewed in chapter 7.10.
[12916] P1757 (Mevludin Orić, *Popović et al*. transcript, 28-29 August 2006), pp. 861, 869. Melvudin Orić's evidence is reviewed in chapters 7.7 and 7.14.1.
[12917] P2940 (Jevto Bogdanović, *Popović et al.* transcript, 10 May 2007), pp. 11313-11314. Jevto Bogdanović's evidence is reviewed in chapter 7.10.
[12918] P1443 (Witness RM-297, witness statement, 14 August 2013), pp. 1-2; P1442 (Pseudonym Sheet for Witness RM-297). Witness RM-297's evidence is reviewed in chapter 7.7.
[12919] D894 (Mile Petrović, witness statement, 6 June 2014), para. 1. Mile Petrović's evidence is reviewed in chapter 7.2.
[12920] P1435 (Witness RM-314, witness statement, 16 August 1995), pp. 1-2; P1436 (Witness RM-314, witness statement, 8 June 1999), p. 1; P1437 (Witness statement, 14 June 1999), p. 1; Witness RM-314, T. 10849-10850, 10869-10872, 10896, 10912; P1434 (Pseudonym sheet of Witness RM-314). Witness RM-314's evidence is reviewed in chapter 7.2.
[12921] P3504 (Marko Milošević, *Popović et al.* transcript, 26 June 2007), p. 13299. Marko Milošević's evidence is reviewed in chapter 7.8.1.

consequence of the threatening atmosphere, several Bosnian Muslims committed suicide, or attempted to do so.

2938. The Trial Chamber further recalls its findings from the same chapter that on 11 and 12 July 1995, various VRS units, including a unit of the Bratunac Brigade Military Police, and police units, members of the 1st Company of the Jahorina Detachment of the Special Police Brigade and a company from the Zvornik PJP were present in Potočari. On 12 July 1995, the combat unit of the MUP Special Police Brigade, composed of the 2nd Special Police Detachment, a MUP company of the Zvornik Special Police Unit, and a mixed company of the Janja MUP, was present in Potočari and sealed off the compound. The Trial Chamber therefore finds that members of these units created the threatening atmosphere at the compound.

2939. The Trial Chamber recalls its findings in chapter 7.1.5 that from 12 to 14 July 1995, the VRS, and more particularly the DK, including members of the Bratunac Brigade Military Police, and members of the MUP Special Police Brigade, including the Jahorina Detachment, transferred Bosnian Muslims in Potočari outside the enclave of Srebrenica. In particular, it recalls its finding that soldiers forced those who did not want to leave onto buses and, along with one member of the Jahorina Detachment of the Special Police Brigade, hit and abused the Bosnian Muslims and called them names as they boarded the buses. The Bosnian Muslims were restless, partly due to the separation of the mothers from their children. Many people became ill and the babies of ill mothers were abandoned. Moreover, on 12 July 1992, as the Bosnian Muslims began boarding the buses, Bosnian-Serb soldiers systematically separated out men of military age who were trying to get onboard. Assistant Commander for Security and Intelligence, Captain Momir Nikolić, and elements of the Bratunac Brigade, including members of the brigade's military police, participated in these separations. Members of the Bratunac Brigade Military Police also provided security for the other units engaged in the separations. The separations were frequently aggressive and caused fear among the families. Some of the males were beaten, stoned, insulted, spat on, and sometimes stabbed. The separated men were taken to the White House by members of the MUP Special Police units. Identification papers and personal belongings, including money, were taken away from the separated men detained at the White House; their papers and

[12922] P2577 (Witness RM-280, witness statement, 17 February 2005), pp. 1-2, 6; Witness RM-280, T. 18687; P2576 (Pseudonym sheet for Witness RM-280). Witness RM-280's evidence is reviewed in

belongings were piled up and eventually burnt by the VRS. Furthermore, soldiers kicked and hit the men with rifle butts while loading them onto the buses to take them to detention centres in Bratunac. The Trial Chamber further recalls its finding in chapter 7.13.2 that Bosnian-Muslim men were held under unsatisfactory circumstances in the White House which was overcrowded and lacking water and sanitation.

2940. The Trial Chamber will further consider these incidents in relation to Counts 2 and 3 of the Indictment in chapter 8 below.

Beating of Bosnian-Muslim men and boys of Srebrenica prior to their execution

2941. With regard to the alleged beatings of Bosnian-Muslim men and boys of Srebrenica prior to their execution, the Trial Chamber recalls its findings in chapters 7.2, 7.5, 7.6, 7.8.1, 7.10, and 7.14.1 on the killings of Bosnian Muslims from Srebrenica.

2942. In relation to these killing incidents and based on the evidence reviewed in the same chapters, the Trial Chamber finds that from 12 to about 16 July 1995, several perpetrators beat Bosnian-Muslim men and boys of Srebrenica prior to their execution.[12923] The beatings on the road to Konjević Polje and near Konjević Polje intersection (Schedule E.1.1) were committed by Momir Nikolić and four members of either the police or the VRS military police;[12924] those at Sandići Meadow (Schedule E.4.1) by a VRS soldier;[12925] and those at Luke School (Schedule E.5.1) by 10 to 15

chapter 7.12.

[12923] These beatings are: On 13 July 1995, the beatings of a man dressed in civilian clothes on the road to Konjević Polje; and of 16 male Bosnian-Muslim detainees, including a 14-year-old boy, near Konjević Polje intersection, as outlined in chapter 7.2 With respect to the latter beating incident, four members of either the police or the VRS military police ordered the detainees to undress themselves, threw them on the floor and kicked them at their heads with their boots. On 13 July 1995, the beatings of a wounded Bosnian-Muslim man**,** who had attempted to flee, in his face, as outlined in chapter 7.5. On 13 July 1995, the beatings of 22 Bosnian-Muslim men detained at Luke School, who were also harassed and one of whom was beaten until he lost consciousness, as outlined in chapter 7.6. On 14 July 1995, the regular beatings of Bosnian-Muslim men detained at Petkovci School, including a Bosnian-Muslim ABiH soldier from Srebrenica Municipality, as outlined in chapter 7.8.1. From 14 to 16 July 1995, the regular beatings of male Bosnian-Muslim detainees in civilian clothing at Kula School, as outlined in chapter 7.10. From 12 to 14 July 1995, the regular beatings of Bosnian-Muslim civilians and soldiers in and around Vuk Karadžić elementary school, as outlined in chapter 7.14.1. In one instance a soldier wearing camouflage t-shirt kicked and beat a Bosnian-Muslim man with the wooden butt of his automatic rifle, in another instance a military policeman beat a Bosnian-Muslim man with a whip and a rifle, and in a third instance soldiers hit a man's head with an iron bar and his backbone with an axe.

[12924] *See* chapter 7.2.

[12925] *See* chapter 7.5.

men of a VRS special intervention platoon commanded by Spomenko Garić.[12926] With regard to Luke School, the Trial Chamber finds that the men of the special intervention platoon said in the presence of the detained Bosnian-Muslim men that the '*balijas*' had been defeated and that they had cut off the head of one '*balija*'. With respect to the beatings at the school in Petkovci (Schedule E.7.), Kula School (Schedule E.9.1), and in and around Vuk Karadžić elementary school (Schedule E.15.1), the Trial Chamber finds that the perpetrators were the same as those who subsequently committed the killings at these locations, as further set out in chapters 7.8.1, 7.10, and 7.14.1.

2943. The Trial Chamber also recalls its findings in chapters 7.5 and 7.8.1 on the detainees at Sandići Meadow and at the school in Petkovci being subjected to derogatory remarks.

2944. Further, the Trial Chamber found in chapter 7.1.6 that on 13 July 1995, members of the civilian police beat up several captured Bosnian-Muslim men from the column at Sandići Meadow. During the night of 13 July, and the morning of 14 July, VRS soldiers selected some Bosnian-Muslim men detained in trucks at a supermarket in Kravica after asking whether they were from certain villages and threatened, beat, and shot them dead. On or about 18 July, VRS soldiers beat four captured Bosnian-Muslims, including a 15-year-old boy, and referred to one as '*Alinovac*' (member of Alija's army) and '*Balija*'. In addition, the Trial Chamber found in chapter 7.10 that on 16 July 1995, VRS soldiers from Bratunac beat detainees at Branjevo Military Farm before killing them. The same perpetrators also humiliated the detainees by forcing them to 'pray in a Muslim manner' and subjected them to derogatory remarks.

2945. The Trial Chamber will further consider these incidents in relation to Counts 2 and 3 of the Indictment in chapter 8 below.

Other types of ill-treatment against Bosnian Muslims of Srebrenica

2946. With regard to other types of alleged ill-treatment of Bosnian Muslims of Srebrenica, the Trial Chamber recalls the evidence reviewed in chapter 7.1.5 and 7.6 and finds that the ill-treatment against Bosnian Muslims of Srebrenica continued throughout their transportation from Potočari. In particular, the Trial Chamber finds that on 13 and 14 July 1995, Bosnian-Serb forces often stopped buses, searched, and

[12926] *See* chapter 7.6.

removed Bosnian-Muslim men and boys who were found on board.[12927] In one instance, they took two girls out of a bus heading to Tuzla. Both girls were not heard of again.

2947. Concerning the column, the Trial Chamber further recalls its findings in chapter 7.1.6 that on 13 July 1995, the military police cursed, insulted, and threatened some of those who had surrendered and told the captives to carry their wounded. On 12 July, VRS soldiers demanded money from some Bosnian Muslims who had surrendered, and threatened to kill them if they later found money on them. Serbs described as 'chetniks' told a group from the column that they should leave any weapons or money or they would be killed, and told them to line up on the asphalt road in five rows of approximately 100 meters, with wounded people lying on the road between those standing. Some of the soldiers pointed their weapons at them and said 'Balija's put your arms up higher, now we are going to show you'. They were made to run along the road with their hands in the air and with three fingers raised. From 13 to 14 July, some Bosnian Muslim men detained in buses and trucks by a supermarket in Kravica were kept without water. Around 119 men were detained in one truck.

2948. With respect to Kravica Warehouse (Schedule E.3.1), the Trial Chamber finds based on the evidence reviewed in chapter 7.4 that on 13 July 1995, members of the 2nd Šehovići Detachment of the Special Police Brigade put Bosnian-Muslim men in an overcrowded section of Kravica Warehouse so that they almost suffocated. Moreover, the perpetrators of the killings at Kravica Warehouse[12928] and a Serb soldier wearing black uniform shot at least one Bosnian-Muslim man and a 15 or 16-year-old Bosnian-Muslim boy in the legs. One of the perpetrators of the killings at Kravica Warehouse shot and injured a Bosnian-Muslim man, who was trying to escape. Subsequently, this man pretended to be dead for hours while covered in blood and flies.

2949. Moreover, the Trial Chamber recalls its findings in chapter 7.4 that members of the 2nd Šehovići Detachment of the Special Police Brigade insulted and cursed the detainees, warned them that if they tried to escape they would be shot and, after having executed some detainees in front of the warehouse, told others 'you'll get the same as soon as it's your turn, because we still have a full warehouse to kill'. The Trial Chamber in the same chapter found that detainees were forced to sing Serb songs.

[12927] *See* chapters 7.1.5 and 7.6..
[12928] *See* chapter 7.4.

2950. As regards Sandići Meadow (Schedule E.4.1), the Trial Chamber recalls its finding in chapter 7.5 that on 13 July 1995, a Serb soldier, wearing a black uniform, shot and killed a Bosnian-Muslim man, and further finds that this soldier then ordered Bosnian-Muslims to carry away and drop the body 20 to 30 metres from where he was killed.

2951. The Trial Chamber also found in chapter 7.5 that while the men were in the meadow after having surrendered, guarded by VRS soldiers, they were forced to lie on their stomach, make the Serb salute, sing Serbian songs; and that one of the soldiers present at the meadow insulted them using derogatory terms.

2952. In respect of Luke School near Tišća (Schedule E.5.1), the Trial Chamber finds based on the evidence reviewed in chapter 7.6 that on 13 July 1995, the perpetrators of the killings at Luke School[12929] also took away personal belongings, including money, and threatened the lives of the Bosnian-Muslim men detained there.

2953. With respect to the School in Orahovac (Schedule E.6.1), the Trial Chamber finds based on the evidence reviewed in chapter 7.7, that on 14 July 1995, members of the Zvornik Brigade, including members of the Zvornik Brigade Military Police and Drago Nikolić, the Chief of Security of the Zvornik Brigade put Bosnian-Muslim men in an overcrowded space in Grbavci School in Orahovac without providing them with sufficient water. The detainees suffered from thirst and heat exhaustion.

2954. Further, the Trial Chamber recalls its findings in chapter 7.7 that many of the detainees at Grbavci School fainted and members of the Zvornik Brigade made derogatory remarks and insults towards them.

2955. Regarding Petkovci School (Schedule E.7.1), the Trial Chamber finds based on the evidence reviewed in chapter 7.8.1 that on 14 July 1995, the perpetrators of the killings at Petkovci School[12930] forced Bosnian-Muslim men to run to Petkovci School while shouting something along the lines of, '[l]ong live Serbia, Srebrenica is Serbian'. At Petkovci School the same perpetrators put them in a crowded and extremely hot room without providing them with water, so that some detainees resorted to drinking their own urine. These perpetrators also threatened to kill detainees if they went near the windows or made noise, and injured some detainees, who tried to open the windows to

[12929] *See* chapter 7.6.
[12930] *See* chapter 7.8.1.

get some air, by shooting at them. One of the perpetrators told the detainees to hand their personal belongings, including money, jewellery and documents, and the perpetrators threatened them that if they would not collect more money, they would all be killed. Furthermore, the perpetrators fired a round of bullets at the legs of some detainees, who had been placed in a truck, wounding some of them.

2956. In addition, the Trial Chamber recalls its findings in chapter 7.8.1 that members of the VRS, including members of the military police, called the detainees '*Balijas*'.

2957. Concerning Kula School (Schedule E.9.1), and Branjevo Military Farm (Schedule E.9.2), the Trial Chamber finds based on the evidence reviewed in chapter 7.10 that from 14 to 16 July 1995, VRS soldiers held Bosnian-Muslim men in hot, overcrowded conditions at Kula School without providing them with water, or access to medical treatment, so that they suffered from dehydration and heat exhaustion. On 15 July, VRS soldiers at Kula School also took jewellery, watches and money from the detainees; and threatened to kill all if they did not have any money.

2958. Furthermore, the Trial Chamber recalls its finding in chapter 7.10 that the perpetrators of the killings at Branjevo Military Farm cursed the detainees.

2959. With respect to Trnovo (Schedule E.13.1), the Trial Chamber recalls its finding in chapter 7.12 that sometime between mid-July and mid-August 1995, members of the Skorpions Unit, commanded by Slobodan Medić, killed six detained Muslim men dressed in civilian clothing and further finds that the same perpetrators forced two of them, before being shot, to carry away the dead bodies of the other four. The Trial Chamber also found in the same chapter that a member of the Skorpions Unit said to the victims, 'Fuck you and your Alija who gave you thick socks to wage war in'.

2960. Finally, regarding in and around Vuk Karadžić elementary school (Schedule E.15.1), the Trial Chamber recalls its finding in chapter 7.14.1 that from 12 to 14 July 1995, members of the VRS Bratunac Brigade Military Police Platoon, members of the special police, members of the Bosnian-Serb MUP civilian police, members of the Drina Wolves and paramilitary formations held several thousand Bosnian-Muslim civilians and soldiers in and around Vuk Karadžić elementary school.

2961. Based on evidence in the same chapter, the Trial Chamber further finds that these perpetrators held the detainees in overcrowded conditions without sufficient air, forced them to stay in a sitting position and did not allow them to use the toilets so that they

had to urinate on themselves. When the detainees complained about the conditions, these perpetrators fired over their heads and threatened to kill them if they did not keep silent. Moreover, the same perpetrators continuously selected detainees and ordered them to go outside the hangar, stating that the selected detainees would not need anything anymore.

2962. Trial Chamber further recalls the Adjudicated Facts in chapter 8.2.2.[12931] and finds that some of the victims were severely handicapped.

2963. The Trial Chamber will further consider these incidents in relation to Count 2 of the Indictment in chapter 8 below.

[12931] Adjudicated Facts II, nos 1484-1485.

7.17 Forcible transfer and deportation

2964. According to the Indictment, the Accused is responsible for the forcible transfer and deportation of Bosnian Muslims from Srebrenica between the days immediately preceding 11 July 1995 and 1 November 1995.[12932] The Defence argued that the movement of Bosnian-Muslims from Srebrenica was a natural consequence of the ongoing armed conflict and of the instability and violence in the area.[12933] The Defence further argued that: (i) legitimate humanitarian objectives justified the evacuation from Potočari; (ii) the UN requested the evacuation for humanitarian purposes; (iii) the responsibility to protect civilians fell on police organs and UNPROFOR, and (iv) men and women were separated for a legitimate purpose.[12934] The Trial Chamber will address these arguments in chapter 8.

2965. The Trial Chamber took judicial notice of Adjudicated Facts and received evidence in relation to the alleged forcible transfer and deportation of Bosnian Muslims from Srebrenica Municipality between around 11 July 1995 and 1 November 1995. The Trial Chamber reviewed this evidence in various chapters and will recall in the following paragraphs its findings from previous chapters.

2966. In 1991, Srebrenica Municipality was composed of 37,000 people of whom 73 per cent were Muslims and 25 per cent were Serbs.. In February 1993, Bosnian-Muslim residents converged to Srebrenica Town because of the VRS offensive on the municipality, resulting in the population of Srebrenica Town reaching 50,000 to 60,000 people in early 1993.

2967. The VRS imposed difficult living conditions imposed on the population in Srebrenica Town during the siege in 1993 as well as restrictions on the humanitarian aid convoys to the enclave by early 1995.

2968. The VRS attack on the Srebrenica enclave, in which joint forces of the RSK MUP, of the Serbian MUP, and of the MUP also participated, began on 6 July 1995. During the attack on the enclave, the VRS destroyed mosques and religious buildings and shelled Bosnian-Muslim houses. After the fall of the enclave VRS soldiers with German shepherd dogs threw hand grenades into civilian houses in Potočari which forced inhabitants to flee their houses to the UNPROFOR compound.

[12932] Indictment, paras 19, 21-22, 50-52, 55-57, 59(f), 67-70, 72-74.
[12933] Defence Final Brief, para. 137.

2969. During the fall of the enclave the VRS, including members of the 10th Sabotage Detachment, called the inhabitants of the enclave to leave their houses and ordered them to go towards the football stadium in Srebrenica Town or to the UNPROFOR compound in Potočari. About 100 to 200 people, mostly elderly, responded to Pelemiš's call to leave and converged towards the. On 11 July 1995, the VRS fired shells at the UNPROFOR Bravo compound and on the road taken by the Bosnian Muslims fleeing towards Potočari.

2970. By 12 July 1995, 25,000 to 30,000 Bosnian-Muslim civilians from Srebrenica Municipality, mainly women, children, elderly men, and injured, had gathered in Potočari; five per cent of whom were able bodied men. On 11 and 12 July, the VRS shelled and fired at the area of the UNPROFOR compound in Potočari, wounding some of the Bosnian Muslims.

2971. After the fall of the enclave, living conditions in Potočari were poor and deteriorated. On 11 and 12 July 1995, members of the VRS displayed aggressiveness towards Bosnian Muslims, insulting and threatening them.

2972. On 12 July 1995, VRS officers, including Mladić; UNPROFOR members, and 'representatives' of the Bosnian-Muslim population 'agreed' on the evacuation of the Bosnian-Muslim civilians gathered in Potočari to Kladanj Municipality. According to the agreement, this evacuation was to be organised by the VRS and Bosnian-Serb police forces under the supervision and escort of UNPROFOR.

2973. On 12 and 13 July 1995, the VRS, and more particularly the DK, assisted by members of the Bratunac Brigade Military Police and of the MUP Special Police Brigade, including the Jahorina Detachment, transferred about 25,000 Bosnian-Muslim, mostly women, children, and elderly, out of the Srebrenica enclave to the territory under ABiH control in buses and trucks. The DK provided buses, vehicles, and fuel used to transport Bosnian Muslims out of the Potočari DutchBat compound on 12 and 13 July 1995. On 13 July 1995, Colonel Janković ordered members of the military police of the Bratunac Brigade to drive towards Srebrenica Town and inform the Bosnian Muslims they would encounter *en route* that they should go to Potočari and wait there until they would be driven away on the next day.

[12934] Defence Final Brief, paras 142, 2909-2941; T. 44607.

2974. Members of the Bratunac Brigade Military Police coordinated the boarding process of Bosnian Muslims onto the buses and trucks. Members of the Bosnian-Serb MUP Special Police Brigade, pursuant to Borovčanin's order, and members of the Jahorina Detachment, assisted with the boarding process. Command officers and units of the DK monitored the transportation process. On 12 July 1995, members of the 2nd Infantry Battalion, the military police of the 65th Motorised Protection Regiment from Nova Kasaba, a unit which carried out an attack from the area of Pribičevac, the Drina Wolves from the Zvornik Brigade, the 10th Sabotage Detachment as well as police units, including members of the Bratunac SJB, and a company of the PJP were also present in Potočari and assisted with the evacuation of Bosnian Muslims. Initially, the women, children, and elderly were allowed to board the buses themselves, but after a while those who did not want to leave were forced onto the buses. Soldiers, as well as one member of the Jahorina Detachment of the Special Police Brigade, hit and abused the Bosnian Muslims as they boarded the buses and called them names. The Bosnian Muslims were restless, partly due to the separation including those of mothers and children. Many people became ill and the babies of ill-mothers were abandoned. A Serbian camera crew was present at the Potočari compound and filmed the Bosnian Muslims. In the afternoon of 12 July 1995, the first convoy, which included men, left Potočari. The convoy was filmed and the footage was later broadcast by a press service of the DK Command.

2975. The Bosnian-Muslim women, children, and elderly were forced to continue the last leg of their journey from Tišća to Kladanj on foot and reached Bosnian-Muslim controlled territory around 14 July 1995.

2976. On 17 July 1995, Janković asked Mandžić, designated representative of the Bosnian-Muslim population, and Major Franken from DutchBat to sign a declaration stating that the transportation of the Bosnian Muslims out of Potočari had been performed in a proper and humanitarian way in accordance with international law. Franken added a clause stating that the transportation was carried out in accordance with the law only 'as far as convoys actually escorted by UN forces [were] concerned' because DutchBat was not able to confirm that this was the case for any of the other convoys.

The Trial Chamber's findings

Actions of the VRS in Srebrenica Municipality prior to and during the fall of the enclave

2977. Based on the above, the Trial Chamber finds that at the beginning of 1993, as a result of the VRS operation in Srebrenica Municipality, Bosnian Muslims left their villages and converged on Srebrenica Town, whose population reached 50,000 to 60,000 people. During the siege in 1993, living conditions in Srebrenica Town were difficult. By early 1995, the VRS imposed restrictions on humanitarian aid convoys to the enclave.

2978. The Trial Chamber further finds that during the VRS attack on the enclave, including Srebrenica Town, between 6 and 11 July 1995 as described in chapter 7.1.2, some Bosnian Muslims left the municipality while others, who had remained in their villages, converged on Srebrenica Town. The actions of VRS units operating in and around the enclave included shelling and threats as well as destruction of religious and private property belonging to Bosnian Muslims. In particular, on 11 July 1995 and in execution of Pelemiš's order, members of the 10th Sabotage Detachment who were approaching Srebrenica Town called the inhabitants to leave their houses and ordered them to go towards the football stadium in Srebrenica Town or to the UNPROFOR compound in Potočari. Similarly, when the VRS entered some villages of the municipality, it ordered the villagers to go to the UNPROFOR compound in Potočari. About 100 to 200 people, mostly elderly, responded to Pelemiš's call and converged towards the stadium. Thousands of residents crowded around the UNPROFOR Bravo Company in Srebrenica Town. On the same day, the ABiH told mothers and children who had gathered in town to head for the UNPROFOR compound in Potočari.

2979. On 11 July 1995, the VRS fired shells at the UNPROFOR Bravo compound in Srebrenica Town, wounding several people. Following the shelling of the compound and encouraged by the DutchBat troops, who themselves had been ordered by their command to withdraw from Srebrenica, Bosnian Muslims began to move towards Potočari. The VRS further fired mortars along the road taken by the Bosnian Muslims fleeing towards Potočari.

2980. By 12 July 1995, 25,000 to 30,000 Bosnian-Muslim civilians from the municipality, mainly women, children, elderly men, and injured, had gathered in Potočari in the UNPROFOR compound and its surroundings. On 11 and 12 July, the

VRS, advancing towards Potočari, shelled and fired at the surroundings of the compound, wounding some of the Bosnian Muslims. Screams, gunshots and other noises, including from women and children, were audible throughout the night between 12 and 13 July 1995 and no one could sleep.

2981. Living conditions in Potočari were dire: food and water were scarce and there was a shortage of medical supplies. People were afraid to go outside and used the factory hall both as a toilet and sleeping area. People were exhausted, lethargic, and frightened. Bosnian Muslims were intimidated by the presence of members of the Bratunac Brigade. Soldiers used dogs to move people around the compound, confiscated weapons and clothing from UNPROFOR soldiers, and took men, boys, and girls away. On 12 July 1995, the DutchBat created a buffer zone outside the compound to prevent contact between the Bosnian Muslims and the VRS as the soldiers approached the population aggressively. The DutchBat was unable to keep the groups separated.

Agreement and logistics related to the transportation of Bosnian-Muslim civilians out of Potočari

2982. The Trial Chamber finds that on 12 July 1995, VRS officers, including Krstić and Mladić; Miroslav Deronjić, a representative of the Serb civilian leadership in Srebrenica; UNPROFOR members, and 'representatives' of the Bosnian-Muslim population 'agreed' that the evacuation of the Bosnian-Muslim civilians to Kladanj Municipality be organised by the VRS and Bosnian-Serb police forces and take place under the supervision and escort of UNPROFOR.

2983. On 12 and 13 July 1995, the VRS transported by trucks and buses around 25,000 Bosnian Muslims, mostly women, children, and elderly, out of Potočari. On 13 July 1995, towards the end of the day, Colonel Janković ordered a member of the Military Police Platoon of the Bratunac Brigade to inform the Bosnian Muslims of Srebrenica Town they would encounter *en route* that they should go to Potočari and wait there until they would be driven away on the next day. The DK, with the assistance of the Bosnian-Serb MoD, provided buses, vehicles, and fuel. The Bratunac Brigade monitored fuel allocation, provided buses and fuel, and regulated traffic as the busses passed through Bratunac. Members of the Bratunac Brigade Military Police coordinated the boarding of

Bosnian Muslims onto trucks and buses. Members of the MUP Special Police Brigade, pursuant to Borovčanin's order, including members of the Jahorina Detachment, assisted with the boarding process. DK Command officers monitored the transportation process. Other VRS units, including units of the military police, and members of the civilian police were present in Potočari on 12 July 1995: members of the 2nd Infantry Battalion, the military police of the 65th Motorised Protection Regiment from Nova Kasaba, a unit which carried out an attack from the area of Pribičevac, the Drina Wolves from the Zvornik Brigade, the 10th Sabotage Detachment as well as police units, including members of the Bratunac SJB, and a company of the PJP. They also assisted with the transportation of Bosnian Muslims. More particularly, on 12 July 1995, the 1st Company of the Special Police Brigade was tasked with securing a road close to the UN compound and ensuring the safe evacuation of civilians and the military police of the 65th Motorised Protection Regiment was tasked with monitoring the movement of the buses from the DK area to the SRK area.

2984. Initially, the women, children, and elderly were allowed to board the buses themselves but after a while they were forced onto the buses. They were also told that the men would follow. Soldiers, as well as one member of the Jahorina Detachment of the Special Police Brigade, were hitting, abusing, and insulting the Bosnian Muslims as they boarded the buses. The Bosnian Muslims were restless, partly due to the separations, many people became ill, and the babies of ill- mothers were abandoned. UNPROFOR soldiers were also assisting in getting women and children on board the vehicles. DutchBat soldiers accompanied the first convoys on 12 July 1995, but were stopped at some point by the VRS, who stole DutchBat jeeps as well as weapons and equipment, rendering further DutchBat escorts impossible. The first convoy, which included men and departed on 12 July 1995, was filmed and the footage was later broadcast by a press service of the DK Command. The men on the first convoy were separated at checkpoints before reaching Kladanj and taken away by VRS soldiers.

2985. Most of the Bosnian-Muslim women, children, and elderly bussed out of Potočari arrived at Tišća. They were then forced to continue the last leg of their journey on foot through 'no-man's land' between the Bosnian-Serb and Bosnian-Muslim lines and reached Bosnian-Muslim controlled territory around 14 July 1995. As of the morning of 14 July 1995, 15,000 people had arrived in Tuzla and 3,000 were still on their way on VRS buses.

2986. The Trial Chamber further finds that on 17 July 1995, Janković asked Mandžić and Major Franken to sign a declaration stating that the transportation of the Bosnian Muslims out of Potočari had been performed in a proper and humanitarian way in accordance with international law. Franken added a clause stating that the transportation was carried out in accordance with the law only 'as far as convoys actually escorted by UN forces [were] concerned' because DutchBat was not able to confirm that this was the case for any of the other convoys.

2987. The Trial Chamber will address the evidence related to the alleged Srebrenica JCE and, in particular, the Accused's alleged contribution to this JCE (some of which has been recalled above in this chapter) in chapter 9.

2988. The Trial Chamber will further consider these incidents in relation to Counts 3, 7, and 8 of the Indictment in chapter 8 below.

7.18 Burial operations

2989. According to the Prosecution, from approximately August to November 1995, VRS and MUP personnel, pursuant to orders from the VRS Main Staff, engaged in a covert operation to exhume, transport, and rebury the remains of victims of the incidents discussed above in chapters 7.2 through 7.15, in an attempt to conceal their murders.[12935] The Defence argued that reburials were either legitimate post-combat sanitation projects, or that it is reasonable to conclude that they were conducted by a 'rogue security branch' of the VRS to cover up its own crimes, and were neither ordered by the Accused nor known to him.[12936] The Trial Chamber took judicial notice of a number of Adjudicated Facts related to the reburials. It also received evidence from **Momir Nikolić**, the Assistant Commander for Intelligence and Security of the Bratunac Brigade from November 1992 to at least October 1995;[12937] **Witness RM-265**, a member of the Bratunac Brigade;[12938] **Dragoslav Trišić**, Assistant Commander of Logistics of the Bratunac Brigade as of November 1992;[12939] **Richard Butler**, an intelligence research specialist;[12940] and **Suzanna Maljaars**, a forensic specialist;[12941] and finds that this evidence is consistent with the Adjudicated Facts.[12942] Additionally, it received evidence from **Witness RM-260**, a member of the Civilian Protection Staff in Bratunac Municipality in July 1995;[12943] **Damjan Lazarević**, a member of the Engineering Unit of the Zvornik Brigade in July 1995;[12944] and **Witness RM-322**, an officer in the VRS Zvornik Brigade in 1995;[12945] as well as documentary evidence.

2990. There were two types of mass graves, 'primary graves', in which individuals were placed soon after their deaths and 'secondary graves', into which the same

[12935] Indictment, para. 45; Prosecution Final Brief, paras 1383-1409, 1595-1603.
[12936] Defence Final Brief, paras 3293-3304.
[12937] Momir Nikolić, T. 11768-11771, 11776-11777; D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), paras 1, 13-14.
[12938] P2540 (Witness RM-265, *Popović et al.* transcript, 8-9 November 2006), pp. 3793, 3796, 3800; P2541 (Witness RM-265, *Tolimir* transcript, 15 March 2011), pp. 11274, 11282.
[12939] D937 (Dragoslav Trišić, witness statement, 6 June 2014), paras 3-4.
[12940] Richard Butler, T. 16108.
[12941] Suzanna Maljaars, T. 14481-14483; P1770 (Curriculum vitae of Suzanna Maljaars).
[12942] **Momir Nikolić:** Momir Nikolić, T. 11964. **Witness RM-265:** P2540 (Witness RM-265, *Popović et al.* transcript, 8-9 November 2006), pp. 3863-3865. **Dragoslav Trišić:** Dragoslav Trišić, T.33289-33301, 33311-33314, 33316. **Richard Butler:** Richard Butler, T. 16437-16438. **Suzanna Maljaars:** Suzanna Maljaars, T. 14482-14486, 14497, 14502; P1771 (Report of Suzanna Maljaars, 11 February 2000), pp. 2-24, Appendix VI.
[12943] P3621 (Witness RM-260, *Blagojević and Jokić* transcript, 20 April 2004), pp. 7861-7862.
[12944] P3636 (Damjan Lazarević, *Popović et al.* transcript, 29-30 August 2007), pp. 14431-14432.
[12945] Witness RM-322, T. 11621-11622, 11626-11627, 11667-11668; P1492 (Pseudonym sheet for Witness RM-322).

individuals were later reburied.[12946] During a period of several weeks in September and early October 1995 Bosnian-Serb forces dug up a number of the primary mass gravesites and reburied the bodies in still more remote locations.[12947] There was a concerted campaign to conceal the bodies of the men in the primary gravesites.[12948] **Richard Butler** testified that according to his investigations, the primary mass graves from which bodies were exhumed in mid-September 1995, were those that the international community had identified in August of that year.[12949]

2991. The mass graves at the Dam near Petkovci, Kozluk, Glogova, Orahovac, and Branjevo Military Farm were disturbed and bodies were exhumed from those graves.[12950] The reburial operation was carried out on the ground by the Bratunac and Zvornik Brigades.[12951] Within the Bratunac Brigade, Captain Nikolić, the Chief of Security and Intelligence, was tasked with the organisation of the operation.[12952] During the reburial operation, which lasted a couple of nights, the members of the Civilian Protection unit used at least one loader and an excavator for the exhumations at the Glogova gravesite.[12953] Within the Zvornik Brigade the Assistant Commander for Security, 2nd Lieutenant Drago Nikolić, was responsible for the operation.[12954] **Butler** testified that between 7 September and 2 October 1995, the primary burial site known as Petkovci was disturbed and the remains reburied in a secondary site near Liplje. Between an undetermined start date prior to 27 September and 2 October 1995, the primary burial site known as Lažete 2 (Orahovac) was disturbed and the remains reburied in secondary sites near Hodžiči.[12955] Between an undetermined start date prior to 27 September and 2 October 1995, the primary burial site known as Kozluk was disturbed and the remains reburied in a secondary site near Čančari.[12956]

[12946] Adjudicated Facts II, no. 1643.
[12947] Adjudicated Facts II, no. 1636.
[12948] Adjudicated Facts II, no. 1641.
[12949] Richard Butler, T. 16437-16438.
[12950] Adjudicated Facts II, no. 1642.
[12951] Adjudicated Facts II, no. 1637.
[12952] Adjudicated Facts II, no. 1639.
[12953] Adjudicated Facts II, no. 1551.
[12954] Adjudicated Facts II, no. 1640.
[12955] P2203 (Richard Butler, Military Narrative on Operation *Krivaja 95* in Srebrenica, 1 November 2002), para. 11.1.
[12956] P2203 (Richard Butler, Military Narrative on Operation *Krivaja 95* in Srebrenica, 1 November 2002), para. 11.1.

2992. On 14 September 1995, the VRS Main Staff approved five tonnes of diesel fuel to be delivered to Captain Milorad Trbić[12957] at the Standard barracks in Zvornik, for carrying out engineering works.[12958] The order was addressed to the DK Command and to the Logistics Sector of the VRS Main Staff.[12959] A copy was forwarded to the Zvornik Brigade for information.[12960] The order specified that Trbić was to be responsible for the proper accounting of engineering-machine usage and fuel consumption.[12961] **Butler** testified that such machines would be backhoes and trucks and other equipment required for the reburial operation.[12962] Also on 14 September 1995, 5000 litres of fuel was immediately released to the DK Command pursuant to the VRS Main Staff order of the same day.[12963] The fuel was to be used for engineering works in the DK area of responsibility.[12964] The order was authorised by the Chief of the Main Staff's Logistics Sector and signed by Colonel Zarko Ljuboječić.[12965] According to Butler, any fuel required for regular engineering work would have been issued through the normal course of operations under the authority of someone like Major Jokić, the Engineering Company Commander.[12966] However, Mladić, who normally would not be involved in the details of fuel allocation, issued the order for the fuel and put a security officer in charge of its allocation as opposed to a technical services officer.[12967]

[12957] Butler, basing his evidence on the personnel roster of the Zvornik Brigade for September 1995, testified that there was no Captain Milorad Trpić assigned to the unit. However, a Captain Milorad Trbić was assigned to the Security and Intelligence Branch of the Zvornik Brigade. The Trial Chamber therefore finds that 'Trpić' in this order was a misspelling or typographical error and was meant to refer to 'Trbić.' *See* P2203 (Richard Butler, Military Narrative on Operation *Krivaja* 95 in Srebrenica, 1 November 2002), para. 11.3. *See also,* P1494 (Witness RM-322, statement of facts, 20 May 2003), p. 8; P4222 (Intercept of Popović and Mihalić at 6:44 p.m.); P4223 (Intercept of Popović and Mihalić, 22 September 1995 at 6:44 p.m.); and P3636 (Damjan Lazarević, *Popović et al.* transcript, 29-30 August 2007), pp. 14488-14491, 14508.
[12958] P1500 (VRS Main Staff authorization, 14 September 1995). *See also* Witness RM-322, T. 11660-11661; P2203 (Richard Butler, Military Narrative on Operation *Krivaja 95* in Srebrenica, 1 November 2002), para. 11.2.
[12959] P1500 (VRS Main Staff authorization, 14 September 1995). *See also* P2203 (Richard Butler, Military Narrative on Operation *Krivaja 95* in Srebrenica, 1 November 2002), para. 11.2.
[12960] P1500 (VRS Main Staff authorization, 14 September 1995). *See also* P2203 (Richard Butler, Military Narrative on Operation *Krivaja 95* in Srebrenica, 1 November 2002), para. 11.2.
[12961] P1500 (VRS Main Staff authorization, 14 September 1995). *See also* P2203 (Richard Butler, Military Narrative on Operation *Krivaja 95* in Srebrenica, 1 November 2002), para. 11.2; Richard Butler, T. 16437-16438.
[12962] Richard Butler, T. 16437-163438.
[12963] P2131 (VRS Main Staff order, 14 September 1995). *See also* P2203 (Richard Butler, Military Narrative on Operation *Krivaja 95* in Srebrenica, 1 November 2002), para. 11.2; Richard Butler, T. 16437-16438.
[12964] P2131 (VRS Main Staff order, 14 September 1995).
[12965] P2131 (VRS Main Staff order, 14 September 1995).
[12966] Richard Butler, T. 16438.
[12967] Richard Butler, T. 16439-16440.

2993. In relation to the fuel delivery, the Trial Chamber also considered the evidence of **Witness RM-322** and **Butler** which has been placed in the confidential annex in Appendix D.

2994. **Momir Nikolić** testified that the people who had been killed in Kravica, on the Bratunac-Konjević Polje road, and in the Bratunac and Srebrenica municipalities in July 1995 had been buried in mass graves in Glogova, in Bratunac Municipality.[12968] In September 1995, Lieutenant-Colonel Vujadin Popović, the Chief of Security of the DK, came to the Bratunac Brigade command.[12969] Popović told the witness's commander Colonel Vidoje Blagojević, and then the witness, that the VRS Main Staff had decided that the two mass graves near Glogova should be moved to the greater Srebrenica area.[12970] According to the witness, the initiative to relocate the graves had come from the representatives of the civilian authorities, namely Srbislav Davidović, President of the Bratunac Municipality Executive Board; Ljubisav Simić, President of the Bratunac Municipality; and Miroslav Deronjić, President of the Bratunac SDS.[12971] In this respect, **Witness RM-260** stated that in September or October 1995, Miroslav Deronjić ordered that workers be brought to the Bratunac Brigade command at 9 or 10 p.m. where they were to report to Momir Nikolić.[12972] The witness was told the work would take a few days and would be the same as former assignments.[12973] The witness later learned that the workers had worked until late in the morning and that the job took a few days to complete.[12974] **Nikolić** testified that the military police of the Bratunac Brigade, the civilian police of the Bratunac SJB, and the 5th Engineering Battalion of the DK participated in the operation to move the graves by exhuming, transferring. and reburying the bodies.[12975] The DK command logistical service provided fuel for the Bratunac Brigade during this operation on two occasions (first, five tons and then, two tons).[12976] **Witness RM-265** stated that this reburial operation was secured by the

[12968] Momir Nikolić, T. 11961-11963; D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), para. 13.
[12969] Momir Nikolić, T. 11961, 12168.
[12970] Momir Nikolić, T. 11778-11779, 11961, 11963, 11969-11970, 12167-12168; D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), para. 13.
[12971] Momir Nikolić, T. 11963, 12167-12169.
[12972] P3621 (Witness RM-260, *Blagojević and Jokić* transcript, 20 April 2004), pp. 7886-7888.
[12973] P3621 (Witness RM-260, *Blagojević and Jokić* transcript, 20 April 2004), pp. 7886-7887.
[12974] P3621 (Witness RM-260, *Blagojević and Jokić* transcript, 20 April 2004), pp. 7886-7887.
[12975] Momir Nikolić, T. 11963-11964; D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), para. 13.
[12976] Momir Nikolić, T. 11964-11965.

military police of the Bratunac Brigade.[12977] According to the witness' knowledge, the VRS Main Staff, more specifically Beara, was in charge of the operation which lasted several days.[12978]

2995. **Nikolić** testified that he briefed his commander Popović on a daily basis about the ongoing reburial operation.[12979] The executive authorities of Bratunac municipality planned and organized the move and provided equipment, such as earth-moving machines.[12980] The President of the Executive Council provided logistical support in the form of diggers and other machines from the Bratunac public utilities company.[12981] Companies from Srebrenica Municipality, including the Sase mine, the transport company, and the Radnik construction company, provided machines, trucks, and earth-moving machines.[12982] Although it was initially supposed to be a covert operation, given its length and the number of participants, it soon became public knowledge.[12983]

2996. On 22 September 1995, 'Niđo' Mihalić informed Popović that he was out of fuel.[12984] Popović inquired if Trbić knew about it and Mihalić told him that he was working on it but that he had said that not much work would be done that day.[12985] Popović instructed Mihalić to call the gas station and find out if the fuel had arrived.[12986]

2997. **Nikolić** testified that on 16 October 1995 he met with Colonel Blagojević, the Brigade command staff, and its battalion commanders.[12987] The witness reported that the Brigade was at that point engaged in hygiene and sanitation tasks issued by the VRS Main Staff.[12988] The witness explained that the reburial operation was being conducted

[12977] P2540 (Witness RM-265, *Popović et al.* transcript, 8-9 November 2006), pp. 3863-3865.
[12978] P2540 (Witness RM-265, *Popović et al.* transcript, 8-9 November 2006), pp. 3864-3868.
[12979] Momir Nikolić, T. 11965, 11779; D300 (Momir Nikolić, witness statement in the *Popović et al.* case, 16 April 2009), p. 4.
[12980] Momir Nikolić, T. 11963-11964.
[12981] Momir Nikolić, T. 11964-11965.
[12982] Momir Nikolić, T. 11964.
[12983] Momir Nikolić, T. 11964.
[12984] P4222 (Intercept of Popović and Mihalić at 6:44 p.m.); P4223 (Intercept of Popović and Mihalić, 22 September 1995 at 6:44 p.m.).
[12985] P4222 (Intercept of Popović and Mihalić at 6:44 p.m.); P4223 (Intercept of Popović and Mihalić, 22 September 1995 at 6:44 p.m.).
[12986] P4222 (Intercept of Popović and Mihalić at 6:44 p.m.); P4223 (Intercept of Popović and Mihalić, 22 September 1995 at 6:44 p.m.).
[12987] Momir Nikolić, T. 11965-11966; P1516 (Minutes of the meeting of the 1st Bratunac Light Infantry Brigade, 16 October 1995). *See also* Dragoslav Trišić, T.33289-33301, 33311-33314, 33316.
[12988] Momir Nikolić, T. 11966-11967, 12168; P1516 (Minutes of the meeting of the 1st Bratunac Light Infantry Brigade, 16 October 1995). *See also* Dragoslav Trišić, T.33289-33301, 33311-33314, 33316.

under the name '*asanacija*'.[12989] The witness believed that the reason for the reburial operation was to conceal the large number of killings.[12990] A 16 October 1995 note attributed to Momir Nikolić in the Bratunac Brigade notebook states that on that day, '[w]e are engaged in tasks issued by the Army of the Republika Srpska Main Staff (hygiene and sanitation measures).'[12991] The BCS original of the meeting minutes reads '*asanacija*'.[12992] The subject of reburials was discussed in the command meeting which was attended by VRS members including key Assistant Commanders, the Chief of Operations, and the Battalion Commanders or their deputies.[12993] According to **Butler,** investigations of the alleged crimes in the zone of the Bratunac Brigade indicated that between an undetermined date and 18 October 1995, the primary site known as Glogova 2 was disturbed and the remains were reburied near Zeleni Jadar.[12994]

2998. **Damjan Lazarević** stated that sometime after the initial burial operations around Zvornik, he was urgently ordered by Slavko Bogičević, pursuant to Major Jokić's order, to supervise exhumations together with three members of his unit, the Engineering Company of the Zvornik Brigade, and soldiers from other units of the Zvornik Brigade, the names of whom all appeared on a list that was shown to him.[12995] Similar to the previous burial operations, Lazarević was in charge of controlling his men during the digging, and as far as he knew neither members of his company, nor its equipment, were involved in the transportation or reburial of remains in secondary gravesites.[12996] Large, heavy-duty trucks from the Karakaj hauling company were used to transport the bodies after exhumation.[12997] The exhumations were conducted at first in Orahovac, then Kozluk, and finally at the Branjevo Military Farm.[12998] The excavators arrived at the

[12989] Momir Nikolić, T. 11966-11967; P1516 (Minutes of the meeting of the 1st Bratunac Light Infantry Brigade, 16 October 1995); D300 (Momir Nikolić, witness statement in the *Popović et al.* case, 16 April 2009), p. 4.
[12990] Momir Nikolić, T. 11969-11970.
[12991] P1516 (Minutes of the meeting of the 1st Bratunac Light Infantry Brigade, 16 October 1995). *See also,* P2203 (Richard Butler, Military Narrative on Operation *Krivaja 95* in Srebrenica, 1 November 2002), para. 11.5.
[12992] P1516 (Minutes of the meeting of the 1st Bratunac Light Infantry Brigade, 16 October 1995).
[12993] P2203 (Richard Butler, Military Narrative on Operation *Krivaja 95* in Srebrenica, 1 November 2002), paras 11.6-11.7.
[12994] P2203 (Richard Butler, Military Narrative on Operation *Krivaja 95* in Srebrenica, 1 November 2002), para. 11.4.
[12995] P3636 (Damjan Lazarević, *Popović et al.* transcript, 29-30 August 2007), pp. 14467-14469, 14484, 14523.
[12996] P3636 (Damjan Lazarević, *Popović et al.* transcript, 29-30 August 2007), pp. 14469, 14485-14486, 14507-14508.
[12997] P3636 (Damjan Lazarević, *Popović et al.* transcript, 29-30 August 2007), pp. 14527-14528.
[12998] P3636 (Damjan Lazarević, *Popović et al.* transcript, 29-30 August 2007), pp. 14529, 14532-14533; P3641 (Aerial image of Branjevo Military Farm, marked by Damjan Lazarević).

respective sites in the evenings and the exhumations started when it was already dark.[12999] The entire reburial operation in which his unit was involved lasted for about five to six days.[13000] Major Trbić from the Zvornik Brigade, whose superior was Drago Nikolić, was in command of the reburial operation around Zvornik, including the transfer of the bodies, and would summon the soldiers, including Lazarević, to inquire on their progress after each job.[13001] All of the fuel for the reburial operation came from the Zvornik Brigade.[13002]

2999. **Witness RM-322** testified that on 20 October 1995, he heard that Drago Nikolić, members of the Zvornik Brigade's Engineering unit, and some military police members participated in reburial of the detainees executed in July 1995. Popović also brought men with him for the operation, some of whom were members of the DK Military Police who secured the area and traffic where the reburials were taking place. The witness heard that some of the Zvornik Brigade earth moving equipment and personnel were used in the initial burials and exhumations, and that some Zvornik Brigade engineers were involved in loading the bodies from the primary graves. The witness also heard that Popović and Beara visited the burial sites in civilian clothing during the reburial operation, and that Popović and Drago Nikolić changed truck drivers at regular intervals during the reburial operation. The Trial Chamber considered additional evidence of Witness RM-322 which has been placed in the confidential annex in Appendix D.

3000. **Butler** testified that in contrast to the pattern of normal military accountability procedures followed by the DK and subordinate units during the alleged commission of crimes in July 1995, the attempt to conceal such crimes through the reburial operation was much more secretive. For this reason, there were few existing orders relating to the reburial operation.[13003] The vehicle logs and daily operating records of July 1995 showed that vehicle operators followed the normal procedures of recording the miles driven, hours that the vehicles were in operation, and how much fuel they used. For August and September 1995, however, those same engineering and vehicle logs did not have similar notations, and the fuel being consumed was not reported as usual. The

[12999] P3636 (Damjan Lazarević, *Popović et al.* transcript, 29-30 August 2007), pp. 14485, 14510.
[13000] P3636 (Damjan Lazarević, *Popović et al.* transcript, 29-30 August 2007), pp. 14486-14487.
[13001] P3636 (Damjan Lazarević, *Popović et al.* transcript, 29-30 August 2007), pp. 14488-14491, 14508.
[13002] P3636 (Damjan Lazarević, *Popović et al.* transcript, 29-30 August 2007), p. 14487.
[13003] P2203 (Richard Butler, Military Narrative on Operation *Krivaja 95* in Srebrenica, 1 November 2002), para. 11.0.

locations of the work were not recorded and the hours in which the vehicles were stated to have been operative did not correspond with the level of activity that was occurring at the time.[13004]

3001. The Trial Chamber recalls its findings on the connections between primary and secondary gravesites discussed in chapters 7.4, 7.7, 7.8.2, 7.9, and 7.10.2.

3002. Based on the above, the Trial Chamber finds that during several weeks in September and early October 1995, members of the VRS and MUP including members of the VRS Main Staff; the DK; the Bratunac Brigade, including members of its military police; and members of the Zvornik Brigade, engaged in what was intended to be a covert operation to exhume human remains from several primary mass graves, and then rebury those remains in remote secondary graves in the Zvornik and Bratunac municipalities in an effort to hide them.These primary mass graves had been identified by the international community before the reburial operation started. Fuel to support the reburial operation was organized by the VRS Main Staff on 14 September 1995, which approved the delivery of fuel for carrying out engineering works in the DK area of responsibility, and ordered the Logistics Sector of the Main Staff to deliver the fuel. On the same day, the Main Staff Technical Service Division issued an order releasing the approved amount of fuel to the DK.

3003. During the reburial operation human remains were exhumed and reburied from Glogova to gravesites in the Srebrenica area including Zeleni Jadar; from Petkovci Dam to gravesites near Liplje; from Orahovac to gravesites along Hodžiči Road; and from Kozluk and Branjevo Military Farm to gravesites along Čančari Road.

3004. In relation to the reburial operation in the Bratunac area, the Trial Chamber finds that in September 1995, Popović came to the Bratunac Brigade Command where he told Beara and Momir Nikolić that the VRS Main Staff had decided that the two primary graves near Glogova, which included the remains of victims killed in Kravica Warehouse, should be moved to the greater Srebrenica area. Within the Bratunac Brigade, Captain Momir Nikolić, Chief of Security and Intelligence, was tasked with the organisation of the reburial operation. Civilian authorities, namely the Presidents of the Bratunac Municipality Executive Board (Srbislav Davidović), of Bratunac municipality (Ljubisav Simić), and of the Bratunac SDS (Miroslav Deronjić), planned,

[13004] Richard Butler, T. 16440.

organized, and provided logistical support and equipment from the Bratunac public utilities company for these reburials. Companies from Srebrenica Municipality provided trucks, earth-moving equipment, and other machines. The DK Command logistical service provided diesel fuel for the Bratunac Brigade during this operation on two occasions: first, five tons; and then, two tons. Members of the Bratunac Brigade Military Police, civilian police of the Bratunac SJB, and the 5th Engineering Battalion of the DK participated in the transferring and reburying the bodies. Those selected to participate worked mostly at night and the operation took a few days to complete. Momir Nikolić briefed Popović on a daily basis about the operation until it was complete. On 16 October 1995, Momir Nikolić met with Blagojević, the command staff, and battalion commanders or their deputies, and reported that members of the Brigade were engaged in a reburial operation conducted under the name '*asanacija,*' or hygiene and sanitation measures, which had been ordered by the VRS Main Staff. The VRS Main Staff, specifically Beara, were responsible for ordering and supervising these reburials.

3005. The Trial Chamber further finds that within the Zvornik area, 2nd Lieutenant Drago Nikolić, Assistant Commander for Security for the Zvornik Brigade, was responsible for, and participated in, the reburial operation. A copy of the 14 September 1995 Main Staff order for fuel, discussed above, was forwarded to the Zvornik Brigade for information. The order specified that the fuel required was to be delivered to the Standard Barracks in Zvornik to Captain Milorad Trbić, Deputy Chief of Security for the Zvornik Brigade and Drago Nikolić's subordinate, and that Trbić was to be responsible for the proper accounting of engineering-machine usage and fuel consumption. Sometime in mid-September 1995, Bogičević, pursuant to an order of Major Jokić, urgently ordered selected members of the Zvornik Brigade Engineering Unit to exhume remains at Orahovac, then Kozluk, and then Branjevo Military Farm. Those selected, including members of other units of the Brigade, worked at night and the operation lasted about five days. Large, heavy-duty trucks from the Karakaj hauling company were used to transport the remains after exhumation. Popović and Beara visited the burial sites in civilian clothing during the reburial operation. Popović also brought members of the DK Military Police to control traffic and secure the areas where reburials were taking place. Trbić was in command of the reburial operation around Zvornik, including the transfer of remains, and would summon the soldiers, including

members of the Zvornik Brigade Engineering Unit, to inform him of their progress after each job. All of the fuel for this reburial operation came from the Zvornik Brigade. On 14 September 1995, the DK Duty Officer called the Zvornik Brigade Duty Officer to report that five tonnes of fuel were to be given to Trbić for a task. An officer of the Zvornik Brigade, thinking that it was strange to have so much fuel sent to Trbić and the security organ, called the DK Duty Officer who then said that he did not know about the fuel. A few minutes later, Popović called the Zvornik Brigade officer back, asked how he knew about the fuel, and when he was told that the DK Duty Officer was the source of the information, Popović said that the Duty Officers were incompetent and must have made a mistake. After seeing the Main Staff order for fuel, Pandurević went to the DK Command to look into the matter the next day. When he returned to the Brigade, Pandurević stated that the fuel was intended for engineering equipment and trucks that would be used by Popović and his men who were in charge of reburying the bodies of executed Bosnian Muslim detainees. On 22 September 1995, Mihalić informed Popović that he was out of fuel. After asking if Trbić knew about it, Popović instructed Mihalić to call the gas station and find out if the fuel had been delivered.

3006. The Trial Chamber will further consider this finding in relation to the alleged Srebrenica JCE discussed in chapter 9.6 below.

3007. With regard to the number of victims, the Trial Chamber took judicial notice of Adjudicated Fact 1476 stating that between 7,000 and 8,000 Bosnian-Muslim men were systematically murdered. The Trial Chamber understands this Adjudicated Fact to refer to the killings of Bosnian-Muslim males separated from the Bosnian-Muslim women, children, and elderly in Potočari and captured from the column following the take-over of Srebrenica in July 1995. In chapters 7.2-7.14 and 8, for a considerable number of these men, the Trial Chamber established connections between bodily remains found in primary and secondary mass graves and the incidents specifically charged in the Indictment. Its findings in this respect are consistent with Adjudicated Fact 1476, also considering its approach on calculating the number of victims, set out in Appendix B.[13005]

[13005] For a detailed explanation of the Trial Chamber's approach in this respect, *see* the Trial Chamber's discussion of the evidence of Dušan Janc in Appendix B.

8. Legal findings on crimes

8.1 Violations of the laws or customs of war: general elements and jurisdictional requirements

8.1.1 Applicable law

3008. The Indictment charges the Accused with four counts of violations of the laws or customs of war under Article 3 of the Statute. Count 6 charges him with murder, based on Common Article 3 (1) (a) to the four Geneva Conventions of 1949. Count 9 charges him with acts of violence the primary purpose of which is to spread terror among the civilian population. Count 10 charges him with unlawful attacks on civilians. Count 11 charges him with taking of hostages, based on Common Article 3 (1) (b) to the four Geneva Conventions of 1949. Article 3 of the Statute states: 'The International Tribunal shall have the power to prosecute persons violating the laws or customs of war'. The jurisdictional requirements and general elements are analyzed below.

3009. Article 3 of the Statute is a 'residual clause' which gives the Tribunal jurisdiction over any serious violation of international humanitarian law not covered by Articles 2, 4, or 5 of the Statute.[13006] Article 3 of the Statute provides a non-exhaustive list of specific violations of the laws or customs of war.[13007] To fall within this residual jurisdiction, the offence charged must meet four conditions: (i) it must violate a rule of international humanitarian law; (ii) the rule must bind the parties at the time of the alleged offence; (iii) the rule must protect important values and its violation must have grave consequences for the victim; and (iv) such a violation must entail the individual criminal responsibility of the perpetrator.[13008]

3010. It is well established in the jurisprudence of this Tribunal that violations of Common Article 3 to the four Geneva Conventions of 1949 fall within the ambit of Article 3 of the Statute.[13009] The charges of murder under Common Article 3 (1) (a) and taking of hostages under Common Article 3 (1) (b) meet the four jurisdictional requirements set out above. The rules contained in Common Article 3 are part of customary international law applicable in both international and non-international

[13006] *Tadić* Jurisdiction Decision, paras 89-93; *Čelebići* Appeal Judgment, paras 125, 131, 133.
[13007] *Tadić* Jurisdiction Decision, para 87.
[13008] *Tadić* Jurisdiction Decision, paras 94, 143.
[13009] *Tadić* Jurisdiction Decision, para. 89; *Čelebići* Appeal Judgment, paras 125, 133-136; *Kunarac et al.* Appeal Judgment, para. 68; *Mrkšić and Šljivančanin* Appeal Judgment, para. 70.

armed conflicts.[13010] The acts prohibited by Common Article 3 breach rules protecting important values and involve grave consequences for the victims. They also entail individual criminal responsibility.[13011] The Trial Chamber therefore has jurisdiction over such violations.

3011. The charges of terror and unlawful attacks on civilians fall within the ambit of Article 3 of the Statute. The prohibitions of these two acts are found in Article 51(2) of Additional Protocol I and Article 13(2) of Additional Protocol II.[13012] They are also part of customary international law in both international and non-international armed conflicts.[13013] The prohibitions breach rules protecting important values and involves grave consequences for the victims as well as entailing individual criminal responsibility.[13014] The Trial Chamber, therefore, has jurisdiction over such violations.

3012. Once jurisdiction is established, certain general conditions must be met for the applicability of Article 3 of the Statute: first, there must be an armed conflict; second, there must be a nexus between the alleged offence and the armed conflict;[13015] and third, for charges based on Common Article 3, the victim must not take active part in the hostilities at the time of the alleged offence.[13016]

3013. *Armed Conflict*. The test for determining the existence of an armed conflict was set out by the Appeals Chamber in the *Tadić* Jurisdiction Decision:

> [A]n armed conflict exists whenever there is a resort to armed force between States or protracted armed violence between governmental authorities and organized armed groups or between such groups within a State.[13017]

[13010] *Tadić* Jurisdiction Decision, paras 89, 98; *Čelebići* Appeal Judgment, paras 138-139, 143, 147; *Karadžić* Appeal Decision on Count 11 of the Indictment, paras 23, 25-26.
[13011] *Tadić* Jurisdiction Decision, para. 134; *Čelebići* Appeal Judgment, paras 167, 173-174.
[13012] *See Kordić and Čerkez* Appeal Judgment, para. 48; *Galić* Appeal Judgment, paras 16-19, 87; *Dragomir Milošević* Appeal Judgment, para. 53 .
[13013] *Galić* Appeal Judgment, paras 87-98, 123; *Dragomir Milošević* Appeal Judgment, paras 31-33. *See also Galić* Trial Judgment, paras 16, 19
32.
[13014] *Kordić and Čerkez* Appeal Judgment, paras 55-68; *Galić* Appeal Judgment, paras 91-98; *Dragomir Milošević* Appeal Judgment, paras 31-33
[13015] *Tadić* Jurisdiction Decision, para. 70; *Kunarac et al.* Appeal Judgment, para. 55; *Stakić* Appeal Judgment, para. 342.
[13016] Geneva Conventions, Common Article 3 (1); *Čelebići* Appeal Judgment, para. 420; *Krajišnik* Trial Judgment, para. 847; *Haradinaj et al.* Trial Judgment, para. 62.
[13017] *Tadić* Jurisdiction Decision, para. 70. *See also Kunarac et al*. Appeal Judgment, para. 56; *Kordić and Čerkez* Appeal Judgment, para. 336.

3014. In its Judgment in *Tadić*, the Appeals Chamber observed that it is 'indisputable that an armed conflict is international if it takes place between two or more States'.[13018] The Appeals Chamber went on to find that an internal armed conflict,

> may become international (or, depending on the circumstances, be international in character alongside an internal armed conflict) if (i) another State intervenes in that conflict through its troops, or alternatively if (ii) some of the participants in the internal armed conflict act on behalf of that other State.[13019]

The Appeals Chamber subsequently set out the standard of 'overall control' for determining when an organized armed group may be considered to be acting on behalf of another State, thereby making the conflict international in character.[13020] This test is satisfied where, *inter alia*, a State has a role in organizing, coordinating or planning the military actions of the organized armed group and that State finances, trains, equips or provides operational support to that group.[13021] The test calls for an assessment of all the elements of control taken as a whole, and thus contains no requirement, e.g., that the third-party State issue specific instructions or orders to the organized armed group.[13022]

3015. The armed conflict extends to the whole territory of the warring States or, in the case of internal conflicts, the whole territory under the control of a party, whether or not actual combat takes place there.[13023] The armed conflict ends when there is a general conclusion of peace (for international armed conflicts) or when a peaceful settlement is achieved (for armed conflicts not of an international character).[13024]

3016. *Nexus*. The alleged crime need not have occurred at a time and place in which there was actual combat, so long as the acts of the perpetrator were 'closely related' to hostilities occurring in territories controlled by parties to the conflict.[13025] The existence of this close relationship between the crime and the armed conflict will be established where it can be shown that the conflict played a substantial part in the perpetrator's

[13018] *Tadić* Appeal Judgment, para. 84.
[13019] *Tadić* Appeal Judgment, para. 84.
[13020] *Kordić and Čerkez* Appeal Judgment, para. 306.
[13021] *Kordić and Čerkez* Appeal Judgment, paras 306, 308.
[13022] *Aleksovski* Appeal Judgment, paras 143-146.
[13023] *Tadić* Jurisdiction Decision, para. 70.
[13024] *Tadić* Jurisdiction Decision, para. 70. *See also Kunarac et al*. Appeal Judgment, para. 57; *Kordić and Čerkez* Appeal Judgment, para. 319.
[13025] *Kunarac et al.* Appeal Judgment, para. 57; *Stakić* Appeal Judgment, para. 342.

ability to commit the crime, his or her decision to commit it, the manner in which it was committed, or the purpose for which it was committed.[13026]

3017. *Status of Victims*. The final requirement for the application of an Article 3 charge based on Common Article 3 is that the victim was not actively participating in the hostilities at the time the offence was committed.[13027] The Appeals Chamber has explained that active participation in hostilities means participating in acts of war intended by their nature or purpose to cause actual harm to the personnel or equipment of enemy armed forces.[13028] Protected victims include members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause.[13029] The perpetrator must know or should have known the status of the victims as persons taking no active part in the hostilities.[13030]

8.1.2 Findings on armed conflict

3018. The Trial Chamber has considered a number of Agreed Facts and Adjudicated Facts regarding the outbreak, development, and conclusion of the armed conflict in Bosnia-Herzegovina.[13031] The Trial Chamber also received evidence from, among others, **Robert Donia**, a historian specializing in Modern Balkan History.[13032]

3019. The Trial Chamber considered, in particular, that on 6 March 1992, open conflict erupted in Bosnia-Herzegovina and the units of the JNA present in the territory were actively involved in the fighting that took place.[13033] Between March and May 1992, there were several attacks on and takeovers by the JNA of areas that either constituted main entry points into Bosnia-Herzegovina or were situated on major logistics or communications lines such as those in Bosanski Brod, Derventa, Bijeljina, Kupres,

[13026] *Kunarac et al.* Appeal Judgment, para. 58.
[13027] Geneva Conventions, Common Article 3 (1); *Čelebići* Appeal Judgment, paras 420, 424; *Strugar* Appeal Judgment, paras 172, 178; *Boškoski and Tarčulovski* Appeal Judgment, para. 66; *Karadžić* Appeal Decision on Count 11 of the Indictment, paras 22-26; *Karadžić* Appeal Decision concerning Judgment of Acquittal for Hostage-Taking, paras 8, 21.
[13028] *Strugar* Appeal Judgment, para. 178.
[13029] Geneva Conventions, Common Article 3 (1); *Strugar* Appeal Judgment, para. 175.
[13030] *Boškoski and Tarčulovski* Appeal Judgment, para. 66.
[13031] The relevant Agreed and Adjudicated Facts include: Agreed Facts, fact 24; Adjudicated Facts I, nos 36, 51, 81, 103, 249, 269, 286-287, 289-290, 293, 295, 297-301, 306, 312, 314-315, 318, 441, 489, 498-499, 504, 538, 541, 543, 738, 758, 761, 799, 800, 1141, 1211, 1223, 1247; Adjudicated Facts II, nos 1270, 1276-1277, 1281, 1302, 1305, 1314-1316, 1363, 1366, 1371, 1375, 1449; Adjudicated Facts III, nos 1695-1696, 1703-1706, 1709, 1758, 1767, 1922, 1964, 2020, 2024-2025, 2037, 2065, 2844.
[13032] P1998 (Robert Donia, *curriculum vitae*, undated), pp. 1-6; P1999 (Robert Donia, Expert Report entitled 'Background, Politics and Strategy of the Sarajevo Siege, 1991-1995', 2013), pp. 88, 90

Foča, Zvornik, Višegrad, Bosanski Šamac, Vlasenica, Brčko, and Prijedor.[13034] After Bosnia-Herzegovina's independence was recognised by the EC on 6 April 1992, these attacks increased and intensified.[13035] The Trial Chamber received extensive evidence about armed violence between the VRS and the ABiH as of 12 May 1992, much of which has been reviewed in chapters 4-7. The conflict in Bosnia-Herzegovina ended with the signing of the Dayton peace agreement on 14 December 1995.[13036]

3020. Based on the above, the Trial Chamber finds that there was an armed conflict in the territory of Bosnia-Herzegovina which included the period from 12 May 1992 to 30 November 1995.

[13033] Adjudicated Facts I, no. 287.
[13034] Adjudicated Facts I, no. 289.
[13035] Adjudicated Facts I, no. 287.
[13036] P785 (Rupert Smith, witness statement, 27 October 2009), paras 220-222; P1493 (Witness RM-322, plea agreement, 28 May 2013), para. 6; P1504 (Momir Nikolić, annex to joint motion for consideration of plea agreement, 6 May 2003), p. 2; Petar Škrbić, T.13999.

8.2 Crimes against humanity: general elements and jurisdictional requirement

8.2.1 Applicable law

3021. The Indictment charges the Accused with five counts of crimes against humanity under Article 5 of the Statute. Count 3 charges him with persecution under Article 5 (h). Count 4 charges him with extermination under Article 5 (b). Count 5 charges him with murder under Article 5 (a). Count 7 charges him with deportation under Article 5 (d). Count 8 charges him with inhumane acts (forcible transfer) under Article 5 (i). Article 5 states: 'The International Tribunal shall have the power to prosecute persons responsible for the following crimes when committed in armed conflict, whether international or internal in character, and directed against a civilian population'. The jurisdictional requirement and general elements are analyzed below.

3022. *Committed in armed conflict*. The crimes must be committed in an armed conflict, whether international or internal in character. This requirement is not part of the customary law definition of crimes against humanity.[13037] It is a jurisdictional requirement,[13038] which translates into the need for proof that there was an armed conflict at the relevant time and place.[13039] The definition of armed conflict is found above, in chapter 8.1.1.

3023. *Widespread or systematic attack directed against a civilian population.* The general elements for the applicability of Article 5 of the Statute are:

(i) there was an attack;

(ii) the attack was widespread or systematic;

(iii) the attack was directed against a civilian population;

(iv) the acts of the perpetrator were part of the attack; and

(v) the perpetrator knew that there was, at the time of his or her acts, a widespread or systematic attack directed against a civilian population and that his or her acts were part of that attack.[13040]

3024. *Attack.* An attack on a civilian population is a separate and distinct concept from that of an armed conflict.[13041] The attack is not limited to the use of force, but

[13037] *Tadić* Appeal Judgment, para. 249.
[13038] *Tadić* Appeal Judgment, para. 249; *Kunarac et al.* Appeal Judgment, para. 83.
[13039] *Tadić* Appeal Judgment, paras 249, 251; *Kunarac et al.* Appeal Judgment, para. 83.

encompasses any mistreatment of the civilian population, and can commence before, outlast, or continue during the armed conflict.[13042] An attack is composed of acts of violence, or the kind of mistreatment referred to in Article 5 (a) through (i) of the Statute.[13043]

3025. *Widespread or systematic*. 'Widespread' refers to the large-scale nature of the attack and the number of targeted persons.[13044] 'Systematic' refers to the 'organized nature of the acts of violence'.[13045] The existence of a plan or policy can be indicative of the systematic character of the attack but it is not a distinct legal element.[13046]

3026. *Directed against a civilian population.* 'Directed against' indicates that it is the civilian population which is the primary object of the attack.[13047] The attack does not have to be directed against the civilian population of the entire area relevant to the indictment.[13048] It is sufficient to show that enough individuals were targeted in the course of the attack, or that they were targeted in such a way as to satisfy the Trial Chamber that the attack was in fact directed against a civilian 'population', rather than against a limited and randomly selected number of individuals.[13049]

3027. According to the Appeals Chamber, the definition of civilian for the purpose of Article 5 of the Statute corresponds with the definition of civilian contained in Article 50 of Additional Protocol I to the 1949 Geneva Conventions.[13050] Additional Protocol I defines a 'civilian' as an individual who is not a member of the armed forces or otherwise a combatant.[13051] The Appeals Chamber has emphasized that the fact that an attack for the purpose of crimes against humanity must be directed against a civilian population, does not mean that the criminal acts within that attack must be committed

[13040] *Kunarac et al.* Appeal Judgment, para. 85.
[13041] *Tadić* Appeal Judgment, para. 251.
[13042] *Tadić* Appeal Judgment, para. 251; *Kunarac et al.* Appeal Judgment, para. 86; *Kordić and Čerkez* Appeal Judgment, para. 666.
[13043] *Nahimana et al.* Appeal Judgment, para. 918.
[13044] *Kunarac et al.* Appeal Judgment, para. 94; *Blaškić* Appeal Judgment, para. 101; *Kordić and Čerkez* Appeal Judgment, paras 94, 666; *Nahimana et al.* Appeal Judgment, para. 920.
[13045] *Kunarac et al.* Appeal Judgment, para. 94; *Blaškić* Appeal Judgment, para. 101; *Kordić and Čerkez* Appeal Judgment, para. 666; *Nahimana et al.* Appeal Judgment, para. 920.
[13046] *Kunarac et al.* Appeal Judgment, paras 98, 101; *Blaškić* Appeal Judgment, para. 120; *Nahimana et al.* Appeal Judgment, para. 922.
[13047] *Kunarac et al.* Appeal Judgment, para. 91.
[13048] *Kunarac et al.* Appeal Judgment, para. 90.
[13049] *Kunarac et al.* Appeal Judgment, para. 90; *Blaškić* Appeal Judgment, para. 105; *Kordić and Čerkez* Appeal Judgment, para. 95; *Stakić* Appeal Judgment, para. 247.
[13050] *Blaškić* Appeal Judgment, para. 110; *Kordić and Čerkez* Appeal Judgment, para. 97; *Galić* Appeal Judgment, para. 144; *Martić* Appeal Judgment, para. 302.

against civilians only.[13052] A person placed *hors de combat*, for example by detention, may also be a victim of an act amounting to a crime against humanity, provided that all the other necessary conditions are met, in particular that the act in question is part of a widespread or systematic attack against a civilian population.[13053]

3028. *Acts of the perpetrator are part of the attack*. Acts which cannot reasonably be understood to be objectively part of the attack fail this requirement.[13054]

3029. *Perpetrator's knowledge*. The perpetrator must know that there is a widespread or systematic attack against a civilian population and that his or her acts are part of that attack.[13055] The perpetrator does not need to have detailed knowledge of the attack or share the purpose of it.[13056]

8.2.2 Legal findings

3030. As the Trial Chamber concluded in chapter 8.1.2, there was an armed conflict in the territory of Bosnia-Herzegovina, which extended throughout the period relevant to crimes charged in the Indictment. This jurisdictional requirement for crimes against humanity is therefore met. The Trial Chamber will now deal with the general elements of crimes against humanity.

3031. According to the Indictment, all acts and omissions charged as crimes against humanity that formed part of the sniping and shelling campaign in Sarajevo were part of a widespread or systematic attack directed against the civilian population of Sarajevo.[13057] All other acts and omissions charged as crimes against humanity were part of a widespread or systematic attack against the Bosnian-Muslim and Bosnian-Croat civilian population of Bosnia-Herzegovina.[13058]

[13051] Additional Protocol I, Art. 50 (1), compared with Geneva Convention III, Art. 4 (A) (1), (2), (3), and (6) and Additional Protocol I, Art. 43.
[13052] *Martić* Appeal Judgment, para. 305; *Mrkšić and Šljivančanin* Appeal Judgment, paras 27-29, 32; *Dragomir Milošević* Appeal Judgment, para. 58.
[13053] *Kordić and Čerkez* Appeal Judgment paras 421, 570-571, 580; *Martić* Appeal Judgment, para. 313.
[13054] *Kunarac et al.* Appeal Judgment, para. 100.
[13055] *Kunarac et al.* Appeal Judgment, para. 99; *Blaškić* Appeal Judgment, paras 124, 126; *Kordić and Čerkez* Appeal Judgment, paras 99-100.
[13056] *Tadić* Appeal Judgment, paras 248, 252; *Kunarac et al.* Appeal Judgment, paras 102-103; *Blaškić* Appeal Judgment, para. 124; *Kordić and Čerkez* Appeal Judgment, para. 99.
[13057] Indictment, para. 87.
[13058] Indictment, para. 87.

3032. When considering whether the general elements of crimes against humanity are fulfilled, the Trial Chamber has considered the extensive Adjudicated Facts describing the general situation in the Municipalities and Srebrenica during the Indictment period. It has also considered evidence which gives a broader picture of the events. As indicated further below, it has also recalled and considered its findings with regard to the individual counts in the Indictment.

3033. With regard to the ARK, the Trial Chamber took judicial notice of a number of Adjudicated Facts. They set out that the ARK Crisis Staff issued orders to dismiss non-Serbs from holding key posts in public enterprises and institutions.[13059] In a decision adopted on 22 June 1992 and directed to all the municipal Crisis Staffs, the ARK Crisis Staff held that all posts important for the functioning of the economy may only be held by personnel of Serb ethnicity.[13060] In addition, Bosnian-Serb personnel were expected to have 'confirmed their Serbian nationality' in the plebiscite and expressed their loyalty to the SDS.[13061] The ARK Crisis Staff's decision of 22 June 1992 was forwarded by the Chief of the Banja Luka CSB, Stojan Župljanin to all SJBs for its immediate implementation within the ARK.[13062] In accordance with the decision, numerous municipalities dismissed non-Serb personnel.[13063] Ultimately, by the end of 1992, almost the entire Bosnian-Muslim and Bosnian-Croat community had been dismissed from their jobs and were replaced by Bosnian-Serb personnel, thus guaranteeing an overall Bosnian-Serb control over public and private enterprises and institutions throughout the ARK.[13064] Bosnian Muslims and Bosnian Croats were subjected to movement restrictions; they were required to pledge their loyalty to the Bosnian-Serb authorities.[13065] Campaigns of intimidation specifically targeting Bosnian Muslims and Bosnian Croats were undertaken.[13066]

3034. Following attacks on towns and villages, Bosnian-Muslim and Bosnian-Croat men, women and children were rounded up and often separated.[13067] In the spring of 1992, camps and other detention facilities were established throughout the territory of

[13059] Adjudicated Facts I, no. 424.
[13060] Adjudicated Facts I, no. 425.
[13061] Adjudicated Facts I, no. 425.
[13062] Adjudicated Facts I, no. 426.
[13063] Adjudicated Facts I, no. 426.
[13064] Adjudicated Facts I, nos 426, 447.
[13065] Adjudicated Facts I, no. 447.
[13066] Adjudicated Facts I, no. 447.
[13067] Adjudicated Facts I, no. 443.

the Bosnian Krajina in army barracks and compounds, factories, schools, sport facilities, police stations and other public buildings.[13068] These camps and detention facilities were set up and controlled by the Bosnian-Serb army, civilian authorities or the Bosnian-Serb police.[13069] Non-Serb civilians were arrested *en masse* and detained in these camps and detention facilities.[13070] As the events in the Bosnian Krajina developed, from the spring of 1992 onwards, convoys of buses and trains were organized by the Bosnian-Serb authorities to drive tens of thousands of men, women, and children out of Bosnian-Serb claimed territory to either Bosnian-Muslim held territory within Bosnia-Herzegovina or to Croatia.[13071]

3035. The resettlement policy within the territory of the Bosnian Krajina was coordinated at the regional level by the ARK Crisis Staff.[13072] On 12 June 1992, the ARK Crisis Staff established in Banja Luka an Agency for the Movement of People and Exchange of Properties, aiding in the implementation of the resettlement policy, while at the municipal level other agencies were established.[13073] The municipal agencies throughout the ARK, along with other competent institutions, were charged with establishing the resettlement procedures.[13074] Departures of non-Serbs from the ARK had to be authorised by these competent institutions.[13075] In order to obtain permits to leave the territory of the ARK, Bosnian Muslims and Bosnian Croats usually had to 'deregister' from their places of residence and either relinquish their property to the Bosnian-Serb Republic without compensation or in a minority of cases exchange their property for property located outside the ARK.[13076] Moreover, in many instances the Bosnian-Serb authorities made the non-Serbs sign documents stating that they renounced claims to all the property that they left behind in favour of the Bosnian-Serb Republic.[13077] This measure was intended to dissuade the Bosnian Muslims and the Bosnian Croats leaving the territory from returning at a later stage.[13078] At the same time, some areas in northern Bosnia-Herzegovina had been emptied of Bosnian

[13068] Adjudicated Facts I, no. 445.
[13069] Adjudicated Facts I, no. 445.
[13070] Adjudicated Facts I, no. 445.
[13071] Adjudicated Facts I, no. 446.
[13072] Adjudicated Facts I, no. 433.
[13073] Adjudicated Facts I, no. 434.
[13074] Adjudicated Facts I, no. 435.
[13075] Adjudicated Facts I, no. 435.
[13076] Adjudicated Facts I, no. 436.
[13077] Adjudicated Facts I, no. 438.
[13078] Adjudicated Facts I, no. 438.

Muslims and Bosnian Croats and were re-populated by resettling Serbian refugees coming from Croatia.[13079]

3036. Specifically concerning Prijedor, one of the municipalities in the ARK, killings were perpetrated on a massive scale against the non-Serb population.[13080] More than 1,500 people were killed in the municipality between 30 April and 30 September 1992.[13081] Beginning 25 May 1992, Bosnian-Muslim and Bosnian-Croat civilians were detained by the police and the Bosnian-Serb military at Omarska camp, Keraterm camp, Trnopolje camp, the Miška Glava Community Centre, the Ljubija football stadium, and the Prijedor SUP and barracks, until sometime during September 1992.[13082] The non-Serb population was not permitted to return to Kozarac after the 24 May 1992 attack on the city, and, subject to some exceptions, the men were taken either to the Keraterm or Omarska detention camps and the women and elderly to the Trnopolje detention camp.[13083] The Crisis Staff, presided over by Milomir Stakić, was responsible for establishing the Omarska, Keraterm, and Trnopolje camps.[13084] There was coordinated cooperation between the Crisis Staff, later the War Presidency, and members of the police and army in operating the camps.[13085] The Crisis Staff participated through its oversight of security in the camps, took decisions on the continuing detention of Prijedor citizens, provided transport (and the necessary fuel) for the transfer of prisoners between the various camps and from the camps to territory not controlled by Serbs, and coordinated the provision of food for detainees.[13086] The Crisis Staff prohibited the release of detainees from the camps and prevented them from returning to Prijedor.[13087] In chapter 4.10, the Trial Chamber has reviewed in great detail the extensive evidence concerning crimes committed in Prijedor Municipality.

3037. On 22 August 1992 an unsigned report stamped 'Command of Doboj Operative Group 2' addressed to the Prijedor Operations Group command stated: 'all are now washing their hands regarding camps and reception centres, attempting to pass responsibility for issuing orders for mass execution of civilians in the camps and centres

[13079] Adjudicated Facts I, no. 438.
[13080] Adjudicated Facts I, no. 872.
[13081] Adjudicated Facts I, no. 873.
[13082] Adjudicated Facts I, no. 935.
[13083] Adjudicated Facts I, no. 936.
[13084] Adjudicated Facts I, no. 938.
[13085] Adjudicated Facts I, no. 939.
[13086] Adjudicated Facts I, no. 940.
[13087] Adjudicated Facts I, no. 941.

onto someone else. This has become particularly noticeable since the visit of foreign reporters to Prijedor, more precisely to Omarska and Trnopolje. Forged (antedated) documents about this are even appearing ... One thing is certain: we are already starting to feel the cost of the needless spilling of Muslim blood.' [13088] On 28 August 1992, Simo Drljača, in response to a request from the Ministry of Health, informed the CSB that there were no camps, prisons, or collection centres in Prijedor and that 1,335 'prisoners of war' had been moved to Manjača.[13089] On or about 24 September 1992, Milomir Stakić answered complaints by local Serbs on the release of detainees from Keraterm, Omarska, and Trnopolje, stating that the Government in Pale had decided to release them for two reasons: 'pressure from international public opinion and official policy and the steep cost of maintaining the prisons.'[13090]

3038. The non-Serbs in Prijedor Municipality who were not sent to detention camps were required to wear white armbands to distinguish themselves and were continuously subject to harassment, beatings and worse, with terror tactics being common.[13091] Propaganda was used to encourage Serbs who had not previously exhibited nationalistic tendencies to accept the policy of discrimination against non-Serbs, and those Serbs who refused to comply with the Serb policy of discrimination against non-Serbs were branded traitors.[13092] On 30 May 1992, **Nusret Sivac** heard radical 'Chetnik' songs on the radio calling for all Turks and other non-Serb people to be killed.[13093] All Serbs with assigned weapons were encouraged to defend the town and to destroy the group led by a person called Ećimović.[13094] During the day the witness heard radio announcements that the non-Serb population should put white flags outside their houses.[13095] The announcements also said that until further notice, non-Serbs would not be allowed to move freely around Prijedor Town.[13096]

3039. With regard to Sanski Most Municipality, another municipality in the ARK, in the period from the end of May to August 1992, in total, more than 88 Muslim civilians were killed by Serb forces.[13097] In this respect, the Trial Chamber also refers to its

[13088] Adjudicated Facts I, no. 942.
[13089] Adjudicated Facts I, no. 943.
[13090] Adjudicated Facts I, no. 944.
[13091] Adjudicated Facts I, no. 925.
[13092] Adjudicated Facts I, no. 927.
[13093] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6573
[13094] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6573.
[13095] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6576.
[13096] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6576.
[13097] Adjudicated Facts I, no. 1180.

findings concerning murders and other crimes in Sanski Most Municipality, in chapter 4.12. These forces attacked many majority-Muslim villages and settlements in the municipality and destroyed mosques and Muslim houses and business premises.[13098] **Witness RM-016**, a Bosnian Serb from Banja Luka,[13099] testified that after the attack on Mahala, Muslim and Croat civilians who were found there were taken to collection centres and registered.[13100] In late May 1992, Serb forces began to arrest Croat and Muslim leaders.[13101] Some, including the secretary of the SDA municipal board, a Muslim judge, and the municipal chief of police, were killed.[13102] Serb forces detained more than 1,500 mainly Muslim and Croat civilians in 18 detention facilities in Sanski Most Municipality, where they were mistreated on a regular basis.[13103]

3040. Turning to Ključ Municipality, **Atif Džafić**, the Bosnian-Muslim police commander of the Ključ SJB from 1991 to 21 or 22 May 1992,[13104] stated that the municipality had a number of collection centres, that is, detention facilities where people were gathered up to a few days before they were sent to a long-term detention facility.[13105] He estimated some 10,000 to 12,000 people were collected through these collection centres and then sent to detention camps.[13106] In Sanica, these collection centres included: the elementary school gym, the police office, the railway station, and the elementary school of upper Sanica.[13107] The following collection centres existed in the town of Ključ: Nikola Mačkić elementary school, the football ground, and the Šuma transport office.[13108] Smaller villages in the municipality also had collection centres.[13109] The collection centres were generally very crowded and there was no access to medical facilities.[13110] Most of the detainees were Muslims and some were Croats.[13111] After their stay in the collection centre most detainees were transferred to Manjača Camp.[13112]

[13098] Adjudicated Facts I, no. 1180.
[13099] P2375 (Witness RM-016, witness statement, 5 August 2013), p. 1, paras 4, 11, 16; Witness RM-016, T. 17398.
[13100] P2375 (Witness RM-016, witness statement, 5 August 2013), para. 67.
[13101] Adjudicated Facts I, no. 1163.
[13102] Adjudicated Facts I, no. 1163.
[13103] Adjudicated Facts I, no. 1206.
[13104] P3394 (Atif Džafić, witness statement, 28 September 2011), p. 1, paras 1, 4, 6; P3395 (Atif Džafić, *Karadžić* transcript, 30 September 2011), p. 19657.
[13105] P3394 (Atif Džafić, witness statement, 28 September 2011), para. 145.
[13106] P3394 (Atif Džafić, witness statement, 28 September 2011), para. 145.
[13107] P3394 (Atif Džafić, witness statement, 28 September 2011), para. 146.
[13108] P3394 (Atif Džafić, witness statement, 28 September 2011), para. 151.
[13109] P3394 (Atif Džafić, witness statement, 28 September 2011), para. 157.
[13110] P3394 (Atif Džafić, witness statement, 28 September 2011), paras 149-150, 154-155.
[13111] P3394 (Atif Džafić, witness statement, 28 September 2011), paras 147-148, 152-153.
[13112] P3394 (Atif Džafić, witness statement, 28 September 2011), paras 148, 153.

3041. With regard to other areas in Bosnia-Herzegovina, the Adjudicated Facts paint a similar picture. Between April and September 1992, at least 52 persons of mainly Muslim ethnicity were killed by Serb forces in Bijeljina municipality.[13113] The plan of the Bijeljina SDS was to kill a Muslim family on each side of town to create an atmosphere of fear.[13114] In September 1992, this plan was implemented by Duško Malović's special police unit, at the instigation of Drago Vuković, an employee of the local MUP and a member of the Bijeljina crisis staff.[13115] At the end of July and beginning of August 1992, villages such as Ljuta, Jelašca, Jezero, Mjehovina, and Daganj in Kalinovik Municipality were shelled, burnt, and taken by the VRS.[13116] Many villagers, including elderly and women, were killed during these attacks.[13117] With regard to Sokolac Municipality, **Milan Tupajić**, President of the Sokolac Municipal Assembly from 1991 and President of the Sokolac Crisis Staff from April 1992 until 1996,[13118] stated that members of the 2nd Motorized Romanija brigade arrested Muslims without grounds and held them without pressing charges in, among other places, the factory in Palez, near Knežina; a restaurant in Knežina; and the cellar of the building where the post office was.[13119] The Trial Chamber further recalls and refers to its findings regarding crimes in all the Municipalities in chapter 4.

3042. With regard to Srebrenica, the Trial Chamber took judicial notice of several Adjudicated Facts describing the overall situation in the enclave. Thousands of Bosnian-Muslim men from the Srebrenica enclave were executed and buried in different locations in the Srebrenica, Bratunac, and Zvornik municipalities.[13120] Between 7,000 and 8,000 Bosnian-Muslim men were systematically murdered.[13121] Except for some who were wounded, all the men, whether separated in Potočari or captured from the column, were executed, either in small groups or in carefully orchestrated mass executions.[13122] Some were killed by the soldiers who captured them and some were killed in the places where they were temporarily detained.[13123] Most of the Bosnian-

[13113] Adjudicated Facts I, no. 504.
[13114] Adjudicated Facts I, no. 521.
[13115] Adjudicated Facts I, no. 521.
[13116] Adjudicated Facts I, no. 739.
[13117] Adjudicated Facts I, no. 739.
[13118] P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), pp. 15321, 15469, 15471; P3182 (Letter of resignation by Milan Tupajić, 9 October 1992).
[13119] P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), pp. 15387-15388, 15409-15410.
[13120] Adjudicated Facts II, no. 1474.
[13121] Adjudicated Facts II, no. 1476.
[13122] Adjudicated Facts II, no. 1477.
[13123] Adjudicated Facts II, no. 1478.

Muslim men who were systematically murdered, however, were slaughtered in carefully orchestrated mass executions, commencing on 13 July 1995, in the region just north of Srebrenica.[13124] In executing the captured Bosnian-Muslim men, no effort was made to distinguish the soldiers from the civilians.[13125] All of the executions systematically targeted Bosnian-Muslim men of military age, regardless of whether they were civilians or soldiers.[13126] The groups of Bosnian Muslims killed by the VRS included boys and elderly men normally considered outside the range of military age.[13127] Some of the victims were severely handicapped and, for that reason, unlikely to have been combatants.[13128] Serious bodily or mental harm was done to the few individuals who survived the mass executions.[13129] The massacred men amounted to about one fifth of the overall Srebrenica community.[13130]

3043. The women of the Bosnian-Muslim community of Srebrenica have often been forced to live in collective and makeshift accommodations for many years, with a reduced standard of living.[13131] The vast majority of Bosnian-Muslim women refugees have been unable to find employment.[13132] Women who were forced to become the head of their households following the take-over of Srebrenica have had difficulties with the unfamiliar tasks of conducting official family business in the public sphere.[13133] Younger children who survived the take-over of Srebrenica have developed adjustment problems, such as low levels of concentration, nightmares, and flashbacks.[13134]

3044. As indicated above, when determining whether the general elements of crimes against humanity are met, the Trial Chamber also considered the evidence and its findings with regard to the individual counts in the Indictment. The review and analysis of this evidence is presented in chapters 4, 5, and 7. In summary, the Trial Chamber found that the SRK committed murder of civilians in Sarajevo over the course of several years. As detailed in chapters 4, 7, and 8, the Trial Chamber found that a number of perpetrators, including members of the VRS and MUP, committed murder of Bosnian

[13124] Adjudicated Facts II, no. 1479.
[13125] Adjudicated Facts II, no. 1481.
[13126] Adjudicated Facts II, no. 1482.
[13127] Adjudicated Facts II, no. 1483.
[13128] Adjudicated Facts II, no. 1484.
[13129] Adjudicated Facts II, no. 1485.
[13130] Adjudicated Facts II, no. 1480.
[13131] Adjudicated Facts II, no. 1653.
[13132] Adjudicated Facts II, no. 1654.
[13133] Adjudicated Facts II, no. 1654.
[13134] Adjudicated Facts II, no. 1656.

Muslims and Bosnian Croats in the Municipalities and Srebrenica as crimes against humanity. These incidents of murder were also found to be acts of persecution as a crime against humanity. Various incidents were found by the Trial Chamber to be extermination as a crime against humanity. The same perpetrators also committed a large number of incidents of unlawful detention, inhumane acts, destruction, and plunder as persecution. Moreover, as set out in detail in chapters 4, 7, and 8, the Trial Chamber finds that a number of perpetrators, including members of the VRS and MUP, committed the crimes of deportation and inhumane acts (forcible transfer) against a large number of Bosnian Muslims and Bosnian Croats from the Municipalities and from Srebrenica. The Trial Chamber finds that these crimes were committed throughout the geographical and temporal scope of the Indictment.

3045. As set out above, the acts of violence were committed against thousands of victims throughout the Bosnian-Serb Republic and over a period of many years. These acts required a certain degree of, or in some cases extensive, organisation. This is particularly evident with regard to the establishment and running of detention facilities in the Municipalities and of the operation in Srebrenica in July 1995. Therefore, based on the evidence described above, including the findings with regard to individual counts in the Indictment, the Trial Chamber finds beyond reasonable doubt that there was a widespread and systematic attack directed against the Bosnian-Muslim and Bosnian-Croat civilian population in Bosnia-Herzegovina, including the civilian population of Sarajevo.

3046. With regard to the requirement that the acts of the perpetrator need to be part of the attack, the Trial Chamber considered the circumstances of the acts, in particular the ethnicity of the victims, the nature of the acts (for example sniping, firing modified air bombs, rape, beatings), and the time and place of their commission, and finds beyond reasonable doubt that the acts found in chapters 4, 5, and 7 were part of the widespread and systematic attack directed against the civilian population.

3047. With regard to the requirement that the perpetrator knew that his or her acts are part of the attack, the Trial Chamber considers that the crimes were committed on a large scale and over a long period. In addition, the crimes were widely reported on by the international and national media as well as through communication and reporting within the VRS and the MUP and other internal channels in the Bosnian-Serb Republic. The widespread character and nature of the crimes inevitably created an awareness in

the principal perpetrators that an attack as described above existed and that their acts were part of it. Under these circumstances, the Trial Chamber finds beyond reasonable doubt that the perpetrators knew that their acts were part of this attack.

3048. Having determined the existence of an armed conflict and a widespread and systematic attack directed against a civilian population at the relevant time and place, the Trial Chamber will now assess the individual acts charged as crimes against humanity.

8.3 Murder

8.3.1 Applicable law

3049. Count 5 of the Indictment charges the Accused with murder as a crime against humanity, punishable under Article 5 (a) of the Statute. Count 6 of the Indictment charges the Accused with murder as a violation of the laws or customs of war under Article 3. The general elements and jurisdictional requirement for these crimes have been discussed in chapters 8.1 and 8.2, above.

3050. The crime of murder requires proof of the following elements:

(a) the victim died;

(b) an act or omission of the perpetrator caused the victim's death; and

(c) the act or omission was committed with intent to kill the victim or to wilfully cause serious bodily harm which the perpetrator should reasonably have known might lead to death.[13135]

8.3.2 Legal findings

3051. In chapters 4.1.1, 4.2.1, 4.3.1, 4.5.1, 4.6.1, 4.7.1, 4.8.1, 4.10.1, 4.11.1, 4.12.1, 4.13.1, 4.14.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8.1, 7.8.2, 7.9, 7.10, 7.11, 7.12, 7.13.1, 7.13.2, 7.14.1, 7.14.2, 7.15, 5.2.2, 5.2.6, 5.2.7, 5.2.8, 5.2.11, 5.3.3, 5.3.4, 5.3.5, 5.3.6, 5.3.7, 5.3.10, 5.3.11, the Trial Chamber decided to further consider the following incidents of alleged murder against the applicable law:

Schedule A

(a) Scheduled Incident A.2.1 - in early July 1992, the killing of ten Bosnian Muslims of the village of Mješaja/Trošanj in Foča Municipality by local Serb soldiers, led by Gojko Janković, whose sub-unit was subordinated to Marko Kovač, Commander of the Foča Tactical Group, and including Radomir Kovač, Janko Janjić, Slavo Ivanović, Dragan Zelenović, and Visco Miletić, as further set out in chapter 4.3.1;

[13135] *Kvočka et al.* Appeal Judgment, para. 261.

(b) Scheduled Incident A.3.3 - on 10 July 1992, the killing of at least 189 Bosnian-Muslim detainees in Biljani, Ključ Municipality by VRS soldiers including military police, and reserve police members, in the context of a mopping-up operation conducted pursuant to an order from Drago Samardžija, Commander of the VRS 17th Light Infantry Brigade, as further set out in chapter 4.6.1;

(c) Scheduled Incident A.4.4 - on 4 November 1992, the killing of approximately 150 unarmed Bosnian-Muslim men at Grabovica School by the VRS 1st Kotor Varoš Brigade and the 2nd Battalion of the 22nd Brigade; and on 5 November 1992, the killing of a wounded Bosnian-Muslim detainee, who had survived the killings at Grabovica School, by Pero Zarić, as further set out in chapter 4.7.1;

(d) Scheduled Incident A.6.1 - from 24 until around 27 May 1992, the killing by shelling of over 800 inhabitants of Kozarac, as well as the killing of at least 80 Bosnian-Muslim civilians and 10-14 surrendered Bosnian-Muslim policemen by VRS units of the Banja Luka Corps, Duško Tadić, the Serb police, and Andžić's paramilitaries upon their entry into the village, and the killing of 66 people around the Benkovac training grounds by armed Bosnian Serbs, as further set out in chapter 4.10.1;

(e) Scheduled Incident A.6.2 - on 11 June 1992, the killing of an unarmed Bosnian-Muslim man by a Serb police officer named Jevo Maseldžija in Hambarine; and on 1 July 1992, the killing of a Bosnian-Muslim man by a group of four men including Mlado Jurusić in Behlići, as further set out in chapter 4.10.1;

(f) Scheduled Incident A.6.3 - around 26 May 1992, the killing of nine Bosnian Muslims by Bosnian-Serb soldiers in Kamičani, as further set out in chapter 4.10.1;

(g) Scheduled Incident A.6.4 - on 14 June 1992, the killing of 19 Bosnian-Muslim men in Jaskići by uniformed soldiers who were with Duško Tadić, as further set out in chapter 4.10.1;

(h) Scheduled Incident A.6.5 - between 1 and 23 July 1992, the killing of at least 21 unarmed Bosnian-Muslim and Bosnian-Croat civilians in Čarakovo by members of the Bosnian-Serb military and police, as well as Velimir Đurić, Zoran Babić, Dragomir Soldat, Goran Gruban, Mico Jurusić, Vinko Panić, a man called Stakić and a man nicknamed 'Kojo', as further set out in chapter 4.10.1;

(i) Scheduled Incident A.6.6 - on 20 July 1992, the killing of five unarmed Bosnian-Muslim men in the village of Bišćani by Bosnian-Serb soldiers; on the same day, the

killing of ten Bosnian-Muslim men from the village of Bišćani who had been put on a bus, near Prijedor by a 'commander'; on the same day, the killing of at least ten Bosnian-Muslim men by the same 'commander' in an area called Kratalj; on the same day, the killing of a Bosnian-Muslim man in Čemernica by a soldier named Gligić; on the same day, the killing of 30 to 40 Bosnian-Muslim men and children in Mrkalji, by approximately 25 Bosnian-Serb soldiers; on the same day, the killing of two unarmed Bosnian-Muslim men by members of the former JNA, members of the police forces, or paramilitaries in Mrkalji; and on the same day, the killing of 12 Bosnian Muslims in Hegići by Bosnian-Serb soldiers, as further set out in chapter 4.10.1;

(j) Scheduled Incident A.6.7 - around 25 July 1992, the killing of all but two of the more than 50 predominantly Bosnian-Muslim or Bosnian-Croat detainees from Ljubija football stadium in an iron-ore mine called Kipe by Bosnian-Serb soldiers, as further set out in chapter 4.10.1;

(k) Scheduled Incident A.6.8 - around 25 July 1992, the killing of 15 of the predominantly Bosnian-Muslim or Bosnian-Croat men detained at the Ljubija football stadium by soldiers, including a VRS military police officer, and police, including a policeman called Stiven, as further set out in chapter 4.10.1;

(l) Scheduled Incident A.6.9 - on 24 and 25 July 1992, the killing by shelling of at least 68 people in Briševo by members of the VRS forces, first through shelling and then by shooting inhabitants upon entering the village, as further set out in chapter 4.10.1;

(m) Scheduled Incident A.7.1 - on or about 31 May 1992, the killing of at least 32 Bosnian Muslims on the way to and at the Vrhopolje bridge by uniformed men including Nenad Kaurin and Jadranko Palija, a member of the reserve police and a member of the VRS 6th Krajina Brigade respectively, as further set out in chapter 4.12.1;

(n) Scheduled Incident A.7.2 - on 31 May 1992, the killing of around 31 Bosnian Muslims in Jelečevići by either part of the VRS's 6th Krajina Brigade or a paramilitary formation, all under the command of Colonel Basara, commander of the VRS's 6th Krajina Brigade, as further set out in chapter 4.12.1;

(o) Scheduled Incident A.7.3 - around 27 June 1992, the killing of at least 17 Muslim men from Kenjari in Blaževići by Serbs subordinated to the 6th Krajina Brigade command, as further set out in chapter 4.12.1;

(p) Scheduled Incident A.7.4 - on 1 August 1992, the killing of 14 Muslim men from Budim by Serb soldiers led by Mićo 'Kudra' Praštalo, commander of the paramilitary unit from Lušci Palanka, as further set out in chapter 4.12.1;

(q) Scheduled Incident A.7.5 - on 2 November 1992, the killing of nine Bosnian Croats at the Glamošnica forest close to Škrljevita in Sanski Most Municipality by Daniluško Kajtez and Miloš Maksimović, both soldiers in the 6th Krajina Brigade, as well as Todo Vokić, and Goran Vukojević, as further set out in chapter 4.12.1;

(r) Scheduled Incident A.8.1 - on 22 September 1992, the killing of 40-45 Bosnian-Muslim men and one Bosnian-Muslim woman in Novoseoci by members of the VRS 2nd Romanija Brigade, as further set out in chapter 4.13.1; and

(s) Scheduled Incident A.9.1 - on 2 June 1992, the killing of at least 20 Bosnian-Muslim men in the village of Drum by members of Kraljević's unit, under TO command, or VRS members, as further set out in chapter 4.14.1.

Schedule B

(a) Scheduled Incident B.1.1 - on 6 June 1992, the killing at Manjača camp, Banja Luka Municipality, of six Bosnian-Muslim detainees taken from Hasan Kikić Elementary School in Sanski Most by several policemen from Sanski Most, as further set out in chapter 4.1.1;

(b) Scheduled Incident B.1.2 - on 7 July 1992, the killing of approximately 24 mostly Bosnian-Muslim detainees from Betonirka detention facility in Sanski Most suffocating to death *en route* to Manjača camp by policemen, as further set out in chapter 4.1.1;

(c) Scheduled Incident B.1.4 - between 3 June and 18 December 1992, the killing of two Bosnian-Muslim detainees at Manjača camp by camp guards, VRS and SJB members, as further set out in chapter 4.1.1;

(d) Scheduled Incident B.2.1 - between 30 June and 5 July 1992, the killing of a Bosnian-Croat detainee at Batković camp, Bijeljina Municipality, by policemen under Mirović, the Commander of the Police Force in Vlasenica, and guards, VRS members, under Velibor Stojanović; between July 1992 and July 1993, the killing of two elderly Bosnian-Croat detainees by two guards, VRS members, and soldiers from the front-line allowed into Batković camp by the former two, as further set out in chapter; and around

the end of 1992 or beginning of 1993, the killing of two detainees from Batković camp by soldiers from the Krajina Corps, as further set out in chapter 4.2.1.

(e) Scheduled Incident B.5.1 - in June and July 1992, the killing of 36 Bosnian-Muslim detainees at KP Dom, Foča Municipality, by camp guards, MoJ employees and VRS members, and members of the military coming from outside into KP Dom; in the second half of 1992, the killing of hundreds of the predominantly Bosnian-Muslim detainees at KP Dom by guards, MoJ employees and VRS members, and by others, including Dragan Zelenović a.k.a. Zelja, Gojko Janković, Predrag Trivun a.k.a. Pedo or Pedolino, Janko Janjić, Zoran Samardžić, Pero Elez, and a man from Brane Ćosović's units, all of whom headed, or were members of, sub-units under Marko Kovač, Commander of the Foča Tactical Group; and in June 1993, the killing of a Muslim after being taken out of KP Dom by Predrag Trivun and Zoran Samardžić, both subordinated to Pero Elez, who headed his own sub-unit under Marko Kovač, Commander of the Foča Tactical Group, and by others, as further set out in chapter 4.3.1;

(f) Scheduled Incident B.7.1 - on 5 August 1992, the killing of 23 detainees taken from the ammunition warehouse in Jalašačko Polje in Kalinovik in Rantine, Foča Municipality, by five or six soldiers commanded by Pero Elez, who headed his own sub-unit under Marko Kovač, Commander of the Foča Tactical Group, as further set out in chapter 4.5.1;

(g) Scheduled Incident B.8.1 - on 1 June 1992, the killing of at least 77 detainees at Velagići School, Ključ Municipality, by members of the VRS, as further set out in chapter 4.6.1;

(h) Scheduled Incident B.10.1 - in early June 1992, the killing of two detainees from the oil cisterns near Rajlovac barracks, Novi Grad Municipality, by Žarko Krsman, known as 'Šok', and Nikola Stanišić, the commander of a special unit, as further set out in chapter 4.8.1;

(i) Scheduled Incident B.10.2 - on 14 June 1992, the killing of at least 47 detainees from the oil cisterns near Rajlovac barracks in Sokolina by members of the VRS military police, as further set out in chapter 4.8.1;

(j) Scheduled Incident B.13.1 - on or around 25 July 1992, the killing of between 190 and 220 detainees, all or almost all of whom were Bosnian Muslims or Bosnian Croats,

held in Room 3 at Keraterm camp, Prijedor Municipality, by members of the SJB and VRS, as further set out in chapter 4.10.1;

(k) Scheduled Incident B.13.2 - between 29 May and August 1992, the killing of at least 50 detainees, almost all of whom were Bosnian-Muslim or Bosnian-Croat, held at Omarska camp, Prijedor Municipality, by camp guards and the police, as further set out in chapter 4.10.1;

(l) Scheduled Incident B.13.3 - on 5 August 1992, the killing of at least 126 detainees, who were almost exclusively Bosnian Muslims or Bosnian Croats, from Omarska and Keraterm camps by unidentified Bosnian Serbs, as further set out in chapter 4.10.1;

(m) Scheduled Incident B.13.4 - in the second half of July 1992, the killing of between approximately 100 and 180 detainees, all or almost all of whom were Bosnian Muslims or Bosnian Croats, from Omarska camp by camp guards and the police, as further set out in chapter 4.10.1;

(n) Scheduled Incident B.13.5 – between 26 May 1992 and the end of September 1992, the killing of at least two Bosnian-Muslim or Bosnian-Croat detainees held at Trnopolje camp, Prijedor Municipality, by camp guards, members of the TO and VRS; between 26 May and mid-August 1992, the killing of two Bosnian-Muslim or Bosnian-Croat detainees held at Trnopolje camp by a camp guard; around mid-July 1992, the killing of six Bosnian-Muslim detainees held at Trnopolje camp by camp guards, members of the TO and VRS; and on or about 24 or 25 August 1992, the killing of eleven Bosnian-Muslim or Bosnian-Croat detainees held at Trnopolje camp by Serb soldiers, as further set out in chapter 4.10.1;

(o) Scheduled Incident B.14.1 - between on or around 19 July and the end of October 1992, the killing of a Bosnian Muslim detainee held at Veljko Vlahović School, Rogatica Municipality, by Macola, who was a member of a paramilitary unit belonging to Arkan's men, as further set out in chapter 4.11.1;

(p) Scheduled Incident B.14.2 - on 15 August 1992, the killing in Duljevac, Rogatica Municipality, of 24 detainees from detention facilities in Rasadnik by two soldiers and Dragoje Paunović, commander of the Kozići unit of the VRS Rogatica Brigade, as further set out in chapter 4.11.1;

(q) Scheduled Incident B.16.1 - in June and July 1992, the killing of nine detainees at Sušica camp, Vlasenica Municipality, by local policemen and Dragan Nikolić and

Goran Tešić, both members of the Bosnian-Serb MUP and Kraljević's unit as further set out in chapter 4.14.1; and

(r) Scheduled Incident B.16.2 - on 30 September 1992, the killing of 140 to 150 detainees from Sušica camp by Serb MUP officers from the SJB Vlasenica, as further set out in chapter 4.14.1.

Schedule C

(a) Scheduled Incident C.9.1 - in August 1992, the killing of a detainee at Kalinovik Elementary School by Boško Govedarica, the Chief of Police at the Kalinovik SJB, as further set out in chapter 4.5.1;

(b) Scheduled Incident C.15.3 - during the night of 2 to 3 July 1992, the killing of a Bosnian-Croat detainee at Keraterm camp by camp guards, members of the SJB and VRS, as further set out in chapter 4.10.1;

(c) Scheduled Incident C.15.5 - in late July 1992, the killing of a Bosnian-Muslim detainee held at Miška Glava Dom, Prijedor Municipality, by a member of the Miška Glava TO, as further set out in chapter 4.10.1; and

(d) Scheduled Incident C.16.3 - between 5 August 1992 and April 1993, the killing of seven Bosnian-Muslim detainees held at Rasadnik camp, by camp guards, who were members of the SJB and the VRS; and, between December 1992 and April 1994, the killing of several Bosnian-Muslim detainees in and around Rasadnik camp, by Vinko Bojić, warden of Rasadnik camp at the time and member of the VRS Rogatica Brigade, as further set out in chapter 4.11.1.

Unscheduled Incidents

(a) around early spring of 1993, the killing of three elderly Bosnian-Muslim women in Foča Municipality by soldiers, upon the order of Marko Kovač, Commander of the Foča Tactical Group, as further set out in chapter 4.3.1; and

(b) around 13 June 1992, the killing of five elderly Bosnian-Muslim inhabitants in Hrvaćani Town, Kotor Varoš Municipality, by Serb military forces; on 2 July 1992, the killing of at least 30 Bosnian-Muslims, including 15 who were detained in the Alagić

café, in Vrbanjci, Kotor Varoš Municipality, by military forces under the command of Slobodan Župljanin and Saša Petrović, or members of the Banja Luka CSB Special Police Detachment, as further set out in chapter 4.7.1.

Schedule E and other incidents

(a) Scheduled Incident E.1.1 - on 13 July 1995, the killing of 15 Bosnian-Muslim male detainees, including a 14-year-old boy, one man wearing civilian clothing, and one man wearing a piece of military clothing, on the bank of the Jadar River by members of the police or the VRS military police, as further set out in chapter 7.2;

(b) Scheduled Incident E.2.1 - on or around 17 July 1995, the killing of approximately 150 non-Serb males, including minors, some as young as 14 years old, in the Cerska Valley by 'Chetniks' and members of the Special Police Detachment and Special Police Unit of the MUP, as further set out in chapter 7.3;

(c) Scheduled Incident E.3.1 - from 13 to 14 July 1995, the killing of approximately 1,000 Bosnian-Muslim males who were detained in Kravica Warehouse by members of the 2nd Šehovići Detachment of the Special Police Brigade, and the Bratunac Brigade, as further set out in chapter 7.4;

(d) Scheduled Incident E.4.1 - on 13 July 1995, the killing of 10-15 unarmed Bosnian-Muslim men, who had surrendered from the column near Sandići Meadow, by members of the 1st company of the Jahorina police training centre, and the killing of one wounded Bosnian-Muslim man on the same day, by a Serb soldier, as further set out in chapter 7.5;

(e) Scheduled Incident E.5.1 - on 14 July 1995, the killing of approximately 21 Bosnian-Muslim men dressed in civilian clothes, who were detained at the Luke school, in an isolated nearby pasture by members of the VRS, as further set out in chapter 7.6;

(f) Scheduled Incident E.6.1 - on 14 July 1995, the killing of two Bosnian-Muslim men detained at Grbavci School in Orahavac, by members of the Zvornik Brigade, as further set out in chapter 7.7;

(g) Scheduled Incident E.6.2 - on 14 July 1995, the killing of at least 819 Bosnian-Muslim men, previously detained at Grbavci School, on two meadows near Orahovac, by members of the Zvornik Brigade, as further set out in chapter 7.7;

(h) Scheduled Incident E.7.1 - on 14 July 1995, the killing of about 20 Bosnian-Muslim men detained at Petkovci School by members of the VRS, as further set out in chapter 7.8.1;

(i) Scheduled Incident E.7.2 - on 14 and 15 July 1995, the killing of about 401 Bosnian-Muslim males, including minors, previously detained at Petkovci School, by members of the 6th Infantry Battalion of the Zvornik Brigade at Petkovci Dam, as further set out in chapter 7.8.2;

(j) Scheduled Incident E.8.1 - on 14 or 15 July 1995, the killing of at least 12 Bosnian Muslims detained at Roćević School by members of the Zvornik Brigade, as further set out in chapter 7.9;

(k) Scheduled Incident E.8.2 - on 15 July 1995, the killing of at least 575 Bosnian-Muslim males who were previously detained at Roćević School by members of the Zvornik and Bratunac Brigades, as further set out in chapter 7.9;

(l) Scheduled Incident E.9.1 - on or about 14 or 15 July 1995, the killing of at least eight Bosnian-Muslim men at the Kula School near Pilica by members of the VRS Zvornik Brigade's 1st Battalion, as further set out in chapter 7.10;

(m) Scheduled Incident E.9.2 - on 16 July 1995, the killing of between 1,000 and 1,200 male Bosnian-Muslim detainees from Kula School in Pilica at the Branjevo Military Farm by VRS soldiers, as further set out in chapter 7.10;

(n) Scheduled Incident E.10.1 - on 16 July 1995, the killing of approximately 500 Bosnian-Muslim men and two women inside the Pilica Cultural Centre by VRS members, as further set out in chapter 7.10;

(o) Scheduled Incident E.12.1 - on 23 July 1995, the killing of 39 men and boys, almost all of whom were Bosnian Muslims, in Bišina by members of the VRS 10th Sabotage Detachment, as further set out in chapter 7.11;

(p) Scheduled Incident E.13.1 - between mid-July and mid-August 1995, the killing of six Bosnian-Muslim men and boys from Srebrenica near the town of Trnovo by members of the Skorpions Unit, as further set out in chapter 7.12;

(q) Scheduled Incident E.14.1 - on or about 12 July 1995, the killing of nine Bosnian-Muslim men near the UN Compound in Potočari on the Budak side of the main road by members of the VRS, as further set out in chapter 7.13.1;

(r) Scheduled Incident E.14.2 - on 13 July 1995, the killing of a Bosnian-Muslim man near the White House by VRS soldiers, as further set out in chapter 7.13.2;

(s) Scheduled Incident E.15.1 - from 12 to 14 July 1995, the killing of more than 50 Bosnian-Muslim men detained in and around Vuk Karadžić Elementary School by members of the VRS Bratunac Brigade Military Police Platoon, members of the special police, members of the Bosnian-Serb MUP civilian police, members of the Drina Wolves, and paramilitary formations, as further set out in chapter 7.14.1;

(t) Scheduled Incident E.15.3 - on the evening of 13 July 1995, the killing of a man, who was taken off a bus parked in front of Vuk Karadžić Elementary School in Bratunac, by VRS military policemen, as further set out in chapter 7.14.2;

(u) Unscheduled incident - during the night of 13 July 1995 and in the morning of 14 July 1995, the killing of 15 Bosnian-Muslim detainees outside of the supermarket at Kravica by VRS soldiers, as further set out in chapter 7.15;

(v) Unscheduled incident - on or about 18 July 1995, the killing of four captured Bosnian Muslims by VRS soldiers, as further set out in chapter 7.15; and

(w) Unscheduled incident - on or about 23 July 1995, the killing of ten injured Bosnian-Muslim detainees of the Zvornik Brigade barracks by VRS soldiers, as further set out in chapter 7.15.

Schedule F and other sniping incidents

(a) Scheduled Incident F.3 - on 11 July 1993, the killing of Munira Zametica, a 48-year-old woman, while collecting water from the Dobrinja River by an SRK member, as further set out in chapter 5.2.2;

(b) Scheduled Incident F.11 - on 8 October 1994, the killing of one person during a series of shootings, hitting two trams, by an SRK member, as further set out in chapter 5.2.6;

(c) Scheduled Incident F.12 - on 18 November 1994, the killing of Nermin Divović, a seven-year-old boy, in Sarajevo by an SRK member, as further set out in chapter 5.2.7;

(d) Scheduled Incident F.13 - on 23 November 1994, the killing of a man travelling on tram 238 in Sarajevo by an SRK member, as further set out in chapter 5.2.8;

(e) Unscheduled sniping incident - on 31 March 1993, the killing of Džemo Parla while she was retrieving water from a fountain in the Sedrenik neighbourhood of Stari Grad by an SRK member, as further set out in chapter 5.2.11;

(f) Unscheduled sniping incident - on 27 June 1993, the killing of Almasa Konjhodžić as she was walking near the intersection of Kranjčevića Street in Sarajevo by an SRK member, as further set out in chapter 5.2.11;

(g) Unscheduled sniping incident - on 26 September 1993, the killing of Edina Trto on Ivana Krndelja Street in Sarajevo by a VRS member, as further set out in chapter 5.2.11;

(h) Unscheduled sniping incident - on 11 January 1994, the killing of Hatema Mukanović, while she was in her apartment in Hrasno, by an SRK member, as further set out in chapter 5.2.11;

(i) Unscheduled sniping incident - on 24 October 1994, the killing of Adnan Kasapović, a 14-year-old civilian boy in Vojničko Polje by an SRK member, as further set out in chapter 5.2.11; and

(j) Unscheduled sniping incident - on 14 May 1995, the killing of Jasmina Tabaković in her apartment in Dobrinja by an SRK member, as further set out in chapter 5.2.11.

Schedule G and other shelling incidents

(a) Scheduled Incident G.4 - on 1 June 1993, the killing of over ten people in Dobrinja at a make-shift football pitch through shelling by members of the SRK, as further set out in chapter 5.3.3;

(b) Scheduled Incident G.6 - on 22 January 1994, the killing of six children in Sarajevo through shelling by a member or members of the SRK, as further set out in chapter 5.3.4;

(c) Scheduled Incident G.7 - on 4 February 1994, the killing of at least eight people in Dobrinja who were queuing for humanitarian aid through shelling by an SRK member, as further set out in chapter 5.3.5;

(d) Scheduled Incident G.8 - on 5 February 1994, the killing of over 60 people at the Markale Market in Sarajevo through shelling by members of the SRK, as further set out in chapter 5.3.6;

(e) Scheduled Incident G.10 - on 7 April 1995, the killing of one civilian in Hrasnica by members of the SRK launching a modified air bomb, as further set out in chapter 5.3.7;

(f) Scheduled Incident G.18 - on 28 August 1995, the killing of at least 43 people at the Markale Market in Sarajevo through shelling by members of the SRK, as further set out in chapter 5.3.10;

(g) Unscheduled shelling incident – on 27 May 1992, the killing of at least ten civilians on Vase Miškina Street in Sarajevo through shelling by a member of the SRK, as further set out in chapter 5.3.11;

(h) Unscheduled shelling incident - on 8 November 1994, the killing of at least four civilians in Sarajevo through shelling by members of the SRK, as further set out in chapter 5.3.11;

(i) Unscheduled shelling incident - on 22 June 1995, the killing of two people in Alipašino Polje by a member or members of the SRK launching a modified air bomb, as further set out in chapter 5.3.11;

(j) Unscheduled shelling incident - on 25 June 1995, the killing of three people in Stari Grad through shelling by a member or members of the SRK, as further set out in chapter 5.3.11;

(k) Unscheduled shelling incident - on 28 June 1995, the killing of three civilians in Sarajevo by a member or members of the SRK launching a modified air bomb, as further set out in chapter 5.3.11;

(l) Unscheduled shelling incident - on 30 June 1995, the killing of four people in Sarajevo through shelling by a member or members of the SRK, as further set out in chapter 5.3.11;

(m) Unscheduled shelling incident - on 1 July 1995, the killing of four people in Sarajevo through shelling by a member or members of the SRK, as further set out in chapter 5.3.11;

(n) Unscheduled shelling incident - on 23 July 1995, the killing of two civilians in Sokolovići by a member or members of the SRK launching a modified air bomb, as further set out in chapter 5.3.11; and

(o) Unscheduled shelling incident - on 22 August 1995, the killing of one civilian in Sarajevo by a member or members of the SRK launching a modified air bomb, as further set out in chapter 5.3.11.

3052. *Death and causality.* In light of its factual findings, the Trial Chamber finds that in all of the above-mentioned incidents the victims died and that their deaths were caused by acts of the perpetrators. The causes were mostly shooting, shelling, or beating. In one instance, death was caused by suffocation.

3053. *Intent.* With regard to most of the *Schedule A* incidents, the victims were targeted or detained prior to their killing. The Trial Chamber finds that the intent requirement is met in these incidents. In one of the remaining two incidents, Scheduled Incident A.6.1, over 800 inhabitants of Kozarac were killed during the shelling of the town. The shelling was followed by the advance of tanks and infantry, during which houses were set on fire and civilians and policemen were killed. When a doctor tried to negotiate safe passage of a severely injured boy to a hospital, the perpetrators responded that they would kill the Muslims anyway. In the other remaining incident (Scheduled Incident A.6.9), some of the victims died during a shelling attack. As in Kozarac, the advance of the attacking forces in Briševo following the shelling resulted in the killing of many inhabitants. The Trial Chamber finds that under these circumstances there is no reasonable doubt that the perpetrators shelled Kozarac and Briševo with the requisite intent for the crime of murder.

3054. In respect of each of the above *Schedule B, C, and unscheduled* incidents, given the circumstances of the killings, the Trial Chamber finds that the perpetrators acted with the requisite intent for the crime of murder.

3055. The scheduled and unscheduled Srebrenica (*Schedule E*) incidents relate to killings in the surroundings of Srebrenica. In some incidents, victims were lined up prior to the killings or shot in the back. In other incidents, the victims were killed in large numbers, insulted, beaten, or threatened prior to their killing, or killed upon a clear order. Under these circumstances, the Trial Chamber finds beyond reasonable doubt that the perpetrators in the Srebrenica incidents acted with the requisite intent for the crime of murder.

3056. The *Schedule F and other* incidents relate to sniping in Sarajevo. In many incidents, there was either a single shot or very few shots towards the victims or a series

of shots following the initial shot aimed at preventing rescuers from approaching. The Trial Chamber also considered its findings about the general conditions in Sarajevo as set out in chapter 5.1.1. Under these circumstances, the Trial Chamber finds that the only reasonable inference is that the perpetrators in the incidents at issue acted with the requisite intent for the crime of murder.

3057. The *Schedule G and other* incidents relate to shelling in Sarajevo. In all incidents, the shelling hit residential areas. The Trial Chamber recalls its findings in chapter 8.6 that the perpetrators in all incidents wilfully made civilians not taking direct part in hostilities the object of their shelling. The Trial Chamber finds that in all these incidents, the perpetrators acted with the requisite intent for the crime of murder.

3058. The Trial Chamber recalls its findings in chapters 8.1 and 8.2 with regard to the general elements and jurisdictional requirements of crimes against humanity and violations of the laws and customs of war.

3059. *Status of victims.* The Trial Chamber did not rely on Tabeau's determinations with regard to the status of victims, as further explained in Appendix B.

3060. In relation to the *Schedule A* incidents, the Trial Chamber finds that most of the victims were civilians. For some incidents (Scheduled Incident A.6.1 (the day after the attack at the Benkovac training grounds), Scheduled Incident A.6.2 (Aziz Behlić), Scheduled Incident A.6.6 (Hegići), and Scheduled Incident A.7.3), it remained unclear whether the victims were civilians or combatants. However, those people were at least detained at the time of killing, thus *hors de combat*. Accordingly, they did not actively participate in the hostilities at the time of the killings. In relation to Scheduled Incident A.2.1, Izet Ćolo was returning fire when he was killed. The Trial Chamber therefore finds that this victim was a combatant who actively participated in hostilities at the time of the killings. Accordingly, the killing of this man will not be further considered in relation to Counts 5 and 6 of the Indictment.

3061. In relation to the *Schedule B, C, and unscheduled* incidents, the Trial Chamber recalls that almost all victims were civilians. Where it remained unclear whether they were civilians, they were at least detained at the time of killing, thus *hors de combat.*

3062. In relation to the Srebrenica (*Schedule E*) incidents, the Trial Chamber finds that a number of the victims were civilians. For many incidents, for example Scheduled Incident E.1.1 (majority of the 15 victims), Scheduled Incident E.2.1 (three victims

without information on clothing), Scheduled Incident E.4.1, Scheduled Incident E.6.1, Scheduled Incident E.6.2 (some in military clothing), Scheduled Incident E.7.1, Scheduled Incident E.7.2, Scheduled Incident E.8.1 (some of the victims), Scheduled Incident E.8.2 (some of the victims), Scheduled Incident E.9.2, Scheduled Incidents E.10.1 (some victims), E.12.1, and E.13.1, and Scheduled Incident E.15.1, it remained unclear whether the victims were civilians or combatants. However, those people were at least detained at the time of killing, thus *hors de combat*. The Trial Chamber therefore finds that in all Srebrenica incidents, the victims were not actively participating in the hostilities at the time of the killings.

3063. In relation to the incidents related to *Schedules F and G*, the Trial Chamber finds that most of the victims, who included many children, were civilians who did not actively participate in the hostilities at the time of the shootings. People were shot when shopping, playing, when on trams, or lining up for humanitarian aid. Others were shot on their way to get water or even in their apartments. Victims were hit in residential areas, sometimes with modified air bombs. In relation to the remaining victims, in Scheduled Incident G.4, the Trial Chamber found that the shells were fired at a football tournament in a residential community. The victims were civilians, who did not actively participate in the hostilities at the time of the shelling, as well as combatants. Even though the combatants were carrying out a civilian activity, they were not *hors de combat*. Accordingly, the killings of any combatants in Scheduled Incident G.4 will not be further considered in relation to Counts 5 and 6 of the Indictment. Similarly, there was a small number of victims in Scheduled Incidents G.8 and G.18 who were combatants. These victims will also not be further considered in relation to Counts 5 and 6 of the Indictment.

3064. *Nexus.* The Trial Chamber recalls that all of the above-mentioned incidents occurred during the period in which an armed conflict took place in the territory of Bosnia-Herzegovina. Further, the Trial Chamber finds, based on the manner in which the acts took place, that there was a close relationship between the acts and the armed conflict. Therefore, the Trial Chamber finds that the nexus requirement has been met.

3065. *Conclusion.* The Trial Chamber finds that the following incidents constituted murder as charged in Counts 5 and 6 of the Indictment: Scheduled Incidents A.2.1 (except for the killing of Izet Ćolo), A.3.3, A.4.4, A.6.1 – A.6.9, A.7.1 – A.7.5, A.8.1, A.9.1, B.1.1, B.1.2, B.1.4, B.2.1, B.5.1, B.7.1, B.8.1, B.10.1, B.10.2, B.13.1 – B.13.5,

B.14.1, B.14.2, B.16.1, B.16.2, C.9.1, C.15.3, C.15.5, C.16.3, E.1.1, E.2.1, E.3.1, E.4.1, E.5.1, E.6.1, E.6.2, E.7.1, E.7.2, E.8.1, E.8.2, E.9.1, E.9.2, E.10.1, E.12.1, E.13.1, E.14.1, E.14.2, E.15.1, E.15.3, F.3, F.11, F.12, F.13, G.4 (except for the killing of any combatants), G.6, G.7, G.8 (except for the killing of the small number of combatants), G.10, G.18 (except for the killing of the small number of possible combatants), as well as the following unscheduled incidents: Foča Municipality, Kotor Varoš Municipality, Srebrenica unscheduled incidents of 13 July 1995, 18 July 1995 and 23 July 1995, Sarajevo sniping incidents of 31 March 1993, 27 June 1993, 26 September 1993, 11 January 1994, 24 October 1994, and 14 May 1995, and Sarajevo shelling incidents of 27 May 1992, 8 November 1994, 22 June 1995, 25 June 1995, 28 June 1995, 30 June 1995, 1 July 1995, 23 July 1995, and 22 August 1995.

8.4 Extermination

8.4.1 Applicable law

3066. Count 4 of the Indictment charges the Accused with extermination as a crime against humanity, punishable under Article 5 (b) of the Statute. The general elements and jurisdictional requirements for this crime have been discussed in chapter 8.2, above.

3067. The crime of extermination subsumes the elements of murder under Article 5 of the Statute.[13136] The *actus reus* of extermination requires that the killings constituting murder occur on a mass scale.[13137] Although 'mass scale' refers primarily to the number of killings, it does not suggest a numerical minimum.[13138] Relevant factors to consider when assessing whether the killings occurred on a mass scale include the time and place of the killings, the selection of the victims, and the manner in which they were targeted, and whether the killings were aimed at the collective group rather than victims in their individual capacity.[13139] The *actus reus* of extermination may be established through an aggregation of separate incidents where they form part of the same murder operation.[13140] In determining whether separate incidents may be aggregated, regard must be had to the circumstances in which the incidents occurred including the time and place of the killings, the manner of the killings and the identity of the perpetrators.[13141] The *mens rea* required for extermination is the intention to either (a) kill the victim, or

[13136] *Krajišnik* Trial Judgment, para. 716; *Ntakirutimana and Ntakirutimana* Appeal Judgment, para. 516; *Stakić* Appeal Judgment, para. 260; *Lukić and Lukić* Appeal Judgment, para. 536; *Tolimir* Appeal Judgment, para. 146; *Stanišić and Župljanin* Appeal Judgment, para. 1021.
[13137] *Ntakirutimana and Ntakirutimana* Appeal Judgment, paras 522, 542; *Stakić* Appeal Judgment, paras 259-260; *Bagosora and Nsengiyumva* Appeal Judgment, para. 394; *Stanišić and Župljanin* Appeal Judgment, para. 1021.
[13138] *Ntakirutimana and Ntakirutimana* Appeal Judgment, para. 516; *Stakić* Appeal Judgment, para. 260; *Lukić and Lukić* Appeal Judgment, para. 537; *Stanišić and Župljanin* Appeal Judgment, para. 1021. In the *Lukić and Lukić* case, the Appeals Chamber found that the killing of 59 persons was sufficiently large so as to constitute extermination (*Lukić and Lukić* Appeal Judgment, para. 543). In the *Akayesu* case, the ICTR Appeals Chamber upheld the finding that the killing of 16 persons constituted extermination (see *Akayesu* Appeal Judgment, paras 423-424; *Akayesu* Trial Judgment, paras 737-744).
[13139] *Stakić* Trial Judgment, para. 640; *Blagojević and Jokić* Trial Judgment, para. 573; *Nahimana et al.* Trial Judgment, para. 1061; *Lukić and Lukić* Appeal Judgment, para. 538; *Stanišić and Župljanin* Appeal Judgment, para. 1022.
[13140] *Karemera* Appeal Judgment, paras 661–662; *Tolimir* Appeal Judgment, para. 147; *Stanišić and Župljanin* Appeal Judgment, para. 1022.
[13141] *Bagosora and Nsengiyumva* Appeal Judgment, para. 396; *Tolimir* Appeal Judgment, paras 149-150; *Stanišić and Župljanin* Appeal Judgment, paras 1022, 1027.

(b) wilfully cause serious bodily harm which the perpetrator should reasonably have known might lead to death, with the additional intention to do so on a mass scale.[13142]

8.4.2 Legal findings

3068. In chapters 4.1.1, 4.2.1, 4.3.1, 4.4.1, 4.5.1, 4.6.1, 4.7.1, 4.8.1, 4.10.1, 4.11.1, 4.12.1, 4.13.1, 4.14.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8.1, 7.8.2, 7.9, 7.10, 7.11, 7.12, 7.13.1, 7.13.2, 7.14.1, 7.14.2, 7.15 the Trial Chamber decided to further consider the incidents of alleged extermination against the applicable law.

3069. *Actus reus.* The Trial Chamber recalls that the crime of extermination subsumes the elements of murder under Article 5 of the Statute as noted in chapter 8.4.1 above. The Trial Chamber also recalls that in chapter 8.3.2 it found that certain incidents of killing constitute murder as a crime against humanity.[13143] In assessing whether the element of mass scale was established for these incidents of murder, the Trial Chamber considered the number of deaths in each incident and the circumstances surrounding the deaths, including the selection of the victims, the time and place of the killings, and the manner in which the killings were carried out.

3070. In relation to *Schedule A*, in respect of the mass scale requirement for extermination, the Trial Chamber had regard to the specific considerations which follow in the paragraphs below.

3071. In relation to Scheduled Incident A.3.3, the killing of at least 189 Bosnian Muslims including women, older men, and one baby in Biljani by VRS soldiers military police and reserve police members occurred in a single day on 10 July 1992 in the context of a 'mopping-up operation' conducted pursuant to an order from Drago Samardžija, Commander of the VRS 17th Ključ Light Infantry Brigade. The killings were methodical with the perpetrators reading names from lists and selecting groups of people to be killed in succession. Constant derogatory remarks were made about the group of victims' Bosnian-Muslim ethnicity. The killings also took place in close

[13142] *Ntakirutimana and Ntakirutimana* Appeal Judgment, paras 522, 542; *Stakić* Appeal Judgment, paras 259-260; *Bagosora and Nsengiyumva* Appeal Judgment, para. 394; *Lukić and Lukić* Appeal Judgment, para. 536; *Stanišić and Župljanin* Appeal Judgment, para. 1036.
[13143] In relation to *Schedule A*, the Trial Chamber recalls that in chapter 8.3.2 it was found that in Scheduled Incident A.2.1, Izet Ćolo was a combatant and that the killing of this man would not be further considered in relation to Counts 5 and 6 of the Indictment. The Trial Chamber will not consider this killing further in relation to Count 4 of the Indictment.

geographical proximity, in and around Biljani School, although some detainees were transported away from the school in buses and then killed.

3072. In relation to Scheduled Incident A.4.4, there was organised selection, transport, and subsequent killing of approximately 150 unarmed Bosnian-Muslim men by the same set of perpetrators, namely the 1st Kotor Varoš Light Infantry Brigade, in a single day on 4 November 1992. The killings were at proximate locations (in Duboka, Maljava and the Grabovica School sports hall) and occurred after the victims were detained together at the Grabovica School.

3073. In relation to Scheduled Incident A.6.1, from 24 until around 26 May 1992, the killing by shelling of over 800 inhabitants in Kozarac during an attack on the predominantly Bosnian-Muslim town of Kozarac and its surrounding Bosnian-Muslim villages, as well as the killing of at least 80 Bosnian-Muslim civilians and 10-14 surrendered Bosnian-Muslim policemen after the attack by VRS units of the Banja Luka Corps, Duško Tadić, the Serb police, and Andžić's paramilitaries upon their entry into the village. In respect of the other incident in Schedule A.6.1 on the day after the attack, which concerned the killing of 66 Bosnian Muslims and Bosnian Croats by Bosnian Serbs, wearing different kinds of uniforms, the killings occurred in the context of 100 Bosnian Muslims and Bosnian Croats being arrested and then transferred to the Benkovac training grounds. The 66 people were taken out in groups and killed during the course of the day, except one man who had a Croatian passport, who was killed before the transfers to Benkovac.

3074. In relation to Scheduled Incident A.6.4, all 19 killings occurred on 14 June 1992 and the victims were resident in the village of Jaskići. Of the 19 men, 14 were taken by the soldiers from Jaskići and were buried together in the same mass grave in Jakarina Kosa, Prijedor Municipality, and five were found in Kevljani-Sivci and Kevljani-Jaskići, Prijedor Municipality, mass graves. These killing incidents, therefore, demonstrably formed part of the same murder operation.

3075. In relation to Scheduled Incident A.6.5, the killing of at least 21 unarmed Bosnian-Muslim and Bosnian-Croat civilians occurred during an attack on the village of Čarakovo between 1 and 23 July 1992, as part of a wider military operation in the Brdo area, by members of the Bosnian-Serb military and police some of whom directed derogatory remarks at the group as a whole as they were killing them. At least 16 of the

21 civilians were killed in the raid on 23 July and were shot in front of their houses and the rest were shot after having been forced to jump off a bridge.

3076. In relation to Scheduled Incident A.6.6, the killing of various people comprising at least 60 Bosnian-Muslim males including children by Bosnian-Serb soldiers, including a man called Zolka; a 'commander'; a soldier named Gligić; and members of the former JNA, members of the police forces or paramilitaries occurred in the village of Bišćani and the surrounding hamlets of Krataj, Čemernica, Mrkalji, and Hegići in a single day on 20 July 1992 in the context of an attack on the Brdo area by Bosnian-Serb forces consisting of military and police. Members of the Bosnian-Serb forces had told some victims to gather at various collection points and along with the 'commander' held them in custody. Given the geographical proximity of the killings, the attack on the Brdo area by forces consisting of military and the police (which included all the killings sites), and that the attacks occurred in a single day the killings demonstrably formed part of the same murder operation.

3077. In relation to Scheduled Incident A.6.7 and Scheduled Incident A.6.8, the killings, around 25 July 1992, of all but two of 50 predominantly Bosnian-Muslim and Bosnian-Croat detainees at the 'Kipe' iron-ore mine after their detention at the Ljubija football stadium and of 15 predominantly Bosnian-Muslim men detained at the Ljubija football stadium occurred in closely related circumstances; both incidents occurred in close geographical proximity near the stadium, at the same time, and targeted victims who were detained together as Bosnian Muslims or Bosnian Croats. Accordingly, both incidents formed part of a single murder operation.

3078. In relation to Scheduled Incident A.6.9, the killing of at least 68 people, in the mainly Bosnian-Croat village of Briševo, occurred in a single evening on 25 July 1992 and was in the context of an attack by the VRS on the village. The VRS killed the inhabitants, despite them being unarmed, first through shelling and then by shooting upon entering the village.

3079. In relation to Scheduled Incident A.7.1, VRS soldiers and paramilitaries rounded up, transported, and subsequently killed 32 Bosnian-Muslim men on the way to and at Vrhopolje Bridge in a single day on 31 May 1992. Some of the the victims were shot and killed after the perpetrators had lined them up, and others were shot and killed after being forced to jump off the bridge one-by-one into the water.

3080. In relation to Scheduled Incident A.7.2, the killing of around 31 Bosnian-Muslim men from households of Jelečevići, a Bosnian-Muslim hamlet in the area of Hrustovo, occurred in a single instance on 31 May 1992 after they had all taken refuge in a garage.

3081. In relation to Scheduled Incident A.7.3, the killing of at least 17 Bosnian-Muslim men around 27 June 1992 occurred after they were taken by the perpetrators from Kenjari to a house in the Blaževići hamlet. The men were killed as a group using explosives and gunfire in and around the house in which they were detained; the bodies of those who were killed outside were brought back into the house which was subsequently set on fire.

3082. In relation to Scheduled Incident A.8.1, the killing of 40-45 Bosnian-Muslim men and one Bosnian-Muslim woman occurred on a single day on 22 September 1992, as the perpetrators attacked the village of Novoseoci where the victims were present. The killings occurred in the context of the village population showing no resistance; the perpetrators entirely surrounded the village and carried out the killings contemporaneously as a single murder operation.

3083. In relation to Scheduled Incident A.9.1, the killing of at least 20 Bosnian-Muslim men in the Bosnian-Muslim village of Drum, around 2 June 1992, occurred in the context of a large military operation in Vlasenica by members of Kraljević's unit which was part of the TO or VRS members who were instructed to cleanse the territory of Muslims. The victims were dragged out of their houses and were each shot with a gunshot to the head with automatic weapons by the same set of perpetrators at the same time. The killings were, therefore, demonstrably part of a single murder operation.

3084. Based on the foregoing, the Trial Chamber finds that, in the above incidents, killings on a mass scale have been proven.

3085. The Trial Chamber finds that Scheduled Incidents A.2.1, A.6.3, A.7.4, and A.7.5 did not satisfy the requirement of mass scale given the significantly low numbers of people killed in each incident and the absence of any other circumstances indicating that the killings were on a mass scale.[13144] The Trial Chamber also considered that the incidents above were not sufficiently connected to other incidents with regard to time, geographical proximity or through affiliation of the perpetrators so as to aggregate them

[13144] In Scheduled Incident A.2.1 ten people were killed; in Scheduled Incident A.6.3 nine people were killed; in Scheduled Incident A.7.4 14 people were killed, in Scheduled Incident A.7.5 nine people were killed.

for the purposes of assessing the mass scale requirement. Accordingly, the Trial Chamber will not further consider these killing incidents in respect of the charge of extermination under Count 4 of the Indictment.

3086. In relation to Scheduled Incident A.6.2, the Trial Chamber finds that the killing of the two men occurred after the main attack on Hambarine and that there was insufficient evidence tying the killing of the two men either to the main attack or to each other as they occurred on different dates, at different locations and by different perpetrators; one man was killed on 11 June 1992 by Serb police in Hambarine and the other on 1 July 1992 by men who were described as 'Chetniks' in Behlići. The victims were targeted in their individual capacity rather than as a collective group as demonstrated by the single and isolated deaths. Accordingly, the Trial Chamber will not further consider this killing incident in respect of the charge of extermination under Count 4 of the Indictment.

3087. In relation to *Schedule B, Schedule C, and unscheduled incidents*, in respect of the mass scale requirement for extermination, the Trial Chamber had regard to the specific considerations which follow in the paragraphs below.

3088. In relation to Scheduled Incident B.1.2, approximately 24 Bosnian-Muslim detainees, among a larger group, were suffocated to death *en route* to Manjača camp after having been transported in conditions which inevitably led to extreme dehydration, oxygen deprivation, and subsequent death, as demonstrated by the remarks of the perpetrators, which included 'we will see how many will arrive in Manjača'.

3089. In relation to Scheduled Incident B.5.1, the killing of 36 Bosnian-Muslim detainees in June and July 1992 and the killing of hundreds in the second half of 1992 at KP Dom were proximate in time and location, constituted a large number of detainees, and the perpetrators were camp guards sharing the same affiliation. These killing incidents, therefore, demonstrably formed part of a single murder operation.

3090. In relation to Scheduled Incident B.7.1, the killing of 23 Bosnian-Muslim detainees in Rantine occurred after they were transported together with their hands tied and brought to a stable where they were summarily shot and their bodies set on fire.

3091. In relation to Scheduled Incident B.8.1, the killing of at least 77 Bosnian-Muslim detainees held at Velagići School occurred after they were lined up and summarily shot. In relation to Scheduled Incident B.10.2, the killing of at least 47 Bosnian-Muslim

detainees from the oil cisterns near Rajlovac Barracks occurred by concentrated gun-fire and fire-bombing that targeted the buses in which they were all being transported to the village of Sokolina.

3092. In relation to Scheduled Incident B.13.1, the killing of between 190 and 220 detainees, all or almost all of whom were Bosnian-Muslim and/or Bosnian-Croat, held in Room 3 at Keraterm camp occurred by corralling them into a single room, using some form of chemical gas to cause the detainees to panic, and then using a machine-gun aimed at the entrance of the room to shoot the detainees as they exited. In relation to Scheduled Incident B.13.3, the killing of at least 126 detainees, who were almost exclusively Bosnian-Muslim and/or Bosnian-Croat, from Omarska and Keraterm camps occurred after they were transported together towards Kozarac and Sanski Most. In relation to Scheduled Incident B.13.4, the killing of approximately between 100 and 180 detainees, all or almost all of whom were Bosnian-Muslim or Bosnian-Croat, in Omarska camp, who had been brought from the Brdo region occurred in a single day and after the detainees were selectively and severely beaten upon their arrival at the camp.

3093. In relation to Scheduled Incident B.14.2, the killing of 24 Bosnian-Muslim detainees at Duljevac was in the context of some of them having been used as human shields. They also had their hands tied behind their backs, were lined up and then summarily shot. The perpetrators returned to the incident site to kill two detainees who survived the initial shooting. In relation to Scheduled Incident B.16.2, the killing of between 140 and 150 Bosnian-Muslim detainees occurred in a single evening on 30 September 1992. The detainees were systematically removed from Sušica camp by MUP officers and then killed.

3094. In relation to the unscheduled incident on 2 July 1992 in Kotor Varoš Municipality, the killing of at least 30 Bosnian Muslims, including 15 who were detained in the Alagić café, was by members of military forces under the command of Slobodan Župljanin, the 2nd Infantry Battalion Commander of the VRS 22nd Brigade, and Saša Petrović, or members of the Banja Luka CSB Special Police Detachment, during their attack on Vrbanjci and occurred in retaliation for an ambush of VRS forces by armed Muslims, indicating that those killed were targeted as a group.

3095. Based on the foregoing, the Trial Chamber finds that in the above incidents, killings on a mass scale have been proven.

3096. The Trial Chamber finds that Scheduled Incidents B.1.1, B.1.4, B.2.1, B.5.1 in respect of the killing in June 1993, B.10.1, B.13.5, B.14.1, B.16.1, C.9.1, C.15.3, C.15.5 and C.16.3, the unscheduled incident in Foča Municipality, and the unscheduled incident in Kotor Varoš Municipality in respect of the killings on 13 June 1992, do not satisfy the requirement of mass scale given the significantly low numbers of people killed in each incident and the lack of any other circumstances indicating that the killings were on a large scale.[13145] The Trial Chamber also considers that the incidents above were not sufficiently connected to other incidents with regard to time, geographical proximity or through affiliation of the perpetrators so as to aggregate them for the purposes of assessing the mass scale requirement. Accordingly, the Trial Chamber will not further consider these killing incidents in respect of the charge of extermination under Count 4 of the Indictment.

3097. In relation to Scheduled Incident B.13.2, the Trial Chamber considered that the killings were too disparate to have been aimed at a collective group although they occurred in the same place, at Omarska camp, and mainly by perpetrators who were camp guards. The killings occurred on separate occasions over a relatively prolonged period of time between 29 May and August 1992. Although the killings were cruel and brutal there was no pattern to the killings and the perpetrators targeted individuals or small groups within the population detained at the camp. The Trial Chamber finds that the killings were orchestrated to kill individual victims and, therefore, the mass scale requirement is not satisfied. Accordingly, the Trial Chamber will not further consider this killing incident in respect of the charge of extermination under Count 4 of the Indictment.

3098. In relation to *Schedule E*, the Trial Chamber had regard to the specific considerations, which follow in the paragraphs below, in respect of the mass scale requirement for extermination.

3099. In relation to Scheduled Incident E.1.1, on 13 July 1995, 15 Bosnian-Muslim males were killed in a single instance after being taken out from the Kravica warehouse where they were detained, lined-up and then shot. A 14-year-old boy was among those killed. In relation to Scheduled Incident E.2.1, approximately 150 Bosnian-Muslim males including minors were transported in a convoy, between 13 and 17 July 1995,

[13145] In these incidents, the largest number of people killed in a single incident was eleven (in Scheduled Incident B.13.5).

shot and buried afterwards in a mass grave. In relation to Scheduled Incident E.3.1, from 13 to 14 July 1995, approximately 1,000 Bosnian-Muslim males who were detained in Kravica Warehouse were killed by perpetrators who discharged hand grenades, anti-tank rockets and bullets into the warehouse once it was full; the perpetrators killed those who survived the initial round of fire or those who were attempting to escape. In relation to Scheduled Incident E.5.1, on 14 July 1995, approximately 21 Bosnian-Muslim males, who were detained at Luke School, were transported together from the school to a nearby pasture and shot.

3100. In relation to Scheduled Incident E.6.2, at least 819 Bosnian- Muslim males, who were detained at Grbavci School, were transported in an organised manner to two meadows near Orahovac, having been directed to the school gym first, then loaded onto trucks in groups and brought to the meadows in turns until the gym was empty. The victims were lined up in the meadows and killed in one single day on 14 July 1995.

3101. In relation to Scheduled Incidents E.7.1 and E.7.2, about 20 Bosnian-Muslim men, detained at Petkovci School, were killed on 14 July 1995. About 401 Bosnian-Muslim males, including minors, who had been detained at Petkovci School were transported to Petkovci Dam and subsequently killed there on 14 and 15 July 1995. The fact that the victims were detained together in the same school prior to the killings, the killings were committed on or around 14 July 1995 and the perpetrators targeted Bosnian Muslims demonstrates that the killings formed part of a single murder operation. Accordingly, Scheduled Incident E.7.1 is aggregated to Scheduled Incident E.7.2 for the purpose of assessing the mass scale requirement.

3102. In relation to Scheduled Incidents E.8.1 and E.8.2, on 14 or 15 July 1995 at least 12 Bosnian Muslims were killed behind the Roćević School after being detained there; and on 15 July 1995 at least 575 Bosnian-Muslim males, who were previously detained at Roćević School, were killed after being transported to a site where they were summarily shot. The fact that the victims were detained together in the same school prior to the killings, the killings were committed on or around 15 July 1995 by the same perpetrators, namely members of the Zvornik or Bratunac Brigades, and the perpetrators targeted Bosnian Muslims demonstrates that the killings formed part of a single murder operation. Accordingly, Scheduled Incident E.8.1 is aggregated to Scheduled Incident E.8.2 for the purpose of assessing the mass scale requirement.

3103. In relation to Scheduled Incidents E.9.1 and E.9.2, on 14 or 15 July 1995 at least eight Bosnian-Muslim men were killed at the Kula School near Pilica by members of the VRS Zvornik Brigade after being detained there by the same perpetrators; and on 16 July 1995 between 1,000 and 1,200 male Bosnian-Muslim detainees from Kula School in Pilica were summarily executed at the Branjevo Military Farm by VRS soldiers, including members of the 10th Sabotage Detachment and a group of soldiers from Bratunac. The fact that the victims were detained together in the same school prior to the killings, the killings were committed on or around 15 and 16 July 1995 by the VRS, and the perpetrators targeted Bosnian Muslims demonstrates that the killings formed part of a single murder operation. The Trial Chamber also considered that the killing of the men at Kula School was linked to the subsequent killings at the Branjevo Military Farm given the remarks of the Zvornik Brigade Command when informed of the situation of the detainees at Kula. The members of the Zvornik Brigade Command remarked 'why aren't you killing them off?' and informed the VRS guards at Kula School prior to the killings at the Branjevo Military Farm that the detainees were to be 'taken away'. Accordingly, Scheduled Incident E.9.1 is aggregated to Scheduled Incident E.9.2 for the purpose of assessing the mass scale requirement.

3104. In relation to Scheduled Incident E.10.1, approximately 500 Bosnian-Muslim men and women were grouped together in the Pilica Cultural Centre and killed at the same time in a single day on 16 July 1995. In relation to Scheduled Incident E.12.1, 39 men and boys almost all of whom were Bosnian Muslims, who were being transported together, were summarily shot, killed and buried together at a site in Bišina on 23 July 1995.

3105. Based on the foregoing, the Trial Chamber finds that, in the above incidents killings on a mass scale have been proven.

3106. The Trial Chamber finds that Scheduled Incidents E.4.1, E.14.1 and E.14.2, the unscheduled incidents of 13 July 1995, 18 July 1995 and 23 July 1995, do not independently satisfy the requirement of mass scale given the significantly low number of people killed in each incident and the lack of any other circumstances indicating that the killings were on a large scale.[13146] The Trial Chamber also finds that the incidents

[13146] In Scheduled Incident E.4.1 16 people were killed, in Scheduled Incident E.14.1 nine people, in Scheduled Incident E.14.2 one person, in the unscheduled incident of 13 July 1995 15 people were killed, in the unscheduled incident of 18 July 1995 four people were killed, in the unscheduled incident of 23 July 1995 ten people were killed.

above were not sufficiently connected to other incidents with regard to geographical proximity, the manner in which the victims were killed or through affiliation of the perpetrators so as to aggregate them for the purposes of assessing the mass scale requirement.[13147] Accordingly, the Trial Chamber will not further consider these killing incidents in respect of the charge of extermination under Count 4 of the Indictment.

3107. In relation to Scheduled Incident E.6.1 the Trial Chamber finds that the killing of two detainees at Grbavci School in Orahovac on 14 July 1995 does not satisfy the requirement of mass scale given the number. Although the Trial Chamber is satisfied that the two victims in Scheduled Incident E.6.1 were detained in the same detention facility and killed on the same day as the killings in Scheduled Incident E.6.2 and that the victims were all of Bosnian-Muslim ethnicity, it notes that the manner of the killings in Scheduled Incident E.6.1 differed significantly from the killings in Scheduled Incident E.6.2, as the two victims were taken out of the sports hall in response to specific individual circumstances, namely because one victim spoke up to the guards in the sports hall and the other complained about the conditions in the hall, and shot outside. Therefore, the Chamber finds that the two men were targeted in their individual capacity rather than as part of the collective group. Accordingly, the Trial Chamber will not further consider this killing incident in respect of the charge of extermination under Count 4 of the Indictment.

3108. In relation to Scheduled Incident E.13.1, the Trial Chamber finds that the killing of six Bosnian-Muslim males in Trnovo, sometime between mid-July and mid-August 1995, does not satisfy the mass scale requirement given the low number of people killed. The perpetrators of the killings were not temporally or geographically proximate to other incidents which took place on or about 13 July 1995. The Trial Chamber also finds that the circumstances of Scheduled Incident E.13.1 were not sufficiently connected to other incidents in Schedule E such that it could not aggregate the killings with other killing incidents in Schedule E. Accordingly, the Trial Chamber will not further consider this killing incident in respect of the charge of extermination under Count 4 of the Indictment.

[13147] In relation to the unscheduled incident of 23 July 1995, the perpetrators were VRS soldiers of the Zvornik Brigade. The Zvornik Brigade had carried out other killings in Srebrenica but the location, and time of this incident was relatively removed from other killing incidents.

3109. In relation to Scheduled Incident E.15.1, the Trial Chamber notes that more than 50 Bosnian-Muslim men were killed in and around Vuk Karadžić Elementary School over a short duration of time, from 12 to 14 July 1995, which are relevant factors assisting in establishing mass scale. The killings, however, should be seen in the context of the several thousand Bosnian-Muslim civilians and soldiers held in and around Vuk Karadžić Elementary School and the fact that there was a broad mix of perpetrators killing in a sporadic fashion which indicates that the killings were not grouped together either in numerical terms or that there was patterned killings targeting the wider group held at Vuk Karadžić Elementary School. Therefore, the Trial Chamber finds that the killings were isolated incidents which, although related in a broad fashion, do not meet the mass scale requirement. Accordingly, the Trial Chamber will not further consider this killing incident in respect of the charge of extermination under Count 4 of the Indictment.

3110. In relation to Scheduled Incident E.15.3, the Trial Chamber is satisfied that the killing of one 'mentally unstable' Bosnian-Muslim man who was taken off a bus parked in front of Vuk Karadžić Elementary School and summarily executed on the evening of 13 July 1995 was committed by perpetrators affiliated with those of other incidents in Schedule E and took place at the same time as other incidents, namely, on or about 13 July 1995. The Trial Chamber, however, finds that the killing was not aimed at the collective group of Bosnian-Muslim men or part of a wider murder operation. The victim was targeted in his individual capacity. He had fallen asleep in the bus despite an order from a military policeman to not sleep at night, was hit by a policeman on the shoulder and, in turn, he hit the policeman back. The man was subsequently taken out of the bus and then shot. Therefore, the Trial Chamber finds that this incident was an isolated and not directly related to the mass scale requirement. Accordingly, the Trial Chamber will not further consider this killing incident in respect of the charge of extermination under Count 4 of the Indictment.

3111. *Mens rea.* The Trial Chamber recalls from chapter 8.4.1 that relevant factors to consider when assessing whether the killings occurred on a mass scale include the time and place of the killings, the selection of the victims, and the manner in which they were targeted, and whether the killings were aimed at the collective group rather than victims in their individual capacity. In relation to *Schedule A*, the Trial Chamber had regard to the following considerations in respect of the intent requirement for extermination. In

respect of Scheduled Incidents A.4.4, A.6.1, A.6.6, A.6.7, and A.6.8, the Trial Chamber considered the large number of victims of the killings, the organisation that preceded the killings in order to group the victims together, and the wholesale manner in which the grouped victims were killed. In respect of Scheduled Incident A.6.4, the Trial Chamber considered the derogatory remarks that the perpetrators directed towards part of the group and the way the bodies of the victims were disposed of together in mass graves. In respect of Scheduled Incident A.6.5, the Trial Chamber considered the derogatory remarks that the perpetrators directed towards the group as they were killed and that they were killed by being shot at in an indiscriminate fashion. In respect of Scheduled Incident A.7.1, the Trial Chamber considered the fact that the victims were systematically led on to the bridge, forced to jump into the river prior to being killed, and the perpetrators were told to kill 70 Muslims on that day because seven Serb soldiers had been killed in that area. In respect of Scheduled Incident A.7.2, the Trial Chamber considered the fact that the victims were all taking refuge in a garage from a wider military operation by the same brigade in the area, that one of the victims tried to mediate but was killed and that the rest of the killings followed immediately after. In respect of Scheduled Incident A.7.3, the Trial Chamber considered the fact that the victims were detained together and were told that they were being taken for exchange prior to being taken to a house and killed. In respect of Scheduled Incidents A.8.1 and A.9.1, the Trial Chamber considered the wider military operations in the villages of Novoseoci and Drum respectively in which the perpetrators selected, in an organised fashion, the two large groups of men, one of which included one woman, whom they then summarily shot. In relation to Scheduled Incident A.6.9, the Trial Chamber considered the wider military operation in the village of Briševo, where the perpetrators first shelled the village where there was no combat activity and then selected, in an organised fashion the unarmed villagers, to shoot them in a wholesale manner. The Trial Chamber, accordingly, finds that all the victims in Scheduled Incidents A.4.4, A.6.1, A.6.4, A.6.5, A.6.6, A.6.7, A.6.8, A.6.9, A.7.1, A.7.2, A.7.3, A.8.1, and A.9.1 died as a result of acts of the perpetrators who intended to kill on a mass scale.

3112. In relation to *Schedule B* and *unscheduled incidents*, the Trial Chamber had regard to the following considerations in respect of the intent requirement for extermination. In respect of Scheduled Incident B.1.2, the Trial Chamber recalls its finding in chapter 4.1.1 that the victims suffocated during transport in trucks which

were hot, cramped and covered in tarpaulins. The perpetrators confiscated the victims' water bottles and forced some to consume salt prior to transport and remarked about 'how many will arrive' at the intended destination. The Trial Chamber, accordingly, considered the fact that the perpetrators created conditions in the vehicle transporting the detainees such that the only reasonable inference is that those conditions would inevitably lead to death. In respect of Scheduled Incidents B.5.1 in relation to the killings in June, July, and the second half of 1992, B.8.1, B.10.2, B.13.1, B.13.3, B.13.4, B.14.2, and B.16.2, the Trial Chamber considered the large number of victims of the killings, the organisation that preceded the killings including selection of detainees, and the co-ordinated or collective manner in which they were killed in each respective incident. Furthermore, in respect of Scheduled Incidents B.10.2 and B.14.2, the perpetrators returned to kill survivors. In relation to Scheduled Incident B.7.1, the perpetrators corralled the group of detainees together, killed them in a collective manner and set the bodies of the victims on fire. In respect of Scheduled Incident B.13.1, the perpetrators sang songs both during and after the killings. In relation to the unscheduled incident on 2 July 1992 in Kotor Varoš Municipality, the Trial Chamber considered that the killings occurred in retaliation for an ambush of VRS forces by armed Muslims and targeted Muslims in the context of the attack on Vrbanjci. The Trial Chamber, therefore, finds that all the victims in Scheduled Incidents B.1.2, B.5.1 in respect of the killings in June, July, and the second half of 1992, B.7.1, B.8.1, B.10.2, B.13.1, B.13.3, B.13.4, B.14.2, B.16.2 and the unscheduled incident on 2 July 1992 in Kotor Varoš Municipality, died as a result of acts of the perpetrators who intended to kill on a mass scale.

3113. In relation to *Schedule E*, the Trial Chamber had regard to the following considerations in respect of the intent requirement for extermination. In respect of Scheduled Incidents E.1.1, E.2.1, E.3.1, E.5.1, E.6.2, E.7.1, E.7.2, E.8.1, E.8.2, E.9.1, E.9.2, and E.10.1, the Trial Chamber considered the organisation that preceded the killings in order to group the victims together, and the wholesale manner in which the grouped victims were killed. In respect of Scheduled Incidents E.2.1, E.3.1, E.6.2, E.7.1, E.7.2, E.8.1, E.8.2, E.9.1, E.9.2, and E.10.1, the Trial Chamber considered in particular the significantly high number of victims killed in one single murder

operation.[13148] In respect of Scheduled Incidents E.3.1, E.6.2, E.7.1, and E.7.2 the Trial Chamber considered additionally the derogatory remarks that the perpetrators directed at the whole group while they killed the victims and the indiscriminate manner in which the perpetrators shot them. In respect of Scheduled Incident E.7.2, the Trial Chamber additionally considered the fact that one perpetrator ordered other perpetrators to examine the rows of bodies and kill every detainee who was still alive with a bullet in the head. The Trial Chamber further considered the fact that in respect of Scheduled Incident E.10.1, the perpetrators threw, *inter alia*, hand-grenades at the group of victims and in respect of Scheduled Incident E.7.1 that the perpetrators killed the victims, *inter alia*, by indiscriminate gunfire. In relation to Scheduled Incident E.12.1, the Trial Chamber considered the fact that the detainees were transported, all summarily killed and subsequently buried in a hole - several of the bodies exhumed from the gravesite in Bišina had ligatures on their hands and a few had blindfolds on. The Trial Chamber, therefore, finds that all of the victims in Scheduled Incidents E.1.1, E.2.1, E.3.1, E.5.1, E.6.2, E.7.1, E.7.2, E.8.1, E.8.2, E.9.1, E.9.2, E.10.1, and E.12.1 died as a result of the acts of the perpetrators who intended to kill on a mass scale.

3114. The Trial Chamber recalls its findings in chapter 8.2 with regard to the general elements and jurisdictional requirements of crimes against humanity.

3115. *Status of victims.* In relation to *Schedule A*, *Schedule B*, *unscheduled incidents*, and *Schedule E* the Trial Chamber recalls its finding in chapter 8.3.2 with regard to the status of the victims.

3116. *Conclusion.* In conclusion, the Trial Chamber finds that the killings constituting murder in Scheduled Incidents A.3.3, A.4.4, A.6.1, A.6.4, A.6.5, A.6.6, A.6.7, A.6.8, A.6.9, A.7.1, A.7.2, A.7.3, A.8.1, A.9.1, B.1.2, B.5.1 in respect of the killings in June, July, and the second half of 1992, B.7.1, B.8.1, B.10.2, B.13.1, B.13.3, B.13.4, B.14.2, B.16.2, the unscheduled incident of 2 July 1992 in Kotor Varoš Municipality, E.1.1, E.2.1, E.3.1, E.5.1, E.6.2, E.7.1, E.7.2, E.8.1, E.8.2, E.9.1 E.9.2, E.10.1 and E.12.1 constitute extermination as a crime against humanity punishable under Article 5 of the Statute.

[13148] In Scheduled Incident E.2.1 approximately 150 people were killed, in Scheduled Incident E.6.2 at least 819 people, in Scheduled Incident E.7.1 and Scheduled Incident E.7.2 about 643 people in total, in Scheduled Incident E.10.1 approximately 500 people, in Scheduled Incident E.8.1 and Scheduled Incident E.8.2 at least 575 in total, in Scheduled Incident E.9.1 and Scheduled Incident E.9.2 between 1,000-1,200 in total.

8.5 Deportation and forcible transfer

8.5.1 Applicable law

3117. Counts 7 and 8 of the Indictment charge the Accused with deportation and forcible transfer as crimes against humanity. According to the Indictment, 'restrictive and discriminatory measures, arbitrary arrest and detention, harassment, torture, rape and other acts of sexual violence, killing, and destruction of houses and cultural monuments and sacred sites, all targeting Bosnian Muslims and Bosnian Croats in the Municipalities, as well as the threat of further such acts, caused Bosnian Muslims and Bosnian Croats to flee in fear'.[13149] The crime of deportation (Count 7) is listed in Article 5 (d) of the Statute, whereas forcible transfer (Count 8) is a charge under 'other inhumane acts' in Article 5 (i). The general elements and jurisdictional requirements for these crimes have been discussed in chapters 8.2, above.

3118. Deportation and forcible transfer both entail the forcible displacement of persons from the area in which they are lawfully present, without grounds permitted under international law.[13150] The crime of deportation requires that the victims be displaced across a *de jure* state border, or, in certain circumstances, a *de facto* border.[13151] Forcible transfer involves displacement of persons within national boundaries.[13152]

3119. Forcible displacement means that people are moved against their will or without a genuine choice.[13153] Fear of violence, duress, detention, psychological oppression, and other such circumstances may create an environment where there is no choice but to leave, thus amounting to the forcible displacement of people.[13154] Displacement of persons carried out pursuant to an agreement among political or military leaders, or under the auspices of the ICRC or another neutral organization, does not necessarily make it voluntary.[13155]

3120. International humanitarian law recognizes limited circumstances under which the displacement of civilians during armed conflict is allowed, namely if it is carried out for

[13149] Indictment, para. 70.
[13150] *Stakić* Appeal Judgement, paras 278, 317; *Krajišnik* Appeal Judgement, paras 304, 308.
[13151] *Stakić* Appeal Judgement, paras 278, 300; *Krajišnik* Appeal Judgement, para. 304.
[13152] *Stakić* Appeal Judgement, para. 317.
[13153] *Krnojelac* Appeal Judgement, paras 229, 233; *Stakić* Appeal Judgement, para. 279.
[13154] *Stakić* Appeal Judgement, para. 281.
[13155] *Stakić* Appeal Judgement, para. 286; *Naletilić and Martinović* Trial Judgement, para. 523; *Simić et al.* Trial Judgement, para. 127; *Krajišnik* Trial Judgement, para. 724.

the security of the persons involved, or for imperative military reasons.[13156] In such cases the displacement is temporary and must be carried out in such a manner as to ensure that displaced persons are returned to their homes as soon as the situation allows.[13157] Whether a forcible displacement of people is lawful is, however, more appropriately dealt with when considering the general elements of crimes against humanity.[13158]

3121. The perpetrator of deportation or forcible transfer must intend to forcibly displace the persons, however, the intent need not be to displace on a permanent basis.[13159]

8.5.2 Legal findings

3122. In chapters 4.1.7, 4.2.7, 4.3.7, 4.4.7, 4.5.7, 4.6.7, 4.7.7, 4.8.7, 4.9.7, 4.10.7, 4.11.7, 4.12.7, 4.13.7, 4.14.7, and 7.17, the Trial Chamber decided to further consider the following incidents of alleged forcible transfers and deportations of Bosnian Muslims and Bosnian Croats, against the applicable law:

(a) Banja Luka Municipality - (i) the departure between May 1992 and May 1993, and in particular to Croatia during July and August 1992 of many Bosnian-Muslim and Bosnian-Croat civilians from Banja Luka Municipality out of fear; exacerbated in 1992 by the conduct of the civilian authorities, including members of the ARK Crisis Staff and its President, Radoslav Brđanin, and a civilian agency named after Brđanin; (ii) the departure on 26 August 1994 of 480 Bosnian Muslims from Banja Luka Municipality to Tesanj and Tuzla organised by Bosnian Serbs; and (iii) the departure on 3 September 1994 of almost 500 Bosnian Muslims and Bosnian Croats, from Banja Luka Municipality to Turbe organised by Bosnian Serbs. These incidents are further set out in chapter 4.1.7

(b) Bijeljina Municipality - (i) the transfer starting in the summer of 1992 and until 1995 of thousands of Muslim civilians from Bijeljina to 'no-man's land' between the

[13156] Geneva Convention III, Art. 19; Geneva Convention IV, Art. 49; Additional Protocol II, Art. 17; *Stakić* Appeal Judgement, paras 284-285; *Blagojević and Jokić* Trial Judgement, paras 597-598; *Krajišnik* Trial Judgement, para. 725; *Krajišnik* Appeal Judgement, para. 308.
[13157] Geneva Convention IV, Art. 49; *Krstić* Trial Judgement, para. 524; *Blagojević and Jokić* Trial Judgement, para. 599; *Krajišnik* Trial Judgement, para. 725.
[13158] See *Brđanin* Appeal Judgement, para. 167.

frontlines by Vojkan Đurković of the SDS, aided by Mauzer's men, while other Muslims also fled Bijeljina on their own; and (ii) the transportation in 1992 and 1993 of Bosnian Muslims via Serbia to the Hungarian border by Europa, a private agency staffed by MUP personnel. These incidents are further set out in chapter 4.2.7

(c) Foča Municipality - (i) the departure from July until 13 August 1992 of Bosnian-Muslim civilians described as 'loyal' facilitated and organized by the Serb civilian and military authorities, as tasked by the Foča War Commission, to other countries; (ii) the transfer on 26 June 1992 of a Bosnian-Muslim woman who had been detained at the Bukovica Motel to Novi Pazar in Serbia by bus and in police cars with 'Chetniks', a day after Gojko Janković and Pedro Gašević had said they would send them out of Foča due to the impossibility to control the 'gangs'; (iii) the transfer on 10 November 1992 of a Bosnian Muslim from KP Dom to Dobro Polje. In Dobro Polje, he was ordered to walk towards Rogaj in ABiH-controlled territory by three policemen; (iv) the transfer on 8 December 1992 of a Bosnian-Muslim KP Dom detainee by men wearing SMB uniforms and identified as 'Chetniks' to Kalinovik, from where he was exchanged on 12 December 1992; (v) the exchange on 24 March 1993 of a Bosnian-Muslim detainee at the Sarajevo airport. He was transferred from KP Dom to the Kalinovik police station on 18 September 1992, where on 21 March 1993 Serb soldiers, including Zoran Samardžić or Pedrag a.k.a Pedo Trifković/Trivun, both of whom headed, or were members of, sub-units under Marko Kovač, Commander of Foča Tactical Grroup, threatened him with a knife and a rifle and told him that he had 15 minutes left to live before letting him go; (vi) the transfer from Foča to Goražde by bus on 23 October 1992 of a group of Bosnian-Muslim women and children who had been detained for a month at the Partizan Sports Hall ; and (vii) the exchange on 15 June 1994 of a Bosnian Muslim from Foča Municipality who was detained at KP Dom until July 1993 and then Kula prison. These incidents are further set out in chapter 4.3.7;

(d) Ilidža Municipality - the departure of a Bosnian-Muslim family from the municipality to Sarajevo on 25 May 1992, after a member of the White Eagles threatened to cut the throats of the family members in case of non-compliance with the ultimatum to leave the municipality or to take up arms and become loyal to the Serb authorities, as further set out in chapter 4.4.7;

[13159] *Stakić* Appeal Judgement, paras 278, 304-307, 317; *Brđanin* Appeal Judgement, para. 206; *Krajišnik* Appeal Judgement, para. 304.

(e) Kalinovik Municipality - the departure of a Bosnian-Muslim man, after having survived a killing incident in Ratine on 5 August 1992, for Zenica in Muslim-controlled territory, where he arrived on 20 September 1992, as further set out in chapter 4.5.7;

(f) Ključ Municipality - the departure of at least 14,000 to 15,000 Muslims, 200 Croats, and 1,000 Serbs from Ključ Municipality between 27 May 1992 and May 1993 in convoys organized by both the Civilian Protection Department of the Ključ Municipal Assembly and the police, and generally escorted by the police to territory under the control of Muslims and Croats, with most of those leaving because of fear and unbearable circumstances, including (i) at least four convoys totalling well over 2,500 Bosnian-Muslim and Bosnian-Croat civilians who went to Travnik between July and September 1992, including a convoy of 1,000 composed of mainly Bosnian-Muslim women and children; and (ii) a convoy of approximately 2,500 Bosnian Muslims and Bosnian Croats, of whom the majority were women, children, and elderly, which departed for Travnik on 1 October 1992 and was escorted by Bosnian Serbs while the Bosnian-Serb local police and the VRS checked a list of who had paid and had signed over their property at the departure point of the convoy, as further set out in chapter 4.6.7;

(g) Kotor Varoš Municipality - large parts of the Bosnian-Muslim and Bosnian-Croat population, including women and children, from Kotor Varoš Municipality moved out of the municipality between June and November 1992. They were transferred in convoys by the forces who had attacked the municipality, including VRS units, the police, and the special police unit of CSB Banja Luka. Several convoys were initially organized by the War Presidency and from 29 June 1992 by an agency established by the Kotor Varoš Crisis Staff to oversee the resettlement of persons that arranged buses for the transfer. Those leaving did so because they were either made to leave or left because of the living conditions. Some of the convoys left for Travnik, as further set out in chapter 4.7.7;

(h) Novi Grad Municipality - the expulsion of all Muslims who had survived the attack on Ahatovići, together with Serbs and Croats married to Muslims on or about 27 May 1992 by forces, including the White Eagles and others in JNA uniforms, as further set out in chapter 4.8.7;

(i) Pale Municipality - the transfer of over 2,000 Bosnian Muslims and Bosnian Croats from Pale to Sarajevo between late June and early July 1992 in convoys escorted by the Pale SJB, as further set out in chapter 4.9.7;

(j) Prijedor Municipality - (i) the transfer between late May 1992 and November 1992 of Bosnian Muslims and Bosnian Croats from Prijedor to Travnik, Turbe, Doboj, Banja Luka, Tuzla, and Gračania in convoys escorted by Simo Drljača, the Commander of the SJB, as well as by the Bosnian Serb police and military; (ii) the transfer in early October 1992 of Bosnian Muslims and Bosnian Croats detained in Trnopolje to Croatia or to the Croatian border by Simo Drljača, the Commander of the SJB, as well as by the Bosnian Serb police and military, as further set out in chapter 4.10.7;

(k) Rogatica Municipality - (i) the departure in May 1992, due to intensified shelling, of between 1,500 to 2,000 Bosnian Muslims from Rogatica Town for Vragolovi, where there were already approximately 5,000 to 6,000 Bosnian Muslims present, and the departure of almost all Bosnian Muslims present in Vragolovi to Goražde by August 1992 as a result of shelling by Serb forces on Vragolovi and a warning about another Serb attack; (ii) the departure of Bosnian Muslims from Rogatica Town and villages of the Municipality to Pokrivenik, Kopljevići, and Rudine Forest between May and August 1992, due to shooting, the shelling of Rogatica Town on 19 June 1992, and growing insecurity stemming in part from Serb attacks on several Muslim villages – Mader, Kozići, and Kopljevići – as well as on other villages – Borovsko, Kozadre, Kramer Selo, and Dobrašina; (iii) the transfer from late May to July 1992 of Bosnian Muslims, including some from Rogatica Town, to Olovo under escort of members of the Sokolac police station. In particular the departure on 27 June 1992 of approximately 280 Muslims, with the exception of able-bodied men, held at Veljko Vlahović Secondary School to Olovo escorted by guards in military vehicles. The camp guards were local Serbs under Rajko Kušić, civilian police, Serb TO, and paramilitary unit members; (iv) the departure of one Bosnian Muslim from Rogatica Municipality after he escaped from Rasadnik camp in August 1992 to Kopači, where he stayed for two months and eventually reached Sarajevo on 7 January 1993 to join his family; (v) the departure in August or September 1993 of one Bosnian-Muslim family from Rogatica Town to Montenegro on their own means, following attacks on the town and their detention at the Veljko Vlahović Secondary School; (vi) the exchange of Bosnian-Muslims detainees from Rasadnik Camp between March 1993 and April 1994 in Sarajevo,

following the approval of Rajko Kušić. Other detainees from Rasadnik Camp were transported to Zvornik, including some in one bus escorted by the Rasadnik camp warden These exchanges were carried out by the VRS members in charge of Rasadnik camp during that time period; (vii) the exchange on 21 July 1993 by the VRS in charge of Batković camp of one Bosnian-Muslim from Rogatica Municipality who had been detained in Batković camp. After the exchange, he was taken to Croatia with the assistance of the Red Cross; and (viii) the transfer of Muslim women and children from Žepa to Sarajevo at the end of July 1995 by busses that were facilitated by the VRS, upon request from Muslim representatives and following an agreement reached during talks with the VRS and UNPROFOR. These incidents are further set out in chapter 4.11.7;

(l) Sanski Most Municipality - the departure of almost all Bosnian Muslims and Bosnian Croats from Sanski Most Municipality between 27 May 1992 and 13 October 1995, with the vast majority having left by the end of 1992, in particular: (i) the evacuation of women, children, the elderly and able-bodied men living in the Bosnian-Muslim Mahala neighbourhood in Sanski Most Town by the 6th Krajina Brigade, first to Pobriježje on 29 May 1992**,** after which they were rounded up and transferred in buses to Velika Kladuša around 2 June 1992; (ii) the departure of the surviving inhabitants of the Bosnian-Muslim village of Hrustovo after they were forced out by the perpetrators of the attack on Hrustovo village along with approximately 200 inhabitants of the neighbouring villages to Doboj. In Doboj they were ordered by Serb soldiers to find their way to Muslim-held territory, where they arrived later; (iii) the departure of one Bosnian Croat from Sanski Most on 21 September 1992, after the imposition of discriminatory measures, who had obtained permission to leave the municipality. He then went to Croatia in December 1992; (iv) the transportation of a group of Bosnian Muslims from Sanski Most Municipality to Bihać Municipality at the end of May 1992 under escort by Serb soldiers, after arrangements for their departure had been made by Boško Banjac, a member of the Sanski Most Crisis Staff earlier that month; (v) the departure in May 1992 of one convoy, comprised of approximately 1,200 women, children, and elderly Bosnian Muslims and Bosnian Croats from Mahala to Velika Kladuša. They left against their will and were escorted by the Bosnian-Serb police; (vi) the departure on 11 June 1992 from Sanski Most Municipality to Velika Kladuša of one convoy comprising 850 Bosnian Muslims who were threatened at gunpoint and forced

into buses by guards under the direction of Davidović, the Commander of the Serb Crisis Committee of Banja Luka; (vii) the departure between August and September 1992of at least 6,100 Bosnian Muslims from Sanski Most Municipality to Travnik in at least three convoys organized by the Sanski Most Crisis Staff and the SDS. One of the convoys left on 17 August 1992 and composed of at least 1,600 people from Sanski Most Town who had been ordered to leave town that morning; (viii) the transfer of one Bosnian-Muslim woman along with her children from Hrustovo to Tomina in July 1992. They left after the attack on Hrustovo by 'Mitra' and another soldier, who instructed them to walk to Muslim-held territory two weeks later; (ix) the exchange in Turbe every year from the end of 1992 until March 1995 of four to five convoys, consisting of five to ten buses each, from Sanski Most Municipality organized by the Sanski Most Crisis Staff and the SDS. One convoy left on 3 September 1994 and comprised almost 500 Bosnian Muslims and Bosnian Croats; (x) the exchange on 31 October 1992 in Travnik of a Bosnian Muslim from Sanski Most Municipality by the authorities of Manjača camp. He had been previously detained in Manjača camp; (xi) the exchange in November and December 1992 of three Bosnian Muslims from Sanski Most Municipality, who had been detained in Manjača camp, by the authorities of Manjača camp. They left to Karlovac in Croatia; and (xii) the exchange on 20 July 1993, by the authorities of Batković camp in Čelebići of one Bosnian Croat from Sanski Most Municipality. He had been previously detained in Batković camp. These incidents are further set out in chapter 4.12.7;

(m) Sokolac Municipality - (i) the departure of the Muslim population of Sokolac Town from 12 May 1992, most of them leaving for Olovo because of the threat of violence perceived by the Muslim population against them in the town of Sokolac and the village of Knežina and a lack of protection from the municipal authorities, including the Crisis Staff and its President, Milan Tupajić; (ii) the transportation on 22 September 1992 by bus of the women and children from the Muslim village of Novoseoci to Sarajevo by members of the VRS 2nd Romanija Brigade, including Momčilo Pajić; and (iii) the exchange at the Sarajevo airport on 20 August 1993 of a Bosnian-Muslim man, detained in various detention centres in 1992 and 1993. These incidents are further set out in chapter 4.13.7;

(n) Vlasenica Municipality - (i) the transfer on 17 May 1992 of a group comprised of women, children, and one elderly man from Zaklopač, a Bosnian-Muslim village in

Vlasenica Municipality. The transfer was carried out by Serbs by bus from the municipality building in Vlasenica Town to approximately ten kilometres outside Kladanj. Then the group had to walk to Kladanj. The transfer took place following an attack on Zaklopač on 16 May, during which approximately 60 to 80 people were killed; (ii) the transfer of women and children from Gradina, Sušica, and other Bosnian-Muslim hamlets to Vlasenica Town in May and June 1992 by the Vlasenica SJB special police platoon, led by Kraljević under the command of the Vlasenica Crisis Staff, and supported by a VRS unit; (iii) the capture and subsequent transfer on 2 June 1992 of 500 Muslims from Drum village in Gradina to different locations – Sušica camp, the Vlasenica bus station, or the football field – by Kraljević's unit, accompanied by VRS forces, after which they were taken to Kladanj; (iv) the transportation on 6 June 1992 to Luke in buses and trucks of approximately 800 Bosnian- Muslim women, following the separation of men from women and children at Sušica camp. Once in Luke, some women continued to Kladanj on foot while others were taken to Cerska in Vlasenica Municipality; (v) the release as part of an exchange of Witness RM-004 and Witness RM-030 between December 1992 and July 1993, both Bosnian-Muslim men from Vlasenica, from Batković camp where they had been detained after their transfer from Sušica camp; Witness RM-030 was exchanged in Tuzla; and (vi) the transfer in July or August 1992 from Sušica camp to either Kladanj or Cerska, of a large number of Bosnian-Muslim women, children, and elderly men, in three buses by Serb police or military. These incidents are further set out in chapter 4.14.7;

(o) Srebrenica – the transportation organised by VRS and the MUP, following the takeover of Srebrenica by VRS forces, of around 25,000 Bosnian Muslims, mostly women, children, and elderly out of Potočari on 12 and 13 July 1995 to Bosnian-Muslim controlled territory. This incident is further set out in chapter 7.17.

First element of the actus reus – displacement

3123. First the Trial Chamber finds that the only reasonable inference is that the Bosnian Muslims and Bosnian Croats were lawfully present in the areas they left.

3124. *Displacement across a de jure state border.* With regard to the displacement of Bosnian Muslims and/or Bosnian Croats to foreign countries: Croatia as described in incidents (a)(i), (k)(vii), (j)(ii), (l)(iii), (l)(xi); Hungary via Serbia as described in

incident (b)(ii); Montenegro, Sweden and other countries as described in incident (c)(i); Serbia as described in incident (c)(ii); and Montenegro as described in incident (k)(v), the Trial Chamber finds that these were instances of displacements across a *de jure* border and that therefore the first element of the *actus reus* for the crime of deportation is met for these incidents.

3125. *Displacement within national boundaries.* With regard to the displacement of Bosnian Muslims and/or Bosnian Croats to: Tesanj and Tuzla as described in incident (a)(ii); Travnik, Turbe, Doboj, Banja Luka, Tuzla and Gračania as described in incident (j)(i); Tuzla as described in incident (n)(v); Turbe as described in incidents (a)(iii) and (l)(ix); Rogaj as described in incident (c)(iii); Goražde as described in incident (c)(vi) and (k)(i); Sarajevo as described in incidents (d), (i), (k)(iv), (k)(viii) and (m)(ii); Zenica as described in incident (e); Pokrivenik, Kopljevići and Rudine Forest as described in incident (k)(ii); Olovo as described in incidents (k)(iii) and (m)(i); Zvornik as described in incident (k)(vi); Velika Kladuša as described in incidents (l)(i) (l)(v), and (l)(vi); Muslim-held territory as described in incidents (l)(ii), (l)(viii), (o); Bihać as described in incident (l)(iv); Travnik as described in incidents (f)(i), (f)(ii), (l)(vii), (l)(x); Travnik and outside of Kotor Varoš municipality as described in incident (g)[13160]; Čelebići as described in incident (l)(xii); Kladanj as described in incidents (n)(i) and (n)(iii); Kladanj and Cerska and described in incidents (n)(iv) and (n)(vi); and Vlasenica town as described in incident (n)(ii), the Trial Chamber notes that they involved displacements within national boundaries and, as such, it finds that the first element of the *actus reus* for the crime of inhumane acts (forcible transfer) is met for these incidents.

3126. The Trial Chamber also made findings regarding the exchanges of detainees in Sarajevo and at the Sarajevo airport in incidents (c)(v), (m)(iii) and (k)(vi) and finds that these victims were displaced within national boundaries. With regard to incident (c)(iv), the Trial Chamber found that a Bosnian-Muslim detainee at KP Dom was taken to Kalinovik where he was exchanged, and therefore finds that he was displaced within national boundaries. Thus, the Trial Chamber is satisfied that the first element of the *actus reus* for the crime of inhumane acts (forcible transfer) is met for these incidents.

[13160] Regarding incident (g), the Trial Chamber understands that the Bosnian Muslims and Bosnian Croats who were transferred to other places outside Kotor Varoš Municipality were also displaced within national boundaries.

3127. In relation to incident (b)(i), the Trial Chamber was unable to determine where the Muslims went after being transferred to no-man's land and where the other Muslims who fled Bijeljina went. With regard to incident (c)(vii) which involves the exchange of a Bosnian-Muslim detainee at Kula prison, the Trial Chamber notes the absence of information as to where this exchange took place and where this person ultimately arrived. In incident (h), the Trial Chamber was unable to determine where the Muslims, as well as Serbs and Croats married to Muslims, were expelled to. The Trial Chamber can therefore not establish that these people were moved across a *de jure* or *de facto* border but it is satisfied that the first element of the *actus reus* for the crime of inhumane acts (forcible transfer) is met.

Second element of the actus reus – forced

3128. *Incidents of displacement following detention.* In incident (c)(ii), the Trial Chamber found that the women were transported from the Bukovica Motel where they were detained to Serbia by bus and police cars. Having considered their detention and the fact that they were transported by bus and police cars, the Trial Chamber is satisfied that they did not have a genuine choice but to leave.

3129. In relation to the exchange of a KP Dom detainee taken to Kalinovik as described in incident (c)(iv), the Trial Chamber considered the conditions of detention and the ill-treatment in KP Dom as described in chapter 4.3.2 *Schedule C.6.1*. Under these circumstances, the Trial Chamber is satisfied that he did not have a genuine choice but to leave. In incident (c)(v), the detainee was first transferred from KP Dom to Kalinovik police station where he was detained for months before being exchanged. Having considered the conditions of detention and the ill-treatment in KP Dom as described in chapter 4.3.2 *Schedule C.6.1*, as well as the forced labour he had to perform while detained in Kalinovik police station (*see* chapter 4.5.5) and the threats he received from Serb soldiers just after being taken out of the police station (*see* chapter 4.5.2 *Unscheduled incidents – Kalinovik police station*), the Trial Chamber finds that he did not have a genuine choice but to leave.

3130. With regard to incident (c)(iii), the Trial Chamber notes that the Bosnian-Muslim man was detained at KP Dom where the conditions of detention were very harsh and where many detainees were regularly beaten as described in chapter 4.3.2 *Schedule*

C.6.1. From KP Dom, he was taken to Kalinovik and then to Dobro Polje by policemen where he was ordered to walk toward Rogaj in ABiH-controlled territory. In light of these circumstances, the Trial Chamber is satisfied that he did not have a genuine choice but to leave.

3131. In relation to incident (c)(vi), the Trial Chamber considered that the group of displaced persons consisted of women and children, who were detained at Partizan Hall for a month prior to their transfer by bus to Goražde and finds that in light of their detention and the fact that they were transferred by bus that they did not have a genuine choice but to leave.

3132. Turning to incident (k)(iii), insofar as it relates to the departure of 280 Bosnian Muslims held at Veljko Vlahović Secondary School escorted by guards in military vehicles to Olovo, the Trial Chamber considered its findings on the unlawful detention and cruel or inhumane treatment at Veljko Vlahović Secondary School (*see* chapter 4.11.2 *Schedule C.16.1*) and the fact that they were transferred under military escort, and finds that they did not have a genuine choice but to leave. Regarding incident (k)(iii) insofar as it relates to the transfer of the Bosnian-Muslims from Rogatica Town to Olovo under escort of members of the Sokolac police station, the Trial Chamber considered its finding that around 26 May 1992, a Serb announcement stated that the Serbs intended to 'cleanse' Rogatica of Muslim extremists and so-called Green Berets, and that once Rogatica Town was taken over by the Serbs, Živojin Novaković said that the town would be cleansed and that anyone found in the town would be killed. Based on the above, and on the fact that they were under escort of members of the Sokolac police station, the Trial Chamber is satisfied that they did not have a genuine choice but to leave.

3133. In incident (j)(ii), the Trial Chamber notes that the Bosnian Muslims and Bosnian Croats were detained at Trnopolje prior to their transfer in early October 1992. The Trial Chamber recalls its findings in chapter 4.10.2 *Schedule C.15.4* on the conditions of detention and ill-treatments in this camp until the end of September 1992, and on the killings in Trnopolje in chapter 4.10.1 *Schedule B.13.5*. Having considered the above, and that the transfer was organised by Simo Drljača, the Commander of the SJB as well as by the police and the military in October 1992, the Trial Chamber finds that they did not have a genuine choice but to leave.

3134. Incident (n)(iv) relates to the transportation by buses and trucks of women and children who were separated from the men at Sušica camp and required to sign statements by the camp authorities stating that they left of their own volition. The Trial Chamber recalls its finding about murders, destructions, appropriation and plunder and discriminatory measures in Vlasenica Municipality in early June 1992 as set out in chapters 4.14.1 *Schedule A.9.1*, 4.14.3, 4.14.4, and 4.14.6, and finds that, in light of these circumstances they did not have a genuine choice but to leave.

3135. With regard to incident (n)(vi), relating to the transfer of a large number of women, children and elderly men, from Sušica camp in July or August 1992 the Trial Chamber recalls its findings about the killings, unlawful detention, ill-treatment, and forced labour committed in Sušica Camp at the time of their detention in chapters 4.14.1 *Schedule B.16.1*, 4.14.2 *Schedule C.19.3*, and 4.14.5. Having considered the above-mentioned findings together with the fact that they were transported by Serb police or military in buses, the Trial Chamber finds that they did not have a genuine choice but to leave.

3136. *Exchanges following detention*. Turning to incident (k)(vi), which relates to the exchange of Rasadnik camp detainees, the Trial Chamber recalls its findings on the killings that occurred in this camp in chapter 4.11.1 *Rasadnik camp (Schedule C.16.3)* as well as on the conditions of detention and the ill-treatment the detainees were subjected to in chapter 4.11.2 *Schedule C.16.3*. Further, the Trial Chamber notes that these exchanges were carried out by the VRS members in charge of the camp at the time. Based on the above, the Trial Chamber finds that these detainees did not have a genuine choice but to leave.

3137. Incident (k)(vii) relates to the exchange of a Batković camp detainee by the authorities in charge of the camp. The Trial Chamber considered its findings on the conditions of detention and the ill-treatment at Batković camp (*see* chapter 4.2.2 *Schedule C.2.1*) as well as the fact that this detainee was exchanged by the VRS members who were in charge of his detention, and is satisfied that he did not have a genuine choice but to leave.

3138. With regard to incident (m)(iii), the Trial Chamber recalls its finding that the man had been detained since 1992 and transferred to various detention centres until he was finally transferred to Kula in June 1993 to be exchanged (*see* chapter 4.13.7). The Trial Chamber notes that during their transfer to Kula, the detainees were told that they

had been brought for exchange. Considering the above, as well as the length of time spent in detention, the conditions of detention, murders and ill-treatment in the various detention centres where he was held (*see* chapters 4.1.2 *Schedule B.2.1*, 4.2.2 *Schedule C.2.1*, and 4.4.2 *Schedule C.8.1*), the Trial Chamber finds that he did not have a genuine choice but to leave. Regarding incident (c)(vii), the Trial Chamber notes that Witness RM-046 was first held at KP Dom Foča and then detained at Kula, before being exchanged on 15 June 1994, and considered its findings on unlawful detention and ill-treatment in both camps as well as its finding on the killings that occurred in KP Dom Foča during his detention (*see* chapters 4.3.2 *Schedule C.6.1*, 4.3.1 *Schedule B.5.1*, and 4.4.2 *Schedule C.8.1*). Under these circumstances, the Trial Chamber finds that Witness RM-046 did not have a genuine choice but to leave.

3139. Incidents (l)(x) and (l)(xi) pertain to the exchange of Manjača camp detainees. Having considered its findings on murders (*see* chapters 4.1.1 *Schedule B.1.1* and 4.1.1 *Schedule B.1.4*), unlawful detention and cruel or inhumane treatments (*see* chapter 4.1.2 *Schedule C.1.2*) in Manjača Camp and the fact that the VRS was in charge of the camp and organised these exchanges, the Trial Chamber is satisfied that they did not have a genuine choice but to leave.

3140. In incident (l)(xii), a Bosnian Croat detained in Batković camp was exchanged. Having considered its findings on the conditions of detention and the ill-treatment in Batković camp in chapter 4.2.2 *Schedule C.2.1* as well as the fact that this detainee was exchanged by the authorities in charge of the camp, the Trial Chamber is satisfied that he did not have a genuine choice but to leave.

3141. In incident (n)(v), two Bosnian Muslims were first detained at Sušica camp, then transferred to Batković camp from where they were exchanged between December 1992 and July 1993. Considering the conditions of detention, the ill-treatment, the killings in both Sušica camp and then in Batković as set out in chapters 4.14.2 *Schedule C.19.3*, 4.14.1 *Schedule B.16.1*, 4.14.1 *Schedule B.16.2*, 4.2.2 *Schedule C.2.1*, and 4.2.2 *Schedule B.2.1*, the Trial Chamber is satisfied that they did not have a genuine choice but to leave.

3142. *Incidents of displacement due to the circumstances in the municipalities.* In relation to Banja Luka Municipality, the Defence argued that both Serbs and Muslims

left the municipality voluntarily due to the war.[13161] With regard to incident (a)(i), the Trial Chamber recalls that the Bosnian Muslims and Bosnian Croats left out of fear and that the departures were exacerbated by the conduct of the civilian authorities, including members of the ARK Crisis Staff, who facilitated the departure of Bosnian Muslims and Bosnian Croats from Banja Luka Municipality in 1992; in 1992 Brđanin called upon Bosnian Muslims to leave the Krajina; on 29 May 1992, the ARK Crisis Staff decided that it would permit Muslims and Croats to leave ARK territory on the condition that Serbs were allowed to move into the ARK and the Bosnian-Serb Republic; it also decided to oppose and prevent all attempts to pressure or force the population to move. Further, it recalls its findings on the circumstances surrounding these departures, such as the discriminatory measures in chapter 4.1.6 that from 12 May 1992, the ARK Crisis Staff issued decisions to remove Bosnian Muslims and Bosnian Croats from their positions in publicly-owned enterprises in Krajina and that those who had lost their jobs were also evicted from employer-owned apartments. Considering all the above, the Trial Chamber finds that the Bosnian Muslims and Bosnian Croats who left Banja Luka Municipality did not have a genuine choice but to leave and dismisses the Defence's arguments in this regard because they were dismissed from their jobs and evicted from their apartment while the Bosnian Serbs were not. The Trial Chamber finds that the perpetrators of these displacements were civilian authorities, including members of the ARK Crisis Staff.

3143. Turning to Foča Municipality, the Defence argued that Bosnian Muslims and Bosnian Serbs left voluntarily and some stayed in the region despite the conflict.[13162] In relation to incident (c)(i), the Trial Chamber considered the circumstances surrounding the departure of Bosnian Muslims from the municipality as set out in its factual findings in chapter 4.3.7, namely the restrictions of movement that were placed on Bosnian Muslims while Serbs could move freely, the ransacking and burning of Muslim houses and apartments, the rounding up of Muslim villagers, or the capture and sometimes beating or killing of villagers. It thus finds that the Bosnian Muslims left Foča Municipality because they had no choice but to leave and dismisses the Defence's argument in this regard. The Trial Chamber finds that the perpetrators of these displacements were members of the VRS, police, and paramilitaries, as well as MoJ employees.

[13161] Defence Final Brief, para. 832.

3144. With regard to Ilidža Municipality, the Defence argued that no one was ever forcibly removed or transferred from the municipality, and that people left voluntarily without restrictions.[13163] The Trial Chamber notes that in incident (d) a Bosnian-Muslim family left Ilidža Municipality on 25 May 1992, after one of the family members was given 'the choice to either leave Ilidža or take up arms and become loyal to the Serb authorities' by a member of the White Eagles and being threatened that he and his family would have their throats cut if he did not decide quickly. The Trial Chamber finds that this family left out of fear for their lives. Therefore, the Trial Chamber finds that they did not have a genuine choice but to leave and dismisses the Defence's argument in this regard. The Trial Chamber finds that the perpetrator of this displacement was a member of the White Eagles.

3145. In relation to Kalinovik Municipality, the Defence argued that its residents wanted to leave due to an escalation of paramilitary activity.[13164] The Trial Chamber recalls its finding on the killing incident in Ratine, where 24 detainees were severely beaten, shot and killed by Serb soldiers in chapter 4.5.1 *Schedule B.7.1*. Further it recalls that incident (e) relates to the departure of the only surviving Bosnian-Muslim man after these killings. He was shot in the leg. The Trial Chamber is satisfied that this man left the municipality out of fear for his life. Therefore, the Trial Chamber finds that he did not have a genuine choice but to leave and dismisses the Defence's argument in this regard. The Trial Chamber finds that the perpetrators of this displacement were members of a unit subordinated to the Foča TG.

3146. With regard to Ključ Municipality, the Defence argued that the ARK Crisis Staff only facilitated the movement of civilians leaving the zones of conflict where they felt unsafe, and that individuals of all ethnicities fled the conflict areas.[13165] The Trial Chamber recalls its finding in chapter 4.6.7 that most of the Bosnian Muslims and Bosnian Croats leaving Ključ Municipality did so out of fear and because of unbearable circumstances. It further recalls its findings in chapter 4.6.6 that in late May 1992, Serb authorities dismissed Bosnian Muslims and Bosnian Croats who had failed to sign a pledge of loyalty to the Bosnian-Serb Republic from posts in companies and public bodies, including the police. The War Presidency of Ključ Municipality also issued a

[13162] Defence Final Brief, paras 1512-1514.
[13163] Defence Final Brief, paras 1308-1309.
[13164] Defence Final Brief, para. 1583.
[13165] Defence Final Brief, paras 1283, 1289.

decision on 21 July 1992, stating that all central positions in public institutions and companies were to be filled only by Serbs loyal to the Bosnian-Serb Republic. Several Bosnian Muslims were subsequently dismissed from municipal positions. Finally, the Trial Chamber recalls its finding in the same chapter that in May 1992, the Ključ Crisis Staff and Serb police severely restricted the freedom of movement for Bosnian Muslims in the municipality. In light of the above, the Trial Chamber finds that Bosnian Muslims and Bosnian Croats who left Ključ Municipality as described in incidents (f)(i) and (f)(ii) did not have a genuine choice but to leave and dismisses the Defence's arguments in this regard. The Trial Chamber finds that the perpetrators of these displacements were the civilian authorities and the police.

3147. In relation to Kotor Varoš Municipality, the Defence argued that people voluntarily made the decision to leave because of the unstable and dangerous environment created by the conflict.[13166] The Trial Chamber recalls its finding in chapter 4.7.7 that parts of the Bosnian-Muslim and Bosnian-Croat population, including women and children, were made to leave the municipality, and that others registered to leave because of the living conditions between June and November 1992. It also recalls its findings in chapter 4.7.6 that from 12 May 1992 onwards, local authorities in Kotor Varoš Municipality, including the Kotor Varoš MUP and the Kotor Varoš Crisis Staff, imposed restrictions on Bosnian Muslims' and Bosnian Croats' freedom of movement, which were implemented by the VRS, and imposed restrictions on access to medical care. From June 1992, the civilian authorities, including the Kotor Varoš Crisis Staff, dismissed Bosnian Muslims and Bosnian Croats from employment. Further, the Trial Chamber recalls its findings about killing incidents in Kotor Varoš Municipality in June and in July 1992 as set out in chapter 4.7.1 *Schedule C and unscheduled murder incidents*. Finally, the Trial Chamber recalls its finding about unlawful detention and inhumane or cruel treatment in chapter 4.7.2 *Unscheduled detention incidents – Grabovica School* that during the night of 2 November 1992, around 50 women and a number of children surrendered to the VRS when attempting to escape Večići towards Travnik, after which they were detained at Grabovica School. The next morning, they were put on a bus. The busses stopped at Vbanjci in the afternoon, where a convoy of approximately 25 buses or more left for Travnik. Taking all of this into consideration, the Trial Chamber finds that Bosnian Muslims and Bosnian Croats who left Kotor

[13166] Defence Final Brief, paras 1144, 1147.

Varoš Municipality as described in incident (g) did not have a genuine choice but to leave. The Trial Chamber therefore dismisses the Defence's argument in this regard. The Trial Chamber finds that the perpetrators of these displacements were members of the MUP, Crisis Staff, and VRS.

3148. In Novi Grad Municipality, incident (h), the Defence argued that many Bosnian-Muslims and Bosnian-Croats decided to leave the municipality because of unrest in the area and despite the fact that no injury or harm had been done to them.[13167] The Defence further argued that a number of Bosnian-Muslim and Bosnian-Croat families chose to stay in the municipality throughout the conflict.[13168] The Trial Chamber recalls its finding in chapter 4.8.3 that almost all houses belonging to Muslims in the village of Ahatovići were damaged or destroyed during the attack on the village by Serb forces stationed at the JNA barracks in surrounding villages on or about 27 May 1992. Further, having considered the circumstances surrounding the departure of the population from Novi Grad as found in chapter 4.8.7, namely that on or about 27 May 1992, tanks took up positions in the hills around the predominately Muslim village of Ahatovići in Novi Grad Municipality; using megaphones, the villagers were threatened: 'Balijas, surrender, or we kill your children'; when the villagers did not surrender, forces led by Jovan Tintor consisting of White Eagles and others in JNA uniforms attacked and entered the village, and following the attacks on Ahatovići and Dobroševići, all the surviving Muslims in Ahatovići were either arrested or expelled together with some Serbs and Croats who were married to Muslims, the Trial Chamber finds that they did not have a genuine choice but to leave and dismisses the Defence's arguments.

3149. Turning to Pale Municipality, the Defence argued that at the beginning of the war, Bosnian Muslims demanded to leave due to fear of retribution following attacks on local Serbs and JNA, and that there was no forceful expulsion of Bosnian Muslims and Bosnian Croats.[13169] The Trial Chamber found that in incident (i), Bosnian Muslims and Bosnian Croats left the municipality in convoys escorted by members of the Pale SJB and that some members of the SJB also exercised pressure on the Bosnian Muslims to leave the municipality. Further, the Trial Chamber recalls that when the Muslim delegation met with the SJB in May, they were told that Serbs did not want to continue living with Muslims and that they could not guarantee their safety. The Trial Chamber

[13167] Defence Final Brief, para. 1362.
[13168] Defence Final Brief, para. 1362. *See also* Defence Final Brief, paras 1352-1361, 1363.

further considered Crnčalo's evidence that neither he nor other Bosnian Muslims left Pale voluntarily, but that they were forced to do so in order to protect their families. The Trial Chamber is satisfied that the Bosnian-Muslim and Bosnian-Croats residents of Pale did not have a genuine choice but to leave, and dismisses the Defence's arguments in this regard.

3150. Turning to Prijedor Municipality, the Defence argued that the departures were due to armed conflict and interethnic tensions and that the relocations were aided by international actors such as the ICRC and UNICEF.[13170] First, the Trial Chamber recalls that the displacement of persons carried out pursuant to an agreement among political or military leaders or under the auspices of an international organisation does not necessarily make it voluntary. Regarding incident (j)(i), the Trial Chamber recalls its findings that many Bosnian Muslims and Bosnian Croats fled the villages in Prijedor Municipality following the attacks on their villages and feared for their lives, *see* chapter 4.10.7. The Trial Chamber further recalls its findings on the killings, destructions, and appropriation of property and plunder in several villages in Prijedor Municipality from May 1992 onwards as set out in chapters 4.10.1 *Schedules A.6.1-A.6.6*, 4.10.1 *Schedule A.6.9*, 4.10.3, and 4.10.4 and recalls that the convoys were escorted by the police and the army. Based in the foregoing, the Trial Chamber finds that the Bosnian Muslims and Bosnian Croats who fled from Prijedor between May and November 1992 did not have a genuine choice but to leave.

3151. In relation to Rogatica Municipality, the Defence argued that the evidence does not support a finding that the population was moved against their will but rather that those who moved did so voluntarily.[13171] Regarding incidents (k)(i) and (k)(ii), the Trial Chamber recalls its findings in chapter 4.11.7 that Bosnian Muslims left Rogatica Town for Vragolovi and then Goražde and other villages due to shelling, shooting, and growing insecurity. Further, the Trial Chamber considered that around 26 May 1992, a Serb announcement stated that the Serbs intended to 'cleanse' Rogatica of Muslim extremists and so-called Green Berets, and that once Rogatica Town was taken over by the Serbs, Živojin Novaković, of the VRS,[13172] said that the town would be cleansed and that anyone found in the town would be killed. Based on the above, the Trial Chamber

[13169] Defence Final Brief, para. 1386.
[13170] Defence Final Brief, paras 1010, 1012.
[13171] Defence Final Brief, para. 1431. *See also* Defence Final Brief, paras 1426-1430.
[13172] *See* P309 (Witness RM-081, witness statement, 17 September 2011), paras 43, 46.

is satisfied that the Bosnian Muslims left Rogatica between May and August 1992 because of the fear generated by threats and the violence in the municipality. As such, the Trial Chamber finds that they did not have a genuine choice but to leave and dismisses the Defence's arguments in this regard. The Trial Chamber finds that the perpetrators of these displacements were members of the VRS.

3152. With regard to incident (k)(viii), the Trial Chamber notes that it received evidence from Milovan Milutinović set out in chapter 4.11.7 that sometime in July 1995 talks were held with Mladić, Muslim representatives of Žepa and UNPROFOR and, upon request from the Muslim representatives, it was agreed to organise the transport and departure from Žepa of the entire population. The Trial Chamber recalls that the displacement of persons carried out pursuant to an agreement among political or military leaders or under the auspices of an international organisation does not necessarily make it voluntary. In addition, considering the surrounding circumstances of this displacement and the fear expressed by the Muslim representatives by requesting guarantees from the VRS that civilians not be killed during their transportation out of Žepa, the Trial Chamber finds they did not have a genuine choice but to leave.

3153. With regard to Sokolac Municipality, the Defence argued that civilians were moved to ensure their safety and at their own request because of the conflict.[13173] The Trial Chamber recalls its finding that in incident (m)(i), the Muslim population left because of the threat of violence against Muslims and the lack of protection from the municipal authorities including the Crisis Staff and its President, therefore the Trial Chamber is satisfied that the Muslim population did not have a genuine choice but to leave and dismisses the Defence's argument in this regard. The Trial Chamber finds that the perpetrators of these displacements were members of the Crisis Staff. In relation to incident (m)(ii), the Muslim women and children were placed on buses, after their village had been surrounded by members of the VRS 2nd Romajina Brigade, destroyed, and 40 to 45 Muslim civilians were killed. In light of the above, the Trial Chamber is satisfied that these women and children left out of fear for their lives and did not have a genuine choice but to leave and dismisses the Defence's argument in this regard.

3154. Turning to Bijeljina Municipality, the Defence submitted that various factors caused movement of population in this municipality, including interethnic mistrust, fear of war, inflow of Serb refugees, devastated economy, and that a significant part of the

population had left before July 1992 for these reasons.[13174] Regarding the first incident (b)(i), the Trial Chamber recalls its findings in chapter 4.2.7 that starting in the summer of 1992 and until 1995, Vojkan Đurković of the SDS, aided by Mauzer's men, transferred thousands of Muslim civilians to 'no-man's land' between the front lines; some asked Đurković to transport them away out of fear of violent crimes being committed against them; during this time, other Muslims also fled Bijeljina on their own; in some instances, the transfers were preceded by Đurković breaking into houses in the middle of the night and placing Muslims in vans while beating and cursing them and the perpetrators stated that 'the minorities had no right to exist on "Serb territory"'. With regard to incident (b)(ii) specifically, the Trial Chamber recalls its findings in chapter 4.2.4 that those who left Bijeljina through the Europa agency were required to sign statements leaving all of their property to the agency that would then place Serb refugees into the non-Serb houses. The Trial Chamber further recalls its finding that from 1992 onwards, Vojkan Đurković of the Bijeljina SDS, aided by Mauzer's men, extorted property from Bosnian Muslims and stripped them of their valuables before they were forced out of the municipality. Đurković and Mauzer's men looted the Bosnian-Muslim houses. Based on the foregoing, the Trial Chamber finds that the Bosnian Muslims and/or Bosnian Croats in incidents (b)(i) and (b)(ii) did not have a genuine choice but to leave and dismisses the Defence's arguments in this regard.

3155. With regard to Sanski Most Municipality, the Defence argued, *inter alia*, that people of all ethnicities exercised a genuine choice to temporarily leave the municipality.[13175] In relation to the events that occurred in Sanski Most Municipality, the Trial Chamber recalls its findings about murders in chapters 4.12.1 *Schedules A.7.1-A.7.5*, destructions in chapter 4.12.3, appropriation or plunder of property in chapter 4.12.4, forced labour and human shields in chapter 4.12.5, and imposition and maintenance of restrictive and discriminatory measures in chapter 4.12.6. Further, the Trial Chamber notes that in incident (l)(i) the population was evacuated by the 6th Krajina Brigade, rounded up and transferred in buses; in incident (l)(ii) the inhabitants were ordered by Serb soldiers to find their way to Muslim-held territory, and were forced out by the perpetrators of the attack on Hrustovo village; in incident (l)(iv) the group of Bosnian Muslims were transported under escort by Serb soldiers after their

[13173] Defence Final Brief, para. 1487.
[13174] Defence Final Brief, paras 1622-1628.
[13175] Defence Final Brief, paras 1232 (i), (j), (k), (l).

departure had been arranged by a member of the Sanski Most Crisis Staff; in incident (l)(v) the group of Bosnian Muslims and Bosnian Croats were escorted by the Bosnian-Serb police; in incident (l)(vi) the convoy comprised 850 Bosnian Muslims who were threatened at gunpoint and forced into buses; in incident (l)(vii) Bosnian Muslims left in three convoys organised by the Sanski Most Crisis Staff and the SDS, and some Bosnian Muslims were specifically ordered to leave town; in incident (l)(ix), the convoys were organised by the Sanski Most Crisis Staff and the SDS. Based on the foregoing, the Trial Chamber is satisfied that in incidents (l)(i), (l)(ii), (l)(iv), (l)(v), (l)(vi), (l)(vii) and (l)(ix) they did not have a genuine choice but to leave and dismisses the Defence's arguments in this regard.

3156. Incident (l)(iii) relates to one Bosnian Croat who obtained permission to leave the municipality, following the imposition of discriminatory measures and the broadcasting of announcement informing Bosnian Muslims and/or Bosnian Croats of the procedure to follow in order to leave the municipality. He left for Croatia in December 1992. While that person was not physically forced to leave the municipality, the Trial Chamber finds that the overall circumstances surrounding his displacement and the situation in the municipality as recalled in the previous paragraph, establish that he did not have a genuine choice but to leave.

3157. For incident (l)(viii), the Trial Chamber recalls its finding that a Bosnian-Muslim woman was taken from her village of Hrustovo together with her children by 'Mitra' and another soldier to Tomina where she was detained. Two weeks later, she was instructed by Serb soldiers to walk to Muslim-held territory. Considering its findings on the murders committed in Hrustovo on 31 May 1992 in chapter 4.12.1 *Schedule A.7.2*, the destruction in chapter 4.12.3, the plunder in chapter 4.12.4, and the fact that this woman was detained with her children before being instructed to walk to Muslim-held territory, the Trial Chamber finds that she did not have a genuine choice but to leave.

3158. In relation to Vlasenica Municipality, the Defence argued that the movement of civilians there was voluntary and due to fear, panic, and tensions.[13176] The Trial Chamber recalls its findings on killings (chapter 4.14.1 *Schedule A.9.1*), destructions (chapter 4.14.3), appropriation or plunder of property (chapter 4.14.4), and discriminatory measures (4.14.6) in Vlasenica Municipality. In incident (n)(i), a group composed of women and one elderly man was transferred by Serbs in a bus; in incident

(n)(ii), the group of women and children were transferred by the Vlasenica special police platoon supported by a VRS unit. Based on the above, the Trial Chamber finds that both groups did not have a genuine choice but to leave. With regard to incident (n)(iii), *i.e.* the capture and subsequent transfer of Muslims by the Vlasenica SJB special police platoon, accompanied by other VRS forces, the Trial Chamber is also satisfied that they did not have a genuine choice but to leave.

3159. Regarding Srebrenica, the Defence argued that the relocations were a natural consequence of the ongoing armed conflict and the instability and violence in the region.[13177] The Trial Chamber recalls that the evacuation of the Bosnian-Muslim civilians gathered in Potočari was organised by the VRS and the MUP and took place, for the first convoy only, under the supervision and escort of UNPROFOR. However, the Trial Chamber recalls that the displacement of persons carried out pursuant to an agreement among political or military leaders or under the auspices of an organisation does not necessarily make it voluntary. The Trial Chamber also recalls: (i) the circumstances surrounding the movement of population from Srebrenica to Potočari, including the orders by the 10th Sabotage Detachment to Srebrenica Town inhabitant to leave, the shells fired by the VRS at the UNPROFOR Bravo compound in Srebrenica, the mortars fired along the road taken by the Bosnian Muslims fleeing towards Potočari; (ii) the situation in the UNPROFOR compound in Potočari and its surroundings, where the population sough refuge, namely the shots and shelled fired around the compound, the dire living conditions, the fear and exhaustion of the Bosnian Muslims who had sought refuge there; and (iii) that the VRS, assisted by MUP units, coordinated the boarding of buses, ultimately forcing women children and elderly onto the buses while some were hit by members of the MUP, and escorted the buses towards Bosnian-Muslim controlled territory. Based on the above, the Trial Chamber finds that the approximately 25,000 Bosnian Muslims, mostly women, children, and elderly who left Potočari to go to Bosnian-Muslim controlled territory in incident (o) did not have a genuine choice but to leave.

3160. *Negative findings.* In relation to incidents (a)(ii) and (a)(iii), the Trial Chamber notes that they occurred in August and September 1994, and that it did not receive any

[13176] Defence Final Brief, paras 1678-1679.
[13177] Defence Final Brief, para. 137.

evidence regarding the circumstances surrounding these displacements at that time and therefore is unable to determine that they had no genuine choice but to leave.

3161. With regard to incident (k)(iv), the Trial Chamber notes that it concerns the escape of a Bosnian-Muslim detainee from Rasadnik camp/detention facility, who reached Sarajevo two months later. Considering the elapsed time between his escape from the camp and his arrival in Sarajevo, the Trial Chamber does not find that the VRS in charge of the camp coerced him to leave the municipality and will therefore not further consider it.

3162. Incident (k)(v) relates to the departure in August or September 1993 of a Bosnian-Muslim family previously detained at Veljko Vlahović Secondary School following the attacks on Rogatica Town. The Trial Chamber considered its findings on the unlawful detention and cruel or inhumane treatment in Veljko Vlahović Secondary School (chapter 4.11.2 *Schedule C.16.1*)..However, the Trial Chamber also considered that this family was detained from July 1992 in Veljko Vlahović Secondary School for approximately three and a half months and then left the school and only left the municipality in August or September 1993 by their own means. Considering the time elapsed between the attacks on the town, their detention and their arrival in Montenegro, the Trial Chamber is not satisfied that the authorities in charge of the school, *i.e.* Rajko Kušić, the camp commander, and the local Serbs under his authority, civilian police, Serb TO, and paramilitary unit members who were guarding the camp between June and August 1992 coerced them to leave the municipality and will therefore not further consider this incident.

3163. In light of the above, the Trial Chamber will not further consider incidents (a)(ii), (a)(iii), (k)(iv) and (k)(v).

Circumstances under which displacement would be allowed

3164. As set out in the applicable law, the displacement of civilians is allowed in limited circumstances. The Trial Chamber notes that the evidence received did not indicate any imperative military reasons that would have justified the displacement of civilians from the municipalities considered. Furthermore, as also discussed above, the transfer of Bosnian Muslims and/or Bosnian Croats was not carried out for the security of the persons involved, but rather to transfer them out of certain municipalities and, in

other cases, to other countries. This is also supported by the fact that the perpetrators of the displacements did not take measures to ensure that the transfers happened in a humane manner, and, in some cases, subjected the displaced to ill-treatment. In addition, no measures were taken to ensure that families were kept together, and in certain instances, families were purposely separated. Finally, the Trial Chamber finds that no steps were taken to secure the return of those displaced. Some victims did return to the area they were transferred out of, but did so on their own volition and not with the assistance of those involved in displacing them. Therefore, the Trial Chamber finds that there were no circumstances that justified the displacement of the persons involved in the incidents set out above as recognized by international law.

Mens rea

3165. Regarding the Defence's argument that the transfer or deportation of persons was not intended to be permanent,[13178] the Trial Chamber refers to the jurisprudence of the Appeals Chamber, as set out in chapter 8.5.1, that the perpetrators of the crimes of forcible transfer or deportation do not need to have the intent to displace the persons on a permanent basis.

3166. *Forcible transfer: organized or secured by the perpetrators.* With regard to the acts described in incidents (b)(i), (f)(i), (f)(ii), (g), (h), (i), j(i), (k)(viii), (l)(i), (l)(ii), (l)(iv), (l)(v), (l)(vi), (l)(vii), (l)(ix), (m)(ii), (o), the Trial Chamber recalls that the victims were forcibly displaced. The Trial Chamber further notes that the perpetrators of these acts organized, or assisted with the security of, the transportation of Bosnian Muslims and/or Bosnian Croats to other municipalities in Bosnia-Herzegovina.[13179] The Trial Chamber further recalls below excerpts of factual findings related to some of these incidents, relevant to establish the *mens rea* of the perpetrators of these incidents. In the case of incident f(i), in early May 1992, the SNO President, told the President of the Ključ Municipality's executive board, that Serbs, Muslims and Croats that constituted a minority in any territory would need to move, so that minorities would amount to no more than five or six per cent. Although the Trial Chamber received evidence that on 20 May 1992, the ARK Crisis Staff decided that there was no reason for anyone to move

[13178] Defence Final Brief, para. 1232 (h).
[13179] The Trial Chamber has previously addressed the Defence's submission that non-Serbs were displaced for security reasons.

out of the ARK territory, and broadcast this conclusion on the radio over the following days, it also received evidence that the ARK Crisis Staff kept control over the modalities of the departure of Muslims and Croats from the ARK territory, including on the amount of money that those leaving could take. It further received evidence that the ARK Crisis Staff allowed Muslims and Croats to move out of the ARK territory on the condition that Serbs living outside of the territory would move into the ARK territory. Further, on 30 July 1992, the Ključ Crisis Staff decided that those leaving were required to declare that they were leaving permanently and voluntarily and had to exchange their property or surrender it to the municipality. In the case of incident (f)(ii), Bosnian Muslims and/or Bosnian Croats were required, prior to their departure, to sign statements leaving all their property. Concerning incident (i), the Defence argued that Bosnian Serbs did everything in their power to convince Bosnian Muslims to stay but that ultimately the Pale SDS Main Board decided that they could leave in accordance with their constitutional right to freedom of movement.[13180] In this regard, the Trial Chamber recalls its analysis on the coercive nature of these departures. With regard to incident (j)(i), the perpetrators, on one occasion, told people, transported from Trnopolje camp, to get off a bus and go towards barricades nearby; '[d]own there are your folk, Alija, Tudjman, are awaiting you'. In the case of incident (l)(i), the perpetrators of the acts of forcible transfer participated in the rounding up of Mahala inhabitants and their transfer to Velika Kladuša. They told inhabitants of Mahala that those who did not wish to fight had three hours to evacuate Mahala before the attack on the neighbourhood. In the case of incident (l)(ii), the perpetrators of the attack on Hrustovo made the Bosnian-Muslims inhabitants, who survived the attack on Hrustovo and the neighbouring villages, go to Doboj, where Serb soldiers told them to find their way to Muslim-held territory. With respect to incident (l)(vi), the Trial Chamber notes that on 11 May 1992 guards under the direction of Davidović, the Commander of the Serb Crisis Committee of Banja Luka, threatened at gunpoint and forced into buses Bosnian Muslims. Concerning incident (l)(vii), Bosnian Muslims who left in one of the convoys on 17 August 1992 had been ordered to leave Sanski Most Town the same morning. Concerning incident (o) and during the fall of the Srebrenica enclave on 11 July 1995, some of the perpetrators of the attack against the enclave ordered the Bosnian Muslims from Srebrenica Town and its surrounding villages to go to the UNPROFOR compound

[13180] Defence Final Brief, para. 1387.

in Potočari. Although the Trial Chamber found that the ABiH as well as DutchBat troops similarly told Bosnian-Muslim women and children who had gathered in Srebrenica Town to head for the UNPROFOR compound in Potočari, the Trial Chamber recalls its finding on the coercive context in which Bosnian-Muslim civilians left Srebrenica. Further, the perpetrators organized and supervised the evacuation of Bosnian-Muslim civilians to Kladanj Municipality, including the supply of fuel and buses, the boarding of the Bosnian Muslims onto trucks and buses, and the escorting of Bosnian Muslims to a non-man's land between the Bosnian-Serb and Bosnian-Muslim lines from which they were forced to continue the last leg of their journey on foot. Therefore, for all the incidents mentioned in this paragraph, the Trial Chamber finds that the perpetrators had the intent to forcibly displace the victims.

3167. *Deportation: organized or secured by the perpetrators.* With regard to the acts of deportation described in incidents (b)(ii), (c)(i), and (j)(ii), the Trial Chamber notes that the perpetrators of these acts organized or assisted with the security of the transportation of Bosnian Muslims and/or Bosnian Croats to other countries. In the case of incident (b)(ii), Bosnian Muslims and/or Bosnian Croats were required to sign statements leaving all their property prior to their departure to the perpetrators organizing their transport. Further, for a year and a half, the perpetrators used one route to bus people out of the area via Serbia and took them to the Hungarian border. In the case of incident (c)(i) and following a discussion with a representative of the Bosnian-Serb Republic in mid-June 1991, the Foča War Commission tasked the civilian and military authorities to arrange transportation and provide security to individuals leaving the municipality. The Trial Chamber further found that these people were taken to Sweden and Montenegro. Under these circumstances, the Trial Chamber finds that the perpetrators had the intent to forcibly displace Bosnian Muslims and/or Bosnian Croats across a *de jure* border.

3168. *Forcible transfer of detainees: organized and secured by the perpetrators.* With regard to the acts of forcible transfer described in incidents (c)(iii), (c)(iv), (c)(v), (c)(vi), (c)(vii), (k)(iii), (k)(vi), (l)(x), (l)(xii), (m)(iii), (n)(i), (n)(ii), (n)(iii), (n)(iv), (n)(v), and (n)(vi) the Trial Chamber notes that the perpetrators of these acts organized the transfer of Bosnian Muslims detained in various places to other municipalities within Bosnia-Herzegovina. The Trial Chamber further recalls specific evidence it received relevant to establish the *mens rea* of the perpetrators of these incidents. In the case of incident (c)(iii), the perpetrators of these acts ordered a Bosnian Muslim

transported to Dobro Polje, to walk towards ABiH-controlled territory. Regarding incident (k)(iii), on 22 June 1992, one of the perpetrators announced, prior to the displacements, that the Muslims held at Veljko Vlahović Secondary School with relatives in the 'free zone' would be transported there. In the case of incident (k)(vi), one of the perpetrators of these acts had approved the exchange in Sarajevo of some of the Bosnian Muslims detained in Rasadnik camp. In the case of incident (n)(i), the perpetrators of the attack on Zaklopač organized and escorted the departure of Bosnian Muslims to Kladanj. Further, prior to their departure, Bosnian-Muslim women had to sign statements giving away their houses and properties to the Serbs. In the case of incident (n)(iv), the authorities of the detention centres where Bosnian-Muslim women were detained ordered that they sign statements stating they left of their own volition. In the case of incidents (c)(iv), (c)(v), the perpetrators of the detention exchanged Bosnian Muslims transported from Foča to Kalinovik and Sarajevo. In the case of incident (m)(iii), the perpetrators of the detention exchanged a Bosnian Muslim detained in various centres in 1992 and 1993 at the Sarajevo airport. In the case of incident (n)(vi), the perpetrators of the detention exchanged the Bosnian Muslim following his detention. Under these circumstances, the Trial Chamber finds that the perpetrators had the intent to forcibly displace the victims.

3169. *Deportation: organized and secured by the perpetrators.* With regard to the acts of deportation described in incidents (c)(ii), (k)(vii), and (l)(xi), the Trial Chamber notes that the perpetrators of these acts organized the transfer of Bosnian Muslims detained in various places to other countries. In incident (c)(ii), the perpetrators of the detention had said a day prior to the departure of the Bosnian-Muslim women that they would send them out of Foča. The Trial Chamber found that the perpetrators transported the women by bus and police cars to Novi Pazar in Serbia. Regarding incident (k)(vii), a Bosnian Muslim detained in Batković camp was exchanged in Croatia. Concerning incident (l)(xi), three Bosnian Muslims detained in Manjača camp were transferred to Karlovac, Croatia, as part of an exchange. Under these circumstances, the Trial Chamber finds that the perpetrators had the intent to forcibly displace these Bosnian Muslims across a *de jure* border.

3170. *Other incidents of forcible transfer or deportation.* With respect to the acts of deportation described in incidents (a)(i), the Trial Chamber notes that in May 1992, the perpetrators of these acts broadcasted announcements indicating that there was no

reason for anyone to move out of the ARK and decided to oppose and prevent all attempts to pressure or force the population to move. However, the Trial Chamber also received a large amount of reliable evidence establishing that in May 1992, the perpetrators of these acts also issued orders and decisions establishing that they exercised control over the departures of Bosnian Muslims and Bosnian Croats from the municipality. Further, the Trial Chamber recalls that in 1992, one of the perpetrators, Radoslav Brđanin, called upon Bosnian Muslims to leave the Krajina. The Trial Chamber also recalls that between 1 April 1992 and 31 December 1992, non Serbs were forced to sign over or exchange their property for property in Croatia. Moreover, 'Brđanin's agency' managed all aspects of relocation of the population and people left the municipality by bus for Croatia on a daily basis. Therefore, the Trial Chamber finds that in this incident the perpetrators acted with the intent to forcibly displace these Bosnian Muslims and Bosnian Croats across a *de jure* border.

3171. With respect to the acts of forcible transfer described in incident (d), the Trial Chamber notes that the Bosnian-Muslim family left Ilidža Municipality to Sarajevo after a member of the White Eagles threatened the family's lives if they were to refuse to comply with the ultimatum to leave the municipality or to take up arms and become loyal to the Serb authorities. Under these circumstances, the Trial Chamber finds that the perpetrator of this act acted with the intent to forcibly displace the victims.

3172. With respect to the acts of forcible transfer described in incident (l)(viii), the Trial Chamber notes that two weeks after the attack on Hrustovo in July 1992, 'Mitra' and another soldier specifically instructed a Bosnian-Muslim woman and her children whom they had taken to Tomina, to walk to Muslim-held territory. Under these circumstances, the Trial Chamber finds that the perpetrators of these acts had the intent to forcibly displace the victims.

3173. With respect to the acts of forcible transfer described in incident (k)(i), the Trial Chamber notes that by August 1992, almost all of the Bosnian Muslims who had gathered in Vragolovi had left for Goražde due to shelling by Serb forces and a warning about another Serb attack. Regarding the acts of forcible transfer described in incident (k)(ii), the Trial Chamber notes that between May and August 1992, other Bosnian Muslims from Rogatica Municipality left due to the shelling of Rogatica Town and Serb attacks on several other Muslim villages. The Trial Chamber recalls its finding that there were no circumstances justifying the displacement of the persons involved in these

incidents and that the shelling of Muslim villages and, in the case of incident (k)(i), the warning about another Serb attack, establishes that the perpetrators of these acts had the intent to forcibly displace the victims.

3174. With respect to the acts of forcible transfer described in incident (m)(i), the Trial Chamber recalls that the municipal authorities did not protect the Muslim population of Sokolac Municipality from May 1992, and that on one occasion, when told that Muslims were scared and leaving the municipality, the President of Sokolac Municipality said 'Let leave to wherever they want to. If you ever try anything against us, we will destroy you.' Under these circumstances, the Trial Chamber finds that the perpetrators of these acts had the intent to forcibly displace the victims.

3175. With respect to the acts of forcible transfer described in incident (e), the Trial Chamber notes that this incident concerns the flight and arrival in Muslim-held territory of a Bosnian-Muslim survivor of a killing incident in Kalinovik Municipality.[13181] Under these circumstances, the Trial Chamber is unable to establish that the perpetrators of the killing incident intended to forcibly displace this Bosnian Muslim and will not consider incident (e) any further.

3176. With respect to the acts of deportation described in incident (l)(iii), the Trial Chamber notes that the circumstances surrounding the departure of a Bosnian Croat from Sanski Most Municipality in September 1992 establishes that Dragan Paštalo was in charge of delivering special permissions authorizing Bosnian Muslims to leave the municipality. However, the Trial Chamber did not receive any evidence establishing that Dragan Paštalo intended to deport this Bosnian Croat across a *de jure* border and will not consider incident (l)(iii) further.

3177. With the exception of incidents (e) and (l)(iii), the perpetrators of the displacements possessed the requisite intent.

3178. The Trial Chamber recalls its findings in chapters 8.1 and 8.2 with regard to the general elements and jurisdictional requirement of crimes against humanity.

[13181] *See* chapter 4.5.1 *Schedule B.7.1*.

Status of victims

3179. With regard to the acts of forcible transfer or deportation described in incidents (a)(i), (b)(i), (c)(i), (f)(i), (k)(viii), (l)(vi), (o), the Trial Chamber finds that these acts were carried out against civilians.

3180. With respect to the acts of forcible transfer or deportation described in incidents (b)(ii), (d), (f)(ii), (g), (h), (i), j(i), (j)(ii), (k)(i), (k)(ii), (l)(i), (l)(ii), (l)(iv), (l)(v), (l)(vii), (l)(viii), (l)(ix), (m)(i), (m)(ii), (n)(i), (n)(ii), (n)(iii), the Trial Chamber finds that these were committed against individuals in residential areas and, in some cases they were committed after attacks on civilians and against people having been forced out of their homes; some of the victims included women, children and elderly. Concerning incidents j(i) and (j)(ii), the Trial Chamber notes that some of the victims of these incidents were also the victims of unlawful detention (*see* chapter 4.10.2 *Schedule C.15.4*). Given that context, the Trial Chamber finds that the only reasonable inference is that the victims of these acts were predominantly civilians.

3181. In relation to the acts of forcible transfer or deportation described in incidents (c)(iii), (c)(iv), (c)(v), (c)(vii), (k)(iii), (k)(vi), (k)(vii), (l)(x), (l)(xi), (l)(xii), (m)(iii), (n)(iv), (n)(v), (n)(vi), the Trial Chamber notes that the victims of these incidents were also the victims of unlawful detention (*see* chapters 4.3.2 *Schedule C.6.1*, 4.4.2 *Schedule C.8.1*, 4.11.2 *Schedule C.16.1*, 4.11.2 *Schedule C.16.3*, 4.2.2 *Schedule C.2.1*, 4.12.2 *Schedule C.19.3*, and 4.1.2 *Schedule C.1.2*. The Trial Chamber recalls its findings on the status of the persons detained in these detention centres in chapter 8.9.2 (d). At KP Dom Foča, Manjača camp, Batković camp, Kula prison, and Sušica camp the detainees were mostly civilians. At Veljko Vlahović Secondary School and at Rasadnik camp, the detainees were civilians. In addition, the Trial Chamber found that those detainees found not to be civilians were placed *hors de combat* as a result of their detention. Accordingly, the acts of forcible transfer or deportation listed in this paragraph were carried out against the same categories of victims and were therefore committed against civilians but including also persons placed *hors de combat* at the time of their displacement.

3182. With regard to incident (c)(vi), the Trial Chamber recalls its findings in chapter 4.3.2 *Schedule C.6.4* that at Partizan Hall, the detainees were civilians. With regard to incident (c)(ii), the Trial Chamber recalls its finding in chapter 4.3.2 *Schedule C.6.3* that

women were detained in Bukovica Motel. For this incident the Trial Chamber also considered that the detainess included women and children, and that some detainees were taken from their homes and some from Partizan Hall, where they were previously detained. In this regard and considering the finding on the status of the detainees in Partizan Hall, the Trial Chamber finds that the only reasonable inference is that the detainees at Bukovica Motel were civilians.

Conclusion

3183. The Trial Chamber finds that the following incidents constituted deportation as charged in Count 7 of the Indictment: (a)(i); (b)(ii); (c)(i); (c)(ii); (j)(ii); (k)(vii); and (l)(xi). The Trial Chamber further finds that the following incidents constituted forcible transfer as charged in Count 8 of the Indictment: (b)(i); (c)(iii); (c)(iv); (c)(v); (c)(vi); (c)(vii); (d); (f)(i); (f)(ii); (g); (h); (i); (j)(i); (k)(i); (k)(ii); (k)(iii); (k)(vi); (k)(viii); (l)(i); (l)(ii); (l)(iv); (l)(v); (l)(vi); (l)(vii); (l)(viii); (l)(ix); (l)(x); (l)(xii); (m)(i); (m)(ii); (m)(iii); (n)(i); (n)(ii); (n)(iii); (n)(iv); (n)(v), (n)(vi), and (o).

8.6 Acts of violence the primary purpose of which is to spread terror among the civilian population

8.6.1 Applicable law

3184. Count 9 of the Indictment charges the Accused with acts of violence the primary purpose of which were to spread terror among the civilian population ('the crime of terror'), as a violation of the laws or customs of war, punishable under Article 3 of the Statute. The general elements and jurisdictional requirements for this crime have been discussed in chapter 8.1, above.

3185. The Defence argued that the Tribunal does not have jurisdiction over the crime of terror and therefore any conviction for this crime would violate the principle of *nullum crimen sine lege*.[13182] The Appeals Chamber has confirmed that the Tribunal has jurisdiction over this crime,[13183] and the Trial Chamber finds nothing in the Defence's submissions which would lead it to deviate from the established case law.

3186. The crime of terror requires proof of the following elements:

a) acts or threats of violence directed against the civilian population or individual civilians not taking direct part in hostilities causing the victims to suffer grave consequences;

b) the offender wilfully made the civilian population or individual civilians not taking direct part in hostilities the object of those acts or threats of violence; and

c) the above acts or threats of violence were committed with the primary purpose of spreading terror among the civilian population.[13184]

3187. The acts or threats of violence directed against civilians are not limited to direct acts or threats of violence against civilians, but may include indiscriminate or disproportionate acts or threats of violence.[13185] The meaning of 'civilian population' is given in chapter 8.2.1, above.[13186] Grave consequences include, but are not limited to, death or serious injury to body or health.[13187]

[13182] Defence Final Brief, paras 146-151.
[13183] *Galić* Appeal Judgment, paras 87-90;*Dragomir Milošević* Appeal Judgment para. 30.
[13184] *Galić* Appeal Judgement, paras 100-102; *Dragomir Milošević* Appeal Judgement, paras 31-33, 57.
[13185] *Galić* Appeal Judgment, para. 102.
[13186] *See Dragomir Milošević* Appeal Judgment, paras 50-51.
[13187] *Dragomir Milošević* Appeal Judgment, para. 33.

3188. The *mens rea* for the crime of terror consists of the intent to make the civilian population or individual civilians not taking direct part in hostilities the object of the acts of violence or threats thereof, and of the specific intent to spread terror among the civilian population.[13188] Such intent may be inferred from the circumstances of the acts or threats, i.e. from their nature, manner, timing and duration.[13189] While spreading terror must be the primary purpose of the acts or threats of violence, it need not be the only purpose.[13190] The Appeals Chamber has suggested that terror could be defined as 'extreme fear'.[13191]

8.6.2 Legal findings

3189. In chapters 5.2 and 5.3, the Trial Chamber decided to further consider a number of incidents of alleged sniping and shelling attacks in Sarajevo in light of the applicable law. An overview of sniping and shelling incidents in which some of the victims were alleged to have been murdered, has been provided in chapter 8.3.2. The others are set out below:

3190. Sniping Incidents:

(a) Scheduled Incident F.1 - on 13 December 1992, a member of the SRK targeted and injured Anisa Pita, a three-year-old girl, as further set out in chapter 5.2.1;

(b) Scheduled Incident F.4 - on 3 September 1993, a member of the SRK targeted and injured Nafa Tarić and her eight-year-old daughter, as further set out in chapter 5.2.3;

(c) Scheduled Incident F.5 - on 2 November 1993, a member of the SRK targeted and injured Ramiza Kundo, a Bosnian-Muslim woman, as further set out in chapter 5.2.4;

(d) Scheduled Incident F.9 - on 26 June 1994, a member of the SRK targeted and injured 16-year-old Sanela Muratović, as further set out in chapter 5.2.5;

(e) Scheduled Incident F.15 - on 3 March 1995, a member of the SRK shot and injured Azem Agović and Alen Gičević, who were travelling on a crowded tram, as further set out in chapter 5.2.9;

[13188] *Galić* Appeal Judgment, para. 104; *Dragomir Milošević* Appeal Judgment, para. 37.
[13189] *Galić* Appeal Judgment, para. 104; *Dragomir Milošević* Appeal Judgment, para. 37.
[13190] *Galić* Appeal Judgment, para. 104; *Dragomir Milošević* Appeal Judgment, para. 37.
[13191] *Galić* Appeal Judgment, fn. 320.

(f) Scheduled Incident F.16 - on 6 March 1995, a member of the 7th Infantry Battalion of the SRK's 1st Romanija Infantry Brigade shot and seriously injured Tarik Žunić, a 14-year-old Muslim civilian, as further set out in chapter 5.2.10;

(g) Unscheduled sniping incident – on 25 June 1993, a member of the SRK shot and injured a man picking lettuce in his farm in Kobilja Glava, as further set out in chapter 5.2.11;

(h) Unscheduled sniping incident – on 24 July 1993, a member of the SRK shot and injured Mejra Jusović, as further set out in chapter 5.2.11;

(i) Unscheduled sniping incident – on 5 August 1993, a member of the SRK targeted and shot at three young females walking along Stara Cesta, injuring one of them, as further set out in chapter 5.2.11;

(j) Unscheduled sniping incident – on 2 November 1993, a member of the SRK targeted and injured Ramiz Velić, an employee of the Public Utilities Company in Sarajevo, while he was collecting rubbish on Braće Ribara Street, as further set out in chapter 5.2.11;

(k) Unscheduled sniping incident – on or around 9 November 1993, a member of the SRK targeted and injured Fatima Osmanović, a 44-year old woman, on Briješko Brdo Street on her way back from a well, as further set out in chapter 5.2.11;

(l) Unscheduled sniping incident – on 13 June 1994, a member of the SRK targeted and shot Fatima Salčin in the hand while she was on the road from Alipašino Polje to Dobrinja, as further set out in chapter 5.2.11;

(m) Unscheduled sniping incident – on 9 November 1994, a VRS member shot and wounded five people, three of whom were soldiers, on Zmaja od Bosne Street near the technical school, as further set out in chapter 5.2.11;

(n) Unscheduled sniping incident – on 22 November 1994, a member of the SRK shot and seriously wounded Sanela Dedović, as further set out in chapter 5.2.11; and

(o) Unscheduled sniping incident – on 10 December 1994, a member of the SRK shot and wounded Derviša Selmanović, who was fetching wood in the backyard of a house in Sedrenik, as further set out in chapter 5.2.11.

3191. Shelling Incidents:

(a) Scheduled Incident G.1 – on 28 and 29 May 1992, members of the VRS fired artillery, rockets, and mortars against Sarajevo, injuring Witness RM-115 and 16-year-old Fadila Tarčin and causing extensive damage to buildings, as further set out in chapter 5.3.1;

(b) Scheduled Incident G.13 - on 26 May 1995, members of the SRK fired a modified air bomb and ten projectiles at Safeta Hadžića Street, destroying the top floors of one of the apartment buildings and injuring at least 16 civilians, two of whom seriously, as further set out in chapter 5.3.8; and

(c) Scheduled Incident G.15 - on 16 June 1995, a member of the SRK fired a modified air bomb in a residential area in Alipašino Polje, injuring seven people and severely damaging several buildings, one of which contained a civil defence/local community centre office, as further set out in chapter 5.3.9;

(d) Unscheduled shelling incident – on or about 14 May 1992, members of the SRK shelled Sarajevo causing material damage and wounding three people, as further set out in chapter 5.3.11;

(e) Unscheduled shelling incident – on 6 and 7 September 1994, a member or members of the SRK fired at civilians crossing the Butmir bridge as well as at other civilians and two UNPROFOR vehicles travelling along Igman road, as further set out in chapter 5.3.11;

(f) Unscheduled shelling incident – on 21 November 1994, a member of the SRK fired a M80 hand-held rocket at a tram in Grbavica, seriously injuring Hajrudin Hamidić, the civilian driver of the tram, as further set out in chapter 5.3.11;

(g) Unscheduled shelling incident – on 16 June 1995, member of the SRK launched a modified air bomb which exploded on Čobanija Street 7, injuring at least three civilians, two of whom seriously, as further set out in chapter 5.3.11;

(h) Unscheduled shelling incident – on 1 July 1995, members of the SRK launched two modified air bombs, which fell on Bunički Potok Street and Alekse Šantića Street, injuring thirteen civilians, two of whom were seriously injured, as further set out in chapter 5.3.11;

(i) Unscheduled shelling incident – on 1 July 1995, a member or members of the SRK launched a modified air bomb which landed in the garden of a house in a residential area, just east of the PTT building, as further set out in chapter 5.3.11; and

(j) Unscheduled shelling incident – on 19 July 1995, a member or members of the SRK fired a 120-millimetre shell at the Sokolovići settlement, injuring three people, as further set out in chapter 5.3.11.

Acts of violence directed against the civilian population or individual civilians not taking direct part in hostilities, causing the victims to suffer grave consequences.

3192. *Acts of violence.* All the incidents concern sniping and shelling. The Trial Chamber therefore finds that they constitute acts of violence.

3193. *Status of victims.* The Trial Chamber recalls its finding in chapter 8.3.2 that most of those killed as a result of the sniping and shelling incidents were civilians who were not taking direct part in the hostilities at the time they were killed. With regard to Scheduled Incidents G.4, G.8, and G.18, the Trial Chamber recalls that a number of victims killed in these incidents were not civilians, and has therefore not considered these victims further in relation to Counts 9 and 10 of the Indictment (*see* chapter 8.3.2). With regard to Scheduled Incident G.4, there were also combatants among the wounded. Similarly, the Trial Chamber finds that even though these combatants were carrying out a civilian activity, they were not *hors de combat* and, as such, are excluded from the protection of Common Article 3. Thus, it will not further consider non-civilians wounded as a result of Scheduled Incident G.4.

3194. For the remainder of the victims, namely those wounded as a result of the shelling and sniping incidents listed above, and with the exception of the victims of incident G.4, the Trial Chamber considered factors such as their age, gender, appearance at the time of the incidents, and the circumstances in which the incidents took place, in order to determine whether the victims were civilians not taking part in hostilities. Most victims of the above listed incidents were wearing civilian clothing and were engaged in acts of everyday civilian life when the incidents took place, such as fetching water or collecting firewood, walking with civilian friends, travelling by tram, returning from school, playing in or watching a football tournament, queuing for humanitarian aid, or were simply present in residential areas of Sarajevo which were not in the vicinity of

any legitimate military targets. At least ten of the victims were under the age of 16.[13192] In addition, none of these victims had taken up arms or were participating in any sort of military activity. The Trial Chamber therefore finds that all the victims were civilians not taking direct part in hostilities.

3195. *Grave consequences.* The Trial Chamber recalls that, with the exception of the unscheduled incident of 1 July 1995 in which a modified air bomb landed in a residential garden east of the PTT building, the victims of the above-mentioned sniping and shelling incidents either suffered serious bodily injury,[13193] or were killed,[13194] while others' houses or apartments were destroyed or severely damaged.[13195] With regard to the 1 July 1995 incident in which a modified air bomb landed in a residential garden, the Chamber notes that it did not receive evidence demonstrating that this attack resulted in grave consequences. The Trial Chamber finds, therefore, that with the exception of the 1 July 1995 garden bombing, the victims of the shelling and sniping incidents suffered grave consequences as a result of acts of violence.[13196]

3196. *The perpetrator wilfully made the civilian population or individual civilians not taking direct part in hostilities the object of those acts or threats of violence.* The Trial Chamber recalls its findings for Scheduled Sniping Incidents F.1, F.4, F.5, F.9, F.12, F.16; as well as Unscheduled Sniping incidents of 27 June 1993, 5 August 1993, 2 November 1993, 9 November 1993, and 13 June 1994, that the victims were targeted by members of the SRK. For the remaining sniping and shelling incidents, the Trial

[13192] **Sniping incidents**: F.1: Anisa Pita; F4: Elma Tarić; F9: Sanela Muratović; F16: Tarik Žunić. Unscheduled incidents: Sanela Dedović (22 November 1994). **Shelling incidents**: G6: five children were wounded. In chapter 8.3.2, the Trial Chamber already determined that the six children that died were civilians.

[13193] **Sniping Incidents**: F.1: Anisa Pita; F4: Nafa and Elma Tarić; F.5: Ramiza Kundo; F.9: Sanela Muratović; F.11: Alma Ćutuna; F.12: Dženana Sokolović; F.13: Afeza Karačić and Sabina Šabanić; F.15: Azem Agović and Alen Gičević; F.16: Tarki Žunić; Unscheduled incidents: Witness RM-126 (20 March 1993); Mirsada Parla (31 March 1993); a man picking lettuce (25 June 1993); Mejra Jusović (24 July 1993); three young females dressed in civilian clothes (5 August 1993); Ramiz Velić (2 November 1993); Fatima Osmanović (9 November 1993); Fatima Salčin (13 June 1994); Sanela Dedović (22 November 1994); and Derviša Selmanović (10 December 1994). **Shelling Incidents**: G.4: approximately 100 people; G.6: six people, five of whom were children; G.7: at least 18 persons; G.10: four civilians; G.13: 16 civilians; G.15: seven people.

[13194] **Sniping Incidents**: F.3: Munira Zametica; F.12: Nermin Divović; F.15 (unscheduled addition) Elderly man on tram 238; Unscheduled: Džemo Parla (31 March 1993); Almasa Konjhodžić (27 June 1993); Edina Trto (26 September 1993); Hatema Mukanović (11 January 1994); Adnan Kasapović (24 October 1994); Jasmina Tabaković (14 May 1995). **Shelling Incidents**: G.4: over ten people; G.6: six children under the age of twelve; G.7: at least eight civilians; G.10: one civilian.

[13195] **Shelling Incidents**: G.10, G.13, and G.15: several buildings severely damaged, one of which housed an office of the civil defence.

[13196] The Trial Chamber will deal with the intention of these acts of violence below.

Chamber considered a number of factors in determining whether civilians or the civilian population were targeted.

3197. The Trial Chamber also considered the Defence arguments that the victim of Scheduled Incident F.3 was not targeted by a member of the SRK, and that the victim of Scheduled Incident F.16, if targeted by the SRK, was reasonably mistaken for a combatant.[13197] With regard to Scheduled Incident F.3, the Defence argues that armed ABiH soldiers were in close proximity to the victim and that she was most probably killed as the result of combat, by either a ricochet or burst of fire from a shorter distance than alleged. The Trial Chamber recalls, however, that before the victim, Munira Zametica, was killed, she had joined a group of civilians taking shelter from sniping below a bridge on the Dobrinja River. After some time had passed without any sniping, members of this group decided to collect water one by one. While collecting water, Zametica was first hit by a bullet in the right side of her chest and when she turned around she was hit by another bullet on the right side of her neck. After she had fallen near the river bank, the perpetrator repeatedly shot towards her, preventing rescuers from approaching. The Trial Chamber considered (i) that the victim was hit by two bullets within several seconds of each other; (ii) that sniping had been ongoing at that location not long before she was shot; and (iii) that the shooting continued in her direction after she had fallen, as factors showing that she was targeted and shot by sniper fire rather than being mistakenly hit by a ricochet or burst of fire. The Trial Chamber therefore rejects the Defence's suggestion that Zametica might have been killed unintentionally as a result of combat.

3198. With regard to Scheduled Incident F.16, the Defence argues that the victim might have been misidentified as a combatant because he was wearing jeans and a green jacket, and because some members of the ABiH dressed like civilians. The Trial Chamber recalls, however, that the victim, Tarik Žunić, was only 14 years old, was carrying a blue rucksack, and wearing what he described as a 'Benetton green' jacket when he was shot, which the Trial Chamber understands to mean a bright green jacket as opposed to the olive-drab green associated with ABiH uniforms. The Trial Chamber also recalls that there were no barracks, trenches, or other military installations close to the place where he was shot. The Trial Chamber considered the Defence suggestion that

[13197] The Trial Chamber recalls its findings on the identity of the perpetrators in chapters 5.2.2 *Schedule* F.3 and 5.2.10 *Schedule* F.16.

a civilian could be reasonably mistaken for a combatant because some members of the ABiH wore civilian clothing, to completely disregard the fundamental and well-established principle of distinction in international humanitarian law which obliges warring parties to distinguish at all times between the civilian population and combatants.[13198] For all of these reasons, the Trial Chamber rejects the Defence's argument that the shooter might have reasonably mistaken Žunić for a combatant.

3199. With regard to the 9 November 1994 sniping incident, the Trial Chamber notes that of the five victims, three were ABiH soldiers and two were civilians in close proximity to those soldiers when they were shot. For this reason the Trial Chamber cannot determine beyond a reasonable doubt that the sniping was directed at the two civilians rather than at the ABiH soldiers and has, therefore, not considered this incident further. With regard to Scheduled Incident G.4, the Trial Chamber recalls that although some ABiH soldiers were present at the incident site, the large majority of persons present were civilians not taking direct part in hostilities and that the mortars were not fired at the nuclear shelter located 100 metres from the parking lot or the nearby trenches. While the Trial Chamber cannot determine whether the perpetrators intended to specifically target civilians or soldiers, it considers that the football pitch was in a residential area, that the football match in progress was a civilian activity, and that only approximately 20 to 30 per cent of the participants were soldiers. The Trial Chamber therefore finds that the shelling described in incident G.4 was both indiscriminate and disproportionate and, therefore, falls within the definition of an attack directed at a civilian population. With regard to Scheduled Incident G.8, the Trial Chamber recalls that although not all of the victims were civilians, most were and these included women, children, and elderly who were present at the explosion site, a market, engaging in a typically civilian activity. Furthermore the Trial Chamber recalls that there was no ABiH presence in the vicinity of the explosion site. With regard to Scheduled Incident G.18, the Trial Chamber recalls that there was one ABiH soldier killed in the attack while the large majority of the people killed were civilians. The Trial Chamber further recalls its finding above that the victims were civilians and that they were in residential areas when they were targeted. The Trial Chamber also considers that for most incidents it found that there were no military targets in the vicinity and that for the remaining

[13198] *See Galić* Appeal Judgment, paras 190-191, referring to the *Galić* Trial Judgment paras 44-45; *Dragomir Milošević* Appeal Judgment, paras 53-54.

incidents there is no evidence showing that the victims were near legitimate military targets.[13199]

3200. The Trial Chamber also considered the inherent inaccuracy of modified air bombs as discussed in chapter 5.1.2, and that their use in residential or civilian areas constitutes indiscriminate attacks on either individual civilians or the civilian population as a whole. The Trial Chamber finds that the use of such an indiscriminate weapon when fired at predominantly residential areas supports the conclusion that civilians were targeted, irrespective of whether the perpetrator also intended to strike a military target. With regard to the sniping incidents, the Trial Chamber considered the role of snipers and the nature of sniping. It also considered the number, timing, and sequence of the shots fired, as well as the frequency with which certain areas were targeted by sniper fire. For all of these reasons, the Trial Chamber finds that the only reasonable conclusion is that the perpetrators of the above listed sniping and shelling incidents, with the exception of the 9 November 1994 sniping incident, wilfully made civilians not taking direct part in hostilities the object of their sniping and shelling.

3201. *The acts or threats of violence were committed with the primary purpose of spreading terror among the civilian population.* The Trial Chamber considered the nature, manner, timing, location, and duration of the sniping and shelling attacks set out above. The Trial Chamber further considered that many civilians were targeted while carrying out daily activities of a civilian nature or when present at sites that were known as locations where civilians gathered. Civilians were targeted while at the market, standing in line for food or while collecting water of firewood, while in or around their own homes or in parks and hospitals.[13200] Civilians were frequently targeted when travelling by tram.[13201] Children were also targeted while in school or playing or walking outside their house or on the street.[13202] Further, the Trial Chamber considered that civilians were more prone to being targeted when circumstances suggested the shooting or shelling had stopped and it was safe for civilians to continue their daily

[13199] With regard to Scheduled Incident G.6 and Mile Sladoje's suggestion that a police station was nearby the impact site, the Trial Chamber considers this evidence, without further specifics, too vague to be relied upon.
[13200] *See for example* Scheduled Incidents F.1, F.3, F.5, G.7, and Unscheduled Sniping Incidents of 31 March 1993, 24 July 1993, 5 August 1993, 9 November 1993, and 10 December 1994.
[13201] *See* Scheduled Incidents F.11, F.13, F.15.
[13202] *See* Scheduled Incidents F.1, F.11, F.12, F.16, G.6, G.7, and Unscheduled Sniping Incidents of 5 August 1993 and 24 October 1994.

activities.[13203] Several of the sniping and shelling attacks were carried out during cease-fires or quiet periods.[13204] Numerous civilians were targeted while they were at home or in neighbourhoods where there was no military activity or military personnel and equipment present in the immediate vicinity.[13205] The Trial Chamber recalls its finding in chapter 5.1.1 that civilians in Sarajevo were living in constant fear of being hit by sniper or artillery fire and that this inevitably took its toll on their psychological well-being. The Trial Chamber finds that this, in combination with the challenging living conditions civilians were subjected to as set out in chapter 5.1.1, demonstrates the existence of the intent to spread terror. Moreover, the length of the period of sniping and shelling attacks, from late May 1992 until November 1995, also supports the finding that the perpetrators intended to spread terror. The Trial Chamber also considered the indiscriminate nature of some of the shelling attacks when determining if such attacks were committed with the intent to spread terror. The Trial Chamber recalls its finding in chapter 5.1.2 in which it found that modified air bombs are highly inaccurate weapons. Such bombs were used by the VRS in Scheduled Incidents G.10, G.13, and G.15; as well as Unscheduled Shelling Incidents of 16, and 22 June 1995; the incidents of 1 and 23 July 1995; and the incident 22 August 1995. The Trial Chamber also considered that the fear experienced by civilians in Sarajevo was extreme, going beyond the fear generally felt by civilians in an armed conflict, particularly considering that civilians felt that they or their loved ones could be targeted at any moment and were not safe anywhere in the city. For all of the above reasons, the Chamber finds that the perpetrators intended to spread terror among the civilian population of Sarajevo, and that the only reasonable conclusion is that the infliction of terror was the primary purpose of the sniping and shelling incidents.

3202. Considering the above, the Trial Chamber finds that the sniping and shelling incidents, with the exception of the incident of 9 November 1994, constitute the crime of terror.

3203. The Trial Chamber recalls its findings in chapter 8.1 with regard to the general elements of violations of the laws or customs of war.

[13203] *See* Scheduled Incidents F.11, F.13, F.15, and G.6.
[13204] *See* Scheduled Incidents F.11, F.13, and F.15.
[13205] *See* Scheduled Incidents F.1, F.4, F.5, F.11, F.12, F.15, F.16, G. 6, G.7, G.10, and the Incidents of 27 June 1993, 26 September 1993, and 11 January 1994.

3204. *Status of victims.* The Trial Chamber has addressed this element in relation to the first element of the crime of terror, above.

3205. *Nexus.* The Trial Chamber finds that all of the above-mentioned incidents occurred when an armed conflict was taking place in the territory of Bosnia-Herzegovina. The Trial Chamber further finds, based on the affiliation of the perpetrators and the manner in which the acts took place such as firing on ABiH-controlled or Muslim sections of the city, that there was a close relationship between the acts of sniping and shelling, and the armed conflict. Therefore, the Trial Chamber finds that the nexus requirement has been met.

3206. *Conclusion.* In conclusion, the Trial Chamber finds that all the acts referred to and listed above, with the exception of the 9 November 1994 sniping incident, and the non-civilian victims of G.4, G.8, and G.18, constituted the crime of terror as a violation of the laws or customs of war.

8.7 Unlawful attacks on civilians

8.7.1 Applicable law

3207. Count 10 of the Indictment charges the Accused with unlawful attacks on civilians as a violation of the laws or customs of war, punishable under Article 3 of the Statute. The general elements and jurisdictional requirements for this crime have been discussed in chapter 8.1, above.

3208. The crime of unlawful attack on civilians requires proof of the following elements:

(i) an act of violence directed against civilians not taking direct part in hostilities;[13206]

(ii) the act caused death, serious injury to body or health, or any other consequence of the same gravity;[13207]

(iii) the act was committed wilfully, that is with intent or recklessness.[13208]

3209. When determining whether an act of violence can be seen as being 'directed' against civilians not taking direct part in hostilities, a trial chamber can consider, *inter alia*, the means and methods used in the course of the attack (e.g. the type of weapon), the status of the victims, their number, the discriminatory nature of the attack, the nature of the crimes committed in its course, the resistance to the assailants at the time, and the extent to which the attacking force may be said to have complied or attempted to comply with the precautionary requirements of the laws of war.[13209]

8.7.2 Legal findings

3210. In chapters 5.2 and 5.3, the Trial Chamber decided to further consider a number of incidents of alleged sniping and shelling attacks in Sarajevo, in light of the applicable law. They have been discussed in chapters 8.3.2 and 8.6.2.

[13206] *Galić* Appeal Judgement, paras 132-134; *Strugar* Appeal Judgement, para. 270; *Dragomir Milošević* Appeal Judgement, para. 57.
[13207] *Kordić and Čerkez* Appeal Judgement, paras 55-57, 67.
[13208] *Galić* Appeal Judgement, para. 140; *Strugar* Appeal Judgement, para. 270; *Dragomir Milošević* Appeal Judgement, para. 60.
[13209] *Kunarac et al.* Appeal Judgment, para. 91; *Galić* Appeal Judgment, para. 132.

3211. The Trial Chamber recalls its findings that, with the exception of the sniping incident of 9 November 1994 in which two civilians were in close proximity to ABiH soldiers when they were shot, the alleged shelling and sniping incidents were wilful acts of violence directed against civilians not taking part in hostilities.[13210] Furthermore, the Trial Chamber recalls its finding that these incidents resulted in grave consequences.[13211] The Trial Chamber notes that such consequences included death, serious injury to body or health, or consequences of the same gravity. The Trial Chamber further recalls its finding that the nexus between the armed conflict and these attacks has been met for the shelling and sniping incidents.

3212. In conclusion, the Trial Chamber finds that all the acts referred to in chapter 8.6.2, with the exception of the 9 November 1994 sniping incident, and the non-civilian victims of G.4, G.8, and G.18, constituted unlawful attacks on civilians.

[13210] *See* chapter 8.6.2.
[13211] *See* chapter 8.6.2.

8.8 Taking of hostages

8.8.1 Applicable law

3213. Count 11 of the Indictment charges the Accused with taking of hostages as a violation of the laws or customs of war, punishable under article 3 of the Statute. The general elements and jurisdictional requirements of the crime of violations of the laws or customs of war have been discussed in chapter 8.1 above.

3214. The Appeals Chamber has clarified that the crime of hostage-taking is prohibited by Common Article 3 of the Geneva Conventions of 1949 and thus prohibits hostage-taking of any persons taking no active part in the hostilities, including members of the armed forces who have laid down their arms and those placed 'hors de combat' by detention.[13212]

3215. The crime of taking hostages requires proof of the following elements:

a) the unlawful confinement or deprivation of liberty of another person;

b) the issuance of a threat to kill, injure or continue to detain another person; and

c) the threat is intended to obtain a concession or gain an advantage.[13213]

3216. With regard to the first requirement of the offence, the Trial Chamber in the *Karadžić* case, relying on findings in the *Blaškić* Trial Judgment, clarified that the lawfulness of the confinement or deprivation of liberty 'does not depend on the circumstances in which any individual comes into the hands of the enemy but rather depends upon the whole circumstances relating to the manner in which and the reasons they are held. Thus, the unlawfulness of the detention relates to the idea that civilians or those taking no active part in hostilities are taken or held hostage not to ensure their safety or to protect them, but rather to gain an advantage or obtain a concession'.[13214] The *Karadžić* Trial Chamber further held that the existence of threats or use of violence against the individuals taken hostage are other factors to take into account to assess the lawfulness of their detention.[13215]

[13212] *Blaškić* Appeal Judgment, para. 113; *Karadžić* Appeal Decision on Count 11 of the Indictment, paras 21-26.
[13213] *Blaškić* Appeal Judgement, para. 639.
[13214] *Karadžić* Trial Chamber Decision on Six Preliminary Motions Challenging Jurisdiction, 28 April 2009, para. 65. *See also Blaškić* Trial Judgment, para. 708.
[13215] *Karadžić* Trial Chamber Decision on Six Preliminary Motions Challenging Jurisdiction, 28 April 2009, para. 65. *See also Blaškić* Trial Judgment, para. 708.

8.8.2 Legal findings

3217. In chapter 6, the Trial Chamber decided to further consider the incidents described in that chapter, and recalled below, against the applicable law.

3218. The Trial Chamber recalls its finding in chapter 6.7 in which it established that between 25 May 1995 and 24 June 1995, the VRS, including members of the military police, police officers wearing violet uniforms, regular police forces, and in some cases in the presence of militias, arrested and detained several UNMO and UNPROFOR personnel stationed in Pale and Banja Luka, and in and around Sarajevo and Goražde. Some of them were detained in their OPs. Others were taken to and detained in strategic military locations in Bosnia-Herzegovina, which the VRS considered to be potential NATO targets or which had previously been targeted during NATO air strikes. The Trial Chamber further recalls its finding in chapter 6.7 that UNPROFOR personnel were disarmed during their arrest and that the VRS, including members of the military police, informed some of the detained UNPROFOR personnel that they were held as 'POWs'.

3219. The Trial Chamber further recalls its finding in chapter 6.7 that the VRS, including members of the military police, threatened to kill or to continue to detain the UNMO and UNPROFOR personnel.

3220. Finally, the Trial Chamber recalls its finding in chapter 6.7 that the above-mentioned threats were issued to exert leverage over NATO to end its air strikes, to recover Serb weapons under UNPROFOR control, or to secure the compliance of UNPROFOR personnel with an order to surrender to their captors. On one occasion, the threats were made to obtain the withdrawal of UNPROFOR soldiers from certain positions and secure an exchange with Serb prisoners.

3221. Based on the above and having considered the circumstances and the way in which the UNPROFOR and UNMO personnel were captured, detained, and subjected to threats, as well as the reasons behind their detention, the Trial Chamber finds that the UN personnel were unlawfully detained for the purpose of gaining advantages and in some cases obtaining a concession. Therefore, the Trial Chamber is satisfied that the three elements of the crime of hostage-taking.

3222. The Trial Chamber recalls its findings in 8.1 with regard to the general elements of violations of the laws or customs of war.

3223. *Nexus.* The Trial Chamber finds, based on the affiliation of the perpetrators and the manner and context in which the acts took place, that there was a close relationship between the taking of the hostages and the armed conflict.

3224. *Status of victims.* The Defence argued that UN personnel were combatants at the time of the conflict and not entitled to the protection of Common Article 3.[13216] With regard to the status of the UN personnel, the Trial Chamber recalls the applicable law on Common Article 3 in chapter 8.1.1 and finds that the determination of their status as combatants or civilians is irrelevant. The law clearly establishes that the protection of Common Article 3 applies to any person taking no active part in the hostilities including combatants placed *hors de combat*, at the time the offence was committed. Irrespective of their status prior to their detention, to the extent UN personnel were in possession of weapons prior to their arrest, they were disarmed at the time of their arrest and rendered *hors de combat* by their detention. Therefore, the captured UNMO and UNPROFOR personnel fell within the protection guaranteed by Common Article 3 of the Geneva Conventions.

3225. The Trial Chamber will now turn to its analysis of the requirement that the perpetrator must know or should have known the status of the victims. The Trial Chamber, recalling its factual findings in chapter 6.7, in particular the circumstances of the deprivation of liberty and the communication between the perpetrators and the VRS Main Staff, finds that the perpetrators knew that the UNMO and UNPROFOR personnel were taking no active part in the hostilities at the time of the offence.

3226. *Conclusion.* Based on the foregoing, the Trial Chamber finds that the acts described in chapter 6.7, and recalled above, constitute the crime of hostage-taking, as a violation of the laws or customs of war punishable under Article 3 of the Statute.

[13216] Defence Final Brief, paras 172, 175-177, 3308, 3310-3371.

8.9 Persecution

8.9.1 Applicable law

Common elements of persecution as a crime against humanity

3227. Count 3 of the Indictment charges the Accused with persecution as a crime against humanity, punishable under Article 5 (h) of the Statute, committed against Bosnian Muslims and/or Bosnian Croats in certain municipalities, including Srebrenica. The general elements and jurisdictional requirements for this crime have been discussed in chapter 8.2, above.

3228. The crime of persecution consists of an act or omission which:

(a) discriminates in fact and denies a fundamental human right laid down in international law; and

(b) is carried out with the intention to discriminate on political, racial or religious grounds.[13217]

3229. Acts listed under the other sub-headings of Article 5 of the Statute or provided for elsewhere in the Statute, as well as acts not explicitly mentioned in the Statute, may qualify as underlying acts of persecution.[13218] The underlying act itself need not constitute a crime in international law.[13219] However, not every denial of a fundamental human right will be serious enough to constitute a crime against humanity.[13220] The underlying act committed on discriminatory grounds, considered in isolation or in conjunction with other acts, must be of the same gravity as other crimes listed under Article 5 of the Statute.[13221]

[13217] *Krnojelac* Appeal Judgment, para. 185; *Vasiljević* Appeal Judgment, para. 113; *Blaškić* Appeal Judgment, para. 131; *Kordić and Čerkez* Appeal Judgment, paras 101, 671, 674; *Kvočka et al.* Appeal Judgment, para. 320; *Stakić* Appeal Judgment, para. 327; *Simić et al.* Appeal Judgment, para. 177. According to this case law, the definition also includes discrimination on grounds of ethnicity.
[13218] *Krnojelac* Appeal Judgment, para. 219; *Brđanin* Appeal Judgment, para. 296; *Tadić* Trial Judgment, paras 700, 702-703; *Kupreškić et al.* Trial Judgment, paras 605, 614.
[13219] *Kvočka et al.* Appeal Judgment, para. 323; *Brđanin* Appeal Judgment, para. 296.
[13220] *Kupreškić et al.* Trial Judgment, para. 621; *Krnojelac* Trial Judgment, para. 434; *Krajišnik* Trial Judgment, para. 735.
[13221] *Krnojelac* Appeal Judgment, paras 199, 221; *Blaškić* Appeal Judgment, para. 135; *Kordić and Čerkez* Appeal Judgment, paras 102, 671; *Kvočka et al.* Appeal Judgment, para. 321; *Naletilić and Martinović* Appeal Judgment, para. 574; *Simić et al.* Appeal Judgment, para. 177; *Brđanin* Appeal Judgment, para. 296.

Underlying acts of persecution

(a) Murder

3230. Count 3 of the Indictment charges the Accused with persecution through murder. These acts are also charged elsewhere in the Indictment as murders as crimes against humanity under Article 5 of the Statute and murders as violations of the laws or customs of war under Article 3 of the Statute. The elements of the crime of murder have been discussed in chapter 8.3.1, above.

3231. An act of murder, carried out on discriminatory grounds, and for which the general elements of crimes against humanity are fulfilled, constitutes the crime of persecution.[13222]

(b) Cruel and inhumane treatment

3232. Count 3 of the Indictment charges the Accused with persecution through cruel and inhumane treatment. The Indictment specifies these acts of cruel and inhumane treatment as: (i) torture, beatings, and physical and psychological abuse during and after the takeovers in Municipalities and in detention facilities in the Municipalities; (ii) rape and other acts of sexual violence during and after the takeovers in the Municipalities and in detention facilities in the Municipalities; (iii) the establishment and perpetuation of inhumane living conditions, including the failure to provide adequate accommodation, shelter, food, water, medical care, or hygienic sanitation facilities, in detention facilities in the Municipalities; (iv) terrorising and abuse of Bosnian Muslims of Srebrenica in Potočari; and (v) beating of Bosnian-Muslim men and boys of Srebrenica prior to their execution.[13223]

3233. Cruel and inhumane treatment require proof of the following elements:[13224]

(a) an act or omission caused serious mental or physical suffering or injury or constituted a serious attack on human dignity;[13225] and

[13222] *Vasiljević* Appeal Judgment, para. 143; *Blaškić* Appeal Judgment, para. 143; *Kordić and Čerkez* Appeal Judgment, para. 106.
[13223] Indictment, para. 59.
[13224] *Krnojelac* Trial Judgment, para. 130.
[13225] *Čelebići* Appeal Judgment, para. 424; *Blaškić* Appeal Judgment, para. 595; *Haradinaj et al.* Appeal Judgment, para. 94.

(b) the act or omission was committed with intent, or alternatively with knowledge that the act or omission was likely to cause serious mental or physical suffering or a serious attack on human dignity and the perpetrator was reckless as to whether such consequences would result from his act or omission.[13226]

3234. An act of cruel or inhumane treatment, carried out on discriminatory grounds, and for which the general elements of crimes against humanity are fulfilled, constitutes the crime of persecution.[13227]

(c) Deportation and forcible transfer

3235. Count 3 of the Indictment charges the Accused with persecution through 'deportation and forcible transfer'. These acts are also charged elsewhere in the Indictment as deportation and forcible transfer as crimes against humanity punishable under Article 5(d) and (i) of the Statute. The elements of deportation and forcible transfer have been discussed in chapter 8.5.1, above.

3236. An act of forcible transfer or deportation, carried out on discriminatory grounds, and for which the general elements of crimes against humanity are fulfilled, constitutes the crime of persecution.[13228]

(d) Unlawful detentions

3237. Count 3 of the Indictment charges the Accused with persecution through 'unlawful detentions'. Unlawful detention is not specifically listed as a crime in the Statute although Article 5(e) of the Statute provides for the act of imprisonment as a crime against humanity. The Trial Chamber interprets the charge in paragraph 59 of the Indictment as relating to imprisonment.

3238. The term imprisonment in Article 5(e) of the Statute is understood as arbitrary imprisonment, that is deprivation of liberty of an individual without due process of law.[13229] The crime of imprisonment consists of the following elements:

[13226] *Krnojelac* Trial Judgment, para. 132; *Vasiljević* Trial Judgment, para. 236; *Simić et al.* Trial Judgment, para. 76.
[13227] *Krnojelac* Appeal Judgment, para. 188; *Vasiljević* Appeal Judgment, para. 143; *Blaškić* Appeal Judgment, paras 143, 155; *Kordić and Čerkez* Appeal Judgment, paras 106-107.
[13228] *Krnojelac* Appeal Judgment, para. 222; *Blaškić* Appeal Judgment, para. 153; *Naletilić and Martinović* Appeal Judgment, paras 153-154; *Simić et al.* Appeal Judgment, paras 172, 174.

(1) an individual is deprived of his or her liberty;

(2) the deprivation of liberty is carried out arbitrarily, that is, there is no legal basis for it; and

(3) the perpetrator acted with the intent to arbitrarily deprive the individual of his or her liberty.[13230]

3239. If there is a legal basis for the deprivation of liberty, it must apply throughout the period of imprisonment, for the deprivation of liberty will be rendered arbitrary as soon as its legal basis ceases to exist.[13231] When a national law is relied upon to justify a deprivation of liberty, that law must not violate international law.[13232] The Trial Chamber recalls that the question of legal basis is appropriately dealt with when considering the general elements of crimes against humanity and when considering whether an act is carried out on discriminatory grounds.[13233]

3240. Unlawful detention, carried out on discriminatory grounds, and for which the general elements of crimes against humanity are fulfilled, constitutes the crime of persecution.[13234]

(e) Forced labour and the use of human shields

3241. Count 3 of the Indictment charges the Accused with persecutions through, *inter alia*, 'forced labour including digging graves and trenches and other forms of forced labour at front lines and the use of Bosnian Muslims and Bosnian Croats as human shields'.[13235] The Trial Chamber considered the scope of this charge in 8.2.1.

3242. *Forced labour.* When determining whether the labour was forced, a Trial Chamber may consider whether the objective circumstances surrounding the performance of work were so coercive as to negate any possibility of consent.[13236] The

[13229] *Kordić and Čerkez* Appeal Judgment, para. 116; *Krajišnik* Trial Judgment, para. 752; *Martić* Trial Judgment, para. 87.
[13230] *Krnojelac* Trial Judgment, para. 115; *Simić et al.* Trial Judgment, paras 64-65; *Krajišnik* Trial Judgment, para. 752.
[13231] *Krnojelac* Trial Judgment, para. 114; *Krajišnik* Trial Judgment, para. 753.
[13232] *Krnojelac* Trial Judgment, para. 114; *Krajišnik* Trial Judgment, para. 753.
[13233] *See Brđanin* Appeal Judgment, para. 167.
[13234] *Blaškić* Appeal Judgment, para. 155; *Tadić* Trial Judgment, paras 714, 717; *Kupreškić et al.* Trial Judgment, para. 629; *Krnojelac* Trial Judgment, para. 438; *Naletilić and Martinović* Trial Judgment, paras 641-642; *Krajišnik* Trial Judgment, para. 754.
[13235] Indictment, para. 59(h).
[13236] *Krnojelac* Appeal Judgment, paras 194-195.

Trial Chamber considers that forced labour as an underlying act of persecutions as a crime against humanity requires a perpetrator to have intended for a victim to perform prohibited work.[13237]

3243. Under international humanitarian law not all forms of labour are prohibited, provided that the labour is performed under certain protective conditions.[13238] These conditions include that detainees must be granted suitable working conditions, especially as regards accommodation, food, clothing, equipment, and safety.[13239] In relation to digging graves and trenches and other forced labour performed at front lines, the Trial Chamber considers that acts at the front lines, by its nature, cannot ever be performed in suitable working conditions. Therefore, such acts cannot fall within any lawful exceptions to the prohibition of forced labour.

3244. Forced labour at front lines, carried out on discriminatory grounds, and for which the common elements of the crime of persecution as well as the general elements of crimes against humanity are fulfilled, constitutes the crime of persecution.[13240] Other forced labour, considered in conjunction with 'a series of acts comprising unlawful detention and beatings', not at the front lines, carried out on discriminatory grounds, and for which the common elements of the crime of persecutions as well as the general elements of crimes against humanity are fulfilled, constitutes the crime of persecution.[13241]

3245. *Human shields.* The Trial Chamber understands human shields to mean the placement or detention of persons in areas where they may be exposed to combat operations, for the purpose of rendering certain areas or activities immune from military operations or armed attack.[13242]

3246. The use of persons as human shields, carried out on discriminatory grounds, and for which the common elements of the crime of persecution as well as the general elements of crimes against humanity are fulfilled, constitutes the crime of persecution.[13243]

[13237] *Naletilić and Martinović* Trial Judgment, para. 260.
[13238] Geneva Convention III, arts 50-52; Geneva Convention IV, art. 51; *Kunarac et al.* Trial Judgment, para. 542; *Krnojelac* Appeal Judgment, para. 200; *Naletilić and Martinović* Trial Judgment, para. 253.
[13239] Geneva Convention III, arts 51-52; Geneva Convention IV, art. 51.
[13240] *Blaškić* Appeal Judgment, paras 154-155; *Kordić and Čerkez* Appeal Judgment, para. 107 (referring to trench-digging 'in hostile, hazardous, and combat conditions').
[13241] *Krnojelac* Appeal Judgment, para. 199.
[13242] *Blaškić* Appeal Judgment, paras 652-654.
[13243] *Blaškić* Appeal Judgment, paras 155, 653.

(f) Appropriation or plunder of property

3247. Count 3 of the Indictment charges the Accused with persecution through the 'appropriation or plunder of property'.

3248. The crime of plunder requires proof of the following elements:

(a) an act of appropriation of public or private property;

(b) the appropriation was unlawful; and

(c) the act was committed with intent.[13244]

3249. As to the first element of the *actus reus*, all forms of seizure of public or private property constitute acts of appropriation, including isolated acts committed by individual soldiers for their private gain and acts committed as part of a systematic campaign to economically exploit a targeted area.[13245]

3250. The second element of the *actus reus* requires that the appropriation must have been unlawful. In certain circumstances appropriation of property may not be regarded as unlawful where it can be justified under international humanitarian law.[13246] Under international humanitarian law there is a general exception to the prohibition of appropriation of property when the appropriation is justified by military necessity.[13247] In the context of an international armed conflict, treaty law and international customary law justify battlefield seizures of military equipment of the adverse party as war booty.[13248]

3251. The third element concerns the *mens rea* requirement which is satisfied when the perpetrator acts knowingly with the intent to appropriate public or private property unlawfully.[13249]

[13244] Statute, Art. 3 (e); *Kordić and Čerkez* Appeal Judgment, paras 79, 84.
[13245] *Kordić and Čerkez* Appeal Judgment, para. 79; *Čelebići* Trial Judgment, para. 590; *Jelisić* Trial Judgment, para. 48; *Blaškić* Trial Judgment, para. 184; *Naletilić and Martinović* Trial Judgment, para. 612; *Hadžihasanović and Kubura* Trial Judgment, para. 49; *Martić* Trial Judgment, para. 101, note 188.
[13246] *Krajišnik* Trial Judgment, para. 769; *Martić* Trial Judgment, para. 102.
[13247] Geneva Convention IV, Art. 147; J.-M. Henckaerts, L. Doswald-Beck (eds), *Customary International Humanitarian Law*, Cambridge 2005, Rule 50, pp. 175-177. See also *Krajišnik* Trial Judgment, para. 769.
[13248] *Hadžihasanović and Kubura* Trial Judgment, paras 51, 56; *Martić* Trial Judgment, para. 102.
[13249] *Prlić et al*. Trial Judgment, para. 131. The Trial Chamber notes that the trial chamber's finding in the *Prlić et al*. case concerned plunder charged as a war crime under Article 2 (d) of the Statute. The Trial Chamber considers that the same must be satisfied when dealing with plunder charged as an underlying crime of persecution as a crime against humanity under Article 5(h) of the Statute.

3252. With regard to whether acts of appropriation or plunder of property are to be considered of the same gravity as other crimes listed under Article 5 of the Statute, the Trial Chamber notes that in the *Flick* case, the American Military Tribunal held that the scale of the appropriation was not the critical issue when the act is considered as a crime against humanity. Rather, it was the impact of the appropriation on the victim.[13250] Based on the foregoing, the Trial Chamber considers that plunder of public and private property as an underlying act of persecution is to be understood as any intentional and unlawful appropriation of public or private property that has a serious impact on the owner or user of the property.[13251]

3253. In light of the above, the Trial Chamber finds that an act of plunder that has a serious impact on the victim, carried out on discriminatory grounds, and for which the general elements of crimes against humanity are fulfilled, constitutes the crime of persecution.[13252]

3254. The Appeals Chamber confirmed in the *Kordić and Čerkez case* that plunder, in conjunction with 'killings, beatings, unlawful attacks on civilians and civilian objects, the unlawful imprisonment of civilians, [and] destruction of civilian objects', constitutes persecution.[13253] Accordingly, the Trial Chamber considers that an act of plunder which in itself does not have a serious impact on the victim, may still, when carried out on discriminatory grounds, and when the general elements of crimes against humanity are fulfilled, constitute the crime of persecution, when considered in conjunction with other acts.[13254]

[13250] *United States v. Friedrich Flick et al.*, American Military Tribunal (22 December 1947), in 6 TWC 1187, 1214-1215. 'A distinction could be made between industrial property and the dwellings, household furnishings, and food supplies of a persecuted people. In this case, however, we are only concerned with industrial property ... The 'atrocities and offenses' listed [in Article 6(c) of the Charter] 'murder, extermination,' etc., are all offenses against the person. Property is not mentioned. Under the doctrine of *ejusdem generis* the catch-all words 'other persecutions' must be deemed to include only such as affect the life and liberty of the oppressed peoples'. This reasoning was adopted by the American Military Tribunal in the *I.G. Farben* case when considering various instances of plunder and spoliation of industrial property in German occupied territory (*United States v. Carl Krauch et al.* (*I.G. Farben* case), American Military Tribunal (30 July 1948), in 8 TWC 1081, 1129-1130).
[13251] *See Krajišnik* Trial Judgment, paras 766-768.
[13252] *Krajišnik* Trial Judgment, para. 771.
[13253] *Kordić and Čerkez* Appeal Judgment, paras 109, 672-673. *See also Blaškić* Appeal Judgment, para. 148.
[13254] *Krajišnik* Trial Judgment, para. 772.

(g) Wanton destruction of private property

3255. Count 3 of the Indictment charges the Accused with persecution through the 'wanton destruction of public and private property, including cultural monuments and sacred sites'.

3256. The crime of wanton destruction of cities, towns or villages requires proof of the same elements as devastation not justified by military necessity.[13255] These elements are:

(a) an act or omission caused destruction of property on a large scale;

(b) the destruction was not justified by military necessity;

(c) the act or omission was committed with intent or in reckless disregard of the likelihood of the destruction.[13256]

3257. The prohibition on wanton destruction covers property located in any territory involved in the armed conflict.[13257] The requirement of destruction 'on a large scale' may be met either if many objects are damaged or destroyed, or if the value of one or a few destroyed objects is very high.[13258] Military necessity may never justify the targeting of civilian objects.[13259] Civilian objects are defined by opposition to military objectives, which are limited to those objects which by their nature, location, purpose, or use make an effective contribution to military action and whose total or partial destruction, capture, or neutralization, in the circumstances ruling at the time, offers a definite military advantage.[13260] As a rule, destruction carried out before fighting begins or after fighting has ceased cannot be justified by military necessity.[13261]

3258. The Appeals Chamber has clarified that acts of destruction of property, 'depending on the nature and extent of the destruction', may constitute persecution.[13262]

[13255] *Brđanin* Trial Judgment, paras 591-593; *Strugar* Trial Judgment, paras 290-297; *Orić* Trial Judgment, para. 580 (note 1561); *Martić* Trial Judgment, para. 91; *Boškoski and Tarčulovski* Trial Judgment, para. 350.
[13256] *Kordić and Čerkez* Appeal Judgment, para. 74.
[13257] *Kordić and Čerkez* Appeal Judgment, para. 74; *Naletilić and Martinović* Trial Judgment, para. 580; *Brđanin* Trial Judgment, para. 592; *Orić* Trial Judgment, para. 582.
[13258] *Hadžihasanović and Kubura* Trial Judgment, para. 43; *Boškoski and Tarčulovski* Trial Judgment, para. 352.
[13259] *Kordić and Čerkez* Appeal Judgment, para. 54, with corrigendum of 26 January 2005; *Galić* Appeal Judgment, para. 130.
[13260] Additional Protocol I, Arts 52 (1) and (2).
[13261] *Naletilić and Martinović* Trial Judgment, para. 589; *Orić* Trial Judgment, para. 588; *Martić* Trial Judgment, para. 93.
[13262] *Blaškić* Appeal Judgment, para. 149.

As with appropriation of property, it is the impact on the victims that is the determining factor.[13263] The Appeals Chamber has held that there are 'certain types of property whose destruction may not have a severe enough impact on the victim as to constitute a crime against humanity, even if such a destruction is perpetrated on discriminatory grounds: an example is the burning of someone's car (unless the car constitutes an indispensable and vital asset to the owner)'.[13264]

3259. The Trial Chamber considers that destruction of private property as an underlying act of persecution is to be understood as any intentional destruction of private property that has a serious impact on the victim and that was not justified by military necessity.[13265] The Trial Chamber considers that the question of whether the destruction was justified by military necessity is appropriately dealt with when considering the general elements of crimes against humanity and when considering whether an act is carried out on discriminatory grounds.[13266]

3260. The Appeals Chamber has confirmed that 'destruction of civilian objects', in conjunction with 'killings, beatings, unlawful attacks on civilians and civilian objects, the unlawful imprisonment of civilians, [...] and looting', constitutes persecution.[13267]

3261. Based on the above, the Trial Chamber finds that an act of destruction of property that has a severe impact on the victim, carried out on discriminatory grounds, and for which the general elements of crimes against humanity are fulfilled, constitutes the crime of persecution.[13268]

3262. An act of destruction of property which in itself does not have a severe impact on the victim, may still, when carried out on discriminatory grounds, and when the general elements of crimes against humanity are fulfilled, constitute the crime of persecution, when considered in conjunction with other acts.[13269]

[13263] *Blaškić* Appeal Judgment, paras 146, 149.
[13264] *Blaškić* Appeal Judgment, para. 146 (quoting *Kupreškić et al.* Trial Judgment, para. 631).
[13265] See *Krajišnik* Trial Judgment, paras 774-776.
[13266] See *Brđanin* Appeal Judgment, para. 167.
[13267] *Kordić and Čerkez* Appeal Judgment, paras 108, 672.
[13268] *Blaškić* Appeal Judgment, para. 149.
[13269] *Krajišnik* Trial Judgment, para. 779.

(h) Imposition and maintenance of restrictive and discriminatory measures

3263. Count 3 of the Indictment charges the Accused with persecution through the 'imposition and maintenance of restrictive and discriminatory measures'.[13270] According to the Indictment, the alleged imposition and maintenance of restrictive and discriminatory measures includes the (i) denial of freedom of movement; (ii) removal from positions of authority in local government institutions and the police, and the general dismissal from employment; (iii) invasion of privacy through arbitrary searches of homes; (iv) unlawful arrest and/or the denial of the right to judicial process; and/or (v) denial of equal access to public services.[13271]

3264. The Tribunal's jurisprudence provides that the imposition of various restrictive and discriminatory measures can constitute persecution. For example, the *Brđanin* Trial Chamber considered the denial of freedom of movement, the denial of employment, and the denial of the right to judicial process, concluding that in light of the circumstances in that case, these acts amounted to persecution because when taken in conjunction with one another, they were denials of fundamental rights and of the same gravity as the crimes listed in Article 5 of the Statute.[13272] This was confirmed and upheld by the Appeals Chamber.[13273]

3265. The Trial Chambers in *Krajišnik, Stanišić and Župljanin* and *Karadžić* found that in addition to the three restrictive and discriminatory measures considered in *Brđanin*, the invasion of privacy through arbitrary searches of homes, unlawful arrests, and the denial of equal access to public services also constituted persecution when considered in conjunction with other acts.[13274] The Trial Chamber in *Krajišnik* reviewed the *Brđanin* Trial Judgment and the jurisprudence pursuant to the Nuremberg Charter and Control Council Law No. 10, including *inter alia* the *Justice* case.[13275] Having regard to this jurisprudence, the *Krajišnik* Trial Chamber held that the denial of freedom of movement, the denial of employment, and the denial of the right to judicial process, the denial of equal access to public services and the invasion of privacy through arbitrary searches of homes could only constitute persecution when considered in conjunction

[13270] Indictment, paras 49, 59(k).
[13271] Indictment, para. 59(k).
[13272] *Brđanin* Trial Judgment, para. 1049.
[13273] *Brđanin* Appeal Judgment, paras 292-297.
[13274] *Krajišnik* Trial Judgment, paras 736, 738–741; *Stanišić and Župljanin* Trial Judgment, Vol. I, paras 91–92; *Karadžić* Trial Judgment, paras 535-536.
[13275] *Krajišnik* Trial Judgment, paras 738-739.

with other acts.[13276] Ultimately, the *Krajišnik* Trial Chamber found that these restrictive and discriminatory measures constituted persecution when considered in conjunction with the other acts of killings, arbitrary arrests, detention, destruction of property, rape, and plunder.[13277] Similarly, the *Stanišić and Župljanin* Trial Chamber found that the above-mentioned restrictive and discriminatory measures constituted persecution when considered in conjunction with the other acts, such as unlawful detentions, the plunder of property, and so forth.[13278] Although the *Karadžić* Trial Chamber also considered that these restrictive and discriminatory measures could constitute persecution when considered in isolation, it declined to follow that approach.[13279] Instead it found that these restrictive and discriminatory measures constituted persecution when considered in conjunction with other underlying acts of persecution which were perpetrated against the same category of victims contemporaneously in the municipalities, namely killings, torture, beatings, physical and psychological abuse, rape and other acts of sexual violence, cruel and inhumane living conditions, forcible displacement, unlawful detention, forced labour, plunder, and the wanton destruction of private and public property.[13280]

3266. The Trial Chamber therefore considers that the denial of freedom of movement, the denial of employment, the invasion of privacy through arbitrary searches of homes, unlawful arrests, the denial of the right to judicial process, and the denial of equal access to public services, when carried out on discriminatory grounds, and when the general elements of crimes against humanity are fulfilled, constitute the crime of persecution when considered in conjunction with other relevant acts, especially in conjunction with those acts that qualify as an underlying act of persecution. These restrictive and discriminatory measures may also constitute the crime of persecution when considered in isolation.

[13276] *Krajišnik* Trial Judgment, paras 738-741; *See Brđanin* Trial Judgment, para. 1049; *United States v. Josef Altstötter et al.* (*Justice* case), American Military Tribunal (4 December 1947), in 3 Trials for War Criminals Before the Nuremberg Military Tribunals under Control Council Law No. 10, Nuremberg, October 1946 – April 1949 (TWC), pp. 954, 1063-4.
[13277] *Krajišnik* Trial Judgment, para. 789.
[13278] *See, e.g., Stanišić and Župljanin* Trial Judgment, Vol. I, paras 283, 348, 492, 701, 815.
[13279] *Karadžić* Trial Judgment, paras 536, 2567.
[13280] *Karadžić* Trial Judgment, para. 2567.

8.9.2 Legal findings

(a) Murder

3267. In chapters 4.1.1, 4.2.1, 4.3.1, 4.4.1, 4.5.1, 4.6.1, 4.7.1, 4.8.1, 4.10.1, 4.11.1, 4.12.1, 4.13.1 and 4.14.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8.1, 7.8.2, 7.9, 7.10, 7.11, 7.12, 7.13.1, 7.13.2, 7.14.1, 7.14.2, 7.15, the Trial Chamber decided to further consider a number of killing incidents as alleged persecution against the applicable law. The Trial Chamber recalls its findings in chapter 8.3.2 that some of these incidents constituted murder as a crime against humanity.[13281]

3268. *Discrimination.* The Trial Chamber recalls that all the killings constituting murder in *Schedule A*, *Schedule B*, *Schedule C*, *unscheduled incidents*, and *Schedule E*, were committed against Bosnian Muslims or Bosnian Croats.

3269. In relation to *Schedule A*, the Trial Chamber had regard to the specific considerations as follows when assessing whether there were discriminatory grounds for the killings constituting murder.

3270. In relation to Scheduled Incidents A.2.1, A.3.3, A.6.5, A.6.7, and A.6.8 the perpetrators made derogatory remarks when referring to victims such as calling them *ustašas* or *balijas* or forcing them to sing Serb songs immeditately prior to carrying out the killings. The perpetrators, in some instances, also alluded to the victims' apparent political or religious views at the time they killed them.[13282] In respect of Scheduled Incident A.4.4, the Trial Chamber recalls its finding in chapter 4.7.2 *Unscheduled detention incidents – Grabovica School* that the perpetrators ordered the group of Bosnian Muslims to surrender and threatened to kill the *balijas* if they did not comply. Upon their surrender, the group of Bosnian Muslims were detained at Grabovica School and subsequently killed. In relation to Scheduled Incident A.6.4, the perpetrators seperated eight Bosnian-Muslim men from others in a house and killed them. The perpetrators had earlier threatened, while searching the house, that the owner and her family 'were to be off to Turkey'. The same perpetrators later killed eleven other Bosnian-Muslim men from the same village.

[13281] In relation to *Schedule A*, the Trial Chamber recalls that in chapter 8.3.2 it was found that in Scheduled Incident A.2.1 Izet Ćolo was a combatant and that his killing would not be further considered in relation to Counts 5 and 6 of the Indictment. The Trial Chamber will not consider this killing further in relation to Count 3 of the Indictment.
[13282] *See* Scheduled Incident A.6.7, and Scheduled Incident A.6.8.

3271. In relation to Scheduled Incidents A.6.3, A.6.9, A.7.2, A.7.3, A.8.1, and A.9.1 the perpetrators attacked either predominantly or exclusively Bosnian-Croat or Bosnian-Muslim villages or hamlets and targeted unarmed Bosnian-Muslim or Bosnian-Croat inhabitants who remained in the areas taken. In respect of Scheduled Incident A.6.1, the perpetrators attacked the predominantly Bosnian-Muslim town of Kozarac, threatened to kill all *balijas* in response to a request for evacuation from Kozarac of a severely injured boy, and in Benkovac targeted 'Croatians'. In relation to Scheduled Incident A.6.6, the perpetrators ordered the Bosnian-Muslim population of Bišćani to gather at various collection points throughout the village prior to their killing and one perpetrator used the term *pejgamber* in a derogatory sense in respect of one victim. In relation to Scheduled Incident A.7.1, the perpetrators were ordered to kill 70 Bosnian Muslims in Kljevći as revenge for seven Serbs soldiers who had been killed in that area prior to the killing of at least 32 Bosnian-Muslim males. In relation to A.7.4 and A.7.5 the Trial Chamber recalls its findings from chapter 4 that the physical perpetrators were: part of a unit led by Mićo 'Kudra' Praštalo who had attacked a predominantly Bosnian-Muslim village and killed Bosnian Muslims in May 1992; or members of the 6th Krajina Brigade who had targeted and committed crimes against Bosnian Muslims or Bosnian Croats in a discriminatory manner from May 1992 onwards.

3272. The Trial Chamber, therefore, finds with respect to Scheduled Incidents A.2.1, A.3.3, A.4.4, A.6.1, A.6.3, A.6.4, A.6.5, A.6.6, A.6.7, A.6.8, A.6.9, A.7.1, A.7.2, A.7.3, A.7.4, A.7.5, A.8.1, and A.9.1 that the perpetrators committed the murder on political, racial or religious grounds.

3273. In relation to Scheduled Incidents A.6.2 the Trial Chamber did not receive any evidence indicating that the victims were targeted in a discriminatory manner or that the perpetrators had the requisite discriminatory intent. There was no evidence indicating why these Bosnian Muslims or Bosnian Croats were identified and targeted, as opposed to others from the same locality, and later killed. The Trial Chamber, from the evidence received, was also unable to infer that the only reasonable inference was that the perpetrators carried out these killings on political, racial or religious grounds, as these incidents were too remote from other discriminatory incidents. Accordingly, these murder incidents will not be further considered in relation to the charge of persecution under Count 3 of the Indictment.

3274. In relation to *Schedule B, Schedule C*, and *Unscheduled Incidents* the Trial Chamber had regard to the specific considerations as follows when assessing whether there were discriminatory grounds for the killings constituting murder.

3275. The Trial Chamber recalls its findings in chapter 8.9.2(d) that in relation to Scheduled Incidents B.1.1, B.1.2, B.1.4, B.2.1, B.5.1, B.7.1, B.8.1, B.13.1, B.13.2, B.13.4, B.13.5, B.14.1, B.14.2, B.16.1, B.16.2, C.9.1, C.15.3, C.15.5, and C.16.3 the victims were taken from groups that were either exclusively or predominantly Bosnian-Muslim or Bosnian-Croat, detained in discriminatory circumstances, and subsequently killed by the same set of perpetrators who had detained them. The Trial Chamber also had regard to the following specific circumstances in certain detention contexts. In respect of Scheduled Incidents B.1.1, B.1.2, B.2.1, B.7.1, B.8.1, and B.14.2 the perpetrators referred to the victims as *balijas* or *ustaša* or made other derogatory remarks directed towards the victims as a group.[13283] The perpetrators also sometimes referenced the victims' apparent political or religious views at the time of killing them.[13284] In respect of Scheduled Incident B.14.2, one of the perpetrators remarked that he had killed *balijas* after the killings and the remark is seen in light of the circumstances in which the detainees were kept prior to the killings as set out in chapter 4.11.5. In respect of Scheduled Incident B.5.1, the perpetrators specifically targeted the Bosnian-Muslim detainees at KP Dom as opposed to Serb detainees who were also present at the camp. Similarly, the hundreds of Bosnian-Muslim detainees killed in this incident in the second half of 1992 at KP Dom were systematically processed and were killed under the pretext of being taken for exchange. In relation to the unscheduled incident in Foča Municipality, two of the perpetrators of the killings at KP Dom brought three elderly Bosnian-Muslim women to Marko Kovač, who was the Commander of the Foča Tactical Group, also known as the 11th Herzegovina Light Infantry Brigade, who referred to the victims as 'scum' prior to giving the order to kill them. The Trial Chamber understands the word 'scum' to have a discriminatory connotation given the manner in which the three Bosnian-Muslim women were detained and then brought to the Commander of the Foča Tactical Group by two of the perpetrators of the discriminatory killings at KP Dom. In respect of Scheduled Incident B.16.2, the perpetrators specifically went to Sušica camp to take away and kill all of the remaining detainees who were exclusively Bosnian Muslims.

[13283] In Scheduled Incident B.7.1, the victims were also sometimes made to sing Serbian songs.

3276. In relation to Scheduled Incident B.10.2, the victims were taken from a cistern where only Bosnian Muslims or non-Serbs were brought and detained; derogatory remarks were made at the time of their capture and all of those detained were taken out to be killed. In relation to Scheduled Incident B.10.1, a Bosnian-Muslim detainee was killed while being held in the same cistern as in Scheduled Incident B.10.2.

3277. In relation to the unscheduled incident in Kotor Varoš Municipality of 13 June 1992 the perpetrators of the killing in Hrvaćani attacked and shelled a predominantly Bosnian-Muslim village and targeted the five elderly Bosnian-Muslim inhabitants who had remained after the attack. The perpetrators of the killing in Vrbanjci of 2 July 1992 committed the killings in retaliation for the apparent killing of VRS soldiers by armed Muslims.

3278. The Trial Chamber, therefore, finds with respect to Scheduled Incidents B.1.1, B.1.2, B.1.4, B.2.1, B.5.1, B.7.1, B.8.1, B.10.1, B.10.2, B.13.1, B.13.2, B.13.4, B.13.5, B.14.1, B.14.2, B.16.1, B.16.2, C.9.1, C.15.3, C.15.5, C.16.3, and unscheduled incidents in Foča Municipality and Kotor Varoš Municipality that the perpetrators committed the murders on political, racial or religious grounds.

3279. In relation to Scheduled Incident B.13.3, the Trial Chamber received insufficient evidence indicating whether the perpetrators intended to kill these men on political, racial or religious grounds. While the Trial Chamber found in chapter 8.9.2(d) that the victims had been detained under discriminatory circumstances, it could not establish that the perpetrators of the killings shared an affiliation with the perpetrators of the detention. The Trial Chamber, from the evidence received, was also unable to infer that the only reasonable inference was that the perpetrators carried out this killing on political, racial or religious grounds, as this incident was too remote from other discriminatory incidents. Accordingly, this killing incident will not be further considered in respect of the charge of persecution under Count 3 of the Indictment.

3280. In relation to *Schedule E*, the Trial Chamber had regard to the specific considerations as follows when assessing whether there were discriminatory grounds for the killings constituting murder.

3281. In relation to Scheduled Incidents E.3.1, E.4.1, E.6.1, E.6.2, E.7.1, E.7.2, E.9.2, E.13.1 and the unscheduled incidents of 18 July 1995 and 23 July 1995, the perpetrators

[13284] *See* Scheduled Incident B.1.2 and Scheduled Incident B.8.1.

referred to the victims as *balijas* or *ustaša*, or treated them in other disparaging ways based on the victims' religious, racial, or political identity immediately prior to killing them.[13285] The perpetrators also sometimes referenced the victims' apparent political or religious views at the time of killing them.[13286] In respect of Scheduled Incident E.9.1, the victims were taken from the Kula School near Pilica where only Bosnian Muslims were brought and detained. At least eight of the victims were killed prior to the hundreds of other Bosnian-Muslim males at the Kula School by the same perpetrators, as set out in Scheduled Incident E.9.2. The Trial Chamber recalls its finding in chapter 8.4.2 that the killings were part of one single murder operation. The Trial Chamber finds that the only reasonable inference from these facts is that the killings were specifically directed against victims of Bosnian-Muslim origin. In respect of Scheduled Incident E.5.1, one perpetrator identified as a 'commander' stated, prior to the killing, that it was time for the victims to make up for what happened to him while detained by the ABiH. The Trial Chamber considers that the commander was associating Bosnian Muslims with the ABiH and, therefore, finds that the only reasonable inference is that the killing was specifically directed against Bosnian Muslims.

3282. With regard to other Srebrenica killing incidents, in Scheduled Incidents E.1.1, E.2.1, E.8.1, E.8.2, E.10.1, E.14.1, E.14.2, E.15.1, and E.15.3, the Trial Chamber considered the close geographical proximity of the incidents, the fact that the killing incidents occurred between 13 July 1995 and 17 July 1995 and that the perpetrators carried out killings of Bosnian Muslims in the context of the wider attack following the fall of Srebrenica on 11 July 1995. In respect of Scheduled Incidents E.1.1, E.8.1, and E.8.2, the killing incident of 13 July 1995, the perpetrators had detained and killed only Bosnian-Muslim males. Although 12 of the victims in Scheduled Incident E.8.1 were killed prior to the hundreds of others in Scheduled Incident E.8.2, the Trial Chamber recalls its finding in chapter 8.4.2 that the killings were part of one single murder operation. The Trial Chamber also recalls that in the unscheduled incident of 13 July 1995, Mladić told the detainees that they had no state 'here' and had to look for their state. In respect of Scheduled Incident E.10.1, the killings occurred on 16 July 1995, the same day that Bosnian-Muslim men were being executed at the Branjevo Military Farm

[13285] In Scheduled Incident E.4.1, the victims were also sometimes made to sing Serbian songs.
[13286] *See* Scheduled Incident E.7.2, Scheduled Incident E.9.2, and Scheduled Incident E.5.1. With respect to Scheduled Incidents E.7.1 and E.7.2, the Trial Chamber recalls its finding in chapter 8.4.2 that the killings formed part of a single murder operation.

in Scheduled Incident E.9.2, and where a VRS lieutenant-colonel informed members of the 10th Sabotage Detachment at the farm that there were some 500 Bosnian-Muslims in the Pilica Cultural Centre who were also to be executed. Soldiers from Bratunac left the farm with the lieutenant-colonel and were involved in the killings at the Pilica Cultural Centre. In respect of Scheduled Incident E.2.1, the killings, which occurred on 17 July 1995, were committed against a high number of Bosnian-Muslim males who were captured by the perpetrators and occurred in close proximity to other Srebrenica killings. In respect of Scheduled Incident E.14.1 and Scheduled Incident E.14.2, Bosnian-Muslim men were separated from others in the UN compound in Potočari by the VRS and subsequently killed by members of the VRS near the compound. In respect of Scheduled Incidents E.15.1 and E.15.3, more than 50 Bosnian-Muslim men were killed in and around Vuk Karadžić Elementary School over a short duration of time, between 12 and 14 July 1995 in the context of the detention of several thousand Bosnian-Muslim civilians and soldiers held in and around Vuk Karadžić Elementary School. In relation to Scheduled Incident E.12.1, the victims were killed in Bišina by the 10th Sabotage Detachment on 23 July 1995, only days after the discriminatory killings the same perpetrators committed elsewhere. The Trial Chamber finds that the only reasonable inference from these facts relating to the incidents above is that the killings were specifically directed against Bosnian Muslims.

3283. The Trial Chamber, therefore, finds with respect to Scheduled Incidents E.1.1, E.2.1, E.3.1, E.4.1, E.5.1, E.6.1, E.6.2, E.7.1, E.7.2, E.8.1, E.8.2, E.9.1, E.9.2, E.10.1, E.12.1, E.13.1, E.14.1, E.14.2, E.15.1, E.15.3 and the unscheduled incidents of 13 July 1995, 18 July 1995 and 23 July 1995 that the perpetrators committed the murders on political, racial or religious grounds.

3284. The Trial Chamber recalls its findings in chapter 8.2 with regard to the general elements and jurisdictional requirements of crimes against humanity.

3285. *Status of victims.* In relation to *Schedule A, Schedule B, Schedule C, unscheduled incidents,* and *Schedule E* the Trial Chamber recalls its finding in chapter 8.3.2 with regard to the status of the victims.

3286. *Conclusion.* In conclusion, the Trial Chamber finds that Scheduled Incidents A.2.1, A.3.3, A.4.4, A.6.1, A.6.3, A.6.4, A.6.5, A.6.6, A.6.7, A.6.8, A.6.9, A.7.1, A.7.2, A.8.1, A.9.1, B.1.1, B.1.2, B.1.4, B.2.1, B.5.1, B.7.1, B.8.1, B.10.1, B.10.2, B.13.1, B.13.2, B.13.4, B.13.5, B.14.1, B.14.2, B.16.1, B.16.2, C.9.1, C.15.3, C.15.5, C.16.3,

the unscheduled incident in Foča, the unscheduled incidents in Kotor Varoš, E.1.1, E.2.1, E.3.1, E.4.1, E.5.1, E.6.1, E.6.2, E.7.1, E.7.2, E.8.1, E.8.2, E.9.1, E.9.2, E.10.1, E.12.1, E.13.1, E.14.1, E.14.2, E.15.1, E.15.3 and the unscheduled incidents in Srebrenica constitute persecution as a crime against humanity.

(b) Cruel and inhumane treatment

3287. In chapters 4.1.2, 4.2.2, 4.3.2, 4.4.2, 4.5.2, 4.6.2, 4.7.2, 4.10.2, 4.11.2, 4.15.2, and 7.16, the Trial Chamber decided to further consider the following incidents of alleged cruel and/or inhumane treatment to the extent that they concern Bosnian Croats and Bosnian Muslims:

Municipalities

(a) in Banja Luka Municipality, between 3 June and 18 December 1992, members of the VRS, including the VRS 1KK, as well as camp guards comprised of members of the VRS Military Police and members of the Banja Luka, Ključ, Prijedor, and Sanski Most SJBs, under the command of the VRS 1KK, ill-treated detainees at Manjača camp, as further set out in chapter 4.1.2 *Schedule* C.1.2;

(b) in Bijeljina Municipality, between June 1992 and 21 July 1993, the VRS and, on one occasion, policemen from Sremski Karlovci, ill-treated detainees at Batković camp, as further set out in chapter 4.2.2 *Schedule* C.2.1;[13287]

(c) in Foča Municipality: (i) from 12 May 1992 until October 1994, civilian and military police from outside KP Dom and KP Dom guards, Pero Elez, Janko 'Tuta' Janjić, Dragomir Kunarac a.k.a. Žaga, Zoran Vuković, Dragan 'Zelja' Zelenović, all of whom headed, or were members of, sub-units under Marko Kovač, Commander of the Foča Tactical Group, and Jovo Savić, a member of the IBK, ill-treated detainees at KP Dom Foča as further set out in chapter 4.3.2 *Schedule* C.6.1; (ii) from early August 1992, Radovan Stanković, Nikola Brcić, a.k.a. Rodzo, Radomir Kovać, Milan Todović, and other 'Serb soldiers, as well as Pero Elez and his soldiers, Nedžo Samardžić, and Zoran Samardžić, Dragan Zelenović, Dragoljub Kunarac, Gojko Janković, Dragan Džurević, all of whom headed, or were members of, sub-units under Marko Kovač, Commander of

[13287] In chapter chapter 4.2.2 *Schedule* C.2.1, the Trial Chamber found that Batković camp held detainees from 27 June 1992 to the end of November 1995, and that those detainees suffered ill-treatment between 1 June 1992 and 21 July 1993.

Foča Tactical Group, ill-treated detainees at 'Karaman's house', as further set out in chapter 4.3.2 *Schedule* C.6.2; (iii) from August 1992 until July 1993 a Serb soldier[13288] ill-treated a detainee at his apartment in Foča, as further set out in chapter 4.3.2 *Schedule* C.6.2; (iv) from the evening of 24 June 1992, a woman was detained by local Serbs from Tijentište at the Bukovica Motel, as further set out in chapter 4.3.2 *Schedule* C.6.3; (v) in early July 1992, Gojko Janković, Dragan Zelenović, both of whom headed, or were members of, sub-units under Marko Kovač, Commander of Foča Tactical Group, and other soldiers, ill-treated detainees at the Worker's Huts in Buk Bijela, as further set out in chapter 4.3.2 *Schedule* C.6.3; (vi) in July and August 1992, Serb soldiers including Dragoljub Kunarac a.k.a. 'Žaga', Montenegrin soldiers under his command, and Janko Janjić (a.k.a. 'Tuta'), both of whom headed sub-units subordinated to Marko Kovač, Commander of Foča Tactical Group, as well as Dragan Gagović, a.k.a 'Gaga', the head of Foča police, ill-treated detainees at Partizan Hall and various places, as further set out in chapter 4.3.2 *Schedule* C.6.4; (vii) in June and July 1992, Dragoljub Kunarac, Janko Janjić a.k.a. Tuta, Dragan Zelenović a.k.a. Zeljo, all of whom headed, or were members of, sub-units headed by Marko Kovač, Commander of Foča Tactical Group, Slavo Ivanović**,** Kovač a.k.a. Micko, Miki Zivanović, a man called Sasha, Dragan Gagović (the head of the Foča police), and others, ill-treated detainees at Foča high school and elsewhere in Foča, as further set out in chapter 4.3.2 *Schedule* C.6.5;

(d) in Ilidža Municipality: (i) from 12 May until October 1992, and from 22 or 23 June 1993 until October 1994, guards who were MUP or MoJ employees, ill-treated detainees at Kula Prison, as further set out in chapter 4.4.2 *Schedule* C.8.1; and (ii) on 21 July 1992, Vojo Ninković ill-treated two Bosnian-Muslim men at the Ilidža Police Station, with one of the men being transferred out of the police station on 23 October 1992, as further set out in chapter 4.4.2 *Unscheduled detention incidents – MUP Police Station*;

(e) in Kalinovik Municipality: (i) from 25 June 1992, members of the Kalinovik SJB and persons coming to the school, including Pero Elez, Dragan Kunarac a.k.a. Žaga, Dragan Gagović a.k.a. Gaga (the head of the Foča police), and Zoran and Nedžo Samardžić, all of whom headed, or were members of, sub-units under Marko Kovač, Commander of Foča Tactical Group, as well as Boško Govedarica, the Chief of Police

[13288] The Trial Chamber refers to the confidential annex in Appendix D in chapter 4.3.2 *Schedule* C.6.2 for the identity of the 'Serb soldier'.

at Kalinovik SJB, a female soldier that accompanied Žaga and Gaga called Jadranka a.k.a. Jaca/Jasna, and Marinko Bjelica, ill-treated detainees at Kalinovik Elementary School and other locations, as further set out in chapter 4.5.2 *Schedule* C.9.1; (ii) between 6 July 1992 and the beginning of August 1992, guards subordinated to the VRS ill-treated detainees at an ammunition warehouse in Jelašačko Polje, as further set out in 4.5.2 *Schedule* C.9.2; and (iii) from at least 18 September 1992 until 21 March 1993, Serb soldiers, referred to as 'Gardisti', and either Zoran Samardžić or Predrag a.k.a. Pedo Trifković/Trivun, both of whom headed, or were members of, sub-units under Marko Kovač, Commander of Foča Tactical Group, ill-treated detainees at Kalinovik Police Station, as further set out in chapter 4.5.2 *Unscheduled detention incidents – Kalinovik police station*;

(f) in Ključ Municipality: (i) on 1 June 1992, members of the VRS ill-treated detainees at Velegići Elementary School, as further set out in chapter 4.6.2 *Schedule* C.10.3; (ii) on 1 and 2 June 1992, reserve police officers and the commander of the Sanica police, Milan Tomić, ill-treated detainees at Sanica School, as further set out in chapter 4.6.2 *Sanica school and Sitnica school*; (iii) from 3 June and about 7 June 1992, policemen from Ključ, including Duško Pavlović ill-treated detainees at Sitnica School, as further set out in chapter chapter 4.6.2 *Sanica school and Sitnica school*;

(g) in Kotor Varoš Municipality, during the night of 2 November 1992, the VRS 1st Kotor Varoš Brigade, under the command of Dušan Novaković, ill-treated detainees at Grabovica School, as further set out in chapter 4.7.2, *Unscheduled detention incidents – Grabovica School*;

(h) in Prijedor Municipality: (i) between 27 May and 16 August 1992, the Prijedor Crisis Staff, VRS, Omarska TO, SJB, camp guards comprised of the police including police from the Omarska police station; interrogators comprised of a mixed group of national, public and military security services, as well as outsiders including Bosnian-Serb soldiers from the front, paramilitary units, and a special MUP detachment placed under the command of the Banja Luka CSB, ill-treated detainees at Omarska camp, as further set out in chapter 4.10.2 *Schedule* C.15.2; (ii) from 25 May until at least 5 August 1992, the Prijedor Crisis Staff, the Military Police of the Banja Luka Corps/1KK, and the Prijedor SJB, the Banja Luka CSB, teams comprising members of the SJB, the SNB, and the VRS military security, and paramilitary units and civilians permitted to enter the camp, ill-treated detainees at Keraterm camp, as further set out in

chapter 4.10.2 *Schedule* C.15.3; (iii) from at least 26 May 1992 until the end of September 1992, members of the Prijedor TO, VRS soldiers from both inside and outside the camp, and camp guards ill-treated detainees at Trnopolje camp, as further set out in chapter 4.10.2 *Schedule* C.15.4; (iv) from around 21 July 1992, the Miška Glava TO ill-treated detainees at Miška Glava Dom, as further set out in chapter 4.10.2 *Schedule* C.15.5;

(i) in Rogatica Municipality: (i) between June and August 1992, camp guards comprised of local Serbs under the authority of Rajko Kušić, Commander of the VRS Rogatica Brigade, as well as civilian police, Rogatica Serb TO, and paramilitary unit members, ill-treated detainees at Veljko Vlahović Secondary School, as further set out in chapter 4.11.2 *Schedule* C.16.1; (ii) between August 1992 and April 1994, the SJB and the VRS, and guards ill-treated detainees at Rasadnik detention facility, as further set out in chapter 4.11.2 *Schedule* C.16.3; and (iii) on 2 September 1992, several policemen, including Željko Bogdanović, and a former policeman, named Anđelko, ill treated a Bosnian-Muslim detainee from Rasadnik detention facility, as further set out in chapter 4.11.2 *Unscheduled incidents – Rogatica police station*;

(j) in Vlasenica Municipality: (i) between 31 May 1992 and 30 September 1992, the Vlasenica crisis staff and guards, consisting of members of the VRS and the MUP, as well as Dragan Nikolić and camp guards, including Goran Tešić, a.k.a. Goce, a member of the Bosnian-Serb MUP and Kraljević's unit (*see* Trial Chamber's finding in chapter 4.14.1 *Schedule* B.16.1), other police officers, and Goran a.k.a. Vjetar and Đuro ill-treated detainees at Sušica camp as further set out in chapter 4.15.2 *Schedule* C.19.3; and (ii) between 31 May 1992 and 8 June 1992, guards including Vojin Grabovica, a person called Zoran, Milorad Petrović, Dragan Lukić, and Veljko Basić, who was a member of the SJB Vlasenica, ill-treated detainees at Vlasenica Secondary School, as further set out in chapter 4.14.2 *Other detention incidents – Vlasenica Secondary School*;

Srebrenica

(k) (i) between 11 and 12 July 1995, VRS units ill-treated Bosnian Muslims who had gathered in Potočari following the fall of Srebrenica on 11 July 1995, as further set out in chapter 7.16; (ii) from 12 to 14 July 1995, VRS units ill-treated Bosnian Muslims who had been separated from the rest of the population in Srebrenica, as further set out in chapter 7.16; (iii) from 12 to 18 July 1995, Bosnian-Muslim men and boys of

Srebrenica were ill-treated prior to their execution by several perpetrators: on the road to Konjević Polje and near Konjević Polje intersection (Schedule E.1.1), by Momir Nikolić and four members of either the police or the VRS military police; at Sandići Meadow (Schedule E.4.1), by a VRS soldier; at Luke School (Schedule E.5.1), by 10 to 15 men of a VRS special intervention platoon commanded by Spomenko Garić; at the school in Petkovci (Schedule E.7.1), by members of the VRS; at Kula School (Schedule E.9.1), by members of the VRS Zvornik Brigade's 1st Battalion; at Branjevo Military Farm (Schedule E.9.2), by VRS soldiers; in and around Vuk Karadžić elementary school (Schedule E.15.1), by members of the VRS Bratunac Brigade Military Police Platoon, special police, civilian police, Drina Wolves and paramilitary formations; and in the column, by members of the VRS and the civilian police, as further set out in chapter 7.16.

3288. The Trial Chamber will now proceed to consider the aforementioned alleged incidents of cruel and/or inhumane treatment pursuant to the applicable law.

3289. *Serious mental or physical suffering or injury, or a serious attack on human dignity*. The Indictment specifies that the alleged acts or omissions of cruel and/or inhumane treatment consist of: (i) torture, beatings, and physical and psychological abuse during and after the takeovers in Municipalities and in detention facilities in the Municipalities; (ii) rape and other acts of sexual violence during and after the takeovers in the Municipalities and in detention facilities in the Municipalities; (iii) the establishment and perpetuation of inhumane living conditions, including the failure to provide adequate accommodation, shelter, food, water, medical care, or hygienic sanitation facilities, in detention facilities in the Municipalities; (iv) terrorising and abuse of Bosnian Muslims of Srebrenica in Potočari; and (v) beating of Bosnian-Muslim men and boys of Srebrenica prior to their execution.[13289] The Trial Chamber recalls incidents (a) to (j) set out above. These incidents took place in detention facilities against the same victims of detention during their detention. The Trial Chamber considered the character and the seriousness of the incidents, including, where available, the following factors: the duration and/or repetition of the incidents, physical and mental effects on the victims, and the personal circumstances of the victims, including age, gender and health.

[13289] Indictment, para. 59; *see* chapter 8.2.

3290. For some incidents, the Trial Chamber found that detainees were injured, fell ill, and some died as a result of their treatment and the conditions of detention. In this respect, the Trial Chamber recalls its findings in chapters 4.1.2 *Schedule* C.1.2; 4.2.2 *Schedule* C.2.1; 4.3.2 *Schedule* C.6.1; 4.10.2 *Schedules* C.15.2, C.15.3, C.15.4; and 4.11.2 *Schedule* C.16.1 in relation to incidents (a); (b); (c)(i); (h)(i), (ii), and (iii); and (i)(ii). Detainees at Manjača camp, Batković camp, KP Dom Foča and Omarska camp lost significant body weight. Insufficient food led to death by malnutrition at Batković camp, to malnutrition and starvation at Keraterm camp, to fainting from hunger at Manjača camp, and to other health problems at KP Dom Foča. The insufficient food, unsanitary and crowded conditions at Trnopolje camp caused rampant lice and scabies, as well as dysentery and a wide range of other ailments like hepatitis, chronic diarrhoea and high fevers. Even though some detainees at Trnopolje camp had maggots in their wounds, medical care was denied. An epileptic man, who was refused treatment, was found dead the next morning. There was also dysentery at Omarska camp and Keraterm camp, as well as diarrhoea, skin diseases and intestinal problems at Omarska camp. At Manjača camp and Keraterm camp, there were infestations of lice. The detainees at Rasadnik detention facility also had insufficient food, as well as no access to running water, or toilets. In each of these detention facilities, detainees were also beaten; regularly at Manjača camp and KP Dom Foča, daily at Keraterm camp, in some cases with implements such as brass knuckles and iron bars, and severely at Batković camp, Omarska camp and Rasadnik detention facility. As a result, detainees at Manjača camp were sometimes seriously injured and, through further beatings, the perpetrators prevented these detainees from seeking any medical care for their injuries. Some detainees at Batković camp and Rasadnik detention facility suffered permanent damage, such as Witness Mirsad Kuralić who suffered fractures to his skull, nose, jaw and arm at Batković camp. Detainees at Omarska camp had broken bones and teeth. Some detainees were thrown into burning tyres. Another detainee was shot in the knee. At Trnopolje camp, some detainees were beaten to death. Although some detainees at Keraterm camp were taken to hospital to treat injuries sustained during the beatings, this does not diminish the gravity of those injuries.

3291. The Trial Chamber also found that, amongst other forms of abuse, detainees were raped and subjected to other forms of sexual violence at Batković camp, KP Dom Foča, Omarska camp, Keraterm camp, Trnopolje camp, and Rasadnik detention facility.

In particular, at Omarska camp, Batković camp and Rasadnik detention facility, detainees were forced to rape and engage in other degrading sexual acts with each other. Further, the Trial Chamber recalls its findings in chapters 4.3.2 *Schedules* C.6.2, C.6.3, C.6.4, C.6.5; 4.5.2 *Schedule* C.9.1; 4.11.2 *Schedule* C.16.1; 4.14.2 *Schedule* C.19.3 in relation to incidents (c)(ii), (iii), (v), (vi) and (vii); (e)(i); (i)(i); and (j)(i). Women and girls detained at Karaman's house were raped every night. The youngest girl was 12 years old. One woman was detained, alone, at the apartment of a Serb soldier and regularly raped by him. At Veljko Vlahović Secondary School, detainees were also raped, including girls as young as 13 years old. At Partizan Hall, some women were raped numerous times on the same day, by many soldiers simultaneously and consecutively. At the Worker's Huts at Buk Bijela and Foča High School, women were repeatedly raped. Approximately 80 women were raped at Kalinovik Elementary School. At Sušica camp, detainees were raped or forced to engage in sexual acts. Detainees were also beaten at Kalinovik Elementary School and Veljko Vlahović Secondary School, and severely beaten and burnt with cigarettes at Foča High School. In addition, at Partizan Hall, Foča High School, Kalinovik Elementary School, and Veljko Vlahović Secondary School, the conditions were unhygienic and there was insufficient food. There was also no medical care at Partizan Hall or Foča High School.

3292. In relation to incidents (d)(i); (e)(ii); (f)(i) and (h)(iv), the Trial Chamber recalls its findings in chapters 4.4.2 *Schedule* C.8.1; 4.5.2 *Schedule* C.9.2; 4.10.2 *Schedule* C.15.5 that detainees were beaten, threatened and harassed at Velagići Elementary School, beaten regularly at Kula prison and Miška Glava Dom, and severely at the ammunition warehouse in Jelašačko Polje. Detainees were also held in poor conditions: a cramped, small room held 100 detainees for one week at Kula prison, a small, hot café held 114 detainees for several days at Miška Glava Dom, and the 100 detainees at the ammunition warehouse in Jelašačko Polje had no sanitary facilities and insufficient water. The detainees at Velagići Elementary School were beaten in a room without windows while insulted with ethnic slurs. At the ammunition warehouse in Jelašačko Polje and Miška Glava Dom, there was also limited food. Specifically, at Miška Glava Dom, detainees only had a single loaf of bread and a packet of sweets to share between 114 detainees for three days.

3293. Based on the foregoing, the Trial Chamber finds that the treatment of detainees and the conditions of detention in incidents (a); (b); (c)(i), (ii), (iii), (v), (vi) and (vii);

(d)(i); (e)(i) and (ii); (h)(i), (ii), (iii), and (iv); (f)(i); (i)(i) and (ii); and (j)(i) caused serious mental and physical suffering and injury and will consider these incidents further.

3294. Turning to the unscheduled incidents (d)(ii); (f)(ii) and (iii); (i)(iii); and (j)(ii), the Trial Chamber recalls its findings in chapters 4.6.2 *Sanica school and Sitnica school*; 4.11.2 *Unscheduled incidents*; and 4.14.2 *Other detention incidents* on the conditions of detention and the treatment of detainees. In particular, detainees at the Ilidža Police Station were kept in a windowless cell which was of such a size that conditions were crowded given the number of detainees. At Kalinovik Police Station and Rogatica Police Station, detainees were severely beaten. After the beating, one detainee at Kalinovik Police Station was kept in solitary confinement for ten days without medical aid. The detainee at Rogatica Police Station was beaten so severely that he could not move for 15 days. Detainees at Sanica School and Sitnica School were not fed, and the detainees at Sitnica School only received a small sandwich on their fourth day of detention. At Sanica School, they were also escorted at gunpoint to the bathroom. At Sitnica School, they were beaten. Detainees at Vlasenica Secondary School were only fed a small slice of bread and a small portion of egg daily. There was insufficient water, and the guards severely beat the detainees. Based on the foregoing, the Trial Chamber finds that the treatment of detainees and the conditions of detention in incidents (d)(ii); (f)(ii) and (iii); (i)(iii); and (j)(ii) caused serious mental and physical suffering and injury and will consider these incidents further.

3295. For incident (g), the Trial Chamber recalls its findings in chapter 4.7.2 *Unscheduled incidents* that the detainees were soaking wet from the rain and very cold, and the women and children slept overnight on the floor. The men were ordered to line up and walk slowly with their heads down and hands tied behind their backs. The Trial Chamber was unable to determine the nature of the assault, apart from the spilt tea. Based on the foregoing, the Trial Chamber does not find that such treatment caused serious mental or physical suffering or injury, or a serious attack on human dignity.

3296. In relation to incident (c)(iv), the Trial Chamber recalls its finding in chapter 4.3.2 *Schedule* C.6.3 that it received no evidence on the conditions of detention or the treatment of the detainee. Accordingly, the Trial Chamber cannot determine whether there was any serious suffering or injury, or any serious attack on human dignity and will not consider incident (c)(iv) further.

3297. With regard to incidents (k)(i) and (k)(ii), the Trial Chamber recalls its finding in chapter 7.1.6 concerning the conditions endured by Bosnian Muslims who gathered in Potočari following the fall of Srebrenica on 11 July 1995. Ongoing shelling and shooting, combined with the deliberate removal of men, boys, and girls, and episodes of sexual assaults, created a fearful and intimidating atmosphere in Potočari. The Trial Chamber found that while being transferred out of the enclave, mothers and children were separated from one another, and babies of ill mothers were abandoned. Those who did not want to leave, were forced to board buses and were hit, abused and insulted. Bosnian-Muslim men of military age were separated from the rest of the population and were beaten, stoned, insulted, and sometimes stabbed. The men were then taken to the White House, where they were held in overcrowded and poor conditions, and were forced to surrender their papers and belongings. They were later beaten while being loaded onto buses destined to detention centres in Bratunac. The Trial Chamber further found that the acts and threats of violence set out above, specifically the shelling, the physical and sexual violence, the separation of family members and the detention of men and boys, triggered panic and fear among the Bosnian Muslims in Potočari, to the extent that some of them committed suicide or attempted to do so. For these reasons, the Trial Chamber finds that the treatment of Bosnian Muslims in Potočari in incidents (k)(i) and (k)(ii) caused serious mental or physical suffering or injury, or a serious attack on human dignity and will consider these incidents further.

3298. Turning to the incidents listed in (k)(iii), the Trial Chamber found in chapter 7.1.6 that Bosnian-Muslim men and boys from the column were subjected to beatings prior to their killings. These beating incidents took place at various execution sites in Srebrenica and neighbouring municipalities, where Bosnian-Muslim men and boys were detained after surrendering or being captured from the column. In some incidents, detainees were beaten with rifle butts, iron bars, axes, and whips. In one incident at a building near the Konjević Polje intersection (Schedule E.1.1.), detainees were ordered to take off their clothes, thrown on the floor and then punched, beaten and kicked in the heads. At the school in Petkovci (Schedule E.7.1) and at Kula School (Schedule E.9.1) detainees were regularly beaten, and at Luke School (Schedule E.5.1) they were severely harassed and assaulted. At Vuk Karadžić elementary school (Schedule E.15.1) and at Branjevo Military Farm (Schedule E.9.2), detainees were also beaten and humiliated. In light of the foregoing, the Trial Chamber finds that Bosnian-Muslims

men and boys of Srebrenica were subjected to appalling abuse prior to their execution, and therefore considers that the incidents listed in (k)(iii) caused serious mental or physical suffering or injury, or a serious attack on human dignity, and will consider these incidents further.

3299. *Mens rea*. For the incidents listed in (a) to (k), apart from incidents (c)(iv) and (g), the Trial Chamber is satisfied that, having considered the factual circumstances, the only reasonable inference is that the perpetrators intended to cause serious mental or physical suffering or a serious attack on human dignity.

3300. *Discrimination.* The Trial Chamber recalls its finding in chapter 8.9.2(d) that in relation to incidents (d)(ii) and (j)(ii), it did not find that the detentions were carried out on political, racial, or religious grounds. In reaching this conclusion, the Trial Chamber was unable to determine that detainees were treated differently based on their ethnicity. For the remaining incidents listed in (a) to (j), apart from incident (i)(iii) which concerns Rogatica Police Station, the Trial Chamber found that the detentions were carried out on political, racial, and religious grounds. Noting that the alleged cruel and/or inhumane treatment took place in conjunction with these detentions, the Trial Chamber finds for the same reasons as those stated in chapter 8.9.2(d), that apart from incidents (d)(ii) and (j)(ii), the alleged cruel and/or inhumane treatments were carried out on political, racial, or religious grounds.

3301. In relation to incident (j)(ii), the Trial Chamber recalls its finding in 4.14.2 – *Other detention incidents – Vlasenica secondary school*, that detainees were beaten when they refused to sing songs identified by one witness as 'chetnik' songs. Given the subject of the songs and the consequences for failing to sing them, the Trial Chamber finds that incident (j)(ii) was carried out on political, racial, or religious grounds.

3302. In respect of incident (i)(iii), the alleged cruel or inhumane treatment was inflicted against one Bosnian Muslim. The Trial Chamber also considered that this incident occurred in the context of a wider discriminatory attack against Bosnian Muslims and Bosnian Croats and in conjunction with other underlying acts of persecution perpetrated at the same time, as described in chapter 8.2.1. Based on the foregoing, the Trial Chamber finds that incident (i)(iii) was carried out on political, racial, or religious grounds.

3303. In relation to incidents (k)(i) and (k)(ii) the Trial Chamber had regard to the specific considerations when assessing whether the alleged cruel and/or inhumane treatment was carried out on political, racial, or religious grounds. The Trial Chamber found in chapter 7.16 that the shelling targeted the vicinity of the UNPROFOR compound and nearby areas, where the Bosnian-Muslim population had sought shelter after the fall of the Srebrenica enclave. Hand grenades were thrown into civilian houses in Potočari. While Bosnian Muslims were being transported out of the enclave, Bosnian-Muslim men of military age were systematically singled out from the rest of the population and later detained and mistreated. The Trial Chamber also considered that these incidents occurred in the context of a wider discriminatory attack against the Bosnian-Muslim community of Srebrenica and in conjunction with other underlying acts of persecution perpetrated at the same time, as described in chapter 8.9.2(a) and (c). Based on the foregoing, the Trial Chamber finds that the alleged cruel and/or inhumane treatment in incidents (k)(i) and (k)(ii) was carried out on political, racial, or religious grounds.

3304. With regard to the beating incidents listed in (k)(iii) at the school in Petkovci (Schedule E.7.1), at Kula School (Schedule E.9.1), at Branjevo Military Farm (Schedule E.9.2), and in and around Vuk Karadžić elementary school (Schedule E.15.1), the Trial Chamber found in chapter 7.16 that the perpetrators of the alleged cruel and/or inhumane treatment in these locations were the same perpetrators of the subsequent killings. Noting that the Trial Chamber found in chapter 8.9.2 (a) above, that the Scheduled Incidents E.7.1, E.9.1, E.9.2, and E.15.1 were carried out on political, racial, or religious grounds, the Trial Chamber finds, for the same reasons as those stated in the aforementioned chapter, that the alleged cruel and/or inhumane treatment was also carried out on political, racial, or religious grounds.

3305. For the remaining beating incidents listed in (k)(iii), the Trial Chamber considered specific circumstances to assess whether the alleged cruel and/or inhumane treatment was carried out on political, racial, or religious grounds. In respect of the beatings at Sandići Meadow (Schedule E.4.1) and at Luke School (Schedule E.5.1), the perpetrators made derogatory remarks when referring to the detainees, calling them *balijas*, and alluding to their apparent political or religious views prior and after carrying out the beatings. In relation to the beatings at the column and at Sandići Meadow (Schedule E.4.1), the perpetrators forced the detainees to make the Serb salute

and sing Serbian songs. With regard to the incident on the road to Konjević Polje and near Konjević Polje intersection (Schedule E.1.1), the Trial Chamber considered that the perpetrators carried out the cruel and/or inhumane treatment of Bosnian-Muslim men and boys in the context of a wider discriminatory attack against Bosnian Muslims following the fall of Srebrenica on 11 July 1995. This beating incident occurred on 13 July 1995 and was committed against Bosnian-Muslim males, including a 14-year-old boy. The Trial Chamber therefore finds that all the incidents listed in (k)(iii) were carried out on political, racial, or religious grounds.

3306. In light of the foregoing, the Trial Chamber finds that all of the incidents listed in (a) to (k), apart from incidents (c)(iv); (d)(ii) and (g), amount to cruel and/or inhumane treatment.

3307. The Trial Chamber recalls its findings in chapter 8.2 with regard to the general elements and jurisdictional requirement of crimes against humanity.

3308. *Status of victims.* The Trial Chamber recalls its findings in chapter 8.9.2(d), noting that the victims of detention were also the victims of cruel and/or inhumane treatment in the same detention facilities. In relation to those detainees found not to be civilians in 8.9.2(d), the Trial Chamber finds that they were placed *hors de combat* as a result of their detention.

3309. In relation to incident (j)(i), the Trial Chamber recalls its finding in 4.14.2 – *Other detention incidents – Vlasenica secondary school* that the detainees at Vlasenica Secondary School were transferred to Sušica camp. Since the Trial Chamber found that Sušica camp mostly held civilians, it finds that the only reasonable inference is that the detainees at Vlasenica Secondary School were also mostly civilians.

3310. For incident (i)(iii), the Trial Chamber recalls its finding in chapter 4.11.2 *Unscheduled incidents* that the sole victim was a detainee from Rasadnik and the detainees at Rasadnik were civilians. In light of this, the Trial Chamber finds that the victim in incident (i)(iii) was civilian.

3311. With respect to the cruel and/or inhumane treatment described in incident (k)(i), the Trial Chamber finds that the victims, mainly women, children, elderly, the injured, with a small percentage of able-bodied men, were civilians. In relation to incident (k)(ii), the victims were males between the age of 12 and over 60 years old, some were unarmed and some were wearing military clothing. Although it remained unclear

whether the victims were civilians or combatants, the Trial Chamber finds that they were *hors de combat* at the time of their separation from the rest of the population in Potočari. Regarding the acts outlined in incident (k)(iii), the Trial Chamber notes that some of the victims of the beatings were also victims of murder. Accordingly, the Trial Chamber recalls its finding in chapter 8.3.2, that in all Srebrenica murder incidents the victims were detained at the time of their killing, thus *hors de combat*. With respect to those who survived the executions, the Trial Chamber finds that they were also placed *hors de combat* as a result of their detention.

3312. *Conclusion*. In conclusion, the Trial Chamber finds that the incidents listed in (a) to (k), with the exception of incidents (c)(iv); (d)(ii); and (g) constitute cruel and/or inhumane treatment as an underlying act of persecution as a crime against humanity.

(c) Deportation and forcible transfer

3313. In chapters 4 and 7, the Trial Chamber decided to further consider a number of incidents as alleged persecution against the applicable law. The Trial Chamber recalls its findings in chapter 8.5.2 that some of these incidents constituted deportation or inhumane acts (forcible transfer) as crimes against humanity.

3314. *Discrimination.* The Trial Chamber recalls that all the incidents constituting deportation or forcible transfer were committed against Bosnian Muslims or Bosnian Croats.

Forcible transfer or deportation committed in connection with other discriminatory acts

3315. The Trial Chamber recalls that it found that the acts of forcible transfer and deportation described in incidents (b)(i), (b)(ii), (f)(i), (f)(ii), (g), (h), (j)(i), (j)(ii), (k)(i), (k)(ii), (k)(iii), (k)(vi), (k)(vii), (k)(viii), (m)(i), (m)(ii), (n)(i), (n)(ii),(n)(iii), and (n)(iv) were committed in connection with acts of murders, unlawful detention, destruction, plunder or appropriation of property, forced labour or use of human shields, and discriminatory measures in Bijeljina, Ključ, Kotor Varoš, Novi Grad, Prijedor, Rogatica, Sokolac, and Vlasenica Municipalities. The acts of forcible transfer described in incident (o) were committed in connection with acts of cruel or inhumane treatment as underlying act to the offence of persecution. Further, they were committed during and following the take-over of the Srebrenica enclave by the VRS, during which Bosnian-Muslim public and private properties were destroyed. The Trial Chamber

recalls that it found that these acts were discriminatory and that the perpetrators acted with discriminatory intent.[13290] The Trial Chamber will now recall specific excerpts of its findings relevant to establish the discriminatory intent of the perpetrators of some of these incidents. More specifically in the case of incident (k)(ii), around 26 May 1992, a Serb announcement stated that the Serbs intended to 'cleanse' Rogatica of Muslim extremists and so-called Green Berets. Once the Serb forces took over Rogatica Town, Živojin Novaković said the town would be cleansed and that anyone found in the town would be killed. Regarding incident (k)(iii), prior to the transfer of Bosnian Muslims detained at Veljko Vlahović Secondary School, one of the perpetrators of the acts of forcible transfer, Rajko Kušić, had announced that the Muslim detainees with relatives in the 'free zone' would be transported there. Concerning incident (m)(i), the Trial Chamber notes that when told by a Bosnian Muslim that Muslims were scared and leaving the municipality, Milan said, 'Let [them] leave to wherever they want to. If you ever try anything against us, we will destroy you.' In the case of incident (n)(i), prior to their departure, Bosnian-Muslim women from Zaklopača had to sign statements giving away their houses and properties to the Serbs. In the case of incident (n)(ii), one of the perpetrators of these acts of forcible transfer ordered another one to torch all Muslim houses in order to prevent owners from returning. The Trial Chamber found that the acts of murder, unlawful detention, destruction, plunder or appropriation of property, forced labour or use of human shields, and discriminatory measures in these municipalities were carried out on political, racial or religious grounds against Bosnian Muslims and Bosnian Croats. Concerning incident (o), the Trial Chamber notes the cleansing of the area of the Bosnian-Muslim population was one of the goals of the *Krivaja 95* operation from its beginning. Since most of the people found to have been victims of forcible transfer or deportation in the incidents listed above were Bosnian Muslims and Bosnian Croats, and given the circumstances of their transfer, the Trial Chamber finds that Bosnian Muslims and Bosnian Croats were specifically targeted, and that the acts of forcible transfer or deportation were carried out on political, racial, or religious grounds.

Forcible transfer or deportation of detainees: organized or secured by the perpetrators

3316. With regard to the acts of forcible transfer or deportation described in incidents (c)(ii), (c)(iii), (c)(iv), (c)(v), (c)(vi), (c)(vii), (m)(iii), (n)(v), and (n)(vi), the Trial

[13290] The Trial Chamber notes that this does not include the destruction aforementioned as it is not charged as such as an underlying act to the offence of persecution for the Srebrenica component of the

Chamber notes that these displacements were committed following the detention of these Bosnian Muslims and, in the case of incident (c)(vi), were committed by the perpetrators of their detention which the Trial Chamber found to be discriminatory. Further, these acts were committed in a context where Bosnian Muslims were beaten, raped, and killed in these detention centres. Under these circumstances, the Trial Chamber finds that the reasonable inference is that the acts of forcible transfer or deportation were carried out on political, racial, or religious grounds.

Other incidents of forcible transfer or deportation

3317. With respect to incident (a)(i), the Trial Chamber recalls that in 1992, one of the perpetrators specifically called upon Bosnian Muslims to leave the Krajina. Further, during July and August 1992, Bosnian Muslims and/or Bosnian Croats who wished to remain in Banja Luka Municipality were threatened if they did not sign a statement of loyalty. The Trial Chamber is satisfied that with respect to incident (a)(i), the act of deportation was carried out on political, racial, or religious grounds.

3318. With regard to the acts of deportation described in incidents (c)(i), the Trial Chamber notes that the perpetrators allowed 'loyal' citizens, *i.e.* Serbs and Muslims, who had not violated the laws of the Bosnian-Serb Republic or endanger the safety of the Serb people in the area, to leave. Although this measure suggests that the departures did not solely concern Bosnian Muslims and/or Bosnian Croats, the Trial Chamber notes that this incident happened at the time when murders, unlawful detention, and destruction were committed and discriminatory measures implemented against Bosnian Croats and Bosnian Muslims in Foča Municipality. Under these circumstances, the Trial Chamber finds that the only reasonable inference is that these acts of deportation were carried out on political, racial, or religious grounds.

3319. With regard to the acts of forcible transfer described in incident (d), the Trial Chamber notes that the Bosnian-Muslim family left Ilidža Municipality to Sarajevo after a member of the White Eagles threatened the family's lives if they were to refuse to comply with the ultimatum to leave the municipality or to take up arms and become loyal to the Serb authorities. The Trial Chamber further notes that the departure of this family in May 1992 took place at the time when unlawful detention was committed against Bosnian Muslims in Ilidža Municipality. Under these circumstances, the Trial

case.

Chamber finds that the act of forcible transfer was carried out on political, racial, or religious grounds.

3320. With regard to the acts of forcible transfer described in incident (i), the Trial Chamber notes that the displacements out of Pale Municipality only concerned Bosnian Muslims and Bosnian Croats and therefore finds that the acts of forcible transfer were carried out on political, racial, or religious grounds.

3321. With regard to the acts of forcible transfer or deportation described in incidents (l)(i) to (l)(ii) and (l)(iv) to (l)(ix), and (l)(x) to (l)(xii), the displacements of Bosnian Muslims and Bosnian Croats from Sanski Most Municipality were committed at the time when murders, unlawful detention, destruction, appropriation or plunder of property were committed and discriminatory measures were implemented against them in the municipality. The Trial Chamber recalls that it found that these acts were discriminatory and that the perpetrators acted with discriminatory intent. In the case of incident (f)(ii), Bosnian Muslims and/or Bosnian Croats were required to sign statements leaving all their property prior to their departure, called for the departure of Bosnian Muslims and Bosnian Croats. Therefore, the Trial Chamber finds that the acts of forcible transfer or deportation were carried out on political, racial, or religious grounds.

3322. The Trial Chamber recalls its findings in chapters 8.1 and 8.2 with regard to the general elements and jurisdictional requirement of crimes against humanity.

3323. *Status of victims.* The Trial Chamber recalls its finding in chapter 8.5.2 with regard to the status of the victims.

3324. *Conclusion.* The Trial Chamber finds that incidents: (a)(i); (b)(i); (b)(ii); (c)(i); (c)(ii); (c)(iii); (c)(iv); (c)(v); (c)(vi); (c)(vii); (d); (f)(i); (f)(ii); (g); (h); (i); (j)(i); (j)(ii); (k)(i); (k)(ii); (k)(iii); (k)(vi); (k)(vii); (k)(viii); (l)(i); (l)(ii); (l)(iv); (l)(v); (l)(vi); (l)(vii); (l)(viii); (l)(ix); (l)(x); (l)(xi); (l)(xii); (m)(i); (m)(ii); (m)(iii); (n)(i); (n)(ii); (n)(iii); (n)(iv); (n)(v); (n)(vi), and (o) constitute persecution as a crime against humanity.

(d) Unlawful detentions

3325. In chapters 4.1.2, 4.2.2, 4.3.2, 4.4.2, 4.5.2, 4.6.5, 4.7.2, 4.10.2, 4.11.2, and 4.14.2 Vlasenica, the Trial Chamber decided to further consider the following incidents of alleged unlawful detention to the extent that they concern Bosnian Croats and Bosnian Muslims:

(a) in Banja Luka Municipality, between 3 June and 18 December 1992, the VRS 1KK, pursuant to instructions from the VRS Main Staff, detained predominantly civilians, primarily of Bosnian-Muslim ethnicity at Manjača camp, along with some Bosnian Croats, a few Bosnian Serbs, and at least one Roma. This incident is further set out in chapter 4.1.2 *Schedule* C.1.2;

(b) in Bijeljina Municipality, between 27 June 1992 and the end of November 1995, the VRS held detainees, who were mostly civilians and predominantly Bosnian-Muslim and Bosnian-Croat, at Batković camp. This incident is further set out in chapter 4.2.2 *Schedule* C.2.1;

(c) in Foča Municipality: (i) between 10 April 1992 and October 1994, the Military Command under Commander Marko Kovač, Commander of the Foča Tactical Group, detained non-Serb civilian men, mostly of Bosnian-Muslim ethnicity, at KP Dom Foča. Muslim soldiers were detained separately from the civilian detainees, and a few Serbs were detained for military offences or convictions prior to the outbreak of the conflict. This incident is further set out in chapter 4.3.2 *Schedule* C.6.1; (ii) from early August 1992, Radovan Stanković held several groups of Bosnian-Muslim women and girls in 'Karaman's house', as further set out in chapter 4.3.2 *Schedule* C.6.2; (iii) from August 1992 until July 1993 a Serb soldier[13291] detained a Bosnian-Muslim woman taken by a member of Dragoljub Kunarac's unit from 'Karaman's house' and brought to the apartment of the Serb soldier, as further set out in chapter 4.3.2 *Schedule* C.6.2; (iv) from the evening of 24 June 1992, local Serbs from Tijentište detained a Bosnian-Muslim woman at Bukovica Motel for two days, as further set out in chapter 4.3.2 *Schedule* C.6.3; (v) in early July 1992, Bosnian-Muslim women were detained at the Worker's Huts in Buk Bijela, where Gojko Janković was in charge, as further set out in chapter 4.3.2 *Schedule* C.6.3; (vi) in July and August 1992, Bosnian-Muslim civilian

[13291] The Trial Chamber refers to the confidential annex in Appendix D in chapter 4.3.2 *Schedule* C.6.2 for the identity of the 'Serb soldier'.

detainees were kept at Partizan Hall and guarded by policemen**,** as further set out in chapter 4.3.2 *Schedule* C.6.4; (vii) in June and July 1992, Bosnian-Muslim civilian detainees were kept at Foča High School and guarded by policemen. Mitar Sipčić, member of the Serb Crisis Staff in Foča, was in charge of the policemen in June 1992. This incident is further set out in chapter 4.3.2 *Schedule* C.6.5;

(d) in Ilidža Municipality: (i) from 12 May until October 1992, Bosnian-Muslim civilians of all ages, and from 22 or 23 June 1993 until October 1994, Bosnian-Muslim civilians and some Bosnian Croats, were detained at Kula prison There were also Croat POWs who were held separately. Kula prison was under the jurisdiction of the Serb MUP from 12 May until the beginning of August 1992, followed by the Bosnian-Serb MoJ until October 1992, and then again under the jurisdiction of the Bosnian-Serb MoJ in 1993 and 1994. This incident is further set out in chapter 4.4.2 *Schedule* C.8.1; and (ii) on 21 July 1992, Vojo Ninković detained two Bosnian-Muslim men, and six others, at the Ilidža Police Station. The six other detainees were transferred by mid-August 1992. One of the Bosnian-Muslim men was transferred out of the police station on or around 23 October 1992. This incident is further set out in chapter 4.4.2 *Unscheduled incidents – MUP Police Station*;

(e) in Kalinovik Municipality: (i) on 25 June 1992, around 60 Bosnian-Muslim civilian men were detained at Kalinovik Elementary School, and later, between 1 and 5 August 1992, almost all of the remaining Bosnian-Muslim civilian men and women from Kalinovik, and approximately 190 civilian women, children, and elderly people from Gačko, were detained at the Kalinovik Elementary School, where they were guarded by the local police, as further set out in chapter 4.5.2 *Schedule* C.9.1; (ii) between 6 July and the beginning of August 1992, Đorđislav Aškraba, who was at the time seconded to the VRS and ran the detention facility at Jelašačko Polje**,** and guards in the detention facility who were subordinated to the VRS, detained around 100 Bosnian-Muslim men at an ammunition warehouse in Jelašačko Polje, as further set out in chapter 4.5.2 *Schedule* C.9.2; and (iii) from at least 18 September 1992 until 21 March 1993, several people, including at least two Bosnian-Muslim men, were detained at Kalinovik Police Station, which was under the control of the Chief of Police at Kalinovik SJB, Boško Govedarica, and the Police Commander at Kalinovik SJB, Neđelko Zeljaja, as further set out in chapter 4.5.2 *Unscheduled Incidents – Kalinovik police station*;

(f) in Ključ Municipality: (i) on 1 June 1992, members of the VRS detained about 100 Bosnian-Muslim men at Velegići Elementary School, as further set out in chapter 4.6.2 *Schedule* C.10.3; (ii) between 1 and 2 June 1992, reserve police officers and Milan Tomić, who was the commander of the Sanica police, detained 400 non-Serbs at Sanica School. Almost all of the detainees were Bosnian Muslims and Bosnian Croats. This incident is further set out in 4.6.2 *Sanica school and Sitnica school*; (iii) between 3 June and about 7 June 1992, police forces from Ključ and Jajce detained between 200 and 250 civilian men at Sitnica School, who were previously detained in the Sanica school gym. The group included non-Serbs, almost all of whom were Bosnian Muslims and Bosnian Croats, as well as villagers from Sanica, and about five Bosnian-Muslim former policemen. This incident is further set out in chapter 4.6.2 *Sanica school and Sitnica school*;

(g) in Kotor Varoš Municipality, during the night of 2 November 1992, the VRS 1st Kotor Varoš Brigade, under the command of Dušan Novaković detained a group of about 150 Bosnian Muslims at Grabovica School. The group were mostly men, some of whom were disarmed upon capture, as well as women and children. They were secured by the Military Police Platoon of the same brigade, under the command of Slobodan Jošić. This incident is further set out in chapter 4.7.2 *Unscheduled incidents – Grabovica School*;

(h) in Prijedor Municipality: (i) between 27 May and 16 August 1992, the Prijedor Crisis Staff, the VRS, the Omarska TO, and the SJB detained approximately 3,300 Bosnian Muslims and Bosnian Croats at Omarska camp. The detainees included elderly people, women, and children, mentally impaired and sick people, politicians, and religious leaders. These detainees were unofficially grouped into three categories: intellectuals and political leaders from the Bosnian-Muslim and Bosnian-Croat communities, who were earmarked for elimination; persons who associated themselves with those from the first category; and detainees who were, in the view of the Bosnian-Serb authorities, the least 'guilty', and eventually were to be released. In addition, there were a few Bosnian-Serb detainees, who were there because they were said to be on the side of the Muslims. This incident is further set out in chapter 4.10.2 *Schedule* C.15.2; (ii) from 25 May until at least 5 August 1992, the Prijedor Crisis Staff, the Military Police of the Banja Luka Corps/1KK, and the Prijedor SJB detained approximately 4,000 male and female detainees, including civilians. The detainees at Keraterm camp

were primarily Bosnian-Muslim and Bosnian-Croat men, along with a small number of Albanians, and at least one Bosnian Serb accused of not being a loyal Serb. This incident is further set out in chapter 4.10.2 *Schedule* C.15.3; (iii) from at least 26 May 1992 until the end of September 1992, the Prijedor Crisis Staff, members of the Prijedor TO, VRS, as well as Slobodan Kuruzović, who was the camp commander, and his deputy Slavko Puhalić, detained Bosnian-Muslim and Bosnian-Croat civilians, including women and children, at Trnopolje camp. This incident is further set out in chapter 4.10.2 *Schedule* C.15.4; (iv) from around 21 July 1992, the Miška Glava TO detained 114 men, who were predominantly Bosnian-Muslim and Bosnian-Croat, at a small café at Miška Glava Dom, as further set out in chapter 4.10.2 *Schedule* C.15.5;

(i) in Rogatica Municipality: (i) between June and August 1992, local Serbs under the authority of Rajko Kušić, Commander of the VRS Rogatica Brigade, as well as members of the civilian police, the Serb TO, and paramilitary unit members detained several hundred civilians including elderly men, women, and children at Veljko Vlahović Secondary School. Almost all of the detainees were Bosnian-Muslim, except for one Serb family and two Serb women married to Bosnian-Muslim men. This incident is further set out in chapter 4.11.2 *Schedule* C.16.1; (ii) at least between August 1992 and October 1992, the VRS and the SJB, and after October 1992 until April 1994 the VRS, detained Bosnian-Muslim males and females of all ages at Rasadnik detention facility. Serb soldiers were held separately at the facility. This incident is further set out in chapter 4.11.2 *Schedule* C.16.3; (iii) sometime after 23 June 1992, Mehmed Agić, the commander of the Muslim Rogatica TO during the war, was detained at the Sladara factory in Rogatica, under the authority of Rajko Kušić, the Commander of the VRS Rogatica Brigade (with regard to this brigade, see chapter 3.1.2). On at least one occasion, Agić was blindfolded and had his hands tied; (iv) from 28 July 1995 onward, 44 Muslims, including, referred to as 'POWs' by the VRS 1st Mountain Brigade, were held at the Rogatica military reception centre under the authority of the VRS 1st Mountain Brigade. The detainees included an imam and former president of the Žepa War Presidency, an electrical engineer and former president of the municipal executive committee, and a forestry engineer and former commander of civilian protection staff. The detainees were fed three times a day, had access to medical care, could use a field toilet, were registered by the ICRC, and the imam was allowed to pray;

(j) in Vlasenica Municipality: (i) between 31 May 1992 and 30 September 1992, the Vlasenica Crisis Staff and guards who were members of the VRS and the MUP detained between 2,000 and 2,500 Bosnian Muslims of both genders and all ages, including civilians, at Sušica camp. In June and July 1992, approximately half of the detainees were women. This incident is further set out in chapter 4.15.2 *Schedule* C.19.3; and (ii) between 31 May 1992 and 8 June 1992, approximately 160 men, including Bosnian-Muslim men aged between 13 and 87, from Papraća, Bosnian Muslims from Kusonje, a Roma couple, and Bosnian Serbs from Osmaci and Borogovo, were detained at Vlasenica Secondary School. The School was under the command of Veljko Bašić and guarded by Vojin Grabovica, a person called Zoran, Milorad Petrović, and Dragan Lukić. This incident is further set out in chapter 4.14.2 *Other detention incidents – Vlasenica secondary school*.

3326. The Trial Chamber will now proceed to consider the aforementioned alleged incidents of unlawful detention pursuant to the applicable law.

3327. *Deprivation of liberty*. Considering the factual circumstances of each of the acts of detention listed in (a) to (j), the Trial Chamber finds that individuals were held against their will and were therefore deprived of their liberty.

3328. *Legal basis.* Any detention carried out on discriminatory grounds, including political, racial, or religious grounds, constitutes arbitrary detention, that is without a legal basis. Accordingly, the Trial Chamber will discuss the legality of detention in light of discriminatory grounds below. For this reason, the Trial Chamber's analysis of whether the perpetrator acted with the intent to deprive the individual arbitrarily of his or her liberty is bifurcated: first, the Trial Chamber considers whether the perpetrator intended to deprive an individual of his or her liberty; second, the Trial Chamber considers whether any intention to deprive was also an intention to deprive arbitrarily which is considered in relation to discriminatory grounds.

3329. *Intent.* The Trial Chamber is satisfied that, having considered the factual circumstances of each incident listed in (a) to (j), the only reasonable inference is that the perpetrators acted knowingly with the intent to deprive those detained of their liberty.

3330. *Discrimination.* The Trial Chamber considers that the presence of detainees of different ethnicities alongside Bosnian Muslims and Bosnian Croats, such as Bosnian

Serbs, Albanians, and Roma, does not in and of itself indicate that the detention of Bosnian Muslims and Bosnian Croats was not carried out on political, racial or religious grounds. When considering whether an incident constitutes persecution as a crime against humanity, that incident should be considered as a whole. Accordingly, there are various *indicia* that may indicate discrimination. These *indicia* include the circumstances of the detention, the reasons certain ethnicities were detained, and the ratio of detainees of certain ethnicities in comparison with others, as well as any difference in the treatment of detainees of different ethnicities.

3331. For incidents (c)(iv) and (d)(ii), the Trial Chamber recalls its findings in chapters 4.3.2 *Schedule* C.6.3; 4.4.2 *Unscheduled detention incidents – MUP police station* that there were detainees of unknown ethnicity detained alongside Bosnian Muslims and, therefore, the Trial Chamber decided to only consider these incidents further with regard to the Bosnian-Muslim detainees. In incident (c)(iv), a Bosnian Muslim was detained at Bukovica Motel, but the majority of detainees alongside her were women of unknown ethnicity. In incident (d)(ii), two Bosnian Muslims were detained at Ilidža Police Station, but six others of unknown ethnicity were detained in the same room as them. For each of these incidents, the Trial Chamber was unable to infer the ethnicity of the other detainees. Furthermore, the Trial Chamber was unable to determine why the detainees of unknown ethnicity were detained and, for incident (c)(iv), whether the treatment of the detainees of unknown ethnicity differed from the treatment of the Bosnian-Muslim detainees. For incident (d)(ii), the detainees of unknown ethnicity were transferred out of Ilidža Police Station to an unknown destination by mid-August, whereas the Bosnian Muslims were detained for a longer period. The Trial Chamber does not consider the earlier transfer of the detainees of unknown ethnicity to an unknown destination to indicate a sufficient difference in treatment, such that the Trial Chamber could infer that the only reasonable inference is that the Bosnian-Muslim detainees were detained on political, racial or religious grounds.

3332. For incident (j)(ii), the Trial Chamber recalls its finding in chapter 4.14.2 *Other detention incidents – Vlasenica Secondary School* that although some of the detainees were Bosnian Muslims, those detained also included a Roma couple and Bosnian Serbs from the villages of Borogovo and Osmaci. The Trial Chamber was unable to determine why Bosnian Serbs from these villages were detained alongside non-Serbs. It was also

unable to determine the ratio of Bosnian Serbs to Bosnian Muslims detained, or whether Bosnian-Serb detainees were treated any differently to Bosnian-Muslim detainees.

3333. Under these circumstances, the Trial Chamber is not satisfied that incidents (c)(iv); (d)(ii); and (j)(ii) were carried out on political, racial, or religious grounds and will not consider these incidents further.

3334. For incident (e)(iii), the Trial Chamber recalls its findings in chapter 4.5.2 *Unscheduled detention incidents – Kalinovik police station* that two Bosnian Muslims were detained alongside several people of unknown ethnicity at Kalinovik Police Station. Although the Bosnian Muslims were the minority, the Trial Chamber found that one Bosnian Muslim was kept in solitary confinement for about ten days without medical aid despite his sustained injuries after a severe beating, and the other Bosnian Muslim was threatened with a knife put to his throat and a rifle to his temple, and was forced to curse 'Alija' and his daughter.

3335. In relation to incidents (a); (h)(i) and (ii); (i)(i) and (i)(ii), the Trial Chamber recalls its findings in chapters 4.1.2 *Schedule* C.1.2; 4.10.2 *Schedules* C.15.2 and C.15.3; and 4.11.2 *Schedules* C.16.1 and C.16.3 that Bosnian Serbs, and detainees of other ethnicities, were detained with Bosnian Muslims in the same detention facility. In incident (a), a few Serbs and at least one Rom were detained, but the detainees were predominantly Bosnian Muslims and some were Bosnian Croats. In incident (h)(i), the detainees at Omarska camp were almost exclusively Bosnian Muslims and Bosnian Croats. The few Bosnian-Serb detainees were detained because they were said to be on the Bosnian-Muslim side. In incident (h)(ii), the male detainees at Keraterm camp were primarily Bosnian Muslims and Bosnian Croats, with a small number of Albanians, and at least one Bosnian Serb accused of not being a loyal Serb. In incident (i)(i), the detainees at Veljko Vlahović Secondary School were Bosnian Muslims, except for a Serb family and two Serb women married to Bosnian Muslims. In incident (i)(ii), the detainees at Rasadnik detention facility were Bosnian Muslims. There were also Serb soldiers held because of discipline violations. They were held separately at the facility. Given that those detained in these detention facilities were largely Bosnian Muslims or Bosnian Croats, the Trial Chamber considers the number of Albanians, Roma, and Bosnian Serbs insignificant in light of the very large number of Bosnian-Muslim and Bosnian-Croat detainees. It is also significant that the few Bosnian-Serbs in incidents (h)(i) and (ii) and (i)(i) were detained because of their connection to Bosnian Muslims

or for being disloyal, and the Serbs detained in incident (i)(ii) included soldiers detained for discipline violations and were held separately from the Bosnian-Muslim detainees. Moreover, ethnic slurs and insults were directed against Bosnian-Muslim and Bosnian-Croat detainees in all of these incidents.

3336. In relation to incident (c)(i), which concerns detainees at KP Dom Foča, the Trial Chamber recalls its findings in chapter 4.3.2 *Schedule* C.6.1 that the detainees were mostly Bosnian Muslims, including Muslim soldiers. In light of its finding that the Muslim soldiers were held separately from the civilian detainees, there may have been legitimate military reasons for their detention. Therefore, the Trial Chamber is not convinced beyond reasonable doubt that the Muslim soldiers at KP Dom Foča were detained on political, racial, or religious grounds. The Trial Chamber also recalls that there were few Serb detainees at KP Dom Foča. In contrast to the Bosnian-Muslim detainees, the Trial Chamber has not received evidence that Serb detainees were also subject to ill-treatment or ethnic slurs. Serb detainees were also subject to due process, having committed military offences or having been convicted by courts of law prior to the conflict. In light of this, the Trial Chamber does not find that the few Serb detainees in incident (c)(i) were detained on political, racial, or religious grounds. The Trial Chamber will consider this incident in relation to the Bosnian-Muslim civilian detainees further below.

3337. In incident (d)(i), the detainees at Kula prison were mostly Bosnian Muslim with some Bosnian Croats, including Bosnian-Croat POWs. The Bosnian-Croat POWs were held separately from the other detainees and were considered POWs, so there may have been legitimate military reasons for their detention. Therefore, the Trial Chamber does not find that the Bosnian-Croat POWs were detained on political, racial, or religious grounds. Furthermore, in assessing whether this detention was carried out on political, racial or religious grounds, the Trial Chamber considered the number of detainees of unknown ethnicity. Having regard to the incident as a whole, the Trial Chamber found that number insignificant compared to the number of Bosnian-Muslim and Bosnian-Croat detainees. The Trial Chamber will consider the Bosnian-Muslim and Bosnian-Croat detainees, who were not POWs, below.

3338. In incident (i)(iii), the person detained at the Sladara factory was Mehmed Agić, the commander of the Muslim Rogatica TO during the war. The Trial Chamber has not received any evidence that other individuals were detained with him and considers that

there may have been legitimate military reasons for his detention. Therefore, the Trial Chamber does not find that this Bosnian-Muslim POW was detained on political, racial, or religious grounds.

3339. Similarly, in incidents (b) and (h)(iv), the detainees were predominantly Bosnian Muslims and Bosnian Croats. Also for incident (h)(iv), the detainees were forced to sing songs about Greater Serbia, and a detainee who said that his mother was a Serb was separated from the group. With respect to incidents (f)(ii) and (iii), the detainees at Sanica and Sitnica Schools were almost all Bosnian Muslims and Bosnian Croats. Having regard to these incidents as a whole, the Trial Chamber considers the number of detainees of unknown ethnicity insignificant compared to the very large number of Bosnian-Muslim and Bosnian-Croat detainees.

3340. With respect to incidents (c)(ii), (iii), (v), (vi) and (vii); (e)(i) and (ii); (f)(i); (g); (i)(iv) and (j)(i), these acts of deprivation of liberty were carried out against only Bosnian Muslims. With respect to incident (h)(iii), these acts of deprivation of liberty were carried out only against Bosnian Muslims and Bosnian Croats. In incident (e)(i); (f)(i); (g); (h)(iii); and (j)(i) ethnic slurs and insults were also directed against Bosnian-Muslim and Bosnian-Croat detainees.

3341. For the foregoing reasons, the Trial Chamber finds that all of the incidents listed in (a) to (j), insofar as they concern Bosnian-Muslim and Bosnian-Croat detainees, and except for incidents (c)(iv), (d)(ii), (j)(ii), as well as (c)(i), (d)(i), and (i)(iii) insofar as they refer to Muslim soldiers and Croat POWs respectively, were carried on political, racial, and religious grounds.

3342. In relation to whether these acts of detention had any legal basis, the Trial Chamber concludes that because these acts of detention were committed with discriminatory intent, these acts were arbitrary in nature. In light of the foregoing, the Trial Chamber finds that all of the incidents listed in (a) to (j) insofar as they concern Bosnian-Muslim and Bosnian-Croat detainees, and except for incidents (c)(iv), (d)(ii), (j)(ii), as well as (c)(i), (d)(i), and (i)(iii) as far as they refer to Muslim soldiers and Croat POWs respectively, constitute unlawful detention as an underlying act of persecution.

3343. The Trial Chamber recalls its findings in chapter 8.2 with regard to the general elements and jurisdictional requirements of crimes against humanity.

3344. *Status of victims*. For incidents (c)(vi) and (vii); (e)(i); (h)(iii) and (i)(i), the Trial Chamber finds, in light of the findings in chapters 4.3.2 *Schedules* C.6.4, C.6.5; 4.5.2 *Schedule* C.9.1; 4.11.2 *Schedule* C.16.1, that the detainees at Partizan Hall, Foča High School, Kalinovik Elementary School, Trnopolje camp and Veljko Vlahović Secondary School were civilians. For incident (a), the Trial Chamber finds, in light of the finding in chapter 4.1.2 *Schedule* C.1.2 that the detainees were almost exclusively civilians. Regarding incidents (b) and (c)(i), the Trial Chamber finds, in light of the findings in chapters 4.2.2 *Schedule* C.2.1 and 4.3.2 *Schedule* C.6.1, that at Batković camp, the detainees were mostly civilians and at KP Dom Foča, the non-Serb detainees were civilians apart from the small number of Muslim soldiers segregated from the other detainees.

3345. Turning to incident (e)(ii) detention at an ammunition warehouse in Jelašačko Polje, the Trial Chamber recalls its finding in chapter 4.5.2 *Schedule* C.9.2 that those detained at Kalinovik Elementary School were transferred to this warehouse. In relation to incident (c)(iii), the detainee at who was detained at the apartment of a Serb soldier in Foča had also been detained at Kalinovik Elementary School. Based on the Trial Chamber's findings above in respect of incident (e)(i), namely that those detained at Kalinovik Elementary School were civilians, the Trial Chamber finds that the only reasonable inference is that the detainees in incidents (c)(iii) and (e)(ii) were also civilians.

3346. For incident (e)(iii), the Trial Chamber recalls its finding in chapter 4.5.2 *Unscheduled Incidents – Kalinovik police station* that the two Bosnian-Muslim detainees were transferred to the Kalinovik Police Station from KP Dom Foča. It further recalls its finding that the detainees at KP Dom Foča were civilians. The Trial Chamber has further considered the evidence of the two detainees, Witnesses RM-012 and RM-063, who described their background and occupation. Based on the foregoing, the Trial Chamber finds that the two Bosnian-Muslim detainees in incident (e)(iii) were also civilians.

3347. The Trial Chamber will consider the status of the detainees in incidents (f)(ii) and (iii) together. The Trial Chamber recalls its finding in chapter 4.6.2 *Sanica school and Sitnica school* that those detained at Sitnica School were 200 to 250 civilians. Those civilians were earlier detained at Sanica School within a larger group of 400 detainees as described in incident f(iii). Therefore, the Trial Chamber finds that, in light

of the finding in chapter 4.6.2 *Sanica school and Sitnica school*, that all the detainees in incident (f)(iii) were civilian, and that at least 200 to 250 of the 400 detainees in incident (f)(ii) were civilian.

3348. With respect to incident (h)(i), which concerns Omarska camp detainees, the Trial Chamber recalls its findings in chapter 4.10.2 *Schedule* C.15.2 that the detainees at the camp were divided into three categories: intellectuals and political leaders from the Bosnian-Muslim and Bosnian-Croat communities; people who associated themselves with those from the first category; and detainees who were, in the view of the Bosnian-Serb authorities, the least 'guilty'. The Trial Chamber also recalls that detainees included elderly people, women, children, mentally impaired people and people who were sick, as well as a number of prominent members of the Bosnian-Muslim and Bosnian-Croat local communities. The Trial Chamber considers these findings to indicate that the Omarska camp detainees were civilian. It also recalls its finding that Omarska camp detainees were transferred to Manjača camp and Trnopolje camp. Considering that the detainees at Manjača camp were almost exclusively civilians, and that detainees at Trnopolje camp were also civilians, the Trial Chamber finds that the only reasonable inference is that the detainees at Omarska camp were almost exclusively civilians.

3349. Regarding incident (h)(ii), the Trial Chamber recalls its finding in chapter 4.10.2 *Schedule* C.15.3 that male and female detainees at Keraterm camp included civilians. Furthermore, detainees were arrested from their homes and in the street. Witness RM-008 described the detainees who were arrested with him as civilians, who had not been involved in any fighting. The Trial Chamber also found that all detainees at Keraterm camp were eventually transferred to Omarska or Trnopolje camps. In this regard, the Trial Chamber recalls its finding above that detainees at Omarska camp were almost exclusively civilians and that detainees at Trnopolje camp were civilians. Based on the foregoing, the Trial Chamber finds that the only reasonable inference is that the detainees at Keraterm camp were also almost exclusively civilians.

3350. For incident (i)(ii), the Trial Chamber recalls its finding in chapter 4.11.2 *Schedule* C.16.3 that Rasadnik detention facility held detainees of all ages and genders and its finding in chapter 4.11.2 *Schedule* C.16.1 that some of the several hundred detainees at Veljko Vlahović Secondary School were transferred to Rasadnik detention facility. Based on the foregoing, and the Trial Chamber's finding in respect of incident

(i)(i) that the several hundred detainees at Veljko Vlahović Secondary School were civilians, the Trial Chamber finds that the only reasonable inference is that the detainees at Rasadnik detention facility were also civilians.

3351. For incident (i)(iv), the Trial Chamber recalls its finding in chapter 4.11.2 *Unscheduled incidents* that the detainees at the Rogatica military reception centre included an imam and former president of the Žepa War Presidency, an electrical engineer and former president of the municipal executive committee, and a forestry engineer and former commander of civilian protection staff. The Trial Chamber notes that the detainees were referred to as 'POWs' on VRS correspondence. However, considering the evidence on the occupation of some of the detainees and the evidence reviewed in chapter 4.11.7 on the agreement concerning the separation, registration, and accommodation in a holding centre under the control of the VRS of the able-bodied population of Žepa at the end of July 1995, the Trial Chamber finds that the only reasonable inference is that detainees at the Rogatica military reception centre were civilians or placed *hors de combat*.

3352. With respect to incident (j)(i), the Trial Chamber recalls its findings in chapter 4.14.2, *Schedule* C.19.3 that detainees of both genders and all ages, including civilians, were detained at Sušica camp. In particular, approximately half of the detainees in June and July 1992 were women. Witnesses Mane Đurić and Milenko Stanić also described the detainees as civilians. Furthermore, the Trial Chamber found that many of the detainees at Sušica camp were transferred to Batković camp, which the Trial Chamber found above to have detained mostly civilians. Based on the foregoing, the Trial Chamber finds that the only reasonable inference is that the 2,000 to 2,500 Bosnian Muslims detained at Sušica camp were mostly civilians.

3353. Turning to incident (d)(i), the Trial Chamber recalls its finding in chapter 4.4.2 *Schedule* C.8.1 that Kula prison held Bosnian-Muslim civilians and, in light of that finding, finds that the Bosnian-Muslim detainees were civilians. As discussed above in relation to discriminatory intent, from 22 or 23 June 1993 until October 1994, there were also some Bosnian Croats at the prison and Croat POWs who were held separately from the other detainees. The Trial Chamber was unable to determine whether the Bosnian Croats detained at Kula prison, apart from the Croat POWs that were held separately, were also civilians or combatants who were not held separately from the Bosnian-Muslim civilians. Under these circumstances, the Trial Chamber does not find

that the Bosnian-Croat detainees were civilians and will therefore not consider this incident further insofar as it concerns any of the Bosnian-Croat detainees.

3354. The Trial Chamber will consider the status of the detainees in incidents (c)(ii) and (v) together. For incident (c)(ii), which concerns detention at 'Karaman's house', the Trial Chamber recalls that the detainees were women and girls. Regarding incident (c)(v), which concerns detention at the Worker's Huts at Buk Bijela, the detainees were women. One of the detainees in incidents (c)(ii) and (c)(v) was also detained at Partizan Hall, which held civilians. Another detainee in incident (c)(ii) was also detained at Kalinovik Elementary School, which held civilians. Based on the foregoing, the Trial Chamber finds that the only reasonable inference is that the detainees in incidents (c)(ii) and (c)(v) were civilians.

3355. In relation to incident (g), the Trial Chamber recalls its finding in chapter 4.7.2 *Unscheduled incidents* that the captured group at the Grabovica School consisted of around 50 women and a number of children, as well as a number of men, some of whom were armed. The Trial Chamber finds that the women and children were civilians. Further, considering that the group were caught during the night while attempting to escape Večići towards Travnik, after the population of Večići had surrendered to the Serb forces, the Trial Chamber considers that the men within the group were also civilians.

3356. The Trial Chamber also recalls its findings in chapter 4.6.2 *Schedule* C.10.3 that the detainees at Velagići Elementary School were between the ages of 18 and 60 years from the villages of Vojići, Nežići, Hačići, Častovići, and Hadžići. They were directed to leave their villages and gather at the checkpoint where they were detained. Approximately 30 of these detainees approached the checkpoint with a white sheet on a stick. In light of these circumstances, the Trial Chamber finds that the detainees were civilians.

3357. Regarding incident (h)(iv), the Trial Chamber recalls its findings in chapter 4.10.2 *Schedule* C.15.5 that when the detainees were captured, they were unarmed and hiding in the forest after mistakenly entering a Serb village. Considering this, the Trial Chamber finds that the detainees were civilians.

3358. In conclusion, the Trial Chamber finds that in relation to incidents (c)(ii), (iii), (v), (vi), and (vii); (e)(i), (ii) and (iii); (f)(i) and (iii); (g); (h)(iii) and (iv); (i)(i), (ii), the

detainees were civilians. For incidents (a); (h)(i) and (ii), the detainees were almost exclusively civilians. Regarding incidents (d)(i) apart from the Bosnian-Croat detainees, the detainees were civilians. For incidents (b), (j)(i) and (ii), the detainees were mostly civilians. For incident (c)(i), the non-Serb detainees were civilians apart from the Muslim soldiers. For incident (f)(ii), at least 200 to 250 of the 400 detainees were civilian. For incident (i)(iv), the detainees were composed of civilians and or placed *hors de combat*.

3359. *Conclusion*. In conclusion, the Trial Chamber finds that the incidents listed in (a) to (j) insofar as they concern detained Bosnian-Muslim and Bosnian-Croat civilians, and with the exception of incidents (c)(iv), (d)(ii), (i)(iii) and (j)(ii), constitute unlawful detention as an underlying act of persecution as a crime against humanity.

(e) Forced labour and the use of human shields

Forced labour

3360. In chapters 4.1.5, 4.2.5, 4.3.5, 4.4.5, 4.10.5, 4.11.5, 4.12.5 and 4.14.5, the Trial Chamber decided to further consider the following incidents of alleged forced labour to the extent that they concern Bosnian Croats and Bosnian Muslims:

(a) in Banja Luka Municipality, between June and December 1992, guards at Manjača camp, VRS and SJB members, used detainees from Manjača camp to work on the front lines, dig trenches, work on a Serbian Orthodox church and a hydroelectric power plant and carry out agricultural work**,** as further set out in chapter 4.1.5;

(b) in Bijeljina Municipality, between July 1992 and 30 November 1995, guards at Batković camp, VRS members, used detainees from Batković camp to perform manual labour, including digging trenches on the front lines, as well as cutting trees, working in factories and in households, and performing agricultural and mechanical repair work, as further set out in chapter 4.2.5;

(c) in Foča Municipality and as further set out in chapter 4.3.5: (i) between 12 May 1992 and early July 1993**,** Milorad Krnojelac used detainees from KP Dom Foča to dig trenches and perform agricultural, construction, and factory work; at that time, KP Dom Foča was guarded by MoJ employees and VRS members; (ii) from December 1993 to March 1994, Savo Todović, head of workers at KP Dom**,** used 16 detainees from KP

Dom Foča to work at Miljevina mine and perform agricultural work; (iii) between 2 or 3 August and 30 October 1992, Radovan Stanković used detainees at Karaman's house in Miljevina to perform household chores for soldiers, in particular to wash uniforms and cook for them;

(d) in Ilidža Municipality and as further set out in chapter 4.4.5: (i) guards, who were under the jurisdiction of the Serb MUP until the beginning of August 1992, and after that under the jurisdiction of the MoJ used detainees from Kula prison, most of whom were Bosnian-Muslim civilians and some were Bosnian Croats, to perform manual labour such as digging trenches and graves and, on one occasion on 31 December 1993, MoJ employees used the detainees to perform labour at a worksite in the immediate vicinity of enemy trenches; (ii) between 23 June and 21 July 1992, members of the MUP used a Bosnian-Muslim detainee from Kula prison to carry material for barricades while being shot at; (iii) between 3 July 1993 and 20 August 1993, MoJ employees used Bosnian-Muslim and/or Bosnian-Croat detainees from Kula prison to work on a farm to move property in Dobrinj; (iv) between 13 August and 23 October 1992, MUP police officers used a Bosnian-Muslim detainee from the Ilidža Police Station to clean cars, kitchens, toilets, and move ammunition, as well as move property from apartments and storehouses in Ilidža together with Serb policemen; (v) sometime between 20 and 25 August 1992, MUP police officers used a Bosnian-Muslim detainee from the Ilidža Police Station to load pipes and radiators from a Serb house;

(e) in Prijedor Municipality and as further set out in chapter 4.10.5: (i) in July 1992, members of the VRS ordered Bosnian Muslims including Bosnian-Muslim and Bosnian-Croat detainees from the Ljubija stadium, to collect approximately 300 to 400 human corpses in Prijedor Municipality and load them onto buses and military trucks; (ii) between 25 May and late August 1992, guards made detainees at Omarska camp load and unload corpses onto and from trucks, as well as clean the white and red houses after detainees were beaten there; (iii) from mid-July 1992, guards selected Bosnian-Muslim and Bosnian-Croat detainees at Trnopolje camp, including women and children, to perform labour, including the burial of corpses in the area surrounding the camp; (iv) around 10 August 1992, guards ordered some detainees at Trnopolje Camp to remove wire from the fencing around the camp; (v) on or around 25 July 1992, guards made detainees in Keraterm camp load and unload corpses onto a truck, clean Room 3 and the

surrounding area where detainees were murdered, as well as wash the truck in which the corpses were being transported.

(f) in Rogatica Municipality and as further set out in chapter 4.11.5: (i) between 9 or 10 June and the end of October 1992, detainees from Veljko Vlahović Secondary School were used to perform several types of manual labour, including digging trenches, carrying ammunition and arranging sandbags for machine-gun nests, burying corpses and cleaning streets and apartments; at that time, local Serbs under Rajko Kušić, who was Commander of the VRS Rogatica Brigade, civilian police, Serb TO, and paramilitary unit members guarded the camp (ii) between July and October 1992, Rajko Kušić, Commander of the VRS Rogatica Brigade, used four to five Muslim detainees from Veljko Vlahović Secondary School to extract dead and wounded soldiers; (iii) between the beginning of August 1992 and mid-September 1992, the use of detainees from Rasadnik camp to clean apartments and move furniture; (iv) in the first two weeks of August 1992, Radisav Ljubinac, a member of the VRS Rogatica Brigade, used detainees from Rasadnik detention facility to clean up shelling debris on a daily basis; (v) on 15 August 1992, Radisav Ljubinac, Sinan Ćatić, and a Serb called 'Macola', who was a member of a paramilitary unit belonging to Arkan's men, used detainees from Rasadnik detention facility to unload a lorry at the Sladara Factory; (vi) on 21 March 1993, the guards from Rasadnik detention facility, members of the VRS, used detainees from the facility to dig trenches in Trnovo; (vii) between 9 and 11 July 1993, the warden at Rasadnik detention facility, Vinko Bojić, warden of Rasadnik camp at the time and member of the VRS Rogatica Brigade, used twelve detainees from Rasadnik detention facility, including one captured combatant, to recover the bodies of 17 Serb soldiers in a mined area in Starčići; (viii) between 1 and 17 April 1994, Vinko Bojić, warden of Rasadnik camp at the time and member of the VRS Rogatica Brigade, used more than 100 Bosnian-Muslim detainees from Rasadnik detention facility to carry food and ammunition up Trovrh Hill; (ix) between 17 and 27 April 1994, Vinko Bojić, warden of Rasadnik camp at the time and member of the VRS Rogatica Brigade used 10-15 detainees from Rasadnik detention facility to work in the forest at Gnila Hill;

(g) in Vlasenica Municipality, from at least mid-June until the end of September 1992, Vojislav Nikolić, Veljko Bašić, Milanko Sargić, and Radenko Stanić used detainees from Sušica camp to perform several types of labour including the burial of men killed in Drum, digging of trenches and carrying munitions at the front lines, and from the

second half of July onwards, to work on various projects on a daily basis, as further set out in chapter 4.14.5;

(h) in Sanski Most Municipality, from early September 1993 until at least October 1994, Boro Tadić, Commander of the 1st Battalion of the 6th Krajina Brigade, selected Bosnian Muslims from Sanski Most to perform different types of manual labour for the VRS, including digging trenches, carrying and delivering food and water, and chopping wood at the front lines, as further set out in chapter 4.12.5.

3361. The Trial Chamber will now proceed to consider the aforementioned alleged incidents of forced labour pursuant to the applicable law.

3362. *Forcible nature of labour.* Concerning incident (e)(i), the Trial Chamber recalls its finding in chapter 4.10.5 that the VRS ordered the work to be performed and that the work involved collecting approximately 300 to 400 human corpses. Therefore, the Trial Chamber finds that the work was performed in circumstances objectively so coercive so as to negate any possibility of consent.

3363. Concerning incident (h), the Trial Chamber recalls its finding in chapter 4.12.5 that the VRS selected Bosnian Muslims to perform different types of manual labour for the VRS, including digging trenches, carrying and delivering food and water, and chopping wood at the front lines. Therefore, the Trial Chamber finds that the work was performed in circumstances objectively so coercive so as to negate any possibility of consent.

3364. In relation to the remaining incidents, labour was performed by detainees during their detention in the following detention facilities: Manjača camp, Batković camp, KP Dom Foča, Karaman's house, Kula Prison, Ilidža Police Station, Keraterm camp, Omarska camp, Trnopolje camp, Veljko Vlahović Secondary School, Rasadnik detention facility, and Sušica camp. Relevantly, in chapter 8.9.2(b), the Trial Chamber found that detainees in these detention facilities were subject to treatment, such as beatings, physical and psychological abuse, as well as inhumane living conditions, that caused serious mental and physical suffering and injury. Based on the foregoing, the Trial Chamber finds that work was performed in circumstances objectively so coercive so as to negate any possibility of consent.

3365. Therefore, the Trial Chamber finds that labour was forced in all of the incidents listed in (a) to (h).

3366. *Protective conditions.* The Trial Chamber reiterates, as discussed above, that detainees performing the forced labour referred to in incidents (a) to (d), and (e)(ii) to (g), were subject to treatment that caused serious mental and physical suffering and injury. In incident (e)(i), the victims forced to perform labour were required to collect 300 to 400 human corpses, sometimes by hand. Under these circumstances, the Trial Chamber finds that the labour involved in each of these incidents was performed without the protective conditions discussed in the applicable law. Therefore, the Trial Chamber finds that regardless of the form of forced labour performed by the victims, the forced labour was prohibited.

3367. In any event, in relation to incidents (a), (b), (d)(i) with respect to the 31 December 1993 incident, (g), and (h) the Trial Chamber recalls its finding that detainees, and in the case of incident (h) Bosnian Muslims, performed labour at the front lines. Based on the applicable law discussed in chapter 8.9.1(e), labour at front lines cannot fall within any lawful exceptions to the prohibition of forced labour.

3368. *Mens rea.* Based on the character of the forced labour, including the circumstances discussed above, the Trial Chamber finds that the perpetrators intended to force the victims to perform prohibited labour.

3369. *Discrimination.* In relation to incidents (a) to (d)(iii); (e)(ii) to (g), which concerned forced labour in and around Manjača camp, Batković camp, KP Dom Foča, Karaman's house, Kula Prison, Keraterm camp, Omarska camp, Trnopolje camp, Veljko Vlahović Secondary School, Rasadnik detention facility, and Sušica camp, the perpetrators of the forced labour were also amongst the perpetrators of unlawful detention and/or cruel treatment in these detention facilities. It is relevant that the Trial Chamber found in chapters 8.9.2(b) and (d) that the perpetrators of the unlawful detention and cruel and/or inhumane treatment in these detention facilities acted on political, racial or religious grounds. Further, in relation to incident (f)(iii), on the same day that detainees from Rasadnik detention facility performed labour, Radisav Ljubinac, Sinan Ćatić, and a Serb called 'Macola' told those detainees to declare their loyalty to the Serb state. With respect to incidents (f)(vii), when detainees were forced to recover bodies in Starčići, the warden at Rasadnik detention facility, Vinko Bojić, taunted the detainees by calling their mothers 'Balija'. In addition, across all incidents, those forced to perform labour were predominantly Bosnian-Muslim and Bosnian-Croat. The Trial

Chamber finds that this factor, in and of itself, evidences that labour was forced on political, racial, or religious grounds.

3370. In relation to incident (h), the Trial Chamber recalls its finding in chapter 4.12.5 that Bosnian Muslims were selected by the VRS sto perform manual labour for the VRS, including at the front lines. Under these circumstances, the Trial Chamebr finds that labour was forced on political, racial, or religious grounds.

3371. For the foregoing reasons, the Trial Chamber finds that the perpetrators of all of the incidents listed in (a) to (h) forced labour on political, racial, or religious grounds.

3372. *Gravity of forced labour.* In relation to this issue, the Trial Chamber considers that each of the alleged incidents of forced labour, apart from incidents (d)(iv) and (v); and (e)(i) were either at front lines or at a detention facility carried out in conjunction with a series of acts comprising unlawful detention and beatings. Therefore, the Trial Chamber finds that these incidents amount to acts of the same gravity as other crimes listed under Article 5 of the Statute.

3373. Incidents (d)(iv) and (v) involved a detainee that had been kept in a windowless cell which was of such a size that conditions were crowded given the number of detainees. In chapter 8.9.2(b), the Trial Chamber considered this treatment to have caused serious mental and physical suffering and injury. In light of these circumstances, the Trial Chamber finds that these incidents amount to acts of the same gravity as other crimes listed under Article 5 of the Statute.

3374. In incident (e)(i), Bosnian Muslims, including detainees at the Ljubija stadium, collected and loaded human corpses in Prijedor Municipality in July 1992. While the labour was not performed in conjunction with unlawful detention or beatings, the Trial Chamber recalls its findings in chapter 4.10.1 *Schedules* A.6.5 and A.6.8 that detainees from the Ljubija stadium, and Bosnian Muslims and Bosnian Croats in Prijedor Municipality were killed in July 1992. The victims of the forced labour were required to collect and load the corpses of those killed in these incidents, sometimes by hand. Under these circumstances, the Trial Chamber finds that this incident amounts to an act of the same gravity as other crimes listed under Article 5 of the Statute.

3375. The Trial Chamber recalls its findings in chapter 8.2 with regard to the general elements and jurisdictional requirements of crimes against humanity.

3376. *Status of victims.* For incidents (d)(iv) and (v), the Trial Chamber recalls its finding in chapter 4.4.5 that the Bosnian-Muslim detainee that was forced to perform labour at Ilidža Police Station had been previously detained at Kula prison. In light of the Trial Chamber's finding in chapter 8.9.2(d) that the Bosnian-Muslim detainees at Kula prison were civilians, the Trial Chamber finds that the Bosnian-Muslim detainee in incidents (d)(iv) and (v) was also a civilian.

3377. Regarding incident (e)(i), the Trial Chamber considered the circumstances in which labour was forced, including those some of the victims of the forced labour were detained, and that the victims were forced to perform labour following the killing of civilians in Scheduled Incidents A.6.5 and A.6.8, as further set out in chapter 8.3.2. Given that some victims were detained, and the proximity Scheduled Incidents A.6.5 and A.6.8 involving the killing of civilians, the Trial Chamber finds that for incident (e)(i), the victims forced to perform labour were either civilians, or placed *hors de combat* and were not taking an active part in hostilities at the time that labour was performed.

3378. Regarding incident (h), the Trial Chamber recalls its finding in chapter 4.12.5 that Boro Tadić selected Bosnian Muslims considered to be 'fit for various jobs'. Based on the foregoing and considering that some the manual labour performed by these Bosnian Muslims included labour at the front lines, the Trial Chamber finds that the only reasonable inference is that the victims forced to perform labour were either civilians or placed *hors de combat* and were not taking an active part in hostilities at the time that labour was performed.

3379. For the remaining incidents, noting that the victims of forced labour were also the victims of unlawful detention, the Trial Chamber recalls its finding in chapter 8.9.2(d) that at Manjača camp, Keraterm camp, and Omarska camp, detainees were almost exclusively civilians. At Batković camp, they were mostly civilians. At KP Dom Foča, the detainees were civilians apart from the Muslim soldiers. At Karaman's house, Trnopolje camp, Veljko Vlahović Secondary School and Rasadnik detention facility, detainees were civilians. At Kula prison, apart from the Bosnian-Croat detainees, the detainees were predominantly civilians. At Sušica camp, the detainees included civilians. The Trial Chamber also recalls that in chapter 8.9.2(b), it found that those detainees found not to be civilians in 8.9.2(d) were placed *hors de combat* as a result of their detention. Accordingly, the victims of the incidents listed in (a) to (h) were either

civilians or placed *hors de combat* and not taking an active part in hostilities at the time that labour was performed.

3380. In conclusion, the Trial Chamber finds that all of the incidents listed in (a) to (h) above, insofar as they concern Bosnian Muslims and Bosnian Croats, constitute forced labour as an underlying act of persecution as a crime against humanity.

Human shields

3381. In chapters 4.5.5 and 4.11.5, the Trial Chamber decided to further consider the following incidents of alleged human shields to the extent that they concern Bosnian Croats and Bosnian Muslims:

(a) in Kalinovik Municipality, sometime between 18 September 1992 and 24 March 1993, Boško Govedarica, the Chief of Police at Kalinovik SJB, and the police commander, Neđelko Zeljaja, or their subordinates, used a Bosnian-Muslim detainee, and another detainee of unknown ethnicity, from Kalinovik Police Station to drive a number of times in front of other cars in order to detect mines, as further set out in chapter 4.5.5;

(b) in Rogatica Municipality, on 15 August 1992, Dragoje Paunović, the Commander of the Kozići unit of the VRS Rogatica Brigade, forced at least 24 Muslim males brought from Rasadnik detention facility, to walk two-by-two down an alley at the front line in Duljevac, as further set out in chapter 4.11.5.

3382. For incident (a), detainees were brought to a mined area and forced to drive in front of other cars. The Trial Chamber considers the area where these mines were located amounted to a combat operation that the detainees were exposed to for the purpose of detecting mines. The Trial Chamber considers the laying of mines, under these circumstances, to constitute a military operation or armed attack. Based on the foregoing, the only reasonable inference for moving the detainees in this manner was to render the area, and/or the activities of those in the cars, or future Bosnian-Serb soldiers going through that area, immune from this military operation or armed attack.

3383. For incident (b), at least two detainees were wounded, Serb soldiers were present and that the Trial Chamber found that these detainees were used ‘as a human shield’. Based on the foregoing, the Trial Chamber finds that the detainees were placed in an

area where they were exposed to combat operations. The Trial Chamber finds that the only reasonable inference for moving these detainees to the front line was to render the area and/or the activities of the Bosnian-Serb soldiers present immune from military operations or armed attack.

3384. *Discrimination.* These incidents took place in connection with unlawful detentions at Kalinovik Police Station and Rasadnik detention facility. Based on its findings in chapter 8.9.2(d) that the associated unlawful detentions were discriminatory, and that the victims of these incidents were almost exclusively Bosnian-Muslim, the Trial Chamber finds that the incident was carried out on political, racial, or religious grounds.

3385. The Trial Chamber recalls its findings in chapter 8.2 with regard to the general elements and jurisdictional requirements of crimes against humanity.

3386. *Status of victims.* The Trial Chamber recalls its finding in 8.9.2(d) that Witness RM-012, who was the Bosnian-Muslim victim in incident (a), was a civilian. It further recalls its finding that detainees at Rasadnik detention facility, who were used as human shields in incident (b), were also civilians.

3387. In conclusion, the Trial Chamber finds that the above incidents constitute the use of human shields as an underlying act of persecution as a crime against humanity.

(f) Appropriation or plunder of property

3388. In chapters 4.2.4, 4.5.4, 4.6.4, 4.7.4, 4.10.4, 4.11.4, 4.12.4 , and 4.14.4 the Trial Chamber decided to further consider the following incidents of alleged appropriation or plunder of property against the applicable law:

(a) in Bijeljina Municipality and as further set out in chapter 4.2.4: (i) from the beginning of 1992 until the beginning of 1993, many Bosnian Muslims and Bosnian Croats who left the municipality through a private agency called 'Europa', staffed by MUP personnel, were required to sign statements leaving all of their property to the agency; (ii) from 1992 onwards, Vojkan Đurković of the Bijeljina SDS, aided by Mauzer's men, who joined the IBK on 3 June 1992, extorted property from Bosnian Muslims and stripped them of their valuables before they were forced out of the municipality; and (iii) after the Bosnian Muslims were forced out of the municipality,

Vojkan Đurković of the Bijeljina SDS, aided by Mauzer's men, who joined the IBK on 3 June 1992, looted the Bosnian-Muslim houses;

(b) in Kalinovik Municipality and as further set out in chapter 4.5.4 Kalinovik: (i) on 5 August 1992, Serb soldiers, headed by Pero Elez, who had his own sub-unit under Marko Kovač, Commander of the Foča Tactical Group, took valuables away from around 25 Bosnian-Muslim detainees at the ammunition warehouse in Jelašačko Polje; and (ii) in July or August 1992, Čosa's men, Pero Elez's men, Zoran and Nedžo Samardžić, and Dragan Kunarac's men, all of whom headed, or were members of, sub-units under Marko Kovač, Commander of the Foča Tactical Group, took valuables away from Bosnian-Muslim detainees at the Kalinovik elementary school;

(c) in Ključ Municipality and as further set out in chapter 4.6.4: (i) on 1 June 1992, a military police platoon and members of the intervention platoon with the engineering unit took away items, including valuables and money, from approximately 100 Bosnian-Muslims civilians at the Velagići checkpoint; (ii) in late May 1992, Bosnian-Serb soldiers and soldiers from Serbia looted houses belonging to Bosnian Muslims in Ključ Town and took away money, a VCR, and a TV; (iii) in mid-1992, Bosnian-Serb forces looted valuables, including electronic devices, vehicles, furniture, money and jewellery from the inhabitants of the predominantly Bosnian-Muslim or Bosnian-Croat villages of Pudin Han, Prhovo and Crljeni during attacks on these villages. This attack on Pudin Han was perpetrated by a VRS battalion and other unis between 28 and 31 May 1992;

(d) in Kotor Varoš Municipality and as further set out in chapter 4.7.4: (i) in June and July 1992, a special unit from CSB Banja Luka, led by VRS Captain Slobodan Dubočanin, took furniture, televisions, videocassette recorders, and gold from the houses of Bosnian Muslims and Bosnian Croats in towns and villages in Kotor Varoš Municipality; and (ii) on 3 November 1992, VRS members confiscated money and valuables from Bosnian-Muslim detainees in a field near Grabovica;

(e) in Prijedor Municipality and as further set out in chapter 4.10.4: (i) in mid-1992, VRS members, paramilitaries and police looted houses belonging to Bosnian-Muslim inhabitants of Bišćani, Kozaruša, Kamičani, Kevljani, Rakovčani, Čarakovo, and Rizvanovići villages and took items including tractors, cars, cattle, farming equipment, and household goods; (ii) Serb soldiers looted property including valuables, cars, and tractors, from Bosnian-Muslim inhabitants of Hambarine, after the village was attacked on 21 May 1992; (iii) on 9 June 1992, four armed men wearing JNA uniforms looted

goods from a café in Hambarine that was owned by a Bosnian Muslim; (iv) Serb soldiers looted houses belonging to Bosnian-Muslim inhabitants of Kozarac Town some time after the town was attacked at the end of May 1992 (*see* chapter 4.10.3); (v) sometime between the end of May and August 1992, Slavko Puhalić, who was a member of the VRS 43rd Motorized Brigade took a Bosnian-Muslim man's car in Prijedor Municipality, along with three trucks that belonged to the man's father and brother; (vi) property was looted from the Bosnian-Croat inhabitants of Briševo on three different occasions: soldiers, acting jointly with police and paramilitaries, looted houses on 27 May 1992, '*Chetnik*' groups and regular soldiers looted property including cars, agricultural equipment, and electronic equipment during an attack on the village on 25 July 1992, and '*Chetnik*' groups led by Draško Topić looted the village daily between 25 July and November 1992; (vii) on 30 May 1992, the 5th Kozarac Brigade, the 43rd Motorized Brigade, some members of the 6th Krajina Brigade and other units, as specified in chapter 4.10.3, took goods from apartments owned by Bosnian Muslims in Prijedor Town; (viii) some time between 21 and 24 July 1992, small groups of soldiers repeatedly took household appliances and valuables from the Bosnian-Muslim and Bosnian-Croat inhabitants of Čemernica; (ix) the VRS, acting jointly with the police and paramilitary forces,collected money and jewellery from Bosnian-Muslim women and took valuables from Bosnian-Muslim and Bosnian-Croat houses in Ljubija over the course of several days after the attack on the village in July 1992; (x) a law passed by the Crisis Staff required Bosnian-Muslim and Bosnian-Croat villagers to sign over their property to either the ARK or the Bosnian-Serb Republic when they were forced to leave Prijedor Municipality; (xi) between May and August 1992, Serb guards and the police forced Bosnian-Muslim and Bosnian-Croat detainees at Omarska camp to hand over valuables and money; (xii) on 14 June 1992, Serb soldiers under the command of Draze Mitrović forced a group of 43 Bosnian-Muslim and Bosnian-Croat men who had been arrested to hand over money and valuables before being transferred to Keraterm camp; (xiii) Duško Sikirica, the camp commander at Keraterm camp, took jewellery and valuables from two Bosnian-Muslim women and a number of Bosnian-Muslim and Bosnian-Croat men upon their arrival at Keraterm camp on 14 July 1992; (xiv) on 26 May 1992, camp guards from Kuruzović's unit took valuables, money, and personal effects from Bosnian-Muslim and Bosnian-Croat detainees at Trnopolje camp; (xv) on 20 July 1992, camp guards, members of the TO and VRS, forced newly arrived Bosnian-Muslim and Bosnian-Croat detainees at Trnopolje camp to hand over their

valuables; (xvi) on several occasions between late May and September 1992, camp guards, members of the police, TO, and the VRS allowed Bosnian-Muslim and Bosnian-Croat detainees from Trnopolje and Omarska camps to leave the municipality in bus convoys on the condition that they handed over their money and valuables or signed a form stating that they voluntarily transferred all of their real and personal property to the Serb authorities or the Serbs; and (xvii) during the same time period, while being bussed from Trnopolje and Omarska camps, Bosnian-Muslim and Bosnian-Croat detainees were forced to hand over money and valuables to the guards at both camps, to Serb soldiers including soldiers from the Special Task Force, to a man wearing a police uniform, and to the military police;

(f) in Rogatica Municipality and as further set out in chapter 4.11.4: (i) from 19 July 1992 onwards, Radisav Ljubinac, called 'Pjano', who was a member of the VRS Rogatica Brigade, and a Serb from Zagreb nicknamed 'Macola', who was a member of a paramilitary unit belonging to Arkan's men, took jewellery from detainees, who were all Bosnian Muslims, with the exception of a Serb family and two Serb women married to Bosnian-Muslim men, at Veljko Vlahović School; (ii) on 15 August 1992, 'Macola', in the presence of Radisav Ljubinac, took money, valuables, and other items from Bosnian-Muslim detainees from Rasadnik camp who had been gathered into a room at the post office in Gračanica; and (iii) between August and September 1992, guards at Rasadnik camp, members of the SJB and the VRS, forced detainees to take objects, including furniture, from Bosnian-Muslim houses in Rogatica, load them onto lorries, and offload them in Serb houses and flats;

(g) in Sanski Most Municipality and as further set out in chapter 4.12.4 Sanski Most: (i) on 31 May 1992, Bosnian-Serb forces looted houses belonging to the Bosnian-Muslim inhabitants of Begići Village; (ii) on the same day, about 100 Serb soldiers in olive grey-green uniforms and camouflage uniforms with red scarves and black armbands made 120 Bosnian-Muslim villagers they had taken to Kljevci hand over their jewellery and other valuables; and (iii) in May and June 1992, local police and the Sanski Most SOS looted property belonging to the Bosnian-Muslim inhabitants of the Mahala neighbourhood, some of which was carried out under the command of non-commissioned officer Dobrivoje Ribić of the first company of the 1st Battalion;

(h) in Vlasenica Municipality and as further set out in chapter 4.14.4: (i) on, or shortly after 17 May 1992, the Vlasenica municipal authorities forced a group of Bosnian-

Muslim women from Zaklopač to sign over their houses and properties to Serbs; (ii) in June 1992, members of Kraljević's unit (*see* chapter 4.15.2 Schedule A.9.1) took televisions and other property from Bosnian-Muslim residences in Vlasenica Town, and one member of the unit claimed and moved into a Bosnian-Muslim house; and (iii) in early June 1992, at Sušica camp, possessions were taken from Bosnian-Muslim detainees following an order from Dragan Nikolić, and Sušica camp guards, members of the VRS and MUP stripped more than 800 Bosnian-Muslim women of their valuables.

3389. The Trial Chamber will now proceed to consider the aforementioned alleged incidents of appropriation or plunder of property against the applicable law.

3390. *Acts of appropriation of private or public property.* With respect to events occurring in Bijeljina Municipality, the Trial Chamber recalls its finding that those leaving the municipality through the Europa agency had no choice but to leave,[13292] as well as the fact that the agency required many people who left the municipality in this manner to sign statements leaving all of their property to it, as described in incident (a)(i). The Trial Chamber finds that this constituted appropriation of private property.

3391. With respect to incident (e)(x), the Trial Chamber recalls its finding that those leaving Prijedor Municipality had no choice but to leave[13293] and that the Crisis Staff required them to sign statements leaving all their property to the ARK or the Bosnian-Serb Republic when they left the municipality. The Trial Chamber finds that this constituted appropriation of private property. While the Trial Chamber received evidence in relation to this incident that real property certificates were issued at first to justify the confiscations, this practice then ceased. The Trial Chamber therefore finds that this evidence does not impact its finding that appropriation of private property occurred.

3392. With regard to incident (e)(xvi), the Trial Chamber recalls that some of the Trnopolje and Omarska camp detainees were allowed to leave on condition that they handed over their money and valuables or signed a form stating that they voluntarily transferred all of their real and personal property to the Serb authorities or the Serbs. The Trial Chamber recalls its findings on unlawful detention and cruel and inhumane treatment at Trnopolje and Omarska camps,[13294] and considers that, given the factual

[13292] *See* chapter 8.5.2.
[13293] *See* chapter 8.5.2.
[13294] *See* chapters 4.10.2 Schedules C.15.2 and C.15.4 and 8.9.2(d).

circumstances in which these incidents occurred, the detainees had no choice other than to surrender their property. Therefore, the Trial Chamber finds that the acts described in incident (e)(xvi) constituted appropriation of private property.

3393. With regard to incident (f)(iii), the Trial Chamber recalls that Rasadnik camp guards, who were members of the SJB and VRS between June and October 1992 (*see* chapter 4.11.2 *Schedule C.16.3*), forced detainees to take property, including furniture, from Bosnian-Muslim homes in Rogatica and move it to Bosnian-Serb residences. The Trial Chamber finds that the acts described in incident (f)(iii) constituted appropriation of private property by the Rasadnik camp guards.

3394. With respect to the remaining incidents, the Trial Chamber is satisfied that, having considered the factual circumstances of each incident, acts of appropriation of private property were committed.

3395. *Unlawfulness.* The Trial Chamber recalls that in certain circumstances appropriation of property may not be regarded as unlawful where it can be justified by military necessity.[13295] Whether an act of appropriation is carried out on discriminatory grounds, that is, political, racial, or religious grounds, is determinative of whether the act of appropriation was also unlawful. Accordingly, the Trial Chamber will consider the unlawfulness of all the incidents listed in (a) to (h) further below when assessing whether the acts were carried out on political, racial or religious grounds.

3396. *Discrimination.* The Trial Chamber recalls that the acts of appropriation described in incidents (a)(i); (d)(i); (e)(ix), (x), (xi), (xii), (xiii), (xiv), (xv), (xvi), and (xvii) were committed against Bosnian Muslims and Bosnian Croats. It further recalls that the acts of appropriation described in incidents (a)(ii) and (iii); (b)(i) and (ii); (c)(i) and (ii); (d)(ii); (e)(i), (ii), (iii), (iv), (v), (vii), and (viii); (f)(i), (ii), and (iii); (g)(i), (ii), and (iii); and (h)(i), (ii), and (iii) were committed against Bosnian Muslims, while the acts of appropriation described in incident (e)(vi) were committed against Bosnian Croats and the acts of appropriation described in incident (c)(iii) were committed against Bosnian Muslims or Bosnian Croats.

3397. The Trial Chamber also recalls that the acts of appropriation described in incidents (a)(i), (ii), and (iii); (c)(ii) and (c)(iii); (d)(i); (e)(i), (ii), (iii), (iv), (vi), (vii), (ix), and (x); (g)(i), (ii), and (iii); and (h)(i) took place in connection with forcible

[13295] *See* chapter 8.9.2.

transfer and deportation, and/or destruction in Bijeljina, Ključ, Prijedor, Sanski Most, and Vlasenica municipalities.[13296] The acts of appropriation described in incidents (b)(i) and (ii); (e)(xi), (xii), (xiii), (xiv), (xv), (xvi), and (xvii); (f)(i) and (ii); and (h)(iii) took place in connection with unlawful detention in Kalinovik, Prijedor, Rogatica, and Vlasenica municipalities, and the appropriation of property described in incidents (c)(i) and (d)(ii) took place in connection with murder in Ključ and Kotor Varoš municipalities, respectively.[13297] The Trial Chamber found that the acts of forcible transfer and deportation, destruction, unlawful detention, and murder in these municipalities were carried out on political, racial or religious grounds against Bosnian Muslims and Bosnian Croats.[13298] With respect to incident (e)(viii), the Trial Chamber recalls that the acts of appropriation took place during the same time frame as a number of murders in nearby villages in Prijedor Municipality, as found in chapter 4.10.1.[13299] With respect to incident (f)(i), the Trial Chamber also recalls that the Rasadnik camp detainees who had their jewellery taken away were also forced to sign papers stating that they had voluntarily converted to the Serbian Orthodox religion.[13300] With respect to incident (f)(iii), the Trial Chamber recalls that the objects removed from Bosnian-Muslim houses in Rogatica were offloaded in Serb houses and flats.[13301] With respect to incident (h)(ii), the Trial Chamber recalls that the perpetrators were specifically directed to take property from non-Serbs.[13302]

3398. For the foregoing reasons, the Trial Chamber finds that all of the incidents listed in (a) to (h) were carried out on political, racial, or religious grounds and were therefore carried out with discriminatory intent. In relation to whether these acts were unlawful, the Trial Chamber finds that because these acts of appropriation were committed with discriminatory intent, they were unlawful.

3399. *Intent*. Considering the factual circumstances in which the acts of appropriation listed in (a) to (h) above were carried out, the Trial Chamber is satisfied that the only reasonable inference is that the perpetrators acted knowingly with the intent to appropriate private property.

[13296] *See* chapters 8.5.2 and 8.9.2(b).
[13297] *See* chapters 8.9.2(a) and (d).
[13298] *See* chapters 8.9.2(a), (c), (d), (g).
[13299] *See* chapter 8.9.2(a).
[13300] *See* chapter 4.11.4.
[13301] *See* chapter 4.11.4.
[13302] *See* chapter 4.14.4.

3400. *Plunder of property as an underlying act of persecution.* In relation to the issue of the gravity of an underlying act of persecution and whether it meets the standard of other crimes under Article 5 of the Statute, the Trial Chamber considers that the incident described in (e)(i) in so far as it relates to the appropriation of tractors, cars, cattle, and farming equipment, and incidents (e)(ii) and (v), with respect to the looting of tractors, cars, and trucks, may have had a serious impact on the owners of the property, due to the economic value of these items and their necessity for the victims' livelihoods. With respect to the incidents described in (a)(i) and (ii); (e)(x); and (h)(i), the Trial Chamber also considers that given the circumstances in which the acts occurred, where the victims had no choice but to leave their respective municipalities,[13303] the appropriation of the victims' private property, especially in times of an armed conflict,[13304] may have had a serious impact on them. However, the Trial Chamber notes that the acts of appropriation listed in (a) to (h) did not occur in isolation, but were carried out in conjunction with a series of other acts amounting to persecution, including forcible transfer and deportation, unlawful detention, imposition and maintenance of restrictive and discriminatory measures, and the wanton destruction of private and public property, against Bosnian Muslims and Bosnian Croats (*see* chapter 8.9.2 (c), (d), (g) and (h)). Under these circumstances, the Trial Chamber finds that all these incidents constituted acts of equal gravity to other crimes listed under Article 5 of the Statute.

3401. In light of the foregoing, the Trial Chamber finds that all of the incidents listed in (a) to (h) constitute plunder as an underlying act of persecution.

3402. The Trial Chamber recalls its findings in chapter 8.2 with regard to the general elements and jurisdictional requirements of crimes against humanity.

3403. *Status of victims.* The Trial Chamber notes that the acts of appropriation described in incidents (a)(i), (ii), and (iii); (e)(i), (ii), (iii), (iv), (vi), (ix), and (x); (g)(i), (ii) and (iii); and (h)(i) took place in connection with forcible transfer and deportation and destruction in Bijeljina, Ključ, Prijedor, Sanski Most, and Vlasenica municipalities.[13305] Further, the Trial Chamber notes that the acts of appropriation described in incidents (b)(i) and (ii); (e)(xi), (xii), (xiii), (xiv), (xv), (xvi), and (xvii); (f)(i) and (ii); and (h)(iii) took place in connection with unlawful detention in Kalinovik,

[13303] *See* chapter 8.5.2.
[13304] *See* chapter 8.1.2.
[13305] *See* chapter 8.9.2(c) and (g).

Prijedor, Rogatica, and Vlasenica municipalities, and the acts of appropriation described in incidents (c)(i) and (d)(ii) took place in connection with murder in Ključ and Kotor Varoš municipalities, respectively.[13306] In chapter 9.8.2 (a), (c), (d), (g), the Trial Chamber found that the acts of forcible transfer and deportation, destruction, unlawful detention, and murder in these municipalities were carried out against civilians.[13307] The Trial Chamber finds that the acts of appropriation described in the aforementioned incidents were carried out against the same categories of victims and were therefore committed against civilians.

3404. With respect to incidents (c)(ii) and (c)(iii); (d)(i); (e)(v), (vii), and (viii); (f)(iii); (h)(i) and (ii), the Trial Chamber finds that the acts of appropriation were committed against individuals in residential areas and that given this context, as well as, in some instances, the nature of the items which were appropriated, the only reasonable inference is that the victims of each of these acts were predominantly civilians.

3405. *Conclusion.* In conclusion, the Trial Chamber finds that the acts listed in (a) to (h) constitute plunder as an underlying act of persecution as a crime against humanity.

(g) Wanton destruction of private property, including homes and business premises, and public property, including cultural monuments and sacred sites

3406. In chapters 4.3.3, 4.6.3, 4.7.3, 4.8.3, 4.10.3, 4.11.3, 4.12.3, 4.13.3, and 4.14.3, the Trial Chamber decided to further consider the following incidents of alleged wanton destruction of private and public property, including cultural monuments and sacred sites, against the applicable law:

(a) in Foča Municipality, (i) the destruction of one Muslim sacred site in Foča Town around 5 August 1992 by 'Žaga's men', who headed his own sub-unit under Marko Kovač, Commander of Foča Tactical Group; and (ii) the setting on fire of Muslim houses and apartments after attacks on the municipality. The attacks went on until early June 1992 by Serb forces, including the military, the police, the paramilitaries, and sometimes Serb villagers. These incidents are further set out in chapter 4.3.3;

(b) in Ključ Municipality, (i) the complete destruction of or heavy damage inflicted on around 3,500 Muslim-owned houses in the municipality between June and mid-July

[13306] *See* chapter 8.9.2(a) and (d).
[13307] *See* chapter 8.9.2(a), (c), (d) and (g).

1992 by Serb forces; (ii) the destruction of all houses in Gornji Hadžići, a part of the Bosnian-Muslim village of Hadžići, during attacks against Pudin-Han and Hadžići between 28 and 31 May 1992 by a VRS battalion and other units; (iii) the blowing up of the Pudin Han-Velagići mosque during the same attacks by local Serbs and the VRS; (iv) the destruction of four Muslim sacred sites on or about 28 May 1992, by local Serbs and the VRS; (v) the destruction of two sacred sites, the Ključ Catholic church and the Atik mosque, in Ključ Town in 1992 by Serb forces; (vi) the burning of houses and of the Biljani-Džaferagići mosque, after which the ruins were razed with explosives, on or around 10 July 1992 by forces led by Drago Samardžija, Commander of the VRS 17th Light Infantry Brigade; and (vii) blewing up the Krasulje mosque and burning the Tićevići mosque, Imam's house, and mekteb on or about 28 May 1992 by local Serbs and the VRS. These incidents are further set out in chapter 4.6.3;

(c) in Kotor Varoš Municipality, (i) the shelling and burning of many non-Serb houses in the municipality starting mid-1992, by Bosnian-Serb forces, including the police and, for Večići, the VRS 1st Light Infantry Kotor Varoš Brigade; (ii), the setting on fire and mining of the Hanifići mosque by Bosnian-Serb forces during the same attacks; (iii) the shelling of the Hrvačani mosque in May or June 1992 by Bosnian-Serb forces; (iv) the shelling of the Večići Old and New mosques and blowing up of the Večići shrine of the three brothers in 1992 by the VRS 1st Light Infantry Kotor Varoš Brigade and the special police unit of CSB Banja Luka, as well as various police forces from Kotor Varoš and Banja Luka; (v) the setting on fire of the Kotor Varoš Catholic church, the shelling and heavy damage to the Vrbanjci Catholic church, and the setting on fire of and mining the Vrbanjci mosque by the VRS in June 1992; and (vi) the destruction of the Šiprage mosque in July or August 1993 by paramilitaries. These incidents are further set out in chapter 4.7.3;

(d) in Novi Grad Municipality, (i) on or about 27 May 1992, the destruction of or damage inflicted on almost all houses belonging to Bosnian Muslims in the village of Ahatovići during the attack on the village by Bosnian-Serb forces, which consisted of the White Eagles and other men in JNA uniforms; (ii) the destruction of the Ahatovići mosque on 4 June 1992 by TO forces and other men in JNA uniforms; and (iii) the damaging of two Roman Catholic sacred sites, the Franciscan Monastery and Theological Seminary in Nedžarići, including partially setting them on fire, on 8 June

1992, by Serb troops who identified themselves as members of the 'Independent Chetnik Formation'. These incidents are further set out in chapter 4.8.3;

(e) In Prijedor Municipality: (i)(a) the shelling and burning of houses on 23 May 1992 during the attack on the predominantly Bosnian-Muslim village of Hambarine, led by the VRS, including the 5th Kozara Brigade, acting jointly with the police and paramilitary groups; (i)(b) the shelling of the old mosque in Hambarine on 24 May 1992 during the attack on the village led by the VRS, including the 5th Kozara Brigade, acting jointly with the police and paramilitary groups; (ii) the setting on fire of a Bosnian-Muslim café, a Bosnian-Muslim house, and a Bosnian-Muslim garage in Hambarine on 11 June 1992, by several groups of men described as '*Chetniks*', including Jevo Maseldžija and Mlado Jurusić; (iii) in mid-1992, the setting on fire of houses in the predominantly Bosnian-Muslim village of Kozaruša by Bosnian-Serb forces, and on the same day, the destruction with an excavator of the houses belonging to Bosnian Muslims in Kozaruša by Radovan Zdjelar, pursuant to instructions received from Radiša Ljesnjak, a member of the Prijedor Crisis Staff; (iv) the setting on fire on 24 May 1992 of the Kozaruša mosque and the Kozaruša mekteb by Bosnian-Serb fighters in JNA uniforms with 'Tito caps', led by Savan Končar, a Bosnina-Serb from Kozaruša. Only Serb houses, for the most part untouched, remained in the village; (v)(a) the setting on fire of all houses in the predominantly Bosnian-Muslim village of Kamičani during the attack on the village beginning around 24 to 26 May and continuing until early June 1992 led by the VRS, acting jointly with the police and paramilitary groups; (v)(b) the setting on fire of the Kamičani mosque by the perpetrators of the attack; (vi)(a) the setting on fire of Bosnian-Muslim houses in the predominantly Bosnian-Muslim village of Bišćani during the attack on the village led by the VRS, acting jointly with the police and paramilitary groups on 20 July 1992; (vi)(b) and the setting on fire of the mosque in Bišćani by the perpetrators of the attack; (vii)(a) the setting on fire of houses during the attack on the predominantly Bosnian-Muslim village of Čarakovo by the VRS, and by Velimir Đurik a.k.a. Velja, Zoran Babić a.k.a. Babin, and Dragomir Soldat a.k.a. Čiča, acting jointly with the police and paramilitary groups on 23 July 1992; (vii)(b) the setting on fire of the Čarakovo mosque and blowing up of its minaret by the perpetrators of the attack on the village on the same day; (viii)(a) the setting on fire of houses during the attack on the predominantly Muslim village of Kevljani by Bosnian-Serb forces in mid-1992; (viii)(b) the

destruction with explosives and mines of the new mosque in Kevljani by the perpetrators of the attack on the village; (ix)(a) the setting on fire of houses during the onslaught on the Brdo area on 20 July 1992 in the predominantly Bosnian-Muslim villages of Rakovčani and Rizvanovići by Bosnian-Serb forces, consisting of military and police; (ix)(b) on the same day, the destruction with explosives of the Rakovčani, Rizvanovići and Ravine mosques by the perpetrators of the attack; (x)(a) the setting on fire of the Čaršijka mosque on 30 May 1992 in Prijedor Town by a group of men, including Milenko Milić, a member of Milan Andzić's paramilitary unit, his commander Momčilo Radanović a.k.a. Cigo, and Milorad Vokić, Simo Drljača's personal bodyguard during the attack on Prijedor Town by the 5th Kozara Brigade, commanded by Pero Colić, the 43rd Motorised Brigade, commanded by Arsić and Zeljaja, and some members of the 6th Krajina Brigade, the Prijedor police led by Simo Drljača, Dule Janković, Milutin Cadzo, and a group called the 'Spare Ribs', and people from Bosanski Novi; (x)(b) the destruction by the perpetrators of the attack of the old mosque in Stari Grad as well as the Zagrad mosque in the Bereg part of Prijedor Town. Following its destruction the Zagrad mosque's rubble as well as of old Muslim gravestones in the adjacent cemetery were levelled by a bulldozer and removed by the same perpetrators; (x)(c) the razing to the ground by the perpetrators of the attack of the archive and library of the Medžlis of the Islamic Community in Prijedor Town; (x)(d) the burning of Bosnian-Muslim houses by the perpetrators of the attack while no Serb homes were damaged; (xi) the destruction by an excavator of Muslim homes in the old area of Prijedor Town and in the broader area of Prijedor by Radovan Zdjelar, pursuant to instructions received from Radiša Ljesnjak, a member of the Crisis Staff shortly after the conflict in Prijedor had started; (xii)(a) the destruction with explosives of the Donja Puharska mosque in Prijedor Town at the end of August 1992 by Bosnian-Serbs; (xii)(b) the destruction of three houses in the immediate vicinity of the Donja Puharska mosque and the damage to a dozen other houses by the same Serbs who destroyed the Donja Puharska mosque; (xiii) only a few minutes after the Donja Puharska mosque's explosion, the destruction with explosives of the Roman Catholic church in Prijedor Town by Bosnian-Serb soldiers; (xiv)(a) the burning of houses in Muslim villages and neighbourhoods in the predominantly Bosnian-Muslim and Bosnian-Croat villages of Kozarac and Ljubija and their surrounding areas, including Hrnići, Jakupovići, and Koncari, between 24 May and July 1992 by the VRS, acting jointly with the police and paramilitary forces including the destruction of the medical clinic in Kozarac. Many

houses were destroyed in Ljubija. Serb infantry razed to the ground the village of Koncari during the same attack. The perpetrators of the attack also razed to the ground large parts of Jakupovići. During this attack care was taken to avoid damage to Serb property and the Serb Orthodox church was not attacked; (xiv)(b) the destruction of the Mutnik mosque in Kozarac by the perpetrators of the attack; (xiv)(c) the shelling of the Hrnići mosque by the perpetrators of the attack; (xiv)(d) the destruction of the Srednji and Gornji mosques in Jakupovići by the perpetrators of the attack; (xiv)(e) the setting on fire of the church and the mosque in July 1992 in the village of Ljubija where inhabitants were predominantly Bosnian-Muslim and Bosnian-Croat by the perpetrators of the attack; (xv)(a) the destruction of the village of Mujkanovići by Serb infantry; (xv)(b) the heavy damage caused to the Mujkanovići mosque by Serb infantry on or around 10 June 1992; (xvi)(a) the shelling and setting on fire of 68 Bosnian-Croat houses by the VRS, including soldiers in JNA uniforms with red ribbons around their arms, helmets and *subara* hats, acting jointly with the police, paramilitary groups, as well as with the 5th Kozara Brigade and the 6th Krajina Brigade, led by Basara and Veljko Brajić in the Bosnian-Croat village of Briševo; (xvi)(b) the shelling and setting on fire of the Roman Catholic church in Briševo by the perpetrators of the attack; (xvii) the destruction of remaining houses in Briševo by small groups of men described as '*Chetniks*'; and (xviii) the destruction with mines of the Roman Catholic parish church of the Sacred Heart of Jesus in Šurkovac by Serb forces on or around 26 December 1992, as further set out in chapter 4.10.3;

(f) in Rogatica Municipality, (i) the setting on fire of Muslim houses and shops in Rogatica Town from 21 May until August 1992, by Serb forces; (ii) the destruction of the Čaršija mosque and the Arnaudija mosque around the end of June and the end of July 1992 and of three other mosques in the Vragolovi area, all by Serb forces, and in the case of the Arnaudija mosque, with the participation of Danko Nerić, a soldier wearing a JNA uniform; (iii) the destruction with explosives of the Žepa mosque by a VRS sapper unit after the fall of the Žepa enclave which took place in July 1995; and (iv) the destruction of houses in the Bosnian-Muslim village of Kozadre on 2 August 1992 by Serb infantry. These incidents are further set out in chapter 4.11.3;

(g) in Sanski Most Municipality, (i) at the end of May 1992, the destruction by the VRS 6th Krajina Brigade, commanded by Branko Basara, acting jointly with the SOS of (i)(a) houses and four Muslim sacred sites in the Muslim villages of Vrhpolje and

Hrustovo, in cooperation with paramilitary units subordinated to Branko Basara; (i)(b) the Mahala mosque in the Muslim neighborhood of Mahala, in cooperation with the TO; (i)(c) three Muslim sacred sites and one Muslim cultural monument in the Muslim villages of Lukavice, Okreč, and Čirkići; (i)(d) houses and barns in the Muslim village of Begići on 31 May 1992; (ii) the destruction of houses in the Muslim neighborhood of Mahala in late May 1992 by the local police and the SOS following the departure of the population; (iii) the destruction of houses in the predominantly Bosnian-Muslim village of Pobriježje by Bosnian-Serb forces including Nikita Dobrijević on 26 May 1992 and, around the same date, the destruction of one Muslim sacred site by, among others, Nikita Dobrijević; (iv) the destruction of the Čapalj and Tomina mosques by Bosnian-Serb forces in 1992 in the predominantly Bosnian-Muslim village Čapalj and in the village of Tomina; (v) the destruction of the new Donji Kamengrad mosque by Mladen Majkić and his team from the TO, pursuant to an order from Colonel Aničić, a member of the Sanski Most Crisis Staff and Chief of the TO, in mid-1992; (vi) the destruction of Bosnian Muslims and Bosnian Croats properties and businesses in Sanski Most Town from the spring of 1992 until late May 1992 by members of the SOS, commanded by Dušan Saović, a.k.a Nunja; (vii) the destruction of the Sanski Town mosque by Mladen Majkić and his TO unit in late May 1992; (viii) the destruction of the Catholic Church in Sanski Most Town by Mladen Majkić and his TO unit in 1993 or 1994, after the attack on the town; (ix) the destruction of houses belonging to Muslims in the Muslim village of Trnova, of two Muslim sacred sites in Trnova and in the Muslim village of Skucani Vakuf, and of the Roman Catholic church in Stara Rijeka**,** by a group of reservists in October or November 1992; and (x) the destruction of the Šehovci mosque by Mladen Majkić and his TO unit in October or November 1992, pursuant to orders from Colonel Aničić. These incidents are further set out in chapter 4.12.3;

(h) in Sokolac Municipality, the destruction by fire of houses and five sacred sites during the attacks on several Muslim villages of the municipality by members of the VRS 2nd Motorised Romanija Brigade between the end of July and the end of September 1992. This incident is further set out in chapter 4.13.3;

(i) in Vlasenica Municipality, (i) the destruction by fire of many Muslim houses in Gradina and the surrounding villages such as Barice and Piskavice, a mixed Serb and Muslim village, by a VRS unit acting on the orders of Kraljević and by police officers from the SJB Vlasenica, during the Gradina operations at the end of May and early June

1992; (ii) the destruction by fire of most of the content of the apartment of a Muslim in Vlasenica between 18 and 30 June 1992. The content of the apartment was destroyed by Sušica camp detainees upon an order from the camp guards; and (iii) the destruction with explosives of the Vlasenica Town mosque by a VRS unit in August 1992. These incidents are further set out in chapter 4.14.3.

3407. *Destruction on a large scale*. With regard to the destruction of private property, the Trial Chamber finds that the destruction was on a large scale in the following incidents for the following reasons: multiple properties were destroyed over an extended time period in incidents (a)(ii), (b)(ii), (f)(i), and (g)(vi); the houses, as well as the medical clinic in the case of (e)(xiv)(a), were destroyed in multiple villages in incidents (c)(i), (e)(xiv)(a), (g)(i)(a), (h), and (i)(i); 3,500 houses were destroyed in incident (b)(i); all the houses in some villages were destroyed in incidents (b)(ii), (e)(v)(a), and (e)(xv)(a); almost all the houses in the villages were destroyed in incidents (e)(xvi)(a), and (d)(i); and multiple houses and one business were destroyed in incidents (e)(i)(a), (e)(ii), (e)(iii), (e)(vi)(a), (e)(vii)(a), (e)(viii)(a), (e)(ix)(a), (e)(x)(d), (e)(xi), (e)(xii)(b), (e)(xvii), (f)(iv), (g)(i)(d), (g)(ii), (g)(iii), and (g)(ix). With regard to the destruction of private property in incident (i)(ii), the Trial Chamber finds that the destruction of almost everything from one apartment, absent any evidence establishing what these items are, does not constitute destruction on a large scale. The Trial Chamber will therefore not further consider this incident.

3408. With regard to the remaining incidents of destruction, which concern Muslim and Roman Catholic sacred sites and a Muslim cultural monument, the Trial Chamber finds that, as each incident had a severe impact on the people who valued the property and amounted to an attack on the religious identity of Muslims and Roman Catholics, the destruction was on a large scale.

3409. *Military necessity.* With regard to the all but incident (i)(ii), the Trial Chamber finds that these acts of destruction concerned private properties, sacred sites, and cultural monuments, none of which qualified as military objects whose destruction would make an effective contribution to military action or whose destruction would offer a definite military advantage. The Trial Chamber is therefore satisfied that the destruction identified in all incidents was not justified by military necessity.

3410. *Intent*. With regard to incidents (a)(ii); (b)(ii),(iii),(vi); (c)(i),(ii); (d)(i); (e)(i)(a) to (e)(iii); (e)(iv) to (e)(x)(a), (e)(x)(c); (e)(x)(d); (e)(xii)(a) to (e)(xiv)(a); (e)(xiv)(c);

(e)(xiv)(e); (e)(xvi)(a), (e)(xvi)(b); (e)(xviii); (f)(i),(ii); (g)(i)(a) to (g)(i)(c); (g)(iv); (h), and (i)(i) the physical perpetrators damaged or destroyed with explosives or by fire, private property as well as sacred and cultural sites during attacks on villages and towns. In the case of incidents (b)(vi), (e)(x)(b) - Zagrad Mosque only - and (g)(iii), the physical perpetrators razed the ruins of these sites after destroying them, for some with explosives. In relation to incident (e)(xi), a member of the Prijedor Crisis Staff instructed the perpetrators to destroy Muslim homes in the old area of Prijedor Town with the use of an excavator. With regard to incident (f)(i), the physical perpetrators targeted and set on fire, using flame throwers, Bosnian-Muslim private property in Rogatica Town. Concerning incident (i)(i), the Trial Chamber received evidence that the physical perpetrators acted pursuant to their commander's order to destroy Muslim private property to prevent Muslims from returning to their home.

3411. The destruction covered in incidents (b)(i); (b)(iv) to (b)(v); (c)(iii) to (c)(vi); (d)(ii) to (d)(iii); (e)(x)(b) – old mosque in Stari Grad, (e)(xii)(b); (e)(xiv)(b); (e)(xiv)(d); (e)(xv)(a) to (e)(xv)(b); (f)(iii) to (f)(iv); (g)(i)(d); (g)(iii); (g)(v) to (g)(vii); (g)(x); and (i)(iii) concerns private and public property. With regard to these incidents, the Trial Chamber infers the intent to destroy from the fact that sacred religious and cultural sites as well as private property were targeted or destroyed by various means including explosives or fire, and from the general circumstances of their destruction. Concerning incident (b)(i) the Trial Chamber considered that large numbers of Bosnian-Muslim private properties were targeted and destroyed. With regard to incident (c)(iv), the Večići mosque was targeted five times. Concerning incident (g)(v), the physical perpetrators acted pursuant to an order from Colonel Aničić, a member of the Sanski Most Crisis Staff and Chief of the TO. Concerning incident (i)(iii), the perpetrator ordered the destruction of one Muslim sacred site in Vlasenica Town, after giving notice to the Vlasenica SJB and asking the population to leave the area.

3412. Concerning the incidents discussed above, the Trial Chamber finds that the physical perpetrators had the intent to destroy these buildings.

3413. With regard to the destruction of two Muslim sacred sites and one Catholic Church mentioned in incidents (a)(i); (c)(vi), and (g)(viii) as well as the destruction of houses mentioned in incident (e)(xvii), the Trial Chamber has not received evidence on the mode of destruction of the sites, circumstances of their destruction, orders pertaining to their destruction, or any other evidence useful to establish that the physical

perpetrators acted with the *mens rea* to destroy and will therefore not consider these incidents further.

3414. *Discrimination*. For all incidents still being considered, wanton destruction was committed against Bosnian Muslim and Bosnian Croat property as well as against Muslim and Croat cultural monuments and sacred sites. In particular, in incidents (c)(i), (e)(iii), (e)(x)(d), (e)(xiv)(a), and (f)(i), Serb properties or properties located in Serb areas were spared. Of relevance to incidents (e)(iii), (e)(x)(d), and (e)(xiv)(a), following the take-over of Prijedor Town and before the take-over of Kozarac, Serbs made continuous references on the radio to the destruction of mosques and all property belonging to Bosnian Muslims, whom they referred to as *'Balijas'*. Non-Serb settlements were surrounded, bombarded, and invaded while care was taken not to damage Serb property during these attacks. In incident (i)(i), the physical perpetrators acted pursuant to orders from their command to destroy as much Muslim property as possible in order to prevent Muslims from returning to their homes. The Trial Chamber further considered that the incidents of wanton destruction of private and public property, including cultural monuments and sacred sites, were committed in conjunction with other underlying acts of persecution which were perpetrated at the same time, as described in chapter 4. For these reasons, the Trial Chamber finds that all of the incidents listed above were carried out on political, racial or religious grounds.

3415. *Destruction as an underlying act of persecution.* In relation to the issue of the gravity of an incident of destruction and whether it meets the standard of other crimes under Article 5 of the Statute, the Trial Chamber considers that the incidents of destruction still being considered were carried out in conjunction with a series of acts comprising murder and deportation. These incidents, therefore, constitute an act of the same gravity as other crimes listed under Article 5 of the Statute. In light of the foregoing, the Trial Chamber finds that all of these incidents constitute destruction as an underlying act of persecution.

3416. The Trial Chamber recalls its findings in chapters 8.1 and 8.2 with regard to the general elements and jurisdictional requirement of crimes against humanity.

3417. *Status of victims*. Considering that the destruction concerned private and public properties intended to be used by civilians, including sacred sites and cultural monuments, the Trial Chamber finds that the victims were civilians.

3418. *Conclusion.* The Trial Chamber finds that the incidents of wanton destruction, listed in the first paragraph of this chapter, with the exception of incidents (a)(i), (c)(vi), (e)(xvii), (g)(viii), and (i)(ii), constitute destruction as an underlying act of persecution as a crime against humanity.

(h) Imposition and maintenance of restrictive and discriminatory measures

3419. In chapters 4.1.6, 4.3.6, 4.5.6, 4.6.6, 4.7.6, 4.10.6, 4.12.6, 4.14.6 the Trial Chamber decided to further consider the following incidents of alleged imposition and maintenance of restrictive and discriminatory measures to the extent that they concern Bosnian Croats and Bosnian Muslims:

Denial of the freedom of movement

(a) in relation to Foča Municipality, from 12 May to July 1992, Serb soldiers and police restricted the movement of Bosnian Muslims in the municipality**,** as further set out in chapter 4.3.6;

(b) in relation to Kalinovik Municipality, from 12 May or later in May 1992, the SDS Crisis Staff restricted the movement of the Bosnian-Muslim population in the municipality, and further restricted these movements from at least 11 June 1992, as further set out in chapter 4.5.6;

(c) in relation to Ključ Municipality, from 12 May or later in May 1992, the Ključ Crisis Staff and Serb police severely restricted the movement of Bosnian Muslims in the municipality, as further set out in chapter 4.6.6;

(d) in relation to Kotor Varoš Municipality, from 12 May 1992 onwards, the VRS and the local authorities in Kotor Varoš, including the MUP and the Kotor Varoš Crisis Staff, restricted the movement of Bosnian Muslims and Bosnian Croats in the municipality, as further set out in chapter 4.7.6;

(e) in relation to Prijedor Municipality, between the end of May and end of June 1992, Serbs restricted the movement of Bosnian Muslims and Bosnian Croats in the municipality, by requiring them to register their movements, as further set out in chapter 4.10.6;

(f) in relation to Sanski Most Municipality, from 12 May until the end of May 1992 and during the second half of 1992, JNA 6th Krajina Brigade soldiers; Serb policemen; local

Serbs from Lukavica and people described as Martić's men, both of whom wore olive-grey or olive-green camouflage uniforms; the White Eagles; and persons described as Šešelj's Chetniks, restricted the movement of Bosnian Muslims in the municipality, as further set out in chapter 4.12.6;

(g) in relation to Vlasenica Municipality, from 19 May 1992, the Vlasenica Crisis Staff, headed by Milenko Stanić, restricted the movement of Bosnian Muslims in the municipality, as further set out in chapter 4.14.6;

Removal from positions of authority in local government institutions and the police and the general dismissal from employment

(h) in relation to Banja Luka Municipality, from 12 May 1992 and throughout the remainder of that year, Bosnian Muslims and Bosnian Croats were dismissed from publicly-owned enterprises in Krajina pursuant to ARK Crisis Staff decisions on 26 May and 22 June 1992, as further set out in chapter 4.1.6;

(i) in relation to Ključ Municipality: (i) in late May 1992, Serb authorities dismissed Bosnian Muslims and Bosnian Croats, and a Serb married to a Bosnian Muslim from posts in companies, including the Sanica factory, and public bodies, including the police; (ii) on 21 July 1992, the war presidency of Ključ Municipality issued a decision stating that all central positions in public institutions and companies were to be filled only by Serbs loyal to the Bosnian-Serb Republic and ordered the dismissal of several Bosnian Muslims from municipal positions, as further set out in chapter 4.6.6;

(j) in relation to Kotor Varoš Municipality, from June 1992, civilian authorities including the Kotor Varoš Crisis Staff, dismissed Bosnian Muslims and Bosnian Croats from employment, as further set out in chapter 4.7.6;

(k) in relation to Prijedor Municipality, from 12 May 1992 onwards, the Prijedor Crisis Staff dismissed Bosnian Muslims and Bosnian Croats, as further set out in chapter 4.10.6;

(l) in relation to Sanski Most Municipality, on 15 May 1992, the Sanski Most Crisis Staff, pursuant to ARK Crisis Staff decisions, dismissed Muslim employees from the municipal court in Sanski Most Municipality, as further set out in chapter 4.12.6;

(m) in relation to Vlasenica Municipality, around 17 or 18 May 1992, the Vlasenica SJB dismissed Bosnian-Muslim police staff members, as further set out in chapter 4.14.6;

Denial of equal access to public services

(n) in relation to Kotor Varoš Municipality, from 12 May 1992 onwards, the local authorities in Kotor Varoš Town, including the Kotor Varoš MUP and Crisis Staff, restricted access to medical care for Bosnian Muslims and Bosnian Croats, as further set out in chapter 4.7.6;

Invasion of privacy through arbitrary searches of homes

3420. To the extent that the Trial Chamber has received evidence on the invasion of privacy through the arbitrary searches of homes, it has considered this evidence as part of other alleged crimes, including murder, plunder, forcible transfer, and deportation.

Unlawful arrest

3421. The Trial Chamber has received evidence on unlawful arrest and will consider this as part of its findings on incidents of alleged unlawful detention in chapter 8.9.2(d).

Denial of the right to judicial process

3422. The Trial Chamber has not made any positive factual findings on the denial of the right to judicial process.

3423. The Trial Chamber will now proceed to consider the aforementioned alleged incidents against the applicable law.

3424. *Discrimination*. The above incidents set out in (a) to (n) were committed against Bosnian Muslims and Bosnian Croats. The Trial Chamber recalls that in incident (a), specific restrictions of movement were placed on Bosnian Muslims in Foča Municipality, including that they could not visit each other, gather in large groups in the street, or bury their dead in the graveyard, while Serbs could move freely. In incidents (b) and (g), Bosnian Muslims were issued passes which they were required to use in order to move around the municipalities of Kalinovik and Vlasenica, or to travel to other municipalities, while this requirement was not imposed on the Serb population. In incident (l), in Sanski Most Municipality Muslim judges and other employees from the municipal court were dismissed and replaced with Serbs. In incident (m), Bosnian-Muslim active and reserve police forces were dismissed whereas Serb police officers and MUP personnel were called back to work.

3425. The Trial Chamber also recalls that the measures described in incidents (a); (e); (h); and (k) took place in connection with unlawful detention as well as forcible transfer

and deportation in Banja Luka, Foča, and Prijedor municipalities.[13308] The measures described in incidents (d); (f); (g); (j); (l); (m); (n) took place in connection with destruction as well as forcible transfer and deportation in Kotor Varoš, Sanski Most, and Vlasenica municipalities.[13309] Finally, the incident described in (b) took place in connection with unlawful detention in Kalinovik Municipality and the incidents described in (c) and (i) took place in connection with forcible transfer and deportation in Ključ Municipality.[13310] The Trial Chamber found that the acts of forcible transfer and deportation, destruction, and unlawful detention in these municipalities were carried out on political, racial or religious grounds against Bosnian Muslims and Bosnian Croats.[13311]

3426. For the foregoing reasons, the Trial Chamber finds that all of the incidents listed in (a) to (n) were carried out on political, racial, or religious grounds.

3427. *Imposition and maintenance of restrictive and discriminatory measures as an underlying act of persecution.* In relation to the issue of the gravity of an underlying act of persecution and whether it meets the standard of other crimes under Article 5 of the Statute, the Trial Chamber considers that the above incidents against the Bosnian-Muslim and Bosnian-Croat population did not occur in isolation. These incidents were perpetrated contemporaneously throughout the municipalities of Banja Luka, Foča, Kalinovik, Ključ, Kotor Varoš, Prijedor, Sanski Most and Vlasenica. These incidents were also carried out in conjunction with other underlying acts of persecution, at the same time, and against Bosnian Muslims and Bosnian Croats in these municipalities. These acts include forcible displacement, unlawful detention, plunder, and the wanton destruction of private and public property. Under these circumstances, the Trial Chamber is satisfied that these incidents listed in (a) to (n) were of equal gravity as other crimes listed under Article 5 of the Statute.

3428. In light of the foregoing, the Trial Chamber finds that all of the incidents listed in (a) to (n) constitute imposition and maintenance of restrictive and discriminatory measures as an underlying act of persecution.

3429. The Trial Chamber recalls its findings in 8.2 with regard to the general elements and jurisdictional requirement of crimes against humanity.

[13308] *See* chapter 8.9.2(c) and (d).
[13309] *See* chapter 8.9.2(d) and (g).
[13310] *See* chapter 8.9.2(c) and (d).

3430. *Status of victims.* The Trial Chamber has considered that the incidents set out in (a) to (n) concerned restrictions on movement within the municipalities of Foča, Kalinovik, Ključ, Kotor Varoš, Prijedor, Sanski Most and Vlasenica, and restricted access to medical care in Kotor Varoš Municipality. It also involved dismissals from employment, including from public bodies, in the municipalities of Banja Luka, Ključ, Kotor Varoš, Prijedor, Sanski Most and Vlasenica. In this regard, the nature of these measures indicate that the perpetrators targeted Bosnian Muslims and Bosnian Croats that remained in the towns and villages of these municipalities, rather than those at the front lines. The Trial Chamber therefore finds that the only reasonable inference is that the victims of these acts were Bosnian Muslims and Bosnian Croats in these municipalities and were, therefore, mostly civilians.

3431. *Conclusion.* In conclusion, the Trial Chamber finds that the imposition and maintenance of restrictive and discriminatory measures listed in (a) to (n), insofar as they concern Bosnian-Muslim and Bosnian-Croat civilians, constitute an underlying act of persecution as a crime against humanity.

[13311] *See* chapter 8.9.2(c), (d) and (g).

8.10 Genocide

8.10.1 Applicable law

3432. Counts 1 and 2 of the Indictment charge the Accused with genocide, punishable under Article 4(3)(a) of the Statute. The Accused has been charged under Counts 1 and 2 with: (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; and under Count 1, additionally, with (c) deliberately inflicting on the group, whilst detained, conditions of life calculated to bring about its physical destruction.[13312] The Accused, under Count 1, is charged with committing those prohibited acts against a part of the Bosnian-Muslim and/or Bosnian-Croat national, ethnical and/or religious groups as such.[13313] The Accused, under Count 2, is charged with committing those prohibited acts against a part of the Bosnian-Muslim national, ethnical and/or religious group as such.[13314]

3433. Genocide is defined under Article 4(2) of the Statute to encompass any of certain prohibited acts committed with intent to destroy, in whole or part, a national, ethnical, racial or religious group, as such.

3434. The underlying prohibited acts, or *actus reus*, of genocide include the following as enumerated in Article 4(2) of the Statute: *(a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; and (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part*. In relation to (a), the material elements of killing are equivalent to the elements of murder,[13315] which have been discussed above in chapter 8.3.1. In relation to (b), the bodily or mental harm caused must be of such a serious nature as to contribute or tend to contribute to the destruction of the group.[13316] The acts causing such harm may include torture; rape; and non-fatal physical violence that causes disfigurement or serious injury to the external or internal organs.[13317] The harm must be

[13312] Indictment, paras 35, 39-40, 46.
[13313] Indictment, paras 35, 40.
[13314] Indictment, paras 35, 40.
[13315] *Kayishema and Ruzindana* Appeal Judgment, para. 151.
[13316] *Seromba* Appeal Judgment, para. 46; *Tolimir* Appeal Judgment, para. 203.
[13317] *Seromba* Appeal Judgment, para. 46. The Appeal Chamber in *Krstić* held that 'forcible transfer does not constitute in and of itself a genocidal act'. In some circumstances, however, forcible transfer can be an underlying act that causes serious bodily or mental harm, in particular if the forcible transfer operation was attended by such circumstances as to lead to the death of the whole or part of the displaced population. *See Krstić* Appeal Judgment, para. 33; *Blagojević and Jokić* Appeal Judgment, para. 123.

inflicted intentionally.[13318] In relation to (c), the acts may include: systematic expulsion from homes; denial of medical services; and the creation of circumstances that would lead to a slow death, such as lack of proper housing, clothing, and hygiene or excessive work or physical exertion.[13319] The acts under sub-paragraph (c) must be carried out 'deliberately'.

3435. The *mens rea* required for genocide is a specific intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such. The term 'destroy' is limited to the physical or biological destruction of the group.[13320] Acts which do not fall under the definition of prohibited acts may be considered as evidence of the specific intent of a perpetrator to physically destroy the group.[13321] In assessing specific intent, consideration ought to be given to all of the evidence, taken together instead of considering separately whether an accused intended to destroy a protected group through each of the prohibited acts of genocide.[13322] In relation to JCE I, if the physical perpetrators (who are not JCE members) of the underlying prohibited acts do not possess the required specific intent then the specific intent of an accused and other JCE members, if proved, is sufficient.[13323]

3436. A national, ethnical, racial or religious group, as the protected group under Article 4(2) of the Statute, must be a collection of people with a particular group identity.[13324] The protected group must be defined positively and have unique distinguishing characteristics.[13325]

3437. Where only part of a protected group is targeted that part must constitute a substantial part of that group such that it is significant enough to have an impact on the group as a whole.[13326] In determining substantiality, considerations may include: the

[13318] *Brđanin* Trial Judgment, para. 690; *Blagojević and Jokić* Trial Judgment, para. 645.
[13319] *Stakić* Trial Judgment, para. 517; *Brđanin* Trial Judgment, para. 691; *Popović et al*. Trial Judgment, para. 815. As noted above, the Appeal Chamber in *Krstić* held that 'forcible transfer does not constitute in and of itself a genocidal act'. In some cases, however, systematic expulsion from homes, which may amount to forcible transfer, may be a potential means of inflicting conditions of life calculated to bring about destruction. *See Krstić* Appeal Judgment, para. 33; *Blagojević and Jokić* Appeal Judgment, para. 123.
[13320] *Krstić* Appeal Judgment, para. 25.
[13321] *Krstić* Trial Judgment, para. 580; *Tolimir* Appeal Judgment, paras 230, 254. *See also Blagojević* and *Jokić* Appeal Judgment, para. 123; *Krstić* Appeal Judgment, paras 33, 133.
[13322] *Stakić* Appeal Judgment, para. 55; *Karadžić* Rule 98 *bis* Appeal Judgment, para. 56. *See also Tolimir* Appeal Judgment, paras 246–248, 253.
[13323] *Karadžić*, Rule 98 bis Appeal Judgment, paras 79-83.
[13324] *Stakić* Appeal Judgment, para. 20.
[13325] *Stakić* Appeal Judgment, paras 16-28.
[13326] *Krstić* Appeal Judgment, para. 8.

relative numerical size of the targeted part, the prominence of the part of the group within the larger whole, and the area of the perpetrators' activity and control.[13327]

8.10.2 Legal findings

Count 1

3438. According to the Indictment, between 31 March and 31 December 1992, in Foča, Ključ, Kotor Varoš, Prijedor, Sanski Most, and Vlasenica, as the Count 1 municipalities, a campaign of persecutions included or escalated to include conduct that manifested an intent to destroy in part the national, ethnical and/or religious groups of Bosnian Muslims and/or Bosnian Croats as such.[13328] The Indictment further alleges that in these municipalities, a significant section of the Bosnian-Muslim and/or Bosnian-Croat groups, namely their leaderships, as well as a substantial number of members of these groups were targeted for destruction.[13329] In chapter 4, the Trial Chamber decided to further consider a number of alleged prohibited acts against Bosnian Muslims and Bosnian Croats in the Count 1 municipalities in light of the applicable law.

3439. In this section of the judgment, the Trial Chamber will first define the 'protected group' within the meaning of Article 4(2) of the Statute. The Trial Chamber will then turn to the *actus reus* of genocide, specified in Article 4(2) of the Statute as three underlying prohibited acts, namely: (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; and (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.

3440. The Trial Chamber will then assess the *mens rea* requirement for genocide by considering the specific intent of the physical perpetrators of the prohibited acts. In

[13327] *Krstić* Appeal Judgment, paras 12-14.
[13328] Indictment, paras 35, 37. The Trial Chamber notes that paragraph 37 of the Indictment refers to conduct that manifested an intent to destroy in 'some municipalities' and alleges that the 'most extreme manifestations of an intent to partially destroy these groups took place in in Foča, Ključ, Kotor Varoš, Prijedor, Sanski Most, and Vlasenica'. The Trial Chamber, in the absence of further specification in Count 1, understands this allegation to be limited to these six named municipalities. This accords with the parties' submissions. The Prosecution in its Final Brief at paragraph 352 and its closing submissions at T. 44470-44471, stated that 'the Prosecution has alleged that this combination of acts under Article 4 (*actus reus*) and genocidal intent (*mens rea*) existed in six municipalities'. The Defence in its Final Brief at paragraph 26 stated that 'Count 1 is confined to the six municipalities pleaded by name at paragraph 37 of the Indictment'.

relation to assessing the specific intent of the physical perpetrators, the Trial Chamber recalls that, where direct evidence of specific intent is absent, the specific intent may be inferred from the surrounding facts and circumstances which may include the commission by physical perpetrators of other culpable acts. Those facts and circumstances may also include connections between physical perpetrators in terms of time, location and composition of their group. This will be analysed further below for the physical perpetrators of prohibited acts in relation to each protected group, Bosnian Croats and Bosnian Muslims, in each of the Count 1 municipalities. Lastly, the Trial Chamber will assess whether the targeted part of the protected group, as alleged, constituted a substantial part of the protected group, in so far as the specific intent of the physical perpetrators is concerned.

3441. In chapter 9.2.14, the Trial Chamber will further consider the specific intent, if any, of the Accused and/or other alleged members of the JCE in light of the totality of the evidence and its findings made on the specific intent of the physical perpetrators in this chapter.

Protected group

3442. The Prosecution alleged, for the purposes of Count 1, that the protected groups are the national, ethnical, and/or religious groups of Bosnian Muslims and Bosnian Croats.[13330] The Defence does not dispute that the Bosnian Muslims and Bosnian Croats are protected groups.[13331] The Trial Chamber recalls its review of Adjudicated Facts 1, 2, 6, and 12 in chapter 9.2.2 that from 1945 until 1990, Yugoslavia was composed of six Republics: Bosnia-Herzegovina, Croatia, Macedonia, Montenegro, Serbia, and Slovenia.[13332] Certain Republics were populated predominantly by one ethnic group: for example, Serbs in Serbia and Croats in Croatia.[13333] Maršal Tito's post-war government discouraged ethnic division and nationalism with a focus on the unity of the communist state.[13334] Thus, the period from 1945 until 1990 was marked by relative calm and peaceful inter-ethnic relations, although the various groups remained conscious of their

[13329] Indictment, para. 37.
[13330] Indictment, paras 35, 37, 39.
[13331] *See* Defence Final Brief, paras 47, 55, 57.
[13332] Adjudicated Facts I, no. 1.
[13333] Adjudicated Facts I, no. 1.
[13334] Adjudicated Facts I, no. 2.

separate identities.[13335] Bosnia-Herzegovina, more than any other republic of the former Yugoslavia, was multi-ethnic for centuries, with Serbs, Muslims, and Croats as the predominant nationalities.[13336] A census in April 1991 recorded that 43.7 per cent of the residents of Bosnia-Herzegovina were ethnic Muslims, 32.4 per cent were Serbs, and 17.3 per cent were Croats.[13337] The Trial Chamber therefore finds that Bosnian Muslims and Bosnian Croats are protected groups within the meaning of Article 4 of the Statute.

Actus reus

3443. The Trial Chamber recalls, as noted in chapter 8.10.1, that the crime of genocide is constituted of certain prohibited acts which, in respect of the charges in Count 1, relate to killing members of the protected group, causing serious bodily or mental harm to members of the protected group and deliberately inflicting on the protected group, whilst detained, conditions of life calculated to bring about its physical destruction. The Trial Chamber will examine each of these charges below.

3444. In relation to the *actus reus* of Count 1, the Prosecution argued that the destruction of a group may be pursued in ways that do not result in the death of a large number of people or even a single member of the protected group, in the Count 1 municipalities.[13338] In its final brief, the Prosecution focused on Prijedor Municipality in particular as an example for all of the Count 1 municipalities, highlighting that there were thousands of murders, incidents of serious bodily and mental harm, and subjecting members of the protected group to conditions calculated to destroy.[13339]

3445. *Killing members of the Bosnian-Muslim and Bosnian-Croat groups.* The Defence contended, specifically in relation to the killings, that the Prosecution failed to prove that the prohibited acts of killing in the Count 1 municipalities were committed as alleged.[13340]

3446. In relation to Foča Municipality, the Trial Chamber recalls its findings in chapters 8.3.2 and 4.3.1 *Schedules A.2.1, B.5.1* that 46 Bosnian Muslims as well as hundreds of predominantly Bosnian-Muslim detainees at KP Dom Foča were killed and

[13335] Adjudicated Facts I, no. 2.
[13336] Adjudicated Facts I, no. 6.
[13337] Adjudicated Facts I, no. 12.
[13338] Prosecution Final Brief, para. 353.
[13339] Prosecution Final Brief, paras 350, 352-365.
[13340] Defence Final Brief, paras 57-58, 75-79.

that those killings constituted murder.[13341] In relation to Ključ Municipality, the Trial Chamber recalls its findings in chapters 8.3.2 and 4.6.1 *Schedules A.3.3, B.8.1* that at least 266 Bosnian Muslims were killed and that those killings constituted murder. In relation to Kotor Varoš Municipality, the Trial Chamber recalls its findings in chapters 8.3.2 and 4.7.1 *Schedule A.4.4, unscheduled incidents of 13 June 1992 and 2 July 1992* that at least 185 Bosnian Muslims were killed and that those killings constituted murder. In relation to Prijedor Municipality, the Trial Chamber recalls its findings in chapters 8.3.2 and 4.10.1 *Schedules A.6.1, A.6.2, A.6.3, A.6.4, A.6.5, A.6.6, A.6.7, A.6.8, A.6.9, B.13.1, B.13.2, B.13.3, B.13.4, B.13.5, C.15.3, C.15.5* that: at least 993 Bosnian Muslims as well as at least 536 Bosnian Muslims or Bosnian Croats were killed and that those killings constituted murder. In relation to Sanski Most Municipality, the Trial Chamber recalls its findings in chapters 8.3.2 and 4.12.1 *Schedules A.7.1, A.7.2, A.7.3, A.7.4, A.7.5* that at least 94 Bosnian Muslims and 9 Bosnian Croats were killed and that those killings constituted murder. In Vlasenica Municipality, the Trial Chamber found in chapters 8.3.2 and 4.14.1 *Schedules A.9.1, B.16.1, B.16.2* that at least 169 Bosnian Muslims were killed and that those killings constituted murder.[13342] The Trial Chamber, accordingly, finds that a large number of Bosnian Muslims and/or Bosnian Croats were murdered in the Count 1 municipalities. The Trial Chamber, therefore, rejects the Defence's submissions that the Prosecution failed to prove that prohibited acts of killing in the Count 1 municipalities were committed as alleged.

3447. *Causing serious bodily or mental harm to Bosnian-Muslim and Bosnian-Croat members of the group.* In relation to the second underlying prohibited act of genocide, the Trial Chamber recalls that the bodily or mental harm caused must be of such a serious nature as to contribute or tend to contribute to the destruction of the group.[13343] The Defence contended that the Prosecution failed to prove that acts carried out in Foča, Ključ, Prijedor, and Vlasenica Municipalities threatened the destruction of any group in whole or in part, and more specifically, that conditions in the detention facilities set out

[13341] The Trial Chamber notes that the killing of one Muslim in June 1993 in Scheduled Incident B.5.1 and the killing of three Bosnian Muslims in the unscheduled incident in early spring 1993 fall outside the temporal scope of Count 1.

[13342] The Trial Chamber notes that these figures are based on an aggregation of a minimum number of those killed as found in chapter 8.3.2. The Trial Chamber observes that murder findings relating to a specific incident may: refer to killings of both Bosnian Muslims and Bosnian Croats together without further specificity; relate to hundreds of victims without further specificity; or provide a minimum number of victims or a numerical range for the number of victims. Considering the foregoing, the Trial Chamber is unable to provide a single precise figure on exactly how many Bosnian Muslims and Bosnian Croats were murdered in the Count 1 municipalities.

in Scheduled Incidents C.6.1, C.6.2, C.6.3, C.6.4, C.6.5, C.10.3, C.15.2, C.15.3, C.15.4, C.15.5, and C.19.3 did not amount to cruel and/or inhumane treatment.[13344]

3448. In relation to Sanski Most Municipality, the Trial Chamber observes that no incidents in detention facilities were charged as having caused serious bodily or mental harm. In relation to Kotor Varoš Municipality, in chapter 8.9.2 (b) no incidents were found to have constituted cruel and inhumane treatment.[13345] In chapter 8.9.2 (b) the conditions of detention or the treatment of the detained Bosnian Muslims at Bukovica Motel in Foča Municipality were not found to have constituted cruel and inhumane treatment. The Trial Chamber will not consider these incidents further.

3449. The Trial Chamber recalls its findings in the chapter on cruel and inhumane treatment as underlying acts of persecution 8.9.2 (b) and its factual findings in chapter 4.6.2, *Schedule C.10.3, unscheduled incidents at Sanica School and Sitnica School*.

3450. Regarding the treatment of detainees in Ključ Municipality, the Trial Chamber found that at Sanica School Bosnian-Muslim detainees were being escorted at gunpoint and were not fed. At Velagići Elementary School in Ključ Municipality on 1 June 1992, detainees were kept in one room and were beaten, threatened, and harassed before being killed. At Sitnica School in Ključ Municipality, detainees were beaten and interrogated from 3 until 7 June 1992, and only received a small sandwich after being detained for four days. While the Trial Chamber found that these acts caused serious mental and physical suffering and injury to the detainees, the Trial Chamber is not satisfied that these acts, even in conjunction with the limited food provided to the detainees, were of such a serious nature as to contribute, or tend to contribute, to the destruction of the protected groups. For these reasons, the Trial Chamber will not further consider the incidents at Sanica School, Sitnica School, and Velagići Elementary School for the purposes of Count 1 of the Indictment.

3451. The Trial Chamber recalls its findings in chapter 8.9.2 (b) and its factual findings in chapters 4.3.2 *Schedules C.6.1, C.6.2, C.6.3, C.6.4, C.6.5* and 4.14.2 *Schedule C.19.3, and unscheduled incident at Vlasenica Secondary School* that Bosnian Muslims

[13343] *See Seromba* Appeal Judgment, para. 46; *Tolimir* Appeal Judgment, para. 203.
[13344] Defence Final Brief, paras 57-58, 65-74, 80-82.
[13345] The Trial Chamber found in chapter 8.9.2 (b) that the acts inflicted on the Bosnian Muslims at the unscheduled incident in Grabovica School in Kotor Varoš Municipality did not cause serious mental or physical suffering or injury, or a serious attack on human dignity.

detained in Foča and Vlasenica Municipalities, namely at KP Dom Foča,[13346] Janjić's apartment,[13347] 'Karaman's house', the Worker's Huts in Buk Bijela, Partizan Hall, Foča High School and elsewhere in Foča, Sušica camp, and Vlasenica Secondary School were subjected to acts which caused serious mental and physical suffering and injury. The Trial Chamber made the same legal finding in chapter 8.9.2 (b) in relation to its factual findings in chapters 4.6.2 *unscheduled incident at Sitnica School* and 4.10.2 *Schedules C.15.2, C.15.3, C.15.4, C.15.5* for Bosnian Muslims and Bosnian Croats detained in Miška Glava Dom and in Omarska, Keraterm and Trnopolje camps in Prijedor Municipality. The Trial Chamber considers that the brutality of the harm suffered by these Bosnian Muslims and Bosnian Croats had a long-lasting, devastating, physical and mental impact on the victims who survived, which gravely affected their ability to lead normal and constructive lives. Other victims, who were later killed, suffered before facing their deaths. Having regard to the treatment of Bosnian Muslims and Bosnian Croats described in the findings in chapters 4.3.2 *Schedules C.6.1, C.6.2, C.6.3, C.6.4, C.6.5*, 4.6.2 *Schedule C.10.3, unscheduled incident at Sitnica School*, 4.10.2 *Schedules C.15.2, C.15.3, C.15.4, C.15.5* and 4.15.2 *Schedule C.19.3, unscheduled incident at Vlasenica Secondary School* and the legal finding in chapter 8.9.2 (b), the Trial Chamber finds that Bosnian Muslims in Foča, Prijedor, and Vlasenica Municipalities and Bosnian Croats in Prijedor Municipality were subjected to serious bodily or mental harm and that this harm contributed to the destruction of the protected groups. The Trial Chamber, therefore, rejects the Defence's submissions that the Prosecution failed to prove that prohibited acts causing serious bodily or mental harm in the Count 1 municipalities were committed as alleged.

3452. *Deliberately inflicting on Bosnian Muslims and Bosnian Croats conditions of life calculated to bring about the physical destruction of those groups in whole or in part.* The Defence argued that the alleged acts of deliberately inflicting on the group conditions of life calculated to bring about the physical destruction in whole or in part cannot be established.[13348] In particular, the Defence submitted that conditions of life calculated to bring about the physical destruction in whole or in part of the Bosnian

[13346] The Trial Chamber recalls its finding in chapter 4.3.2 *Schedule C.6.1* that ill-treatment occurred until October 1994. For the purposes of Count 1 of the Indictment, the Trial Chamber has not considered acts beyond 31 December 1992.
[13347] The Trial Chamber recalls its finding in chapter 4.3.2 *Schedule C.6.2* that a Bosnian-Muslim woman was raped at a Serb soldier's apartment from August 1992 to July 1993. For the purposes of Count 1 of the Indictment, the Trial Chamber has not considered acts beyond 31 December 1992.

Muslims and Bosnian Croats were not inflicted on these groups in the detention facilities set out in Scheduled Incidents C.6.1, C.6.2, C.6.3, C.6.4, C.6.5, C.10.3, C.15.2, C.15.3, C.15.4, C.15.5, and C.19.3.[13349]

3453. The Trial Chamber recalls that when the same prohibited acts are charged under both Article 4(2)(b) and Article 4(2)(c), a chamber will consider whether these alleged acts amount to conditions calculated to bring about physical destruction only when it does not find them to amount to 'causing serious bodily or mental harm'.[13350] The Trial Chamber, therefore has only considered prohibited acts under Article 4(2)(c) which are not found to have met the test under Article 4(2)(b) above. The Trial Chamber recalls that Article 4(2)(c) relates to those prohibited acts which do not immediately kill the members of a protected group, but which ultimately seek their physical destruction.[13351] Such acts include the imposition of inhumane living conditions, forced labour, and the failure to provide adequate accommodation, shelter, food, water, medical care or hygienic sanitation facilities.[13352]

3454. The Trial Chamber recalls its findings in chapter 8.9.2 (b) and, its factual findings in chapter 4.6.2 *Schedule C.10.3, unscheduled incidents at Sanica School and Sitnica School*. Based on the evidence before it, regarding the conditions of detention at Sanica School, Sitnica School, and Velagići Elementary School, the Trial Chamber is not satisfied that the conditions imposed at these facilities demonstrate that the perpetrators involved intended to deliberately inflict conditions of life calculated to bring about the physical destruction of the protected groups.

3455. In the foregoing paragraphs, the Trial Chamber has addressed the Defence's submissions that conditions of life calculated to bring about the physical destruction in whole or in part of the Bosnian Muslims and Bosnian Croats were not inflicted on these groups in certain detention facilities as alleged.

[13348] Defence Final Brief, paras 57-58, 66-74, 83-84, 86.
[13349] Defence Final Brief, paras 84, 86.
[13350] *See Brđanin* Trial Judgment, para. 905; *Karadžić* Trial Judgment, para. 2583.
[13351] *See Tolimir* Appeal Judgment, paras 227-228.
[13352] *See* Indictment, para. 39(c).

Mens rea - factors considered for the intent of physical perpetrators to destroy Bosnian Muslims and Bosnian Croats, in part, as such

3456. The Prosecution argued that the specific intent of the perpetrators is revealed both by the concerted attack on the very foundation and fabric of the protected group to prevent it from continued existence in the Count 1 municipalities through the prohibited acts and other culpable acts, as well as by direct evidence of intent found in the statements of Mladić, Karadžić, and other members of the alleged JCE.[13353] It submitted that in the Count 1 municipalities, the number and nature of the crimes, considered together, reflected an intention to destroy the groups in part rather than an intention just to 'ethnically cleanse' Bosnian Muslims and Bosnian Croats.[13354] The Defence argued that Count 1 is defective as it does 'not disclose the crime of genocide'. It submitted that while Count 1 alleges a discriminatory approach to killings, there is nothing to suggest the physical destruction of the 'national group' as opposed to its cultural or functional destruction.[13355]

3457. The Trial Chamber recalls Appeals Chamber jurisprudence that where direct evidence of specific intent is absent, the specific intent may be inferred from the surrounding facts and circumstances which may include: the general context; the perpetration of other culpable acts systematically directed against the same group; the scale of the atrocities committed; the systematic targeting of victims on account of their membership in a particular group; proof of the mental state with respect to the commission of the underlying acts; the repetition of destructive and discriminatory acts; or the existence of a plan or policy.[13356] The collective scale of the atrocities in the Count 1 municipalities, comprising of prohibited acts and other culpable acts, is vast. The prohibited acts were committed by a myriad of physical perpetrators in each individual Count 1 municipality. Therefore, the Trial Chamber considers that to be able to draw inferences, on whether the physical perpetrators committed the prohibited acts with the requisite specific intent, its inquiry should proceed as follows. The Trial Chamber will assess the surrounding facts and circumstances in respect of physical perpetrators of prohibited acts in a municipality. In this context, the Trial Chamber will

[13353] Prosecution Final Brief, paras 351-353, 366-373.
[13354] Prosecution Final Brief, para. 350.
[13355] Defence Final Brief, paras 45, 49-53.

consider whether there were any connections between physical perpetrators of the prohibited acts in terms of time, place or their membership of a group in a particular incident or in other incidents in that municipality, such that an intent to destroy a protected group can be inferred from their collective prohibited acts. The Trial Chamber will also consider whether the physical perpetrators of prohibited acts participated in other culpable acts which could indicate an intent to destroy a part of the protected group. Before setting out its findings on the specific intent of the physical perpetrators, the Trial Chamber, for each protected group in each Count 1 municipality, will discuss the foregoing. The Trial Chamber will consider the specific intent, if any, of the Accused and other alleged JCE members in chapter 9.2.14 in light of the totality of the evidence and the findings made on the specific intent of the physical perpetrators.

3458. *Bosnian Croats in Foča, Ključ, Kotor Varoš, and Vlasenica Municipalities.* The Trial Chamber recalls that it has not established that Bosnian Croats were the victims of prohibited acts in Foča, Ključ, Kotor Varoš, and Vlasenica municipalities. The Trial Chamber will, therefore, consider the surrounding facts and circumstances in which Bosnian Muslims in Foča, Ključ, Kotor Varoš, and Vlasenica Municipalities were the victims of prohibited acts before discussing the surrounding circumstances in which Bosnian Muslims and Bosnian Croats were the victims of prohibited acts in Prijedor and Sanski Most Municipalities.

3459. *Bosnian Muslims in Foča Municipality.* The Trial Chamber recalls its findings in chapters 8.3.2 and 8.9.2 (b) regarding Bosnian Muslims in Foča Municipality. The Trial Chamber found for Schedule A.2.1 that in early July 1992, local Serb soldiers, led by Gojko Janković and including Radomir Kovač a.k.a. Klamfa, Janko Janjić a.k.a. Tuta, Slavo Ivanović a.k.a. Jazavac, Dragan Zelenović a.k.a. Zelja, and Visco Miletić killed ten Bosnian-Muslim civilians in the village of Mješaja/Trošanj. In chapters 8.4.2 and 8.9.2 (a) the Trial Chamber could not find that these perpetrators intended to kill on a mass scale, but that they carried out these killings on political, racial or religious grounds. The Trial Chamber found that between June and August 1992, some of these perpetrators, namely Gojko Janković,[13357] Radomir Kovač,[13358] Janko Janjić,[13359] Slavo

[13356] *Jelisić* Appeal Judgment, paras 47-48; *Krstić* Appeal Judgment, para. 34; *Stakić* Appeal Judgment, para. 55; *Hategekimana* Appeal Judgment, para. 133; *Karadžić* Rule 98 *bis* Appeal Judgment, paras 80, 99; *Popović et al.* Appeal Judgment, paras 430, 440, 468; *Tolimir* Appeal Judgment, paras 246, 248, 253.
[13357] Scheduled Incidents A.2.1, C.6.2, and C.6.3 at the Worker's Huts in Buk Bijela.
[13358] Scheduled Incidents A.2.1 and C.6.2.
[13359] Scheduled Incidents A.2.1, C.6.1, C.6.2, C.6.4, and C.6.5.

Ivanović,[13360] and Dragan Zelenović,[13361] subjected Bosnian Muslims in multiple detention facilities to acts causing serious bodily and mental harm, with acts at KP Dom Foča continuing beyond 1992. Between June and August 1992, Dragoljub Kunarac a.k.a. Žaga,[13362] Dragan Gagović,[13363] Radovan Stanković,[13364] who were not found to have been involved in killings, subjected Bosnian Muslims in multiple detention facilities to conditions constituting serious bodily and mental harm. The Trial Chamber also recalls its findings in chapter 8.9.2 (b) that these perpetrators subjected Bosnian Muslims to cruel and/or inhumane treatment on political, racial or religious grounds, whilst unlawfully detaining these victims also on political, racial or religious grounds.

3460. The Trial Chamber refers to its finding in chapter 3.1.2 that Marko Kovač, Commander of the VRS Foča Tactical Group, was the superior officer with the following directly subordinated to him: Gojko Janković and Janko Janjić a.k.a. Tuta who had their own sub-units; Brane Ćosović who had his own unit; and Dragoljub Kunarac's who was the head of a Detachment. Radomir Kovač a.k.a. Klamfa and Dragan Zelenović a.k.a. Zelja were subordinates to Janko Janjić and Brane Ćosović respectively. Dragoljub Kunarac's Detachment engaged in operations together with the Elez Battalion, also known as the Miljevina Battalion, commanded by Pero Elez. Radovan Stanković was one of Elez's men.

3461. In addition, the Trial Chamber found, in Scheduled Incident B.5.1, that in the second half of 1992, Gojko Janković, Janko Janjić a.k.a. Tuta, Predrag Trivun a.k.a. Pedo, Nikola Brčić, Neđo Samardžić, Dragan Zelenović a.k.a Zelja, Pero Elez, and Zoran Samardžić, alongside other perpetrators, murdered hundreds of Bosnian Muslims, who were civilians or combatants placed *hors de combat*, at KP Dom Foča. The Trial Chamber also found that Zoran Samardžić, as Commander of the Miljevina Military Police, was subordinated to Pero Elez. Predrag Trivun a.k.a. Pedo or Pedolino who commanded part of the Miljevina Battallion was also subordinated to Pero Elez. The Trial Chamber found that the perpetrators of this incident intended to kill on a mass scale in the same murder operation with the killing of 36 Bosnian-Muslim detainees in June and July 1992 in Scheduled Incident B.5.1 and carried out these killings on

[13360] Scheduled Incidents A.2.1 and C.6.5.
[13361] Scheduled Incidents A.2.1, C.6.2, C.6.3 at the Worker's Huts in Buk Bijela, and C.6.5.
[13362] Scheduled Incidents C.6.2, C.6.4, and C.6.5.
[13363] Scheduled Incidents C.6.4 and C.6.5. The Trial Chamber found Dragan Gagović to have been the head of the Foča police.
[13364] Scheduled Incident C.6.2.

political, racial or religious grounds. Predrag Trivun and Zoran Samardžić, who had both committed prohibited acts in the second half of 1992, also killed a Bosnian-Muslim doctor in June 1993, by suspending him by his legs, lighting a fire under his head, and beating him for four hours until he died.[13365] The Trial Chamber further found that Pero Elez Neđo Samardžić, Zoran Samardžić, and Radovan Stanković subjected Bosnian Muslims to cruel and inhumane treatment at two detention facilities, which was discriminatory.[13366]

3462. The Trial Chamber found in an unscheduled incident in early spring of 1993 that Neđo Samardžić and Nikola Brčić, upon the order of Marko Kovač, Commander of the Tactical Group in Foča, shot and killed three elderly Bosnian-Muslim women in Foča Municipality in Kovač's presence. The Trial Chamber recalls 8.9.2 (a) that the killing was on political, racial or religious grounds. The Trial Chamber recalls its findings in chapters 8.9.2 (b) and 4.3.2 *Schedule C.6.1* that Marko Kovač was responsible for the detentions at KP Dom Foča and that Milorad Krnojelac, among others, was responsible for the conditions which caused serious bodily and mental harm there. The Trial Chamber recalls its findings in chapters 8.9.2 (b) and 4.3.2 *Schedule C.6.2* that from early August 1992, Neđo Samardžić, Zoran Samardžić, Radovan Stanković, and Nikola Brčić, a.k.a. Rodzo, raped women and girls at Karaman's house and subjected them to conditions constituting serious bodily and mental harm that were discriminatory.

3463. The Trial Chamber found in chapter 4.3.3 that villages were attacked until early June 1992 and, once secured, Serb forces – the military, the police, the paramilitaries, and sometimes Serb villagers – burned down Muslim houses and apartments. In one instance, around 5 August 1992, Dragoljub Kunarac's a.k.a Žaga's men destroyed a Muslim sacred site in Foča Town. The Trial Chamber also notes its finding above that Dragoljub Kunarac, a.k.a. Žaga, inflicted serious bodily and mental harm on detainees at three detention facilities.[13367] The Trial Chamber recalls its finding in 8.9.2 (g) that the destruction of houses and apartments was committed on a discriminatory basis. The Trial Chamber also found in chapter 4.3.7 that, beginning in mid-June 1992, the Serb forces – the military, the police, the paramilitaries and, sometimes, also Serb villagers –

[13365] The Trial Chamber notes that while the incident in June 1993 is outside the temporal scope in which prohibited act were alleged to have occurred, the brutality of this killing and the involvement of the same physical perpetrators only a few months from which they committed prohibited acts were relevant considerations for their specific intent.
[13366] Scheduled Incidents C.6.1 and C.6.2.
[13367] Scheduled Incidents C.6.2, C.6.4 and C.6.5.

participated in a pattern of acts, including burning homes belonging to Bosnian Muslims, rounding up Bosnian Muslims and killing them, which caused surviving Bosnian Muslims to leave the municipality from July until 13 August 1992. Civilian and military authorities, including the Foča War Commission, arranged transportation of individuals leaving the municipality. From 26 June 1992 to December 1992, other Bosnian Muslims were taken from their places of detention, including KP Dom Foča, to other parts of the country or abroad by a number of perpetrators, including '*chetniks*' utilizing police cars upon directions from Gojko Janković and Pedro Gašević, and '*chetniks*' wearing SMB uniforms. The Trial Chamber found in chapter 8.9.2(c) that the Bosnian Muslims were forcibly transferred or deported on political, racial or religious grounds. The Trial Chamber further notes its finding above that Gojko Janković killed Bosnian Muslims and inflicted serious bodily and mental harm on Bosnian Muslims at two detention facilities. The Trial Chamber also found in chapter 8.9.2 (h) that Serb soldiers and police restricted the movement of Bosnian Muslims in the municipality from 12 May to July 1992.

3464. The Trial Chamber observes that Bosnian Muslims in Foča Municipality were the victims of a number of crimes constituting prohibited acts and other culpable acts, including killings, detention, cruel and inhumane treatment, destruction of property, inhumane acts (forcible transfer), and deportation. These acts against Bosnian Muslims were committed mainly between June and August 1992, and at times beyond August 1992 to December 1992. The majority of these killings, cruel and inhumane treatment, destructions, unlawful detentions, inhumane acts (forcible transfer) and deportation were committed on a discriminatory basis against Bosnian Muslims in the context of a widespread and systematic attack directed against the civilian population. The Trial Chamber will consider the above factors in its findings on intent to destroy the protected groups below.

3465. *Bosnian Muslims in Ključ Municipality*. The Trial Chamber recalls its findings in chapter 8.3.2 regarding Bosnian Muslims in Ključ Municipality. In early June 1992, members of the VRS killed at least 77 Bosnian-Muslim men at Velagići School, and on 10 July 1992, VRS soldiers, military police, and reserve police members killed at least 189 Bosnian-Muslim detainees, including women, elderly men, and one baby in Biljani. The killings in Biljani took place in the context of a mopping up operation per orders from Drago Samardžija, Commander of the VRS 17th Light Infantry Brigade. Mile

Pešević, a Serb soldier, was present before the killings. In chapters 8.4.2 and 8.9.2 (a), the Trial Chamber found that the perpetrators of both incidents intended to kill on a mass scale and carried out these killings on political, racial or religious grounds.

3466. In chapter 8.9.2 (b), the Trial Chamber found that on 1 June 1992, members of the VRS, subjected Bosnian Muslims to cruel and/or inhumane treatment at the Velagići Elementary School. Members of the military police, including Mile Petrović and Ratko Samac, searched and assaulted detainees upon arrival at the school. The Trial Chamber also recalls its findings in chapter 8.9.2 (b) that the perpetrators carried out these acts on political, racial or religious grounds, while unlawfully detaining these victims also on political, racial or religious grounds. Furthermore, from 1 June to about 7 June 1992, policemen from Ključ, including Duško Pavlović, reserve police officers and the commander of the Sanica police, Milan Tomić, unlawfully detained Bosnian Muslims and Bosnian Croats at Sitnica School, and subjected them to cruel and/or inhumane treatment in a discriminatory manner. The Trial Chamber was unable to determine the precise affiliation of the physical perpetrators who caused serious bodily or mental harm.

3467. The Trial Chamber refers to its findings in chapter 4.6.3 that (i) Serb forces completely destroyed or heavily damaged around 3,500 Muslim-owned houses in the municipality between June and mid-July 1992; (ii) during attacks against Pudin-Han and the Muslim village of Hadžići by a VRS battalion and other units between 28 and 31 May 1992, all houses in Gornji Hadžići were destroyed; (iii) during the same attacks, local Serbs and the VRS blew up one Muslim sacred site, the Pudin Han-Velagići mosque; (iv) on or about 28 May 1992, local Serbs and the VRS destroyed four Muslim sacred sites; (v) Serb forces destroyed with explosives two sacred sites, the Ključ Catholic Church and the Atik Mosque, in Ključ Town in 1992; and (vi) on or around 10 July 1992, following the shelling of Biljani, Bosnian-Serb forces set houses on fire and burned one Muslim sacred site, Biljani-Džaferagići mosque**,** and then razed its ruins with explosives. The Trial Chamber recalls its finding in 8.9.2 (g) that these acts of destruction were carried out on a discriminatory basis against Bosnian Muslims.

3468. The Trial Chamber also established in chapter 4.6.7 that most Bosnian Muslims had left the municipality by the summer of 1992 out of fear because of unbearable circumstances. These circumstances included provocations, looting, thefts, shooting, torching of property, and killings. Departing convoys were organized by both the

Civilian Protection Department of the Ključ Municipal Assembly and the police, and were generally escorted by the police to territory under the control of Muslims and Croats. At the departure point for convoys, Bosnian-Serb local police and the VRS checked lists of who paid what was demanded of them and who signed over their property. The Trial Chamber recalls its finding in 8.5.2 that the Bosnian Muslims were forcibly transferred on political, racial or religious grounds. The Trial Chamber also found in chapter 8.9.2 (h) that Serbs, Serb police, and the Ključ Municipal Assembly restricted the movement of Bosnian Muslims in Ključ from 12 May 1992, and that Serb authorities also dismissed Bosnian Muslims from their jobs including at public bodies.

3469. The Trial Chamber observes that Bosnian Muslims in Ključ Municipality were the victims of a number of crimes constituting prohibited acts and other culpable acts, including killings, unlawful detention, cruel and inhumane treatment, destruction of property, inhumane acts (forcible transfer) and deportation. The prohibited and other culpable acts against Bosnian Muslims in Ključ Municipality were committed within a relatively short period of time, between 12 May 1992 and mid-July 1992. By the summer of 1992 there were few Bosnian Muslims left in the municipality. The majority of these killings, cruel and inhumane treatment, destructions, unlawful detentions and inhumane acts (forcible transfer) and deportation were committed on a discriminatory basis against Bosnian Muslims in the context of a widespread and systematic attack directed against the civilian population. The Trial Chamber will consider the above factors in its findings on intent to destroy the protected groups below.

3470. *Bosnian Muslims in Kotor Varoš Municipality*. The Trial Chamber recalls its findings in chapter 8.3.2 regarding Bosnian Muslims in Kotor Varoš Municipality. In relation to Scheduled Incident A.4.4, the Trial Chamber found that members of the VRS 1st Kotor Varoš Light Infantry Brigade killed approximately 150 unarmed Bosnian-Muslim men at Grabovica School on 4 November 1992 while these members were under the command of Dušan Novaković, Commander of the VRS 1st Kotor Varoš Light Infantry Brigade. The Trial Chamber also found in chapter 9.2.10 that pursuant to a verbal order from Duško Kerezović, members of the Sanitation Unit, with the help of 20 soldiers from the Grabovica and Vrbanjci units, and Nedeljko Đekanović, the President of the Kotor Varoš War Presidency made efforts to conceal the murder at Grabovica School from the international community.

3471. The Trial Chamber also found that Bosnian Muslims were killed in the following instances: on 13 June 1992 in Hrvačani by Serb military forces; on 2 July 1992 by military forces under the command of Slobodan Župljanin and Saša Petrović, or members of the Banja Luka CSB Special Police Detachment. The Trial Chamber found in chapters 4.7.1 and 3 that Slobodan Župljanin was the 2nd Infantry Battalion Commander of the VRS 22nd Brigade which was part of the 1KK. The Trial Chamber found in chapter 9.2.10 that Duško Kerezović, acting pursuant to orders from Sretko Majstorović, the Minister of War for Kotor Varoš, and members of the Sanitation Unit made efforts to conceal the murder from the public. In chapters 8.4.2 and 8.9.2 (a), the Trial Chamber found that the perpetrators of the incidents on 13 June 1992 and 2 July 1992 intended to kill on a mass scale and carried out these killings on political, racial or religious grounds. In chapter 8.9.2 (f), the Trial Chamber found that the appropriation of money and valuables by VRS members from Bosnian-Muslim detainees in a field near Grabovica was a crime and was carried out on political, racial or religious grounds.

3472. The Trial Chamber recalls its findings in chapter 4.7.3 that in mid-1992, including in May and June 1992, Bosnian-Serb forces, including the police, the VRS, and the VRS 1st Kotor Varoš Light Infantry Brigade, destroyed many houses of Bosnian Muslims as well as the Hanifići and Hrvačani mosques. In 1992, the VRS 1st Kotor Varoš Light Infantry Brigade and the special police unit of CSB Banja Luka, as well as various police forces from Kotor Varoš and Banja Luka, also destroyed the old and new mosques in Večići, Vrbanjci mosque, and blew up the Shrine of the Three Brothers in Večići. The Trial Chamber found in chapter 8.9.2 (g) that these acts of destruction were carried out on a discriminatory basis against Bosnian Muslims. The Trial Chamber recalls its findings in chapter 4.7.7 that between June and November 1992, Bosnian Muslims left the municipality in convoys and that some were made to leave and others registered to leave because of their living conditions. The forces attacking the municipality consisted of VRS units, police, and the special police unit of CSB Banja Luka. The Trial Chamber recalls its finding in 8.5.2 that the Bosnian Muslims were forcibly transferred on political, racial or religious grounds. The Trial Chamber also refers to its findings in chapter 8.9.2 (h) that the VRS and the local authorities in Kotor Varoš Municipality, including the MUP and the Kotor Varoš Crisis Staff, imposed restrictive and discriminatory measures upon Bosnian Muslims in Kotor Varoš from 12 May 1992 onwards.

3473. The Trial Chamber observes that Bosnian Muslims in Kotor Varoš Municipality were the victims of a number of crimes constituting prohibited acts and other culpable acts, including killings, destruction of property, plunder and appropriation, inhumane acts (forcible transfer) and deportation. Bosnian Muslims were attacked in Kotor Varoš Municipality from at least May to November 1992. The majority of these killings, destructions, inhumane acts (forcible transfer) and deportation were committed on a discriminatory basis against Bosnian Muslims in the context of a widespread and systematic attack directed against the civilian population. The Trial Chamber will consider the above factors in its findings on intent to destroy the protected groups below.

3474. *Bosnian Muslims in Vlasenica Municipality.* The Trial Chamber recalls its findings in chapters 8.3.2 and 8.9.2 (b) regarding Bosnian Muslims in Vlasenica Municipality. In relation to Scheduled Incident B.16.1, the Trial Chamber found that in June and July 1992, Dragan Nikolić and Goran Tešić, both members of the Bosnian-Serb MUP and Mićo Kraljević's special police platoon of Vlasenica SJB, killed eight Bosnian Muslims at Sušica camp, either through shooting or severe mistreatment. The Trial Chamber also found that one victim was killed by these men or local policemen. In chapter 8.9.2 (a), the Trial Chamber found that the physical perpetrators carried out these killings on political, racial or religious grounds. Both Dragan Nikolić, camp commander in charge of security matters and daily operations, and Goran Tešić, alongside other perpetrators, subjected Bosnian Muslims to acts at Sušica camp (Scheduled Incident C.19.3), between 31 May 1992 and 30 September 1992, which were found in this chapter (above) to constitute serious bodily and mental harm.[13368] The Trial Chamber also recalls its findings in chapter 8.9.2 (b) and (d) that the physical perpetrators carried out these acts on political, racial or religious grounds, whilst unlawfully detaining these victims also on political, racial or religious grounds. The other perpetrators at Sušica camp were: Veljko Bašić, a former policeman mobilized into Vlasenica SJB; the Vlasenica Crisis Staff and guards, consisting of members of the VRS and the MUP; other police officers; Goran a.k.a. Vjetar; and Đuro. The Vlasenica Crisis Staff were also involved in other culpable acts, as recalled below.

[13368] The Trial Chamber recalls that Dragan Nikolić assumed his duties sometime in mid-June 1992 upon appointment by Mićo Kraljević.

3475. The Trial Chamber found in chapters 4.14.2 *Other detention incidents – Vlasenica secondary school* and 8.9.2 (b) that Veljko Bašić was also the commander at the Vlasenica secondary school where, between 31 May 1992 and 8 June 1992, 160 Bosnian-Muslim men were detained in conditions which were found in this chapter (above) to constitute serious bodily and mental harm. The guards at the school included Vojin Grabovica, a person called Zoran, Milorad Petrović, and Dragan Lukić.

3476. In relation to Scheduled Incident A.9.1, the Trial Chamber found that members of Kraljević's unit supported by VRS members killed Bosnian Muslims on 2 June 1992 in Drum in the context of a wider operation in Vlasenica Municipality. Kraljević's unit was formally under TO command but operationally under the command of Vlasenica SJB at the time (until some time in June when it was also formally attached to the SJB). For Scheduled Incident B.16.2, the Trial Chamber found that MUP officers, upon the order of Mane Đurić, Head of the Vlasenica SJB as of 20 May 1992, removed 140-150 Bosnian-Muslim detainees from Susica camp and killed them on 30 September 1992. In chapters 8.4.2 and 8.9.2 (a), the Trial Chamber found that the perpetrators of Scheduled Incident A.9.1 intended to kill on a mass scale and that the perpetrators of both Scheduled Incidents A.9.1 and B.16.2 carried out these killings on political, racial or religious grounds.

3477. The Trial Chamber recalls its findings in chapter 4.14.3 that: (i) on 30 or 31 May 1992 and 2 June 1992 a VRS unit acting on the orders of Kraljević and police officers from the Vlasenica SJB, destroyed houses belonging to Bosnian Muslims during the two Gradina operations. This was particularly the case in Gradina itself and its surrounding villages such as Barice and Piskavice, a mixed Serb and Muslim village; and (ii) in August 1992, a VRS unit destroyed the Vlasenica Town Mosque. The Trial Chamber found in 8.9.2 (g) that these acts of destruction were carried out on a discriminatory basis against Bosnian Muslims. The Trial Chamber established in chapter 4.14.7 that Bosnian Muslims did not feel their lives were secure in Vlasenica Municipality and that, by August 1992, almost all Bosnian Muslims had left the municipality. The Trial Chamber also recalls that in May and June 1992, Kraljević, under the command of the Vlasenica Crisis Staff, led the Vlasenica SJB special police platoon, supported by a VRS unit, to take over Gradina, Sušica and other Bosnian-Muslim hamlets and sent women and children to Vlasenica town. Kraljević ordered the SJB special police platoon to torch all Bosnian-Muslim houses in order to prevent

owners from returning. Following the Serb forces' 1992 take-over of 16 Muslim villages in Vlasenica Municipality, including Drum, Piskavice, Gradina, Zaklopača, and Turalići, no non-Serb inhabitants remained in those villages; those that survived either escaped or were taken to Sušica camp. Between June and August 1992, a large number of women, children, and elderly men were transferred from Sušica camp to Kladanj or Cerska by Serb police or military. The Trial Chamber recalls its finding in 8.9.2 (c) that the Bosnian Muslims were forcibly transferred on political, racial or religious grounds.

3478. The Trial Chamber also found in chapter 8.9.2 (h) that there were restrictive and discriminatory measures imposed upon Bosnian Muslims in Vlasenica Municipality as acts of persecution. The perpetrators of these acts included: members of the Vlasenica Crisis Staff, headed by Milenko Stanić, who restricted the movement of Bosnian Muslims in the municipality from 19 May 1992; and members of the Vlasenica SJB who dismissed Bosnian-Muslim police staff around 17 or 18 May 1992. In chapter 8.9.2 (f), the Trial Chamber found that: (i) in June 1992, members of Kraljević's unit took televisions and other property from Bosnian-Muslim residences in Vlasenica Town; and (ii) in early June 1992, at Sušica camp, possessions were taken from Bosnian-Muslim detainees following an order from Dragan Nikolić, and guards stripped more than 800 Bosnian-Muslim women of their valuables. The Trial Chamber found that these acts were crimes and were carried out on political, racial or religious grounds.

3479. The Trial Chamber observes that Bosnian Muslims in Vlasenica Municipality were the victims of a number of crimes constituting prohibited acts and other culpable acts, including killings, detention, cruel and inhumane treatment, destruction of property, plunder and appropriation, inhumane acts (forcible transfer), and deportation. Bosnian Muslims were attacked in Vlasenica Municipality between May and September 1992. The majority of these killings, cruel and inhumane treatment, destructions, unlawful detentions, inhumane acts (forcible transfer), and deportation were committed on a discriminatory basis against Bosnian Muslims in the context of a widespread and systematic attack directed against the civilian population. The Trial Chamber will consider the above factors in its findings on intent to destroy the protected groups below.

3480. *Bosnian Croats and Bosnian Muslims in Prijedor Municipality*. The Trial Chamber recalls its findings in chapters 8.3.2 and 8.9.2 (b) regarding Bosnian Croats and Bosnian Muslims in Prijedor Municipality. In Scheduled Incident A.6.1, the Trial

Chamber found that from 24 until around 26 May 1992, a range of perpetrators, attacked the predominantly Bosnian-Muslim town of Kozarac and its surrounding Bosnian-Muslim villages through shelling and infantry advances, killing Bosnian Muslims. The perpetrators included VRS units of the Banja Luka Corps, commanded by Talić, including the 343rd Mechanised Brigade, later known as the 43rd Motorised Brigade commanded by Vladimir Arsić and, his deputy, Radmilo Zeljaja. In addition, Duško Tadić, Andžić's paramilitaries, members of the 5th Kozara Brigade, the 6th Krajina Brigade commanded by Branko Basara including a platoon under the command of Macola, as well as the *Crni Đorde* intervention platoon, a scouts platoon, a police platoon and the Serb police from Prijedor, headed by Simo Drljača, participated in the attack. The Trial Chamber found that all the paramilitary units which took part in the attack on Kozarac were part of the VRS in May 1992 for the purpose of this attack.

3481. In relation to Scheduled Incident A.6.2, Mićo Jurusić and Jevo Maseldžija, both Serb police officers, along with four other men killed two Bosnian Muslims on 1 July 1992.

3482. In Scheduled Incident A.6.3, the Trial Chamber found that the same forces that attacked Kozarac in late May 1992 attacked the predominantly Bosnian-Muslim village of Kamičani and entered the basement of Mehmed Šahorić's house, where they killed nine Bosnian Muslims who were hiding. Eight of the victims were found in civilian clothing and six of the victims were over the age of 60.

3483. In Scheduled Incident A.6.4, the Trial Chamber found that Duško Tadić and the uniformed soldiers who were with him killed Bosnian Muslims on 14 June 1992 in Jaskići. The Trial Chamber recalls from chapter 4.10.1 *Schedule A.6.4* that the attack on Jaskići on 14 June 1992 was part of an attack in the areas of Kozarac village, Prijedor, and Sanski Most. It further recalls that the killings in Jaskići were perpetrated by members of the same forces that attacked Kozarac in late May 1992. The Trial Chamber recalls from chapter 4.10.1 *Schedule A.6.1* that in February or March 1992, Radmilo Zeljaja, Deputy Commander of the 43rd Motorized Brigade, said that 'he was going to level Kozarac because they were preparing a defence'. Similarly, during a meeting with SDA leaders in May 1992, Zeljaja had threatened to 'raze Kozarac to the ground' if they would not surrender several thousand pieces of weaponry within 48 hours. When the SDA leaders pleaded that there was not much weaponry to surrender, Zeljaja responded that this was their problem.

3484. In Scheduled Incident A.6.5, between 1 and 23 July 1992, including during and immediately after they had attacked the Brdo area, members of the Bosnian-Serb military and police, imcluding Velimir Đurić, Zoran Babić, Dragomir Soldat, Goran Gruban, Mićo Jurusić, Vinko Panić, killed Bosnian-Muslim and Bosnian-Croat civilians in Čarakovo. The Trial Chamber recalls its finding in chapter 3.1.2 that Goran Gruban was a member of the 43rd Motorized Brigade. In Scheduled Incident A.6.6, on 20 July 1992 Bosnian-Muslim men were killed in Bišćani, Čemernica, Mrkalji and Hegići by Bosnian-Serb soldiers including Gligić who belonged to a group which was commanded by Rade Bilbija. The Trial Chamber recalls the evidence in chapter 3.1.2 that Rade Bilbija was a battalion commander of the 43rd Motorised Brigade. It further recalls that members of the 43rd Motorised Brigade's Logistics Battalion were ordered to collect bodies in Brdo and Bišćani and clean the areas.

3485. In Scheduled Incident A.6.9, on 24 and 25 July 1992, the VRS, comprising members of the 6th Krajina Brigade under the command of Colonel Basara and the 5th Kozara Brigade, killed at least 68 people who were mainly Bosnian Croats.

3486. In Scheduled Incidents A.6.7 and A.6.8, on 25 July 1992, Bosnian Muslims and Bosnian Croats were killed by Bosnian-Serb soldiers including a VRS military police officer, and police, including a MUP policeman called Stiven. The Trial Chamber could not establish precise affiliations to units or brigades for these physical perpetrators.

3487. In chapters 8.4.2 and 8.9.2 (a), the Trial Chamber found that the perpetrators of Scheduled Incidents A.6.1, A.6.3, A.6.4, A.6.5, and A.6.9 intended to kill on a mass scale and carried out these killings on political, racial or religious grounds. In Scheduled Incident A.6.2, the Trial Chamber found that the perpetrators did not intend to kill on a mass scale or on political, racial or religious grounds.

3488. In Scheduled Incidents C.15.2, C.15.3, and C.15.4, the Trial Chamber found that the Prijedor Crisis Staff established the Trnopolje, Omarska, and Keraterm camps. The Trial Chamber also found that, among others, the Prijedor Crisis Staff, the SJB and the VRS detained people and were responsible for the conditions at the camps.

3489. In Scheduled Incident C.15.2, at Omarska, perpetrators who caused serious bodily or mental harm included Milutin Popović a.k.a. Pop, Žarko Marmat, Miroslav Zorić, Ranko Mijić, Dušan Knežević a.k.a. Duca, Zoran Žigić, Mirvan**,** Mlađo Radić a.k.a Krkan, Momir Gruban a.k.a. Čkalja, Milojica Kos a.k.a. Krle, and Miroslav

Kvočka. The Trial Chamber recalls the evidence in chapter 3.1.2 that Dušan Knežević and Zoran Žigić were members of the reconnaissance and sabotage unit of the 43rd Motorized Brigade. Mlađo Radić a.k.a. Krkan, raped and sexually assaulted female detainees.

3490. In Scheduled Incident C.15.3, at Keraterm, perpetrators who caused serious bodily or mental harm included Duško Sikirica who served as the camp commander. Other perpetrators included members of the Banja Luka CSB, Banja Luka Corps / 1KK, 'Čupo' Banović, Dragan Kondić, Zoran Žigić, and guards working on the shift led by 'Kole', Dušan Knežević a.k.a. 'Duča', and Nedeljko Timarac. The Trial Chamber recalls the evidence in chapter 3.1.2 that Dušan Knežević and Zoran Žigić were members of the reconnaissance and sabotage unit of the 43rd Motorized Brigade.

3491. In Scheduled Incident C.15.4, at Trnopolje, perpetrators who caused serious bodily or mental harm included Slobodan Kuruzović, who was the camp commander and Slavko Puhalić, his deputy. The Trial Chamber recalls the evidence described in chapter 3.1.2 that Slobodan Kuruzović and Slavko Puhalić were members of the 43rd Motorized Brigade. Other perpetrators at Trnopolje included Darko Mrđa, Mladen Mitrović, Mirijan Mitrović, a man named Stojanović a.k.a. Zemunac, Dragoja Ćavić, Dragan Škrbić, Stojan Madzar a.k.a. Stole, Branko Topola, soldiers named Mile and Deba, and Zoran Žigić. VRS soldiers came from outside with the assistance of Kuruzović to rape and sexually assault detainees. The Trial Chamber recalls the evidence in chapter 3.1.2 that Zoran Žigić, Dragan Škrbić, and Stojan Madžar were members of the reconnaissance and sabotage unit of the 43rd Motorized Brigade.

3492. In Scheduled Incident C.15.5, the perpetrators who caused serious bodily or mental harm included members of the Miška Glava TO. In Scheduled Incident C.15.3, the Prijedor SJB, among other perpetrators, inflicted serious bodily and mental harm on Bosnian Croats and Bosnian Muslims at Keraterm camp from 25 May until at least 5 August 1992. In Scheduled Incident C.15.2, members of the SJB inflicted serious bodily and mental harm on Bosnian Croats and Bosnian Muslims at Omarska camp between 27 May and 16 August 1992, but the Trial Chamber was unable to determine whether these members belonged to the Prijedor SJB or another SJB. The Trial Chamber recalls its findings in chapters 8.9.2 (b) that the perpetrators, including members of the Prijedor Crisis Staff, who inflicted serious bodily and mental harm on Bosnian Croats and Bosnian Muslims in the detention facilities carried out these acts on political, racial or

religious grounds, whilst unlawfully detaining these victims also on political, racial or religious grounds.[13369]

3493. With regard to killings in detention settings in Prijedor Municipality, the Trial Chamber made the following findings. In Scheduled Incident B.13.1, on or around 25 July 1992 camp guards and VRS soldiers killed between 190 and 220 detainees in Keraterm camp after corralling them in Room 3. In Scheduled Incident C.15.3, during the night of 2 to 3 July 1992, camp guards at Keraterm killed a detainee. In Scheduled Incident B.13.2, camp guards killed detainees at Omarska camp. In Scheduled Incident B.13.3, on 5 August 1992, unidentified Bosnian Serbs killed at least 126 detainees from Omarska and Keraterm camps and in Scheduled Incident B.13.4, in the second half of July 1992, camp guards from Omarska killed approximately between 100 and 180 detainees from Omarska camp. In Scheduled Incident B.13.5, camp guards and soldiers killed detainees at Trnopolje camp. The Trial Chamber observes that the camp guards who committed these murders were the same group of camp guards who caused serious bodily and mental harm to detainees. In chapters 8.4.2 and 8.9.2 (a), the Trial Chamber found that all of the killings in the detention centres, other than B.13.3, were carried out on political, racial or religious grounds. The perpetrators of Scheduled Incidents B.13.1, B.13.3, and B.13.4 also intended to kill on a mass scale.

3494. The Trial Chamber found in chapter 4.10.3 that (i) on 23 and 26 May 1992 and continuing until 23 July 1992, during the attack on the predominantly Bosnian-Muslim villages of Hambarine, Bišćani, Čarakovo, Kevljani and Kamičani the VRS, including the 5th Kozara Brigade, acting jointly with police and paramilitary groups shelled and burned houses in those areas. They destroyed the old mosque in Hambarine, the Kamičani mosque, the Bišćani mosque, the Čarakovo mosque, and the new mosque in Kevljani. The perpetrators included Velimir Đurik a.k.a. Velja, Zoran Babić a.k.a. Babin, Goran Gruban, and Dragomir Soldat a.k.a. Čiča (ii) in mid-1992, Bosnian-Serb forces set fire to houses in the predominantly Bosnian-Muslim village of Kozaruša, and on the same day, Radovan Zdjelar, pursuant to instructions received from Radiša Ljesnjak, a member of the Crisis Staff destroyed houses belonging to Bosnian Muslims in Kozaruša; (iii) on 24 May 1992, Bosnian-Serb fighters in JNA uniforms with 'Tito caps', led by Savan Končar, a Bosnian-Serb from Kozaruša set fire to the Kozaruša mosque and the Kozaruša mekteb; (iv) on 20 July 1992, Bosnian-Serb forces, consisting

[13369] Scheduled Incidents C.15.2, C.15.3, C.15.4, and C.15.5.

of military and police, set fire to houses during the onslaught on the Brdo area in the predominantly Bosnian-Muslim villages of Rakovčani and Rizvanovići and destroyed the Rakovčani, Rizvanovići and Ravine mosques; (v) on 30 May 1992, a number of perpetrators set fire to houses belonging to Bosnian Muslims as well as the Čaršijka mosque in Prijedor Town during the attack on Prijedor Town by the 5th Kozara Brigade, commanded by Pero Colić, the 43rd Motorized Brigade, commanded by Arsić and Zeljaja, and some members of the 6th Krajina Brigade, the Prijedor police led by Simo Drljača, Dule Janković, Milutin Cadzo, and a group called the 'Spare Ribs', and people from Bosanski Novi. The perpetrators included a group of men, including Milenko Milić, a member of Milan Andzić's paramilitary unit, his Commander Momčilo Radanović a.k.a. Cigo, and Milorad Vokić, Simo Drljača's personal bodyguard. The perpetrators also destroyed the old mosque in Stari Grad, the archive and library of the Medžlis of the Islamic Community in Prijedor Town, as well as the Zagrad mosque in the Bereg part of Prijedor Town. Following the destruction, the Zagrad mosque's remains as well as old Muslim gravestones in an adjacent cemetery were levelled with a bulldozer and removed by the same perpetrators; (vi) Radovan Zdjelar, pursuant to instructions received from Radiša Ljesnjak, a member of the Crisis Staff, destroyed Muslim homes in the old area of Prijedor Town and in the border area of Prijedor shortly after the conflict in Prijedor had started; (vii) at the end of August 1992, Serbs destroyed the Donja Puharska mosque in Prijedor Town, three houses in the immediate vicinity of the mosque and damaged a dozen other houses; (viii) only a few minutes after the Donja Puharska mosque's destruction, Bosnian-Serb soldiers destroyed the Roman Catholic church in Prijedor Town; (ix) between 24 May and July 1992, the VRS, acting jointly with the police and paramilitary forces burned houses in Muslim villages and neighbourhoods in the predominantly Bosnian-Muslim and Bosnian-Croat villages of Kozarac and Ljubija and their surrounding areas, including Hrnići, Jakupovići, and Koncari. The perpetrators also destroyed the medical clinic in Kozarac, the Mutnik mosque in Kozarac, the Hrnići mosque, the Srednji and Gornji mosques in Jakupovići, and the church and the mosque in Ljubija; (x) Serb infantry destroyed the village of Mujkanovići and caused heavy damage to the Mujkanovići mosque; (xi) Bosnian-Serb military, including soldiers in JNA uniforms with red ribbons around their arms, helmets and *subara* hats, acting jointly with the police, paramilitary groups, the 5th Kozara Brigade and the 6th Krajina Brigade (led by Basara and Veljko Brajić) shelled and set fire to 68 houses belonging to Bosnian Croats in the

predominantly Bosnian-Croat village of Briševo and destroyed the Roman Catholic church in Briševo; and (xii) on or around 26 December 1992, Serb forces destroyed the Roman Catholic parish church of the Sacred Heart of Jesus in Šurkovac**.** The Trial Chamber recalls its finding in chapter 8.9.2 (g) that the destruction of houses, apartments and religious buildings were committed on a discriminatory basis against Bosnian Muslims and Bosnian Croats.

3495. The Trial Chamber also recalls its findings in chapter 4.10.7 that during the SDS takeover of the municipality between May and July 1992, and in particular following the attacks by the VRS, police, and paramilitaries on the predominantly Bosnian-Muslim and Bosnian-Croat inhabited areas and villages of Hambarine, Kozarac, Kamičani, Bišćani, Čarakovo, Briševo, and Ljubija, many survivors fled the villages, seeking shelter in the surrounding forests. Approximately 20,000 non-Serbs in Hambarine and nearby Ljubija were removed on 20 July 1992. Until November 1992, Trnopolje camp was used as a transfer facility for the expulsion of the non-Serb population from the Bosnian Krajina to Travnik, Turbe, Doboj, Banja Luka, Tuzla, and Gračanica. People were transferred from Trnopolje using freight trains, trucks, and bus convoys organized and secured by Simo Drljača, the Commander of the SJB, as well as by the Bosnian Serb police and military. From the beginning of the conflict in April through August 1992, over 30,000 Muslims and Croats from Prijedor were either physically removed from the municipality or left their homes due to the unbearable living conditions or fearing for their lives. The Trial Chamber recalls its finding in chapter 8.5.2 that Bosnian Muslims and Bosnian Croats were forcibly transferred and deported by Simo Drljača, the Commander of the SJB, as well as by the Bosnian Serb police and military. The acts of inhumane acts (forcible transfer) and deportation were found in chapter 8.9.2 (c) to have been discriminatory. The Trial Chamber also recalls its findings in chapter 8.9.2 (h) that restrictive and discriminatory measures were imposed upon Bosnian Muslims in Prijedor including: restrictions on the movement of Bosnian Muslims and Bosnian Croats in the municipality by requiring them to register their movements between the end of May and end of June 1992, and that the Prijedor Crisis Staff dismissed Bosnian Muslims and Bosnian Croats from their employment from 12 May 1992 onwards.

3496. The Trial Chamber observes that Bosnian Croats and Bosnian Muslims in Prijedor Municipality were the victims of a number of crimes constituting prohibited

acts and other culpable acts, including killings, detention, cruel and inhumane treatment, destruction of property, inhumane acts (forcible transfer), and deportation. In Prijedor Municipality, acts against Bosnian Croats and Bosnian Muslims were committed from 25 May until at least mid-August 1992, with most killings committed in June and July 1992. Detention at Trnopolje camp lasted until the end of September 1992. The majority of these killings, cruel and inhumane treatment, destructions, unlawful detentions, inhumane acts (forcible transfer), and deportation were committed on a discriminatory basis against Bosnian Muslims and Bosnian Croats in the context of a widespread and systematic attack directed against the civilian population. The Trial Chamber will consider the above factors in its findings on intent to destroy the protected groups below.

3497. *Bosnian Croats and Bosnian Muslims in Sanski Most Municipality.* In relation to Bosnian Muslims in Sanski Most Municipality, the Trial Chamber found in chapter 8.3.2 that in Scheduled Incidents A.7.1 and A.7.2, on 31 May 1992, Bosnian Muslims were killed by perpetrators who were members of the 6th Krajina Brigade including Jadranko Palija. The perpetrators also included Nenad Kaurin, a member of the reserve police,,and paramilitary formations located in Lušci Palanka, Dabar, Kljevci, Tomina, Kozica, Podlug, and Tramošinja. All of those perpetrators were under the command of Colonel Basara, commander of the 6th Krajina Brigade. In chapters 8.4.2 and 8.9.2 (a), the Trial Chamber found that these perpetrators intended to kill on a mass scale and on political, racial or religious grounds.

3498. In Scheduled Incident A.7.3, around 27 June 1992, Bosnian Muslims were killed by local Serb reservists from Kljevci under the command of Milorad Mijatović, as well as by Milutin a.k.a. Mićo, Đukić, and Rade Đukić. Milorad Mijatović and his men from Kljevci were subordinated to the 6th Krajina Brigade commanded by Branko Basara. In Scheduled Incident A.7.4, on 1 August 1992, Bosnian Muslims were killed by Serb soldiers led by Mićo 'Kudra' Praštalo who was the commander of a paramilitary unit from Lušci Palanka. The Trial Chamber recalls that the paramilitary unit from Lušci Palanka partook in the attack on Hrustovo and Vrhpolje under the command of Colonel Basara in Scheduled Incident A.7.2. In Scheduled Incident A.7.5, on 2 November, Bosnian Croats were killed by Daniluško Kajtez and Miloš Maksimović, members of the 6th Krajina Brigade, as well as by Todo Vokić and Goran Vukojević. The Trial Chamber found that the perpetrators of the killings in Scheduled Incident A.7.3 intended

to kill on a mass scale. The Trial Chamber could not establish that the perpetrators of the killings in Scheduled Incidents A.7.4 and A.7.5 intended to kill on a mass scale. The perpetrators of the killings in Scheduled Incidents A.7.3, A.7.4 and A.7.5 intended to kill on political, racial or religious grounds.

3499. The Trial Chamber recalls its findings in chapter 4.12.3 that: (i) in late May 1992, the VRS 6th Krajina Brigade, commanded by Branko Basara, and acting jointly with the SOS, destroyed: houses in the Muslim villages of Vrhpolje and Hrustovo, as well as the Kukavice Old Mosque, Kerani Mosque, New Hrustovo-Kukavice Mosque, and Vrhpolje Mosque, in cooperation with paramilitary units subordinated to Basara; Mahala Mosque in cooperation with the TO; Lukavice Mosque, Okreč Mosque, Čirkići Mosque, and an imam's house; (ii) in late May 1992, the local police and the SOS, following the departure of the population, destroyed houses in Mahala; (iii) in 1992, Bosnian-Serb forces destroyed Čapalj Mosque and Tomina mosque; (iv) between mid-1992 and November 1992, Mladen Majkić and his team from the TO, pursuant to an order from Colonel Aničić, a member of the Sanski Most Crisis Staff and Chief of the TO, destroyed the New Donji Kamengrad Mosque and the Šehovci Mosque; (v) from the spring of 1992 until late May 1992, members of the SOS, commanded by Dušan Saović, a.k.a Nunja destroyed properties and businesses owned by non-Serbs in Sanski Most Town; and (vi) in late May 1992, Mladen Majkić and his TO unit destroyed the Sanski Most Town Mosque. The Trial Chamber recalls its finding in 8.9.2 (g) that these acts of destruction were carried out on a discriminatory basis against Bosnian Muslims.

3500. The Trial Chamber found in chapter 4.12.7 that Vrkeš, President of the local SDS with responsibility for the removal and exchange of populations and detainees, stated that Muslims were historically not part of the Sanski Most region and needed to be resettled away from Sanski Most so that the town could become a purely Serb town. The Trial Chamber also recalls its finding from chapter 4.12.7 that from late May 1992, the VRS 6th Krajina Brigade, along with the TO and paramilitary groups including the SOS, carried out attacks and shelling campaigns in order to 'mop up' predominantly Muslim villages and hamlets pursuant to policies of the Crisis Staff and the SDS. The VRS 6th Krajina Brigade, the TO and paramilitaries carried out transfers and evacuations. Furthermore, heavy shelling from outside the targeted neighbourhoods and villages caused severe damage and killed people, forcing the inhabitants to flee. Bosnian Muslims and Bosnian Croats left Sanski Most Municipality following the

implementation of decisions of the Crisis Staff and SDS and actions of VRS units, TO, MUP, and paramilitary groups operating in the municipality. These actions included threats, shelling, burning of private property, killings, and arrests, as well as transfers in convoys. The perpetrators of these acts who assisted in the transport, by convoy, of Bosnian Muslims and Bosnian Croats included members of the 6th Krajina Brigade, Boško Banjac who was a member of the Sanski Most Municipality Crisis Staff, and Davidović, the Commander of the Serb Crisis Committee of Banja Luka. The majority of Bosnian Muslims and Bosnian Croats in Sanski Most Municipality had left the municipality by the end of 1992. The Trial Chamber found in 8.9.2 (c) that Bosnian Muslims and Bosnian Croats were forcibly transferred or deported on political, racial or religious grounds.

3501. The Trial Chamber also recalls its findings in chapter 8.9.2 (h) that there were restrictive and discriminatory measures imposed upon Bosnian Muslims in Sanski Most Municipality as follows. From 12 May until the end of May 1992 and during the second half of 1992, the VRS 6th Krajina Brigade soldiers; Serb policemen; local Serbs from Lukavica and people described as Martić's men, both of whom wore olive-grey or olive-green camouflage uniforms; the White Eagles; and persons described as Šešelj's Chetniks, restricted the movement of Bosnian Muslims in the municipality. On 15 May 1992, the Sanski Most Crisis Staff, pursuant to ARK Crisis Staff decisions, dismissed Bosnian-Muslim Judges and other employees from the municipal court.

3502. The Trial Chamber observes that within a relatively short period of time, primarily in late May 1992 and including the period up to early August 1992, Bosnian Muslims and Bosnian Croats in Sanski Most Municipality were the victims of a number of crimes constituting prohibited acts and other culpable acts including killings, destruction of property, inhumane acts (forcible transfer), deportation, and restrictive and discriminatory measures. The acts were committed on a discriminatory basis against Bosnian Muslims and Bosnian Croats and in the context of a widespread and systematic attack directed against the civilian population. By the summer of 1992 there were few Bosnian Muslims and Bosnian Croats left in the municipality. The Trial Chamber will consider the above factors in its findings on intent to destroy the protected groups below.

Mens rea - assessment of factors relating to intent of physical perpetrators to destroy Bosnian Muslims and Bosnian Croats, in part, as such

3503. As discussed above, the Trial Chamber could not establish that Bosnian Croats in Foča, Ključ, Kotor Varoš, and Vlasenica Municipalities were subjected to any prohibited acts.

3504. For Bosnian Muslims in Ključ Municipality, Bosnian Croats in Sanski Most and Prijedor Municipalities, the Trial Chamber finds that while the pattern and widespread nature of the acts or omissions indicate the gravity and seriousness of crimes, the evidence does not allow an inference that physical perpetrators of prohibited acts - as individuals or as affiliates of military, police or other units - shared the intent to destroy in part the protected groups. The prohibited acts or omissions of the physical perpetrators of a specific incident were not in and of themselves sufficient to allow an inference that they had the requisite specific intent even taking into consideration surrounding facts and circumstances. With the limited exceptions outlined in the following paragraphs, the evidence does not indicate sufficient connections or affiliations between the disparate physical perpetrators of different crimes that would allow for such an inference beyond reasonable doubt.

3505. For those instances where the Trial Chamber identified that a physical perpetrator of a prohibited act carried out more than one prohibited or other culpable act,[13370] the Trial Chamber finds that the surrounding facts and circumstances do not allow the Trial Chamber to infer beyond a reasonable doubt that these physical perpetrators had the requisite specific intent. These facts and circumstances include: the relatively small number of victims in each prohibited act; the length of time which had passed when the prohibited acts were committed; the scale of the prohibited acts inflicted against Bosnian Croats and Bosnian Muslims either varied significantly or the Trial Chamber received insufficient evidence to determine their scale; and the lack of evidence of coordination between these physical perpetrators. In some instances, the Trial Chamber received insufficient evidence to identify the physical perpetrator more specifically than as MUP officers, local policemen, or VRS members which precluded further analysis of the involvement of those individuals in more than one prohibited act

[13370] Apart from the connections discussed in the Trial Chamber's findings, *see, e.g.*, Simo Drljača, who headed the Prijedor SJB, and was involved in prohibited acts and other culpable acts in Prijedor Municipality.

or other culpable act. The Trial Chamber will discuss some of these specific connections below.

3506. In relation to Bosnian Croats in Sanski Most Municipality, the Trial Chamber notes that there were also prohibited acts and other culpable acts committed against Bosnian Croats up to and including November 1992. These acts were committed by members of 6th Krajina Brigade or paramilitaries subordinated to the 6th Krajina Brigade, and by the summer of 1992 there were few Bosnian Croats left in the municipality. The Trial Chamber, however, received evidence of only a few prohibited acts of killing perpetrated against Bosnian Croats and the Trial Chamber received insufficient evidence to determine the scale of the other culpable acts committed by the same perpetrators against Bosnian Croats. For these reasons, the Trial Chamber could not establish that the physical perpetrators had the requisite specific intent in respect of the Bosnian Croats in Sanski Most Municipality.

3507. In relation to Bosnian Croats in Prijedor Municipality, the Trial Chamber notes that there were also prohibited acts and other culpable acts committed against Bosnian Croats up to and including mid-August 1992. These acts were committed by members of the Banja Luka Corps including the 43rd Motorised Brigade and units of the 6th Krajina Brigade. By 1993, approximately half of the Bosnian Croat population remained in the municipality. The Trial Chamber, however, received evidence of only a few prohibited acts of killing and causing serious bodily or mental harm perpetrated against Bosnian Croats and the Trial Chamber received insufficient evidence to determine the scale of the other culpable acts committed by the same perpetrators against Bosnian Croats. For these reasons, the Trial Chamber could not establish that the physical perpetrators had the requisite specific intent in respect of the Bosnian Croats in Prijedor Municipality.

3508. In relation to the Bosnian Muslims in Ključ Municipality, Bosnian Croats in Sanki Most and Prijedor Municipalities, the Trial Chamber will, however, further consider in chapter 9.2.14 whether the circumstances and the context in which the prohibited and other culpable acts were committed are relevant for assessing the specific intent of the Accused and any other alleged JCE members who are not physical perpetrators. In such circumstances, the Trial Chamber will further assess whether the physical perpetrators, who did not have specific intent, nevertheless were tools of the Accused and/or other alleged JCE members for the purposes of the Overarching JCE.

3509. The Trial Chamber will now assess the specific intent of physical perpetrators of prohibited acts in relation to Bosnian Muslims in Kotor Varoš Municipality, Sanski Most Municipality, Foča Municipality, Vlasenica Municipality, and Prijedor Municipality. The assessment will be based on the factors identified and the findings recalled in this chapter (above).

3510. *Bosnian Muslims in Kotor Varoš Municipality*. In relation to Bosnian Muslims in Kotor Varoš Municipality, the Trial Chamber observes that it identified specific individuals affiliated with the VRS 1st Kotor Varoš Light Infantry Brigade who carried out prohibited or other culpable acts within a relatively short time frame and under the same direct command structure. On 2 July 1992, forces under the command of Slobodan Župljanin, the 2nd Infantry Battalion Commander of the VRS 22nd Brigade, killed at least 30 Bosnian Muslims, including 15 Bosnian Muslims who were detained in Alagić café. Forces under command of Dušan Novaković, Commander of the VRS 1st Kotor Varoš Light Infantry Brigade, detained, separated, and killed 150 unarmed Bosnian-Muslim men at Grabovica School on 4 November 1992. The Trial Chamber found in chapter 3.1.2 that both Novaković and Župljanin directly reported to Colonel Janko Trivić who commanded the Vlašić Operational Group and who, from October 1992, became the Commander of the 22nd Light Infantry Brigade. The prohibited acts, as was found in chapters 8.4.2 and 8.9.2 (b), were committed on a discriminatory basis against Bosnian Muslims, on a mass scale and in the context of a widespread and systematic attack directed against the civilian population. The Trial Chamber also recalls that soldiers from the Grabovica and Vrbanjci units, which formed part of the Vlašić Operational Group were involved in the cover-up of the killings at Grabovica School. The Trial Chamber also recalls that the VRS 1st Kotor Varoš Light Infantry Brigade, which fell under Trivić's command, carried out the destruction of many Bosnian-Muslim houses, mosques and shrines from May 1992 onwards also on a discriminatory basis.

3511. The Trial Chamber finds, Judge Orie dissenting,[13371] that, given the scale of the killings, the role of Novaković and Župljanin, who were directly commanded by Trivić, the discriminatory nature of the acts, and the overwhelming involvement of units affiliated to Trivić in the cover up of both acts, the only reasonable inference is that

[13371] *See further* chapter 13.

Novaković and Župljanin had the intent to destroy part of the protected group of Bosnian Muslims when carrying out the prohibited acts of killing.

3512. The Trial Chamber, however, is unable to establish the requisite specific intent of other physical perpetrators of prohibited acts in Kotor Varoš Municipality, as the Trial Chamber was unable to identify the physical perpetrators more precisely than members of Serb military forces, or VRS members which precluded further analysis of the involvement of those same individuals in more prohibited or other culpable acts. The Trial Chamber will, however, further consider in chapter 9.2.14 whether the circumstances and the context in which the prohibited and other culpable acts were committed are relevant for assessing the specific intent of the Accused and any other alleged JCE members who are not physical perpetrators.

3513. *Bosnian Muslims in Sanski Most Municipality.* In relation to Bosnian Muslims in Sanski Most Municipality, the Trial Chamber observes that within a relatively short period, primarily in late May 1992 and including the period up to early August 1992, Bosnian Muslims in Sanski Most Municipality were the victims of a number of crimes constituting prohibited acts and other culpable acts including killings, destruction of property, inhumane acts (forcible transfer), deportation, and restrictive and discriminatory measures. The acts were committed on a discriminatory basis against Bosnian Muslims and in the context of a widespread and systematic attack directed against the civilian population. By the summer of 1992, there were few Bosnian Muslims left in the municipality. The Trial Chamber notes that the prohibited acts of killings were perpetrated by the members of the VRS 6th Krajina Brigade, under the command of Colonel Basara, or paramilitaries subordinated to the 6th Krajina Brigade.[13372] The killings in Scheduled Incidents A.7.1 and A.7.2 were committed contemporaneously with the large number of destructions of religious buildings carried out by the VRS 6th Krajina Brigade who were often working in conjunction with the SOS or paramilitary units. The killings in all of the relevant Scheduled Incidents were committed contemporaneously with acts of inhumane acts (forcible transfer), deportation and restrictive measures throughout Sanski Most Municipality which extensively involved the 6th Krajina Brigade and targeted Bosnian Muslims in a

[13372] With the exception of Scheduled Incident A.7.4 whereby on 1 August 1992 Bosnian Muslims were killed by Serb soldiers led by Mićo 'Kudra' Praštalo who was the commander of a paramilitary unit from Lušci Palanka. The Trial Chamber, however, notes that Praštalo's unit was subordinated to the 6th Krajina Brigade on 31 May 1992 during which it was involved in the killing of Bosnian Muslims.

discriminatory manner. The Trial Chamber finds, Judge Orie dissenting, that, given the intensity of the attack on Sanski Most Municipality by the 6th Krajina Brigade, the widespread and discriminatory nature of the acts, and the overwhelming involvement of the 6th Krajina Brigade in all crimes, the only reasonable inference is that the physical perpetrators of the prohibited acts had the intent to destroy part of the protected group of Bosnian Muslims when carrying out the prohibited acts of killings.

3514. *Bosnian Muslims in Foča Muncipality*. In relation to the Bosnian Muslims in Foča Muncipality, the Trial Chamber observes that within a relatively short period, between June and early August 1992, Bosnian Muslims in Foča Municipality were the victims of a number of crimes constituting prohibited acts and other culpable acts including killings, detention, destruction of property, inhumane acts (forcible transfer), deportation, and restrictive and discriminatory measures. The acts were committed on a discriminatory basis against Bosnian Muslims and in the context of a widespread and systematic attack directed against the civilian population. By the summer of 1992, there were few Bosnian Muslims left in the municipality. The Trial Chamber notes that the prohibited acts of killing and the causing of serious bodily and mental harm were committed by perpetrators from the Foča Tactical Group. Dragan Zelenović a.k.a. Zelja and Radomir Kovač a.k.a. Klanfa inflicted serious bodily and mental harm on Bosnian Muslims at multiple detention facilities between June and August 1992.[13373] They also killed Bosnian Muslims in Scheduled Incident A.2.1 in early July 1992. Radovan Stanković also inflicted serious bodily and mental harm on Bosnian Muslims at a detention facility.[13374] Radomir Kovač was a member of a unit commanded by Brane Ćosović and Radovan Stanković was a member of a unit commanded by Pero Elez; both commanders received orders from Marko Kovač, Commander of the Foča Tactical Group. Pero Elez, Nikola Brčić, Neđo Samardžić, and Zoran Samardžić killed hundreds of detained Bosnian Muslims in Scheduled Incident B.5.1 in the second half of 1992 and all those perpetrators, as well as Radovan Stanković, subjected Bosnian Muslims to cruel and inhumane treatment at two detention facilities.[13375] That treatment included raping Bosnian-Muslim women and girls. Dragoljub Kunarac a.k.a. Žaga inflicted serious bodily and mental harm at three detention facilities which included the raping of

[13373] Dragan Zelenović: Scheduled Incidents A.2.1, C.6.2, C.6.3 at the Worker's Huts in Buk Bijela, and C.6.5; Radomir Kovač: Scheduled Incidents A.2.1 and C.6.2.
[13374] Scheduled Incident C.6.2.
[13375] Scheduled Incidents C.6.1 and C.6.2.

Bosnian-Muslim women and girls.[13376] From early June 1992 to around 5 August 1992, Dragoljub Kunarac and his detachment burned down Bosnian-Muslim houses and apartments as well as destroyed a Bosnian-Muslim sacred site in Foča Town. Dragoljub Kunarac's Detachment was a unit under the control of the Foča Brigade and received orders from Marko Kovač.

3515. Each of the above perpetrators who were subordinated to Marko Kovač were also working with others who carried out more than one prohibited act in close geographical and temporal proximity. Marko Kovač ordered Neđo Samardžić and Nikola Brčić to kill three elderly Bosnian-Muslim women in Foča Municipality in his presence.[13377] Furthermore, Marko Kovač, through his Military Command, was responsible for the detentions at KP Dom Foča. The Trial Chamber finds, Judge Orie dissenting, that, given the intensity of the attack on Foča from early June 1992, the overwhelming involvement of the Foča Tactical Group in many prohibited acts and other culpable acts that were committed in close geographical and temporal proximity, and the systematic and discriminatory nature of all of the prohibited acts, the only reasonable inference is that certain physical perpetrators of the prohibited acts had the intent to destroy a part of the protected group of Bosnian Muslims when carrying out the prohibited acts. Those physical perpetrators comprised primarily Marko Kovač, Dragoljub Kunarac,[13378] Nikola Brčić, Radomir Kovač, Pero Elez, Neđo Samardžić, Zoran Samardžić, and those physical perpetrators subordinated to them and/or affiliated with the Foča SJB who had carried out multiple prohibited and/or other culpable acts.

3516. *Bosnian Muslims in Vlasenica Municipality*. In relation to the Bosnian Muslims in Vlasenica Municipality, the Trial Chamber observes that within a relatively short period, between June and 30 September 1992, Bosnian Muslims were the victims of a number of crimes constituting prohibited acts and other culpable acts including killings, detention, destruction of property, inhumane acts (forcible transfer), deportation, plunder and appropriation, and restrictive and discriminatory measures. The acts were committed on a discriminatory basis against Bosnian Muslims and in the context of a

[13376] Radovan Stanković: Scheduled Incident C.6.2; Dragoljub Kunarac a.k.a. Žaga: Scheduled Incidents C.6.2, C.6.4 and C.6.5.
[13377] The Trial Chamber observes that this act occurred in 1993 and therefore is outside the scope of the prohibited acts in Count 1. Accordingly, the Trial Chamber has not considered this act in determining the *actus reus* and relies only on this evidence for the purposes of inferring the specific intent of physical perpetrators from the surrounding facts and circumstances.
[13378] The Trial Chamber observes that Dragoljub Kunarac who was an accused in the case of *Prosecutor v. Dragoljub Kunarac et al.* Judgment, 22 February 2001, was not charged with the crime of genocide.

widespread and systematic attack directed against the civilian population. By August 1992, almost all Bosnian Muslims had left the municipality. The Trial Chamber notes that the prohibited acts of killing and the causing of serious bodily and mental harm were committed by perpetrators from the Vlasenica SJB and that Mićo Kraljević and his special police platoon which was attached to the Vlasenica SJB played a major role.

3517. The Trial Chamber recalls its finding in chapter 4.14.1 *Schedule A.9.1* that Kraljević was directly subordinate to Radenko Stanić, the police station commander, who was in turn subordinate to Mane Đurić, the Chief of Vlasenica SJB since May 1992 and a member of the Crisis Staff. On 2 June 1992, members of Kraljević's unit supported by VRS members were among the perpetrators of Scheduled Incident A.9.1. Kraljević ordered his unit to clean the territory - in an operation covering a large area, including the Bosnian-Muslim village of Drum - of Bosnian Muslims and to kill fleeing persons. Kraljević's unit was operationally under the command of Vlasenica SJB at the time until some time in June when it was also formally attached to the Vlasenica SJB. On 30 or 31 May 1992 and 2 June 1992, Kraljević's unit destroyed houses belonging to Bosnian Muslims during the two Gradina operations. This destruction was committed, in particular, in Gradina itself and its surrounding villages, such as Barice and Piskavice, a mixed Serb and Muslim village. In May and June 1992, Kraljević's unit took over Gradina, Sušica, and other Bosnian-Muslim hamlets and sent women and children to Vlasenica town. It torched all Bosnian-Muslim houses in order to prevent owners from returning. No non-Serb inhabitants remained in 16 villages that were taken over; those that survived either escaped or were taken to Sušica camp. In June 1992, Kraljević's unit appropriated property from Bosnian-Muslim residences in Vlasenica Town on a discriminatory basis.

3518. In relation to Sušica camp, the Trial Chamber recalls its finding in chapter 4.14.1 *Schedule B.16.1* that Dragan Nikolić and Goran Tesić were permanently stationed at the camp under orders from Kraljević from 15-18 June to September 1992 when Sušica camp was closed. The Trial Chamber recalls its finding in 4.15.2 *Schedule C.19.3* that Nikolić was directly accountable to Kraljević and was subordinate to him. He was given instructions by Kraljević to take whatever security measures he felt were necessary. In June and July 1992, Nikolić and Tešić killed eight Bosnian Muslims at Sušica camp and until September 1992, both subjected Bosnian Muslims to acts constituting serious bodily and mental harm. In early June 1992, at Sušica camp, Nikolić ordered

possessions to be taken from Bosnian-Muslim detainees; guards also stripped more than 800 Bosnian-Muslim women of their valuables. Veljko Bašić, a former policeman mobilized into Vlasenica SJB, who also had a commander's role at Sušica, was also the commander at the Vlasenica secondary school where, between 31 May 1992 and 8 June 1992, 160 Bosnian-Muslim men were subjected to acts causing serious bodily and mental harm. In relation to Sušica, in Scheduled Incident B.16.2, the Trial Chamber found that Kraljević's superior, Mane Đurić, ordered MUP officers to remove 140-150 Bosnian-Muslim detainees from Sušica camp following which the MUP officers killed them on 30 September 1992.

3519. The Trial Chamber finds that the attack on Vlasenica from late May 1992 was intensive, and overwhelmingly involved the Vlasenica SJB and, in particular, Mane Đurić's direct subordinate, Mićo Kraljević, in almost all of the prohibited acts and other culpable acts. Those acts were committed in close proximity in terms of time and location. The prohibited acts were also systematic and discriminatory in nature. The Trial Chamber finds, Judge Orie dissenting, that the only reasonable inference, therefore, is that certain physical perpetrators of the prohibited acts had the intent to destroy a part of the protected group of Bosnian Muslims when carrying out the prohibited acts. Those physical perpetrators comprised primarily Mane Đurić, Mićo Kraljević, Dragan Nikolić, Goran Tešić, Veljko Bašić, and those physical perpetrators subordinated to them and/or affiliated with the Vlasenica SJB who had carried out multiple prohibited and/or other culpable acts.

3520. *Bosnian Muslims in Prijedor Municipality.* In relation to Bosnian Muslims in Prijedor Municipality, the Trial Chamber observes that within a relatively short period, primarily in late May 1992 and including the period up to mid-August 1992, Bosnian Muslims in Prijedor Municipality were the victims of a number of crimes constituting prohibited acts and other culpable acts including killings, causing serious bodily and mental harm, destruction of property, inhumane acts (forcible transfer), and deportation, plunder and appropriation, as well as imposing restrictive and discriminatory measures. Almost all of the killings were committed in June and July 1992. The prohibited acts were largely committed on a discriminatory basis against Bosnian Muslims and in the context of a widespread and systematic attack directed against the civilian population. By the summer of 1992, there were few Bosnian Muslims left in the municipality.

3521. The Trial Chamber observes that the prohibited acts of killing predominantly Bosnian Muslims in Scheduled Incidents A.6.1, A.6.2, A.6.3, and A.6.4 were all perpetrated, among others, by members of the VRS 6th Krajina Brigade and 43rd Motorized Brigade, including Vladimir Arsić, and Radmilo Zeljaja. Radmilo Zeljaja of the 43rd Motorized Brigade and Duško Tadić specifically took part in the killings in Scheduled Incidents A.6.1, and A.6.4. The killings were committed in the context of a wider attack in late May 1992 in the areas of Kozarac village, Prijedor, and Sanski Most by VRS units. The 6th Krajina Brigade commanded by Branko Basara took part in that attack. The Trial Chamber found, Judge Orie dissenting, in this chapter that members of the 6th Krajina Brigade had an intention to destroy Bosnian Muslims by targeting them in Sanski Most from June 1992 onwards. The other VRS units participating in the attack included units of the Banja Luka Corps, commanded by Talić, including the 343rd Mechanised Brigade, later known as the 43rd Motorised Brigade, commanded by Vladimir Arsić and his deputy Radmilo Zeljaja. They acted together with the members of the 5th Kozara Brigade. The killings of predominantly Bosnian Muslims in July 1992 in Scheduled Incidents A.6.5 and A.6.6 which were committed in close proximity, and the subsequent attempt to clean up the crime sites were perpetrated by, among others, members of the 43rd Motorized Brigade. Those members included Goran Gruban and and Rade Bilbija. The killings of mainly Bosnian Croats in Scheduled Incident A.6.9, on 24 and 25 July 1992, were committed by members of the 6th Krajina Brigade under the command of Colonel Basara and the 5th Kozara Brigade both of which took part in other prohibited acts. The Trial Chamber also recalls that the physical perpetrators of the killings in Scheduled Incidents A.6.1, A.6.4, A.6.5, A.6.6, A.6.7, A.6.8, and A.6.9 intended to kill on a mass scale.

3522. In relation to the serious bodily and mental harm inflicted by perpetrators in Scheduled Incidents C.15.2 (Omarska), C.15.3 (Keraterm), and C.15.4 (Trnopolje), the Trial Chamber found that a number of physical perpetrators of these prohibited acts shared affiliation and participated in multiple prohibited acts. All of these acts were carried out on political, racial or religious grounds. Dušan Knežević, a.k.a. Duca, and Zoran Žigić raped and sexually assaulted female detainees at Omarska and abused prisoners at Keraterm. At Keraterm other VRS physical perpetrators, who caused serious bodily or mental harm, included members of the Banja Luka Corps or 1KK. At Trnopolje, Slobodan Kuruzović, camp commander and Slavko Puhalić, deputy

commander, as well as Dragan Škrbić, Stojan Madžar, and Zoran Žigić were physical perpetrators. Slobodan Kuruzović, Dušan Knežević, a.k.a. Duca and Slavko Puhalić were members of the 43rd Motorized Brigade and Zoran Žigić, Dragan Škrbić, and Stojan Madžar were members of the reconnaissance and sabotage unit of the 43rd Motorized Brigade. The Trial Chamber also found that VRS soldiers, on or around 25 July 1992, were responsible for the killing of between 190 and 220 Bosnian Muslims at Room 3 in Keraterm. Similarly, in July or early August 1992, camp guards, who included members of the 43rd Motorised Brigade, as well as the Banja Luka Corps or 1KK killed detainees in Scheduled Incidents C.15.3, B.13.2, B.13.4, and B.13.5.

3523. The prohibited acts from late May 1992 and including the period up to mid-August 1992 were committed contemporaneously with the discriminatory acts of destruction carried out by the a range of perpetrators which included, *inter alios*, members of the 5th Kozara Brigade, the 43rd Motorized Brigade, the 6th Krajina Brigade, and the VRS, acting jointly with the police and paramilitary forces. The prohibited acts were also committed contemporaneously with the acts of inhumane acts (forcible transfer), deportation, and restrictive measures which were carried out by, among others, the VRS working in conjunction with the police or the Prijedor Crisis Staff.

3524. The Trial Chamber finds that the attack on Prijedor Municipality was intensive, over a short time frame and included physical perpetrators who committed crimes together and were part of the same units or brigades such as the 43rd Motorised Brigade under the direction of Vladimir Arsić and Radmilo Zeljaja, the 6th Krajina Brigade under the command of Branko Basara, units of the Banja Luka Corps commanded by Talić, and individuals working with Duško Tadić. Given the widespread and discriminatory nature of the acts, and the overwhelming involvement of the 43rd Motorized Brigade in almost all prohibited acts, the Trial Chamber finds, Judge Orie dissenting, that the only reasonable inference is that certain physical perpetrators of the prohibited acts had the intent to destroy part of the protected group of Bosnian Muslims when carrying out the prohibited acts of killings and causing serious bodily or mental harm. The physical perpetrators who shared the intent to destroy Bosnian Muslims in Prijedor included: VRS units of the Banja Luka Corps, commanded by Talić, including the 43rd Motorized Brigade commanded by Vladimir Arsić together with Radmilo Zeljaja; units of the 6th Krajina Brigade commanded by Branko Basara; and Duško

Tadić. Specific members of the 43rd Motorized Brigade who were known to have participated in multiple prohibited acts included: Goran Gruban, Rade Bilbija, Dušan Knežević a.k.a. Duca, Dragan Škrbić, Stojan Madzar, Zoran Žigić, Slobodan Kuruzović and Slavko Puhalić.

3525. The Trial Chamber is unable to establish the requisite specific intent of other physical perpetrators of prohibited acts in Prijedor Municipality as the perpetrators are either unnamed and/or their affiliations are not determined. This precludes any finding as to the extent and nature of their involvement in prohibited and/or other culpable acts. In relation to the camps, the Trial Chamber observes that the Prijedor Crisis Staff established Omarska, Keraterm, and Trnopolje, where Bosnian Croats and Bosnian Muslims suffered serious bodily and mental harm and killings. The Prijedor Crisis Staff also imposed restrictive and discriminatory measures on Bosnian Muslims from 12 May 1992 onwards and carried out forcible transfers and deportations. All of the prohibited acts were carried out on political, racial or religious grounds. The Trial Chamber notes that the Prijedor Crisis Staff was primarily involved in the establishment and administration of these camps. Without further evidence of the involvement of a named perpetrator of a prohibited act who was affiliated with the Prijedor Crisis Staff, specific intent cannot be inferred. This is especially the case when assessing the surrounding facts and circumstances in which multiple physical perpetrators were carrying out prohibited acts. The exceptions to this are known members of the Crisis Staff who carried out prohibited acts such as Radmilo Zeljaja and Slobodan Kuruzović. For these reasons, the Trial Chamber cannot infer beyond reasonable doubt that other unknown members of the Prijedor Crisis Staff possessed the required specific intent. The Trial Chamber will, however, further consider in chapter 9.2.14 whether the circumstances and the context in which the prohibited and other culpable acts were committed are relevant for assessing the specific intent of the Accused and/or any other alleged JCE members who are not physical perpetrators.

3526. In conclusion, the Trial Chamber finds, Judge Orie dissenting, that the physical perpetrators of the prohibited acts in Sanski Most, Vlasenica, and Foča Municipalities, and certain named perpetrators in Kotor Varoš and Prijedor Municipalities, intended to destroy the Bosnian Muslims in those Count 1 Municipalities as a part of the protected group. Whether the targeted part constituted a substantial part of the protected group, in

so far as the specific intent of physical perpetrators is concerned, will be considered further below.

Mens rea - substantiality of part of the protected groups of Bosnian Muslims and Bosnian Croats

3527. The Prosecution argued that destruction of a group 'in part' encompasses limited geographic areas such as a municipality.[13379] It submits that the 'targeted communities' within the Count 1 municipalities were not random aggregations of individuals but that they were 'distinct entities' with specific histories, attachments, and identities, which were developed over centuries.[13380] The Prosecution argued that Bosnian Muslims and Bosnian Croats in Prijedor, for instance – given the scale of the prohibited acts there – were targeted for destruction so that it would serve, among other things, as a potent example to the rest of the protected group of the physical demise of the Bosnian Muslims and Bosnian Croats given their 'vulnerability and defencelessness'.[13381] The Defence submitted that the intent as described in paragraph 37 of the Indictment is an intent to kill selectively within 'some municipalities' and, therefore, the intent does not target a group which is a 'sufficiently substantial part of the Bosnian-Muslim/Croat population of [Bosnia-Herzegovina]'.[13382] The Defence argued that the Indictment does not allege a campaign which targeted the destruction of a group, even in part. Rather, they suggested that, on the contrary, it implies a discriminatory approach to killings which is the antithesis of an intent to physically destroy the groups.[13383] The Defence explained that for substantiality it is necessary to consider whether the targeted group is substantial in relation to the Bosnian-Muslim or Bosnian-Croat population of Bosnia-Herzegovina as a whole.[13384] The Trial Chamber will address arguments related to the Accused and/or alleged JCE members who were not physical perpetrators further in chapter 9.2.14.

3528. The Trial Chamber recalls, as noted in chapter 8.10.1, that in determining the substantiality of the group, the numerical size of the targeted part of the protected group in absolute terms is one factor among many. Other factors include: numerical size of the

[13379] Prosecution Final Brief, para. 383.
[13380] Prosecution Final Brief, para. 385.
[13381] Prosecution Final Brief, paras 350, 352, 385-389.
[13382] Defence Final Brief, para. 54-55.
[13383] Defence Final Brief, para. 52-54.

part in relation to the overall size of the group; the prominence of the part of the group within the larger whole and whether it is emblematic of the overall group or essential to its survival; the area of the perpetrators' activity and control; and the perpetrators' potential reach. The Trial Chamber reiterates that this section concerns the specific intent of physical perpetrators and, accordingly, in determining whether the targeted part was substantial, consideration must be given, *inter alia*, to the physical perpetrators' activity, *de facto* control, and reach. The Trial Chamber in this regard recalls the Appeals Chamber jurisprudence that 'The intent to destroy formed by a perpetrator of genocide will always be limited by the opportunity presented to him. While this factor alone will not indicate whether the targeted group is substantial, it can - in combination with other factors - inform the analysis'.[13385] Furthermore the Appeals Chamber has emphasised that the above considerations are neither exhaustive nor dispositive and that they are only useful guidelines.[13386]

3529. The population of Bosnia-Herzegovina in 1991 was approximately 4.4 million people.[13387] According to an April 1991 census, 43.7 per cent of the residents of Bosnia-Herzegovina were Bosnian-Muslim, 32.4 per cent were Bosnian-Serb, and 17.3 per cent were Bosnian-Croat.[13388]

3530. In relation to Sanski Most Municipality, according to the April 1991 census, it comprised 28,136 (47 per cent) Bosnian Muslims, 25,363 (42 per cent) Bosnian Serbs, 4,322 (7 per cent) Bosnian Croats, 1,247 Yugoslavs, and 1,239 persons of other or unknown ethnicity.[13389] The Trial Chamber finds that while the number of Bosnian Muslims in Sanski Most would have formed a larger proportion of the population of Bosnian Muslims in the Bosnian-Serb claimed territory than they did of Bosnia-Herzegovina as a whole (approximately 1.5 per cent), they were still a relatively small part of the population under Bosnian-Serb activity and control. The Trial Chamber notes that it found in chapter 4.12.7 that the vast majority of Bosnian Muslims in Sanski Most Municipality had left by the end of 1992. In terms of other factors signifying the importance of Sanski Most, Karadžić and Krajišnik stressed the strategic significance of

[13384] Defence Final Brief, paras 47-48.
[13385] *Krštić* Appeal Judgment, paras 13-14.
[13386] *Krštić* Appeal Judgment, paras 13-14.
[13387] P2786 (Excerpts of transcript of testimony of Ewa Tabeau, 25 April 2012) p.10; Ewa Tabeau, T. 19239.
[13388] Adjudicated Facts I, no. 12.
[13389] Adjudicated Facts I, no. 1138.

Sanski Most Municipality and the need to retain it.[13390] At the 50th session of the Bosnian-Serb Assembly, Krajišnik remarked that '[t]he fact that we have organised this jubilee session in Sanski Most, a beautiful town in Krajina, is symbolical. Our presence here is a guarantee that Sanski Most was Serbian and will remain such, regardless of map-drawing and those engaged in such futile efforts'.[13391] The Trial Chamber also recalls from chapter 3.1.2 that while the authority of the VRS Main Staff extended throughout the Bosnian-Serb claimed territory, the authority of the VRS 6th Krajina Brigade, under the command of Branko Basara, charged with the take-over of Sanski Most Municipality did not extend beyond the municipality from early 1992 onwards. From the perspective of the 6th Krajina Brigade physical perpetrators, the Bosnian Muslims of Sanski Most were the only part of the Bosnian-Muslim group within their area of control.

3531. In relation to Foča Municipality, according to the April 1991 census, Foča Municipality was comprised of 20,790 (51 per cent) Bosnian Muslims, 18,315 (45 per cent) Bosnian Serbs, 94 Bosnian Croats, 463 Yugoslavs, and 851 persons of other or unknown ethnicity.[13392] The Trial Chamber finds, therefore, that while the number of Bosnian Muslims in Foča would have formed a larger proportion of the population of Bosnian Muslims in the Bosnian-Serb claimed territory than they did of Bosnia-Herzegovina as a whole (1.08 per cent) they were still a relatively small part of that population under Bosnian-Serb activity and control. The Trial Chamber found in chapter 4.3.7 that between July and 13 August 1992 Bosnian Muslim civilians left Foča Municipality for other countries. In terms of other factors signifying the importance of Foča, in September 1992, the Crisis Staff and War Commission President Miroslav Stanić informed Mladić that Foča 'was supposed to be the second Islamic Centre for Muslims in Europe' but was now 99 per cent Serb.[13393] During the war, Bosnian-Serb authorities renamed Foča 'Srbinje' or 'town of the Serbs'.[13394] In January 1994, Karadžić explained that Foča 'is extremely important to' the Muslims, 'but it will never be theirs again'.[13395] Vojislav Maksimović, the Bosnian-Serb Republic Commissioner for Foča, promoted a 'firm attitude that the Muslims and the Croats will not be allowed

[13390] P7294 (Excerpt of video footage of Karadžić discussing territorial division of Bosnia-Herzegovina); Nikola Erceg, T. 34091-34092.
[13391] P4583 (Transcript from the 50th session of the Bosnian-Serb Assembly, 16 April 1995), p. 2.
[13392] P6686 (Excerpt of census data by municipality from Bosnia-Herzegovina, 1995), p. 3.
[13393] P355 (Mladić notebook, 10-30 September 1992), p. 66.
[13394] P2936 (Witness RM-050, witness statement, 15 September 2011), pp. 18831-18832.

to return to the areas under our rule. … [A]ny thought about having 500 or more Muslims within our future country is out of the question.'[13396] In August 1994, Krajišnik praised Bosnian Serbs in Foča for having created 'a true Serbian town' and preventing Foča becoming 'another Mecca.'[13397] The Trial Chamber also recalls from chapter 3.1.2 that while the authority of the VRS Main Staff extended throughout the Bosnian-Serb claimed territory, the authority of the VRS Foča Tactical Brigade, under the command of Marko Kovač, charged with the take-over of Foča Municipality did not extend beyond the Municipality from early June 1992 onwards. From the perspective of the physical perpetrators, most of whom were part of the Foča Tactical Brigade, the Bosnian Muslims of Foča were the only part of the Bosnian-Muslim protected group within their area of activity and control.

3532. In relation to Kotor Varoš Municipality, according to the 1991 census in Bosnia-Herzegovina, Kotor Varoš Municipality was comprised of 14,056 (38 per cent) Serbs, 11,090 (30 per cent) Muslims, 10,695 (29 per cent) Croats, 745 Yugoslavs, and 267 persons of other or unknown ethnicity.[13398] The Trial Chamber finds that while the number of Bosnian Muslims in Kotor Varoš would have formed a larger proportion of the population of Bosnian Muslims in the Bosnian-Serb claimed territory than they did of Bosnia-Herzegovina as a whole (0.57 per cent) they were still a relatively small part of that population under Bosnian-Serb activity and control. The Trial Chamber recalls its finding in chapter 4.7.7 that between June and November 1992, large parts of the Bosnian-Muslim population were moved out of Kotor Varoš Municipality in convoys by the forces attacking the municipality. Kotor Varoš was, marginally, a majority Serb municipality and such municipalities with a majority Serbian population were targeted to become a part of the Republika Srpska.[13399] Additionally, Kotor Varoš being located almost on the border of the Federation and Republika Srpska made it strategically important.[13400] The Trial Chamber also recalls from chapter 3.1.2 that the VRS 1st Kotor Varoš Brigade and VRS 22nd Brigade – both under the command of Colonel Janko Trivić who commanded the Vlašić Operational Group – were charged with the take-over of Kotor Varoš Municipality. The authority of the two brigades did not extend

[13395] P3076 (Minutes of Bosnian-Serb Assembly, 10 January 1994), p. 26.
[13396] P2001 (Report by Dr Robert Donia titled 'Highlights of Deliberations in the Bosnian-Serb Assembly Relevant to the Indictment of Ratko Mladić, 1991-96'), pp. 31-32.
[13397] Adjudicated Facts I, no. 728.
[13398] Adjudicated Facts I, no. 796.
[13399] P439 (Witness RM-802, witness statement, 25 April 2012), para. 30.

beyond the Municipality from early June 1992 onwards. From the perspective of the physical perpetrators, who were commanders of the VRS 1st Kotor Varoš Brigade and VRS 22nd Brigade, the Bosnian Muslims of Kotor Varoš were the only part of the Bosnian-Muslim protected group within their area of activity and control.

3533. In relation to Vlasenica Municipality, according to the 1991 census in Bosnia-Herzegovina, Vlasenica Munciaplity was comprised of 18,727 (55 per cent) Muslims, 14,359 (42 per cent) Serbs, 39 Croats, 340 Yugoslavs, and 477 persons of other or unknown ethnicity.[13401] The Trial Chamber finds that while the number of Bosnian Muslims in Vlasenica would have formed a larger proportion of the population of Bosnian Muslims in the Bosnian-Serb claimed territory than they did of Bosnia-Herzegovina as a whole (0.97 per cent) they were still a relatively small part of that population under Bosnian-Serb activity and control. The Trial Chamber found in chapter 4.14.7 that by August 1992 almost all Bosnian Muslims left the municipality. In terms of other factors signifying the importance of Vlasenica Municipality, it was understood that controlling Vlasenica would have allowed the advancement of the first and third strategic objectives.[13402] Forcing the Muslim population to leave Vlasenica would have created access to Eastern Herzegovina.[13403] As Mladić noted, 'whoever controls Vlasenica, controls eastern Bosnia.'[13404] The Trial Chamber also recalls its finding from chapter 4.14.1 *Schedule A.9.1* that the Vlasenica SJB - under the command of its Chief, Mane Đurić, since May 1992 and from which Mićo Kraljević's special police platoon operated – was charged with the take-over of Vlasenica Municipality. The authority of the Vlasenica SJB did not extend beyond the municipality from early June 1992 onwards. From the perspective of the physical perpetrators, most of whom were part of the Vlasenica SJB, the Bosnian Muslims of Vlasenica were the only part of the Bosnian-Muslim protected group within their area of activity and control.

3534. In relation to Prijedor Municipaility, according to the 1991 census in Bosnia-Herzegovina, Prijedor Munciaplity was comprised of 49,700 (44 per cent) Muslims, 40,000 (42.5 per cent) Serbs, with the remainder made up of Croats (5.6 per cent), Yugoslavs (5.7 per cent) and others (2.2 per cent) out of a total population of

[13400] P843 (Witness RM-009, witness statement, 23 January 2003), para. 16.
[13401] Adjudicated Facts I, no. 1241.
[13402] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 9.
[13403] P2095 (DK Command order, 24 November 1992), p. 1.
[13404] P353 (Mladić notebook, 10-30 September 1992), p. 262.

112,000.[13405] The Trial Chamber finds that while the number of Bosnian Muslims in Prijedor would have formed a larger proportion of the population of Bosnian Muslims in the Bosnian-Serb claimed territory than they did of Bosnia-Herzegovina as a whole (2.2 per cent) they were still a relatively small part of that population under Bosnian-Serb activity and control. The Trial Chamber found in chapter 4.10.7 that by 1993 the vast majority of Bosnian Muslims left the municipality.[13406] In terms of other factors signifying the importance of Prijedor Municipality, the municipality was significant to the Bosnian Serbs because of its location as part of the land corridor that linked the Serb-dominated area in the Croatian Krajina in the west with Serbia and Montenegro in the east and south, which was said to be essential for supplying units of the VRS as it was the only land connection between western Bosnia-Herzegovina and Serbia.[13407] Senior figures in the Bosnian-Serb claimed territory emphasised that Prijedor and the Bosnian-Muslim and Bosnian-Croat communities living there symbolised World War II throughout the region. Prime Minister Lukić said in a speech that Prijedor had to be Serb because it had been Serb-majority before 'the slaughter', referring to World War II.[13408] In 1994, Karadžić continued to emphasise the need for continuing Serb control over Prijedor.[13409] Furthermore, Prijedor, as a multi-ethnic area, was a symbol throughout the region of Yugoslavia of 'brotherhood and unity', to the extent that Bosnian Muslims thought it was "the last town where ethnic conflict was possible."[13410] The Trial Chamber found in chapter 4.10.7 that after the SDS takeover of Prijedor Town with the aid of the military and police forces on 30 April 1992, VRS soldiers changed the name to 'Serbian Prijedor' and occupied all of the prominent institutions such as the radio station, medical centre, and bank. A Serbian flag was raised over the Municipal Assembly building. Sometime before the attack on Prijedor, the President of the ARK Crisis Staff, Radoslav Brđanin, said on television that 'non-Serbs would not need wood for the winter', which among the non-Serb population was understood as a concealed threat and caused fear and panic. The Trial Chamber also recalls from chapter 3.1.2 that

[13405] Adjudicated Facts I, no. 839.
[13406] P182 (Witness RM-066, witness statement, 7 April 2010), p. 17.
[13407] Adjudicated Facts I, no. 837.
[13408] P7028 (Video from Bosnian-Serb State Television relating to the 43rd Motorised Brigade, July 1994); P7294 (Excerpt from video footage of an interview of Karadžić discussing territorial division of Bosnia-Herzegovina).
[13409] P7028 (Video from Bosnian-Serb State Television relating to the 43rd Motorised Brigade, July 1994); P7294 (Excerpt from video footage of an interview of Karadžić discussing territorial division of Bosnia-Herzegovina).
[13410] P3271 (Witness RM-065, witness statements, 22 March 1995 and 28 August 2000), p.15; Slobodan Radulj, T. 35558-35559.

the 43rd Motorized Brigade and the 6th Krajina Brigade, among others, were at the time of the relevant prohibited acts, charged with the take-over of Prijedor Municipality. The authority of those brigades did not extend beyond the municipality, with the exception of the 6th Krajina Brigade which also operated in neighbouring Sanski Most from early May 1992. From the perspective of the physical perpetrators, most of whom were members of the 43rd Motorized Brigade, the Bosnian Muslims of Prijedor were the only part of the Bosnian-Muslim protected group within their area of control.

3535. In light of the foregoing, the Trial Chamber finds that the Bosnian Muslims in Sanski Most, Vlasenica, Foča, Kotor Varoš, and Prijedor Municipalities were targeted by the physical perpetrators of prohibited acts largely in their own respective municipalities. The Trial Chamber notes that the physical perpetrators had limited geographical control or authority to carry out activities. The Bosnian Muslims targeted in each individual municipality formed a relatively small part of the Bosnian-Muslim population in the Bosnian-Serb claimed territory or in Bosnia-Herzegovina as a whole. The Trial Chamber received insufficient evidence indicating why the Bosnian Muslims in each of the above municipalities or the municipalities themselves had a special significance or were emblematic in relation to the protected group as a whole. The Trial Chamber is, therefore, not satisfied, beyond reasonable doubt, that the only reasonable inference that can be drawn from the surrounding facts and circumstances is that the physical perpetrators possessed the intent to destroy the Bosnian Muslims in Sanski Most, Foča, Kotor Varoš, Prijedor, and Vlasenica Municipalities as a substantial part of the protected group.

Conclusion

3536. In conclusion, the Trial Chamber does not find, beyond reasonable doubt, that the physical perpetrators of prohibited acts against the Bosnian Muslims and Bosnian Croats in the Count 1 municipalities committed those prohibited acts, with the intent to destroy the Bosnian Muslims and Bosnian Croats as a substantial part of the protected groups in Bosnian-Herzegovina. In chapter 9.2.14, the Trial Chamber will consider whether there was a JCE to permanently remove the Bosnian Muslims and Bosnian Croats in the Count 1 municipalities through the commission of genocide. The Trial Chamber will consider the specific intent, if any, of the alleged members of the JCE in light of the totality of the evidence.

Count 2

3537. In chapters 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8.1, 7.8.2, 7.9, 7.10, 7.11, 7.12, 7.13.1, 7.13.2, 7.14.1, 7.14.2, 7.15, 7.15.3, and 7.16 the Trial Chamber decided to further consider certain incidents which occurred in Srebrenica as alleged genocidal acts against the applicable law.

3538. *Protected group.* As established above in relation to Count 1 in chapter 8.10.2, the Trial Chamber is satisfied that Bosnian Muslims were a protected group for the purpose of Article 4 of the Statute.

3539. *Actus reus.* The Trial Chamber recalls, as noted in chapter 8.10.1, that the crime of genocide is constituted of certain prohibited acts which, in respect of the charges in Count 2, relate to killing members of the protected group and causing serious bodily or mental harm to members of the protected group. The Trial Chamber will examine each of these charges below.

3540. *Killing members of the group.* The Trial Chamber recalls its findings in chapter 8.3.2, that following the fall of Srebrenica on 11 July 1995 Bosnian-Muslim men and boys were killed and that those killings constituted murder. The Trial Chamber, accordingly, finds that many thousands of members of the protected group were killed. The Trial Chamber will not consider the killing of women in Srebrenica any further in this chapter as those killings were not charged under Count 2 of the Indictment.

3541. *Causing serious bodily or mental harm to members of the group.* The Trial Chamber recalls its findings in chapter 7.16 and 8.9.2 that VRS units terrorised and abused the Bosnian Muslims of Srebrenica who had gathered in Potočari following the fall of Srebrenica on 11 July 1995 and that these acts constituted cruel and/or inhumane treatment.

3542. The Trial Chamber found in chapters 7.16 and 8.9.2 that VRS units separated Bosnian-Muslim men, particularly those of fighting age, from Bosnian-Muslim women, children, and the elderly in Potočari and finds that this act aroused intense fear as those detained understood the inevitable fate awaiting the men as they were placed onto buses while being punched, abused, hit, and branded with derogatory terms. The VRS created a fearful and threatening atmosphere in Potočari by intimidating the Bosnian Muslims of Srebrenica to an extent that some of them committed suicide.

3543. The Trial Chamber also recalls its findings in chapters 7.16 and 8.9.2 that members of the VRS, military police, civilian police, special police, Drina Wolves, and paramilitary formations beat Bosnian-Muslim men and boys of Srebrenica prior to their execution and that these acts constituted cruel and/or inhumane treatment. The Trial Chamber further found in chapter 7.16 and 8.9.2 that Bosnian-Muslim men from the column and at the execution sites were cursed, insulted, threatened and were forced to make the Serb salute and sing Serbian songs. The Trial Chamber recalls, as determined in chapters 8.3.2, 8.9.2 and 7.16, the circumstances, including discriminatory treatment, in which thousands of detained Bosnian-Muslim males of Srebrenica faced their imminent deaths in the following locations: Bratunac, Kravica, Tisova Kosa, Kravica Warehouse (Schedule E.3.1), Sandići Meadow (Schedule E.4.1), Luke School near Tišća (Schedule E.5.1), School in Orahovac (Schedule E.6.1), School in Petkovci (Schedule E.7.1), Kula School (Schedule E.9.1), Branjevo Military Farm (E.9.2), Pilica Cultural Centre (Schedule E.10.1), and Vuk Karadžić elementary school (Schedule E.15.1).[13411] The Trial Chamber finds that the suffering endured by the Bosnian Muslims of Srebrenica in the period before they were killed, was intense, prolonged, and serious. Many spent their last moments in a state of desperation.

3544. Based on the foregoing, the Trial Chamber observes that thousands of Bosnian Muslims of Srebrenica were subjected to serious bodily or mental harm which included: threats of death or treatment which brought them to the point of death or suicide; knowledge, in many cases, of impending death due to the terrible manner in which they were treated prior to being killed; and long-lasting physical and mental damage. The harm inflicted upon the victims by the perpetrators preceded the suffering which was inherently part of the acts of killing. The Trial Chamber, therefore, finds that the serious bodily or mental harm suffered by thousands of Bosnian Muslims of Srebrenica contributed to the destruction of the targeted group as a result of actions of the physical perpetrators.

3545. *Mens rea - Intent to destroy the protected group, in part, as such.* The Trial Chamber recalls Appeals Chamber jurisprudence that where direct evidence of specific intent is absent, the specific intent may be inferred from the surrounding facts and

[13411] The Trial Chamber recalls its finding in chapter 7.16 that Bosnian-Muslims men and boys were kept in poor and overcrowded conditions at Kravica Warehouse (Schedule E.3.1), School in Orahovac (Schedule E.6.1), School in Petkovci (Schedule E.7.1), Kula School (Schedule E.9.1), and Vuk Karadžić

circumstances which may include: the general context; the perpetration of other culpable acts systematically directed against the same group; the scale of the atrocities committed; the systematic targeting of victims on account of their membership in a particular group; proof of the mental state with respect to the commission of the underlying acts; the repetition of destructive and discriminatory acts; or the existence of a plan or policy.[13412]

3546. The Trial Chamber recalls its findings in chapter 8.3.2, that all of the victims of the killings in Srebrenica were not actively participating in the hostilities at the time of the killings. The killings were perpetrated by members of the VRS including soldiers and military police as well as the following groups: the 2nd Šehovići Detachment of the Special Police Brigade, the 10th Sabotage Detachment, the 1st Battalion of the Zvornik Brigade and the Zvornik Brigade more generally, the 6th Infantry Battalion of the Zvornik Brigade, the Bratunac Brigade Military Police Platoon, the 1st company of the Jahorina police training centre, the Drina Wolves, the Skorpions Unit, paramilitary formations, the Special Police Detachment, the Special Police Unit of the MUP and 'Chetniks'. The Trial Chamber recalls its finding in chapter 8.4.2 that the perpetrators of Scheduled Incidents E.1.1, E.2.1, E.3.1, E.5.1, E.6.2, E.7.1, E.7.2, E.8.1, E.8.2, E.9.1 E.9.2, E.10.1, and E.12.1 intended to kill on a mass scale. The Trial Chamber also recalls its finding in chapter 8.9.2 that the perpetrators of Scheduled Incidents E.1.1, E.2.1, E.3.1, E.4.1, E.5.1, E.6.1, E.6.2, E.7.1, E.7.2, E.8.1, E.8.2, E.9.1, E.9.2, E.10.1, E.12.1, E.13.1, E.14.1, E.14.2, E.15.1, E.15.3 and the unscheduled incidents of 13 July 1995, 18 July 1995 and 23 July 1995 committed the killings against the Bosnian Muslims on political, racial or religious grounds. Further, the Trial Chamber recalls its finding in chapter 7.16 and 8.9.2 that members of the VRS, military police, civilian police, special police, Drina Wolves and paramilitary formations terrorised and abused Bosnian Muslims in Potočari, mis-treated and beat Bosnian-Muslim boys and men prior to their execution, and intended to cause serious mental or physical suffering to Bosnian Muslims who were separated or detained.

3547. The Trial Chamber notes the scale of the events in Srebrenica, which involved the murder of a very large number of Bosnian-Muslim men and boys. Many thousands

elementary school (Schedule E.15.1). Some detainees were shot in their legs at Kravica Warehouse (Schedule E.3.1) and School in Petkovci (Schedule E.7.1), and others were severely handicapped.

of Bosnian-Muslim males were killed. These killings were carried out approximately between 12 and 23 July 1995 with the vast majority being killed over just a few days, from 12 until 17 July 1995. The killings followed a pattern. The victims were Bosnian-Muslim males who were captured and detained.[13413] Many of the detainees were transported to other locations prior to being taken to execution sites; they were then either lined up prior to the killings or summarily killed. They were often kept in dire conditions.[13414] The killings were often accompanied by ethnic slurs.[13415] In relation to Scheduled Incident E.10.1, the perpetrators were heard saying to one another: 'don't commit genocide, if you want to kill … take a rifle and strike in a military way' and 'we committed the genocide like in Jasenovac in 1941.' The Trial Chamber considers that the killings, taking into consideration their organized and systematic manner, demonstrate the perpetrators' clear intent to kill all or substantially all able-bodied Bosnian-Muslim males from Srebrenica.

3548. In addition, the Trial Chamber recalls its findings in chapter 7.1.3 that, between 6 and 11 July 1995, the VRS and soldiers identified as 'Chetniks' destroyed houses belonging to Bosnian Muslims in Srebrenica, mosques in Srebrenica, and a building housing the archive and the library of the Medžlis of the Islamic Community of Srebrenica. These acts of destruction were also committed in the days immediately preceding the killings and by the same perpetrators as those who committed the murder and the cruel and inhumane treatment. The Trial Chamber also recalls its findings in chapter 8.5.2 and 8.9.2(b) that in addition to the murder, terrorising and abusing, ill-treatment, and destruction of property suffered by Bosnian Muslims in Srebrenica, all or substantially all of the remaining Bosnian Muslims in Srebrenica were forcibly transferred out of Potočari by the VRS and the MUP.

3549. In light of the foregoing, the Trial Chamber finds that the only reasonable inference is that the physical perpetrators of the prohibited acts intended to destroy the

[13412] *Jelisić* Appeal Judgment, paras. 47-48; *Krstić* Appeal Judgment, para. 34; *Stakić* Appeal Judgment, para. 55; *Hategekimana* Appeal Judgment, para. 133; *Karadžić* Rule 98 *bis* Appeal Judgment, paras 80, 99; *Popović et al.* Appeal Judgment, paras 430, 440, 468; *Tolimir* Appeal Judgment, paras 246, 248, 253.
[13413] In relation to Scheduled Incident E.4.1, the Trial Chamber recalls chapter 7.5 that the victims surrendered from the column near the meadow and were killed at the meadow.
[13414] *See*, for instance, in Scheduled Incident E.9.1 in chapter 7.10.1, the Trial Chamber found that some the victims died as they were kept in hot and overcrowded conditions with no food or water.
[13415] In relation to Scheduled Incidents E.3.1, E.4.1, E.6.1, E.6.2, E.7.1, E.7.2, E.9.2, E.13.1, and the unscheduled incidents of 18 July and 23 July 1995, the Trial Chamber found in chapter 8.9.2(a) that the perpetrators referred to the victims as *balijas* or *ustašas*, or treated them in discriminatory ways based on the victims' religious, racial or political views.

Bosnian Muslims in Srebrenica, as a part of the protected group. Whether the targeted part constituted a substantial part of the protected group, in so far as the specific intent of physical perpetrators is concerned, will be considered further below.

3550. *Mens rea - Substantiality of part of the protected group.* The Trial Chamber recalls, as noted in chapter 8.10.1, that in determining the substantiality of the group, numerical size of the part in absolute terms is one factor among many. Other factors include: numerical size of the part in relation to the overall size of the group; the prominence of the part of the group within the larger whole and whether it is emblematic of the overall group or essential to its survival; the area of the perpetrators' activity and control; and the perpetrators' potential reach.

3551. The Trial Chamber notes that the population of Bosnia-Herzegovina in 1991 was approximately 4.4 million people.[13416] According to the April 1991 census 43.7 per cent of the residents of Bosnia-Herzegovina were Bosnian Muslim, 32.4 per cent were Bosnian Serb, and 17.3 per cent were Bosnian Croat.[13417] The Trial Chamber recalls its findings in chapter 7.1.1 that in 1991, the population of the Srebrenica Municipality was 37,000, of which 73 per cent were Muslim and 25 per cent were Serb. It also recalls that in April 1993 some 20,000 to 28,000 people were living in Srebrenica Town comprising displaced persons from the surrounding villages and 8,000 to 10,000 locals most of whom were Bosnian Muslims. The Bosnian-Muslim population of Srebrenica Town at times swelled to between 50,000 to 60,000 as a result of people being displaced from the surrounding villages and the enclave at one time comprised 70,000 people in April 1993. The Trial Chamber considers, therefore, that the population of Bosnian Muslims in Srebrenica formed less than two per cent of the Bosnian Muslims in Bosnia-Herzegovina as a whole.

3552. The Trial Chamber further recalls the evidence reviewed in chapters 7.1.3 and 9.7.7 regarding Mladić's statements with respect to Srebrenica. Mladić stated in an interview published in 1994, that Srebrenica was a large 'Islamic and Turkish' stronghold until the war started, and that although they had been the majority population there, the heritage did not belong to the 'Turks'. He declared that the Drina was a synonym of domination over the Serbs, dating from the time of the powerful Turkish

[13416] P2786 (Excerpts of transcript of testimony of Ewa Tabeau, 25 April 2012) p.10; Ewa Tabeau, T. 19239.
[13417] Adjudicated Facts I, no. 12.

empire. Mladić demanded that a representative of a humanitarian organization film the area in Srebrenica and said 'Let our Serbs see what we have done to them, how we took care of the Turks'. Mladić also said that if the Dutch had not been there to protect the Bosnian Muslims, 'they would have disappeared from this area a long time ago'. Upon Mladić's arrival in Srebrenica on 11 July 1995, he said: 'Here we are, on 11 July 1995, in Serb Srebrenica. On the eve of yet great Serb holiday, we give this town to the Serb people as a gift. Finally, after the [R]ebellion against the Dahis, the time has come to take revenge on the Turks in this region'.

3553. The Trial Chamber also recalls its findings in chapters 7.1.3, 7.17 and 8.3.2(a) relating to the murder of many thousands of Bosnian-Muslim males, the destruction of political or religious monuments and homes, and the forcible transfer of Bosnian-Muslims women, children and the elderly. The physical perpetrators of these acts carried them out knowing that they would be demonstrative of the ultimate fate that awaited Bosnian Muslims in Bosnia-Herzegovina. This demonstrative effect would be due to the symbolic impact of the murder of Bosnian Muslims in a designated safe area, the destruction of a number of religious buildings and Bosnian-Muslim homes in the region, and the forcible transfer of all or substantially all of the remaining Bosnian-Muslim population. This symbolic impact was all the more significant given the scope of the VRS activity and control of this muncipality in what was then one of the few remaining predominantly Bosnian-Muslim populated territories in the area claimed as the Bosnian-Serb Republic.

3554. In light of the foregoing, the Trial Chamber finds that the enclave of Srebrenica was of significant strategic importance to the Bosnian-Serb leadership during the conflict because the majority Bosnian-Muslim population of this region made it difficult for them to claim the land as inherently Serb. The Bosnian-Serb leadership, in particular, accorded Srebrenica importance as it was in close geographical proximity to Serbia and, therefore, was required for maintaining a Serb-populated border area contiguous with Serbia. During the war, Srebrenica also became a refuge to Bosnian Muslims from the region especially when it was designated a UN safe area. The Trial Chamber is, therefore, satisfied that the Bosnian Muslims in Srebrenica constituted a substantial part of the Bosnian Muslim population of Bosnia-Herzegovina.

3555. *Conclusion.* In conclusion, the Trial Chamber finds that the underlying prohibited acts set out in chapters 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8.1, 7.8.2, 7.9, 7.10, 7.11,

7.12, 7.13.1, 7.13.2, 7.14.1, 7.14.2, 7.15 and 7.16 were committed by the physical perpetrators with the intent to destroy the Bosnian Muslims in Srebrenica, as a substantial part of the protected group of Bosnian Muslims in Bosnian-Herzegovina and, accordingly, constitutes genocide punishable under Article 4(3)(a) of the Statute.

UNITED NATIONS	International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991	Case No.	IT-09-92-T
		Date:	22 November 2017
		Original:	English

IN TRIAL CHAMBER I

Before: **Judge Alphons Orie, Presiding**
Judge Bakone Justice Moloto
Judge Christoph Flügge

Registrar: **Mr John Hocking**

Judgment of: **22 November 2017**

PROSECUTOR

v.

RATKO MLADIĆ

PUBLIC WITH CONFIDENTIAL ANNEX

JUDGMENT

VOLUME IV OF V

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Table of contents

General abbreviations 13

1. Introduction 17

2. Administration of the Bosnian-Serb Republic 22

2.1 Republic political structures 22

2.1.1 Bosnian-Serb Presidency and President 22

2.1.2 Bosnian-Serb Assembly 29

2.1.3 Bosnian-Serb Government 32

2.2 Regional and municipal political structures 38

2.2.1 Regional political structures 38

2.2.2 Municipal political structures 45

3. Bosnian-Serb military and police structures 57

3.1 VRS 57

3.1.1 Establishment and structure 57

3.1.2 VRS's corps 66

3.1.3 Main Staff 129

3.1.4 Position of Ratko Mladić 141

3.2 JNA/VJ 144

3.3 Territorial Defence 152

3.4 Ministry of Interior 160

3.5 Paramilitary formations 175

4. Take-over of power and crimes in the municipalities 176

4.1 Banja Luka Municipality 176

4.1.1 Murder 176

4.1.2 Unlawful detention and cruel or inhumane treatment in detention facilities 194

4.1.3 Destruction of private and public property, including cultural monuments and sacred sites 241

4.1.4 Appropriation or plunder of property 244

4.1.5 Forced labour and human shields 244

4.1.6 Imposition and maintenance of restrictive and discriminatory measures 248

4.1.7 Forcible transfer and deportation 251

4.2 Bijeljina Municipality 262

4.2.1 Murder 262

4.2.2 Unlawful detention and cruel or inhumane treatment in detention facilities 270
4.2.3 Destruction of private and public property, including cultural monuments and sacred sites 296
4.2.4 Appropriation or plunder of property 299
4.2.5 Forced labour and human shields 301
4.2.6 Imposition and maintenance of restrictive and discriminatory measures 304
4.2.7 Forcible transfer and deportation 304
4.3 Foča Municipality 312
4.3.1 Murder 312
4.3.2 Unlawful detention and cruel or inhumane treatment in detention facilities 326
4.3.3 Destruction of private and public property, including cultural monuments and sacred sites 356
4.3.4 Appropriation or plunder of property 361
4.3.5 Forced labour and human shields 361
4.3.6 Imposition and maintenance of restrictive and discriminatory measures 363
4.3.7 Forcible transfer and deportation 364
4.4 Ilidža Municipality 372
4.4.1 Murder 372
4.4.2 Unlawful detention and cruel or inhumane treatment in detention facilities 372
4.4.3 Destruction of private and public property, including cultural monuments and sacred sites 377
4.4.4 Appropriation or plunder of property 377
4.4.5 Forced labour and human shields 377
4.4.6 Imposition and maintenance of restrictive and discriminatory measures 380
4.4.7 Forcible transfer and deportation 380
4.5 Kalinovik Municipality 384
4.5.1 Murder 384
4.5.2 Unlawful detention and cruel or inhumane treatment in detention facilities388
4.5.3 Destruction of private and public property, including cultural monuments and sacred sites 399
4.5.4 Appropriation or plunder of property 401
4.5.5 Forced labour and human shields 402
4.5.6 Imposition and maintenance of restrictive and discriminatory measures 404
4.5.7 Forcible transfer and deportation 404
4.6 Ključ Municipality 406
4.6.1 Murder 406

4.6.2 Unlawful detention and cruel or inhumane treatment in detention facilities 427
4.6.3 Destruction of private and public property, including cultural monuments and sacred sites 430
4.6.4 Appropriation or plunder of property 439
4.6.5 Forced labour and human shields 442
4.6.6 Imposition and maintenance of restrictive and discriminatory measures 442
4.6.7 Forcible transfer and deportation 446
4.7 Kotor Varoš Municipality 457
4.7.1 Murder 457
4.7.2 Unlawful detention and cruel or inhumane treatment in detention facilities 463
4.7.3 Destruction of private and public property, including cultural monuments and sacred sites 471
4.7.4 Appropriation or plunder of property 476
4.7.5 Forced labour and human shields 477
4.7.6 Imposition and maintenance of restrictive and discriminatory measures 478
4.7.7 Forcible transfer and deportation 481
4.8 Novi Grad Municipality 491
4.8.1 Murder 491
4.8.2 Unlawful detention and cruel or inhumane treatment in detention facilities 500
4.8.3 Destruction of private and public property, including cultural monuments and sacred sites 500
4.8.4 Appropriation or plunder of property 503
4.8.5 Forced labour and human shields 503
4.8.6 Imposition and maintenance of restrictive and discriminatory measures 503
4.8.7 Forcible transfer and deportation 503
4.9 Pale Municipality 508
4.9.1 Murder 508
4.9.2 Unlawful detention and cruel or inhumane treatment in detention facilities 508
4.9.3 Destruction of private and public property, including cultural monuments and sacred sites 508
4.9.4 Appropriation or plunder of property 510
4.9.5 Forced labour and human shields 512
4.9.6 Imposition and maintenance of restrictive and discriminatory measures 512
4.9.7 Forcible transfer and deportation 512
4.10 Prijedor Municipality 533
4.10.1 Murder 533

4.10.2 Unlawful detention and cruel or inhumane treatment in detention facilities 617
4.10.3 Destruction of private and public property, including cultural monuments and sacred sites 700
4.10.4 Appropriation or plunder of property 724
4.10.5 Forced labour and human shields 733
4.10.6 Imposition and maintenance of restrictive and discriminatory measures 736
4.10.7 Forcible transfer and deportation 741
4.11 Rogatica Municipality 753
4.11.1 Murder 753
4.11.2 Unlawful detention and cruel or inhumane treatment in detention facilities 765
4.11.3 Destruction of private and public property, including cultural monuments and sacred sites 786
4.11.4 Appropriation or plunder of property 791
4.11.5 Forced labour and human shields 793
4.11.6 Imposition and maintenance of restrictive and discriminatory measures 798
4.11.7 Forcible transfer and deportation 799
4.12 Sanski Most Municipality 817
4.12.1 Murder 817
4.12.2 Unlawful detention and cruel or inhumane treatment in detention facilities 842
4.12.3 Destruction of private and public property, including cultural monuments and sacred sites 842
4.12.4 Appropriation or plunder of property 861
4.12.5 Forced labour and human shields 863
4.12.6 Imposition and maintenance of restrictive and discriminatory measures 864
4.12.7 Forcible transfer and deportation 868
4.13 Sokolac Municipality 891
4.13.1 Murder 891
4.13.2 Unlawful detention and cruel or inhumane treatment in detention facilities 893
4.13.3 Destruction of private and public property, including cultural monuments and sacred sites 893
4.13.4 Appropriation or plunder of property 895
4.13.5 Forced labour and human shields 895
4.13.6 Imposition and maintenance of restrictive and discriminatory measures 895
4.13.7 Forcible transfer and deportation 896
4.14 Vlasenica Municipality 900
4.14.1 Murder 900

4.14.2 Unlawful detention and cruel or inhumane treatment in detention facilities 910
4.14.3 Destruction of private and public property, including cultural monuments and sacred sites 928
4.14.4 Appropriation or plunder of property 930
4.14.5 Forced labour and human shields 931
4.14.6 Imposition and maintenance of restrictive and discriminatory measures 933
4.14.7 Forcible transfer and deportation 936
5. Sarajevo 949
5.1 Introduction 949
5.1.1 Conditions in Sarajevo 949
5.1.2 Modified air bombs 973
5.2 Sniping incidents 985
5.2.1 Schedule F.1 985
5.2.2 Schedule F.3 989
5.2.3 Schedule F.4 991
5.2.4 Schedule F.5 994
5.2.5 Schedule F.9 997
5.2.6 Schedule F.11 1000
5.2.7 Schedule F.12 1005
5.2.8 Schedule F.13 1008
5.2.9 Schedule F.15 1011
5.2.10 Schedule F.16 1014
5.2.11 Other sniping incidents 1016
5.3 Shelling incidents 1035
5.3.1 Schedule G.1 1035
5.3.2 Schedule G.2 1041
5.3.3 Schedule G.4 1047
5.3.4 Schedule G.6 1052
5.3.5 Schedule G.7 1058
5.3.6 Schedule G.8 1062
5.3.7 Schedule G.10 1086
5.3.8 Schedule G.13 1091
5.3.9 Schedule G.15 1095
5.3.10 Schedule G.18 1097
5.3.11 Other shelling incidents 1114

6. Taking of hostages **1150**
6.1 Introduction 1150
6.2 Detention of UNMOs stationed in Pale and in the Sarajevo area 1156
6.3 Detention of Ukrainian UNPROFOR soldiers in Banja Luka 1176
6.4 Detention of UNPROFOR soldiers in Sarajevo 1179
6.5 Detention of UNPROFOR soldiers in Goražde 1191
6.6 Release of UN hostages 1196
6.7 The Trial Chamber's findings 1207
7. Srebrenica **1210**
7.1 The take-over of the Srebrenica enclave 1210
7.1.1 1992 - July 1995 1210
7.1.2 Directives no. 7 and no. 7/1 1233
7.1.3 The fall of Srebrenica and the gathering of people in Potočari 1243
7.1.4 The Hotel Fontana meetings 1277
7.1.5 Transportation from Potočari 1288
7.1.6 The column 1334
7.2 Jadar River (Schedule E.1.1) 1383
7.3 Cerska Valley (Schedule E.2.1) 1392
7.4 Kravica Warehouse (Schedule E.3.1) 1397
7.5 Sandići Meadow (Schedule E.4.1) 1414
7.6 Luke School near Tišća (Schedule E.5.1) 1424
7.7 School in Orahovac and nearby field (Schedule E.6.1 and E.6.2) 1429
7.8 Petkovci (Schedule E.7) 1457
7.8.1 School in Petkovci (Schedule E.7.1) 1457
7.8.2 Dam near Petkovci (Schedule E.7.2) 1463
7.9 Roćević School and Kozluk (Schedule E.8.1 and E.8.2) 1473
7.10 Kula School (Schedule E.9.1), Branjevo Military Farm (Schedule E.9.2), and Pilica Cultural Centre (Schedule E.10.1) 1496
7.11 Bišina (Schedule E.12.1) 1518
7.12 Trnovo (Schedule E.13.1) 1526
7.13 Potočari (Schedule E.14) 1530
7.13.1 Near the UN Compound (Schedule E.14.1) 1530
7.13.2 Near the 'White House' (Schedule E.14.2) 1532
7.14 Bratunac Town (Schedule E.15) 1536
7.14.1 In and around the Vuk Karadžić elementary school (Schedule E.15.1) 1536

7.14.2 In front of the Vuk Karadžić elementary school (Schedule E.15.3) 1549
7.15 Other incidents of killings 1551
7.16 Incidents of ill-treatment 1558
7.17 Forcible transfer and deportation 1567
7.18 Burial operations 1574
8. Legal findings on crimes 1584
8.1 Violations of the laws or customs of war: general elements and jurisdictional requirements 1584
8.1.1 Applicable law 1584
8.1.2 Findings on armed conflict 1587
8.2 Crimes against humanity: general elements and jurisdictional requirement 1589
8.2.1 Applicable law 1589
8.2.2 Legal findings 1591
8.3 Murder 1601
8.3.1 Applicable law 1601
8.3.2 Legal findings 1601
8.4 Extermination 1617
8.4.1 Applicable law 1617
8.4.2 Legal findings 1618
8.5 Deportation and forcible transfer 1632
8.5.1 Applicable law 1632
8.5.2 Legal findings 1633
8.6 Acts of violence the primary purpose of which is to spread terror among the civilian population 1663
8.6.1 Applicable law 1663
8.6.2 Legal findings 1664
8.7 Unlawful attacks on civilians 1674
8.7.1 Applicable law 1674
8.7.2 Legal findings 1674
8.8 Taking of hostages 1676
8.8.1 Applicable law 1676
8.8.2 Legal findings 1677
8.9 Persecution 1679
8.9.1 Applicable law 1679
8.9.2 Legal findings 1690
8.10 Genocide 1755

8.10.1 Applicable law 1755
8.10.2 Legal findings 1757
9. The liability of the Accused 1821
9.1 Applicable law 1821
9.1.1 Joint criminal enterprise 1821
9.1.2 Planning, instigating, ordering, and aiding and abetting 1825
9.1.3 Superior responsibility 1827
9.2 First (overarching) joint criminal enterprise 1830
9.2.1 Overview of the charges 1830
9.2.2 Political developments and the role of the SDS in the lead-up to the conflict in 1991 and 1992 1831
9.2.3 The Variant A/B Instructions 1869
9.2.4 The Six Strategic Objectives 1877
9.2.5 Speeches, statements, and utterances by members of the Bosnian-Serb political leadership 1884
9.2.6 The role of the VJ 1895
9.2.7 The role of the MUP 1915
9.2.8 The role of paramilitary formations 1934
9.2.9 The role of the regional and municipal leadership 1969
9.2.10 Attempts to cover up crimes 1992
9.2.11 Tomašica 2028
9.2.12 Investigation and prosecution of crimes 2039
9.2.13 Revenge and related arguments 2075
9.2.14 Conclusion 2083
9.3 Ratko Mladić's alleged contribution to the first (overarching) joint criminal enterprise 2092
9.3.1 Introduction 2092
9.3.2 Participating in the establishment, organization and/or maintenance of the VRS 2092
9.3.3 Commanding and controlling the VRS 2107
9.3.4 Commanding and controlling elements of the Serb Forces integrated into, or subordinated to, the VRS 2137
9.3.5 Directing, monitoring and/or authorizing the VRS's cooperation and coordination with other elements of Serb Forces and with Bosnian-Serb Political and Governmental Organs 2142
9.3.6 Participating in procuring material and military assistance from the VJ 2147
9.3.7 Participating in the development of Bosnian-Serb governmental policies 2161

9.3.8 Disseminating, encouraging and/or facilitating the dissemination of propaganda to Bosnian Serbs intended to engender in Bosnian Serbs fear and hatred of Bosnian Muslims and Bosnian Croats or to otherwise win support for and participation in achieving the objective of the joint criminal enterprise 2173

9.3.9 Engaging in, supporting and/or facilitating efforts to deny or to provide misleading information about crimes against Bosnian Muslims and Bosnian Croats and about the role that Serb Forces had played in those crimes to representatives of the international community, non-governmental organizations, the media and the public, thereby facilitating the commission of crimes 2183

9.3.10 Facilitating and/or encouraging the commission by members of the VRS, and other elements of Serb Forces under his effective control, of crimes that furthered the objective of the joint criminal enterprise by failing, while under a duty stemming from his position, to take adequate steps to prevent and/or investigate such crimes, and/or arrest and/or punish the perpetrators of such crimes 2187

9.3.11 Directing, implementing and/or authorizing the restriction of humanitarian aid to Bosnian-Muslim and/or Bosnian-Croat enclaves located in territory controlled by the VRS, the TO, the MUP, and Bosnian-Serb paramilitary forces and volunteer units and/or Bosnian-Serb Political and Governmental Organs in an effort to create unbearable living conditions for these inhabitants 2202

9.3.12 Legal findings 2228

9.3.13 Mens rea 2230

9.4 Second joint criminal enterprise (Sarajevo) 2257

9.4.1 Overview of the charges 2257

9.4.2 Existence of and membership in the joint criminal enterprise 2258

9.4.3 The Trial Chamber's findings 2276

9.5 Ratko Mladić's alleged contribution to the second joint criminal enterprise (Sarajevo) 2281

9.5.1 Introduction 2281

9.5.2 Participating in the establishment, organization and/or maintenance of the VRS 2281

9.5.3 Commanding and controlling the VRS 2282

9.5.4 Participating in procuring material and military assistance from the VJ 2304

9.5.5 Participating in the development of Bosnian-Serb governmental policies 2309

9.5.6 Disseminating, encouraging and/or facilitating the dissemination of propaganda to Bosnian Serbs intended to engender in Bosnian Serbs fear and hatred of Bosnian Muslims and Bosnian Croats or to otherwise win support for and participation in achieving the objective of the joint criminal enterprise 2314

9.5.7 Engaging in, supporting and/or facilitating efforts to deny or to provide misleading information about crimes against Bosnian Muslims and Bosnian Croats and about the role that Serb Forces had played in those crimes to representatives of the international community, non-governmental organizations, the media and the public, thereby facilitating the commission of crimes 2315

9.5.8 Facilitating and/or encouraging the commission by members of the VRS, and other elements of Serb Forces under his effective control, of crimes that furthered the objective of the joint criminal enterprise by failing, while under a duty stemming from his position, to take adequate steps to prevent and/or investigate such crimes, and/or arrest and/or punish the perpetrators of such crimes 2317

9.5.9 Directing, implementing and/or authorizing the restriction of humanitarian aid to Bosnian-Muslim and/or Bosnian-Croat enclaves located in territory controlled by the VRS, the TO, the MUP, and Bosnian-Serb paramilitary forces and volunteer units and/or Bosnian-Serb Political and Governmental Organs in an effort to create unbearable living conditions for these inhabitants 2320

9.5.10 Legal findings 2345

9.5.11 Mens rea 2346

9.6 Third joint criminal enterprise (Srebrenica) 2359

9.6.1 Overview of the charges 2359

9.6.2 Contemporaneous statements and meetings 2360

9.6.3 Attempts to cover up and the non-investigation of crimes 2374

9.6.4 Conclusion 2379

9.7 Ratko Mladić's alleged contribution to the third joint criminal enterprise (Srebrenica) 2386

9.7.1 Introduction 2386

9.7.2 Commanding and controlling the VRS 2386

9.7.3 Commanding and controlling elements of the Serb Forces integrated into, or subordinated to, the VRS 2412

9.7.4 Engaging in, supporting and/or facilitating efforts to deny or to provide misleading information about crimes against Bosnian Muslims and about the role that Serb Forces had played in those crimes to representatives of the international community, non-governmental organizations, the media and the public, thereby facilitating the commission of crimes 2418

9.7.5 Facilitating and/or encouraging the commission by members of the VRS, and other elements of Serb Forces under his effective control, of crimes that furthered the objective of the joint criminal enterprise by failing, while under a duty stemming from his position, to take adequate steps to prevent and/or investigate such crimes, and/or arrest and/or punish the perpetrators of such crimes 2424

9.7.6 Legal findings 2428

9.7.7 Mens rea 2429

9.8 Fourth joint criminal enterprise (Hostages) 2443

9.8.1 Overview of the charges 2443

9.8.2 Common objective 2444

9.8.3 Conclusion 2446

9.9 Ratko Mladić's alleged contribution to the fourth joint criminal enterprise (Hostages) 2448
9.9.1 Overview of charges 2448
9.9.2 The Accused's alleged contribution 2449
9.9.3 Mens rea 2451
9.10 Other modes of liability 2454
10. Cumulative convictions 2456
11. Sentencing 2461
11.1 Law on sentencing 2461
11.2 Purpose of sentencing 2462
11.3 Sentencing factors 2463
11.3.1 Gravity of the offences and the totality of the culpable conduct 2463
11.3.2 Individual circumstances of Ratko Mladić 2466
11.3.3 General practice regarding the prison sentences in the courts of the former Yugoslavia 2470
11.3.4 Comparison with other cases 2472
11.3.5 Credit for the time served in custody 2472
11.4 Determination of sentences 2473
12. Disposition 2474
13. Partially dissenting opinion by Judge Alphons Orie 2476

Appendices

A. Procedural history 2478
B. Sources and use of evidence 2491
C. Table of cases with abbreviations 2521
D. Confidential Annex 2527

9. The liability of the Accused

9.1 Applicable law

9.1.1 Joint criminal enterprise

3556. The Indictment charges the Accused as a participant in a JCE, pursuant to Article 7 (1) of the Statute, for all the crimes charged. According to the Indictment, the Accused committed each of the charged crimes in concert with others through his participation in several related JCEs. First, the Accused was a key member of an overarching JCE, which lasted from at least October 1991 until 30 November 1995, the object of which was the permanent removal of Bosnian Muslims and Bosnian Croats from Bosnian Serb-claimed territory in Bosnia-Herzegovina through the crimes charged.[13418] Secondly, the Accused participated in a JCE to spread terror among the civilian population of Sarajevo through a campaign of sniping and shelling between 12 May 1992 and November 1995.[13419] Thirdly, he participated in a JCE to eliminate the Bosnian Muslims in Srebrenica between 'the days immediately preceding' 11 July 1995 and 1 November 1995.[13420] Fourthly, the Accused participated in a JCE to take UN personnel as hostages during May and June 1995.[13421] Further details about the charges will be set out in chapters 9.2, 9.4, 9.6, and 9.8 below.

3557. The Defence claimed that the third form of JCE liability is without legal basis, and should not be considered part of customary international law as it has been rejected in multiple domestic jurisdictions and by other international courts and tribunals.[13422] The Defence further asserted that the Overarching JCE, as presented by the Prosecution, is too expansive, and that *Tadić* and subsequent case-law is limited to smaller-scale cases.[13423] The Trial Chamber notes that it is not bound by the decisions of other courts, either domestic or international,[13424] and affirms (as set out below) that the third form of JCE liability is firmly established in the jurisprudence of the Appeals Chamber. Moreover, the Trial Chamber notes that the Appeals Chamber acknowledged that the application of JCE liability is not limited to small-scale fact scenarios or geographical

[13418] Indictment, para. 5.
[13419] Indictment, paras 7, 14.
[13420] Indictment, paras 7, 19.
[13421] Indictment, paras 7, 24.
[13422] Defence Final Brief, paras 196-203, 217-227.
[13423] Defence Final Brief, paras 190, 214-215.
[13424] *See Đorđević* Appeal Judgment, paras 50, 52.

regions, and thus rejects the Defence's arguments concerning the scope of the Overarching JCE.[13425]

3558. In the context of the Tribunal's jurisprudence, the JCE doctrine received its first detailed treatment in the *Tadić* Appeal Judgment.[13426] The *Tadić* Appeals Chamber found in broad terms that a person who in execution of a common criminal purpose contributes to the commission of crimes by a group of persons may be held criminally liable subject to certain conditions.[13427] The Appeals Chamber's analysis of customary international law resulted in the identification and definition of three forms of JCE liability. In the first JCE form:

> all co-defendants, acting pursuant to a common design, possess the same criminal intention; for instance, the formulation of a plan among the co-perpetrators to kill, where, in effecting this common design (and even if each co-perpetrator carries out a different role within it), they [...] all possess the intent to kill.
>
> The objective and subjective prerequisites for imputing criminal responsibility to a participant who did not, or cannot be proven to have effected the killing are as follows:
>
> (i) the accused must voluntarily participate in one aspect of the common design (for instance, by inflicting non-fatal violence upon the victim, or by providing material assistance to or facilitating the activities of his co-perpetrators); and
>
> (ii) the accused, even if not personally effecting the killing, must nevertheless intend this result.[13428]

3559. The second form of JCE, which is described as a type of the first form, was found to have served cases where the offences charged were alleged to have been committed by members of military or administrative units, such as those running concentration camps and comparable 'systems'.[13429]

3560. The third form of JCE is characterized by a common criminal design to pursue a course of conduct where one or more of the co-perpetrators commit an act which, while outside the common design, is a natural and foreseeable consequence of the

[13425] *Tadić* Appeal Judgment, para. 204; *Brđanin* Appeal Judgment, paras 422, 425.
[13426] *Tadić* Appeal Judgment, paras 172-185.
[13427] *Tadić* Appeal Judgment, para. 190.
[13428] *Tadić* Appeal Judgment, para. 196.
[13429] *Tadić* Appeal Judgment, paras 202-203. For the notion of 'system', *see Krnojelac* Appeal Judgment, para. 89; *Vasiljević* Appeal Judgment, para. 105.

implementation of that design.[13430] There are two additional requirements for this form, one objective, the other subjective.[13431] The objective element does not depend upon the accused's state of mind. This is the requirement that the resulting crime was a natural and foreseeable consequence of the JCE's execution. It is to be distinguished from the subjective state of mind, namely that the accused was aware that the resulting crime was a possible consequence of the execution of the JCE, and participated with that awareness.[13432]

3561. To summarize the elements of the first and third forms of JCE:

(i) Plurality of persons. A JCE exists when a plurality of persons participates in the realization of a common criminal objective.[13433] The persons participating in the criminal enterprise need not be organized in a military, political, or administrative structure.[13434] They must be identified with specificity, for instance by name or by categories or groups of persons.[13435]

(ii) A common objective which amounts to or involves the commission of a crime provided for in the Statute. The first form of the JCE exists where the common objective amounts to, or involves the commission of a crime provided for in the Statute. The *mens rea* required for the first form is that the JCE participants, including the accused, had a common state of mind, namely the state of mind of intent in relation to the statutory crime(s) through which the common objective was to be achieved.[13436]

The third form of the JCE depends on whether it is natural and foreseeable that the execution of the JCE in its first form will lead to the commission of one or more other statutory crimes. In addition to the intent of the first form, the third form requires proof that the accused person took the risk that another statutory crime, not forming part of the

[13430] *Tadić* Appeal Judgment, para. 204; *Prosecutor v. Radovan Karadžić*, Case No. IT-95-5/18-AR72.4, Decision on Prosecution's Motion Appealing Trial Chamber's Decision on JCE III Foreseeability, 25 June 2009, para. 18.
[13431] *Prosecutor v. Radoslav Brđanin and Momir Talić*, Case No. IT-99-36-PT, Decision on Form of Further Amended Indictment and Prosecution Application to Amend, 26 June 2001, paras 28-30; *Haradinaj et al.* Trial Judgment, para. 137.
[13432] *Blaškić* Appeal Judgment, para. 33; *Haradinaj et al.* Trial Judgment, para. 137.
[13433] *Kvočka et al.* Trial Judgment, para. 307; *Haradinaj et al.* Trial Judgment, para. 138.
[13434] *Tadić* Appeal Judgment, para. 227.
[13435] *Brđanin* Appeal Judgment, para. 430; *Krajišnik* Appeal Judgment, paras 156-157.
[13436] *Tadić* Appeal Judgment, paras 227-228; *Krajišnik* Appeal Judgment, paras 200, 707.

common criminal objective, but nevertheless being a natural and foreseeable consequence of the JCE, would be committed.[13437]

According to the Appeals Chamber, the common objective need not have been previously arranged or formulated.[13438] This means that the second JCE element does not presume preparatory planning or explicit agreement among JCE participants, or between JCE participants and third persons.[13439]

Moreover, a JCE may exist even if none or only some of the principal perpetrators of the crimes are members of the JCE. For example, a JCE may exist where none of the principal perpetrators are aware of the JCE or its objective, yet are procured by one or more members of the JCE to commit crimes which further that objective. Thus, 'to hold a member of a JCE responsible for crimes committed by non-members of the enterprise, it has to be shown that the crime can be imputed to one member of the JCE, and that this member – when using a principal perpetrator – acted in accordance with the common plan'.[13440]

(iii) Participation of the accused in the objective's implementation. This is achieved by the accused's commission of a crime forming part of the common objective (and provided for in the Statute). Alternatively, instead of committing the intended crime as a principal perpetrator, the accused's conduct may satisfy this element if it involved procuring or giving assistance to the execution of a crime forming part of the common objective.[13441] A contribution of an accused person to the JCE need not be, as a matter of law, necessary or substantial, but it should at least be a significant contribution to the crimes for which the accused is found responsible.[13442]

[13437] *Tadić* Appeal Judgment, paras 227-228; *Blaškić* Appeal Judgment, para. 33; *Martić* Appeal Judgment, para. 83; *Prosecutor v. Radoslav Brđanin and Momir Talić*, Case No. IT-99-36-PT, Decision on Form of Further Amended Indictment and Prosecution Application to Amend, 26 June 2001, para. 31; *Krstić* Trial Judgment, para. 613; *Haradinaj et al.* Trial Judgment, para. 138. It follows from that and the above that the first form of the JCE requires intent in the sense of *dolus directus* and that recklessness or *dolus eventualis* does not suffice.

[13438] *Tadić* Appeal Judgment, para. 227.

[13439] *Kvočka et al.* Appeal Judgment, paras 115-119; *Brđanin* Appeal Judgment, para. 418, *Haradinaj et al.* Trial Judgment, para. 138.

[13440] *Brđanin* Appeal Judgment, para. 413; *Martić* Appeal Judgment, para. 168; *Krajišnik* Appeal Judgment, paras 225-226, 235.

[13441] *Tadić* Appeal Judgment, para. 227; *Prosecutor v. Milorad Krnojelac*, Case No. IT-97-25-PT, Decision on Form of Second Amended Indictment, 11 May 2000, para. 15; *Krajišnik* Appeal Judgment, paras 215, 218, 695.

[13442] *Kvočka et al.* Appeal Judgment, paras 97-98; *Brđanin* Appeal Judgment, para. 430; *Krajišnik* Appeal Judgment, paras 215, 662, 675, 695-696.

In relation to the first two elements of JCE liability, it is the common objective that begins to transform a plurality of persons into a group, or enterprise, because what this plurality then has in common is the particular objective. It is evident, however, that a common objective alone is not always sufficient to determine a group, because different and independent groups may happen to share identical objectives. It is thus the interaction or cooperation among persons – their joint action – in addition to their common objective that forges a group out of a mere plurality.[13443] In other words, the persons in a criminal enterprise must be shown to act together, or in concert with each other, in the implementation of a common objective, if they are to share responsibility for crimes committed through the JCE.[13444]

9.1.2 Planning, instigating, ordering, and aiding and abetting

3562. Each Count of the Indictment charges the Accused, in addition to his participation in the JCEs, with individual criminal responsibility under Article 7 (1) of the Statute pursuant to the modes of liability of planning, instigating, ordering, and/or aiding and abetting the crimes charged.

3563. Article 7 (1) also reflects the principle that criminal responsibility for a crime in Articles 2 to 5 of the Statute does not attach solely to individuals who commit crimes, but may also extend to individuals who plan, instigate, order, and/or aid and abet the crimes. For an accused to be found liable for a crime pursuant to one of these modes of responsibility, the crime in question must actually have been committed.[13445] Furthermore, his or her actions must have contributed substantially to the commission of the crime.[13446] Liability may also attach to omissions, where there is a duty to act.[13447]

[13443] *Krajišnik* Trial Judgment, para. 884; *Haradinaj et al.* Trial Judgment, para. 139.
[13444] *Brđanin* Appeal Judgment, paras 410, 430; *Haradinaj et al.* Trial Judgment, para. 139.
[13445] For planning, *see Kordić and Čerkez* Appeal Judgment, para. 26. For instigating, *see Kordić and Čerkez* Appeal Judgment, para. 27. For ordering, *see Kamuhanda* Appeal Judgment, para. 75. For aiding and abetting, *see Simić et al.* Appeal Judgment, para. 85.
[13446] For planning, *see Kordić and Čerkez* Appeal Judgment, para. 26; *Nahimana et al.* Appeal Judgment, para. 479; *Dragomir Milošević* Appeal Judgment, para. 268. For instigating, *see Kordić and Čerkez* Appeal Judgment, para. 27; *Nahimana et al.* Appeal Judgment, paras 480, 660. For ordering, *see Kayishema and Ruzindana* Appeal Judgment, para. 186; *Kamuhanda* Appeal Judgment, para. 75. For aiding and abetting, *see Tadić* Appeal Judgment, para. 229; *Čelebići* Appeal Judgment, para. 352; *Vasiljević* Appeal Judgment, para. 102; *Blaškić* Appeal Judgment, paras 45-46, 48; *Kvočka et al.* Appeal Judgment, para. 89; *Simić et al.* Appeal Judgment, para. 85; *Blagojević and Jokić* Appeal Judgment, para. 127; *Nahimana et al.* Appeal Judgment, para. 482; *Orić* Appeal Judgment, para. 43; *Mrkšić and Šljivančanin* Appeal Judgment, paras 49, 81, 156; *Kalimanzira* Appeal Judgment, paras 74, 86.

3564. *Planning*. Liability may be incurred by planning a crime that is later committed by the principal perpetrator.[13448] The planner must intend that the crime be committed, or intend that the plan be executed in the awareness of the substantial likelihood that it would lead to the commission of the crime.[13449]

3565. *Instigating*. Liability may be incurred by instigating the principal perpetrator to commit a crime.[13450] The instigator must intend that the crime be committed or be aware of the substantial likelihood that the crime would be committed as a consequence of his or her conduct.[13451]

3566. *Ordering*. Liability may be incurred by ordering the principal perpetrator to commit a crime or to engage in conduct that results in the commission of a crime.[13452] The person giving the order must, at the time it is given, be in a position of formal or informal authority over the person who commits the crime.[13453] The person giving the order must intend that the crime be committed or be aware of the substantial likelihood that the crime would be committed in the execution of the order.[13454]

3567. *Aiding and abetting*. Liability may be incurred by assisting, encouraging, or lending moral support to the commission of a crime where this support has a substantial effect on the perpetration of the crime.[13455] Aiding and abetting by omission requires that the accused had the means to fulfil his or her duty to act.[13456] Aiding and abetting

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[13447] *Blaškić* Appeal Judgment, para. 663; *Galić* Appeal Judgment, para. 175; *Brđanin* Appeal Judgment, para. 274; *Orić* Appeal Judgment, paras 41, 43; *Mrkšić and Šljivančanin* Appeal Judgment, paras 49, 134, 156, 200.
[13448] *Kordić and Čerkez* Appeal Judgment, para. 26; *Nahimana et al.* Appeal Judgment, para. 479; *Dragomir Milošević* Appeal Judgment, para. 268.
[13449] *Kordić and Čerkez* Appeal Judgment, paras 29, 31; *Nahimana et al.* Appeal Judgment, para. 479; *Dragomir Milošević* Appeal Judgment, para. 268.
[13450] *Kordić and Čerkez* Appeal Judgment, para. 27: *Nahimana et al.* Appeal Judgment, para. 480.
[13451] *Kordić and Čerkez* Appeal Judgment, paras 29, 32; *Nahimana et al.* Appeal Judgment, para. 480; *Nchamihigo* Appeal Judgment, para. 61.
[13452] *Kordić and Čerkez* Appeal Judgment, para. 28; *Galić* Appeal Judgment, para. 176; *Nahimana et al.* Appeal Judgment, para. 481.
[13453] *Kordić and Čerkez* Appeal Judgment, para. 28; *Semanza* Appeal Judgment, para. 361; *Galić* Appeal Judgment, para. 176; *Nahimana et al.* Appeal Judgment, para. 481; *Dragomir Milošević* Appeal Judgment, para. 290; *Boškoski and Tarčulovski* Appeal Judgment, paras 160, 164; *Kalimanzira* Appeal Judgment, para. 213.
[13454] *Blaškić* Appeal Judgment, para. 42; *Kordić and Čerkez* Appeal Judgment, paras 29-30; *Nahimana et al.* Appeal Judgment, para. 481.
[13455] *Tadić* Appeal Judgment, para. 229; *Čelebići* Appeal Judgment, para. 352; *Vasiljević* Appeal Judgment, para. 102; *Blaškić* Appeal Judgment, paras 45-46, 48; *Kvočka et al.* Appeal Judgment, para. 89; *Simić et al.* Appeal Judgment, para. 85; *Blagojević and Jokić* Appeal Judgment, para. 127; *Nahimana et al.* Appeal Judgment, para. 482; *Orić* Appeal Judgment, para. 43; *Mrkšić and Šljivančanin* Appeal Judgment, paras 81, 146, 159; *Kalimanzira* Appeal Judgment, paras 74, 86.
[13456] *Brđanin* Appeal Judgment, para. 274; *Orić* Appeal Judgment, para. 43; *Mrkšić and Šljivančanin* Appeal Judgment, paras 49, 82, 154.

may occur before, during, or after the commission of the principal crime.[13457] The assessment of whether an act or omission had a substantial effect on the commission of a crime is a fact-based inquiry.[13458] When making this assessment, the Trial Chamber does not have to find that the acts carried out by the aider and abettor are specifically directed to assist, encourage, or lend moral support to the perpetration of that crime.[13459] As regards the *mens rea* element, the aider and abettor must have knowledge that his or her acts or omissions assist in the commission of the crime of the principal perpetrator.[13460] The aider and abettor must also be aware of the principal perpetrator's criminal acts, although not their legal characterization, and his or her criminal state of mind.[13461] This includes the specific intent of the principal perpetrator, if the crime requires such intent.[13462] The aider and abettor does not, however, need to know either the precise crime that was intended or the one that was actually committed; it is sufficient that he or she be aware that one of a number of crimes will probably be committed, if one of those crimes is in fact committed.[13463]

9.1.3 Superior responsibility

3568. Each Count of the Indictment charges the Accused with superior responsibility under Article 7 (3) of the Statute. For a superior to incur criminal liability under Article

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[13457] *Blaškić* Appeal Judgment, para. 48; *Simić et al.* Appeal Judgment, para. 85; *Blagojević and Jokić* Appeal Judgment, para. 127; *Nahimana et al.* Appeal Judgment, para. 482; *Mrkšić and Šljivančanin* Appeal Judgment, para. 81.

[13458] *Blagojević and Jokić* Appeal Judgment, para. 134; *Mrkšić and Šljivančanin* Appeal Judgment, para. 200; *Lukić and Lukić* Appeal Judgment, para. 438; *Popović et al.* Appeal Judgment, para. 1741.

[13459] *Šainović et al.* Appeal Judgment, paras 1649-1650; *Popović et al.* Appeal Judgment, para. 1758; *Stanišić and Simatović* Appeal Judgment, paras 104-106. Following the *Perišić* Appeal Judgment and prior to the *Šainović et al.* Appeal Judgment, the applicable law binding on Trial Chambers was that 'specific direction' is an additional requirement of aiding and abetting liability (see *Perišić* Appeal Judgment, paras 36-40, 72-73).

[13460] *Vasiljević* Appeal Judgment, para. 102; *Blaškić* Appeal Judgment, paras 45-46; *Simić et al.* Appeal Judgment, para. 86; *Brđanin* Appeal Judgment, paras 484, 488; *Blagojević and Jokić* Appeal Judgment, para. 127; *Nahimana et al.* Appeal Judgment, para. 482; *Orić* Appeal Judgment, para. 43; *Mrkšić and Šljivančanin* Appeal Judgment, paras 49, 146, 159; *Haradinaj et al.* Appeal Judgment, paras 57-58; *Kalimanzira* Appeal Judgment, para. 86.

[13461] *Aleksovski* Appeal Judgment, para. 162; *Simić et al.* Appeal Judgment, para. 86; *Brđanin* Appeal Judgment, paras 484, 487-488; *Nahimana et al.* Appeal Judgment, para. 482; *Orić* Appeal Judgment, para. 43; *Mrkšić and Šljivančanin* Appeal Judgment, paras 49, 146, 159; *Haradinaj et al.* Appeal Judgment, paras 57-58; *Šainović et al.* Appeal Judgment, para. 1772.

[13462] *Krnojelac* Appeal Judgment, para. 52; *Krstić* Appeal Judgment, para. 140; *Simić et al.* Appeal Judgment, para. 86; *Blagojević and Jokić* Appeal Judgment, para. 127; *Kalimanzira* Appeal Judgment, para. 86.

[13463] *Blaškić* Appeal Judgment, para. 50; *Simić et al.* Appeal Judgment, para. 86; *Nahimana et al.* Appeal Judgment, para. 482; *Mrkšić and Šljivančanin* Appeal Judgment, paras 49, 159; *Haradinaj et al.* Appeal Judgment, paras 57-58; *Šainović et al.* Appeal Judgment, para. 1772.

7 (3) with regard to a crime that is within the jurisdiction of the Tribunal and that was perpetrated by his or her subordinate, the following elements must be established:

(a) the existence of a superior-subordinate relationship;

(b) the superior knew or had reason to know that his or her subordinate was about to commit a crime or had done so; and

(c) the superior failed to take the necessary and reasonable measures to prevent his or her subordinate's criminal conduct or punish his or her subordinate for that conduct. [13464]

3569. *Superior-subordinate relationship*. A superior may be held liable only if he or she has the material ability to prevent and punish crimes perpetrated by the subordinate ('effective control'). [13465] The relationship of subordination can be direct or indirect, [13466] within a hierarchy that is formal or informal, [13467] *de jure* or *de facto*, [13468] and civilian or military. [13469]

3570. *Superior's knowledge*. A superior may be held liable only if general or specific information was available to him or her that was sufficiently alarming to put him or her on notice of offences committed or about to be committed by his or her subordinates and justify further inquiry by the superior. [13470] A deliberate failure to conduct or conclude such an inquiry, despite having the means to do so, satisfies this standard. [13471] The subordinate may be liable under any of the modes of liability set out in Article 7 (1)

[13464] Statute, Art. 7 (3); *Aleksovski* Appeal Judgment, para. 72; *Blaškić* Appeal Judgment, para. 484; *Kordić and Čerkez* Appeal Judgment, paras 827, 839; *Gacumbitsi* Appeal Judgment, para. 143; *Halilović* Appeal Judgment, para. 59; *Nahimana et al*. Appeal Judgment, para. 484; *Boškoski and Tarčulovski* Appeal Judgment, para. 230.

[13465] *Aleksovski* Appeal Judgment, para. 76; *Čelebići* Appeal Judgment, paras 191-192, 196-198, 256, 266, 303; *Kayishema and Ruzindana* Appeal Judgment, para. 294; *Bagilishema* Appeal Judgment, paras 50, 52, 55, 61; *Blaškić* Appeal Judgment, paras 375, 484; *Kajelijeli* Appeal Judgment, paras 86-87; *Halilović* Appeal Judgment, paras 59, 85, 210; *Nahimana et al*. Appeal Judgment, paras 484, 605, 625; *Hadžihasanović and Kubura* Appeal Judgment, paras 20-21; *Orić* Appeal Judgment, paras 20, 91-92.

[13466] *Čelebići* Appeal Judgment, paras 252, 303; *Halilović* Appeal Judgment, para. 59; *Orić* Appeal Judgment, para. 20.

[13467] *Čelebići* Appeal Judgment, para. 197; *Kayishema and Ruzindana* Appeal Judgment, para. 294; *Halilović* Appeal Judgment, paras 59, 210.

[13468] *Čelebići* Appeal Judgment, paras 192-193, 195; *Kayishema and Ruzindana* Appeal Judgment, para. 294; *Bagilishema* Appeal Judgment, paras 50, 56, 61; *Kajelijeli* Appeal Judgment, para. 85; *Gacumbitsi* Appeal Judgment, para. 143; *Nahimana et al*. Appeal Judgment, paras 484, 605; *Hadžihasanović and Kubura* Appeal Judgment, para. 20.

[13469] *Aleksovski* Appeal Judgment, para. 76; *Čelebići* Appeal Judgment, paras 195-196; *Bagilishema* Appeal Judgment, paras 50-51; *Kajelijeli* Appeal Judgment, paras 85-86; *Nahimana et al*. Appeal Judgment, para. 605.

[13470] *Čelebići* Appeal Judgment, paras 238-239, 241; *Bagilishema* Appeal Judgment, paras 28, 42; *Krnojelac* Appeal Judgment, paras 59, 155; *Blaškić* Appeal Judgment, paras 62, 64; *Nahimana et al.* Appeal Judgment, para. 791; *Hadžihasanović and Kubura* Appeal Judgment, paras 27-31; *Strugar* Appeal Judgment, paras 297-301, 304; *Bagosora and Nsengiyumva* Appeal Judgment, para. 384.

of the Statute.[13472] The superior need not know the identities of the subordinates who perpetrate the crimes.[13473]

3571. *Failure to take the necessary and reasonable measures to prevent or punish*. Necessary measures are those measures appropriate for the superior to fulfil his or her obligation to genuinely try to prevent or punish, and reasonable measures are those which reasonably fall within the material powers of the superior.[13474] The duty to prevent and the duty to punish are distinct legal obligations, and a superior may be held liable for violating either duty.[13475] The duty to prevent attaches to a superior from the moment he or she knows or has reason to know that a crime is about to be committed, while the duty to punish only arises after the commission of a crime.[13476] The duty to punish includes, at a minimum, the obligation to investigate possible crimes or have the matter investigated, and if the superior has no power to sanction, to report them to the competent authorities.[13477]

3572. The Trial Chamber has also considered the body of evidence on the crimes committed during the Indictment period. This evidence has been reviewed in chapters 4-7 above and the Trial Chamber here considered what, if anything, could be inferred from this evidence with regard to the alleged objective of the JCE.

[13471] *Čelebići* Appeal Judgment, paras 226, 232; *Blaškić* Appeal Judgment, para. 406; *Hadžihasanović and Kubura* Appeal Judgment, para. 28; *Strugar* Appeal Judgment, para. 298.
[13472] *Blagojević and Jokić* Appeal Judgment, paras 280-282; *Nahimana et al.* Appeal Judgment, paras 485-486; *Orić* Appeal Judgment, para. 21.
[13473] *Blagojević and Jokić* Appeal Judgment, para. 287.
[13474] *Halilović* Appeal Judgment, para. 63; *Orić* Appeal Judgment, para. 177.
[13475] *Hadžihasanović and Kubura* Appeal Judgment, para. 259.
[13476] *Blaškić* Appeal Judgment, para. 83; *Hadžihasanović and Kubura* Appeal Judgment, para. 260.
[13477] *Halilović* Appeal Judgment, para. 182; *Hadžihasanović and Kubura* Appeal Judgment, para. 154; *Boškoski and Tarčulovski* Appeal Judgment, paras 230-234; *Bagosora and Nsengiyumva* Appeal Judgment, para. 510.

9.2 First (overarching) joint criminal enterprise

9.2.1 Overview of the charges

3573. According to the Indictment, as of 12 May 1992, the Accused was a key member of an Overarching JCE, which lasted from at least October 1991 until 30 November 1995.[13478] The objective of this JCE was the permanent removal of Bosnian Muslims and Bosnian Croats from Bosnian-Serb-claimed territory in Bosnia-Herzegovina through the following crimes charged in the Indictment: genocide (Count 1), persecution, extermination, murder, deportation, and inhumane acts (forcible transfer).[13479] The Accused shared the intent for the commission of each of these crimes with other members of the JCE.[13480]

3574. Alternatively, the shared objective included at least the crimes of deportation and inhumane acts (forcible transfer). It was foreseeable that the crimes of genocide, persecution, extermination, and murder might be perpetrated by one or more members of the JCE or by persons used by any member of the JCE in order to carry out the *actus reus* of the crimes forming part of the shared objective. With the awareness that such crimes were a possible consequence of the implementation of the objective, the Accused willingly took that risk.[13481]

3575. According to the Indictment, members of the JCE included, in addition to the Accused, Radovan Karadžić, Momčilo Krajišnik, Slobodan Milošević, Biljana Plavšić, Nikola Koljević, Mićo Stanišić, Momčilo Mandić, Jovica Stanišić, Franko Simatović, Željko Ražnatović (a.k.a. 'Arkan'), and Vojislav Šešelj.[13482] Other members included: members of the Bosnian-Serb leadership; members of the SDS and Bosnian-Serb government bodies at the republic, regional, municipal, and local levels, including Crisis Staffs, War Presidencies, and War Commissions; commanders, assistant commanders, senior officers, and chiefs of units of the Serbian MUP, the JNA, the VJ, the VRS, the Bosnian-Serb MUP and the Bosnian-Serb TO at the republic, regional, municipal, and local level; and leaders of Serbian and Bosnian-Serb paramilitary forces and volunteer units.[13483] Alternatively, some or all of the unnamed individuals were not

[13478] Indictment, paras 5, 8.
[13479] Indictment, para. 5.
[13480] Indictment, para. 8.
[13481] Indictment, para. 9.
[13482] Indictment, para. 10.
[13483] Indictment, para. 11.

members but were used by members of the JCE to carry out crimes committed in furtherance of its objective.[13484]

3576. Members of the JCE implemented their objective by personally committing crimes and/or through and by using others to carry out crimes committed in furtherance of the objective.[13485] Those who were used to carry out the crimes were members of the Bosnian-Serb Political and Governmental Organs (as defined in the Indictment) and members of the Bosnian-Serb MUP ('MUP'), VRS, JNA, VJ, TO, the Serbian MUP, Serbian and Bosnian-Serb paramilitary forces and volunteer units, and local Bosnian Serbs.[13486]

3577. In chapters 9.2.2-9.2.5, the Trial Chamber will address the political developments and the creation of the Bosnian-Serb Republic in 1991 and 1992, with particular focus on the Variant A/B instructions and the Six Strategic Objectives, as well as statements and speeches made by Bosnian-Serb political leaders throughout the Indictment period. The Trial Chamber will then, in chapters 9.2.6-9.2.9, turn to the role of the Bosnian-Serb regional and municipal organs, the MUP, and the VJ, as well as paramilitary formations operating in the territory of the Bosnian-Serb Republic during the Indictment period. In chapters 9.2.10-9.2.12, the Trial Chamber will consider the Prosecution's allegations regarding the systematic cover-up (including the cover-up of murder of people buried at Tomašica) and the failure to investigate and prosecute crimes. In chapter 9.2.13, the Trial Chamber will address the Defence's submissions concerning revenge and related arguments. In its conclusion in chapter 9.2.14, the Trial Chamber will determine whether a JCE as alleged by the Prosecution existed and, if so, what crimes it included and who its members were. In this respect, the Trial Chamber will further consider the body of evidence on the crimes committed during the Indictment period. This evidence has been reviewed in chapters 4-7, above.

9.2.2 Political developments and the role of the SDS in the lead-up to the conflict in 1991 and 1992

3578. In this chapter, the Trial Chamber will review the evidence and make findings on the political developments in the lead up to the conflict, in particular the role of the SDS

[13484] Indictment, para. 11.
[13485] Indictment, para. 12.
[13486] Indictment, paras 11-12.

and the political platform espoused by its leadership. The Prosecution argued that in the months leading up to 12 May 1992, members of the alleged JCE had already established a policy of forcible ethnic separation and were determined to establish an ethnically separate and homogenous Bosnian-Serb entity within the territory of Bosnia-Herzegovina, including in areas inhabited by vast numbers of Bosnian Muslims.[13487] In 1991 and 1992, the Bosnian-Serb leadership, through the SDS, established ethnically separate parallel structures and took several steps in preparation for ethnic separation, including organising military training, mobilising Serb TO and paramilitary units, and distributing weapons together with the JNA.[13488] As a hierarchical organisation, the republic-level SDS bodies set policy and directed local SDS organs, who implemented said policy and reported back regarding events in their municipalities.[13489]

3579. The Defence argued that beginning in 1991, Bosnian Serbs felt increasingly threatened in politics and society.[13490] While the SDS pursued peaceful and collaborative efforts to remain part of the FRY, it was repeatedly outvoted and ignored by the SDA and the HDZ.[13491] Meanwhile, the SDA pursued a path of political dominance and, despite the known objections of the Bosnian Serbs, continued to work towards Bosnia-Herzegovina's independence.[13492] Given the historical context and the illegal nature of the memorandum of sovereignty proposed by the SDA and the HDZ, the establishment of the Bosnian-Serb Assembly on 21 October 1991 was the only possible route to protect the rights of the Serb minority and a direct response to the actions of Bosnian Muslims and Bosnian Croats.[13493] According to the Defence, the Bosnian Serbs did not foresee war as a possible outcome and were not preparing for it, as shown by the fact that the SDS had to make reactive decisions following the aggressive political actions of the Bosnian Muslims and Bosnian Croats, who had begun to prepare themselves for war.[13494]

3580. With regard to the role of the SDS and the political developments that took place in the lead-up to the conflict, the Trial Chamber took judicial notice of a number of

[13487] Prosecution Final Brief, paras 155, 157-158.
[13488] Prosecution Final Brief, para. 559.
[13489] Prosecution Final Brief, para. 561.
[13490] Defence Final Brief, para. 329.
[13491] Defence Final Brief, paras 292-295, 298.
[13492] Defence Final Brief, paras 291, 293-294, 296.
[13493] Defence Final Brief, para. 326.
[13494] Defence Final Brief, paras 308, 312.

Adjudicated Facts.[13495] Further, it received evidence from **Patrick Treanor**, an intelligence analyst;[13496] **Dorothea Hanson**, a research officer for the Prosecution Leadership Research Team;[13497] **Witness RM-513**, a Bosnian Serb from Bijeljina;[13498] **Witness RM-015**, a Bosnian Serb from Sanski Most;[13499] **Witness RM-066**, a Serb from Vlasenica;[13500] and **Miroslav Deronjić**, the President of the Bratunac Municipality Crisis Staff as of April 1992,[13501] as well as documentary evidence, and finds that this evidence is consistent with the Adjudicated Facts.[13502] The Trial Chamber also received evidence from **Milan Babić**, the former President of the RSK;[13503] **Milenko Stanić**, President of the Municipal Assembly of Vlasenica from the beginning of 1991 to the beginning of 1993 and, for a certain period, also President of the Executive Council of the Birač SAO;[13504] **Tarik Kupusović**, a member of the Sarajevo Town Assembly from1990 to 1994, and the Mayor of Sarajevo from 1994 to 1996;[13505] **Zijo Hadžić**, a Bosnian Muslim police officer of the Kalinovik police from 1987 until 20 April 1992;[13506] **Sulejman Crnčalo**, a Bosnian Muslim from Radačići in Pale Municipality;[13507] W**itness RM-081**, a Bosnian Muslim from Rogatica

[13495] These are set out below, but also include Adjudicated Facts I nos 56-57, which are reviewed in chapter 2.2.1.
[13496] P3001 (Patrick Treanor, *curriculum vitae*), p. 3.
[13497] P378 (Dorothea Hanson, *curriculum vitae*), p. 1; Dorothea Hanson, T. 4141. The evidence of Dorothea Hanson is also reviewed in chapters 2.2.2, 3.1.1, and 3.3.
[13498] P1054 (Witness RM-513, witness statement, 25 June 2011), p. 1, paras 2, 4-6.
[13499] P2362 (Witness RM-015, witness statement, 13 March 2002), paras 2, 6, 9, 111.
[13500] P182 (Witness RM-066, witness statement, 7 April 2010), p. 1.
[13501] P3566 (Miroslav Deronjić, witness statement, 25 November 2003), para. 2.
[13502] **Patrick Treanor**: P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), paras 56, 83, 87-90, 94-95, 98, 137, 170-172, 174, 176-178, 181. **Dorothea Hanson**: P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), paras 16-17, 19. **Miroslav Deronjić**: P3566 (Miroslav Deronjić, witness statement, 25 November 2003), para. 43. **Witness RM-513**: P1054 (Witness RM-513, witness statement, 25 June 2011), para. 13. **Witness RM-015**: P2362 (Witness RM-015, witness statement, 13 March 2002), para. 75. **Witness RM-066**: P182 (Witness RM-066, witness statement, 7 April 2010), para. 18. **Documentary evidence**: P3006 (Declaration on the proclamation of the Bosnian-Serb Republic, 9 January 1992); P3037 (Minutes of the 1st meeting of the Ministerial Council of the Bosnian-Serb Assembly held on 11 January 1992, 13 January 1992), pp. 1, 3; P3049 (Conclusions and Recommendations of the Bosnian-Serb Assembly, 21 November 1991 and 11 December 1991); P6901 (Decision on territories considered part of the Federal State of Yugoslavia, 21 November 1991); P7040 (Letter from SDS Executive Committee to SDS Regional and Municipal Boards, 19 February 1992), pp. 1-2; P7077 (Excerpts from the 2nd Session of the Bosnian-Serb Assembly, 21 November 1991), pp. 5-7; P7722 (Minutes of Bosnian-Serb Assembly's Ministerial Council meeting, 22 January 1992), pp. 4-5.
[13503] P4166 (Milan Babić, *Krajišnik* transcript, 2-7 June 2004), pp. 3325-3326.
[13504] D884 (Milenko Stanić, witness statement, 16 February 2013), paras 1-2; Milenko Stanić, T. 30837, 30850, 30874, 30884.
[13505] P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), pp. 607, 609, 612.
[13506] P2800 (Zijo Hadžić, witness statements), witness statement of 30 January 1999, pp. 1-2, 5, witness statement of 19 February 2003, p. 1.
[13507] P260 (Sulejman Crnčalo, witness statement, 1 November 2009), p. 1, para. 3; Sulejman Crnčalo, T. 3229.

municipality;[13508] **Alija Isaković**, a Bosnian Muslim from Rogatica;[13509] **Ahmet Zulić**, a Bosnian Muslim from the village of Pobriježje near Sanski Most;[13510] and **Herbert Okun**, special advisor and deputy to the Special Envoy of the UNSG from 1991 through 1997 and co-chairman of the International Conference on the former Yugoslavia.[13511]

3581. From 1945 until 1990, Yugoslavia was composed of six Republics: Bosnia-Herzegovina, Croatia, Macedonia, Montenegro, Serbia, and Slovenia.[13512] Certain Republics were populated predominantly by one ethnic group: for example, Serbs in Serbia and Croats in Croatia.[13513] The Second World War was a time of particularly bitter strife in the former Yugoslavia, with accusations of atrocities emanating from all quarters. Maršal Tito's post-war government discouraged ethnic division and nationalism with a focus on the unity of the communist state. Thus, the period from 1945 until 1990 was marked by relative calm and peaceful inter-ethnic relations, although the various groups remained conscious of their separate identities.[13514] In the late 1980s, economic woes and the end of communist rule set the stage for rising nationalism and ethnic friction.[13515] On 25 June 1991, Croatia and Slovenia declared their independence from the SFRY.[13516] The JNA's attempts to seize control of strategic assets in Slovenia were thwarted by the local TO, and the conflict in Slovenia effectively ended on 18 July.[13517] Macedonia broke off successfully in September 1991.[13518] Bosnia-Herzegovina, more than any other republic of the former Yugoslavia, was multi-ethnic for centuries, with Serbs, Muslims, and Croats as the predominant nationalities.[13519]

3582. In November 1990, the first free, multi-party elections were held in Bosnia-Herzegovina, for both municipal assemblies and for the Republican Legislature.[13520]

[13508] P309 (Witness RM-081, witness statement, 17 September 2011), p. 1, paras 1-2; Witness RM-081, T. 3686-3687; P308 (Pseudonym sheet for Witness RM-081).
[13509] P1637 (Alija Isaković, witness statement, 22 January 1999), p. 1; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 1.
[13510] P3611 (Ahmet Zulić, witness statement, 22 February 2010), p. 1, paras 1-3.
[13511] P3103 (Herbert Okun, *Krajišnik* transcript, 22-25 June 2004), p. 4137.
[13512] Adjudicated Facts I, no. 1.
[13513] Adjudicated Facts I, no. 1.
[13514] Adjudicated Facts I, no. 2.
[13515] Adjudicated Facts I, no. 3.
[13516] Adjudicated Facts I, no. 48.
[13517] Adjudicated Facts I, no. 49.
[13518] Adjudicated Facts I, no. 5.
[13519] Adjudicated Facts I, no. 6.
[13520] Adjudicated Facts I, nos 8, 17.

The most prominent newly-formed political parties in Bosnia-Herzegovina were the SDA, the SDS, and the HDZ.[13521] For the Republican Assembly, the SDA party gained a narrow margin over the SDS.[13522] The outcome of the election was a reflection of an ethnic census of the population with each ethnic group voting for its own nationalist party.[13523] A census in April 1991 recorded that 43.7 per cent of the residents of Bosnia-Herzegovina were ethnic Muslims, 32.4 per cent were Serbs, and 17.3 per cent were Croats.[13524]

3583. Following the November 1990 elections, the SDA, SDS, and HDZ reached an agreement among themselves on a formula for the distribution of power.[13525] A coalition government was thus formed headed by a seven-member State Presidency, with the leader of the SDA, Alija Izetbegović, as the first President.[13526] The SDA, SDS, and HDZ agreed that, at the most senior level, the Prime Minister would be from the HDZ, the President of the Assembly from the SDS, and the President of the Presidency from the SDA (the persons appointed were Jure Pelivan, Momčilo Krajišnik, and Alija Izetbegović, respectively).[13527] Positions in all Government organs and public institutions with government appointees were distributed in accordance with party quotas.[13528] This arrangement stamped out opposition by smaller parties and sowed the seeds for the establishment of parallel ethnic structures.[13529] The SDS, for example, received a vice-presidential position, two Ministers without portfolio, and five out of thirteen departmental portfolios in the Government, as well as eight out of thirty chairmanships of Assembly committees and commissions.[13530] At the local level, a similar division of posts was made, reflecting the percentages gained by each party in the elections.[13531] These percentages corresponded to the ethnic composition of each municipality.[13532] After the quotas were distributed, the three parties shared control over appointments made at every level of administration.[13533]

[13521] Adjudicated Facts I, no. 9.
[13522] Adjudicated Facts I, no. 10.
[13523] Adjudicated Facts I, no. 11.
[13524] Adjudicated Facts I, no. 12.
[13525] Adjudicated Facts I, no. 17.
[13526] Adjudicated Facts I, no. 18.
[13527] Adjudicated Facts I, no. 19.
[13528] Adjudicated Facts I, no. 20.
[13529] Adjudicated Facts I, no. 21.
[13530] Adjudicated Facts I, no. 21.
[13531] Adjudicated Facts I, no. 26.
[13532] Adjudicated Facts I, no. 26.
[13533] Adjudicated Facts I, no. 27.

3584. In the Bosnia-Herzegovina Republican Assembly, co-operation between the Muslim and Serbian political parties proved increasingly difficult as time went by.[13534] What was initially a coalition government of the Republic broke down in October 1991 and failed completely in January 1992.[13535] The disintegration of multi-ethnic federal Yugoslavia was thus swiftly followed by the disintegration of multi-ethnic Bosnia-Herzegovina, and the prospect of war in Bosnia-Herzegovina increased.[13536]

3585. In 1990 and 1991, the SDS was funded by voluntary contributions and enjoyed the support of the overwhelming majority of Bosnian Serbs.[13537] Its main organs included the party Assembly, formally the supreme body; the SDS Main Board, the highest party organ at times when the Assembly was not in session; the SDS Executive Board, the executive arm of the Main Board; the president of the party, who was also the president of the Main Board; and several advisory bodies, such as the SDS Political and Economic Councils and the Commission for Personnel and Organization.[13538] The party was a hierarchical structure, organized into municipal assemblies and boards resembling the republican organs.[13539]

3586. **Patrick Treanor** testified that from its inception, the SDS, particularly the top Bosnian-Serb leadership, regarded itself as the legitimate representative of the 'Serbian people' in Bosnia-Herzegovina.[13540] In November 1990, SDS candidates Biljana Plavšić and Nikola Koljević were elected members of the Bosnia-Herzegovina Presidency.[13541] In this capacity, Plavšić received regular reports from the security services of Bosnia-Herzegovina and was able to provide the SDS leadership with detailed information about the political and security situation in the country.[13542] According to Treanor, Plavšić was one of the most senior SDS leaders by virtue of her position and power, as well as her relationships with Radovan Karadžić, from whom she took advice, instructions, and orders, and with other senior leaders, frequently acting as a representative of the SDS.[13543]

[13534] Adjudicated Facts I, no. 34.
[13535] Adjudicated Facts I, no. 34.
[13536] Adjudicated Facts I, no. 35.
[13537] Adjudicated Facts I, no. 14.
[13538] Adjudicated Facts I, no. 15.
[13539] Adjudicated Facts I, no. 16.
[13540] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 12.
[13541] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 16.
[13542] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 16.
[13543] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 17.

3587. The SDS President – *i.e.* Karadžić – was the most important and powerful party institution.[13544] While the Main and the Executive Boards were important operational institutions, SDS-affiliated groups, including parliamentary representatives, office holders in the central government, and administration of Bosnia-Herzegovina, as well as municipal SDS leaders and other leadership bodies, including the Deputies Club, played an important part in decision-making and policy-setting.[13545] According to Treanor, numerous telephone conversations indicate that small, informal, changing groups of powerful individuals within the SDS constituted an operational decision-making centre within the SDS.[13546]

3588. Treanor testified that in addition to sessions of the Main Board, the Executive Board, and the Deputies Club, the Bosnian-Serb leadership also used expanded gatherings of middle and lower level party officials to communicate instructions and information to the grassroots level directly.[13547] According to Treanor, in mid-October 1991, in response to the Assembly of Bosnia-Herzegovina voting in favour of independence on 14 and 15 October 1991, the Bosnian-Serb leadership initiated the establishment of parallel organs of power.[13548] On 15 October 1991, during a meeting between the collective Presidency of Bosnia-Herzegovina and the JNA, Koljević and Plavšić used their formal powers to advance SDS policy.[13549]

3589. From the moment of its creation, the SDS political platform included an emphasis on the protection of the Serb nation, which was said to be disadvantaged by the purported lower birth rate of Serbs and by the way Bosnia-Herzegovina had been divided into municipalities, effectively making Serbs an ethnic minority in areas where they might otherwise have dominated.[13550] **Milan Babić** stated that the SDS was founded with the object of covering the whole area of the SFRY.[13551] The SDS splintered into independent autonomous parties in the Krajina, Bosnia-Herzegovina,

[13544] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 41.
[13545] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), paras 40, 43.
[13546] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 73.
[13547] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 49.
[13548] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 56.
[13549] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 56.
[13550] Adjudicated Facts I, no. 13.
[13551] P4167 (Milan Babić, *Slobodan Milošević* transcript, 18 November-9 December 2002), p. 12896.

Serbia, and Montenegro after the autumn of 1990.[13552] The SDS of Bosnia-Herzegovina was founded in July 1990 with Karadžić as president.[13553]

3590. According to Babić, Karadžić, Krajišnik, Koljević, and Plavšić were the main leaders of the SDS and the governmental structures of the Bosnian-Serb Republic.[13554] Slobodan Milošević and Karadžić were very close collaborators.[13555] Babić stated that the discussion on the future of Yugoslavia was rather intense in 1990 and that there were two approaches. The first, a political approach by Serbia, was that Yugoslavia would be set up as a strong federation; the second, adopted by Croatia and Slovenia, was that they should be independent states set up as a confederation. According to Babić, the Serbs opted for the approach taken in Belgrade, that of 'Yugoslavia as a firm federation'.[13556] He stated that in as early as January 1991, Milošević began to advocate, including in public speeches, that in case of a full disintegration of Yugoslavia, Serbs had a right to live and remain in one state.[13557] According to Milošević, Serbs could not live in a confederation of four independent states.[13558] The Bosnian-Serb leadership shared Milošević's position regarding 'all Serbs in one state'.[13559] The Bosnian-Serb leadership considered that 'the Serbian people' had a historical right to territory in which Serbs constituted a majority of the population, as well as territory in Bosnia-Herzegovina in which Serbs constituted a majority before World War II.[13560] Many Bosnian-Serb leaders referred to Muslims as 'Turks', an expression that went beyond a simple derogatory meaning, also expressing historic hostility.[13561]

3591. A confidential SDS document, dated 23 February 1991, considered specific actions to be taken should Bosnia-Herzegovina move towards independence.[13562] In such a case municipal authorities were to ensure that only Yugoslav (federal) law would apply, suspending the implementation of republican regulations and thus creating 'a

[13552] P4167 (Milan Babić, *Slobodan Milošević* transcript, 18 November-9 December 2002), pp. 12896-12898.
[13553] P4167 (Milan Babić, *Slobodan Milošević* transcript, 18 November-9 December 2002), p. 12896.
[13554] P4166 (Milan Babić, *Krajišnik* transcript, 2-7 June 2004), pp. 3396-3397.
[13555] P4166 (Milan Babić, *Krajišnik* transcript, 2-7 June 2004), pp. 3396-3397.
[13556] P4167 (Milan Babić, *Slobodan Milošević* transcript, 18 November-9 December 2002), p. 13011.
[13557] P4167 (Milan Babić, *Slobodan Milošević* transcript, 18 November-9 December 2002), pp. 13011-13018.
[13558] P4167 (Milan Babić, *Slobodan Milošević* transcript, 18 November-9 December 2002), pp. 13011-13012.
[13559] P4166 (Milan Babić, *Krajišnik* transcript, 2-7 June 2004), pp. 3397-3399; P4178 (Letter from Momčilo Krajišnik, 19 December 1991).
[13560] P4166 (Milan Babić, *Krajišnik* transcript, 2-7 June 2004), pp. 3399-3400; P4178 (Letter from Momčilo Krajišnik, 19 December 1991).
[13561] P4164 (Milan Babić, witness statement, 29 March 2004), para. 11.

legal foundation for direct communication (assistance, cooperation, and the like) between these municipalities and the Federation and its organs (such as the SFRY Assembly, Presidency, federal Executive Council …) and through them, this would provide particularly for the need to engage the Yugoslav People's Army, and the Federal Secretariat for National Defence'.[13563] This policy was adopted by the SDS Deputies' Club, the parliamentary caucus of the party, and was made public in a document dated 10 June 1991.[13564]

3592. In April 1991, SDS delegates in the Municipal Assembly of Pale, which was the Sarajevo municipality with the highest percentage of Bosnian-Serb inhabitants and SDS municipal assembly delegates, announced their intention to secede from 'the city of Sarajevo'.[13565] At the end of 1991 and the beginning of 1992, Bosnian-Serb nationalists in the area of Sarajevo created separate, parallel Bosnian-Serb institutions at the city and municipal levels.[13566] On 24 December 1991, the SDS formed a Crisis Staff for Sarajevo.[13567]

3593. **Miroslav Deronjić** stated that during a meeting with members of the SDS and party officials, the deputies and the presidents of the SDS municipal boards, held in Sarajevo in April 1991, Karadžić said that 'if a Federative Yugoslavia no longer exists, and there is every indication that it no longer exists, the only option for the Serbs in Bosnia and Serbs in general is a Greater Serbia'.[13568] Karadžić also mentioned that if Bosnia were to secede from Yugoslavia, it would be divided.[13569] After the meeting, Deronjić joined a small group of people, including Karadžić, Goran Zekić, Velibor Ostojić, and Slobodanka Hrvaćanin in a restaurant, where Karadžić announced that 'it had been agreed that Bosnia would be divided'.[13570]

3594. **Babić** stated that in May 1991, he attended a meeting in Karadžić's flat with Jovica Stanišić, Franko Simatović, Milan Martić, and Velibor Ostojić.[13571] At that time, Ostojić was the Minister of Information of the government of Bosnia-Herzegovina, a

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[13562] Adjudicated Facts I, no. 44.
[13563] Adjudicated Facts I, no. 45.
[13564] Adjudicated Facts I, no. 46.
[13565] Adjudicated Facts III, no. 1682.
[13566] Adjudicated Facts III, no. 1687.
[13567] Adjudicated Facts III, no. 1688.
[13568] P3566 (Miroslav Deronjić, witness statement, 25 November 2003), paras 38-39.
[13569] P3566 (Miroslav Deronjić, witness statement, 25 November 2003), para. 40.
[13570] P3566 (Miroslav Deronjić, witness statement, 25 November 2003), para. 41.
[13571] P4166 (Milan Babić, *Krajišnik* transcript, 2-7 June 2004), pp. 3406-3408; P4167 (Milan Babić, *Slobodan Milošević* transcript, 18 November-9 December 2002), pp. 13082.

member of the Executive Board of the SDS for Bosnia-Herzegovina and a close associate of Karadžić.[13572] Ostojić, Stanisić, and Karadžić led the meeting in which they discussed maps of where the Serbs were in control and areas where the SDS should establish control.[13573] An agreement on cooperation between the SAO Krajina in Croatia and the Community of Municipalities of Bosnian Krajina where Serbs were the majority of the population, dated 24 June 1991, set out the concept and manner of integration between the two regions.[13574]

3595. During a July 1991 meeting with Babić and Milošević, Karadžić said that he would chase the Muslims in Bosnia-Herzegovina into the river valleys in order to link up all Serb territories there into one.[13575] During this meeting, Karadžić claimed that he had Izetbegović in his pocket, and could settle accounts with him at any time, but that it would be better to wait for Izetbegović to make the first wrong political move and that would be the time when the Muslims would be expelled.[13576] Karadžić talked about the leadership's plans for Serbs to take over control of territories in Bosnia-Herzegovina, including those in which Serbs were a majority at the time, as well as those in which they were not.[13577] During the meeting, Milošević asked Karadžić where the JNA should be deployed.[13578] Karadžić replied that the JNA should be deployed on the border with Croatia and the witness said, '[i]n Krajina to protect Krajina,' to which Milošević said 'fine'.[13579] After this meeting, Milošević agreed that Karadžić and Babić should go to Celinac, where Karadžić had called a meeting of activists from the SDS from the autonomous area of Bosanska Krajina, to tell them that actions to unite the two Krajinas should not be taken at that time.[13580] Karadžić also stated that he did not know whether

[13572] P4166 (Milan Babić, *Krajišnik* transcript, 2-7 June 2004), pp. 3406-3408; P4167 (Milan Babić, *Slobodan Milošević* transcript, 18 November-9 December 2002), pp. 13082.
[13573] P4166 (Milan Babić, *Krajišnik* transcript, 2-7 June 2004), pp. 3407-3408; P4167 (Milan Babić, *Slobodan Milošević* transcript, 18 November-9 December 2002), pp. 13082.
[13574] P4168 (Milan Babić, *Martić* transcript, 15-20 February 2006), pp. 1480-1481; P4174 (Agreement on cooperation, 24 June 1991).
[13575] P4166 (Milan Babić, *Krajišnik* transcript, 2-7 June 2004), pp. 3401-3402, 3404; P4167 (Milan Babić, *Slobodan Milošević* transcript, 18 November-9 December 2002), pp. 13054-13055.
[13576] P4166 (Milan Babić, *Krajišnik* transcript, 2-7 June 2004), pp. 3402, 3404; P4167 (Milan Babić, *Slobodan Milošević* transcript, 18 November-9 December 2002), p. 13055.
[13577] P4166 (Milan Babić, *Krajišnik* transcript, 2-7 June 2004), pp. 3401-3402.
[13578] P4167 (Milan Babić, *Slobodan Milošević* transcript, 18 November-9 December 2002), pp. 13056, 13058.
[13579] P4167 (Milan Babić, *Slobodan Milošević* transcript, 18 November-9 December 2002), pp. 13056, 13058.
[13580] P4167 (Milan Babić, *Slobodan Milošević* transcript, 18 November-9 December 2002), pp. 13058-13059, 13062.

he should take Zenica from the Muslims.[13581] Milošević then told the witness that he should not bother or get in Karadžić's way.[13582]

3596. Later that day, Karadžić and the witness attended the meeting in Celinac organized by Radoslav Brđanin, the President of the SDS ARK regional board, and attended by 10 to 15 leaders from the region of Banja Luka.[13583] At this meeting, Karadžić repeated what he had said at the earlier meeting with Milošević, that by expelling Muslims, he would create a unified Serb territory in Bosnia-Herzegovina, to which the Krajina would be joined.[13584]

3597. The conflict between Serbia and Croatia, following the declaration of independence by Croatia in June 1991, exacerbated the tension between Bosnia-Herzegovina's three ethnic groups.[13585] In connection with the conflict in Croatia, sporadic clashes occurred in Bosnia-Herzegovina when federal authorities attempted to mobilize part of the non-Serb population.[13586] The armed conflicts in Slovenia and Croatia increased animosity between the SDS, on the one hand, and the SDA and HDZ, on the other.[13587] In September 1991, as part of a wider JNA operation in Croatia, the JNA 5th Corps, based in Bosnia-Herzegovina during peacetime, was mobilized and deployed in Croatia.[13588]

3598. In early 1991, the SDS embarked on a programme of regionalization.[13589] By June 1991, the SDS leadership ordered SDS organs in the municipalities to prepare maps of the municipalities showing as precisely as possible, in colour, the ethnic composition of each territory.[13590] In late August 1991, the SDS leadership began to consider the creation of a separate Serb territory in Bosnia-Herzegovina with a view to enabling Serbs to remain in Yugoslavia should the other national communities proceed with the creation of an independent republic.[13591] This plan envisaged the institution of

[13581] P4166 (Milan Babić, *Krajišnik* transcript, 2-7 June 2004), p. 3404.
[13582] P4166 (Milan Babić, *Krajišnik* transcript, 2-7 June 2004), p. 3404.
[13583] P4166 (Milan Babić, *Krajišnik* transcript, 2-7 June 2004), pp. 3404-3405.
[13584] P4166 (Milan Babić, *Krajišnik* transcript, 2-7 June 2004), pp. 3405-3406, 3613-3614.
[13585] Adjudicated Facts I, no. 36.
[13586] Adjudicated Facts I, no. 51.
[13587] Adjudicated Facts I, no. 52.
[13588] Adjudicated Facts I, no. 50.
[13589] Adjudicated Facts I, nos 37-38.
[13590] Adjudicated Facts I, no. 47.
[13591] Adjudicated Facts I, no. 53.

separate Serb political, police, and military structures in order to institute, at a later stage, separate governmental functions uniting the Serbs in Bosnia-Herzegovina.[13592]

3599. In September 1991, the SDS implemented the policy of 'regionalization', which consisted in the creation of 'regions' in which Serbs were the relative majority.[13593] The SDS established Bosnian-Serb controlled areas by linking Bosnian-Serb populated municipalities together and by establishing parallel government bodies, with a view to removing that territory from the effective control of the authorities of the Socialist Republic of Bosnia-Herzegovina.[13594] SDS party leaders justified the associations of municipalities in terms of economic necessity.[13595] However, among the functions the SDS assigned to the Bosnian Krajina community of municipalities was the organization of its defence in times of war or imminent threat of war.[13596] The SDS party leadership, in agreement with the political establishment in Serbia, began considering options for a break-up of Bosnia-Herzegovina along ethnic lines and a realignment of component parts with neighbouring states.[13597] In September 1991, it was announced that several SAOs in Bosnia-Herzegovina had been proclaimed, including Krajina, Romanija and Stara Herzegovina.[13598] On 16 September, the SDS Executive Board approved the appointment of a regionalization staff.[13599]

3600. On 7 September 1991, a decision was taken during the Pale Symposium of municipal, regional, and republic SDS organs on appointing staff for regional organisations.[13600] They were tasked with observing the implementation of (i) the promulgation of autonomous regions as unquestionable parts of the federal state of Yugoslavia and as constituent parts of the federal unit of Bosnia and Herzegovina and (ii) the separation of settlements of one municipality and their integration into another municipality.[13601] According to **Treanor**, this consultation of SDS officials launched the next stage of regionalization.[13602]

[13592] Adjudicated Facts I, no. 53.
[13593] Adjudicated Facts I, nos 54-55.
[13594] Adjudicated Facts I, no. 37.
[13595] Adjudicated Facts I, no. 39.
[13596] Adjudicated Facts I, no. 40.
[13597] Adjudicated Facts I, no. 41.
[13598] Adjudicated Facts I, no. 42.
[13599] Adjudicated Facts I, no. 56.
[13600] P6995 (SDS Decision on appointment of the staff for regional organisation, 25 September 1991).
[13601] P6995 (SDS Decision on appointment of the staff for regional organisation, 25 September 1991).
[13602] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 135. *See also* P6995 (SDS Decision on appointment of the staff for regional organisation, 25 September 1991).

3601. On 13 September 1991, Rajko Đukić, the President of the Executive Board of the SDS of Bosnia-Herzegovina, requested all municipalities and city boards of the SDS to undertake the activities related to the regionalization, such as the monitoring of the decision on the proclamation of SAOs, through the regionalization staff appointed pursuant to a decision of the SDS President, Karadžić, on 9 September 1991.[13603]

3602. **Herbert Okun** stated that from October 1991 onwards, the Bosnian-Serb leadership, including Krajišnik and Koljević, consistently and repeatedly argued that Bosnian Serbs had a historical claim to 65 per cent of the land, even though they represented only 35 per cent of the population in Bosnia-Herzegovina.[13604]

3603. According to an intercepted conversation with a certain Gojko Đogo in Belgrade, on 12 October 1991, Karadžić stated that there were 20,000 'armed Serbs' around Sarajevo, and that should the Bosnian Muslims 'rise up against the Serbs' and attempt to secede: they would 'disappear'; Sarajevo would be a 'black cauldron where 300,000 Muslims will die': and 'the Muslim people would be exterminated'.[13605] He further said it was clear that the Bosnian Muslims did not have any way to secede without bloodshed.[13606]

3604. **Treanor** testified that starting in mid-October 1991, the goal of the Bosnian-Serb leadership was to assert *de facto* authority in territories regarded as Serb and the territorial division along ethnic lines, regardless of whether Bosnia-Herzegovina remained part of the FRY.[13607] Treanor testified that based on a conversation with Milošević in October 1991, Karadžić appeared more radical; he stressed that without any moderate Muslims to appeal to, there would be action and no more compromise.[13608] This action meant the ethnic take-over of the majority (60 to 65 per cent) of Bosnia-Herzegovina's territory, a Serb Bosnia-Herzegovina, and the

[13603] P7078 (Referral of a decision on the appointment of regionalization staff from the President of the SDS to the municipal and city boards of the SDS, 13 September 1991).
[13604] P3103 (Herbert Okun, *Krajišnik* transcript, 22-25 June 2004), pp. 4165-4169, 4207-4208; P3104 (Herbert Okun, *Karadžić* transcript, 22, 23, and 28 April 2010), pp. 1526-1527; P3113 (Video of a press conference given by Karadžić in Geneva, 18 September 1992), p. 6; P3115 (Index to diary entries by Herbert Okun, entries dated 13 October 1991, 4 March 1992, and 23 November 1992), pp. 1, 3; P3116 (Herbert Okun, Table of Concordance), p. 1.
[13605] P4109 (Intercepted conversation between Radovan Karadžić and Gojko Đogo, 12 October 1991), pp. 7-8, 18, 21-22.
[13606] P4109 (Intercepted conversation between Radovan Karadžić and Gojko Đogo, 12 October 1991), pp. 9, 16, 23.
[13607] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 83. *See also* P2005 (Speech by Radovan Karadžić at the "Plebiscite of the Serb People", Sarajevo, November 1991); P4109 (Intercepted conversation between Radovan Karadžić and Gojko Đogo, 12 October 1991).

establishment of relations with the Muslims and Croats based on the confederate principle.[13609] With Serbs forming 35 per cent of the population in Bosnia-Herzegovina and controlling a large part of its territory, Karadžić stated that the Muslims would suffer enormous casualties, repeatedly emphasizing their physical 'disappearance' or 'extinction' in case of conflict and that they would stand no chance of surviving.[13610] According to Treanor, based on a telex Brđanin sent to presidents of municipal assemblies in October 1991, concerning Karadžić's 'Sarajevo SDS orders', SDS channels of communication functioned seamlessly.[13611] The Bosnian-Serb leadership consistently transmitted its orders to subordinate levels, and its messages were heard loud and clear.[13612]

3605. Treanor testified that the overall Bosnian-Serb strategy included the arming of Serbs, military support from the JNA, and the intention of staying in Yugoslavia.[13613] **Tarik Kupusović** stated that when the JNA withdrew from Croatia and Slovenia, a large quantity of weapons arrived in Bosnia-Herzegovina, particularly in Sarajevo.[13614] **Witness RM-015** testified that the arming of the Serb population began immediately after the multi-party elections in 1990.[13615] SDS representatives were responsible for arming Serbs in their respective areas, which included distributing JNA arms.[13616] **Zijo Hadžić** stated that a distribution of weapon took place in 1991 and into 1992.[13617] All the weapons received by local Serbs in Kalinovik came from the JNA and that he personally observed trucks delivering weapons to Serb households at night.[13618] According to **Alija Isaković** and **Witness RM-081**, weapons provided by the JNA were secretly distributed exclusively to Serbs in Rogatica and the surrounding villages by

[13608] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 85.
[13609] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 85. *See also* P7720 (Minutes of the 5th meeting of the SDS Executive Board, 7 November 1991), p. 5.
[13610] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 84. *See also* P4109 (Intercepted conversation between Radovan Karadžić and Gojko Đogo, 12 October 1991) and P2654 (Intercepted conversation between Radovan Karadžić and Miodrag Davidović, 15 October 1991).
[13611] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 86.
[13612] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 92.
[13613] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), paras 83, 92.
[13614] P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), pp. 617, 619.
[13615] P2362 (Witness RM-015, witness statement, 13 March 2002), para. 75.
[13616] P2362 (Witness RM-015, witness statement, 13 March 2002), para. 75.
[13617] P2800 (Zijo Hadžić, witness statements), witness statement of 30 January 1999, p. 3.
[13618] P2800 (Zijo Hadžić, witness statements), witness statement of 30 January 1999, p. 3.

night.[13619] **Isaković** stated that before the war had started, all the Serbs were already armed.[13620] The witness himself saw Serbs carrying automatic weapons around.[13621]

3606. **Deronjić** stated that in 1991, he and Goran Zekić drove to Belgrade to meet Mihalj Kertes in the building of the Presidency of Serbia.[13622] Kertes told them that he was in charge of the overall arming operation from the political side, with the main goal that 'everything would be Serbian, pure Serbian, in an area of 50 kilometres from the Drina River'.[13623] **Witness RM-066** testified that in autumn 1991, both Serbs and Muslims were arming themselves.[13624] Weapons were distributed door-to-door among the Serb population in Vlasenica by SDS workers, including Goran Višković.[13625]

3607. By autumn 1991, two political options for the settlement of the 'Bosnian question' openly competed in the Assembly of Bosnia-Herzegovina.[13626] One option, espoused by the SDA and the HDZ as well as the majority of opposition parties, envisaged sovereign and internationally recognized statehood for Bosnia-Herzegovina.[13627] The other option, preferred by the SDS and some of the smaller parties, was that Bosnia-Herzegovina should remain within Yugoslavia.[13628] Each side opposed the other's option.[13629] By October 1991, the three-party coalition was crumbling.[13630] The SDA and HDZ pressed the Bosnia-Herzegovina Assembly to discuss a declaration of sovereignty of Bosnia-Herzegovina, which would pave the way for the republic to assert its independence from Yugoslavia.[13631] The SDS protested that such a declaration would be unconstitutional as it would infringe on the rights of one nationality recognized by the Bosnia-Herzegovina constitution, namely the Serbs, and it had not been vetted by the Council for Ethnic Equality.[13632]

[13619] P1637 (Alija Isaković, witness statement, 22 January 1999), p. 2; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 2; P309 (Witness RM-081, witness statement, 17 September 2011), paras 12, 18-22.
[13620] P1637 (Alija Isaković, witness statement, 22 January 1999), p. 2; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 2.
[13621] P1637 (Alija Isaković, witness statement, 22 January 1999), p. 2; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 2.
[13622] P3566 (Miroslav Deronjić, witness statement, 25 November 2003), paras 5-6, 11-13.
[13623] P3566 (Miroslav Deronjić, witness statement, 25 November 2003), paras 14-15, 17.
[13624] P182 (Witness RM-066, witness statement, 7 April 2010), para. 18.
[13625] P182 (Witness RM-066, witness statement, 7 April 2010), para. 18.
[13626] Adjudicated Facts I, no. 64.
[13627] Adjudicated Facts I, no. 65.
[13628] Adjudicated Facts I, no. 66.
[13629] Adjudicated Facts I, no. 67.
[13630] Adjudicated Facts I, no. 68.
[13631] Adjudicated Facts I, no. 68.
[13632] Adjudicated Facts I, no. 69.

3608. In the course of the debate on whether to vote on such a declaration of sovereignty, during the night of 14 and 15 October 1991 when the SDA and the HDZ decided to proceed with the vote, Momčilo Krajišnik, as President of the Assembly, adjourned the session to the next morning.[13633] The SDS deputies, as well as most Serb deputies not in the SDS, left the hall.[13634] However, the vice-president of the Assembly then reconvened the session and the declaration was adopted.[13635] In Bosnia-Herzegovina, the Parliament declared the sovereignty of the Republic on 15 October 1991.[13636]

3609. During the 8th Joint Session of the Assembly of the Socialist Republic of Bosnia-Herzegovina, held on 14 and 15 October 1991, Karadžić spoke about whether Bosnia-Herzegovina should remain part of Yugoslavia, emphasizing that this was the wish of the Serbs.[13637] Directing himself to the SDA, he stated 'We will prevent you before national and international public to perform violence over the Serbian people, the constitutional violence, because after constitutional violence, all other kinds of violence would follow'.[13638] He added:

> We do not decide about the situation if we get into the situation in which Slovenia and Croatia are. Especially Croatia, but taking into consideration that this hell in Bosnia and Herzegovina would be thousand times more difficult and there would be no way to stop it. And, I have to send a message to all Members of Parliament. Gentlemen, I assure you first, even if you adopted certain decisions tonight, and there is no way that you will, because we have a constitutional way to prevent you from voting, but even if you adopted a certain decision tonight, that would be a scandal for Mr. IZETBEGOVIĆ in The Hague because we have ways to prevent this /from happening/ in The Hague. That would be scandal for this Parliament in Europe and for all those people in Yugoslavia and Europe. It would especially be your scandal, Croats and Muslims, who are loyal to this idea, and the proof that you don't respect sovereignty and equality of Serbian people in Bosnia and Herzegovina.
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> I ask you once again, I am not threatening, but asking you to seriously understand the interpretation of the political will of Serbian people who are represented here by the

[13633] Adjudicated Facts I, no. 70.
[13634] Adjudicated Facts I, no. 71.
[13635] Adjudicated Facts I, no. 71.
[13636] Adjudicated Facts I, no. 72.
[13637] P108 (Excerpt from transcript of the 8th Joint Session of the Assembly of the Socialist Republic of Bosnia-Herzegovina, 14-15 October 1991), pp. 4-5.
[13638] P108 (Excerpt from transcript of the 8th Joint Session of the Assembly of the Socialist Republic of Bosnia-Herzegovina, 14-15 October 1991), p. 5.

> Serbian Democratic Party and the Serbian Renewal Movement. According to me, I ask Serbs from other parties to seriously understand that what you are doing is not good. This is the road you choose for Bosnia and Herzegovina. This road is the same highway of hell and suffering which Slovenia and Croatia took. Do not think that you will not take Bosnia and Herzegovina to hell, and maybe the disappearance of the Muslim people, because Muslim people cannot defend themselves if the war breaks out here.[13639]

3610. On 15 October 1991, Karadžić told his brother, Luka Karadžić, that a Muslim attempt to create an independent Bosnia-Herzegovina 'would mean war until their extinction', as Serbs 'would never forgive them such a thing' and 'it would destroy them completely'.[13640] He further stated that all of the Bosnian-Muslim leaders would be killed in three to four hours and had no chance of surviving whatsoever.[13641]

3611. On 15 October 1991, the SDS Political Council met to assess the situation.[13642] During this and other meetings, the idea emerged that the SDS should form its own institutions, which would function in parallel to those of Bosnia-Herzegovina.[13643] On 16 October 1991, the SDS's 'Announcement to the Serbian people' stated that the SDA and HDZ had breached the constitutional order.[13644] It reiterated the SDS's support for federal institutions, including the JNA.[13645] **Dorothea Hanson** testified that on 18 October 1991, Karadžić ordered a state of emergency in the SDS.[13646]

3612. During the session of the Bosnian-Serb Assembly on 24 October 1991, Bosnian-Serb deputies passed a resolution that 'the Serbian people of Bosnia-Herzegovina shall stay in the joint state of Yugoslavia together with Serbia, Montenegro, SAO Krajina, SAO Slavonija, Baranja, Western Sirmium [Zapadni Srem], and others who may declare that they wished to stay,' subject to confirmation by a plebiscite.[13647] The Bosnian-Serb deputies of the Bosnia-Herzegovina parliament proclaimed a separate Assembly of the Serb Nation on that day.[13648] Twenty-three sessions of the Bosnian-

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[13639] P108 (Excerpt from transcript of the 8th Joint Session of the Assembly of the Socialist Republic of Bosnia-Herzegovina, 14-15 October 1991), pp. 5-6. *See also* P2004 (Speech by Radovan Karadžić before the Bosnia-Herzegovina Assembly, 15 October 1991), pp. 2-4. *See also* P309 (Witness RM-081, witness statement, 17 September 2011), para. 96.
[13640] P2654 (Intercept of Karadžić, Davidović, and Luka Karadžić, 15 October 1991), p. 6.
[13641] P2654 (Intercept of Karadžić, Davidović, and Luka Karadžić, 15 October 1991), p. 6.
[13642] Adjudicated Facts I, no. 73.
[13643] Adjudicated Facts I, no. 74.
[13644] Adjudicated Facts I, no. 75.
[13645] Adjudicated Facts I, no. 75.
[13646] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 17.
[13647] Adjudicated Facts I, no. 76.
[13648] Adjudicated Facts I, no. 77.

Serb Assembly were held between October 1991 and December 1992.[13649] In this respect, the Trial Chamber refers to its review of the establishment and structure of the Bosnian-Serb Assembly in chapter 2.1.2.

3613. At the constituting session of the Bosnian-Serb Assembly on 24 October 1991, Karadžić stated: 'The Serbian people is […] assembling its spiritual, cultural, political and state fragments and reassembling them in order to survive. […] This is a historic step by the Serbian people to shatter the last illusions, to discern between its friends and enemies, and to round out our entity in such a way that […] it will never again find itself endangered from within.'[13650]

3614. On 26 October 1991, all SDS presidents of the municipalities in the ARK as well as ARK government met with Radovan Karadžić.[13651] During this meeting an order was presented and 'fully accepted' by those present.[13652] The order consisted of fourteen points and called for, among other things, a 'town command' amounting to a military administration; intensified mobilization of the TO; formation of military units; subordination of the TO to the JNA; disbanding of paramilitary units and their reassignment to the TO; take-over of public enterprises, the post office, banks, judiciary, media, and the SDK (Social Accounting Service); coordination with local directors and with the SDS in Sarajevo to ensure supplies for the population; and imposition of war taxes.[13653] On 29 October 1991, the order was sent by telex to presidents of all municipalities in the ARK by Radoslav Brđanin.[13654] The ARK, in particular, distinguished itself for independent action since its inception, when its authorities started taking over television and radio installations, and broadcasting 'Serb' programs that intimidated persons of other nationalities.[13655]

3615. **Sulejman Crnčalo** testified that during November 1991, he heard from his co-workers at the Famos factory that the 'Serb army' was providing weapons to the Serb population of Pale Municipality.[13656] The witness was told that a relative of the Chief of Police was in charge of distributing weapons to the local communities.[13657]

[13649] Adjudicated Facts I, no. 78.
[13650] P3005 (Transcript of the 1st Session of the Bosnian-Serb Assembly, 24 October 1991), pp. 1, 24-25.
[13651] Adjudicated Facts I, no. 58.
[13652] Adjudicated Facts I, no. 58.
[13653] Adjudicated Facts I, no. 60.
[13654] Adjudicated Facts I, no. 61.
[13655] Adjudicated Facts I, no. 62.
[13656] P260 (Sulejman Crnčalo, witness statement, 1 November 2009), paras 19-20.
[13657] P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 19.

3616. **Hanson** testified that the process of regionalization, specifically the formation of new Serbian regional entities in the latter half of 1991, was reproduced at the municipal level.[13658]

3617. At the 5th meeting of the SDS Executive Board on 7 November 1991, a report on regionalisation was considered. It was concluded that the former Commission should prepare a blueprint for the organisation of the regions and submit it to the Executive Board, Council and other SDS organs to provide a more thorough overview of the organisation of the regions and the manner of functioning of their respective local authorities. It was said that conditions should be created in the region, which would allow the observance of the principle that every region should include and incorporate the national and territorial treasures.[13659] The aim was to create a 'Serbian Bosnia-Herzegovina' within Yugoslavia and to establish relations with the Muslims and the Croats based on the confederate principle.[13660]

3618. On 9 and 10 November 1991, the SDS held a plebiscite, asking voters whether they wished to remain in the SFRY.[13661] The outcome of the plebiscite was cited by the SDS as justification for establishing a separate Serb state within Bosnia-Herzegovina.[13662] During the plebiscite organised by the SDS, which had an almost exclusively Serb turnout, Serbs and non-Serbs were given different ballots.[13663] According to **Treanor**, the 'plebiscite of the Serbian People' would enable Bosnian Serbs to 'ratify' the SDS's policy of remaining in Yugoslavia along with 'other Serbian communities', which at the time was being realised through an SDS-orchestrated process of establishing separate institutions.[13664] He testified that the outcome of the Bosnian-Serb plebiscite, unsurprisingly, favoured the Republic remaining within Yugoslavia.[13665]

3619. According to **Treanor**, the Bosnian-Serb Assembly was 'not only the creation but also the creature of the SDS'; this was illustrated by the manner in which the idea of

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[13658] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 19.
[13659] P7720 (Minutes of the 5th meeting of the SDS Executive Board, 7 November 1991), p. 5.
[13660] P7720 (Minutes of the 5th meeting of the SDS Executive Board, 7 November 1991), p. 5.
[13661] Adjudicated Facts III, no. 1683.
[13662] Adjudicated Facts III, no. 1685.
[13663] P6661 (Blue coloured ballot for the 'plebiscite of the Serbian people' – for Serbs); P6662 (Yellow coloured ballot for the 'plebiscite of the Serbian people' – for non-Serbs). *See also* Trifko Komad, T. 28125-28126; Robert Donia, T. 15630, 15639; Nenad Kecmanović, T. 23980-23981, 23984-23985.
[13664] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), paras 87, 171.
[13665] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 87.

a plebiscite among the Serbs in Bosnia-Herzegovina was introduced and implemented.[13666] Treanor testified that the SDS intended to create legitimacy for its claims that the Serbs in Bosnia-Herzegovina did not wish to secede from Yugoslavia, and simultaneously create credibility for its claims that the SDS and the Bosnian-Serb Assembly were the only legitimate representative of the Serbs in Bosnia-Herzegovina and would act on behalf of all Serbs in any negotiations.[13667] Following the plebiscite, the Bosnian-Serb Assembly began negotiating terms with Bosnian Muslims and Bosnian Croats in Bosnia-Herzegovina.[13668]

3620. In a November 1991 speech addressing the presidents of the municipalities at the Plebiscite of the Serb People, held in Sarajevo, Karadžić described Muslims as 'merciless', noted that in Stari Grad Municipality the Muslims had deprived the Serbs of 'all rights', and stated: '[E]verything will be done according to the principle of reciprocity. We will behave towards them the way they behave towards us. We alone are not going to move out […] and have them stay in our areas to settle and build their colonies. In no way are we going to behave like gentlemen wearing white gloves. If you are thrown into the sheepfold, you can play the lamb and nothing will happen to you. But if you are thrown among the wolves, no more talking […] You can't be the lamb. You have to be equal to your task and to your adversary.'[13669] He further stated that the Bosnian Serbs must 'mark our territory as dogs do'.[13670] He further stated:

> There is a chance that we will fight. In that case, let the chips fall where they may. They know we are not trying to run away from it. Although one should run /from fighting/, Serbs should still solve /problems/, reach their goals without victims, without a single victim! So long as it is possible. And I think that most Muslims are for it too; they know we are better armed. Serbs are many. In B-H alone, almost half a million soldiers could be mobilised and armed with light and heavy weapons. No one could oppose that. I am telling those foreigners that that war would be bloody and rough. Whether it would be long, I don't know. But it would be bloody and rough for sure and many things would be decided and solved by it.

[13666] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), paras 170-171. The Trial Chamber understands Treanor's reference to the Bosnian-Serb Assembly as a 'creature of the SDS' to mean that the SDS leadership used this particular institution as a tool to enforce the party's policies.
[13667] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 171.
[13668] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 173.
[13669] P2005 (Speech by Radovan Karadžić at the Plebiscite of the Serb People, November 1991), pp. 1, 7.
[13670] P2005 (Speech by Radovan Karadžić at the Plebiscite of the Serb People, November 1991), p. 9.

> […] I am telling you, whatever Bosnia we have one day, no Muslim foundation shall ever be laid in Serb areas and Serb villages whether or not you import Turks because we will instruct Serbs not to sell land to Muslims (applause and ovation). The first foundations that are laid will be blown up, and all foundations that are laid will be blown up.
>
> The legal side /of the matter/ is in our hands, and so is the factual situation. And the factual situation will be the impossibility of Izetbegović to establish his authority in 70% of the territory. That in no Serb village can he establish his authority, that in no single Serb municipality can he have power, that milicija will have to obey you at the crucial moment, to obey you and to establish law and order in accordance with the Constitution of the SFRY, and not the Constitution of Bosnia-Herzegovina on which they have been working relentlessly.[13671]

3621. On 21 November 1991, the Bosnian-Serb Assembly proclaimed as part of the territory of federal Yugoslavia all those municipalities, communes, and settlements where a majority of registered citizens of Serb nationality had voted in favour of remaining in Yugoslavia.[13672] If the majority in one municipality had voted to remain within Yugoslavia, the whole of that municipality would remain.[13673] Municipalities where the majority of people had not participated in the plebiscite, the SDS proposed to look at single communes or settlements: if local communities had voted to remain, then only that community would be considered part of Yugoslavia, while the rest of the territory of the municipality would be allowed to join an independent Bosnia-Herzegovina.[13674] Also on 21 November 1991, the Bosnian-Serb Assembly adopted a resolution declaring full support for the JNA in defence of the common state of Yugoslavia and in conducting mobilization of the Serb people in Bosnia-Herzegovina, in order to reinforce military units.[13675] The resolution added: 'Serbian people and other people who wish to preserve Yugoslavia are called upon to respond to military call-ups'.[13676] The third act of the Assembly on 21 November 1991 was to certify the proclamation of the SAOs in Bosnia-Herzegovina.[13677]

[13671] P2005 (Speech by Radovan Karadžić at the 'Plebiscite of the Serb People', Sarajevo, November 1991), pp. 2, 6, 10-11. With regard to the italicised portions of text in the English translation of exhibit P2005, the Trial Chamber notes that no such emphasis appears in the original. The Trial Chamber has therefore refrained from adopting any italics in the quotation referenced here.
[13672] Adjudicated Facts I, no. 79.
[13673] Adjudicated Facts I, no. 80.
[13674] Adjudicated Facts I, no. 80.
[13675] Adjudicated Facts I, no. 81.
[13676] Adjudicated Facts I, no. 82.
[13677] Adjudicated Facts I, no. 83.

3622. **Okun** stated that on 2 December 1991, during a meeting between Cyrus Vance, Karadžić, and himself in Belgrade, organized pursuant to Milošević's request, Karadžić argued that it was necessary to preserve Yugoslavia as a federal state.[13678] During this meeting and on subsequent occasions, Karadžić said that the Muslims in Bosnia-Herzegovina wanted to control all of Bosnia-Herzegovina and that they expected to achieve this through their 'high birth rate'.[13679] In April 1992, Karadžić also stated to Okun that unless the Bosnian-Serb municipalities were to be legally linked to Yugoslavia and the demands of the Bosnian Serbs were not met peacefully, war would result.[13680]

3623. At the 3rd Session of the Bosnian-Serb Assembly, held on 11 December 1991, a recommendation was passed that separate (Serb) municipal assemblies should be formed in areas where Serbs were in the minority.[13681] Nonetheless, the Bosnian-Serb Assembly emphasized that the deputies should continue to work in their (Bosnia-Herzegovina) municipal assemblies and organs 'unless such work is inconsistent with the need for preserving the equality and interests of the Serbian people'.[13682] According to **Treanor**, this was a step representing the creation of a parallel Serbian structure on the municipal level, mirroring what had already been implemented at the national level through the founding of the Bosnian-Serb Assembly.[13683] On the same day, the Assembly passed a resolution demanding that the JNA defend with 'all means at its disposal' the territories of Bosnia-Herzegovina featured in the aforementioned decision.[13684]

3624. The Variant A/B instructions issued by Karadžić on 19 December 1991, which are alleged to have formed an important part of the policy of the Bosnian-Serb leadership, will be addressed separately in chapter 9.2.3.

3625. Around 20 December 1991, SDS members Nikola Koljević and Biljana Plavšić voiced their opposition to the Bosnia-Herzegovina Presidency's decision to apply to the Badinter Commission – established by the EC to issue advisory opinions on legal

[13678] P3103 (Herbert Okun, *Krajišnik* transcript, 22-25 June 2004), pp. 4151, 4162-4163, 4171; P3115 (Index to diary entries by Herbert Okun, entry dated 2 December 1991), p. 3.
[13679] P3103 (Herbert Okun, *Krajišnik* transcript, 22-25 June 2004), pp. 4163-4164, 4168-4169; P3104 (Herbert Okun, *Karadžić* transcript, 22, 23, and 28 April 2010), pp. 1487-1488.
[13680] P3103 (Herbert Okun, *Krajišnik* transcript, 22-25 June 2004), pp. 4172-4173, 4177-4178; P3115 (Index to diary entries by Herbert Okun, entry dated 2 December 1991), p. 3
[13681] Adjudicated Facts I, no. 85.
[13682] Adjudicated Facts I, no. 85.
[13683] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 174.

matters relating to the Yugoslav crisis – for recognition as an independent state.[13685] On 21 December 1991, the Bosnian-Serb Assembly adopted a statement pointing out that the decisions of the Bosnia-Herzegovina Presidency in favour of independence were taken unconstitutionally and contrary to the equality of the three ethnicities.[13686] It also decided 'to commence preparations for the establishment of the Republic of Serbian Bosnia-Herzegovina as a federal unit within Yugoslavia'.[13687]

3626. On 31 December 1991, the *Oslobođenje* newspaper published an interview with Alija Izetbegović, in which he called for the establishment of a sovereign and independent Bosnia-Herzegovina.[13688] In a conversation the following day, Karadžić and Krajišnik reacted to this development. Karadžić said that 'We will release our tigers and let them do their job ... we shouldn't hold them back'. Krajišnik replied 'We have to, but they'll do it anyway, whether you want them to or not'. They both agreed that following Izetbegović's proclamation they would no longer be able to calm the Serb people, as they had managed to do until that moment. Karadžić said that 'he [Izetbegović] wants war. He's playing with fire thinking Serbs wouldn't ...'; Krajišnik interjected, saying 'We have to use the first opportunity to tell him that he's playing with fire.'[13689] On the one hand, the SDS leadership participated in negotiations with the other parties to find acceptable arrangements for the three nationalities in Bosnia-Herzegovina.[13690] On the other hand, they actively prepared for unilateral separation of what they considered Serb territories from Bosnia-Herzegovina in case the negotiations failed to achieve results.[13691] Karadžić warned that international recognition of Bosnia-Herzegovina without the necessary transformation would lead to armed conflict.[13692]

3627. According to **Treanor**, from the end of 1991 to at least the end of 1992, Karadžić, Krajišnik, Plavšić, and Koljević formed the inner core or 'apex' of the Bosnian-Serb leadership by virtue of their election to the highest executive, legislative, and party positions within the SDS, as well as the *de facto* powers derived from these

[13684] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 173.
[13685] Adjudicated Facts I, no. 97.
[13686] Adjudicated Facts I, no. 98.
[13687] Adjudicated Facts I, no. 99.
[13688] Adjudicated Facts I, no. 105.
[13689] Adjudicated Facts I, no. 106.
[13690] Adjudicated Facts I, no. 108.
[13691] Adjudicated Facts I, no. 108.
[13692] Adjudicated Facts I, no. 109.

positions.[13693] They acted in close and constant collaboration with one another.[13694] Karadžić, Krajišnik, Plavšić, and Koljević constituted the *de facto* leadership body at the centre of the broader SDS leadership during the period when the Bosnian-Serb state institutions were being progressively formalised, but were not yet fully operational; a constant within the SDS leadership that was otherwise informal and collective, with flexible and fluctuating membership.[13695] They represented a *de facto* 'SDS Presidency' or 'Supreme SDS Crisis Staff'.[13696] According to Treanor, Karadžić and his closest associates were the only ones who could direct, plan, and execute party politics, whereby the activities of SDS and SDS-affiliated bodies with their formal, statutory prerogatives, procedures, and processes, while important, came second.[13697] In this regard, and in close cooperation with Krajišnik, Plavšić, and Koljević, as well as other chosen SDS leaders, Karadžić exercised almost un-circumscribed powers through more informal 'small group' meetings.[13698]

3628. In a 1 January 1992 telephone conversation with Krajišnik, Karadžić stated that Izetbegović was 'talking openly of a sovereign and independent Bosnia' and said: '[F]uck him. We will release our tigers and let them do their job.'[13699]

3629. In an 8 January 1992 meeting with Tuđman and Franjo Boras, Nikola Koljević proposed the formation of three sovereign Bosnian states – one Serb, one Muslim, and one Croat – and stated that he had information from the UN that geographic mixture of peoples in Bosnia 'would be solved on the basis of some form of movement which would be civilised and organised and which is already spontaneously evolving now'.[13700] Koljević stated that the aim of this 'reorganisation' would be the 'homogeneity of certain areas' and that 'we should see what can be done with the transfer, what can be accomplished by agreement, and we should institute fair exchanges and create an agency for the civilised transfer of property and population

[13693] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), paras 18, 51, 66, 68, 70-71, 74-75.
[13694] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), paras 70-71. *See also* P3005 (Transcript of the 1st Session of the Bosnian-Serb Assembly, 24 October 1991).
[13695] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), paras 74-75.
[13696] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 75.
[13697] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 75.
[13698] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 41.
[13699] P2676 (Intercepted conversation between Radovan Karadžić and Momčilo Krajišnić, 1 January 1992), pp. 4-5.
[13700] P6727 (Transcript of meeting between Nikola Koljević, Franjo Tuđman, and Franjo Boras, 8 January 1992), pp. 1, 8-9.

which will be in the interest of the people'.[13701] He noted that the term 'homogeneity' had been vilified in the SFRY and asked: 'Why should it be something terrible for people to live with people who are closest to them?'[13702]

3630. On 9 January 1992, the Bosnian-Serb Assembly unanimously proclaimed the Serbian Republic of Bosnia-Herzegovina.[13703] The Serbian Republic of Bosnia-Herzegovina was renamed *Republika Srpska* on 12 August 1992.[13704] The implementation of the proclamation was conditional upon the recognition of independence of Bosnia-Herzegovina by the international community.[13705] Nevertheless, the SDS backed the arming of the Serb population during this period.[13706] **Treanor** testified that the Bosnian-Serb Assembly also called for territorial delimitation with the political communities of the other people in Bosnia-Herzegovina.[13707] The declaration of the proclamation of the Republic of the Serbian People of Bosnia and Herzegovina was the final step in the gradual build-up of a separate entity within Bosnia-Herzegovina.[13708]

3631. **Ahmet Zulić** stated that in 1992, just before Bajram, he learned from a colleague that the Serb army started distributing weapons to local Serbs.[13709]

3632. On 11 January 1992, Karadžić and Krajišnik attended the first meeting of the Bosnian-Serb Ministerial Council, where they participated in a discussion on 'execution of tasks resulting from the Declaration … of the Republic of the Serbian People of Bosnia-Herzegovina' which had been adopted two days earlier.[13710] Other participants included Branko Đerić, Mićo Stanišić, Miloš Savić, and Rajko Đukić.[13711] The Council was declared the executive organ of the Assembly.[13712] The list of priorities identified at the meeting included definition of Bosnian-Serb ethnic territory and the establishment

[13701] P6727 (Transcript of meeting between Nikola Koljević, Franjo Tuđman, and Franjo Boras, 8 January 1992), pp. 13, 31-32.
[13702] P6727 (Transcript of meeting between Nikola Koljević, Franjo Tuđman, and Franjo Boras, 8 January 1992), p. 32.
[13703] Adjudicated Facts I, no. 110.
[13704] Adjudicated Facts I, no. 110.
[13705] Adjudicated Facts I, no. 102.
[13706] Adjudicated Facts I, no. 103.
[13707] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), paras 94, 177. *See also* P3006 (Declaration on the proclamation of the Bosnian-Serb Republic, 9 January 1992).
[13708] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 177.
[13709] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 7.
[13710] Adjudicated Facts I, no. 111.
[13711] P3037 (Minutes of the 1st meeting of the Ministerial Council of the Bosnian-Serb Assembly held on 11 January 1992, 13 January 1992), p. 1.

of government organs in that territory.[13713] Another priority was the economic disempowerment of the 'current authorities' in Bosnia-Herzegovina.[13714]At this meeting, SAO presidents were made ex officio members of the Ministerial Council.[13715]

3633. Following the 11 January 1992 meeting, Bosnian-Serb authorities moved ahead with the organization of a separate Serb MUP.[13716] On 17 January 1992, at a session of the Ministerial Council a draft programme of work for the Council was presented.[13717] It called for the adoption of the Constitution and for the organization of the territory in such a way so as to 'enlarge the territory of the regions and encompass a larger number of inhabitants wherever possible in order to consolidate the regions both ethnically and economically'.[13718] It placed 'particular stress ... on the need for political and territorial organization of the regions by the formation of new municipalities in border areas of these regions.'[13719] At this session, it was decided that the Commission on the Constitution and the Ministerial Council would be tasked with preparation, by 15 February 1992, of draft legislation to enable the Bosnian-Serb Republic to start functioning.[13720]

3634. According to **Treanor**, the appointment of a Ministerial Council marked another step towards the founding of a separate state.[13721] In early 1992, the SDS began to defer to organs of the nascent 'state', most notably the Bosnian-Serb Assembly, in further preparing an 'ethnic take-over'.[13722] Tensions at the lower levels mounted in February and March 1992, and the first clashes began to occur in various parts of the country; the Bosnian-Serb leadership's first priority remained the take-over of actual control in the localities.[13723]

[13712] P3037 (Minutes of the 1st meeting of the Ministerial Council of the Bosnian-Serb Assembly held on 11 January 1992, 13 January 1992), p. 3.
[13713] Adjudicated Facts I, no. 112.
[13714] P3037 (Minutes of the 1st meeting of the Ministerial Council of the Bosnian-Serb Assembly held on 11 January 1992, 13 January 1992), p. 2.
[13715] Adjudicated Facts I, no. 114.
[13716] Adjudicated Facts I, no. 113. The Trial Chamber understands this to be a reference to the Bosnian-Serb MUP and refers to its review of the evidence in relation thereto in chapter 3.4.
[13717] Adjudicated Facts I, no. 115.
[13718] Adjudicated Facts I, no. 116.
[13719] Adjudicated Facts I, no. 117.
[13720] Adjudicated Facts I, no. 118.
[13721] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 176.
[13722] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 91. *See also* P3861 (Decision of SDS Executive Board, 24 February 1992) reviewed in chapter 2.2.1.
[13723] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 95.

3635. During a 22 January 1992 telephone conversation, Karadžić informed Jovica Stanišić that he had told a man close to Tuđman that if the Serbs and Croats did not resolve their 'contentious issues' within a month or two, the Croats would be 'in for thirty years of torture' with 'all sorts of things'.[13724] Stanišić asked if by 'all sorts of things' Karadžić meant killings and Karadžić confirmed that he did.[13725] Stanišić responded: 'We'll have to push them to Belgrade, you know! There's nothing else left for us to do. Or we'll exterminate them completely so let's see where we'll end up.'[13726] Karadžić responded affirmatively.[13727]

3636. According to the minutes of an SDS meeting on 5 February 1992, Serbia's objective was to maintain the continuity of Yugoslavia as well as to ensure that the Serbs would live in a single state regardless of whether it would be called Yugoslavia, the United Serbian States or otherwise.[13728]

3637. Following the formation of the Bosnian-Serb Assembly and of the Ministerial Council, the need for a regionalization staff ceased to exist.[13729] On 6 February 1992, the Executive Committee of the SDS of Bosnia-Herzegovina recommended to the SDS Main Committee that a few people be charged with the accomplishment of regionalization on the ground: Rajko Đukić for the SAO Birač and Semberija; Jovo Šarac and Milovan Žugić for the SAO Romanija; Slobodan Babić and Simo Mihić for the region of Doboj; Vojo Krunić and Radomir Nešković for the SAO Bosanska Krajina; and Jovo Jovanović and Milivoje Prijić for Sarajevo.[13730] **Milenko Stanić** testified that Rajko Đukić was consequently appointed coordinator for the SAO Birač and Semberija on 24 February 1992.[13731]

3638. On or about 12 February 1992, a meeting of representatives of three SAOs was held in Doboj, which Karadžić, Krajišnik, and Maksimović attended.[13732] During the

[13724] P4114 (Intercepted conversation between Karadžić and Jovica Stanišić, 22 January 1992), p. 6.
[13725] P4114 (Intercepted conversation between Karadžić and Jovica Stanišić, 22 January 1992), pp. 1, 6.
[13726] P4114 (Intercepted conversation between Karadžić and Jovica Stanišić, 22 January 1992), p. 7.
[13727] P4114 (Intercepted conversation between Karadžić and Jovica Stanišić, 22 January 1992), p. 7.
[13728] P7038 (Notes of SDS meetings including events in Ključ area, February-July 1992), p. 3.
[13729] P7081 (Minutes from the eighth session of the Executive Committee of the SDS of Bosnia-Herzegovina, 6 February 1992), p. 3.
[13730] P7081 (Minutes from the eighth session of the Executive Committee of the SDS of Bosnia-Herzegovina, 6 February 1992), p. 3.
[13731] Milenko Stanić, T. 30868-30869; P7082 (Decision on the appointment of Rajko Đukić as member-coordinator for the SAO Birač and Semberija signed by the President of the Executive Committee of the SDS of Bosnia-Herzegovina, 24 February 1992). *See also* P4030 (Decision of the SDS Executive Board on the appointment of Rajko Đukić as coordinator of the SAO Birač and Semberija, 24 February 1992).
[13732] Adjudicated Facts I, no. 119.

meeting, an exchange of population was discussed to achieve territorial continuity between Croatian and Bosnian Krajina, on the one side, and Semberija and Serbia proper, on the other.[13733]

3639. On 14 February 1992, during a meeting of the SDS Executive and Main Board which was also attended by the presidents of SDS Municipal Boards, presidents and members of regional boards, presidents of assemblies, executive committees of municipalities and other government officials and party organs, Karadžić, stated that '[w]e must be wise, unified, dedicated in order to take the last drop of the power in our hands.'[13734] Karadžić mentioned that this should be done in a humane and 'just' way towards both Croats and Muslims and underlined that it was important that there should be no fleeing from 'our' areas.[13735] Karadžić also referred to the reconstruction of Bosnia-Herzegovina, envisioned not as a confederation but as a state with three sovereign and independent peoples, namely Serbs, Croats, and Muslims and their cantons.[13736] He stated that the Serbs had the right to reorganise Bosnia-Herzegovina on democratic principles.[13737] Lastly, Karadžić discussed how Muslims and Serbs could not live in the same political and judicial system and advocated for reconciliation with the Croats emphasizing that 'in order to create as little "friction" as possible' Croats and Serbs should live one next to the other but not together.[13738]

3640. On 15 February 1992, the Bosnian-Serb Assembly discussed a draft Constitution, according to which the Bosnian-Serb Republic would become part of federal Yugoslavia.[13739] The Assembly also discussed the adoption of a Law on the Implementation of the Constitution.[13740] A few days after a 14 February 1992 meeting at which Slobodan Milošević briefed Radovan Karadžić, Biljana Plavšić, and Momčilo Krajišnik on the stance of each of the Presidents of the Yugoslav republics with respect to maintaining a federal Yugoslavia, Karadžić gave an interview in which he stated that,

[13733] Adjudicated Facts I, no. 120.
[13734] P3774 (Speech of Radovan Karadžić in meeting of the SDS Main and Executive Board, 14 February 1992), p. 1, 5.
[13735] P3774 (Speech of Radovan Karadžić in meeting of the SDS Main and Executive Board, 14 February 1992), p. 5.
[13736] P3774 (Speech of Radovan Karadžić in meeting of the SDS Main and Executive Board, 14 February 1992), pp. 3-4, 21.
[13737] P3774 (Speech of Radovan Karadžić in meeting of the SDS Main and Executive Board, 14 February 1992), p. 13.
[13738] P3774 (Speech of Radovan Karadžić in meeting of the SDS Main and Executive Board, 14 February 1992), pp. 19-20.
[13739] Adjudicated Facts I, no. 122.
[13740] Adjudicated Facts I, no. 123.

should Croatia and Slovenia secede, the 'core Yugoslavia' that remained would have to adjust its borders by applying 'the ethnic principle': to the extent possible, Serb villages would remain in Yugoslavia, and Croatian villages would become part of the new Croatian state.[13741]

3641. According to a 19 February 1992 letter from the SDS Executive Committee's Chairman, Rajko Đukić, to the SDS municipal and regional boards, SDS regional and municipal boards were obliged to draw up a 'plan of action so that any kind of campaign to organize a referendum should be made impossible'.[13742]

3642. By 23 February 1992, representatives of the SDS (among them Karadžić and Krajišnik) and of the other two national groups had agreed on a statement of principles for a new constitutional arrangement for Bosnia-Herzegovina.[13743] According to this statement, the territory of Bosnia-Herzegovina would keep its external borders.[13744] It would become an independent state made up of three constituent units which would group municipalities according to the nationality principle based on the last three censuses (1971, 1981, and 1991).[13745] Freedom of movement would be allowed only within each unit, while resettlement from one unit to another would be subject to a 'special permit'.[13746]

3643. On 28 February 1992, the Bosnian-Serb Assembly unanimously adopted the Constitution of the Bosnian-Serb Republic, along with a Government Act, a Law on Defence, and a Law on Internal Affairs.[13747] The Constitution defined the Bosnian-Serb Republic as part of federal Yugoslavia, and not of Bosnia-Herzegovina.[13748] It stated: 'Citizens of the Republic have equal rights in their freedom, rights and obligations. They are equal before the law and enjoy the same legal protection regardless of race, sex, language, ethnic origin, social background, birth, education, financial situation, political and other beliefs, social position or other personal attributes'.[13749]

[13741] Adjudicated Facts I, no. 43.
[13742] P7040 (Letter from SDS Executive Committee to SDS Regional and Municipal Boards, 19 February 1992), pp. 1-2.
[13743] Adjudicated Facts I, no. 124.
[13744] Adjudicated Facts I, no. 125.
[13745] Adjudicated Facts I, no. 126.
[13746] Adjudicated Facts I, no. 127.
[13747] Adjudicated Facts I, no. 128.
[13748] Adjudicated Facts I, no. 131.
[13749] Adjudicated Facts I, no. 132.

3644. At a 28 February 1992 SDS Deputies' Club session held in Sarajevo, Karadžić stated: 'Muslims cannot live with others. We must be clear on that. […] There can be no discussion here. Yet they set up the Bosnian Krajina and in two years' time you have problems again, to separate each and every village there, because they will overwhelm you with their birth rate and their tricks. We cannot allow that to happen.'[13750] At the same meeting, Karadžić stated: '[I]t is clear to every Serb that Croats and Serbs cannot live in a single state.'[13751]

3645. **Treanor** testified that the Bosnian-Serb leadership advanced a policy of reorganization and ordered a Serb boycott of the Bosnia-Herzegovina-wide referendum on independence to be held on 29 February and 1 March 1992.[13752] The resultant vote in favour of independence shifted the SDS's efforts towards a Serbian Bosnia-Herzegovina, with its own sovereign rights and army.[13753] Karadžić subsequently emphasized that the SDS was advocating a three-way partition of Bosnia-Herzegovina along ethnic lines in its international negotiations.[13754]

3646. In early 1992, the SDA exercised pressure to secure the independence of the Socialist Republic of Bosnia-Herzegovina.[13755] On 29 February and 1 March 1992, a referendum on the question of independence was held, which was largely boycotted by the Bosnian Serbs and yielded an overwhelming majority of votes in favour of independence.[13756] In March and early April 1992, the Council for the Protection of Constitutional Order, a body constituted of representatives of the three constituent peoples from the Bosnia-Herzegovina Government and the Assembly, issued recommendations to the parties and the organs of public administration, but they were not followed up.[13757] In the same period, armed clashes among ethnic groups occurred throughout Bosnia-Herzegovina: checkpoints and barricades were erected in and around

[13750] P3900 (Notes of speeches given during the SDS Serbian Deputies' Club Meeting in Sarajevo, 28 February 1992), pp. 1, 33, 36.
[13751] P2001 (Report by Dr Robert Donia titled 'Highlights of Deliberations in the Bosnian-Serb Assembly Relevant to the Indictment of Ratko Mladić, 1991-96'), p. 26.
[13752] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), paras 89-90. *See also* P3049 (Conclusions and Recommendations of the Bosnian-Serb Assembly, 21 November 1991 and 11 December 1991); P7040 (Letter from SDS Executive Committee to SDS Regional and Municipal Boards, 19 February 1992), pp. 1-2.
[13753] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 95.
[13754] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 97.
[13755] Adjudicated Facts I, no. 134.
[13756] Adjudicated Facts I, no. 134.
[13757] Adjudicated Facts I, no. 135.

Sarajevo by people associated with the three national parties.[13758] After the republican referendum, and due to the fact that the Yugoslav leadership had by then clearly expressed its position to SDS leaders that a Bosnian-Serb entity would not be allowed to be part of the new Yugoslavia in the near future, negotiations persisted, but mainly turned on the nature of what an independent Bosnia-Herzegovina would be like (unitary or federal) and what the division of power among the entities would be.[13759]

3647. At the 2 March 1992 enlarged session of the SFRY Presidency, Karadžić stated: '[W]e demand the right to exercise our right, our sovereign right to organise our lives as we please, pointing at the difficulties, such as impossibility to live together, to live within the same political and legal framework together with two other religions and nations, citing similar cases throughout the world, which all ended in complete separation and departure, so typical of oil and water.'[13760]

3648. On 11 March 1992, the Bosnian-Serb Assembly decided to continue international negotiations on a confederative arrangement for the three national groups.[13761] In response to an invitation from Jose Cutileiro, international mediator, to continue the multi-party negotiations, the Bosnian-Serb Assembly unanimously rejected a draft of constitutional arrangements in Bosnia-Herzegovina.[13762] On 18 March 1992, the negotiators reported to the Bosnian-Serb Assembly.[13763] The new draft proposal, they explained to the deputies, aimed at a division of Bosnia-Herzegovina into three constituent units based not only on nationality, but also on economic and geographic considerations.[13764] Each component nation would moreover be allowed special ties with other states.[13765] The proposal was marked as 'basis for further negotiations.'[13766]

3649. In an interview with the newspaper *Naša Borba* published on 16 March 1992, Karadžić described the 'enemies' of the Bosnian Serbs as 'the segment of the militant fundamentalist core that wants Bosnia for itself and would like to subjugate the Serbs and Croats'.[13767]

[13758] Adjudicated Facts I, no. 136.
[13759] Adjudicated Facts I, no. 137.
[13760] P4931 (Shorthand records of the Enlarged Session of the Presidency of the SFRY, 2 March 1992), pp. 1, 12, 14.
[13761] Adjudicated Facts I, no. 138.
[13762] Adjudicated Facts I, no. 139.
[13763] Adjudicated Facts I, no. 140.
[13764] Adjudicated Facts I, no. 141.
[13765] Adjudicated Facts I, no. 142.
[13766] Adjudicated Facts I, no. 142.
[13767] P3776 (Interview of Radovan Karadžić with *Naša Borba*, 16 March 1992), pp. 1-2.

3650. On 24 March 1992, the Bosnian-Serb Assembly instructed the new Government to prepare, by 27 March, 'an operational plan for assuming power, that is, for establishing power in the Serbian Republic of Bosnia-Herzegovina, and in particular in the field of internal affairs, national defence and money transactions... in all municipalities where we already have Serbian authorities, and in those municipalities where we have only recently established Serbian municipalities.'[13768] On that day, the Bosnian-Serb Assembly also issued a decision verifying the proclamation of various Serb municipalities.[13769]

3651. **Hanson** testified that on 24 March 1992, Karadžić told the Assembly deputies that they, as members of the supreme organ of authority, *i.e.* the Assembly, were to act as the link between central policy and the municipal government in the takeover of power.[13770] He stated that they would soon be able to form whatever they wanted and ordered them to stay close to the municipality presidents.[13771] On 27 March 1992, Karadžić instructed the Assembly deputies to establish crisis staffs as soon as they arrived in their municipalities; the crisis staffs were to exclusively serve for defence purposes and to cooperate with the JNA when possible.[13772] The Assembly deputies were to report to Karadžić on the compliance of the municipal presidents, who had the authority on the ground.[13773] If the deputies' proposals were rejected, however, the municipal presidents were to be coerced into executing the Bosnian Serb leadership's plans.[13774] According to Hanson, these instructions signalled the shift in the role of the crisis staffs from a secret organ to a public party authority.[13775]

3652. In March 1992, the Assembly of Serbian People of Bosnia-Herzegovina promulgated the Constitution of the Serb Republic of Bosnia-Herzegovina and

[13768] Adjudicated Facts I, no. 144.
[13769] Adjudicated Facts I, no. 145.
[13770] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 33.
[13771] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 33.
[13772] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 34.
[13773] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 35.
[13774] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 35.
[13775] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 36.

proclaimed itself a distinct republic.[13776] **Treanor** testified that from April 1992 onwards, there were no longer Bosnian-Serb bodies of authority working in parallel to those of multi-ethnic Bosnia-Herzegovina, but separate and distinct authorities founded by the SDS and answering to the Bosnian-Serb leadership and institutions; they functioned as autonomous parts of the nascent Bosnian-Serb 'state'.[13777] Immediately preceding the outbreak of conflict in April 1992, the SDS leadership's command and control capacity was repeatedly demonstrated and SDS party bodies acted in concert with fledging Serbian institutions.[13778]

3653. On 27 March 1992, at the 14th Session of the Bosnian-Serb Assembly, Karadžić stated that it was obvious that the Bosnian Serbs and their adversaries 'cannot live together without hindering one another's development'.[13779] He further stated: 'In the plant world there are plants which cannot grow side by side. They have to be separated to flourish.'[13780]

3654. **Witness RM-513** testified that when the war in Bijeljina started in April 1992, the crisis staffs of the villages distributed weapons to Serb SDS supporters.[13781] The municipal crisis staff formed a Unit for Intervention made up of villagers they had armed.[13782] According to the witness, both the SDS and the SDA armed people illegally.[13783]

3655. On 4 April 1992, the SNB issued a public announcement, signed by Karadžić, in response to instructions given by the 'rump Presidency of Bosnia-Herzegovina' concerning the raising of TOs, people's self-organisation, the civilian protection and reserve police.[13784] The SNB urged the people to disregard these instructions and do everything to avoid civil war and the suffering of the people.[13785] It ordered that, should any TO, civilian protection or reserve police units in any area respond to the instructions, crisis staffs in those areas were to be activated and the Serb TO, civilian

[13776] Adjudicated Facts I, no. 130. The Trial Chamber understands this to refer to the Bosnian-Serb Assembly and the Bosnian-Serb Republic, respectively.
[13777] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 99.
[13778] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 86.
[13779] P6922 (Excerpts from the transcript of 14th Session of the Bosnian-Serb Assembly, 27 March 1992), pp. 1, 10, 12.
[13780] P6922 (Excerpts from the transcript of 14th Session of the Bosnian-Serb Assembly, 27 March 1992), p. 12.
[13781] P1054 (Witness RM-513, witness statement, 25 June 2011), para. 13.
[13782] P1054 (Witness RM-513, witness statement, 25 June 2011), paras 13-14, 17.
[13783] P1054 (Witness RM-513, witness statement, 25 June 2011), para. 43.
[13784] P3899 (Announcement by National Security Council, 4 April 1992), p. 1.
[13785] P3899 (Announcement by National Security Council, 4 April 1992), p. 2.

protection and reserve police raised, primarily for maintaining order, peace and safety of civilians for all nationalities.[13786] The SNB also stated that the Serb people were under threat of extermination in Neretva river valley, Bosanski Brod and Kupres.[13787]

3656. On 7 April 1992, the Bosnian-Serb Assembly, chaired by Milovan Milanović, declared the independence of the Bosnian-Serb Republic, and Plavšić and Koljević resigned from their positions in the Presidency of Bosnia-Herzegovina.[13788] In April 1992 the EC and the USA recognised the independence of the Republic of Bosnia-Herzegovina.[13789] However, international recognition of Bosnia-Herzegovina in April 1992 did not end the matter and a struggle for territorial control ensued among the three major groups in Bosnia: Muslim, Serb, and Croat.[13790]

3657. On 15 April 1992, after reviewing the security situation in Bosnia-Herzegovina, the SNB and the Bosnian-Serb Government decided to propose to the Bosnian-Serb Presidency to declare a 'state of imminent threat of war'.[13791] The Minister of Defence was tasked with organising and supervising the TO until the appointment of an acting commander.[13792]

3658. Also on 15 April 1992, the Bosnian-Serb Presidency declared an imminent threat of war and ordered the mobilisation of the TO on the entire territory of 'Serbian Bosnia and Herzegovina'. All men of military age in that area were to be at the municipal TO staffs' disposal. On 12 May 1992, the Bosnian-Serb Assembly confirmed this decision.[13793]

3659. According to a Decision of the SDS on 17 April 1992, all employees of Serb ethnicity who had been appointed and introduced in service in the organs and organisations of Bosnia-Herzegovina and those of Sarajevo upon proposal from the SDS were to be withdrawn from their positions and reappointed in the organs and organisations of the Bosnian-Serb Republic.[13794]

[13786] P3899 (Announcement by National Security Council, 4 April 1992), p. 2.
[13787] P3899 (Announcement by National Security Council, 4 April 1992), p. 1.
[13788] Adjudicated Facts I, no. 146.
[13789] Adjudicated Facts I, no. 147.
[13790] Adjudicated Facts II, no. 1270.
[13791] P3035 (Minutes of the joint meeting of the SNB and the Bosnian-Serb Government, 15 April 1992), p. 1.
[13792] P3035 (Minutes of the joint meeting of the SNB and the Bosnian-Serb Government, 15 April 1992), p. 2.
[13793] D446 (Decision by the Bosnian-Serb Presidency, 15 April 1992).
[13794] P3778 (Decision of the SDS, 17 April 1992), paras 1-2.

3660. On 22 April 1992, the SNB and the Bosnian-Serb Government agreed that the Bosnian-Serb Republic had to be defended, especially the positions taken in Sarajevo. They decided to undertake special efforts to present the situation to the EC by inviting its observers to the Serb positions, where they could establish that it was the Serbs who were being attacked. The SNB and the Government decided to insist on 'a peace-time option and an intensive political offensive' in order to resolve the crisis in Bosnia-Herzegovina.[13795] Karadžić also established a platform for the immediate resolution of the crisis in Bosnia-Herzegovina under the auspices of the EC.[13796] Furthermore, the SNB and the Bosnian-Serb Government decided that the SNB would coordinate the command of the TO forces and the TO Staff would appoint staff commanders in regions, municipalities, and towns.[13797] On 27 April 1992, the SNB and the Bosnian-Serb Government decided to conduct full-scale mobilization.[13798]

3661. Also on 27 April 1992, the SFRY was re-organised so that it consisted of only the republics of Serbia and Montenegro, along with Kosovo and Vojvodina, and a new constitution was adopted.[13799] On 22 May 1992, Bosnia-Herzegovina was admitted as a State member of the UN, following decisions adopted by the UNSC and the General Assembly.[13800] After the disintegration of the former Yugoslavia began, the theme of the Serb-dominated media was that 'if for any one reason Serbs would become a minority population … their whole existence could be very perilous and endangered … [and therefore] they had no choice but a full-scale war against everyone else, or to be subjected to the old type concentration camp, the symbol being Jasenovac.'[13801]

3662. On 6 May 1992, Mladić recorded that he had held talks with Karadžić, Krajišnik, Adžić, and a group of generals from Bosnia-Herzegovina.[13802] Karadžić acknowledged that the Bosnian Serbs were controlling and expanding the 'Serbian' settlements in Pale, as they were on the threshold of achieving their centuries-old dream of creating a state

[13795] P3036 (Minutes of the joint meeting of the SNB and the Bosnian-Serb Government, 22 April 1992), p. 1.
[13796] P3036 (Minutes of the joint meeting of the SNB and the Bosnian-Serb Government, 22 April 1992), p. 2.
[13797] P3036 (Minutes of the joint meeting of the SNB and the Bosnian-Serb Government, 22 April 1992), pp. 1-2.
[13798] P7088 (Minutes of the session of the National Security Council of the Bosnian-Serb Government signed by Radovan Karadžić, 27 April 1992), p. 1.
[13799] Adjudicated Facts III, no. 1708.
[13800] Adjudicated Facts I, no. 148.
[13801] Adjudicated Facts I, no. 150.
[13802] P352 (Mladić notebook, 14 February 1992 - 25 May 1992), p. 255-256.

'without many internal enemies', and that they were thinking about forming their own armed forces '[t]o crush the green /Muslim/ transversal'.[13803]

3663. **Deronjić** stated that on 10 or 11 May 1992, a meeting was held in Pale during which he had to report on the events in Bratunac Municipality. Mladić, Karadžić, Ostojić, and the presidents of the crisis staffs were present. A map depicting the ethnic structure of Bosnia-Herzegovina was hanging in the conference room; it was divided into two parts in different colours, the Serb areas being blue. When the witness reported about the events in Glogova, that it had been partially destroyed, most of it was ablaze, and that the Bosnian Muslims had been evacuated by force, all present in the room greeted his report with applause and Ostojić said 'We can now also colour Bratunac blue'.[13804]

3664. **Treanor** testified that as more powerful organs were created and vested with certain powers, they gradually took over important functions and the Bosnian-Serb Assembly became less and less significant.[13805]

3665. The Trial Chamber recalls its findings in chapters 2.1.1-2.1.3 and 3.4 on the establishment and structure of Bosnian-Serb republic level institutions, including the Bosnian-Serb Presidency and President, the Bosnian-Serb Assembly, the Bosnian-Serb Government, and the MUP. The Trial Chamber further recalls its findings on the structure and establishment of regional and municipal political structures in chapters 2.2.1 and 2.2.2, including, *inter alia*, the formation of SAOs in the Bosnian-Serb Republic, as well as regional and municipal crisis staffs.

The Trial Chamber's findings

3666. Based on the foregoing, the Trial Chamber finds that fundamental disagreement on how to resolve the question of whether Bosnia-Herzegovina should either declare its independence from Yugoslavia or remain part thereof was determinative of the political developments in the lead up to the conflict. While the SDA, HDZ, and the majority of other opposition parties envisaged sovereign and internationally recognised statehood for Bosnia-Herzegovina, the SDS and some of the smaller parties wanted to remain part of Yugoslavia. The Trial Chamber finds that from the moment of its creation in July

[13803] P352 (Mladić notebook, 14 February 1992 - 25 May 1992), pp. 257-259.
[13804] P3566 (Miroslav Deronjić, witness statement, 25 November 2003), para. 106.

1990, the SDS's political platform emphasised the protection of the 'Serb nation', which had been disadvantaged by, *inter alia*, the way Bosnia-Herzegovina had been divided into municipalities, making Bosnian Serbs an ethnic minority in areas where they may otherwise have dominated.

3667. With regard to the Defence's arguments that the SDS pursued peaceful and collaborative efforts to remain part of the FRY and the Bosnian Serbs' willingness to negotiate a settlement, the Trial Chamber finds that this willingness was conditional on the Bosnian Serbs' obtaining control over territories within Bosnia-Herzegovina, including those where Bosnian Serbs were a minority, and to which they claimed to have a 'historical right'.

3668. From as early as January 1991, Slobodan Milošević began to publicly advocate for the right of all Serbs to live in one state. In early 1991, the SDS embarked on a programme of regionalization, through the creation of territories in which the Bosnian Serbs comprised a relative majority. The SDS sought to establish Bosnian-Serb controlled areas by linking together Serb-majority municipalities and forming parallel government bodies, with a view to removing this territory from the effective control of the authorities of Bosnia-Herzegovina. As such, the Trial Chamber finds that the SDS promoted territorial division along ethnic lines and the establishment of separate, parallel Bosnian-Serb political, police and military institutions. From as early as May 1991 until at least 10 or 11 May 1992, members of the SDS leadership openly discussed the ethnic composition of municipalities and by June 1991, SDS municipal organs were asked to prepare maps of their municipalities showing as precisely as possible, in colour, the ethnic composition of each territory.

3669. In April 1991, Karadžić expressed the Bosnian-Serb leadership's plans to divide Bosnia-Herzegovina and for Serbs to take over control of territory therein. The Trial Chamber finds that in subsequent conversations, meetings, and speeches that took place from at least July 1991 to May 1992, members of the Bosnian-Serb political leadership, in particular Radovan Karadžić, threatened violence and extinction should Bosnian Muslims attempt to create a sovereign state, described Muslims and Croats as enemies with whom the Bosnian Serbs could not coexist and threatening violence against those groups, and advocated the transfers of populations. In doing so, Karadžić repeatedly

[13805] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), paras 184, 186.

referred to, *inter alia*, the 'expulsion', 'disappearance', and 'extinction' of the Bosnian Muslims within this territory.

3670. Specifically, and with respect to the attempts by Bosnian Muslims to create a sovereign state, on 12 October 1991, Karadžić stated in a telephone conversation that an attempt would result in bloodshed. He also said that if Bosnian Muslims 'rise up against the Serbs', they would 'disappear' and 'be exterminated'. On 15 October 1991, he described the Bosnian Muslims' pursuit of an independent state as a 'highway of hell and suffering' and elaborated that the Serbs would 'destroy them completely' in a 'war until their extinction'. On 1 January 1992, in response to talk of a sovereign Bosnia-Herzegovina, he stated that the Bosnian Serbs would release their 'tigers' and 'let them do their job'.

3671. With respect to the Bosnian Serbs' inability to coexist with Muslims and Croats, Karadžić made a number of statements. On 24 October 1991 and 6 May 1992, he spoke of creating a Bosnian-Serb state free of internal enemies. In a speech delivered during the plebiscite in November 1991, addressing the presidents of the municipalities, Karadžić said that 'whatever Bosnia we have one day, no Muslim foundation shall ever be laid in Serb areas and Serb villages'. He also described Muslims as 'merciless' and stated that the Bosnian Serbs would not 'behave like gentlemen wearing white gloves' because 'if you are thrown among the wolves […], [y]ou can't be the lamb' but must 'be equal to your task and to your adversary'. On 22 January 1992, he said that should issues between the Serbs and Croats not be resolved, the Croats would be 'in for thirty years of torture'. On 14 February 1992, he stated that Bosnian Serbs and Muslims 'could not live in the same political and judicial system'. On 28 February 1992, he repeated that 'Muslims cannot live with others' and added that it was 'clear to every Serb that Croats and Serbs cannot live in a single state'. On 2 March 1992, he noted the 'impossibility to live together, to live within the same political and legal framework together with two other religions and nations'. On 16 March 1992, he characterized the enemies of the Bosnian Serbs as 'militant fundamentalist[s]' who wanted 'to subjugate the Serbs and Croats'.

3672. With respect to population transfers, in July 1991, during a meeting with Babić and Milošević, Karadžić said that he would chase the Muslims in Bosnia-Herzegovina into the river valleys in order to link up all Serb territories there into one. On 8 January 1992, Koljević stated that Bosnia-Herzegovina would be divided into three sovereign

states on the basis of 'homogeneity', which would be achieved in part via population transfers.

3673. The Trial Chamber further finds that in the period leading up to the conflict, the SDS was heavily involved in the arming of the Bosnian-Serb population.

3674. The Trial Chamber finds that following its creation, the SDS leadership used the Bosnian-Serb Assembly as a tool to further its political agenda and enforce party policies. On 9 January 1992, the Bosnian-Serb Assembly proclaimed the Bosnian-Serb Republic. On 7 April 1992, the Bosnian-Serb Assembly declared the independence of the Bosnian-Serb Republic. The Trial Chamber finds that from April 1992 onwards, previously established Bosnian-Serb institutions were no longer working in parallel to those of multi-ethnic Bosnia-Herzegovina, but constituted separate and distinct authorities founded by the SDS. As such, they constituted *de facto* state institutions, functioned autonomously, and answered to the Bosnian-Serb leadership and institutions.

3675. The Trial Chamber further finds that in the period leading up to the conflict, Karadžić and other key SDS members who formed part of the collective Bosnian-Serb leadership, including Krajišnik, Plavšić, and Koljević, played an essential role in directing, planning and executing the party's policies. Between at least July 1991 and February 1992, Karadžić met with and spoke to Slobodan Milošević on numerous occasions. During these meetings, the unification of Serb territories and the division of territory along ethnic lines were discussed. As SDS president, Karadžić also met regularly with SDS members at the republic, regional, and municipal level to discuss plans of regionalization from as early as April 1991 and through to May 1992. During several of these meetings, Milan Babić was also present.

3676. The Trial Chamber will further consider these findings in chapter 9.2.14.

9.2.3 The Variant A/B Instructions

3677. The Prosecution argued that in late December 1991, Karadžić issued concrete instructions, known as the Variant A/B instructions, to prepare to assert Serb control at the municipal level by military means, if necessary.[13806] These instructions, which were to be implemented in two stages, constituted a 'planned, centralised means of

[13806] Prosecution Final Brief, para. 181; T. 44340-44341.

establishing and preparing the Serb municipal organs that would be used to implement the common criminal purpose' of the alleged overarching JCE.[13807] It further argued that Karadžić supervised the implementation of the Variant A/B instructions and later activated the second stage of the instructions by a 'secret' order.[13808] The Defence argued that the Variant A/B instructions could not have been the basis of planned actions of the crisis staffs or alleged JCE members, as they were not uniformly implemented and there is no evidence of anyone at the Bosnian-Serb Republic level enforcing the instructions.[13809] It further argued that 'the document referring to "Variant A/B" municipalities' was a contingency plan, discussed only during one assembly session, which took place prior to the establishment of the VRS and Mladić's relocation to Bosnia-Herzegovina under the JNA.[13810] It also argued that the Variant A/B instructions were solely relevant to municipalities and not to the military, as they were considered separately from Mladić and were not relayed to the VRS.[13811] The Prosecution responded that immediately after the Variant A/B instructions were issued, Karadžić assigned Čizmović to 'visit all our municipalities' in order to implement the instructions that had been issued.[13812]

3678. With regard to the Variant A/B instructions, the Trial Chamber took judicial notice of a number of Adjudicated Facts. The Trial Chamber also received evidence from **Patrick Treanor**, an intelligence analyst;[13813] and **Dorothea Hanson**, a research officer for the Prosecution Leadership Research Team,[13814] as well as documentary evidence,[13815] and finds that this evidence is consistent with the Adjudicated Facts.[13816] The Trial Chamber also received evidence from **Miroslav Deronjić**, the President of the Bratunac Municipality Crisis Staff as of April 1992.[13817]

[13807] Prosecution Final Brief, para. 181; T. 44345-44346.
[13808] Prosecution Final Brief, para. 181; T. 44345-44346.
[13809] Defence Final Brief, paras 461-462.
[13810] Defence Final Brief, paras 357, 440.
[13811] Defence Final Brief, paras 358-359.
[13812] T. 44345-44346. The Trial Chamber understands the reference to 'Čizmović' in the Prosecution's closing arguments to refer to Jovan Čizmović.
[13813] P3001 (Patrick Treanor, *curriculum vitae*), p. 3.
[13814] P378 (Dorothea Hanson, *curriculum vitae*), p. 1; Dorothea Hanson, T. 4141.
[13815] P4583 (Transcript from 50th Session of the Bosnian-Serb Assembly, 16 April 1995), p. 323.
[13816] **Patrick Treanor**: P3038 (Instructions for the organization and operation of organs of the Serbian people in Bosnia-Herzegovina in emergency conditions, 19 December 1991), pp. 1-2, 6, 10; P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 61. **Dorothea Hanson**: P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), paras 20-21.
[13817] P3566 (Miroslav Deronjić, witness statement, 25 November 2003), para. 2.

3679. On 19 or 20 December 1991, a document entitled 'Instructions for the Organisation and Activity of the Organs of the Serbian People in Bosnia-Herzegovina in Extraordinary Circumstances', dated 'Sarajevo, 19 December 1991', was introduced to the participants of a meeting of high-level SDS representatives.[13818] The SDS Main Board directed SDS municipal boards throughout Bosnia-Herzegovina to establish Bosnian-Serb institutions, including a 'Crisis Staff of the Serb People' and an 'Assembly of the Serb People' or a 'Serb Municipality'.[13819] Karadžić, in addressing the meeting, said that SDS municipal boards would become responsible, pursuant to these instructions, for creating a network that would cover all Serbs living in the municipalities.[13820]

3680. The 'strictly confidential' document laid out measures and tasks to be taken with a view to establishing control in municipalities where the Bosnian Serbs constituted a majority (Variant A), and in those municipalities where the Bosnian Serbs did not constitute a majority (Variant B).[13821] Two levels of activities for each variant were described, which were to be implemented exclusively on Karadžić's orders and in accordance with a 'specifically defined secret procedure'.[13822] The purpose of the tasks, measures, and other activities as set forth in the document was to enhance mobility and readiness to protect the interests of the 'Serbian people'.[13823] They were to be implemented over the entire territory of Bosnia-Herzegovina, in their entirety in Variant

[13818] Adjudicated Facts I, no. 86. The Trial Chamber understands these instructions to be the Variant A/B instructions. The Trial Chamber notes that while the Adjudicated Facts refer to a document entitled 'Instructions for the Organisation and Activity of the Organs of the Serbian People in Bosnia-Herzegovina in Extraordinary Circumstances', documents in evidence bear slightly different titles, such as, 'Instructions for the Organization and Operation of Organs of the Serbian People in Bosnia and Herzegovina in Emergency Conditions'. The Trial Chamber determines these documents also refer to the Variant A/B instructions.
[13819] Adjudicated Facts III, no. 1686.
[13820] Adjudicated Facts I, no. 87.
[13821] P3038 (Instructions for the organization and operation of organs of the Serbian people in Bosnia-Herzegovina in emergency conditions, 19 December 1991), pp. 1-2, 6, 10. *See also* D78 (Instructions for the organisation and activities of the organs of the Serbian people in Bosnia-Herzegovina in an Emergency, 19 December 1991); D985 (Instructions for the organization and operation of organs of the Serbian people in Bosnia-Herzegovina in emergency conditions, 19 December 1991); D986 (Instructions for the organization and operation of organs of the Serbian people in Bosnia-Herzegovina in emergency conditions, 19 December 1991); P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 61; P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 20; P3566 (Miroslav Deronjić, witness statement, 25 November 2003), para. 45.
[13822] P3038 (Instructions for the organization and operation of organs of the Serbian people in Bosnia-Herzegovina in emergency conditions, 19 December 1991), pp. 2, 5-6, 9-10. *See also* P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 61; P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 20.
[13823] P3038 (Instructions for the organization and operation of organs of the Serbian people in Bosnia-Herzegovina in emergency conditions, 19 December 1991), p. 2.

A municipalities and partially in Variant B municipalities.[13824] In order to carry out the tasks, the municipal crisis staffs were asked to undertake a comprehensive assessment of the situation in the municipalities and to 'ensure and respect declarations of loyalty (preferably in writing) to the constitution and the legal system of the federal state of Yugoslavia by citizens of other ethnic backgrounds'.[13825]

3681. For both variants, the 'first level' included daily meetings of the SDS municipal board to allow constant monitoring of the situation.[13826] The SDS municipal board was tasked with immediately establishing a 'Crisis Staff of the Serbian People' in each municipality, which was to be composed of all members of the SDS municipal board secretariat, SDS candidates in municipal state organs, such as the SJB Chief or Police Station Commander, deputies of the Bosnian-Serb Assembly, and members of the Bosnia-Herzegovina SDS Main Board from the municipality.[13827] The plan included the proclamation of an 'assembly of the Serbian people' in each municipality, preparations for the establishment of municipal state or government organs, including, *inter alia*, the executive committee, administration organs, and SJB.[13828] It further included the preparation of the takeover of the staff and some equipment of 'security services centres', the intensifying of propaganda, and the assessment of the number of necessary active and reserve policemen, TO units, and civilian protection units, which were to be activated on the order of the crisis staff.[13829] The 'second level' included plans to convene a session of the Serb municipal assembly, to establish a municipal executive committee and municipal state or government organs, to mobilise all Serb police forces

[13824] P3038 (Instructions for the organization and operation of organs of the Serbian people in Bosnia-Herzegovina in emergency conditions, 19 December 1991), p. 2.
[13825] P3038 (Instructions for the organization and operation of organs of the Serbian people in Bosnia-Herzegovina in emergency conditions, 19 December 1991), pp. 3, 6, 10. *See also* P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 23.
[13826] P3038 (Instructions for the organization and operation of organs of the Serbian people in Bosnia-Herzegovina in emergency conditions, 19 December 1991), pp. 3, 6-7.
[13827] P3038 (Instructions for the organization and operation of organs of the Serbian people in Bosnia-Herzegovina in emergency conditions, 19 December 1991), pp. 3, 6-7. *See also* P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), paras 88, 90.
[13828] P3038 (Instructions for the organization and operation of organs of the Serbian people in Bosnia-Herzegovina in emergency conditions, 19 December 1991), pp. 3-4, 6-7. The Trial Chamber notes that while the term 'state organs' is used on pp. 3, 5, the term 'government organs' is used on pp. 6-7, 9. The Trial Chamber understands both terms to refer to the establishment and functioning of the same municipal organs.
[13829] P3038 (Instructions for the organization and operation of organs of the Serbian people in Bosnia-Herzegovina in emergency conditions, 19 December 1991), pp. 4, 7-8. *See also* P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), paras 88, 90.

and 'gradually re-subordinate them in coordination with JNA commands and staffs', and to ensure the implementation of the order for mobilisation of the JNA reserve and TO units.[13830]

3682. In Variant A municipalities, the 'assembly of the Serbian people' was to be composed of representatives of the Serb people in the municipal assembly.[13831] Control over existing commodity reserves was to be established and material resources were to be protected.[13832] On the 'second level' of Variant A, the staff, buildings, and equipment taken over from the 'security services centres' were to be placed at the disposal of the 'newly established organs of the interior' at the seat of the centre.[13833] In implementing these measures, it was to be ensured that the rights of members of all nations were respected and that they would later be engaged in government organs established by the 'assembly of the Serbian people' in the municipality.[13834]

3683. In Variant B municipalities it had to be ensured that 'members of other nations and nationalities' who expressed their loyalty to the federal state of Yugoslavia were proportionately represented in government organs.[13835] The staff and equipment taken over from CSBs were to be integrated with the SJB in the municipality or in the place where an SJB was established.[13836] In settlements with a predominant Serb population, observation and a reporting system to report all threats to the Serb population was to be organised.[13837] The crisis staffs were responsible for 'special forms of organisation of defence'.[13838]

[13830] P3038 (Instructions for the organization and operation of organs of the Serbian people in Bosnia-Herzegovina in emergency conditions, 19 December 1991), pp. 5, 9. *See also* P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), paras 88, 90.
[13831] P3038 (Instructions for the organization and operation of organs of the Serbian people in Bosnia-Herzegovina in emergency conditions, 19 December 1991), p. 3.
[13832] P3038 (Instructions for the organization and operation of organs of the Serbian people in Bosnia-Herzegovina in emergency conditions, 19 December 1991), p. 4.
[13833] P3038 (Instructions for the organization and operation of organs of the Serbian people in Bosnia-Herzegovina in emergency conditions, 19 December 1991), p. 6.
[13834] P3038 (Instructions for the organization and operation of organs of the Serbian people in Bosnia-Herzegovina in emergency conditions, 19 December 1991), p. 6. *See also* P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 23.
[13835] P3038 (Instructions for the organization and operation of organs of the Serbian people in Bosnia-Herzegovina in emergency conditions, 19 December 1991), p. 7.
[13836] P3038 (Instructions for the organization and operation of organs of the Serbian people in Bosnia-Herzegovina in emergency conditions, 19 December 1991), p. 7.
[13837] P3038 (Instructions for the organization and operation of organs of the Serbian people in Bosnia-Herzegovina in emergency conditions, 19 December 1991), p. 9.
[13838] P3038 (Instructions for the organization and operation of organs of the Serbian people in Bosnia-Herzegovina in emergency conditions, 19 December 1991), p. 9.

3684. The document reflected SDS policy and they found their way to local SDS leaders between 20 December 1991 and the early months of 1992.[13839] The instructions were received and implemented, fully or partially, in several municipalities in Bosnia-Herzegovina.[13840] The SDS in several municipalities relied on these instructions for actions, in particular when proclaiming the municipality as being Serb.[13841]

3685. **Patrick Treanor** testified that the instructions issued confidentially by the SDS Crisis Staff link the Bosnian-Serb leadership to a carefully planned and realised, top-down policy of dismemberment of Bosnia-Herzegovina along ethnic lines, whereby either existing Serb- or SDS-dominated municipalities would simply stop abiding by the laws of Bosnia-Herzegovina, thereby ignoring other legitimate party representatives and following the orders of parallel Serb authorities.[13842] Alternatively, in Serb-minority areas, exclusively Serb municipal institutions would be established in part of the territory, inevitably setting the stage for conflict.[13843] In a mid-February 1992 interview, Karadžić stated that the Serbs had developed a comprehensive programme for control of territory where they were an ethnic majority.[13844]

3686. **Dorothea Hanson** testified that the purpose of the Variant A/B instructions issued by the SDS Main Board was to 'implement the plebiscite decision' and 'increase the mobility and readiness for defence of the interests of the Serbian people'.[13845] According to Hanson, the last page, type-signed 'SDS BiH Crisis Staff', was an early indication of a republic-level crisis staff.[13846] The Variant A/B instructions tied the crisis staffs and Serb municipalities to the SDS party centre through the Bosnian-Serb Assembly and the SDS Main Board.[13847] In order to create a shadow government, crisis

[13839] Adjudicated Facts I, no. 95. The Trial Chamber understands 'they' to refer to the Variant A/B instructions contained in the document entitled 'Instructions for the Organisation and Activity of the Organs of the Serbian People in Bosnia-Herzegovina in Extraordinary Circumstances' or to copies thereof.
[13840] Adjudicated Facts I, no. 96.
[13841] Adjudicated Facts I, no. 96.
[13842] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), paras 61-63. *See also* P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), paras 20-21.
[13843] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 63. *See also* P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 21.
[13844] P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 66.
[13845] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), paras 20-21.
[13846] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 20.
[13847] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 24.

staffs were instructed to include SDS members who already held leading positions in the existing municipal government; they were also told to cooperate with JNA command posts and headquarters.[13848] Jovan Čizmović, coordinator of the ARK and SAO governments, was tasked with facilitating the implementation of the Variant A/B instructions in the municipalities.[13849] As part of the discussion on the establishment of a Serb state within Bosnia-Herzegovina during the 6th Session of the Bosnian-Serb Assembly on 26 January 1992, Čizmović urged that the tasks set out in these instructions be carried out.[13850]

3687. On 14 February 1992, during a meeting attended by the SDS leadership, as well as regional and municipal officials, Karadžić ordered the activation of the 'second stage' of the instructions, specifically the division of Bosnia-Herzegovina along ethnic lines.[13851] Karadžić advised those present that the implementation of the second stage should be done slowly, to have absolute control on who was travelling along their roads.[13852] This served as the signal for the realization of Serb municipal authorities, the purpose of which was to 'intensify the functioning of the government at any cost and on every single millimetre of our territory'.[13853] In April 1995, during the 50th Session of the Bosnian-Serb Assembly, Karadžić stated that 'at the moment the war began, in the municipalities where we were in the majority, we had municipal power, held it firmly, controlled everything. In the municipalities where we were the minority, we set up secret government, municipal boards, municipal assemblies, presidents of executive

[13848] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 25.
[13849] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 28. *See also* P3770 (Appointment of co-ordinator between ARK and Serb autonomous regions, 21 December 1991); P4115 (Intercepted conversation between Jovan Čizmović and Radovan Karadžić, 16 January 1992); P2672 (Intercepted conversation between Radovan Karadžić and Momčilo Krajišnik, 21 December 1991).
[13850] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 28.
[13851] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 29. *See also* P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 64. *See also* P3774 (Speech of Radovan Karadžić in meeting of the SDS Main and Executive Board, 14 February 1992), p. 6.
[13852] P3774 (Speech of Radovan Karadžić in meeting of the SDS Main and Executive Board, 14 February 1992), p. 6. *See also* P3038 (Instructions for the organization and operation of organs of the Serbian people in Bosnia-Herzegovina in emergency conditions, 19 December 1991).
[13853] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 29. *See also* P3003 (Patrick Treanor, The Bosnian-Serb Leadership 1990-1992), para. 64.

boards.'[13854] According to Hanson, the municipal organs played a crucial role in the Bosnian-Serb Assembly's efforts to making the Bosnian-Serb Republic a reality on the ground.[13855]

3688. On 17 February 1992, the Prijedor SDS municipal board noted that 'it is necessary to activate the second stage of the position stated by the SDS BH Main Board. It is absolutely necessary to cover the territory and population (Serbs) by activists and representatives. Each should secure his own area.'[13856] **Miroslav Deronjić** stated that Bratunac was a 'Variant B' municipality for which the instructions envisaged the establishment of a crisis staff and a Serb assembly.[13857] He and his municipal board implemented these instructions upon his return to Bratunac Municipality.[13858]

3689. Based on the foregoing, the Trial Chamber finds that on 19 December 1991, at a meeting of high-level SDS representatives chaired by Karadžić, the SDS Main Board issued strictly confidential instructions, also referred to as the Variant A/B instructions, detailing measures to be carried out at the municipal level throughout the territory of Bosnia-Herzegovina for the purpose of enhancing mobility and readiness to 'protect' the Bosnian-Serb population. They included instructions for Variant A municipalities, where Serbs constituted a majority, and Variant B municipalities, where Serbs constituted a minority. Local SDS leaders received the Variant A/B instructions between 20 December 1991 and the early months of 1992.

3690. The Variant A/B instructions, which were to be implemented in two phases, set out practical preparations for the takeover of *de facto* power in the municipalities and the division of Bosnia-Herzegovina along ethnic lines. The first phase of the instructions called for preparatory steps to be taken in the municipalities. These included, *inter alia*, the establishment of Serb municipal crisis staffs (*see* the Trial Chamber's findings on the structure of crisis staffs in chapter 2.2.2) and of Serb municipal assemblies, as well as preparations for the establishment of municipal state organs, including SJBs, executive committees, and administrative organs. According to the instructions, non-Serbs were to be engaged with and represented in government

[13854] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 27. *See also* P4583 (Transcript from 50th Session of the Bosnian-Serb Republic Assembly, 16 April 1995), p. 323.
[13855] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 32.
[13856] Adjudicated Facts I, no. 121.
[13857] P3566 (Miroslav Deronjić, witness statement, 25 November 2003), para. 46.

organs at a later stage. In Variant B municipalities, such participation was dependent on an expressed loyalty to the federal state of Yugoslavia. The Variant A/B instructions also included an assessment of the number of necessary active and reserve policemen, TO units, and civilian protection units, which were to be activated on the order of the crisis staff, as well as preparations for the takeover of the staff and some equipment of security services centres and intensification of propaganda. The second phase of the Variant A/B instructions, which Karadžić activated on 14 February 1992 at a meeting attended by the SDS leadership, as well as Bosnian-Serb regional and municipal officials, called for the establishment of municipal state or government organs and the convening of Serb municipal assembly sessions, as well as the mobilization of the JNA reserve, TO units, and all Serb police forces, who would gradually be re-subordinated in coordination with JNA commands. Implementation of the Variant A/B instructions would mean that in Variant A municipalities, where Serbs constituted a majority, the orders of newly established Bosnian-Serb municipal authorities would prevail, other legitimate party representatives would be ignored, and the laws of Bosnia-Herzegovina would no longer be respected. In Variant B municipalities, where Serbs constituted a minority, exclusively Serb municipal institutions would be established in parts of the territory.

3691. The Trial Chamber will further consider these findings in chapter 9.2.14 when determining whether an overarching JCE existed. In chapter 9.2.14, the Trial Chamber will also consider to what extent the implementation of the Variant A/B instructions further clarifies the policy of the Bosnian-Serb political leadership.

9.2.4 The Six Strategic Objectives

3692. The Prosecution argued that while the six strategic objectives were not criminal on their face, it was clear that they meant to express an intention to pursue Serb control over territories inhabited by other ethnicities through force.[13859] The Defence argued that the objectives refer to separation of territory, not people.[13860] The Prosecution responded that Karadžić, when presenting the objectives at the 16th Assembly Session and after mentioning the separation of states, immediately clarified that the separation

[13858] P3566 (Miroslav Deronjić, witness statement, 25 November 2003), para. 46.
[13859] Prosecution Final Brief, para. 215.
[13860] Defence Final Brief, paras 408-415; T. 44722.

was about people.[13861] It also pointed out that various comments at the session, such as 'resettling' or 'moving', clearly referred to people.[13862] Further, the Prosecution argued that Mladić's comments need to be read in context and that he meant to convey that the real plan needed to be kept secret.[13863] The Trial Chamber received evidence from **Herbert Okun**, special advisor and deputy to the Special Envoy of the UNSG from 1991 through 1997 and co-chairman of the International Conference on the former Yugoslavia,[13864] as well as documentary evidence in relation to the six strategic objectives, as set out below.[13865]

3693. On 7 May 1992, Mladić recorded that he had a meeting with Krajišnik, Vučurević, and Karadžić.[13866] Krajišnik mentioned the following 'strategic goals':

(1) to separate from the Croats and the Muslims forever;

(2) make a corridor from Krajina to Serbia;

(3) establish a link with Serbia on the Drina, and cut off the Muslim's link (Sandžak);

(4) Neretva, a natural border with the Croats;

(5) '[a] part of Sarajevo is to be ours. - The Muslims can have their part of the city and a link with their territory';

(6) to have a passage to the sea.[13867]

The record continues by noting '* We do not want to live alone' and then '7. * In the near future, we must establish links with the Republic of Serbian Krajina'.[13868]

3694. On 12 May 1992, at the 16th Session of the Bosnian-Serb Assembly, Karadžić noted that the political conditions in Bosnia-Herzegovina had been very complex since the founding of the HDZ with its 'militant and dangerous gatherings, with insignia of the *Ustaša* regime which committed genocide against us, and the setting up of the SDA […] with its militant Islamic fundamentalism'.[13869] According to Karadžić, the Serbs had set up their own national movement, the SDS, in response to the actions taken by the HDZ and the Muslim national community. While the Serbs had been trying to

[13861] T. 44377.
[13862] T. 44377-44378.
[13863] T. 44375-44376.
[13864] P3103 (Herbert Okun, *Krajišnik* transcript, 22-25 June 2004), p. 4137.
[13865] P6723 is set out in chapter 9.2.5.
[13866] P352 (Mladić notebook, 14 February 1992 - 25 May 1992), pp. 262-263.
[13867] P352 (Mladić notebook, 14 February 1992 - 25 May 1992), p. 262.
[13868] P352 (Mladić notebook, 14 February 1992 - 25 May 1992), pp. 262-263.
[13869] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), pp. 1, 3-4.

abstain from taking any steps that could have been detrimental to the peace in Bosnia-Herzegovina, the actions which had led them to the setting up of their own state had been provoked. According to Karadžić, after the deputies from Muslim and Croatian national communities had 'denied any meaning of the [Bosnia-Herzegovina] Assembly' and decided to enclose the Serbs in a state whose signs and symbols were well-known to them from the time of Croatian and Turkish occupation, the Serbs were forced to exercise their right to self-determination and set up their own state.[13870]

3695. According to Karadžić, the EC recognised that the 'Serbian people' would not accept the 'unitarist Bosnia of Alija Izetbegović'.[13871] At the Conference on Bosnia-Herzegovina, under European auspices, the EC had given its approval for a three-part Bosnia-Herzegovina, consisting of three nation states.[13872] This approval by the EC was seen by Karadžić as recognition of the legitimacy of the Serbs' wish to have their own state unit within Bosnia-Herzegovina. The Serbs had 'opted for a political, peaceful solution, and accepted the political arbitration of the EC, which does not favour the Serbs at this moment, but [they] accepted the loss of a thing or two in order to avoid war'. On 4 April 1992, when the Bosnia-Herzegovina MUP had already been split, Alija Izetbegović mobilized the Croat and the Muslim national communities, so as to take control of the fate of the peoples in Bosnia-Herzegovina and speed up the process of recognition of the independence of Bosnia-Herzegovina. Already before Bosnia-Herzegovina was recognized by the EC, the Bosnian-Serb Assembly proclaimed the independence of the Bosnian-Serb Republic. This proclamation took place sometime on 6 or 7 April 1992. The EC had thus recognized a Bosnia-Herzegovina that did not exist and within whose territory there was already another state, the Bosnian-Serb Republic. Immediately after the international recognition, the Muslim representatives started sabotaging the Conference. The events which then followed resulted in war, through 'terrorising the Serbian people in Sarajevo' and through open attacks on Serbs in other areas, including Zvornik and Bijeljina.[13873]

3696. Karadžić announced that the Bosnian-Serb Presidency, the Bosnian-Serb Government, and the SNB had formulated the strategic goals for the 'Serbian

[13870] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 4.
[13871] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), pp. 4-5.
[13872] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), pp. 4-5.
[13873] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 5.

people'.[13874] According to Karadžić, the achievement of the six strategic goals would 'finally finish the job of the freedom struggle of the Serbian people'.[13875] Furthermore, Karadžić warned that an end had to be put to the 'Serbian megalomania' of trying to include 'as many of [their] enemies in [their] areas as possible, especially as much territory as possible'; this had to be brought to a 'reasonable measure' in order for the Serbs to be 'solid and compact'.[13876] According to Karadžić, by doing otherwise, the Serbs could be put in danger by the inclusion in their state of 'too many of [their] enemies, who [would] again work against that state'.[13877]

3697. The first strategic goal was the 'separation from the other two national communities - separation of states'.[13878] Karadžić characterised the other two national communities as enemies of the Serbs, who had used every opportunity to attack them and would continue to do so if they were to remain in the same state.[13879] Krajišnik added that the first goal was the most important one, and the others were sub-items of the first.[13880] According to Karadžić, the first strategic objective was 'that we want to be rid of enemies in the house, those being the Croats and Muslims, so that we are no longer together in the same state'.[13881]

3698. The second strategic goal was the establishment of a corridor between Semberija and Krajina, so as to connect the RSK, Bosnian-Serb Republic, and Serbia.[13882] According to Karadžić, this was a very important goal as there could be 'no Krajina, Bosnian Krajina, Serbian Krajina or alliance of Serbian states' without the establishment of such a corridor.[13883] In this respect, another speaker, 'Dr Beli', noted that the establishment of a corridor between Semberija and the Bosnian Krajina had been completed to a certain degree.[13884] However, Brčko still remained a 'fierce stronghold […] of Muslim forces' and in dealing with such a priority task, it was necessary to act together instead of letting the burden fall on one area only.[13885] For a definite 'clearing of the area' it was necessary to have more forces there, especially

[13874] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 9.
[13875] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 10.
[13876] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), pp. 10-11.
[13877] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 11.
[13878] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 9.
[13879] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 9.
[13880] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 45.
[13881] P4582 (Karadžić speech), p. 1.
[13882] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 9.
[13883] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 9.
[13884] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 12.

well-qualified police staff.[13886] Beli also noted the necessity to conduct a general mobilization of the 'Serbian people' and suggested the issuance of directives so that the definition of general mobilization would not depend on individual municipalities.[13887]

3699. The third strategic goal was the establishment of a corridor in the Drina Valley, so as to eliminate the Drina 'as a border between two worlds'. Karadžić noted that while it was possible for some Muslim enclaves to be set up along the river, the belt along the Drina had to belong to the Bosnian-Serb Republic. The establishment of this corridor would be both strategically useful for the Serbs – as they populated both sides of the Drina River – and would damage the interests of their enemy by preventing them from establishing a corridor connecting them to the 'Muslim International', which would render the area 'permanently unstable'.[13888]

3700. The fourth strategic goal was the establishment of a border on the Una and Neretva rivers.[13889] In this respect, Miroslav Vještica, another speaker, noted that there were no more Muslims in the enclaves that used to exist on the right bank of the Una River, in the 'Serbian' Bosanska Krupa Municipality.[13890] According to Vještica, it was 'unlikely' for the Muslims who had been evacuated from these enclaves to have a place to return to, after the President had announced the 'happy news' that the right bank of the Una was to be the border.[13891]

3701. The fifth strategic goal was the division of Sarajevo into a 'Serbian' and a Muslim part and the implementation of an effective state government in each of the two parts.[13892] Karadžić emphasized that the battle for Sarajevo was of decisive importance, because as long as the Serbs held a part of Sarajevo, Alija could not establish 'even the illusion of a state'.[13893] According to Karadžić, the most important thing for Alija was to create an illusion that there was a Bosnian state and that the Serbs were terrorists. Furthermore, the fighting in Sarajevo was keeping the fighting away from other areas such as the Krajina and the Drina, where the Serbs could also have conflicts with the Muslims. Therefore, according to Karadžić, the fighting in Sarajevo would decide the

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[13885] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 12.
[13886] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), pp. 12-13.
[13887] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 13.
[13888] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 9.
[13889] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 9.
[13890] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 20.
[13891] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 20.
[13892] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), pp. 9-10.

destiny of Bosnia-Herzegovina and, if there was going to be a war, '[the war] would start in Sarajevo and end in Sarajevo'.[13894]

3702. The sixth strategic goal was the establishment of access of the Bosnian-Serb Republic to the sea, by disputing a part of the territory by the sea and not recognizing the area as a part of the Croatian state.[13895]

3703. During the same session of the Bosnian-Serb Assembly, Dragan Kalinić noted that the most important issue that the Bosnian-Serb Assembly had to decide on was whether to choose the option of war or the option of negotiating.[13896] In this respect, he considered that, 'knowing who our enemy is, how perfidious they are, how they cannot be trusted until they are physically, militarily destroyed and crushed, which, of course, implies eliminating and liquidating their key people', the fate of the Serbs in Bosnia-Herzegovina could only be solved through war.[13897] Vojo Kuprešanin stated that the Muslims 'must be forced to capitulate' and their attempts to turn the Serbs into a minority had to be broken.[13898] Velibor Ostojić noted that 'peace with Alija can only be achieved by war'.[13899] According to Kozić, 'the enemy – *Ustašas* and *mujahedin* – must be defeated by whatever means are necessary, and only after that can we negotiate'. Captain Garić noted that the Serbs did not want to go to war. He proposed that '[t]he Serb who refuses to come under the Serbian flag and under a *šajkača*, we will show that Serb the way to Istanbul, Teheran, just as we did to the *mujahedin*'.[13900] Krajišnik emphasized that the Serbs were all fighting for 'self-contained territories of a piece with the corridor, so that all of us will be in a single area that is linked with Serbia and Montenegro'.[13901]

3704. **Herbert Okun** stated that the six strategic objectives of 12 May 1992 primarily dealt with the issue of land.[13902] The Trial Chamber also reviewed Mladić's speech at the 16th Assembly Session, which is set out in chapters 9.3.7 and 9.5.5. Mladić *inter alia* noted that the 'thing' that they were doing 'need[ed] to be guarded as [their]

[13893] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 10. The Trial Chamber understands the reference to 'Alija' in this exhibit as a reference to Alija Izetbegović.
[13894] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 10.
[13895] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 10.
[13896] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 17.
[13897] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 17.
[13898] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 24.
[13899] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 27.
[13900] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 28.
[13901] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 46.
[13902] P3103 (Herbert Okun, *Krajišnik* transcript, 22-25 June 2004), p. 4194.

deepest secret'.[13903] Serb representatives in the media and at political talks and negotiations would have to present the goals in a way that would sound appealing to those who they wanted to win over and the 'Serbian people' would need to know how to read between the lines.[13904] He said that

> it is better to have here this Hasotić who was here among us, than to have him take the place of Vehbija Karić or to have him in the trenches fighting against us. If Hasotić had been there instead of Vehbija, things would be more difficult for me now. He was with me, after all, and knows better how to neutralise me and to what extent and for how long and with what. And the other does not. There we cannot cleanse nor can we have a sieve to sift so that only Serbs would stay, or that the Serbs would fall through and the rest leave. Well that is, that will not, I do not know how Mr Krajišnik and Mr Karadžić would explain this to the world. People, that would be genocide. We have to call upon any man who has bowed his forehead to the ground to embrace these areas and the territory of the state we plan to make. He to [sic] has his place with us and next to us.[13905]

3705. Mladić further said: 'Fear, might, prays to no God, and God cares not for might. But that does not mean that Muslims have to be expelled or drowned […] both Serbs and Muslims, all must take care of one another […] [b]ut there are ways in which we can neutralise them'.[13906]

3706. The six strategic objectives were adopted unanimously at the 16th Assembly Session.[13907] They were published in the official gazette of the Bosnian-Serb Republic on 26 November 1993 as follows:

> 1. Demarcation of the state as separate from the other two national communities.
> 2. A corridor between Semberija and Krajina.
> 3. Establishment of a corridor in the Drina river valley, and the eradication of the Drina river as a border between the Serbian states.
> 4. Establishment of borders along the Una and Neretva rivers.
> 5. Partition of the city of Sarajevo into Serbian and Muslim sections and the establishment of an effective state authority in each section.
> 6. Access to the sea for Republika Srpska.[13908]

3707. In a 8 November 1992 meeting with *inter alios* Karadžić, Krajišnik, and corps commanders, Mladić noted Krajišnik as having stated that '[w]e have a disproportionate

[13903] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 34.
[13904] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 34.
[13905] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 35.
[13906] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), pp. 1, 35.
[13907] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 47. *See also* P3050 (Decision on the strategic objectives of the Serbian people in Bosnia-Herzegovina, 12 May 1992).
[13908] P2003 (Decision on strategic objectives for the Serbian People in Bosnia-Herzegovina of 12 May 1992, published on 26 November 1993 in the official gazette of the Bosnian-Serb Republic), p. 1.

engagement of the army in relation to the strategic objectives. We have not achieved: The Neretva, the sea, and the Podrinje area. We have achieved: The corridor and separation with the Muslims'.[13909]

3708. Based on the foregoing, the Trial Chamber finds that on 12 May 1992, after Karadžić presented six strategic objectives to the Bosnian-Serb Assembly, the assembly adopted the objectives, which most prominently included the demarcation of a Serb state, territorially separate from any Croat and Muslim state. This demarcation involved the separation of people along ethnic lines. Furthermore, at the assembly session, Mladić and others clarified their understanding of the objectives. It was emphasized that the objectives should be achieved by 'whatever means', should be made to sound appealing when referenced in public, and that the Bosnian Serbs' approach should be guarded as their deepest secret and that Bosnian Serbs need to know how to read between lines. The Trial Chamber further finds that prior to the session, on 7 May 1992, Mladić and Krajišnik had a meeting regarding the strategic objectives. The Trial Chamber will further consider these findings in chapter 9.2.14 when determining whether the Overarching JCE existed.

9.2.5 Speeches, statements, and utterances by members of the Bosnian-Serb political leadership

3709. The Prosecution argued that statements made by members of the alleged overarching JCE demonstrate that they shared the common objective of the overarching JCE.[13910] These included speeches, statements, and utterances threatening mass violence against non-Serbs; preparing for imposing a forcible solution; expecting that extreme levels of violence would be deployed and that violent crimes would be necessary to establish ethnically-homogenous territories; and asserting Bosnian Serbs' entitlement to lands in Bosnia-Herzegovina.[13911] The Prosecution further argued that members of the alleged overarching JCE prepared their followers logistically and psychologically for the use of force.[13912]

[13909] P356 (Mladić notebook, 5 October - 27 December 1992), pp. 141, 146-147.
[13910] Prosecution Final Brief, paras 158, 162, 164. 167-174.
[13911] Prosecution Final Brief, paras 158, 162, 164, 167.
[13912] Prosecution Final Brief, para. 167.

3710. The Trial Chamber took judicial notice of Adjudicated Fact 728 with regard to the speeches and statements of members of the Bosnian-Serb political leadership relating to the common objective of the alleged overarching JCE. Further, it received evidence from **Herbert Okun**, special advisor and deputy to the Special Envoy of the UNSG from 1991 through 1997 and co-chairman of the International Conference on the former Yugoslavia;[13913] **Sulejman Crnčalo**, a Bosnian Muslim from Radačići in Pale Municipality;[13914] **Witness RM-066**, a Serb from Vlasenica;[13915] **David Harland**, an UNPROFOR Civil Affairs Officer assigned to Sarajevo as of May 1993;[13916] **Anthony Banbury**, an UNPROFOR Civil Affairs Officer in Sarajevo between March 1994 and May 1995 and subsequently the Assistant to the UN Special Representative of the Secretary-General in Bosnia-Herzegovina;[13917] and **Husein Abdel-Razek**, UNPROFOR Sector Sarajevo Commander from 21 August 1992 to 20 February 1993;[13918] as well as documentary evidence.[13919] The Trial Chambers also refers to its review of statements of a similar nature made in the period leading up to the conflict in chapter 9.2.2. The Trial Chamber will review these statements and speeches, primarily by Radovan Karadžić from May 1992 through 1995, in chronological order below.

3711. According to a *Tanjug* article dated 17 May 1992, Mladić, Karadžić, and Krajišnik attended a meeting with representatives of the local authorities in Sokolac on 17 May 1992, during which Krajišnik called for an ethnic demarcation.[13920] Karadžić is reported to have said 'we want our state in Bosnia-Herzegovina and if they want to take Bosnia-Herzegovina out of Yugoslavia, we want to take our state out of Bosnia-Herzegovina'.[13921]

[13913] P3103 (Herbert Okun, *Krajišnik* transcript, 22-25 June 2004), p. 4137.
[13914] P260 (Sulejman Crnčalo, witness statement, 1 November 2009), p. 1, para. 3; Sulejman Crnčalo, T. 3229.
[13915] P182 (Witness RM-066, witness statement, 7 April 2010), p. 1.
[13916] P1 (David Harland, witness statement, 4 September 2009), p. 1, para. 5; David Harland, T. 661.
[13917] P874 (Anthony Banbury, witness statement, 19 May 2009), para. 3.
[13918] P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, p. 1, paras 2, 65, supplemental witness statement of 16 July 2002, p. 1; Husein Abdel-Razek, T. 3578.
[13919] The relevant evidence of exhibits P2004 and P3774 is discussed in chapter 9.2.2.
[13920] P3176 (Article published in Tanjug, 17 May 1992), paras 1, 5. *See also* P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), pp. 15397-15398.
[13921] P3176 (Article published in Tanjug, 17 May 1992), para. 3.

3712. **Sulejman Crnčalo** testified that in June 1992, he saw Karadžić giving a speech at an open meeting in Pale.[13922] Crnčalo heard Karadžić say that the best way for Serbs to defend their houses was by attacking Muslim houses.[13923]

3713. On 13 June 1992, Karadžić issued an order stating that in an armed conflict, the VRS and the MUP should apply and respect the rules of international law of war, and the VRS should be regularly instructed on such rules.[13924] Commanders of all units, as well as each member of the VRS or other armed formation who took part in combat activities, were responsible for the application of the rules of international law of war.[13925]

3714. In an announcement on 11 July 1992, the Bosnian-Serb Presidency confirmed the will of the Serb people 'to peacefully demarcate from Croatians and Muslims in Bosnia and Herzegovina and solve the crisis in Bosnia and Herzegovina in a peaceful and democratic manner'.[13926] Noting that the Geneva Conventions mandate that emigration must be voluntary, the Presidency stated that all 'refugees' from the Bosnian-Serb Republic would be allowed to return and that Bosnian-Serb authorities were not forcing citizens to emigrate or forcibly detaining citizens in war zones.[13927]

3715. On 11 July 1992, Karadžić issued a congratulatory St Peter's Day message to SDS members and officials. Therein, Karadžić called for particular attention to be paid to 'the fair treatment of the civilian population of our Republic that is of a different ethnic background'. He also stated that defeated enemy soldiers should be given the protection of the Geneva Conventions.[13928]

3716. During the 17th Session of the Bosnian-Serb Assembly of 24 and 26 July 1992, Karadžić stated: 'We know very well what the fundamentalism is and that we cannot live together, there's no tolerance, they quadruple through the birth-rate, and we Serbs are not up to that.'[13929]

[13922] P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 78; Sulejman Crnčalo, T. 3236-3237.
[13923] P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 78; Sulejman Crnčalo, T. 3236-3237.
[13924] D2045 (Order by Karadžić on the application of the rules of international law of war, 13 June 1992).
[13925] D2045 (Order by Karadžić on the application of the rules of international law of war, 13 June 1992).
[13926] D870 (Bosnian-Serb Presidency announcement, 11 July 1992).
[13927] D870 (Bosnian-Serb Presidency announcement, 11 July 1992).
[13928] D2022 (St Peter's Day message from Karadžić, 11 July 1992).
[13929] P4581 (Transcript from the 17th session of the Bosnian-Serb Assembly, 24 and 26 July 1992), pp. 85-86.

3717. **Herbert Okun** stated that in September 1992, he and Cyrus Vance, both representatives of UNSG, repeatedly discussed the issue of widespread 'ethnic cleansing' in Bosnia-Herzegovina with the Bosnian-Serb leadership.[13930] When the issue of 'ethnic cleansing' was raised, the Bosnian-Serb leadership, such as Karadžić, Koljević, Krajišnik, and Čosić, did not deny that it was taking place.[13931] Rather, they stated that Muslims and Croats had also committed crimes against Serbs in World War II.[13932] The Bosnian-Serb leadership indicated to the witness and to Cyrus Vance during their negotiations that the use of force would stop as soon as the Bosnian Serbs got what they wanted.[13933]

3718. Between September 1992 and May 1993, the Bosnian-Serb leadership advocated six political goals: (i) the establishment of a Bosnian-Serb state as a separate legal entity; (ii) the establishment of a continuous Serb territory contiguous with Serbia; (iii) the establishment of an ethnically pure or overwhelmingly Bosnian-Serb state; (iv) the maintenance of a special relationship with the FRY; (v) the division of Sarajevo into Muslim and Bosnian-Serb sections; and (vi) to obtain a veto power against any residual powers which might be held by the central government of Bosnia-Herzegovina.[13934] Okun stated these political goals were not to be confused with the six strategic objectives of 12 May 1992.[13935]

3719. On 8 September 1992, Karadžić sent a telegram to the presidents of all municipalities in the Bosnian-Serb Republic reminding them that they were bound by the Geneva Conventions.[13936]

3720. **Okun** stated that Koljević, during a meeting Okun held on 18 September 1992 with the Bosnian-Serb leadership, said that the Serbs would not accept internal borders

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[13930] P3103 (Herbert Okun, *Krajišnik* transcript, 22-25 June 2004), p. 4139, 4190-4191; P3115 (Index to diary entries by Herbert Okun, entries dated 10 and 24 September 1992), pp. 5-6.
[13931] P3103 (Herbert Okun, *Krajišnik* transcript, 22-25 June 2004), pp. 4191-4192, 4203; 4369; P3104 (Herbert Okun, *Karadžić* transcript, 22, 23, and 28 April 2010), pp. 1505-1507.
[13932] P3103 (Herbert Okun, *Krajišnik* transcript, 22-25 June 2004), pp. 4191-4192, 4369; P3113 (Video of a press conference given by Karadžić in Geneva, 18 September 1992), p. 6.
[13933] P3103 (Herbert Okun, *Krajišnik* transcript, 22-25 June 2004), p. 4192.
[13934] P3103 (Herbert Okun, *Krajišnik* transcript, 22-25 June 2004), pp. 4157-4158, 4169, 4173-4174, 4204, 4214-4216, 4218-4220, 4243-4244, 4249-4253, 4265-4266, 4275, 4302-4307, 4349-4360; P3104 (Herbert Okun, *Karadžić* transcript, 22, 23, and 28 April 2010), pp. 1474-1475, 1528-1529; P3115 (Index to diary entries by Herbert Okun, entry dated 27 January 1993), p. 10; P5283 (Video depicting statement of Momčilo Krajišnik, 1992).
[13935] P3103 (Herbert Okun, *Krajišnik* transcript, 22-25 June 2004), p. 4194.
[13936] D2081 (Telegram from Radovan Karadžić to presidents of all municipalities in the Bosnian-Serb Republic, 8 September 1992).

in Bosnia-Herzegovina 'without some form of cantonisation'.[13937] Koljević explained the Serbs were, however, prepared to accept such internal borders 'to accommodate ethnic realities', by which Okun understood Koljević to mean 'to make the [Bosnian-Serb Republic] pure, or as pure as the Serbian army could make it' and based on a map drawn on the situation following ethnic cleansing had taken place.[13938] During a meeting of 24 September 1992, in Geneva, Okun stated that Cyrus Vance, Lord Owen, and he himself discussed the situation of 'ethnic cleansing' in Banja Luka with FRY Ambassador Pavićević, who acknowledged that ethnic cleansing was indeed ongoing in Banja Luka.[13939] Pavićević said that the ethnic cleansing 'must be stopped' and volunteered to call Dobrica Ćosić, President of the FRY, and Slobodan Milošević in Belgrade to put an end to the situation.[13940] Later that day, Okun met with Nikola Koljević, who acknowledged that 'ethnic cleansing' was indeed taking place in both Banja Luka and Prijedor.[13941] Koljević then called the regional police commander in Banja Luka; Okun reported that following the phone call, Koljević told those in the meeting a 'fairy tale' that the crimes in Banja Luka were committed by Muslims who had stolen VRS uniforms and were masquerading as Serbs while committing crimes.[13942]

3721. **Witness RM-066** testified that on 30 September 1992, a funeral of 28 or 29 Serb soldiers who had been mutilated and killed by ABiH forces on the frontlines at Rogošija some days prior took place.[13943] The funeral was attended by over a thousand people, including Karadžić, Ostojić, Koljević, and Andrić.[13944] Manojlo Milovanović was also present, as were members of the SDS and the Crisis Staff (Savo Čeliković), and members of the police (Goran Višković).[13945] The witness testified that the atmosphere

[13937] P3103 (Herbert Okun, *Krajišnik* transcript, 22-25 June 2004), p. 4215.
[13938] P3103 (Herbert Okun, *Krajišnik* transcript, 22-25 June 2004), p. 4215-4216; P3115 (Index to diary entries by Herbert Okun, entry dated 24 September 1992), p. 6.
[13939] P3103 (Herbert Okun, *Krajišnik* transcript, 22-25 June 2004), pp. 4221-4222; P3115 (Index to diary entries by Herbert Okun, entry dated 24 September 1992), p. 6.
[13940] P3103 (Herbert Okun, *Krajišnik* transcript, 22-25 June 2004), pp. 4221-4222.
[13941] P3103 (Herbert Okun, *Krajišnik* transcript, 22-25 June 2004), pp. 4221-4222.
[13942] P3103 (Herbert Okun, *Krajišnik* transcript, 22-25 June 2004), pp. 4222-4224.
[13943] P182 (Witness RM-066, witness statement, 7 April 2010), para. 121; Witness RM-066, T. 2528, 2531.
[13944] P182 (Witness RM-066, witness statement, 7 April 2010), paras 121, 125; Witness RM-066, T. 2424; P184 (Video footage and transcript of a funeral in Vlasenica).
[13945] P182 (Witness RM-066, witness statement, 7 April 2010), para. 125; P184 (Video footage and transcript of a funeral in Vlasenica).

during the funeral was so tense that he was afraid of retaliatory actions of certain Serbs coming to Sušica camp to liquidate the detainees.[13946] In his speech, Karadžić stated:

> […] victims who will not have died in vain, whom we will not and must never forget. Nor must we forget their executioners and attackers. I do not know if I am allowed to say that we must not forgive either. Who knows how many times this century our brothers, who are no brothers at all, have been at our throats. They assault our good men. But the Lord sees that and has given us strength to resist.[13947]

3722. The witness testified that during a conversation concerns regarding the safety of the remaining detainees at Sušica camp were raised, and Đurić promised to assist in transferring those detainees (*see* the Trial Chamber's findings on the killing of detainees at Sušica camp in chapter 4.14.1 *Schedule B.16.2*).[13948] Ostojić heard the conversation.[13949] Also nearby were Vojislav Nikolić, Milanko Šargić, Mićo Kraljević, Milenko Stanić, Veljko Bašić, Radovan Karadžić, Nikola Koljević, and Risto Vidović.[13950] According to the witness, Ostojić had visited Sušica camp before, in August or early September 1992.[13951]

3723. During the 21st Session of the Bosnian-Serb Assembly, on 30 October and 1 November 1992, Karadžić noted that the Serbs, together with their 'centuries-old foes', had been forcefully held in an 'artificial creation' that was Bosnia and Herzegovina.[13952] He further referred to the state as an experiment in which a dog and a cat were held together in a box against their will, noting that the two could remain in the box only if they lost their 'natural characteristics' and that 'we could not be Serbs and live in such a box'.[13953]

3724. According to a recording of the 22nd session of the Bosnian-Serb Assembly on 23 and 24 November 1992, Aleksa Milojević stated that according to Article 1 of the Constitution, the Bosnian-Serb Republic was 'the state of the Serbian people' but that

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[13946] P182 (Witness RM-066, witness statement, 7 April 2010), para. 122; Witness RM-066, T. 2428-2429.
[13947] P184 (Video footage and transcript of a funeral in Vlasenica).
[13948] P182 (Witness RM-066, witness statement, 7 April 2010), para. 126.
[13949] P182 (Witness RM-066, witness statement, 7 April 2010), para. 126.
[13950] P182 (Witness RM-066, witness statement, 7 April 2010), para. 126.
[13951] P182 (Witness RM-066, witness statement, 7 April 2010), paras 126, 154, 156.
[13952] P6923 (Excerpt from video footage of Karadžić's speech during 21st session of the Bosnian-Serb Asssembly, 30 October & 1 November 1992).
[13953] P6923 (Excerpt from video footage of Karadžić's speech during 21st session of the Bosnian-Serb Asssembly, 30 October & 1 November 1992).

non-Serbs would enjoy civil rights.[13954] Miljanović proposed that an article should include: 'Citizens of [the Bosnian-Serb Republic] shall be all Serbs born in the territory of former Bosnia and Herzegovina, and the National Assembly of [the Bosnian-Serb Republic] shall decide whether to grant Serbian citizenship to members of other nations, nationalities and other ethnic minorities.'[13955] The Assembly assigned Milojević and Radović to provide the MUP with assistance revising the citizenship bill as quickly as possible to reflect the goal that the Bosnian-Serb Republic, 'a state of Serbian people', naturally guarantees civil rights to all its citizens.[13956]

3725. During a Christmas celebration in Pale on 7 January 1993 that **Husein Aly Abdel-Razek** attended, Karadžić said that the Muslims would be transferred out of Serb territory as the Serbs and Muslims could not live together anymore. Mladić, General Gvero, Krajišnik, and Plavšić all agreed. According to the witness, Krajišnik said that ethnic cleansing was necessary.[13957]

3726. On 21 January 1993, at an enlarged session of the Council for Coordination of State Policy, attended by, *inter alios*, Karadžić and Krajišnik, Serbia's foreign minister Vladislav Jovanović warned that 'ethnic cleansing carried out by force and violence' was negatively affecting the Bosnian-Serb cause internationally.[13958] Jovanović suggested that the removal of the non-Serb population from areas claimed by Bosnian Serbs should instead be carried out by making life for the non-Serb population impossible so that they would 'rush off to their original provinces'[13959] Karadžić responded that an 'ethnically clean' territory had already been achieved in some areas and gave the example of Zvornik, where 50 per cent of the population was Muslim prior to the war and where, by January 1993, the population was 100 per cent Serb.[13960]

3727. On 11 March 1993, Karadžić issued a directive to the VRS headquarters wherein he set out several instructions, including that the VRS had to abide by the Geneva

[13954] Miloš Šolaja, T. 32793-32795; P7196 (Excerpts from transcript from the 22nd session of the Bosnian-Serb Republic, 23-24 November 1992), pp. 8-10.
[13955] P7196 (Excerpts from transcript from the 22nd session of the Bosnian-Serb Republic, 23-24 November 1992), pp. 9-10.
[13956] P7196 (Excerpts from transcript from the 22nd session of the Bosnian-Serb Republic, 23-24 November 1992), p. 11.
[13957] P293 (Husein Aly Abdel-Razek, witness statements), witness statement of 16 July 2002, para. 33.
[13958] P3103 (Herbert Okun, *Krajišnik* transcript, 22-25 June 2004), pp. 4279-4280, 4283-4285.
[13959] P3103 (Herbert Okun, *Krajišnik* transcript, 22-25 June 2004), pp. 4283-4286; P3104 (Herbert Okun, *Karadžić* transcript, 22, 23, and 28 April 2010), pp. 1824-1825.
[13960] P3103 (Herbert Okun, *Krajišnik* transcript, 22-25 June 2004), pp. 4285-4286; P3104 (Herbert Okun, *Karadžić* transcript, 22, 23, and 28 April 2010), pp. 1823-1824.

Conventions and both additional protocols, as well as the Hague Convention of 1907 and other provisions of international law of war.[13961]

3728. At a meeting on 24 April 1993, attended by Karadžić, Mladić, and Krajišnik, Karadžić said – in the context of discussions on the Vance-Owen plan – that the Bosnian Serbs would not live with Muslims, and that they would have a problem in any area where Muslims were numerous.[13962] Karadžić further asked to find land for the Bosnian Serbs or they would 'fight until the end'.[13963]

3729. **David Harland** testified that during his negotiations with the Bosnian-Serb leadership, its representatives were quite open that the purpose of the conflict and the purpose of the pressure they were applying was to extract from the Bosnian government an acceptance of the redistribution of the populations.[13964] When asked about what was actually happening on the ground, Karadžić said that 'some old people will probably want to remain', envisaging the majority of the population remaining in Serb territory to be Serb and in the Muslim territory to be Muslim.[13965]

3730. During the 34th Session of the Bosnian-Serb Assembly, held on various dates between 27 August and 1 October 1993, Karadžić indicated that in the context of the Geneva Conference on the SFRY and according to the recommendations of the international community, a map of Bosnia-Herzegovina was drawn up, suggesting that: (i) the Muslim territory should cover 30 per cent of Bosnia-Herzegovina, (ii) the Croatian territory 16 to 17 per cent, (iii) and the Serb territory 52 to 53 per cent.[13966] He highlighted that the six strategic goals adopted by the Assembly (*see* chapter 9.2.4) had been or would be achieved.[13967] At the same session, Krajišnik stated that the Serbs 'must have' Banja Luka Municipality 'clean'.[13968]

3731. At the 10 January 1994 session of the Bosnian-Serb Assembly, Krajišnik stated that 'the biggest tragedy would be if the Muslims agreed to live together with us',

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[13961] D2039 (Karadžić order regarding VRS actions during ceasefire, 11 March 1993).
[13962] P3103 (Herbert Okun, *Krajišnik* transcript, 22-25 June 2004), pp. 4266-4268; P3115 (Index to diary entries by Herbert Okun, entry of 24 April 1993), p. 12.
[13963] P3103 (Herbert Okun, *Krajišnik* transcript, 22-25 June 2004), pp. 4266-4268.
[13964] P1 (David Harland, witness statement, 4 September 2009), para. 270; David Harland, T. 679-680.
[13965] P1 (David Harland, witness statement, 4 September 2009), para. 272.
[13966] P2508 (Excerpts of the minutes of the 34th session of the Bosnian-Serb Assembly, 27-29 August, 9-10 September, 29-1 October 1993), p. 11.
[13967] P2508 (Excerpts of the minutes of the 34th session of the Bosnian-Serb Assembly, 27-29 August, 9-10 September, 29-1 October 1993), pp. 14-15.
[13968] P2508 (Excerpts of the minutes of the 34th session of the Bosnian-Serb Assembly, 27-29 August, 9-10 September, 29-1 October 1993), p. 48.

adding that he would be willing to accept a smaller percentage of land provided it was separated from the Muslims.[13969]

3732. At a press conference following an 8 September 1994 meeting, Karadžić claimed that expulsions from Bijeljina were not the policy of the Bosnian-Serb Republic and were in fact against its interests.[13970] Nevertheless, Krajišnik was reported to have met with Serb 'refugees' on 6 September 1994, stating that there were now enough abandoned properties in Bijeljina and elsewhere to provide adequate housing for them.[13971]

3733. In the autumn of 1994, Momčilo Krajišnik addressed a gathering of people in Foča town, thanking them for creating a 'true Serbian town' and for preventing it from becoming 'another Mecca'.[13972]

3734. According to a transcript of an 8 January 1995 Serbian radio-television news broadcast, Karadžić stated during a meeting with Krajišnik, Ostojić, and Prstojević in Ilidža Municipality:

> If our neighbours do not show enough understanding, we will decide for ourselves how big Srpsko Sarajevo will be and what will be in Srpsko Sarajevo and then we/ unintelligible/ Sarajevo is a city and the city in [the Bosnian-Serb Republic] because all the land Sarajevo is situated on is Serbian and all the surroundings are Serbian and if they do not want to come to a quick solution, the whole Sarajevo will be Serbian in the end. We think that a more favourable variant for us is if they do not agree, and a more favourable variant for them is to agree, because in the long run, their part of the city, which has no/ favourable/ outer border, has no any prospects. Their Zenica and Tuzla will probably develop because they have got a natural outer border, however, the entire outer border in Sarajevo, all the surroundings around Sarajevo are Serbian and it is much more realistic that Sarajevo becomes Serbian than to be transformed into two cities and it is out of question that it becomes Muslim entirely.[13973]

[13969] P3076 (Minutes of Bosnian-Serb Assembly, 10 January 1994), p. 33; P2001 (Report by Dr Robert Donia titled 'Highlights of Deliberations in the Assembly of Republika Srpska Relevant to the Indictment of Ratko Mladić, 1991-96'), p. 21. *See also* P3103 (Herbert Okun, *Krajišnik* transcript, 22-25 June 2004), pp. 4293-4298.
[13970] P874 (Anthony Banbury, witness statement, 19 May 2009), para. 62; P885 (Political assessment of Bosnia-Herzegovina for 4-10 September 1994, 11 September 1994), para. 6.
[13971] P874 (Anthony Banbury, witness statement, 19 May 2009), paras 62-63; P885 (Political assessment of Bosnia-Herzegovina for 4-10 September 1994, 11 September 1994), para. 7.
[13972] Adjudicated Facts I, no. 728.
[13973] P6947 (Extract from video of Neđeljko Prstojević speaking on current situation in Ilidža; other speakers were Radovan Karadžić, Momčilo Krajišnik, and Velibor Ostojić), p. 5. *See also* Slavko Mijanović, T. 28844.

3735. During the 14th Session of the VRS Supreme Command, held on 31 March 1995 in Pale, Karadžić stated: 'It is the standpoint of our policy, there has been a separation of peoples, of cultures, of worlds.'[13974] He also stated: 'Muslims remaining there in any way is disastrous for us.'[13975]

3736. On 28 August 1995, during the 53rd Session of the Bosnian-Serb Assembly, Karadžić stated:

> That's our intention, to say, all right, everyone has the right to return to his home after the war, if that is an overall process. […] That means that the Muslims from Kozluk can return to Kozluk, if the Serbs from Kozluk return to Zenica. If they don't want to return, then we need, and if they cannot return, then we need a new war to exchange that, and that's why I think we should always insist on this. So an overall process, either overall or none at all. […] We can act the Serbian, Cyrillic way and tell it all to their face, or we can be a bit cunning, we do have to be a bit cunning.[13976]

3737. After Karadžić attended a conference in London in September 1995, **Abdel-Razek** met him, Plavšić, and Krajišnik in Pale, where Karadžić discussed his border plan that entailed removing Muslims from Serb territories and Serbs from Muslim territories.[13977] At this meeting, the witness asked Karadžić to put the heavy weapons under the control of the UN, but Karadžić refused and stated that he could not do that, as the Muslims were everywhere and the Serbs would need their heavy weapons if the Muslims attacked.[13978]

3738. Based on the foregoing and the evidence reviewed in chapter 9.2.4, the Trial Chamber finds that from at least 12 May 1992, members of the Bosnian-Serb political leadership, in particular Radovan Karadžić, gave speeches and statements (i) describing Muslims and Croats as enemies with whom the Bosnian Serbs could not coexist and threatening violence against those groups and (ii) advocating the transfer of populations.

3739. With respect to the Bosnian Serbs' inability to coexist with Muslims and Croats, Karadžić made a number of statements, including threats of violence against these

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[13974] P6723 (Excerpt from Minutes from the 14th Session of Supreme Command, 5 April 1995), pp. 64-65.
[13975] P6723 (Excerpt from Minutes from the 14th Session of Supreme Command, 5 April 1995), pp. 64-65.
[13976] P4584 (Excerpts from transcript from the 53rd Session of the Bosnian-Serb Assembly, 28 August 1995), pp. 1, 23, 29.
[13977] P293 (Husein Aly Abdel-Razek, witness statements), witness statement of 16 July 2002, para. 27; Husein Aly Abdel-Razek, T. 3600-3601, 3655-3657.

groups. In June 1992, he stated that the best way for Serbs to defend their houses was by attacking Muslim houses. On 24 or 26 July 1992, he asserted that 'this conflict was roused to eliminate the Muslims'. Also on 24 or 26 July 1992, he stated that Bosnian Serbs could not live with 'fundamentalism'. On 24 September 1992, FRY Ambassador Pavićević, and later that day, Koljević, acknowledged that 'ethnic cleansing' was taking place in Banja Luka, which Koljević reported was being committed by Muslims who were masquerading as Serbs. On 30 October or 1 November 1992, Karadžić said that Bosnian Serbs were held against their will with their 'centuries-old foe'. On 24 April 1993, he further asserted that Bosnian Serbs would not live with Muslims. On 31 March 1995, he announced that the policy of the Bosnian-Serb Republic was 'a separation of peoples' and that Muslims remaining in Serb-controlled areas would be 'disastrous'.

3740. The Trial Chamber further finds that Krajišnik also made a number of statements regarding the inability to coexist with Muslims and Croats, including threats of violence against these groups. On 17 May 1992, during a meeting attended by Mladić and Karadžić, he called for an ethnic demarcation. On 7 January 1993, during a meeting with Karadžić, Mladić, Gvero, and Plavšić, Krajišnik stated that 'ethnic cleansing' was necessary. During the 34th Session of the Bosnian-Serb Assembly held between 27 August and 1 October 1993, he announced that the Serbs 'must have' Banja Luka Municipality 'clean'. On 10 January 1994, he stated that Muslims living with Bosnian Serbs would be a tragedy. In autumn 1994, Krajišnik thanked people in Foča town for creating a 'true Serbian town' and for preventing it from becoming 'another Mecca'.

3741. With respect to population transfers, on 7 January 1993, Karadžić stated that Muslims would be transferred out of Serb territory because the two groups could not live together. On 21 January 1993, Jovanović suggested that removal of non-Serb populations should be conducted by making life for them impossible so that they would 'rush off to their original provinces.'

3742. The Trial Chamber further finds that the Bosnian-Serb political leadership made statements affirming respect for international law. In particular, on 13 June 1992, Karadžić ordered the VRS and the MUP to respect international law. On 11 July 1992, 8 September 1992, and 11 March 1993, he stressed the importance of abiding by the

[13978] P293 (Husein Aly Abdel-Razek, witness statements), witness statement of 16 July 2002, para. 27; Husein Aly Abdel-Razek, T. 3600.

Geneva Conventions. On 8 September 1994, he stated that expulsions were not the policy of the Bosnian-Serb Republic.

3743. The Trial Chamber will further consider these findings in chapter 9.2.14 when determining whether the alleged overarching JCE existed.

9.2.6 The role of VJ

3744. According to the Prosecution, Mladić, Slobodan Milošević, and other JCE members used the JNA and later the VJ to facilitate the implementation of the common objective of the overarching JCE.[13979] Specifically, it argued that the VJ provided the VRS with logistical support, personnel assistance (including salaries, benefits, and other financial compensation), weapons, ammunition, and other materiel which was indispensable to the VRS's efforts in Bosnia-Herzegovina.[13980] The Defence submitted that the only form of cooperation between the VJ and the VRS was done for pragmatic purposes and that cooperation was even more limited when the FRY Government imposed sanctions on the Bosnian-Serb Republic.[13981] It further submitted that, while there were examples of material assistance and cooperation between the VRS and the VJ, this assistance did not imply a merged chain of command or the VJ participation's in a JCE.[13982] Finally, the Defence argued that VJ assistance to the VRS was intended for non-combat related activities only and that it was a legitimate form of support.[13983]

3745. The Trial Chamber received evidence from **Ewan Brown**, a military analyst;[13984] **Reynaud Theunens**, a military intelligence analyst;[13985] **Slavko Gengo**, the Commander of the 7th Infantry Battalion of the VRS 1st Romanija Infantry Brigade from the end of January 1994 until May 1995;[13986] **Manojlo Milovanović**, the Chief of

[13979] Indictment, paras 8-12; Prosecution Final Brief, paras 542, 554. *See also* Prosecution Final Brief, paras 15, 26-28, 86-89, 241, 401, 404, 517-520, 523, 543-547, 548-554, 574, 655, 656, 754, 757, 758, 956.
[13980] Prosecution Final Brief, paras 542, 554. *See also* Prosecution Final Brief paras 15, 26-28, 86-89, 241, 401, 404, 517-520, 523, 543-547, 548-554, 574, 655, 656, 754, 757, 758, 956.
[13981] Defence Final Brief, paras 739-740.
[13982] Defence Final Brief, paras 737, 739, 741. *See also* Defence Final Brief paras 629-632.
[13983] Defence Final Brief, para. 741.
[13984] P2863 (Ewan Brown, witness statement, 27 and 28 July 2009), p. 2; P2858 (Ewan Brown, *curriculum vitae*), p. 1.
[13985] Reynaud Theunens, T. 20230; P3093 (Reynaud Theunens, curriculum vitae, 15 October 2012), pp. 1-4. Reynaud Theunens's evidence is also reviewed in chapter 9.5.4.
[13986] D473 (Slavko Gengo, witness statement, 10 May 2014), paras 3, 30; Slavko Gengo, T. 21613. Slavko Gengo's evidence is also reviewed in chapter 9.5.4.

Staff and deputy commander of the VRS Main Staff from 1992 to 1996;[13987] **Đorđe Đukić**, the Assistant Commander for Logistics of the VRS Main Staff,[13988] **Ekrem Suljević**, a mechanical engineer employed in the Bosnian MUP as of November 1993,[13989] and **Boško Kelečević**, Chief of Staff of the 1KK from 12 May 1992 until the end of the war;[13990] as well as documentary evidence.[13991]

Formation of the VJ and the VRS

3746. The Trial Chamber recalls its findings in chapter 3.2 that on 15 May 1992, the UNSC demanded that all interference from outside Bosnia-Herzegovina by units of the JNA cease immediately and that those units either be withdrawn, be subject to the authority of the Bosnia-Herzegovina Government, or be disbanded and disarmed. The formal withdrawal of the JNA from Bosnia-Herzegovina took place on 19 May 1992 and the FRY established the VJ as the successor to the JNA. Slobodan Milošević was

[13987] Manojlo Milovanović, T. 16889; P2211 (Signed *Curriculum Vitae* of Manojlo Milovanović), 22 April 2010, pp. 1-2; P2212 (VRS Main Staff Structure - organisation chart, July 1995). The evidence of Manojlo Milovanović is reviewed in chapter 9.5.4.

[13988] P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), p. 7. The evidence of Đorđe Đukić is reviewed in chapters 9.3.6 and 9.5.4.

[13989] P889 (Ekrem Suljević, witness statement, 9 February 2010), p. 1, paras 2-3, 11; Ekrem Suljević, T. 8407-8408, 8410.

[13990] D1110 (Boško Kelečević, witness statement, 26 June 2014), p. 1, paras 1, 9; Boško Kelečević, T. 37131.

[13991] The following exhibits considered by the Chamber are reviewed in chapters 9.3.6, 9.5.3, and 9.5.4: P345 (Mladić notebook, 27 January - 5 September 1995); P353 (Mladić notebook, 27 May - 31 July 1992); P355 (Mladić notebook, 10-30 September 1992); P358 (Mladić notebook, 2 April - 24 October 1993); P892 (Order issued by SRK Commander, 29 July 1995); P893 (SRK request addressed to VRS Main Staff, 10 July 1995); P1781 (Order by Mladić on obtaining material assistance from the FRY, 19 July 1995); P2221 (VRS Main Staff request for an expert assistance team addressed to the VJ General Staff, 31 May 1995); P3073 (Correspondence regarding VJ materiel, VRS materiel and materiel from *Pretis*, 23 January 1994 and 19 February 1994); P4282 (VRS Main Staff decision, 3 August 1995); P4397 (Mladić order regarding material requests from the VJ, 24 October 1993); P4550 (Request from Mladić concerning the distribution of rockets addressed to the VJ General Staff, 2 September 1993); P4552 (VRS Main Staff request for ammunition addressed to the VJ General Staff, 14 June 1995); P4557 (VRS Main Staff request for ammunition addressed to the VJ General Staff, 27 March 1995); P4562 (VRS Main Staff request for weapons and addressed to the VJ General Staff, 3 September 1995); P4563 (VRS Main Staff request regarding aerial bombs addressed to the VJ General Staff, 2 September 1995); P4583 (Transcript from 50th Session of the Bosnian-Serb Republic Assembly, 16 April 1995); P4383 (Directive No. 6 from the Supreme Command of the VRS, 11 November 1993); P5086 (Order on material support from the FRY, signed by Ratko Mladić, 6 March 1993); and P5096 (Question for coordination with the VJ General Staff, signed by Ratko Mladić, 17 May 1994); P4567 (VJ General Staff order to supply rocket engines signed by Siniša Borović, 28 June 1995). Furthermore, exhibit P4422 (VRS Main Staff order to the SRK Command, signed by Ratko Mladić, 14 December 1993) is reviewed in chapter 9.5.3. Lastly, exhibits P359 (Mladić notebook, 28 October 1993 - 15 January 1994) and P362 (Mladić notebook, 4 September 1994 - 28 January 1995) are reviewed in chapter 5.1.2. A number of exhibits referenced in this chapter are also reviewed in chapter 9.5.4: P3029 (Expert Report of Reynaud Theunens, September 2012); P4347 (Request from Pretis Holding to Mladić, 10 May 1994); and P4551 (VRS Main Staff request for motors addressed to the VJ General Staff, 27 June 1995) .

the Supreme Commander of the VJ and President of the Supreme Defence Council. As such, Milošević commanded the VJ, in compliance with decisions of the Supreme Defence Council – a body he also chaired. The Commander of the VJ General Staff Života Panić – from May 1992 until August 1993 when he was replaced by Momčilo Perišić – determined the basic organisation and use of the VJ and implemented decisions issued by the FRY President.

3747. The Trial Chamber further recalls its finding in chapters 3.1.1 and 3.2 that the formation of the VRS in Bosnia-Herzegovina in May 1992 was a product of the dissolution of the JNA. In this respect, the Trial Chamber also recalls its findings in chapter 3.2 on the preparations in April and May 1992 by the FRY Presidency enabling the formation of the VRS. Specifically, on 6 May 1992, two days after it announced the JNA's withdrawal from Bosnia-Herzegovina, the FRY Presidency ordered that all JNA members who were citizens of Bosnia-Herzegovina were to be kept in their current posts in units and institutions of Bosnia-Herzegovina. These JNA members – a group of approximately 90,000 soldiers of mostly Serb ethnicity – were informed that they would retain all their rights associated with their military status as JNA members while serving in Bosnia-Herzegovina. When the VRS was established, many of the commands and units of the JNA simply renamed themselves as units of the VRS and remained organized as they had been under the JNA (on the establishment and structure of the VRS, *see* chapter 3.1.1). Finally, the Trial Chamber recalls its findings in chapters 3.1.1 and 3.2 that withdrawing from Bosnia-Herzegovina on 19 May 1992, the JNA left the VRS with substantial amounts of materiel[13992], including tanks, APCs, heavy artillery, and large quantities of ammunition.

Role of the VJ in procuring materiel to the VRS

3748. The Trial Chamber notes that a substantial amount of evidence regarding Mladić's role throughout the war in procuring materiel from the VJ (reviewed in chapters 3.2, 9.3.6, and 9.5.4) is relevant to the Trial Chamber's determination regarding the role of the VJ in facilitating the implementation of the common objective of the alleged overarching JCE. As a result, a number of references to the evidence reviewed in these chapters have been included below.

3749. **Ewan Brown** testified that in the late summer of 1992, the VRS Main Staff and the VJ General Staff agreed on a plan of supply code-named 'Izvor', to deliver large quantities of ammunition and fuel from the FRY to the VRS, despite the arms embargo imposed by the UNSC in September 1991. According to Brown, on 12 September 1992, the VRS Main Staff sent a letter to the 1KK noting that pursuant to an agreement between the VJ General Staff and the VRS, the 14th Logistics Base had received 225 tonnes of ammunition, and that a further 220 tonnes were to follow. The first delivery was, however, carried out through Operations Group Doboj; between 5 August 1992 and 14 September 1992, the FRY provided the Operations Group with large quantities of materiel, including small arms, artillery, tanks, and rocket ammunition.[13993] There were difficulties in obtaining combat and non-combat materials when the corridor between Belgrade and Banja Luka was blocked between May and August 1992, but 'almost immediately' after the opening of the corridor, materiel was again transferred between the two towns.[13994] On 1 January 1993, Colonel Vaso Tepšić, Assistant Commander for Logistics of the 1KK, reported to the VRS Main Staff that as part of the 'Izvor 3' plan, 29 trailer trucks had been sent to transport materiel from the FRY.[13995]

3750. On 8 April 1993, VRS logistics organs concluded at a meeting in Bijeljina that they had to count on the materiel and humanitarian support from the FRY, the VJ, and other sources outside the VJ in the coming period.[13996] It was also concluded that, with the exception of fuel, specific types of ammunition, mines, and explosives, the supply, however, had to mainly come from sources in the territory of the Bosnian-Serb Republic.[13997] VRS Main Staff requests for aid to the VJ General Staff were to be selective, realistic, and allow the requisition to be done with the authorization of the VRS Main Staff.[13998] The main role in forwarding the aid should be played by the logistics base which should ensure close cooperation with the units' organs, the VRS

[13992] In using the word 'materiel' in this chapter, the Trial Chamber refers to its meaning in the military sense, i.e. military materials and equipment.
[13993] P2859 (Ewan Brown, Military Developments Bosanska Krajina 1992 – A Background Study, 27 November 2002), para. 2.255.
[13994] P2859 (Ewan Brown, Military Developments Bosanska Krajina 1992 – A Background Study, 27 November 2002), para. 2.256.
[13995] P5084 (1KK Daily Logistics Report to the VRS Main Staff, signed by Vaso Tepšić, 1 January 1993), pp. 1-3.
[13996] P5085 (Conclusions from a meeting of the VRS logistics organs, signed by Djordje Djukić, 11 April 1993), p. 1.
[13997] P5085 (Conclusions from a meeting of the VRS logistics organs, signed by Đorđe Đukić, 11 April 1993), p. 1.
[13998] P5085 (Conclusions from a meeting of the VRS logistics organs, signed by Đorđe Đukić, 11 April 1993), pp. 1-2.

Main Staff Logistic Sector, as well as military and civilian institutions in the FRY.[13999] The participants in the meeting concluded that, in general, all acquisition, forwarding and distribution was to be planned, organised, and carried out by the VRS Main Staff Logistic Sector.[14000] Following the Logistic Sector's collection of requests for materiel from subordinate units, a joint request would be forwarded to the VRS Main Staff Head of Legal Administration Affairs, who in turn would submit it to the VJ General Staff for authorisation.[14001]

3751. The Trial Chamber refers to the evidence reviewed in chapter 9.5.4 that Mladić issued instructions to organs of the VRS in March 1993, October 1993, and July 1995 according to which all requests for materiel from the VJ were to be authorized by himself and were to be coordinated through the VRS Main Staff Logistic Sector. In this respect, the Trial Chamber also refers to the evidence reviewed in chapters 9.3.6 and 9.5.4 regarding the manner in which the VJ provided materiel to the VRS and the type of materiel that it provided.

3752. On 10 December 1993, Đorđe Đukić ordered that any acquisition of material supply from the VJ was to be regulated by the VRS Main Staff and approved by the MoD.[14002] On 27 December 1993 Momčilo Perišić issued an order to the VJ General Staff Operations Administration that all requests from the VRS and the SVK to the VJ were to be sent through the VJ General Staff, which would in turn direct these requests to the relevant VJ specialist organs and representatives.[14003] Only requests signed by the respective SVK or VRS Main Staff Commander and which had been proposed to Perišić by his Assistants would be personally approved by Perišić; other requests would not be considered.[14004] The order was issued to further the cooperation and coordination in implementing joint tasks of providing prompt assistance to the SVK and the VRS and was forwarded on 27 December 1993 to all relevant VJ Army Commands and VJ

[13999] P5085 (Conclusions from a meeting of the VRS logistics organs, signed by Đorđe Đukić, 11 April 1993), p. 2.
[14000] P5085 (Conclusions from a meeting of the VRS logistics organs, signed by Đorđe Đukić, 11 April 1993), p. 3.
[14001] P5085 (Conclusions from a meeting of the VRS logistics organs, signed by Đorđe Đukić, 11 April 1993), p. 3.
[14002] P4392 (VRS Main Staff order, 10 December 1993), p. 2.
[14003] P4578 (VJ General Staff order on implementation of requests and coordination between VJ, VRS, and SVK Main Staffs, 27 December 1993), pp. 1-2.
[14004] P4578 (VJ General Staff order on implementation of requests and coordination between VJ, VRS, and SVK Main Staffs, 27 December 1993), pp. 1-2.

General Staff administrations, including the VJ General Staff Logistic Sector.[14005] Perišić also ordered that every month, 'a work plan by the VJ General Staff would regulate the issues and time of coordination with the Main Staffs of the SVK and VRS'.[14006] On 28 December 1993, Perišić issued a decision stating that the VJ would cede a certain amount of ammunition, weapons and military equipment to the VRS.[14007]

3753. **Reynaud Theunens** testified that, from August 1993 until December 1995, the VJ's logistics assistance to the VRS included delivery of weapon systems, including *Grad* rocket engines.[14008] In 1994 and 1995, the VRS used these engines for the propulsion of the modified air bombs, which were deployed by the SRK in the wider Sarajevo area.[14009]

3754. Between 1993 and 1995, the supply of armament and ammunition from the VJ to the VRS was arranged by and through several companies, including Krušik based in Valjevo (Serbia) and Pretis based in Vogošća (Bosnia), and included modified air bombs, silencers and bullets for sniper rifles (for the SRK), mortar charges and shells, rockets, detonators, and hand-held rocket launchers.[14010] Once VJ approval was received, the VRS Main Staff would inform the MoD that a purchase from or through these companies could be made.[14011].The prices of the weapons and ammunition that were the subject of the sale contract between Pretis-Vogošća and Krušik-Valjevo were established by the responsible administration of the FRY MoD that dealt with the

[14005] P4578 (VJ General Staff order on implementation of requests and coordination between VJ, VRS, and SVK Main Staffs, 27 December 1993), pp. 1, 3-4. *See also* P4572 (VRS and VJ consent regarding handover of weapons and military equipment, 15 May 1995), p. 1; P4575 (VJ General Staff telegram, 7 October 1995), p. 1.
[14006] P4578 (VJ General Staff order on implementation of requests and coordination between VJ, VRS, and SVK Main Staffs, 27 December 1993), p. 1.
[14007] P4576 (Momčilo Perišić order, 28 December 1993), pp. 1-2.
[14008] P3029 (Expert Report of Reynaud Theunens, September 2012), Part II, p. 222. *See also* P4347 (Request from Pretis Holding to Mladić, 10 May 1994); P4551 (VRS Main Staff request for motors addressed to the VJ General Staff, 27 June 1995); P4567 (VJ General Staff order to supply rocket engines signed by Siniša Borović, 28 June 1995).
[14009] P3029 (Expert Report of Reynaud Theunens, September 2012), Part II, p. 222.
[14010] P4486 (Report of the MoD of the Bosnian-Serb Republic concerning information about the possibility of securing ammunition, 10 February 1994) pp. 1-3; P4489 (Letter of the MoD of the Bosnian-Serb Republic to the VRS Main Staff concerning ammunition procurement contracts, 12 August 1993), pp. 1-2; P4490 (Survey concerning the supply of various types of weapons and ammunition between 1992 and 1995, 1995), pp. 2-14; P4491 (Letter from the MoD of the Bosnian-Serb Republic communication addressed to the SRK Command, 29 April 1992); P4492 (Compensation contract between the MoD of the Bosnian-Serb Republic and Krušik Holding Corporation, 2 May 1993), pp. 1-2; P4493 (Letter of the MoD of the Bosnian-Serb Republic addressed to the Logistics Sector of the VRS Main Staff, 7 September 1993); P4494 (Contract between Krušik-Valjevo and Pretis-Vogošća, 8 August 1994) pp. 1-2, 4.
[14011] P4493 (Letter of the MoD of the Bosnian-Serb Republic addressed to the Logistics Sector of the VRS Main Staff, 7 September 1993).

VJ.[14012] Quality clearance would be given on the basis of the valid documentation of Krušik and the SSNO.[14013]

3755. **Ekrem Suljević** testified that the shells recovered during the shelling incidents in 1995 with marking 'KB' in Cyrillic on them, standing for 'KV', were manufactured in Serbia, at Krušik-Valjevo factory, between 1993 and 1995.[14014] According to a 1971 JNA instruction manual, shells produced by Krušik-Valjevo were to include a marking 'KB' as well as the year of production.[14015]

3756. The Trial Chamber received evidence on reporting by VRS organs in 1994 regarding equipment received from the VJ. In June and December 1994, the VRS Main Staff required the SRK and various VRS units to submit reports on the receipt of materiel and technical equipment from the VJ ground forces, pursuant to VRS Main Staff requirements.[14016]

3757. Specifically concerning the SRK, on 15 January 1995, Čedo Sladoje, Deputy Commander of the corps, asked the VRS Main Staff to approach the VJ and request that the VJ replenish ammunition to units in the southern part of the Sarajevo front.[14017] **Slavko Gengo** testified that from March 1995 until the end of the war, he was often involved in collecting weapons for the VRS from the VJ in his capacity as SRK Commander of the 7th Infantry Battalion.[14018] Requests for weapons and ammunition by the SRK would be presented to SRK Commander Dragomir Milošević for his approval and signature; approved requests would then be sent to the VRS Main Staff.[14019] All such requests for munitions were either directed to Mladić or to one of his subordinates in the Main Staff Logistic Sector for urgent approval.[14020] Once an SRK request had been approved by the VRS Main Staff, Gengo was tasked with personally delivering the approved request to the VJ logistics base in Belgrade.[14021] On 18 April 1995, Dragomir Milošević addressed the VRS Main Staff with a request for the delivery of weapons and

[14012] P4494 (Contract between Krušik-Valjevo and Pretis-Vogošća, 8 August 1994), p. 3.
[14013] P4494 (Contract between Krušik-Valjevo and Pretis-Vogošća, 8 August 1994), pp. 4-5.
[14014] Ekrem Suljević, T.8401-8402.
[14015] P935 (JNA Instructions on marking of ammunition and explosive ordnance, 1971), pp. 4-6, 10.
[14016] P4399 (Krsmanović material status report request to SRK, 26 June 1994), p. 1; P4400 (Marjanović material status report request, 9 December 1994), p. 1.
[14017] P4407 (Letter to VRS Main Staff asking it to request ammunition from VJ), p. 1.
[14018] Slavko Gengo, T. 21678-21679.
[14019] Slavko Gengo, T. 21679-21680.
[14020] Slavko Gengo, T. 21680-21681.
[14021] Slavko Gengo, T. 21680-21681.

ammunition of various calibres from the VJ General Staff.[14022] On 15 July 1995, in agreement with the VRS Main Staff, he requested the VJ General Staff Logistics Base to approve the sending of 200 air bombs from VJ reserves, detailing logistics and how the finances would be settled.[14023] The SRK would provide for the return the approved assets through Krušik-Valjevo,[14024] This company had the potential to supply air bombs to the SRK.[14025]

3758. On 7 October 1995, Siniša Borović, Office Chief of the Commander of the VJ General Staff, approved the transfer of 12 'Dvina' rockets to the Command of the VRS Air Force.[14026]

3759. The Trial Chamber further refers to its review of the evidence in chapters 5.1.2, 9.3.2, 9.3.6, and 9.5.4 regarding the cooperation throughout the war between factories Pretis-Vogošća (Bosnia-Herzegovina) and Krušik-Valjevo (Serbia) on the production of weapons and ammunition for the VRS as well as the assembly of modified air bombs between 1993 and 1995 which were used by the SRK in Sarajevo. The Trial Chamber also refers to the evidence reviewed in chapter 9.3.6 that the VJ supplied materials to Pretis which were necessary for the production of various weapons and ammunition. The Trial Chamber also refers to its review of the evidence in chapter 5.1.2 and 9.5.4 regarding the role of the VJ in the development of modified air bombs for the VRS. Lastly, the Trial Chamber refers to its review of the evidence in chapter 9.5.4 regarding discussions between members of the FRY leadership, the VJ General Staff, and members of the VRS Main Staff concerning the covert transport of VJ materiel to the VRS and the logistics involved in getting the materiel from the FRY to Pretis in Bosnia-Herzegovina during the Indictment period.

Role of the VJ in procuring VRS personnel

3760. **Ewan Brown** testified that in 1992, some military personnel from the JNA volunteered to serve in the VRS and bridge the shortfall in manpower, particularly in

[14022] P896 (SRK request addressed to VRS Main Staff, 18 April 1995), pp. 1-2.
[14023] P900 (Request for VJ General Staff approval to send air bombs to SRK units, 15 July 1995).
[14024] P900 (Request for VJ General Staff approval to send air bombs to SRK units, 15 July 1995).
[14025] P900 (Request for VJ General Staff approval to send air bombs to SRK units, 15 July 1995).
[14026] P4575 (VJ General Staff telegram, 7 October 1995), p. 1.

some ranks.[14027] The numbers were however never large enough to cover the shortfall.[14028] The Trial Chamber refers to the evidence reviewed in chapter 9.3.6 regarding a meeting of Mladić and Commander of the JNA General Staff Adžić on 30 April 1992 regarding the payment of officers of (what would become) the VRS from the FRY budget. According to **Brown**, a February 1993 1KK document stated that the VJ should not send men to the VRS who, for various reasons, leave the VRS after two or three months of training.[14029] Professional JNA officers, non-commissioned officers, soldiers under contract and workers in the VRS who were previously members of the JNA continued to be financed by the FRY, but had problems with accessing accounts from around April 1992.[14030]

3761. On 10 February 1993, the FRY Supreme Defence Council held its 7th session at which problems related to the financing of the assistance offered to the RSK and the Bosnian-Serb Republic were discussed.[14031] Života Panić stated that 'huge amounts of material means' had been sent to the Bosnian-Serb Republic and to the RSK.[14032] The VJ had sent 2,500 commanding officers to the VRS and 700 to the SVK, and had also prepared and armed 3,000 volunteers who were sent to the RSK.[14033] Panić informed the Council that he received requests for ammunition and weapons on a daily basis.[14034] By 10 February 1993, the VJ had sent 68,000 combat rations to the SVK and provided them with equipment to form one complete corps.[14035] Since the VJ did not have funds for the purpose of helping the Bosnian-Serb Republic, such assistance would have to be provided through the fund for special purposes.[14036] Slobodan Milošević noted that

[14027] P2859 (Ewan Brown, Military Developments Bosanska Krajina 1992 – A Background Study, 27 November 2002), para. 2.261.
[14028] P2859 (Ewan Brown, Military Developments Bosanska Krajina 1992 – A Background Study, 27 November 2002), para. 2.261.
[14029] P2859 (Ewan Brown, Military Developments Bosanska Krajina 1992 – A Background Study, 27 November 2002), para. 2.262.
[14030] P2859 (Ewan Brown, Military Developments Bosanska Krajina 1992 – A Background Study, 27 November 2002), para. 2.260.
[14031] P5088 (Extracts from the notes of the 7th session of the Supreme Defence Council, 10 February 1993), pp. 1-9.
[14032] P5088 (Extracts from the notes of the 7th session of the Supreme Defence Council, 10 February 1993), p. 3.
[14033] P5088 (Extracts from the notes of the 7th session of the Supreme Defence Council, 10 February 1993), p. 3.
[14034] P5088 (Extracts from the notes of the 7th session of the Supreme Defence Council, 10 February 1993), p. 4.
[14035] P5088 (Extracts from the notes of the 7th session of the Supreme Defence Council, 10 February 1993), p. 4.
[14036] P5088 (Extracts from the notes of the 7th session of the Supreme Defence Council, 10 February 1993), p. 6.

'they' did not ask for money, but only for ammunition, means, food, and clothing.[14037] Dragojević noted that the expenditures of the VJ were by far the largest in the FRY budget.[14038]

3762. On 11 October 1993, the FRY Supreme Defence Council held its 14th session at which one item on the agenda was 'personnel issues' which concerned regulating the status of officers in the VRS and SVK whose status had not been regulated under the new law of the FRY.[14039] Perišić explained that the way had been paved for the Bosnian-Serb President, in his capacity as Supreme Commander, to issue an order regulating the status of these officers.[14040] In order to avoid criticism, a temporary formation had been set up within the VJ in Serbia to which these officers would be appointed, whereas in reality these officers would carry out their duties elsewhere.[14041] Perišić expressed his concern that the VRS and SVK were asking for specific VJ officers and that, if these officers refused, the VJ would be forced to view them as deserters.[14042] He explained that the VJ would not have a basis to do so and risked that these VJ officers could expose the FRY's military assistance to the Bosnian-Serb Republic and say '[t]hey're claiming that they're not helping, but in fact they are'.[14043] Bulatović also expressed concerns on forcing a group of 7,000 VJ soldiers from Serbia and Montenegro who were born in Bosnia-Herzegovina to fight there, while half of them refused; Bulatović highlighted the risks involved if information of them being forced to fight in Bosnia-Herzegovina were to become public.[14044] Perišić stated that his proposal was only shared with Milošević as the VJ's Supreme Commander and with the Supreme Defence Council, to which Milošević responded that 'only a single copy' of the proposal should stay with Perišić.[14045] Bulatović expressed similar concerns to maintain the proposal's secrecy.[14046] The Council members concluded that Perišić's proposals on these issues were to be reviewed at the next session of the Supreme

[14037] P5088 (Extracts from the notes of the 7th session of the Supreme Defence Council, 10 February 1993), p. 8.
[14038] P5088 (Extracts from the notes of the 7th session of the Supreme Defence Council, 10 February 1993), p. 5.
[14039] P5090 (Record of the 14th session of the Supreme Defence Council, 11 October 1993), pp. 1, 24.
[14040] P5090 (Record of the 14th session of the Supreme Defence Council, 11 October 1993), p. 24.
[14041] P5090 (Record of the 14th session of the Supreme Defence Council, 11 October 1993), p. 24.
[14042] P5090 (Record of the 14th session of the Supreme Defence Council, 11 October 1993), pp. 24-25.
[14043] P5090 (Record of the 14th session of the Supreme Defence Council, 11 October 1993), p. 25.
[14044] P5090 (Record of the 14th session of the Supreme Defence Council, 11 October 1993), pp. 25-27.
[14045] P5090 (Record of the 14th session of the Supreme Defence Council, 11 October 1993), p. 24.
[14046] P5090 (Record of the 14th session of the Supreme Defence Council, 11 October 1993), p. 27.

Defence Council.[14047] Next, Perišić discussed a proposal – put to him by the VRS and the Bosnian-Serb Government – for the Council to 'verify' promotions of VJ officers serving in the VRS to the ranks of Lieutenant General and Major General.[14048] Perišić stated that these officers serving in Bosnia-Herzegovina had been promoted to this rank and that the process of Council's verification of their ranks meant that they – as well as their families who stayed in the FRY – would enjoy all the rights associated to this rank in the FRY.[14049] Milošević suggested that Perišić first consult with Mladić on the reason for each promotion, and then submit his own opinion about these proposed promotions at the next session of the Supreme Defence Council.[14050] The Trial Chamber also refers to its review of the evidence in chapter 9.3.6 regarding a conversation between Mladić, Perišić, and VRS Main Staff officers on 19 October 1993, in which Perišić stated that the VJ would send all officers and military conscripts born in Bosnia-Herzegovina to the Bosnian-Serb Republic, and that whoever would refuse would be discharged from the VJ.

3763. On 10 November 1993, the FRY Supreme Defence Council held its 15th Session and one of the agenda items of this meeting was the regulation of entitlement issues to members of the VRS and the SVK who were from the VJ and the former JNA.[14051] Momčilo Perišić explained that part of an earlier order issued by the Supreme Defence Council presented difficulties for him in promoting officers; it dictated that failure to obey orders by VJ superior officers to be deployed abroad resulted in punishment and the officer in question could no longer be promoted. Slobodan Milošević agreed and stated that the ability to promote someone was within Perišić's general competence; no special authorization by the Supreme Defence Council to do so should be required; the Council members agreed and struck out the relevant clause. Regarding the Council's decisions on deployment by VJ officers to the VRS and SRK, Momir Bulatović remarked that 'it should remain confidential because this really is a very sensitive issue', to which Milošević replied '[t]here is only one copy and General [Perišić] has

[14047] P5090 (Record of the 14th session of the Supreme Defence Council, 11 October 1993), pp. 27-28, 30.
[14048] P5090 (Record of the 14th session of the Supreme Defence Council, 11 October 1993), p. 28.
[14049] P5090 (Record of the 14th session of the Supreme Defence Council, 11 October 1993), pp. 28-29. *See also* P7462, (Excerpts from the record of the 15th session of the Supreme Defence Council, 10 November 1993) pp. 10-11.
[14050] P5090 (Record of the 14th session of the Supreme Defence Council, 11 October 1993), pp. 29-30.
[14051] P7462 (Excerpts from the record of the 15th session of the Supreme Defence Council, 10 November 1993), p. 3.

it'.[14052] Perišić assured Bulatović that VJ officers would only receive an order stating they were deployed to the 40th Personnel Centre and no mention would be made of the Bosnian-Serb Republic or the RSK.[14053] Perišić then stated that the Council should pass a decree 'verifying' the promotions of VJ officers serving in the VRS and the SVK who, while serving in those armies, had received a promotion to the rank of lieutenant general and major general. Milošević asked Perišić whether Mladić had reported to Perišić on this issue, which Perišić confirmed Mladić had done. At this point, Zoran Lilić asked '[i]s the clause "who are in the army of Republika Srspka and the Republic of Serbian Krajina" really necessary? They are, after all, on our payroll', to which Momčilo Perišić responded '[t]he decree will not contain that clause; this will not be in writing anywhere. That'll be in the explanation, but they will not be given a copy of the explanation'.[14054] Milošević, who was worried officers would 'boast' about the Council's decision ratifying their promotion in the newspaper, asked whether decrees verifying VRS and SVK promotions would be sent to the officers in question, to which Perišić replied that this would not be the case.[14055] Milošević proposed that the Supreme Defence Council accept Perišić's proposals for the promotion of these officers.[14056] **Boško Kelečević** testified that promotions in the VRS and the subsequent promotion in the VJ indeed followed the procedure discussed in the Supreme Defence Council.[14057] Following the witness's promotion in the VRS, the Supreme Defence Council verified his promotion after which he received his new rank in the VJ.[14058]

3764. Also on 10 November 1993, FRY President Zoran Lilić ordered the VJ General Staff to organise and maintain a special record of personnel from the former JNA who remained in the territory of Bosnian-Serb Republic and RSK.[14059] On 15 November 1993, pursuant to the presidential order of 10 November 1993, the Commander of the

[14052] P7462 (Excerpts from the record of the 15th session of the Supreme Defence Council, 10 November 1993), p. 9.
[14053] P7462 (Excerpts from the record of the 15th session of the Supreme Defence Council, 10 November 1993), pp. 9-10.
[14054] P7462 (Excerpts from the record of the 15th session of the Supreme Defence Council, 10 November 1993), p. 10.
[14055] P7462 (Excerpts from the record of the 15th session of the Supreme Defence Council, 10 November 1993), p. 11.
[14056] P7462 (Excerpts from the record of the 15th session of the Supreme Defence Council, 10 November 1993), p. 11.
[14057] Boško Kelečević, T.37163, 37167-37168.
[14058] Boško Kelečević, T.37163, 37167-37168. *See also* P7458 (Excerpts of VJ personnel file of Boško Kelečević, undated).
[14059] P5094 (FRY Presidential order on the formation of personnel centres, signed by Zoran Lilić, 10 November 1993), p. 1.

General Staff of the VJ, Perišić, ordered the formation of the 30th and 40th Personnel Centres; assigning the VJ General Staff's Chief of the Organisation, Mobilisation and Recruitment Administration to determine their organisational and establishment composition, and the Chief of the Personnel Administration to determine any other elements of the basic mobilisation plan.[14060]

3765. The Trial Chamber refers to its review of the evidence in chapter 9.5.4 that on 27 December 1993, Perišić informed Mladić that the FRY Supreme Defence Council adopted a decision for 'everyone' to go back to the Bosnian-Serb Republic and the RSK, as well as that the offensive on Sarajevo should be kept 'universal'. Approximately 19,000 conscripts and 3,500 recruits would be transferred to Han Pijesak and should be deployed from there to war units. On 27 December 1993, Mladić recorded a meeting in Belgrade with the Commander of the VJ General Staff Perišić, in which the latter informed Mladić that the Supreme Defence Council adopted a decision for 'everyone' to go back to the Bosnian-Serb Republic and the RSK, as well as that the offensive on Sarajevo should be kept 'universal'.[14061] Approximately 19,000 conscripts and 3,500 recruits would be transferred to Han Pijesak and should be deployed from there to war units.[14062] Perišić was told that he and Mladić should make an assessment of Sarajevo, as the politicians would come to a decision on this regard.[14063] The Trial Chamber also refers to its review of the evidence in chapter 9.3.6 on coordination meetings held between 1993 and 1995 between the VJ General Staff and Mladić on staff promotions and the VJ's authority – which it used – to deny, approve, extend, or verify VRS promotions.

3766. The Trial Chamber also considered the evidence in exhibit P5093, which has been placed in the confidential annex in Appendix D. At the FRY Supreme Defence Council's 21st session on 7 June 1994 Perišić raised the question of military service of national minorities, and stated that the VJ had around 19,000 'šiptar'[14064] recruits eligible for the compulsory military service annually.[14065] Perišić argued that it would be

[14060] P5095 (Order on changes to the organisation and establishment in the VJ, signed by Momčilo Perišić, 15 November 1993), pp. 1-2.
[14061] P359 (Mladić notebook, 28 October 1993 - 15 January 1994), p. 108.
[14062] P359 (Mladić notebook, 28 October 1993 - 15 January 1994), p. 108.
[14063] P359 (Mladić notebook, 28 October 1993 - 15 January 1994), p. 108.
[14064] The Trial Chamber understands the term 'šiptars' to be a derogatory term for Albanians, *see* translator's note at P5091 (Stenographic record of the 21st Session of the Supreme Defence Council held on June 1994), p. 39.
[14065] P5091 (Stenographic record of the 21st Session of the Supreme Defence Council held on June 1994), p. 39.

'detrimental' to the security situation in the FRY if the VJ were to draft them, but that it would also be damaging to the VJ that they did not respond to the call-up for military service; Perišić proposed that these Albanians should in some way make amends for not serving in the VJ.[14066] The Council members agreed a three to five percent quota for Albanians, and applying the same principle to Muslims and Hungarians, could be drafted into the VJ, as long as there were internal rules that these soldiers could not carry weapons or ammunition, and they could not be assigned to guard duty.[14067] This way, Perišić explained, no one could say these minorities were not in the VJ.[14068] Perišić stated that Muslims who had completed military training in the FRY could not be sent to the Bosnian-Serb Republic: '[…] this is very important. If we send Muslims there, they'll kill them'.[14069] He also said that the RSK and the Bosnian-Serb Republic could no longer wage war without the help of the VJ.[14070] Perišič further set out that the Bosnian-Serb Republic and the RSK had maintained superiority because they could rely on technical and materiel advantages provided by the VJ; if the VJ would stop helping these Republics in the area of education, financing of educated personnel and material assistance for combat operations, they would start losing territories. Perišić proposed that:

> Perhaps the best solution would be to force their political leaderships and governments to form a budget and say how much they have earmarked for the army and how much they need in aid. So far, believe it or not, they didn't earmark any funds for the army, they did this only superficially. They have no laws or a defined budget for the army and so on. They rely solely on us and come to us with demands. However, when something has to be thought up, which could have decisive consequences, they often take counter-productive decisions.[14071]

[14066] P5091 (Stenographic record of the 21st Session of the Supreme Defence Council held on June 1994), p. 40.
[14067] P5091 (Stenographic record of the 21st Session of the Supreme Defence Council held on June 1994), pp. 41-42.
[14068] P5091 (Stenographic record of the 21st Session of the Supreme Defence Council held on June 1994), p. 41.
[14069] P5091 (Stenographic record of the 21st Session of the Supreme Defence Council held on June 1994), p. 46.
[14070] P5091 (Stenographic record of the 21st Session of the Supreme Defence Council held on June 1994), pp. 42-43, 47.
[14071] P5091 (Stenographic record of the 21st Session of the Supreme Defence Council held on June 1994), pp. 42-43.

Perišić then raised problems caused by the Bosnian-Serb Republic and RSK on which he could not decide without the approval of the Supreme Defence Council.[14072] He explained that one of the problems of the republics was the relinquishment of spare parts for weapons and military equipment, to which Milošević responded '[t]heir principle is – what's ours is ours and theirs, but what's theirs is only theirs. We can use every trick in the book but they won't give us anything. They have spare parts for which they have no use.'[14073] Perišić raised the problem that the VRS and the SVK had promoted hundreds of commissioned and non-commissioned officers, but the VJ had no means to pay for the difference in salary.[14074] Later during the meeting, Perišić informed the Council 'You should know, and this is not contained in the report, that in Republika Srpska we support and pay for 4,173 persons, or 7,42% from the VJ, and in the Republic of Serbian Krajina 1,474 persons or 2.62% from the VJ'; that's a total of 5,647 persons. We allot around 14 million for them each year and we need the same amount for next year, and that's just for their salaries. That's a great help to them'.[14075]

3767. According to the transcript of the 50th session of the Bosnian-Serb Assembly, held on 15 and 16 April 1995, VRS Main Staff Chief of Staff Milovanović stated that he had warned the president and the prime minister that the effects of economic sanctions by Serbia against the Bosnian-Serb Republic would be catastrophic for the families of officers and presented a picture of them without salaries for six months.[14076].Milovanović stressed that these salaries were the result of an agreement between the Bosnian-Serb Presidency and the Presidency of Yugoslavia and that 3,000 families living in Serbia were dependent on them.[14077]

3768. On 13 June 1995, the Supreme Defence Council verified the promotions of a number of professional soldiers from the 30th Personnel Centre, namely Major General Đorđe Đukić and Major General Milan Gvero to the ranks of Lieutenant General; and of Colonel Radivoje Miletić, Colonel Zdravko Tolimir, Colonel Jovan Marić, and Colonel

[14072] P5091 (Stenographic record of the 21st Session of the Supreme Defence Council held on June 1994), p. 43.
[14073] P5091 (Stenographic record of the 21st Session of the Supreme Defence Council held on June 1994), pp. 42, 44.
[14074] P5091 (Stenographic record of the 21st Session of the Supreme Defence Council held on June 1994), pp. 45-46.
[14075] P5091 (Stenographic record of the 21st Session of the Supreme Defence Council held on June 1994), pp. 51-52.
[14076] P4583 (Transcript from 50th Session of the Bosnian-Serb Assembly, 16 April 1995), pp. 1, 184, 191.
[14077] P4583 (Transcript from 50th Session of the Bosnian-Serb Assembly, 16 April 1995), p. 191-192.

Božo Novak to the ranks of Major General.[14078] It also adopted a decision to terminate the professional military service of Major General Dušan Kovačević and Major General Bogdan Subotić, both serving with the Bosnian-Serb MoD.[14079]

Role of the VJ in VRS combat operations

3769. **Brown** testified that the VJ assisted the VRS on matters of communications and radio-technical reconnaissance by making a number of its connecting pathways and communication channels at FRY stationary communication hubs available to the VRS for the transit of a number of VRS radio-relay channels.[14080] According to Brown, Talić recommended that a logistics base for the VRS be established on the territory of the FRY with the 'objective of coordinating procurement and the execution of logistics support tasks on the territory of the FRY for the needs of the VRS'.[14081] As of late 1992, the linking of interception and monitoring of electronic emitting systems, a.k.a. RTI, started in the territory of the Bosnian-Serb Republic so as to enable the collection of data on enemy radar stations, surveillance, navigation, and guidance systems. [14082] The VRS also received support from the FRY in terms of foodstuffs, medical assistance and supplies, the treatment of soldiers in FRY hospitals, and the passing of military and civilian mail between the VJ, the VRS Main Staff, and subordinate units.[14083]

3770. On 6 February 1993, Lieutenant General Zoran Stojković, Assistant Commander of the VJ General Staff, requested that the VRS and the SVK provide timely and more complete information for the purpose of assessing and monitoring the situation in the territories of the Bosnian-Serb Republic and the RSK.[14084] The VJ sought information on the enemy and own forces, in relation to their composition, deployment, and troop

[14078] P5092 (Minutes of the 37th Session of the Supreme Defence Council, 30 June 1995), pp. 1, 5.
[14079] P5092 (Minutes of the 37th Session of the Supreme Defence Council, 30 June 1995), p. 5.
[14080] P2859 (Ewan Brown, Military Developments Bosanska Krajina 1992 – A Background Study, 27 November 2002), para. 2.263.
[14081] P2859 (Ewan Brown, Military Developments Bosanska Krajina 1992 – A Background Study, 27 November 2002), para. 2.258.
[14082] P2859 (Ewan Brown, Military Developments Bosanska Krajina 1992 – A Background Study, 27 November 2002), para. 2.263.
[14083] P2859 (Ewan Brown, Military Developments Bosanska Krajina 1992 – A Background Study, 27 November 2002), para. 2.257.
[14084] P5089 (Request for information from VRS and SVK from the VJ General Staff, signed by Zoran Stojković, 6 February 1993), p. 1.

strength, the tasks of their own units, as well as on probable intentions, manner, and axes of enemy activity.[14085]

3771. According to a VJ General Staff report, dated 26 October 1993, Momčilo Perišić assigned certain tasks at a meeting of the Supreme Command Staff on 27 September 1993.[14086] Among these tasks was an instruction to the Sector for Operations Affairs of the VJ General Staff, to improve coordination and cooperation with the SVK and with the VRS.[14087] Perišić also ordered the Intelligence Administration to ensure the inflow of as much verified intelligence as possible on the situation in the RSK and Bosnian-Serb Republic, in cooperation with intelligence organs of the Main Staff of the SVK and with the VRS Main Staff.[14088]

3772. On 11 April 1994, Mladić reported to the Chief of Staff of the VJ General Staff about combat operations that took place that day between 9:45 a.m. and 2:45 p.m.: the launch of two ABiH attacks and the destruction of an unidentified helicopter by VRS troops in the area of the Nišići Plateau, and the NATO offensive against the VRS troops in the region of Goražde.[14089]

3773. The Trial Chamber refers to its findings in chapter 9.5.4 regarding the involvement of the VJ Guards Motorised Brigade in VRS operations in Sarajevo in November and December 1993, as well as Mladić's involvement therein. Evidence related to this operation which was not directly related to the Accused's acts and conduct is reviewed below.

3774. On 13 January 1994, Lieutenant Colonel Ljubiša Stojimirović, Commander of the VJ Guards Motorised Brigade reported that elements of this brigade's units reinforced the 72nd Special Brigade thus entering the formation of the SRK on 17 December 1993.[14090] On 31 December 1993, upon the arrival of the VJ Guards Motorised Brigade in Vogošća, the reinforcement units left the formation of the 72nd Brigade and re-entered the formation of the VJ Guards Motorised Brigade. Stojimirović reported that the current numerical strength of the brigade was 210 men. Pursuant to an order of the SRK Commander, the VJ Guards Motorised Brigade entered the reserve

[14085] P5089 (Request for information from VRS and SVK from the VJ General Staff, signed by Zoran Stojković, 6 February 1993), p. 1.
[14086] P4568 (VJ General Staff Report, 26 October 1993), p. 1.
[14087] P4568 (VJ General Staff Report, 26 October 1993), p. 3.
[14088] P4568 (VJ General Staff Report, 26 October 1993), p. 4.
[14089] P781 (Mladić report to the VJ Chief of Staff, 11 April 1994).
[14090] P5209 (Guards Motorised Brigade Command briefing report, 13 January 1994), pp. 1-2.

formation of the SRK on 2 January 1994. Since that date, all units of the brigade, with the exception of the military police platoon, were engaged in the areas of responsibility of the Vogošća, Mrkonjić, and Koševo brigades. The engagement of the military police detachment for special purposes also included the area of operations of the Rajlovac Brigade. The VJ Guards Motorised Brigade had at its disposal three 82 millimetre recoilless guns and four 120 millimetre mortars.[14091]

3775. On 30 December 1993, the VJ Guards Motorised Brigade noted in its war diary that several of its units were to march from Belgrade through Zvornik to Han Pijesak.[14092] On 31 December 1993, the brigade arrived at its destination in Vogošća.[14093] On 5 January 1994 on the approval of the VJ Commander of the General Staff, the 72nd Special Brigade was to leave the SRK zone of responsibility on 6 January 1994 and that a part of the zone of responsibility which was held by this brigade was to be taken over by the Guards Motorised Brigade.[14094] On 28 January 1994, a column of nine vehicles, two Praga and one 20/3 20 millimetre triple-barreled self-propelled anti aircraft gun set off for Belgrade.[14095] On 30 January 1994, the commands of the Special Units Corps and of the Guards Motorised Brigade, along with the Military Police Battalion and the Engineers Company set off for Belgrade.[14096]

The Trial Chamber's findings

3776. The Trial Chamber recalls its findings that, when confronted with resolutions by the UNSC to cease its military involvement in Bosnia-Herzegovina in 1991 and 1992, the FRY Presidency ordered all JNA soldiers stationed there to withdraw from Bosnia-Herzegovina in May 1992. At the same time, the JNA was transformed into VJ, the new army of the FRY; as such, soldiers of the former JNA became soldiers of the VJ.

3777. The Trial Chamber finds that the FRY did not cease its military involvement in Bosnia-Herzegovina in May 1992. In carrying out the instructions of the FRY Supreme Defence Council, the VJ General Staff set up a covert personnel centre called the '30th Personnel Centre' through which VJ soldiers were paid in order to fight in Bosnia-

[14091] P5209 (Guards Motorised Brigade Command briefing report, 13 January 1994), p. 1.
[14092] P5210 (Guards Motorised Brigade war diary, 30 December 1993 to 30 January 1994), p. 1.
[14093] P5210 (Guards Motorised Brigade war diary, 30 December 1993 to 30 January 1994), p. 2.
[14094] P5210 (Guards Motorised Brigade war diary, 30 December 1993 to 30 January 1994), pp. 1, 5-7.
[14095] P5210 (Guards Motorised Brigade war diary, 30 December 1993 to 30 January 1994), p. 21.
[14096] P5210 (Guards Motorised Brigade war diary, 30 December 1993 to 30 January 1994), p. 21.

Herzegovina as part of the VRS. These soldiers were employed and paid by the VJ 30th Personnel Centre (and received all associated benefits, such as pension) and were formally listed as working in the FRY. However, they were carrying out their military duties within the VRS. Up until at least October 1993, all Bosnian-Serb JNA soldiers born in Bosnia-Herzegovina were ordered by the VJ to go there; and those who were already stationed there, were ordered to stay in Bosnia-Herzegovina. The Trial Chamber recalls its finding in chapter 3.2 that upon the JNA's declared withdrawal in May 1992, approximately 90,000 former JNA soldiers who were Bosnian-Serb were ordered to remain in Bosnia-Herzegovina so that the Bosnian-Serb leadership could take command of them. The Trial Chamber finds that most of these soldiers, through assistance of the VJ, were incorporated into the VRS and the SVK. In this context, the Trial Chamber refers to its review of evidence in chapter 9.5.4 that in December 1993, VJ General Staff Commander Perišić informed the Accused of a decision by the FRY Supreme Defence Council that 'everyone' in the FRY had to go back to the Bosnian-Serb Republic and the RSK; approximately 19,000 VJ conscripts and 3,500 VJ recruits would be transferred to Han Pijesak (the location of the command of the VRS Main Staff), from where they would be deployed to the relevant VRS units. The Trial Chamber concludes in this respect that VJ soldiers born in Bosnia-Herzegovina who refused to serve in the VRS when requested either by the VJ or by the VRS, risked immediate expulsion from the VJ and could, in any event, no longer be considered for any kind of future promotion. If a VJ soldier was promoted in the VRS, approval of that same promotion by the VJ was required so that rights and benefits associated to that new rank could be enjoyed upon return to the FRY. For promotions to the highest army ranks in the VRS, the FRY Supreme Defence Council's approval ('verification') was required.

3778. The Trial Chamber further finds that arms and ammunition factories in Serbia, including Krušik-Valjevo, produced material for the VJ, which in turn was provided to units of the VRS. Among others, Krušik-Valjevo produced aerial bombs and 120-millimetre mortar shells which were supplied to the SRK through organs of the VJ. Approval by the VJ General Staff was required for material to be provided from Krušik-Valjevo to the VRS. The Trial Chamber also finds that Pretis- Vogošća in the Bosnian-Serb Republic produced weapons and ammunition for the VRS and the SRK and assembled modified air bombs for the SRK. The VJ supplied Pretis with the material necessary for their production.

3779. The Trial Chamber recalls its findings in chapter 9.5.4 that as of March 1993, both the VRS and the VJ issued orders to keep tight control over the materiel provided by the VJ to the VRS. In order to ensure full control over the materiel coming from the VJ to the VRS, Mladić ordered that all requests for materiel were to be authorized by himself and were to be coordinated through the VRS Main Staff Logistics sector. In December 1993, Perišić issued a similar order to all related VJ organs, in which he added that only VRS requests which had been approved by Mladić would be considered by the VJ General Staff Logistics organ.[14097]

3780. The Trial Chamber notes that until at least June 1994 the Bosnian-Serb Republic did not have an army budget and finds that all members of the FRY Supreme Defence Council – including Slobodan Milošević and Momčilo Perišić – were in agreement that the VRS relied solely on the VJ to sustain the army's needs. In this respect, the Trial Chamber refers to its findings in chapter 9.3.6 that Mladić acknowledged that almost 90 per cent of the ammunition used by the VRS between May 1992 and April 1995 had been provided by the VJ and its predecessor, the JNA.

3781. The Trial Chamber recalls its factual finding in chapter 9.5.4 that in order to prevent the breaking of blockade of Sarajevo, at least one VJ unit, the Guards Motorised Brigade, was re-subordinated to the SRK around the area of Vogošća.

3782. In conclusion, the Trial Chamber finds that the VJ provided the VRS with weapons, ammunition, and thousands of soldiers throughout the war; these soldiers received their salaries and benefits from the VJ while they were incorporated into the VRS. In this respect, the Trial Chamber notes that it received no evidence to suggest that the VJ issued instructions (or was able to issue instructions) to these soldiers once they were incorporated into the VRS.

3783. The Trial Chamber will further consider the above findings in chapter 9.2.14 below.

[14097] The Trial Chamber understands the measures taken by the VJ General Staff to tighten its control over VJ resources were implemented against a background of an enormous strain caused by the VJ on the overall budget of the FRY and the persistent refusal of the VRS to pay for materiel and other costs covered by the VJ.

9.2.7 The role of MUP

3784. According to the Indictment, from 12 May 1992 until 30 November 1995, members of the MUP at a republic, regional, municipal, and local level were members of an overarching JCE together with the Accused and a number of others, including Radovan Karadžić, with the objective to permanently remove Bosnian Muslims and Bosnian Croats from Bosnian Serb-claimed territory in Bosnia-Herzegovina through the crimes charged.[14098] The Prosecution argued that JCE members heightened their focus on the need for an ethnically-separate MUP as the tactic to keep all Serbs in one state shifted to the establishment of an ethnically-separate Serb entity in Bosnia-Herzegovina.[14099] The MUP played a key role in the implementation of the common criminal objective and immediately after its formation, participated in the wave of take-overs and operations to consolidate or expand Bosnian-Serb territory.[14100] According to the Prosecution, during combat operations in which units of both the VRS and the MUP participated, MUP forces were often re-subordinated to the VRS to ensure singleness and unity of command.[14101] The Prosecution further argued that the MUP also participated in the implementation of the common criminal objective by committing crimes independently of the VRS during a number of 'cleansing operations'.[14102] The Defence, in addition to submitting that the MUP was created out of necessity, argued that the chain of command of the MUP was exclusively within the MUP and that there was only very limited *de facto* re-subordination of the MUP to the VRS.[14103] If there was coordination, it was *ad hoc* and each organization maintained its own chain of command.[14104]

3785. The Trial Chamber took judicial notice of a number of adjudicated facts in relation to the role of the MUP. It also received evidence from **Vinko Nikolić**, a member of the SOS from November 1991 to mid-May 1992 and a member of the Sanski Most Crisis Staff from its creation on 14 April 1992, where he held the position

[14098] Indictment, paras 8-11. According to the Indictment, some or all of these individuals were, alternatively, not members of the JCE but were used by members of the JCE to carry out crimes committed in furtherance of its objective. *See* Indictment, para. 11.
[14099] Prosecution Final Brief, para. 531.
[14100] Prosecution Final Brief, paras 534-539.
[14101] Prosecution Final Brief, para. 122.
[14102] Prosecution Final Brief, para. 536, fn. 2286.
[14103] Defence Final Brief, paras 528-536.
[14104] Defence Final Brief, paras 536-543.

of transport commissioner since 19 June 1992;[14105] as well as documentary evidence, and finds that this evidence is consistent with the Adjudicated Facts.[14106] The Trial Chamber further received evidence from **Ratko Adžić**, President of the Crisis Staff of Ilijaš Municipality and Minister of Interior in the Bosnian-Serb Government from 20 January to 12 July 1993;[14107] **Milenko Karišik**, a Bosnian-Serb MUP official throughout the Indictment period;[14108] **Tomislav Puhalac**, an employee of the Bosnia-Herzegovina SDB from 1977 to 2005;[14109] **Witness RM-065**, a Bosnian Muslim from Prijedor;[14110] **Velimir Kevac**, a Bosnian Serb who from the end of May 1992 until 7 October 1993 served as Assistant Chief of Staff at the Command of the VRS 30th Division in Mrkonjić Grad;[14111] **Đorđe Đukić**, the Assistant Commander for Logistics of the VRS Main Staff;[14112] **Branko Basara**, Commander of the 6th Krajina Brigade from 29 October 1991 to mid-December 1992;[14113] **Petar Škrbić**, the Assistant Commander for Organisation, Mobilisation, and Personnel affairs of the VRS Main Staff in July 1995;[14114] **Mane Đurić**, Head of the Vlasenica SJB as of 20 May 1992;[14115] **Mirzet Karabeg**, a Bosnian Muslim who served as the SDA President of the Executive Board of the Sanski Most Municipal Assembly from 1 January 1991 until 17 April 1992 and as the President of the Sanski Most War Presidency first located in Zenica, then in Travnik, from 30 March 1993 until 15 March 1996;[14116] **Milosav Gagović**, Assistant for Logistics in the JNA 4th Corps in Sarajevo from 1988 to May 1992;[14117] **Witness RM-**

[14105] D892 (Vinko Nikolić, witness statement, 13 January 2014), paras 5, 28; Vinko Nikolić, T. 31248-31249; P7111 (Crisis Staff decision on the appointment of Vinko Nikolić as transport commissioner, 19 June 1992).
[14106] **Vinko Nikolić**: D892 (Vinko Nikolić, witness statement, 13 January 2014), para. 9. **Documentary evidence**: P3855 (Order from Mićo Stanišić concerning war time organisation of police units, 15 May 1992), pp. 1, 4.
[14107] D597 (Ratko Adžić, witness statement, 27 May 2014), p.1, para. 25; Ratko Adžić, T. 24771, 24787, 24804-24806; P6700 (Decision concerning the resignation of Ratko Adžić, signed by Radovan Karadžić, 17 September 1993), p. 1.
[14108] D935 (Milenko Karišik, witness statement, 23 June 2013), paras 1, 20, 23, 33; Milenko Karišik, T. 33121, 33152, 33158, 33184, 33188, 33223; D933 (Karišik's appointment as Assistant Minister/Head of the Public Security Department, 9 or 11 November 1994).
[14109] D758 (Tomislav Puhalac, witness statement, 8 March 2013), paras 2-3.
[14110] P3271 (Witness RM-065, witness statements), witness statement of 22 March, pp. 1-2, witness statement of 28 August 2000, p. 2; P3274 (Pseudonym sheet for Witness RM-065). *See also* P3279 (Table of Concordance).
[14111] D871 (Velimir Kevac, witness statement, 31 July 2014), p. 1, paras 1, 4, 21.
[14112] P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), p. 7.
[14113] D1031 (Branko Basara, witness statement, 21 July 2014), para. 4; Branko Basara, T. 34386, 34401.
[14114] Petar Škrbić, T. 13981.
[14115] Mane Đurić, T. 27630.
[14116] P3248 (Mirzet Karabeg, witness statement, 25 July 1999), pp. 1-2; P3249 (Mirzet Karabeg, witness statement, 23 May 2002), pp. 1-2.
[14117] D622 (Milosav Gagović, witness statement, 7 March 2014), para. 2; Milosav Gagović, T. 25326, 25340.

015, a Bosnian Serb from Sanski Most;[14118] and **Witness RM-076**, a Bosnian Muslim from Sanski Most.[14119]

The creation of the ethnically-separate MUP

3786. **Tomislav Puhalac** testified that the newly formed coalition of the SDA and HDZ at the helm of the MUP did everything possible to appoint Serb employees to lower-ranking positions, thereby preventing their influence in decision-making.[14120] In the course of 1991, following an order by Alija Delimustafić, the reserve police forces were mobilized. According to the witness, they did not mobilize the old reserve police forces who had gone through a verification process and training, but new forces who were loyal to the SDA. The witness received information from colleagues at the SJB Administration that Serbs from the police were abandoning or changing their jobs, and that consequently the police stations had only one ethnic group, *i.e.* Bosnian Muslims.[14121] According to the witness, SDA extremists and criminals were being provided with weapons under the guise of mobilization of the reserve police forces.[14122] The only police station in the territory of Sarajevo which remained mixed, *i.e.* comprised both Bosnian Serbs and Bosnian Muslims, was the Ilidža police station.[14123] The reason for this, in the opinion of the witness, was that the majority of the population was Serbian in this part of Ilidža.[14124] Around 20 April 1992, the Green Berets, Patriotic League, and the reserve police carried out a heavy attack on the part of Ilidža where Serbs were the majority.[14125] Following this event, the Muslim police officers left the Ilidža police station.[14126] As a result, the personnel of this station also were of one ethnicity, namely Serbian.[14127]

3787. In a speech, Tomislav Kovač, Minister and Acting Minister of Interior during the war (*see* chapter 3.4), stated that in a meeting held at the Holiday Inn Hotel in Sarajevo, the members of the MUP, together with the political structures from the ranks of the

[14118] P2362 (Witness RM-015, witness statement, 13 March 2002), paras 2, 6, 9, 111. The evidence of Witness RM-015 is also reviewed in chapter 4.12.3.
[14119] P3603 (Witness RM-076, witness statement, 20 July 2000), pp.1-2.
[14120] D758 (Tomislav Puhalac, witness statement, 8 March 2013), para. 4.
[14121] D758 (Tomislav Puhalac, witness statement, 8 March 2013), para. 8.
[14122] D758 (Tomislav Puhalac, witness statement, 8 March 2013), para. 11.
[14123] D758 (Tomislav Puhalac, witness statement, 8 March 2013), para. 14.
[14124] D758 (Tomislav Puhalac, witness statement, 8 March 2013), para. 14.
[14125] D758 (Tomislav Puhalac, witness statement, 8 March 2013), para. 14.
[14126] D758 (Tomislav Puhalac, witness statement, 8 March 2013), para. 14.

Serbian people, received instructions for the creation of a Serbian state in the territory of the former Bosnia-Herzegovina. According to Kovač, the MUP was the first state organ of the Bosnian-Serb Republic, comprising former Bosnian MUP personnel of Serb ethnicity. Kovač further stated that the MUP combat units, together with the TO units created by the SDS throughout the territory of the Bosnian-Serb Republic, 'existed as the backbone of the Serbian movement in the fight for the protection [of] the people, and the creation of the Serbian state'.[14128] **Milenko Karišik** testified that Kovač's speech would have referred to the period between 5 April and mid-May 1992, before the establishment of the VRS.[14129]

3788. On 17 April 1992, Stojan Župljanin, head of the CSB Banja Luka, ordered the division of the police along ethnic lines. Police officers were ordered to demonstrate their loyalty to the Serb municipality by wearing the insignia of the Bosnian-Serb Republic and signing a declaration that they would respect its laws and regulations. Only persons of Serb ethnicity signed the declaration.[14130] Part of the preparation for separation included the arming of Serb police officers and Serb police stations.[14131] The CSBs and SJBs reassigned stockpiled weapons belonging to the reserve police force to the new Serb MUP.[14132] Employees of the Bosnian-Herzegovina MUP and the abolished CSBs and SJBs were to be given the opportunity to be taken over by the Bosnian-Serb MUP, if they were willing to take an oath of allegiance prior to their engagement.[14133] In the spring of 1992, all employees in local SJBs and other public services were required to sign an oath of loyalty to the Bosnian-Serb authorities. Bosnian Muslims and Bosnian Croats who refused to sign the declaration of loyalty were dismissed. Those who accepted to sign could remain within the service.[14134]

3789. With regard to Sanski Most Municipality, **Mirzet Karabeg** stated that around mid-April 1992, the Serbs changed the insignia of the police into the Bosnian-Serb Republic insignia and put up a Serb flag on the police building.[14135] Already on 11 April 1992, Vlado Vrkeš, the Municipal President of the Sanski Most SDS, gave a 48-hour

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[14127] D758 (Tomislav Puhalac, witness statement, 8 March 2013), para. 14.
[14128] P7213 (Video of a speech from Tomislav Kovač).
[14129] Milenko Karišik, T. 33171-33174.
[14130] Adjudicated Facts I, no. 1153.
[14131] Adjudicated Facts I, no. 284.
[14132] Adjudicated Facts I, no. 285.
[14133] P3009 (Dispatch from the Bosnia-Herzegovina Deputy Minister of the Interior to the Minister of the Interior *et al.*, 31 March 1992), pp. 1-2.
[14134] Adjudicated Facts I, no. 353.
[14135] P3248 (Mirzet Karabeg, witness statement, 25 July 1999), p. 3.

ultimatum to the non-Serb members of the police to sign a loyalty oath and wear the Serb insignia.[14136] After the ultimatum, the Serbs took over the MUP.[14137] **Vinko Nikolić** provided further details, testifying that the Bosnian-Serb political leadership and the leadership of the Sanski Most SJB offered all Muslim and Croat policemen a chance to stay in the newly formed Bosnian-Serb police forces.[14138] Only one Croat policeman remained.[14139] The other policemen went to the Sanski Most Municipal Assembly building, armed with weapons from the Sanski Most police station, and tried to set up a purely Muslim police station.[14140] The Bosnian-Serb political leadership issued an ultimatum for these policemen to surrender their weapons and leave the Municipal Assembly building.[14141] As it was not respected, the Sanski Most TO and the Serb police force were ordered to disarm the Muslim policemen and to liberate the Municipal Assembly.[14142] The Muslim policemen left the building by a side entrance and set off to the villages of Šehovci and Trova, which both had a Muslim majority.[14143] According to the witness, the municipal building was not surrounded and the Muslim forces were given space to get out, in order to avoid conflict.[14144]

3790. With regard to Prijedor Municipality, **Witness RM-065** stated that sometime before 30 April 1992, the SDS discussed the division of Prijedor Municipality and the police department into Serb and Muslim parts.[14145] In early April 1992, a meeting was held in the Municipal Assembly building in Prijedor attended by, *inter alios*, Stojan Župljanin, Chief of the CSB Banja Luka, Župljanin's deputy, and Milomir Stakić. Župljanin stated that the purpose of his visit was to discuss the separation of the police force into Serb and Muslim parts. The witness saw the participants of the meeting walk into the meeting room; Župljanin and his bodyguard were both wearing camouflage uniforms and the latter carried a 'Scorpio gun'.[14146] Although the witness was unsure if

[14136] P3248 (Mirzet Karabeg, witness statement, 25 July 1999), pp. 2-4.
[14137] P3248 (Mirzet Karabeg, witness statement, 25 July 1999), pp. 4, 8.
[14138] D892 (Vinko Nikolić, witness statement, 13 January 2014), para. 9. From the context, the Trial Chamber understands that when Nikolić refers to the 'Serbian' political leadership, this means the 'Bosnian-Serb political leadership'.
[14139] D892 (Vinko Nikolić, witness statement, 13 January 2014), para. 9.
[14140] D892 (Vinko Nikolić, witness statement, 13 January 2014), para. 9.
[14141] D892 (Vinko Nikolić, witness statement, 13 January 2014), paras 9, 29.
[14142] D892 (Vinko Nikolić, witness statement, 13 January 2014), para. 9.
[14143] D892 (Vinko Nikolić, witness statement, 13 January 2014), paras 9, 29.
[14144] D892 (Vinko Nikolić, witness statement, 13 January 2014), para. 29; D893 (Table of concordance as to Adjudicated Facts).
[14145] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 11.
[14146] P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 11-12; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), p. 1243.

Župljanin had the authority to resolve the issue of separating the police force, he assumed this was the case based on how everyone treated him.[14147]

MUP involvement in disarming non-Serbs

3791. The Trial Chamber will now address the involvement of members of the MUP in the disarming of non-Serbs in the Municipalities. On 18 May 1992, the ARK Crisis Staff demanded the disarmament of non-Serbs in the ARK through public announcements, orders and decisions.[14148] Calls for disarmament usually involved the issuance of an ultimatum to hand in illegally owned weapons.[14149] The ARK decisions on disarmament were implemented by the municipal civilian authorities, the CSB and the SJBs, and also by the army.[14150] The military and civilian police were responsible for the implementation of the decision on disarmament. In accordance with this decision, Stojan Župljanin ordered all SJBs to report back to the CSB on the disarmament operations. The order contained detailed instructions on the expected contents of the report.[14151] The municipal SJBs, as ordered, reported back to the CSB on the operations implemented in their respective areas of control.[14152] Although the calls for disarmament in the ARK were directed to all 'paramilitary units and individuals who illegally possess weapons', they were selectively enforced against non-Serbs.[14153] The disarmament of Bosnian Muslims and Bosnian Croats throughout the ARK created an imbalance of arms and weapons favouring the Bosnian Serbs in the Bosnian Krajina, a situation amplified by the fact that the Bosnian-Serb population was arming itself on a massive scale at the same time.[14154] The disarmament of the non-Serbs guaranteed Bosnian-Serb control over the population of villages, towns and cities throughout the ARK.[14155]

3792. With regard to Sanski Most Municipality, **Karabeg** stated that at the end of April 1992, non-Serbs in Sanski Most Municipality were being disarmed.[14156] **Witness RM-**

[14147] P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), pp. 1243-1244.
[14148] Adjudicated Facts I, nos 427, 429.
[14149] Adjudicated Facts I, no. 427.
[14150] Adjudicated Facts I, no. 428.
[14151] Adjudicated Facts I, no. 429.
[14152] Adjudicated Facts I, no. 429.
[14153] Adjudicated Facts I, no. 430.
[14154] Adjudicated Facts I, no. 431.
[14155] Adjudicated Facts I, no. 432.
[14156] P3250 (Mirzet Karabeg, *Brđanin* transcript, 27-28 May 2002), p. 6134.

076 stated that between 20 April and 22 May 1992, he attended meetings with Mirko Vrućinić regarding the surrender of weapons.[14157] On 22 May 1992, he also met with Basara at the Sanski Most SJB to discuss the issue of disarmament.[14158] Later, while detained in the Sanski Most police station, the witness learned from Serb police officers that in May 1992 about 2,000 weapons had been turned in.[14159] The meeting on 22 May 1992 marked the end of all negotiations and meetings between Serbs and non-Serbs in Sanski Most.[14160]

MUP involvement during the take-over of Municipalities and coordination with the VRS

3793. The MUP cooperated closely with the VRS.[14161] On 15 May 1992, Mićo Stanišić ordered that all employees of the MUP organize into 'war units'.[14162] The units included squads, platoons, companies, and battalions and this organization was for the purposes of defending the territory of the Bosnian-Serb Republic.[14163] Stanišić also authorized CSB chiefs and the commander of the police detachment of the Sarajevo CSB to appoint officers with appropriate qualifications to command posts of established war units, and to ensure that the principle of subordination and superiority in the command system was upheld.[14164] The Minister of Interior, the commander of the police detachment of the Sarajevo CSB, and the chiefs of the CSB could order the use of MUP units in coordinated action with the VRS.[14165] The commander of the police detachment and CSB Chiefs were to inform Ministry staff of such use.[14166] While participating in combat operations, MUP units were to be subordinated to the command of the armed forces, but they would still be under the direct command of certain Ministry officials.[14167] In order to command and control the MUP forces, Stanišić ordered that a

[14157] P3603 (Witness RM-076, witness statement, 20 July 2000), p. 10.
[14158] P3604 (Witness RM-076, *Brđanin* transcript, 27 June, 1-3 July 2002), pp. 7716, 7718.
[14159] P3603 (Witness RM-076, witness statement, 20 July 2000), p. 10.
[14160] P3603 (Witness RM-076, witness statement, 20 July 2000), p. 10.
[14161] Adjudicated Facts I, no. 363.
[14162] Adjudicated Facts I, no. 363.
[14163] P3855 (Order from Mićo Stanišić concerning war time organisation of police units, 15 May 1992), pp. 1, 4.
[14164] P3855 (Order from Mićo Stanišić concerning war time organisation of police units, 15 May 1992), pp. 1-2.
[14165] P3855 (Order from Mićo Stanišić concerning war time organisation of police units, 15 May 1992), pp. 2-3.
[14166] P3855 (Order from Mićo Stanišić concerning war time organisation of police units, 15 May 1992), pp. 2-3.
[14167] P3855 (Order from Mićo Stanišić concerning war time organisation of police units, 15 May 1992), p. 3.

staff be established, comprised of a commander, who would be the Minister of Interior, and numerous members, including, *inter alios*, the commander and deputy commander of the police detachment and CSB chiefs.[14168] The order formalized the cooperation by explaining how MUP units should cooperate with the VRS.[14169] Stanišić authorized the CSB heads to implement these arrangements.[14170] MUP's first annual report, covering the period April to December 1992, stated that participation in combat activities stood at '1,451 police officers, on average, every day'.[14171] The Ministry had put 6,167 police officers at the disposal of the VRS, most of them from the reserve.[14172]

3794. In accordance with the law in effect in the Bosnian-Serb Republic, MUP units could be re-subordinated to the VRS for various purposes, including to reinforce the VRS during combat activities.[14173] When re-subordinated, the MUP forces followed orders issued by the VRS.[14174] The commander of the VRS unit to which the MUP unit was re-subordinated and the commander of the MUP unit coordinated their work in carrying out the tasks assigned by the VRS.[14175] MUP forces were engaged in combat operations for a specific time to carry out a precisely described task.[14176] During their re-subordination, MUP forces retained their formation and could not be disintegrated or separated.[14177]

3795. In a video interview, Mićo Stanišić stated that members of the MUP, including those taking part in the defence of the Bosnian-Serb Republic and those involved in regular police tasks, and the VRS were 'a single organism, a single cell, or rather, many cells in a single organism, with their roles in the organism'.[14178] He continued that they were an indivisible force that together made the armed forces of the Bosnian-Serb Republic.[14179] According to **Karišik**, Stanišić's remarks pertained to combat operations only.[14180] He added that from early May 1992 onwards, the VRS and the units of the MUP together comprised the armed forces of the Bosnian-Serb Republic in a

[14168] P3855 (Order from Mićo Stanišić concerning war time organisation of police units, 15 May 1992), pp. 3-4.
[14169] Adjudicated Facts I, no. 364.
[14170] Adjudicated Facts I, no. 364.
[14171] Adjudicated Facts I, no. 365.
[14172] Adjudicated Facts I, no. 366.
[14173] Adjudicated Facts II, no. 1354.
[14174] Adjudicated Facts II, no. 1355.
[14175] Adjudicated Facts II, no. 1355.
[14176] Adjudicated Facts II, no. 1356.
[14177] Adjudicated Facts II, no. 1356.
[14178] P7214 (Video interview of Mićo Stanišić), pp. 1-2.
[14179] P7214 (Video interview of Mićo Stanišić), p. 2.

constitutional and legal manner.[14181] **Milosav Gagović** testified that around 16 May 1992, the period when the SRK was being formed, the MUP forces were subordinated to the armed forces, but not to the JNA 4th Corps.[14182]

3796. **Velimir Kevac** testified that police units acted together with VRS units in certain areas.[14183] 'Acting together' involved co-ordination between police units and the VRS, not re-subordination; coordination meaning where units have different assignments but assist each other to execute those assignments, and re-subordination meaning where one is continually placed under the command of another.[14184] The representatives of the police commanded the police and the army officers commanded the army.[14185] The order for the joint involvement of the VRS and the police came from the corps and the VRS Main Staff, who defined who carried out each task.[14186] At a tactical level, it was not possible for a commander, who would be an officer at the level of division commander or lower, to re-subordinate police units to VRS command.[14187] At an operative level, either the MoD or the MUP decided which activities police and army units would undertake.[14188] According to the witness, the Minister of Interior would have had the authority to re-subordinate the police to the VRS.[14189]

3797. On 22 June 1992, the commander of the 30th Krajina Division, Stanislav Galić, issued an order to the commands of the Operation Group-30, 1st Infantry Brigade, and the 19th Partisan Brigade of the 30th Krajina Division on the use of police in armed combat. The order was issued since police forces had been used in different ways in armed combat in the area of responsibility of the 30th Krajina Division and in order to overcome related problems. Only in exceptional cases, police forces could be used where there was an urgent need for them to participate in direct combat activities. In other cases, the use of the police required permission from the chief of the CSB.[14190]

3798. **Đorđe Đukić** stated that special MUP brigades existed in the battalions. Whenever the VRS Main Staff planned an operation in the field, it would request

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[14180] Milenko Karišik, T. 33176-33177.
[14181] Milenko Karišik, T. 33176-33177.
[14182] Milosav Gagović, T. 25380-25381.
[14183] Velimir Kevac, T. 30496.
[14184] Velimir Kevac, T. 30496-30497, 30510, 30544-30545.
[14185] D871 (Velimir Kevac, witness statement, 31 July 2014), para. 12; Velimir Kevac, T. 30496.
[14186] Velimir Kevac, T. 30497-30498.
[14187] Velimir Kevac, T. 30498.
[14188] Velimir Kevac, T. 30499.
[14189] Velimir Kevac, T. 30497-30499.
[14190] P7051 (30th Krajina Division order on use of police forces, type-signed Galić, 22 June 1992).

Karadžić, the Supreme Commander of the VRS, to use police units or, if an operation was planned on the Corps level, the Corps commander would address the MUP organ in the relevant area to request the engagement of their units. Throughout the war, the civilian police participated in battles and was mainly autonomous in action and under its own command, even though it operated as part of a unit. According to the witness, for a brief period in 1992 the civilian police was re-subordinated to army commands.[14191]

3799. On 11 July 1992, the Minister of Interior called a meeting that was attended by, *inter alios*, various chiefs of SJBs, SNBs and CSBs.[14192] The Minister recalled that as early as mid-May, the MUP issued a special order on organizing police and other MUP forces into war-time units for the defence of the territory of the 'Serbian Republic'.[14193] Thus, cooperation was immediately achieved with other parts of the Serb defence forces, *i.e.* the Army.[14194] The Minister, in his introductory address, stated that a large number of members of the MUP, nearly all of them, were involved in war operations. The chiefs of the centres noted that the discharge of regular duties and tasks of MUP members was greatly affected by the fact that the police were still on the first combat lines, which was justified in the beginning. The VRS kept civilian police within its ranks after their agreed engagement in combat activities as part of military police units, which greatly affected the discharge of regular duties and tasks of MUP members.[14195] The Minister pointed out that Serbs accounted for only one-third of the total population of the former Bosnia-Herzegovina and that they were at war with a Muslim-Croat coalition, comprising the remaining two-third, which meant that the balance of power was in the enemy's favour.[14196] Consequently, it had been necessary for the MUP to replenish front-line units where the VRS units were, which could be the case in the future as well.[14197] At the meeting, the request by the VRS, crisis staffs, and the war presidencies to the army to round up or capture as many Muslim civilians as possible and to leave 'undefined camps' to internal affairs organs was also discussed.[14198] In addition, conditions in some of these camps were described as poor, with no food, and

[14191] P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), p. 10.
[14192] P3801 (MUP report, 17 July 1992), pp. 1-2.
[14193] P3801 (MUP report, 17 July 1992), p. 4.
[14194] P3801 (MUP report, 17 July 1992), p. 4.
[14195] P3801 (MUP report, 17 July 1992), p. 2.
[14196] P3801 (MUP report, 17 July 1992), p. 3.
[14197] P3801 (MUP report, 17 July 1992), p. 4.
[14198] P3801 (MUP report, 17 July 1992), p. 2.

some individuals in the camps were disregarding international norms.[14199] It was decided that a joint meeting between the MUP and the VRS had to be organized in order to ensure more effective cooperation and coordinated action, with special emphasis to be placed on the problem of engaging police in combat activities when this was not necessary.[14200] It was also discussed that looting mostly occurred during 'mopping-up' operations and was conducted by paramilitary formations, military formations, and the police.[14201] If a convoy transporting the looted property was stopped at checkpoints or confronted by authorised personnel, weapons were sometimes drawn, hindering law-enforcement organs from preventing the looting.[14202]

3800. On 27 July 1992 Mladić recorded that he had a meeting with the Bosnian-Serb Republic Deputy Prime Minister Trbojević and the Minister of Interior Mićo Stanišić.[14203] Mladić noted that Trbojević had stated that a schedule had to be made of what was placed at the disposal of the SJB and Military Police.[14204] Mladić recorded that Stanišić stated that they were now in a position to choose policemen and that according to the structure, 80 per cent was now in the army.[14205] It was therefore necessary to clarify the responsibilities of the MUP and the VRS.[14206] Stanišić noted that cooperation was insufficient and suggested to link up and cooperate more.[14207] Stanišić also stated that he had sent an order that morning that a whole section of the MUP forces had to be placed within the competence of the VRS.[14208]

3801. **Ratko Adžić**, the Minister of Interior from 20 January until 12 July 1993 (*see* chapter 3.4), testified that the CSB and local police stations performed most operative businesses within the jurisdiction of the MUP.[14209] Police forces in every police station were prepared to work alongside the VRS, if required by the military situation.[14210] According to the Law on the MUP and its organisation, the Minister of Interior determined the use of MUP forces and of the Special Police Brigade. Due to poor communications between the MUP and the CSB, as well as the territorial disjointedness

[14199] P3801 (MUP report, 17 July 1992), pp. 1-2.
[14200] P3801 (MUP report, 17 July 1992), p. 6.
[14201] P3801 (MUP report, 17 July 1992), p. 3.
[14202] P3801 (MUP report, 17 July 1992), p. 3.
[14203] P353 (Mladić notebook, 27 May - 31 July 1992), p. 373.
[14204] P353 (Mladić notebook, 27 May - 31 July 1992), p. 373.
[14205] P353 (Mladić notebook, 27 May - 31 July 1992), pp. 373-374.
[14206] P353 (Mladić notebook, 27 May - 31 July 1992), p. 374.
[14207] P353 (Mladić notebook, 27 May - 31 July 1992), p. 374.
[14208] P353 (Mladić notebook, 27 May - 31 July 1992), pp. 373-374.
[14209] D597 (Ratko Adžić, witness statement, 27 May 2014), para. 26.

of the Bosnian-Serb Republic, the witness transferred the responsibility for the use of police units in joint cooperation with the army to the chiefs of CSBs. Adžić testified that in the field, the VRS corps commanders and the CSB chiefs decided together on the use of these police units in combat operations. However, during combat assignments in the context of joint operations, each commander retained command over their own units.[14211]

3802. On 5 June 1993, Mladić requested the Prime Minister and the Minister of the Interior to provide a battalion-strong unit (500 to 600 men) of MUP forces for the independent execution of tasks relating to operation *Mač* in coordinated action with VRS units.[14212] This unit was to be re-subordinated to the 1st Romanija Infantry Brigade Commander, Colonel Lizdek.[14213] A MUP representative had to go to the IKM of the 1st Romanija Infantry Brigade in the course of combat operations and was to report necessary information on the engaged unit to Colonel Lizdek on 7 June 1993.[14214] Mladić requested to be informed, at least by 6 June 1993, about the possibility of the engagement of the requested MUP unit.[14215]

3803. On 17 January 1994, Karadžić approved Mladić's request to engage members of the CSB in combat operations in the zone of responsibility of the Doboj OG and the IBK.[14216] Minister of Interior Stanišić also received a copy of Karadžić's decision.[14217]

3804. According to an SRK combat report of 20 January 1994, Karadžić ordered the Ilidža MUP to assign a certain number of MUP members from the area of Ilidža for holding VRS positions in Nedžarići.[14218]

3805. On 8 February 1995, Mladić recorded a meeting he had with Karadžić and representatives of MUP, including Milenko Karišik and Special Police Brigade Commander Goran Sarić, as well as Kapetina.[14219] During this meeting, Karišik explained the manpower used by the MUP, including at the front lines in the area of Bihać; he explained that some 5,700 MUP members were engaged in combat operations

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[14210] D597 (Ratko Adžić, witness statement, 27 May 2014), para. 26.
[14211] D597 (Ratko Adžić, witness statement, 27 May 2014), para. 27.
[14212] P5122 (VRS request for involvement of MUP units in Operation *Mač*, 5 June 1993), pp. 1-2.
[14213] P5122 (VRS request for involvement of MUP units in Operation *Mač*, 5 June 1993), p. 1.
[14214] P5122 (VRS request for involvement of MUP units in Operation *Mač*, 5 June 1993), p. 2.
[14215] P5122 (VRS request for involvement of MUP units in Operation *Mač*, 5 June 1993), p. 2.
[14216] P5125 (Approval by Karadžić, to engage CSB members in combat operations, 27 August 1993).
[14217] P5125 (Approval by Karadžić, to engage CSB members in combat operations, 27 August 1993).
[14218] P873 (SRK combat report, 20 January 1994), pp. 1-2.
[14219] P345 (Mladić notebook, 27 January - 5 September 1995), p. 27.

of which 1,620 were fighting at 'the front'.[14220] Karišik raised several problems the MUP was running into, such as with re-subordination in the zones due to splitting into platoons.[14221] He also complained that the MUP was receiving imprecise combat instructions from the VRS.[14222] Mladić recorded Karišik to have stated that the MUP comprised 3 per cent of the VRS'.[14223] Karišik requested that precise instructions be given to MUP units, logistical support to MUP units be improved, and that the medical status of injured MUP members be taken care of.[14224] According to the entry in his notebook, during the meeting, Mladić talked about a 'systematic solution of logistics issues both with MUP and VRS members'. He also stated that '4500 policemen trained during the war'. Kapetina stated that from a total of 219,268 military conscripts, 209,409 were VRS members and 9,859 were MUP members. He concluded that 4.7 per cent of the total number of military conscripts were members of the MUP. Kapetina reported that the MoD had no undeployed military conscripts and that some members were fictitiously registered in both the MUP and the VRS.[14225] Mladić summarized Karadžić to have stated that 'military conscripts not registered anywhere – that's a big reserve –'.[14226]

3806. On 10 March 1995, Mladić sent an order to the Commands of the 1KK and 2KK, the IBK, and IKM-1 and 2 of the VRS Main Staff, concerning a series of combat unit transfers.[14227] Mladić ordered the 2KK Command to pull MUP forces out of combat operations and replace them with their own forces in the Corps' zone of responsibility by 12 March 1995.[14228] After two days, the MUP forces were to be sent to the zone of responsibility of Operations Group *Pauk*, pursuant to orders of Karadžić and the MUP.[14229] Corps commanders were personally accountable to Mladić for the execution of these tasks.[14230]

[14220] P345 (Mladić notebook, 27 January - 5 September 1995), pp. 27-28.
[14221] P345 (Mladić notebook, 27 January - 5 September 1995), p. 28.
[14222] P345 (Mladić notebook, 27 January - 5 September 1995), pp. 28-29.
[14223] P345 (Mladić notebook, 27 January - 5 September 1995), p. 29.
[14224] P345 (Mladić notebook, 27 January - 5 September 1995), p. 29.
[14225] P345 (Mladić notebook, 27 January - 5 September 1995), p. 30.
[14226] P345 (Mladić notebook, 27 January - 5 September 1995), p. 31.
[14227] P5201 (Order from Ratko Mladić addressed *inter alia* to various VRS corps concerning the transfer of MUP units, 10 March 1995), p. 1.
[14228] P5201 (Order from Ratko Mladić addressed *inter alia* to various VRS corps concerning the transfer of MUP units, 10 March 1995), p. 1.
[14229] P5201 (Order from Ratko Mladić addressed *inter alia* to various VRS corps concerning the transfer of MUP units, 10 March 1995), p. 1.
[14230] P5201 (Order from Ratko Mladić addressed *inter alia* to various VRS corps concerning the transfer of MUP units, 10 March 1995), p. 1.

3807. On 7 April 1995, Karadžić ordered the VRS Main Staff and the MoD to transfer 56 military conscripts from VRS units to the MUP in order to form a detachment of special police forces in Srbinje.[14231] Fifty conscripts were members of the Srbinje 11th Herzegovina Light Infantry Battalion and six were members of the DK.[14232] In an interview in November 1994, Malko Koroman, the Head of Police Administration in Pale Municipality, stated that the police participated in and organized all armed action in Pale until the VRS was formed.[14233] Furthermore, according to Koroman, the only way to fill the MUP ranks was to make an agreement with the Supreme Commander, VRS Main Staff, and MoD that the MUP would get at least five per cent of the VRS recruits.[14234] He stated that he would make efforts to cooperate closely with the VRS Main Staff on all military issues and combat actions.[14235]

3808. On 6 June 1995, Mladić contacted the President, Prime Minister, and Minister of Defence of the Bosnian-Serb Republic, as well as the commands of the the SRK, HK, IBK, and DK in order to stop the incursions of Muslim forces in the zones of responsibility of the SRK and the HK.[14236] He requested full mobilisation of all available able-bodied men in the zone of responsibility of the SRK and the HK and to place them at the disposal of those Corps'.[14237] He also suggested that civilians be prohibited from moving out of the Sarajevo municipalities, Kalinovik, Trnovo, Rudo, and Čajniče Municipalities, and other border municipalities without approval and to engage the MUP and members of the Military Police to bring in conscripts who did not respond to the call up.[14238] In addition, units of the MUP in the zone of responsibility of the SRK, the HK, and the IBK were to be placed at the disposal of the SRK and the HK to end the enemy offensive and to secure the Sarajevo-Trnovo-Dobro Polje-Miljevina road.[14239]

3809. On 1 July 1995, Mladić sent a telegram to the SRK, the 1st IKM of the HK, the 3rd IKM of the VRS Main Staff, and the MUP in Pale that the VRS Main Staff had to be informed through the proper channels if anyone was seriously wounded in the

[14231] P6843 (Order by Karadžić re transfer of 56 soldiers from VRS to MUP, 7 April 1995).
[14232] P6843 (Order by Karadžić re transfer of 56 soldiers from VRS to MUP, 7 April 1995), p. 3.
[14233] P3794 (MUP interview with Malko Koroman, November 1994), p. 2.
[14234] P3794 (MUP interview with Malko Koroman, November 1994), p. 3.
[14235] P3794 (MUP interview with Malko Koroman, November 1994), p. 4.
[14236] P5131 (Request by Mladić on mobilisation of forces in the SRK and the HK, 6 June 1995), pp. 1-2.
[14237] P5131 (Request by Mladić on mobilisation of forces in the SRK and the HK, 6 June 1995), p. 2.
[14238] P5131 (Request by Mladić on mobilisation of forces in the SRK and the HK, 6 June 1995), p. 2.
[14239] P5131 (Request by Mladić on mobilisation of forces in the SRK and the HK, 6 June 1995), p. 2.

Trnovo sector.[14240] Helicopters based in Pale and Kalinovik were to be used for evacuations, but only with approval of the VRS Main Staff.[14241] The MUP in Pale was to notify representatives of the Serbian MUP and Colonel Golić.[14242]

3810. On 26 September 1995, Tomislav Kovač, Deputy Minister of the MUP, proposed to the VRS Main Staff, in particular Mladić, and the Banja Luka IKM to schedule a meeting between Dragan Filipović, the coordinator of the MUP forces, Mladić, and Kovač himself to resolve problems with regard to the command of troops currently part of the MUP.[14243]

3811. The Trial Chamber received evidence about the specific situation in various municipalities. With regard to Vlasenica Municipality, **Mane Đurić** testified that as of the spring of 1992, the SJB Vlasenica carried out some of its activities in coordination with the JNA, and later the VRS.[14244] According to the witness, after 19 May 1992 when the VRS was already established, the VRS requested police forces from the SJBs. Đurić explained that as head of the SJB, it was his task to then ask the chief of the CSB for approval. The witness would then send the policemen to the VRS where they would be placed under the command of the VRS unit in charge. Đurić confirmed that this meant that the police forces would be re-subordinated to the VRS.[14245]

3812. With regard to Kotor Varoš Municipality, on 6 July 1992, the 1KK Command reported to the VRS Main Staff that the Banja Luka MUP, together with the 22nd Brigade and the Čelinac Light Brigade, was taking part in the mopping-up of the area of Kotor Varoš, Šiprage and Maslovare in Kotor Varoš Municipality.[14246]

3813. With regard to Sarajevo, on 3 August 1992, Radomir Bjelanović, the Chief of the Milići SJB, reported to Zoran Cvijetić, the Chief of the Sarajevo SJB, that the Milići SJB was engaged in combat activities or operations at various times during May and June 1992, and had policemen 'at positions' between 26 July 1992 and 3 August 1992.[14247] Bjelanović also reported that '[t]here were no problems with regards the co-

[14240] P7589 (Telegram by Mladić on wounded in the Trnovo sector, 1 July 1995), pp. 1-2.
[14241] P7589 (Telegram by Mladić on wounded in the Trnovo sector, 1 July 1995), p. 1.
[14242] P7589 (Telegram by Mladić on wounded in the Trnovo sector, 1 July 1995), p. 2.
[14243] P5133 (Proposal concerning command of MUP troops by Kovač to Mladić and the Banja Luka IKM, 26 September 1995).
[14244] Mane Đurić, T. 27667-27668; P6878 (Report from the Head of the SJB Vlasenica addressed to the CSB Sarajevo and the MUP of the Bosnian-Serb Republic, 6 August 1992), pp. 1-2.
[14245] Mane Đurić, T. 27698.
[14246] P3695 (Combat report by 1KK Command, 6 July 1992), p. 1.
[14247] P6792 (Letter from Radomir Bjelanović to Zoran Cvijetić, 3 August 1992), pp. 1, 3-4.

operation and command'.[14248] On 19 April 1995, SRK Commander Dragomir Milošević ordered all SRK units to assume a state of full combat readiness to thwart suspected impending enemy activities against the forces of the corps.[14249] He also ordered that all MUP forces, border police, and customs officers, be put in a state of readiness.[14250]

3814. Concerning Rogatica Municipality, a Rogatica SJB report to the Romanija Birač CSB dated 14 August 1992, sets out that members of the SJB Rogatica participated in all combat activities that took place in Višegrad and Rogatica Municipalities from April to July 1992.[14251]

3815. With regard to Prijedor and Sanski Most Municipalities, a report from Momir Talić stated that by 14 June 1992, volunteers and police, together with the Prijedor Operations and Tactical Group, had secured the Bosanski Novi – Prijedor – Banja Luka, the Prijedor – Sanski Most – Sanica, and the Sanski Most – Bosanska Krupa routes, and had dealt with the remaining enemy troops in the areas of Kozarac village, Prijedor Municipality, Prijedor and Sanski Most.[14252] The report also states that volunteers and police were positioned together with the 1st and 2nd Infantry Brigades, who were part of the Doboj Operations Group, south of Donji Vakuf on the axis north of Koščani village – north of Kopčić village – Brezičani village and in the Vrbas river valley south of Jajce.[14253]

3816. On 5 August 1992, Sanski Most SJB Chief Mirko Vrućinić reported to the Banja Luka SJB that members of the Sanski Most SJB had neither been deployed nor participated in combat operations conducted by the armed forces.[14254] Vrućinić also reported that in combat operations or 'so-called clearing operations', the army picked up the population, lately only those fit for military service, and simply handed them over to the civilian organs and authorities. After that, the police were obliged to provide security for these camps and were responsible for, *inter alia*, food, health care, and hygiene. Additionally, SJB investigation organs and national security services were obliged to take over the entire job of the operative processing of prisoners, including interviewing and triage. As of 5 August 1992, approximately 1,600 prisoners had been

[14248] P6792 (Letter from Radomir Bjelanović to Zoran Cvijetić, 3 August 1992), p. 3.
[14249] P923 (Order issued by SRK Commander, 19 April 1995), p. 1.
[14250] P923 (Order issued by SRK Commander, 19 April 1995), pp. 1-2.
[14251] P3020 (Report by the Rogatica SJB to the Romanija Birac CSB regarding events in Rogatica Municipality, signed by Mladen Vasiljević, Head of the Rogatica SJB, 14 August 1992), p. 1.
[14252] P3697 (Combat report by 1KK Command, signed by Momir Talić, 14 June 1992), pp. 2-3.
[14253] P3697 (Combat report by 1KK Command, signed by Momir Talić, 14 June 1992), pp. 2-3.

processed. Vrućinić raised numerous questions with regard to the status of these camps and those responsible for them, as well as to the status of those held in the camps. Additionally, Vrućinić reported that the exchange of information between the armed forces and the SJB was not at the required level, primarily because permanent collaboration had not been established between them.[14255]

3817. **Branko Basara** testified that the 6th Krajina Brigade did not co-operate with the municipal authorities and the MUP, except for exchange of information and the 'manning of units'.[14256] According to the witness, the brigade did not cooperate with the SJB and TO in terms of carrying out disarming operations in Sanski Most.[14257] According to a report on a consultation meeting with, *inter alios*, the brigade commanders, a senior officer of the 1KK, the presidents of municipal assemblies, and chiefs of MUP on 13 September 1992, Mladić tasked brigade commanders to extend maximum support to the civilian authorities and the MUP.[14258] Basara stressed that assistance was only provided if those authorities asked for it.[14259]

3818. On 15 September 1992, the Prijedor SJB Chief, Simo Drljača, informed the CSB Banja Luka that it was unable to meet the request of the 1st Krajna Corps to put 100 policemen of the Prijedor SJB at the disposal of the VRS by 16 September 1992.[14260] Drljača recalled that earlier that month, they 'gave' 417 policemen to the VRS in order to go to the Han Pijesak area and that there were currently five policemen in Kotor Varoš and one policeman was in Jajce as a combat vehicle driver.[14261] In an interview of 9 April 1993, Simo Drljača commented that cooperation between the Prijedor police and the VRS and its officers was 'exceptional'.[14262] Drljača commented that the cooperation occurred in 'joint cleansing of renegades on the terrain', joint work at the

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[14254] D1965 (Report by Sanski Most SJB Chief to the Banja Luka CSB, 5 August 1992), p. 1.
[14255] D1965 (Report by Sanski Most SJB Chief to the Banja Luka CSB, 5 August 1992), p. 2.
[14256] Branko Basara, T. 34389-34390, 34399-34400, 34466-34470. The Trial Chamber understands the term 'manning' in this instance to refer to the recruitment of individuals to staff VRS units.
[14257] Branko Basara, T. 34469-34473.
[14258] P7324 (Report by Branko Basara on consultation on the state of the VRS under the leadership of Ratko Mladić, 16 September 1992), pp. 1-2.
[14259] Branko Basara, T. 34537-34538;
[14260] P2444 (Letter from the Chief of the Prijedor SJB, Simo Drljača, addressed to the Banja Luka CSB, dated 15 September 1992).
[14261] P2444 (Letter from the Chief of the Prijedor SJB, Simo Drljača, addressed to the Banja Luka CSB, dated 15 September 1992).
[14262] P7211 (Interview with Simo Drljača of 9 April 1993), p. 3.

check-points, joint intervention group for maintaining public peace and order, as well as in the combat against terrorist groups.[14263]

Crimes perpetrated by the MUP

3819. In chapters 4.1-4.7, 4.9-4.12, and 4.14, the Trial Chamber found that members of the MUP were involved in a large number of crimes, including murder, unlawful detention, and cruel or inhumane treatment, committed in the following municipalities: Banja Luka, Bijeljina, Foča, Ilidža, Kalinovik, Ključ, Kotor Varoš, Pale, Prijedor, Rogatica, Sanski Most, and Vlasenica. In most of these municipalities the MUP members committed the crimes in cooperation or coordination with the members of the VRS.

The Trial Chamber's findings

3820. The Trial Chamber finds that the Defence's submission that the MUP was created out of necessity is not relevant to determining the role of the MUP with regard to the implementation of the common objective of the alleged overarching JCE. The Trial Chamber therefore dismisses this argument.

3821. The Trial Chamber recalls its findings in chapter 3.4 on the structure of the MUP. There, the Trial Chamber found that: the MUP was established on 28 March 1992; from at least 18 April 1992 onwards there was a functioning reporting system within the MUP and information collected by the MUP-SNB was also provided to the SJB administration; from April 1992 onwards, the MUP started establishing special police units. The Trial Chamber further recalls its finding in chapter 9.2.2 that as early as 1991, the SDS promoted territorial division along ethnic lines and the establishment of separate, parallel Bosnian-Serb political, police and military institutions. From April 1992, previously established Bosnian-Serb institutions were no longer working in parallel to those of multi-ethnic Bosnia-Herzegovina, but constituted separate and distinct authorities founded by the SDS, and that as such, they constituted *de facto* state institutions, functioned autonomously, and answered to the Bosnian-Serb leadership and institutions.

[14263] P7211 (Interview with Simo Drljača of 9 April 1993), p. 3.

3822. Based on the evidence reviewed above, the Trial Chamber finds that in the spring of 1992, all employees in local SJBs and other public services were required to sign an oath of loyalty to the Bosnian-Serb authorities; Bosnian Muslims and Bosnian Croats who refused to do so were dismissed. In preparation for the establishment of a separate Bosnian-Serb MUP, Serb police officers and police stations were armed.

3823. The Trial Chamber further finds that organs of the MUP, including the CSBs and SJBs, implemented the ARK Crisis Staff's order to disarm non-Serbs in April and May 1992 and seized a large number of weapons from non-Serbs in municipalities of the ARK, including Banja Luka, Ključ, Sanski Most, and Prijedor.

3824. The Trial Chamber further finds that the MUP cooperated closely with the VRS. On 15 May 1992, this cooperation was formalized when Minister of Interior Stanišić ordered the organization of all MUP employees into war units for the purpose of defending the territory of the Bosnian-Serb Republic. Stanišić authorized CSB chiefs and the commander of the police detachment of the Sarajevo CSB to appoint officers to command posts of established war units. These CSB chiefs and the commander were also ordered to ensure that the principle of subordination and superiority in the command system of the MUP was upheld. In accordance with the laws of the Bosnian-Serb Republic, MUP units could be re-subordinated to the VRS for various purposes, including reinforcement of the VRS during combat activities.

3825. The Law on Internal Affairs set out that the Minister of Interior determined the use of the MUP forces, including the Special Police Brigade. However, in practice, the Minister of Interior delegated the authority to make such a decision to the chiefs of CSBs. If the VRS Main Staff planned a combat operation and it required the involvement of the MUP, it requested Karadžić to authorize the use of police units, who then informed the Minister of Interior. At times, the Commander of the VRS Main Staff also requested the Bosnian-Serb Prime Minister and the Minister of Interior for the assistance of MUP forces. If an operation was planned at the corps level, the corps commander would address the Chief of the CSB of the respective area to request the engagement of their units. VRS corps commanders and the CSB chiefs then decided together on the use of the MUP units in combat operations. Problems that arose with regard to the engagement of members of the MUP in combat operations were discussed with members of the VRS Main Staff and the MUP.

3826. The Trial Chamber finds that MUP units were engaged in combat operations for a specific time to carry out a precisely described task. When MUP units were participating in combat operations, they were re-subordinated to the command of the VRS, while still being under the direct command of MUP officials. This meant that tasks were assigned by the VRS and that MUP units followed orders issued by the VRS in that respect. From at least 12 May 1992 until at least 26 September 1995, MUP units participated in combat operations with the VRS. From April until at least December 1992, the MUP placed 6,167 police men at the disposal of the VRS. In February 1995, approximately 5,700 MUP members were engaged in combat operations. SJBs in several municipalities, including Ilidža, Kotor Varoš, Prijedor, Rogatica, and Vlasenica, carried out combat activities in cooperation with the VRS or responded to requests to provide police men to participate in operations. Accordingly, the Trial Chamber rejects the Defence's argument that there was only limited *de facto* re-subordination of the MUP to the VRS and that the chain of command of the MUP was exclusively within the MUP.

3827. The Trial Chamber will further consider the involvement and participation of the MUP in the take-over of the Municipalities and the commission of the crimes, as set out above, in the context of the existence of the alleged overarching JCE in chapter 9.2.14 below.

3828. The Trial Chamber will address the evidence pertaining to the Accused's role with regard to the MUP in chapter 9.3.3 and 9.3.4.

9.2.8 The role of paramilitary formations

3829. The Trial Chamber will first consider evidence with regard to the general role of paramilitary units in relation to the alleged overarching JCE. The Trial Chamber will then turn to evidence specific only to those individual paramilitary units that it has found to have committed crimes within the temporal and geographic scope of the Indictment. Evidence pertaining to the Accused's connection to any such paramilitary unit will be considered in chapter 9.3.4.

Overview

3830. According to the Indictment, members of the alleged overarching JCE included leaders of Serbian and Bosnian-Serb paramilitary forces and volunteer units, or alternatively, these leaders were used by members of the alleged JCE to carry out crimes in furtherance of its objectives.[14264] The Trial Chamber will address the Defence arguments with regard to paramilitaries in relation to the specific units discussed below. The Trial Chamber took judicial notice of Adjudicated Facts with regard to the general role of the paramilitary units in relation to the alleged overarching JCE. Further, it received evidence from **Witness RM-802**, a VRS officer;[14265] **Božidar Krnojelac**, a Serb member of the 'village guards' in Foča who was present at the KP Dom facility daily from mid-April to mid-May 1992;[14266] **Branko Basara**, Commander of the 6th Krajina Brigade from 29 October 1991 to mid-December 1992;[14267] **Duško Čorokalo**, a reserve second lieutenant in the command of the 6th Krajina Brigade;[14268] **Trivko Pljevaljčić**, a Bosnian Serb from Foča Municipality who was commander of the 3rd Company of the 5th Battalion of the Foča Tactical Group and who worked in KP Dom Foča in 1995;[14269] **Radoslav Daničić**, a driver for Branko Basara who was stationed in Sanski Most;[14270] **Vinko Nikolić**, a member of the SOS from November 1991 to mid-May 1992 and a member of the Sanski Most Crisis Staff from its creation on 14 April 1992, where he held the position of transport commissioner since 19 June 1992;[14271] **Dragomir Andan**, a Bosnian Serb who served as a MUP senior inspector in Bijeljina, Zvornik and Brčko from 1 June 1992 and then as an intelligence officer in the VRS Main Staff from September 1992;[14272] **Ratomir Maksimović**, who served in the SRK Command from 1 April 1993 to 1 September 1994 and from 30 April 1995 to 31 March

[14264] Indictment, paras 8-12.
[14265] P439 (Witness RM-802, witness statement, 25 April 2012), pp. 1-2, 33; P438 (Witness RM-802, pseudonym sheet).
[14266] D650 (Božidar Krnojelac, witness statement, 8 March 2014), p. 1, paras 1, 9; Božidar Krnojelac, T. 25972.
[14267] D1031 (Branko Basara, witness statement, 21 July 2014), para. 4; Branko Basara, T. 34386, 34401.
[14268] D785 (Duško Čorokalo, witness statement, 6 February 2014), para. 3.
[14269] D706 (Trivko Pljevaljčić, witness statement, 10 July 2014), p. 1, paras 1, 4; Trivko Pljevaljčić, T. 27200, 27205, 27215-27216.
[14270] D1321 (Radoslav Daničić, witness statement, 19 June 2014), paras 1, 5.
[14271] D892 (Vinko Nikolić, witness statement, 13 January 2014), paras 5, 28; Vinko Nikolić, T. 31248-31249; P7111 (Crisis Staff decision on the appointment of Vinko Nikolić as transport commissioner, 19 June 1992)
[14272] D512 (Dragomir Andan, witness statement, 6 June 2014), paras 5-7; Dragomir Andan, T. 22386-22388, 22396, 22437.

1996;[14273] and **Savo Sokanović**, head of the section for morale and religious affairs of the Main Staff of the VRS as of December 1992;[14274] as well as documentary evidence.

3831. **Duško Čorokalo** testified that the VRS's position from the beginning of the war was that paramilitaries should be either integrated or disarmed.[14275] **Ratomir Maksimović** testified that the VRS was energetic about eliminating paramilitary formations and that, once the VRS was formed, all volunteer formations 'were more or less either neutralised or included in the VRS'.[14276] **Savo Sokanović** testified that it was the position of the VRS Main Staff that paramilitary units should formally and practically be subordinated to VRS units.[14277] Despite requests and demands of the political and military leadership, some paramilitary formations however, still acted on their own, and were hard to control and command.[14278]

3832. A decision by the Bosnian-Serb Presidency of 13 June 1992 banned the formation and operation of all self-organized armed groups on the territory of the Bosnian-Serb Republic.[14279] The decision also ordered existing self-organized armed groups and individuals to put themselves under the command of either the VRS or the MUP.[14280] Any armed groups that continued to operate independently would be disavowed by the Bosnian-Serb Presidency and severely sanctioned.[14281] Also on 13 June 1992, Karadžić informed the UNSG of the decision disowning all paramilitary groups to demonstrate the attempt to stop the tragedy of ethnic conflict in Bosnia-Herzegovina at different relevant levels.[14282]

3833. Following this decision, there were numerous military and MUP reports about the activities of paramilitary formations throughout the Bosnian-Serb Republic. On 22 June 1992, Dragan Masal, Commander of the Artillery Brigade, reported to the IBK Command that certain members of the government demonstrated 'signs of passionate

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[14273] D686 (Ratomir Maksimović, witness statement, 15 December 2012), paras 4-5; Ratomir Maksimović, T. 26800.
[14274] Savo Sokanović, T.35678-35681.
[14275] Duško Čorokalo, T. 28489.
[14276] D686 (Ratomir Maksimović, witness statement, 15 December 2012), paras 56-57.
[14277] Savo Sokanović, T. 35714.
[14278] Savo Sokanović, T. 35714.
[14279] P2930 (Decision on the prohibition of formation and activity of armed groups and individuals, 13 June 1992). *See also* P3693 (Minutes of the meeting of the Bosnian-Serb Presidency, 13 June 1992).
[14280] P2930 (Decision on the prohibition of formation and activity of armed groups and individuals, 13 June 1992).
[14281] P2930 (Decision on the prohibition of formation and activity of armed groups and individuals, 13 June 1992).
[14282] D2006 (Orders, decisions and other documents by Karadžić, 1992-1993), p. 13.

support' for paramilitary formations.[14283] He further reported that all military formations were put under unified control of the organs of the Bosnian-Serb Republic pursuant to an order by the Bijeljina Presidency on 11 June 1992 but several paramilitary organisations failed to respect several orders by the unified command.[14284]

3834. According to a report from the 1KK Command to the VRS Main Staff dated 10 July 1992, a power struggle existed throughout the entire corps' zone of responsibility, because of strong self-proclaimed groups and organisations which were, *inter alia*, looting in the area, especially in Banja Luka.[14285]

3835. During a MUP meeting on 11 July 1992, attended by, *inter alios*, the Minister of Interior and various chiefs of SJBs, SNBs, and CSBs, it was noted that many paramilitary formations lacked a unified command and engaged in looting.[14286]

3836. On 24 July 1992, the SRK Command issued a directive noting that paramilitary formations had been unmasked and eliminated.[14287] The directive also noted that commands and units had a special duty to break up, expel, and destroy various paramilitary formations.[14288]

3837. According to a MUP Trebinje CSB report on the activities of paramilitary formations on the territory of the SAO Herzegovina dated 30 July 1992, at the beginning of the war, different armed military formations, both small and big groups, performed tasks in the zone of the war operations mostly in co-operation with the VRS.[14289] However, later, especially during July 1992, the activities of some armed groups or parts of the larger formations complicated the security situation significantly, particularly in the municipalities of Nevesinje and Stolac.[14290] Attempts to establish checkpoints and maintain law and order in the area of Bileća and Trebinje were prevented by the SJB.[14291] In order to prevent illegal activities by these armed groups, SJBs made agreements with authorised VRS commands that members of certain groups be sent to the frontline under the command of VRS units. According to the report, there was a lack of active and consistent engagement of the authorised military organs,

[14283] D2002 (Report on the behaviour of the Serb National Guards, 22 June 1992), pp. 1, 3.
[14284] D2002 (Report on the behaviour of the Serb National Guards, 22 June 1992), p. 1.
[14285] P3815 (1KK Command regular combat report to Main Staff, 10 July 1992), pp. 1-3.
[14286] P3801 (MUP report, 17 July 1992), p. 2.
[14287] P5203 (SRK Command Directive, 24 July 1992), p. 1.
[14288] P5203 (SRK Command Directive, 24 July 1992), p. 4.
[14289] D2005 (MUP report on paramilitary formations, 30 July 1992), pp. 1, 3.
[14290] D2005 (MUP report on paramilitary formations, 30 July 1992), p. 3.
[14291] D2005 (MUP report on paramilitary formations, 30 July 1992), p. 7.

particularly of the military police, who claimed that the problem should be solved by the MUP because the armed groups did not belong to the VRS. The report recommended eliminating the leaders and sending local persons to join these groups within the VRS in order to dismantle the armed groups.[14292]

3838. **Dragomir Andan** testified that in July 1992, he and his colleague, Mićo Davidović, requested the assistance of the VRS Main Staff because they lacked the resources to oppose the Yellow Wasps, who, at that time, were a well-armed paramilitary unit consisting of 120 men.[14293] At a Main Staff meeting in Han Pijesak attended by Salapura and Tolimir, and partially attended by Mladić, the witness and Davidović put forward a proposal for disarming, arresting and eliminating the paramilitaries.[14294] The operation commenced on 29 July 1992 with the cooperation of the VRS Main Staff.[14295] Sixty-five people were detained, of whom 47 were Yellow Wasps.[14296] A large quantity of stolen cars, weapons and ammunition, gold, and other goods was confiscated, and the Zvornik police were ordered to return the seized property to its Muslim owners.[14297] It was not possible to obtain evidence against 54 of the 65 arrested paramilitary members.[14298] Those of them who were Serbian citizens were deported back to the FRY and those who were Bosnian Serbs were turned over to the VRS because 'they were military conscripts'.[14299] However, eleven members of the Yellow Wasps could be identified as organisers of criminal activities, and the witness filed charges against them in the prosecutor's office in Bijeljina on 28 August 1992.[14300] The charges were filed at the civilian and not the military prosecutor's office because the paramilitaries did not belong to the VRS and were considered civilians.[14301] They

[14292] D2005 (MUP report on paramilitary formations, 30 July 1992), p. 9.
[14293] Dragomir Andan, T. 22374-22375.
[14294] Dragomir Andan, T. 22372-22375.
[14295] D512 (Dragomir Andan, witness statement, 6 June 2014), para. 6; Dragomir Andan, T. 22421; P6582 (MUP Administration for Elimination of Crime report, 4 August 1992), p. 1.
[14296] Dragomir Andan, T. 22421; P6582 (MUP Administration for Elimination of Crime report, 4 August 1992), p. 1.
[14297] Dragomir Andan, T. 22404, 22424; P6582 (MUP Administration for Elimination of Crime report, 4 August 1992), p. 2.
[14298] Dragomir Andan, T. 22424-22425, 22428; P6582 (MUP Administration for Elimination of Crime report, 4 August 1992), pp. 1-2.
[14299] Dragomir Andan, T. 22424-22425, 22428; P6582 (MUP Administration for Elimination of Crime report, 4 August 1992), p. 2.
[14300] Dragomir Andan, T. 22422, 22424-22425, 22428; P6582 (MUP Administration for Elimination of Crime report, 4 August 1992), p. 2; P6583 (Crime report against Vojin Vučković, 8 August 1992), p. 3.
[14301] Dragomir Andan, T. 22459-22460; P6583 (Crime report against Vojin Vučković, 8 August 1992), p. 1.

were charged with aggravated robbery, which could lead up to 20 years in prison.[14302] The prosecutor who took over the case was called Biljana, and the witness heard from his colleague Davidović that she released all of them without a trial.[14303] After the Yellow Wasps were released, Vojin Vučković went to Pale and met Plavšić and Malko Koroman, chief of the police station in Pale.[14304] His brother Dušan Vučković, however, was handed over to the military police in August 1992 in order to verify if he had committed crimes against Muslim civilians.[14305] He was tried in Serbia and sentenced to prison on 8 July 1996.[14306]

3839. On 28 July 1992, Tolimir, the Head of the Department for Intelligence and Security Affairs, reported to among others the VRS Main Staff Commander, the President and the Prime-Minister of the Bosnian-Serb Republic, and the departments of intelligence and security of all corps commands, that paramilitary formations and groups were an important feature of the war in the former Yugoslavia. These groups included Arkan's men, Šešelj's men, Captain Dragan's Commandos, Captain Oliver's Commandos, Čarli's men, Jović's men, the White Eagles, the Wolves, and the Smoked Ribs. These groups displayed iconography ranging from Orthodox ornaments and symbols to Chetnik and Vietnamese war symbols.[14307] According to the report, the precondition for the presence and activity of paramilitary formations was the breakdown of civilian and military authorities.[14308] Paramilitary units were mostly composed of persons of low moral quality, including those who had previously been convicted for murder, robbery, larceny and the like. Often such units included pathological criminals whom the conditions of war and general lawlessness brought to the fore. The report also details that many paramilitary formations displayed hatred of non-Serbs and 'one can conclude without reservations that [they] are the genocidal element among the Serbian people'. The majority of such groups were motivated by war profiteering and looting and none expressed political affiliation to the ruling SDS, instead maintaining ties with opposition parties from Serbia, including the Serbian Renewal Movement, the Serbian

[14302] Dragomir Andan, T.22459; P6583 (Crime report against Vojin Vučković, 8 August 1992), pp. 1, 3.
[14303] Dragomir Andan, T. 22426-22427, 22430.
[14304] Dragomir Andan, T. 22435.
[14305] Dragomir Andan, T. 22425, 22434; P6582 (MUP Administration for Elimination of Crime report, 4 August 1992), p. 3.
[14306] Dragomir Andan, T. 22425, 22434, 22460-22462.
[14307] P3802 (Report on paramilitary formations by Tolimir, 28 July 1992), p. 1.
[14308] P3802 (Report on paramilitary formations by Tolimir, 28 July 1992), pp. 1-2, 6.

People's Renewal, and the SRS.[14309] Paramilitary formations did not take part in direct fighting with the enemy, but instead operated behind the lines of regular VRS units, looting and burning property and killing the innocent population.[14310] There were about 60 paramilitary groups in the Bosnian-Serb Republic totalling between four and five thousand men.[14311] Tolimir stated that every armed Serb in the VRS had to be placed under the exclusive command of the VRS, or else be disarmed and legal measures were to be taken.[14312]

3840. On the same day, Mladić ordered the disarmament of all paramilitary formations, groups, and individuals in the territory of the Bosnian-Serb Republic by 15 August 1992 in order to put all armed formations and individuals under the unified command of the VRS.[14313] All paramilitary formations were instructed to join the regular units of the VRS. The order stated that those who carried out misdeeds and crimes, including robberies, were to be disarmed, arrested, and prosecuted before the courts of the VRS, regardless of their citizenship. Paramilitary formations, groups, and individuals from within their structure who refused to be placed under the unified command of the VRS in cooperation with the MUP were to be disarmed, arrested, and charged with crimes.[14314] Mladić issued this order after finding that paramilitary formations were present in the zones of responsibility of all VRS corps.[14315] They presented themselves as Special Activity Units, 'Četniks', or Guards Units and acted under the symbols of opposition parties, such as the Serbian Renewal Movement, the SNO, and the SRS.[14316] Corps commanders and the Chief of Administration for Intelligence-Security Affairs of the Main Staff were responsible for implementing and executing this order.[14317]

3841. The VRS Main Staff Intelligence report of 28 July 1992, while aimed at bringing law back to areas now under Bosnian-Serb control, also shows that the VRS was more concerned with looting and the breakdown of order than with the widespread crimes committed by the paramilitaries.[14318] The report also does not account for the fact that incorporation of paramilitaries had been the rule already before July 1992 and that

[14309] P3802 (Report on paramilitary formations by Tolimir, 28 July 1992), p. 1.
[14310] P3802 (Report on paramilitary formations by Tolimir, 28 July 1992), p. 2.
[14311] P3802 (Report on paramilitary formations by Tolimir, 28 July 1992), p. 3.
[14312] P3802 (Report on paramilitary formations by Tolimir, 28 July 1992), p. 6.
[14313] P5112 (Order by Mladić to disarm all paramilitary formations, 28 July 1992), pp. 2-4.
[14314] P5112 (Order by Mladić to disarm all paramilitary formations, 28 July 1992), p. 3.
[14315] P5112 (Order by Mladić to disarm all paramilitary formations, 28 July 1992), p. 2.
[14316] P5112 (Order by Mladić to disarm all paramilitary formations, 28 July 1992), p. 2.
[14317] P5112 (Order by Mladić to disarm all paramilitary formations, 28 July 1992), p. 3.
[14318] Adjudicated Facts I, no. 316.

crimes were committed, and were continuing to be committed, by the paramilitaries under the auspices of the Bosnian-Serb armed forces.[14319] For example, the Prijedor paramilitary units named in the report took part in the attacks on Kozarac, Hambarine, and other areas in Prijedor as part of the VRS in May 1992.[14320]

3842. **Witness RM-802** referred to the decision to subordinate the paramilitaries in mid-July to mid-August 1992 and, according to him, the absorbing of the paramilitaries into the VRS legitimised and enabled their continued criminal activities.[14321] They were involved in looting and profiteering and neither the brigades nor the corps did anything to disband them.[14322] General Talić at first did nothing to remove such extremist personnel from the ranks because the climate at the time allowed extremists to operate and prevented officers from punishing any Serb who was 'at the fronts and [...] doing something against the Muslims and Croats.'[14323] According to Witness RM-802, this climate and attitude resulted from enormous political pressure exerted on military commanders by the SDS leadership including the municipal presidents, presidents of municipal boards, and the relatives of extremist SDS members.[14324] This climate existed at all levels within the VRS.[14325] Later, around mid-August 1992, Talić stated at a meeting attended by several VRS officers that he wanted the paramilitaries to be controlled and subordinated to the VRS, either by integrating them into the army or police, or disbanding them.[14326] When these paramilitaries were finally subordinated, many of them became units of the MUP.[14327]

3843. On 30 July 1992, the HK Command forwarded Mladić's order to all subordinate commands and instructed them to carry out the order by 14 August 1992.[14328] The same day, 1KK Commander Momir Talić issued a similar order to the 1KK Command and set the deadline for disarmament at 15 August 1992.[14329] Commanders of independent battalions, regiments, brigades, and divisions in their zones of responsibility, and the

[14319] Adjudicated Facts I, no. 317.
[14320] Adjudicated Facts I, no. 318.
[14321] P439 (Witness RM-802, witness statement, 25 April 2012), paras 38, 40.
[14322] P439 (Witness RM-802, witness statement, 25 April 2012), para. 19.
[14323] P439 (Witness RM-802, witness statement, 25 April 2012), paras 16-18.
[14324] P439 (Witness RM-802, witness statement, 25 April 2012), paras 16-18.
[14325] P439 (Witness RM-802, witness statement, 25 April 2012), para. 18.
[14326] P439 (Witness RM-802, witness statement, 25 April 2012), para. 36.
[14327] P439 (Witness RM-802, witness statement, 25 April 2012), para. 36.
[14328] P5112 (Order by Mladić to disarm all paramilitary formations, 28 July 1992), p. 1.
[14329] P5113 (1KK order, 30 July 1992), pp. 1-2.

1KK Chief of Intelligence and Security were responsible for implementing this order.[14330]

3844. On 3 August 1992, the MUP Administration for the Police Duties and Affairs of Sarajevo reported to the Minister of the Interior regarding the problem of the presence of paramilitary formations and individuals in certain areas that 'made war as they pleased'. These groups responded to and assisted VRS units and the police, but seemed to have special motives for war and did not operate under VRS command. In some areas, including Ilidža and Pale, they stayed in separate buildings and moved in different areas. They ignored their SJBs or threatened to attack their policemen at checkpoints.[14331]

3845. On 5 August 1992, during a meeting with the Bosnian-Serb Presidency, the Prime minister noted that individual military units located in the territory of Banja Luka that were not under military command, should be placed under the central military command and withdrawn from Banja Luka.[14332] According to an announcement by the Bosnian-Serb Presidency of 6 August 1992, its order for all groups and individuals to be put under a single command of the VRS or the MUP had 'for the most part' been implemented, with the exception of several groups in Podrinje and Ključ.[14333] Further, the MUP had arrested groups and individuals who had taken to looting and arson.[14334] The arrests did not involve 'politically organised units or units with other names that have subordinated themselves to a single command and are bravely fighting for the freedom of their Serbian Bosnia and Herzegovina'.[14335]

3846. According to a 9 August 1992 report from the VRS Main Staff, the objectives of the Serb people in the conflict in Bosnia-Herzegovina were considerably hampered by outside forces, including paramilitary groups and criminals.[14336] The people and troops were beginning to express doubt that official institutions and responsible individuals could address the issue.[14337] According to the report, organised measures were required to address this matter, and the military prosecutor and courts, security organs, and the

[14330] P5113 (1KK order, 30 July 1992), p. 2.
[14331] P5114 (MUP Administration for Police tasks report, 3 August 1992), p. 2.
[14332] D444 (Minutes of the 23rd meeting of the Bosnian-Serb Presidency, 5 August 1992), p. 1.
[14333] P2931 (Bosnian-Serb Presidency announcement, 6 August 1992).
[14334] P2931 (Bosnian-Serb Presidency announcement, 6 August 1992).
[14335] P2931 (Bosnian-Serb Presidency announcement, 6 August 1992).
[14336] D1998 (Report by the VRS Main Staff, 9 August 1992), p. 1.
[14337] D1998 (Report by the VRS Main Staff, 9 August 1992), pp. 1-2.

military police, as well as other military organs and individual officers, had to show full initiative and commitment.[14338]

3847. On 17 August 1992, Mladić instructed the commands of the 1KK, SRK, IBK, and HK to submit reports on the disarmament of paramilitary formations in their zones of responsibility to the VRS Main Staff by 20 August 1992, as they had failed to do so by the deadline of 15 August 1992.[14339] On 18 August 1992, SRK Commander Tomislav Šipčić sent a report to the SRK Command stating that paramilitary formations that were not yet disarmed were causing big problems and that disarming them would not be possible without armed clashes, especially because they were supported and established by organs in the local authorities and police.[14340]

3848. On 16 October 1992, the Minister of Defence of the Bosnian-Serb Republic stated in a letter to the Zvornik Municipality Executive Board that, in a state of war, the VRS could recruit volunteers, even from outside the Bosnian-Serb Republic.[14341] Individual volunteers or volunteer units had the same rights and obligations as members of the VRS.[14342] These obligations included wearing the VRS uniform and insignia, and involvement in the formational and organizational structure of the Army and the commanding units.[14343] Any volunteers who did not accept these conditions were banned from engagement.[14344]

3849. On 1 January 1993, Manojlo Milovanović sent a report to Karadžić, the Prime Minister of the Bosnian-Serb Republic, and the DK stating that in the Zvornik Brigade, an attempt at creating private and party armies, and village '*vojvodas*' was breaking the unity of the units.[14345] This report also noted that the Command of the DK had written to the municipal assembly, the MUP, and all enterprises in Zvornik, making several requests including to rein in self-proclaimed *vojvodas* (commanders), and to file

[14338] D1998 (Report by the VRS Main Staff, 9 August 1992), pp. 1-2.
[14339] P5116 (Order by Mladić on reports of disarmament of paramilitary formations, 17 August 1992), p. 1.
[14340] D1743 (Report from Tomislav Šipčić, 18 August 1992), pp. 1-2.
[14341] P5117 (Letter from the MoD of the Bosnian-Serb Republic to the Executive Board of Zvornik Municipality regarding the recruitment of volunteers by the VRS, 16 October 1992), p. 1.
[14342] P5117 (Letter from the MoD of the Bosnian-Serb Republic to the Executive Board of Zvornik Municipality regarding the recruitment of volunteers by the VRS, 16 October 1992), p. 1.
[14343] P5117 (Letter from the MoD of the Bosnian-Serb Republic to the Executive Board of Zvornik Municipality regarding the recruitment of volunteers by the VRS, 16 October 1992), p. 2.
[14344] P5117 (Letter from the MoD of the Bosnian-Serb Republic to the Executive Board of Zvornik Municipality regarding the recruitment of volunteers by the VRS, 16 October 1992), p. 2.
[14345] D1973 (Main Staff report, 1 January 1993), pp. 1-4.

criminal reports against those who had already demonstrated their negative influence as well as war profiteers.[14346]

3850. On 19 February 1993, Zdravko Tolimir ordered the departments for Intelligence Affairs of the 1KK and 2KK, the SRK, the IBK, the HK, and the DK to send information on paramilitary units in their area of responsibility to the Administration for Intelligence and Security Affairs before 28 February.[14347] This information was to include the type of units concerned, their composition, available weaponry, tasks, participation in combat operations, and alleged participation in crimes.[14348]

3851. On 5 March 1993, Stanislav Galić instructed the SRK Command to take immediate measures, with a deadline of 20 March 1993, to neutralise the perpetrators of crimes and violent behaviour by members of paramilitary formations and provide legal protection to the people and soldiers.[14349]

3852. In an order of 22 May 1993, Mladić strictly prohibited the organization or activity along 'para-army', 'para-militia', or 'para-political lines', warning that all such groups would be arrested and eliminated, or physically liquidated in case of resistance.[14350]

3853. On 20 October 1995, Mladić provided Karadžić with a report on the conduct of members of the Tigrovi Serbian Volunteer Guard, a.k.a Arkan's Tigers, and its commander Željko Ražnatović, a.k.a Arkan**,** in September and October 1995 in Banja Luka, Sanski Most, and near Novi Grad.[14351] Mladić expected the President to prohibit the continued presence of such members, also informing him of the orders he issued to VRS commands to remove all paramilitary formations, groups, and individuals who refuse to accept unity of command.[14352] Mladić stated that the Tigrovi Serbian Volunteer Guard which was acting without any authorisation from the VRS Main Staff detained and mistreated officers and privates, seized military equipment, confiscated the

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[14346] D1973 (Main Staff report, 1 January 1993), p. 3.
[14347] P5119 (VRS Main Staff Order from Zdravko Tolimir addressed to the departments for intelligence affairs of various VRS Corps, 19 February 1993), p. 1.
[14348] P5119 (VRS Main Staff Order from Zdravko Tolimir addressed to the departments for intelligence affairs of various VRS Corps, 19 February 1993), pp. 1-2.
[14349] P7410 (SRK Command tasks, Major General Stanislav Galić, 5 March 1993), p. 7.
[14350] D1499 (Order from Mladić to the VRS Corps Commands Regarding Discipline, 22 May 1993), pp. 1-3.
[14351] D1503 (VRS Main Staff information report from Mladić to the Bosnian-Serb President, 20 October 1995), pp. 1-2. *See also* Savo Sokanović, T. 35714-35715; Draško Vujić, T. 34971.
[14352] D1503 (VRS Main Staff information report from Mladić to the Bosnian-Serb President, 20 October 1995). *See also* Savo Sokanović, T. 35714-35715.

personal papers and medical records of those in detention, illegally seized cars, looted abandoned properties, wantonly destroyed property, murdered one member of the VRS near Novi Grad, and murdered eleven non-Serbs in Sanski Most.[14353] Mladić also said that he expected Karadžić to draft a document prohibiting the continued presence of members of this group.[14354] **Savo Sokanović** testified that Arkan's unit was eventually removed from the territory.[14355]

3854. In an interview with the German news magazine *Der Spiegel* in 1995, Karadžić distanced himself from the paramilitary formations which were active in Bosnia-Herzegovina, referring to them as extremists and strongly condemning their acts of revenge.[14356] He stated that it was however impossible for him to keep all embittered Serbian 'refugees' under control.[14357]

3855. Based on the foregoing, the Trial Chamber finds that as of July 1992, there were approximately 60 paramilitary groups in the territory of the Bosnian-Serb Republic totalling between four and five thousand men. These groups were known by the VRS leadership as being composed of criminal elements who displayed a hatred of non-Serbs and comprised a 'genocidal element among the Serbian people'. The majority of such groups were reported as being motivated by profiteering and looting, and maintained ties with opposition parties from Serbia. Paramilitary forces were known by the VRS leadership to be an important feature of the war. On 13 June 1992, Karadžić ordered that all self-organized armed groups place themselves under the command of either the VRS or the MUP. On 28 July 1992, Mladić ordered the disarmament of all paramilitary formations, groups, and individuals in the territory of the Bosnian-Serb Republic by 15 August 1992 in order to put all armed formations and individuals under the unified command of the VRS. Despite efforts by the Bosnian-Serb political leadership and the VRS in this respect, some paramilitary formations continued to exist and to operate outside the command of the VRS throughout the conflict. The exact nature of the relationship between these paramilitary formations, on the one hand, and the VRS and the MUP, on the other, differed from formation to formation. Below, the Trial Chamber

[14353] D1503 (VRS Main Staff information report from Mladić to the Bosnian-Serb President, 20 October 1995).
[14354] D1503 (VRS Main Staff information report from Mladić to the Bosnian-Serb President, 20 October 1995), p. 2.
[14355] Savo Sokanović, T. 35714-35715.
[14356] P3991 (Interview of Radovan Karadžić with the German news magazine *Der Spiegel*, 1995), pp. 1-2.
[14357] P3991 (Interview of Radovan Karadžić with the German news magazine *Der Spiegel*, 1995), p. 2.

will review this relationship for the paramilitary formations that it has found committed crimes within the scope of the Indictment, in chapters 4 and 8.

The White Eagles

3856. The Trial Chamber recalls its findings in chapters 4.4.7 and 8.5.2 that, on 24 May 1992, a member of a group referred to as 'the White Eagles' in Ilidža Municipality displaced a Bosnian-Muslim family by threatening their lives should they refuse to leave the municipality or not take up arms and become loyal to Serb authorities. The Trial Chamber further recalls its findings in chapters 4.12.6 and 8.9.2 that, from March to the end of May 1992, a group referred to as 'the White Eagles' in Sanski Most Municipality imposed and maintained restrictive and discriminatory measures by erecting and manning checkpoints, restricting the movement of Bosnian Muslims in the municipality.

3857. The Trial Chamber further received evidence from **Witness RM-081**, a Bosnian Muslim from Rogatica Municipality.[14358] He testified that 300 White Eagles members were stationed in Borike .[14359] Rajko Kušić, commander of the Rogatica Brigade (*see* chapter 3.1.2), told him that the White Eagles in Borike were essentially under his command.[14360] The paramilitary unit members spoke the Ekavian dialect of the Serbo-Croat language, and worked with regular Serb police and soldiers.[14361]

3858. As set out in chapters 4.3.2 Schedule C.6.1, 4.6.1 *Schedule A.3.3*, 4.6.3, 4.6.7, 4.8.7, 4.11.3, 4.13.7, and 4.15.2, the Trial Chamber received further evidence that groups referred to as 'the White Eagles' were present in Foča, Ključ, Novi Grad, Rogatica, Sokolac, and Vlasenica Municipalities. The Trial Chamber has not received evidence – such as information pertaining to unit structure, leadership, or membership – that would allow it to determine whether the various groups referred to as 'the White Eagles' were one and the same. It is consequently unable to conclude that there was only one group referred to as 'the White Eagles' throughout Bosnia-Herzegovina and has reviewed the evidence of the groups referred to as 'the White Eagles' as such.

[14358] P309 (Witness RM-081, witness statement, 17 September 2011), p. 1, paras 1-2; Witness RM-081, T. 3686-3687; P308 (Pseudonym sheet for Witness RM-081).
[14359] P309 (Witness RM-081, witness statement, 17 September 2011), paras 44-45.
[14360] P309 (Witness RM-081, witness statement, 17 September 2011), paras 7, 45, 54, 56.
[14361] P309 (Witness RM-081, witness statement, 17 September 2011), para. 56. The Trial Chamber understands that the Ekavian dialect is primarily spoken in Serbia. *See, e.g.,* Mirsada Malagić, T. 11237.

3859. Based on the foregoing, the Trial Chamber finds that a group referred to as 'the White Eagles' was present in Ilidža Municipality at least on 24 May 1992 and that a group referred to as 'the White Eagles' was present in Sanski Most Municipality at least from March to the end of May 1992. With respect to the White Eagles in Sanski Most Municipality, the Trial Chamber recalls its finding in chapter 4.12.6 that this group operated in cooperation with soldiers of the 6th Krajina Brigade, Serb policemen, local Serbs from Lukavica, Martić's paramilitary unit, and Šešelj's paramilitary unit.

The Skorpions

3860. The Trial Chamber recalls its finding in chapters 7.12 *Schedule E.13.1* and 8.3.2 that members of the Skorpions murdered six Muslim men near Trnovo some time between mid-July and mid-August 1995.

3861. The Trial Chamber further received evidence from **Witness RM-280**, a Serb from Croatia,[14362] as well as documentary evidence.

3862. **Witness RM-280** testified that after the JNA took over the Tovarnik area, he heard that a JNA Major called Antonić gave permission to Slobodan Medić, a.k.a. Boca, to establish a unit called the Skorpions to guard the oilfields in Đeletovci.[14363] According to the witness, the Skorpions were first under the command of the JNA, but as of late 1992 or early 1993, the Serbian SDB assumed control over the Skorpions.[14364] Milan Milanović, a.k.a. Mrgud, was the intermediary between Medić and the leadership of the Serbian SDB in Belgrade.[14365] Apart from meetings with Mrgud and Ulemek, Medić bragged about meetings with Arkan, Radovan Stojičić a.k.a. Badža, Franko Simatović, and Jovica Stanišić.[14366] The unit was organized in two companies and six platoons, one reconnaissance platoon, and one working platoon.[14367] They had jeeps, trucks, and a refrigerator truck, with civilian, police, and military licence plates.[14368]

[14362] P2577 (Witness RM-280, witness statement, 17 February 2005), pp. 1-2, 6; Witness RM-280, T. 18687; P2576 (Pseudonym sheet for Witness RM-280).
[14363] P2577 (Witness RM-280, witness statement, 17 February 2005), pp. 3-7; Witness RM-280, T. 18708, 18711.
[14364] P2577 (Witness RM-280, witness statement, 17 February 2005), pp. 6-7; Witness RM-280, T. 18708, 18718.
[14365] P2577 (Witness RM-280, witness statement, 17 February 2005), p. 7; Witness RM-280, T. 18718.
[14366] P2577 (Witness RM-280, witness statement, 17 February 2005), pp. 6-7; Witness RM-280, T.18710-18711.
[14367] P2577 (Witness RM-280, witness statement, 17 February 2005), p. 8.
[14368] P2577 (Witness RM-280, witness statement, 17 February 2005), p. 7; P2580 (Witness RM-280, *Tolimir* transcript, 20 June 2011), pp. 15672-15673.

They wore red berets and green camouflage uniforms, as well as a badge with a sword and an inscription below the sword saying 'Skorpions'.[14369] According to the witness, the sword was the insignia of the Serbian SDB.[14370] Before every operation Mrgud told Medić where he could pick up weapons and the rest of the necessary equipment.[14371] After the Skorpions were disbanded, some members, who were recommended by Medić, received a document stating that they were part of the reserve force of the Special Unit of the Serbian SDB, known as the 'JSO'.[14372] A former member of the Skorpions showed this document to the witness.[14373] The Trial Chamber has also received official military and police documentation, in which the Skorpions are referred to as a unit of MUP of Serbia.[14374]

3863. Based on the foregoing, the Trial Chamber finds that Slobodan Medić, a.k.a. 'Boca', established the Skorpions with the permission of JNA Major Antonić. The Skorpions were initially under the command of the JNA, but by late 1992 or early 1993, the Serbian SDB assumed control over the Skorpions. There were approximately 150 members of the Skorpions, including Slobodan Davidović, Aleksander Medić, Branislav Medić, Braco Meleusić, Đuro Meleusić, Milorad Momić, Pero Petrašević, Slobodan Stojković, a.k.a. Bugar, a man called Saša, a.k.a. Vuk, and a man called Šiptar. The Trial Chamber recalls its finding in chapter 7.12 *Schedule E.13.1* that the Skorpions were commanded by Slobodan Medić and that, at the time of the aforementioned murder of six Muslim men, *i.e.* some time between mid-July and mid-August 1995, the Skorpions worked in coordination with VRS units in an area under the responsibility of the SRK.

The Spare Ribs

3864. The Trial Chamber recalls its finding in chapters 4.10.3 and 8.9.2that on 30 May 1992, the Spare Ribs destroyed the old mosque in Stari Grad, the Zagrad mosque, the

[14369] P2577 (Witness RM-280, witness statement, 17 February 2005), p. 7.
[14370] P2577 (Witness RM-280, witness statement, 17 February 2005), p. 7.
[14371] P2577 (Witness RM-280, witness statement, 17 February 2005), p. 7; Witness RM-280, T. 18711.
[14372] P2577 (Witness RM-280, witness statement, 17 February 2005), p. 7.
[14373] P2577 (Witness RM-280, witness statement, 17 February 2005), p. 7.
[14374] P2102 (Letter from Trnovo Special Police Brigade to MUP, Bijeljina Deputy Minister, Pale Police Staff, Vogošća Police Forces Staff, and Janja Special Police Brigade, signed by Ljubiša Borovčanin, 1 July 1995); P2603 (Report from Trnovo Detached Command Post, 24 July 1995); P3096 (Milošević SRK combat report, 23 July 1995), p. 1; P7588 (Letter from Trnovo Forward Command Post, 22 July 1995).

archive and library of the Medžlis of the Islamic Community, and Muslim homes, all located in Prijedor Municipality.

3865. The Trial Chamber further received evidence from **Draško Vujić**,a VRS battalion commander from Prijedor.[14375] He testified that various 'Serbian' paramilitary groups roamed around Prijedor Municipality, causing problems for both the Muslim and Serb population.[14376] One example was the Smoked Ribs unit,[14377] which appeared in Vujić's recruitment zone following combat operations in Prijedor on 30 May 1992.[14378] The group said they came to help but were told by Vujić that their help was not needed, after which they left.[14379]

3866. Based on the foregoing, the Trial Chamber finds that the Spare Ribs were a Serb paramilitary unit that participated in the 30 May 1992 attack on Prijedor Town and then left the area. With respect to that combat operation, the Trial Chamber recalls its finding in 4.10.3 that the Spare Ribs operated in cooperation with the 5th Kozarac Brigade, the 43rd Motorised Brigade, some members of the 6th Krajina Brigade, the Prijedor police, and members of Milan Andžić's paramilitary unit.

Šešelj's unit

3867. The Trial Chamber recalls its finding in chapters 4.12.6 and 8.9.2 that from March to the end of May 1992, individuals referred to as 'Šešelj's Chetniks' imposed and maintained restrictive and discriminatory measures in Sanski Most Municipality by erecting and manning checkpoints, restricting the movement of Bosnian Muslims in the municipality.

3868. The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to the individuals referred to as 'Šešelj's Chetniks'.[14380] It further received evidence from **Mile Ujić**, the President of the Executive Committee of the Rogatica Municipality from 1990 until March 1992 and the Chief and acting Chief of Staff of the

[14375] D1041 (Draško Vujić, witness statement, 24 January 2014), paras 1, 7.
[14376] D1041 (Draško Vujić, witness statement, 24 January 2014), para. 14.
[14377] The Trial Chamber understands this reference to be to the group otherwise known as the 'Spare Ribs'.
[14378] D1041 (Draško Vujić, witness statement, 24 January 2014), para. 14.
[14379] D1041 (Draško Vujić, witness statement, 24 January 2014), para. 14.
[14380] Adjudicated Facts I, no. 833 is reviewed in chapter 4.7.7. Adjudicated Facts I, nos 1184-1186 are reviewed in chapter 4.12.1 *Schedule A.7.5.*

Rogatica Brigade from the beginning of May 1992 until the end of 1992;[14381] and **Witness RM-145**, a Bosnian Muslim from Ahatovići,[14382] as well as documentary evidence.

3869. According to a radio interview with Voijslav Šešelj in September 1992, volunteers from Serbia and Montenegro, from the Serbian Radical Party, or from the Serbian Chetnik Movement came to Bosnia-Herzegovina to fight for the liberty of 'the Serbian people'.[14383] They did not act independently, as the Bosnian-Serb Republic quickly established the VRS and the entire manpower of the Serbian Radical Party was immediately put under its exclusive command.[14384] Šešelj praised the morale of 'Serbian soldiers' who were 'full of élan, full of strength and ready to finish off this battle for Sarajevo'.[14385] In his view, the war helped the Serbs to gain territories and the Muslims would 'end up with nothing'; no territories should be handed over to them.[14386]

3870. On 13 May 1993, Šešelj commended 16 Serbian 'Chetnik' commanders for their participation in the military efforts by granting them the title of *Vojvoda*.[14387] He commended them for their exceptional courage and skill in areas including Sarajevo, Bijeljina, and Srebrenica.[14388] On 20 March 1994, Šešelj again awarded various members of the Serbian Chetnik Movement the title of '*Vojvoda*' to reward their services in war operations on battlefields in, *inter alia*, Sarajevo-Ilijaš and Herzegovina between 1991 and 1992.[14389] On 20 April 1994, he deprived four persons of this title for, *inter alia*, disrespecting the code of the Chetnik *Vojvodas*, betraying or damaging the reputation of the SRS, the Serbian Chetnik Movement and the Serb people, or for being recruited into the Serb MUP.[14390] On 28 April 1994, Šešelj announced that the Serbian Chetnik Movement would no longer be a special section of the SRS, but that the two would be integrated; all soldiers fighting for the freedom of Serb people were

[14381] D691 (Mile Ujić, witness statement, 2 August 2014), para. 4; Mile Ujić, T. 26856-26857, 26863, 26925-26926, 27027-27029; P6824 (Police interview of Mile Ujić of 6 June 2004), pp. 2, 4; P6833 (Order by the Rogatica Commander Rajko Kušić, 15 December 1992), p. 1.
[14382] P255 (Witness RM-145, witness statement, 14 February 2011), p 1, paras 4, 19-21, 31, 49-50; Witness RM-145, T. 3049-3050. The relevant evidence of Witness RM-145 is reviewed in chapter 4.8.7.
[14383] P4013 (Interview with Vojislav Šešelj and Nikola Poplašen, September 1992), pp. 4, 22.
[14384] P4013 (Interview with Vojislav Šešelj and Nikola Poplašen, September 1992), pp. 5-6. The Trial Chamber understands Šešelj's reference to 'the Serbian Army' as a reference to the VRS.
[14385] P4013 (Interview with Vojislav Šešelj and Nikola Poplašen, September 1992), pp. 8-9.
[14386] P4013 (Interview with Vojislav Šešelj and Nikola Poplašen, September 1992), pp. 14-17.
[14387] P5121 (Excerpt of a book by Vojislav Šešelj, 13 May 1993), pp.1-6.
[14388] P5121 (Excerpt of a book by Vojislav Šešelj, 13 May 1993), pp.1-6.
[14389] P5127 (Orders and a public announcement from Šešelj concerning the Serbian Chetnik Movement, March –April 1994), pp. 1-4.

called Serb Chetniks, regardless of their membership in the SRS.[14391] He further emphasised that Chetnik volunteers acted exclusively under the command of the Serb Army, despite the enemy's attempts to 'abuse the formal organisation of the Serbian Chetnik Movement' as proof of paramilitary organisations being active in the Serb states.[14392]

3871. According to a MUP Trebinje CSB report on the activities of paramilitary formations on the territory of the SAO Herzegovina dated 30 July 1992, the group referred to as 'šešeljevci' (Šešelj's men) and other self-proclaimed groups under different names complicated the security situation significantly.[14393] According to the report, these groups did not belong to any regular unit of the VRS and undertook their actions arbitrarily and on their own initiative out of the zone of war operations.[14394] An attempt of a group of about 20 members of 'šešeljevci' to be integrated into the activities of the police station in Berkovići and to operate the police station under their command was foiled in consultation with the responsible VRS command.[14395] **Mile Ujić** testified that since 22 May 1992, the Rogatica Brigade received orders from the SRK command who, at the end of 1992, also commanded the brigade's activities.[14396] According to him, the brigade also incorporated Serb volunteers such as Arkan's, Jović's, and Šešelj's men.[14397]

3872. With regard to Vojislav Šešelj's radio interview of September 1992, in evidence as exhibit P4013, in which he claimed that all volunteers of the SRS and the Serbian Chetnik Movement who came to Bosnia-Herzegovina were put under the exclusive command of the VRS, the Trial Chamber notes that given the nature of the evidence, and the absence of an opportunity to cross-examine the witness about its veracity in court, it is unable to establish whether the assertions therein are based on opinions from facts. Moreover, it notes that the claims of subordination are general and not linked to any specific persons, places or dates. In light of these considerations, the Trial Chamber

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[14390] P5127 (Orders and a public announcement from Šešelj concerning the Serbian Chetnik Movement, March – April 1994), pp. 4-5.
[14391] P5127 (Orders and a public announcement from Šešelj concerning the Serbian Chetnik Movement, March – April 1994), pp. 5-7.
[14392] P5127 (Orders and a public announcement from Šešelj concerning the Serbian Chetnik Movement, March – April 1994), p. 6.
[14393] D2005 (MUP report on paramilitary formations, 30 July 1992), p. 3.
[14394] D2005 (MUP report on paramilitary formations, 30 July 1992), p. 3.
[14395] D2005 (MUP report on paramilitary formations, 30 July 1992), p. 5.
[14396] Mile Ujić, T. 26947, 26980-26981; P6827 (Order by the SRK-command, 22 May 1992), pp. 1-2; P6829 (Letter of the SRK Commander Stanislav Galić to the Rogatica Brigade, 26 December 1992).

finds that, in the absence of further corroboration, it cannot rely solely on exhibit P4013 to establish that all volunteer units from Serbia and Montenegro who came to Bosnia-Herzegovina were put under the exclusive command of the VRS. Accordingly, the Trial Chamber will not rely on P4013 in this respect.

3873. Based on the foregoing, the Trial Chamber finds that a paramilitary unit referred to as 'Šešelj's men' was present in Sanski Most Municipality from at least March to the end of May 1992 and in Kotor Varoš Municipality in July and August 1992. The Trial Chamber recalls its finding in chapter 4.12.6 that, in connection with erecting and manning checkpoints in and around the town of Sanski Most and around non-Serb villages from March to end of May 1992, this unit worked in cooperation with soldiers of the 6th Krajina Brigade, Serb policemen, local Serbs from Lukavica, Martić's paramilitary unit, and the White Eagles.

Savić's unit, a.k.a. 'Mauzer's men', a.k.a. the Panthers

3874. The Trial Chamber recalls its finding in chapters 4.2.4 and 8.9.2 that from 1992 onwards, Mauzer's men (a group headed by Ljubiša Savić, a.k.a. Mauzer) aided Vojkan Đurković of the Bijeljina SDS in plundering property and valuables from Bosnian Muslims before they were forced out of Bijeljina Municipality. The Trial Chamber further recalls its finding in chapters 4.2.7that in the summer of 1992, Mauzer's men aided Đurković in forcibly transferring many Muslims from Bijeljina Municipality.

3875. The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to Savić's unit.[14398] It further received evidence from **Witness RM-513**, a Bosnian Serb from Bijeljina;[14399] **Dragomir Andan**, a Bosnian Serb who served as a MUP senior inspector in Bijeljina, Zvornik and Brčko from 1 June 1992 and then as an intelligence officer in the VRS Main Staff from September 1992,[14400] as well as documentary evidence.

[14397] Mile Ujić, T. 26980; P6824 (Police interview of Mile Ujić of 6 June 2004), p. 5.
[14398] Adjudicated Facts I, nos 314-315 are reviewed in chapter 3.5. Adjudicated Facts I, nos 501-503 are reviewed in chapter 9.2.9.
[14399] P1054 (Witness RM-513, witness statement, 25 June 2011), p. 1, paras 2, 4-6. The further relevant evidence of Witness RM-513 is reviewed in chapters 3.1.2 and 9.2.8.
[14400] D512 (Dragomir Andan, witness statement, 6 June 2014), paras 5-7; Dragomir Andan, T. 22386-22388, 22396, 22437.

3876. In 1992, Ljubiša (Mauzer) Savić was a leading SDS figure in Bijeljina and commander of the Serb (National) Guard paramilitary unit.[14401] On 15 June 1992, Mauzer stated that the presidency of SAO Semberija-Majevica had decided to replace Muslims in managerial positions in Bijeljina, and should 'the genocide against the Serbian people' in Bosnia-Herzegovina continue, all Muslims would be fired from their jobs and expelled from the territory.[14402] Mauzer also stated that the 2,500 Muslims aged between 18 and 35 who had fled Bijeljina in the aftermath of the Serb take-over would lose their jobs, and their apartments would be seized and sealed, and he advised them not to return.[14403]

3877. In a 31 May 1992 meeting of the Bosnian-Serb leadership attended by Mladić, Karadžić reported that, in the absence of functioning authorities in many of the municipalities, there were thieves, warlords, and 'various military'.[14404] In particular, he noted that 'Mauzer (in Bijeljina) has grown arrogant and he cannot work in the way that he wants'.[14405] In an 11 June 1992 meeting attended by Mladić, Colonel Zarić discussed Ljubiša Savić, a.k.a Mauzer, a 'self-proclaimed major' who 'got some of Arkan's decorations or others' and who controlled over half of the municipal presidency in Bjeljina and had been chosen by the municipality to act as its 'security organ'.[14406] He noted that Savić had surrounded himself with 100 criminals who were 'carrying out searches', and he described Predrag Ješarić as the 'brain behind the whole team'.[14407] He further noted that Mauzer's unit was in the barracks in Bijeljina and that Mauzer 'made Denčić appoint him to the duty of commander for counter-intelligence affairs' (*see* the Trial Chamber's findings on Nikola Denčić's role as IBK commander in chapter 3.1.2).[14408]

3878. **Dragomir Andan** testified that in summer 1992, he brought Ljubiša Savić, a.k.a. Mauzer, leader of the Panthers, into custody for constant attacks, denying the authority of the MUP, and not carrying out legal regulations in Bijeljina.[14409] Shortly after that, Mauzer was arrested a second time in July 1992 for bringing looted goods from the

[14401] Adjudicated Facts I, no. 501.
[14402] Adjudicated Facts I, no. 502.
[14403] Adjudicated Facts I, no. 503.
[14404] P353 (Mladić notebook, 27 May - 31 July 1992), pp. 36, 38-39.
[14405] P353 (Mladić notebook, 27 May - 31 July 1992), p. 41.
[14406] P353 (Mladić notebook, 27 May - 31 July 1992), pp. 146, 150-151.
[14407] P353 (Mladić notebook, 27 May - 31 July 1992), pp. 146, 150-151.
[14408] P353 (Mladić notebook, 27 May - 31 July 1992), p. 151.
[14409] Dragomir Andan, T. 22407, 22413.

front and detaining Muslims in a cooling plant that the paramilitaries used as a warehouse.[14410] After the second arrest, the Panthers surrounded the police station with weapons and demanded that the witness and his colleague Davidović be removed from their posts in the security services of Bijeljina.[14411] Mauzer was released and was never tried, but the witness sent a criminal report to the prosecutor.[14412] The stolen property recovered from the cooling plant was handed over to the military police.[14413] Towards the end of 1992, 'perhaps' in September or October, Mauzer's unit was subordinated to the IBK and from then onwards, the VRS had control over him.[14414] It was one of the better organised and better equipped units in the VRS and there was no record of them participating in any crime when engaged as a VRS unit.[14415]

3879. Based on the foregoing, the Trial Chamber finds that Ljubiša Savić, a.k.a. Mauzer, was a leading SDS figure in Bijeljina Municipality who in 1992 commanded a paramilitary unit known as the Panthers. The Trial Chamber recalls its finding in chapter 3.1.2 that on 3 June 1992, Mauzer's unit joined the IBK and was put under the unified command of the VRS. The Trial Chamber further recalls its finding in chapter 4.2.4 and 4.2.7 that, in connection with plunder in Bijeljina Municipality from 1992 onwards and in connection with forcible transfer in Bijeljina Municipality in the summer of 1992, Mauzer's unit worked in cooperation with Vojkan Đurković of the Bijeljina SDS.

Praštalo's unit

3880. The Trial Chamber recalls its finding in chapters 4.12.3 and 8.9.2 that, on 27 May 1992, a paramilitary unit commanded by Mićo 'Kudra' Praštalo destroyed the Catholic church in Kljevci, Sanski Most Municipality. The Trial Chamber further recalls its findings in chapters 4.12.1 *Schedules A.7.2* and *A.7.4* and 8.3.2that on 31 May 1992, soldiers of the VRS's 6th Krajina Brigade or a paramilitary formation, all under the command of Colonel Basara, commander of the VRS's 6th Krajina Brigade, murdered around 31 people in Jelečevići, a Bosnian-Muslim hamlet in the area of

[14410] Dragomir Andan, T. 22407-22408.
[14411] Dragomir Andan, T. 22407-22408.
[14412] Dragomir Andan, T. 22409.
[14413] Dragomir Andan, T. 22409.
[14414] Dragomir Andan, T. 22410.
[14415] Dragomir Andan, T. 22463.

Hrustovo. Further, on 1 August 1992, a group of approximately 200 Serb soldiers led by Praštalo murdered 14 Bosnian-Muslim men in Budim, Sanski Most Municipality.

3881. The Trial Chamber received evidence with regard to Praštalo's unit from **Witness RM-015**, a Bosnian Serb from Sanski Most,[14416] who testified that on 27 May 1992, Praštalo's paramilitary unit attacked Kljevci in cooperation with battalions of the 6th Krajina Brigade, and that in May or early June 1992, Colonel Aničić ordered Praštalo to ambush and kill Muslim resistance fighters travelling on buses.[14417]

3882. Based on the foregoing, the Trial Chamber finds that Mićo 'Kudra' Praštalo headed a paramilitary unit of at least 200 Serb soldiers from Lušci Palanka in Sanski Most Municipality. This unit was present in Sanski Most Municipality at least from late May to early August 1992, and its members wore olive-coloured uniforms with a red stripe pinned to their epaulettes. The Trial Chamber recalls its finding in chapter 4.12.1 *Schedule A.7.2* that on 31 May 1992, this unit was under the command of Colonel Basara of the VRS 6th Krajina Brigade. It further recalls its finding in chapter 4.12.3 that, with respect to the 27 May 1992 attack on Kljevci, this unit operated in cooperation with battalions of the 6th Krajina Brigade.

Martić's unit

3883. The Trial Chamber recalls its finding in chapters 4.12.6 and 8.9.2 that, from March to the end of May 1992, a group referred to as 'Martić's men' in Sanski Most Municipality imposed and maintained restrictive and discriminatory measures by erecting and manning checkpoints, restricting the movement of Bosnian Muslims in the municipality.

3884. The Trial Chamber received evidence with regard to Martić's unit from **Mevludin Sejmenović**, the Vice President of the SDA in Prijedor from 1990 to 1992,[14418] who testified that individuals wearing 'Martić's militia' uniforms were among those who took men and boys to Trnopolje camp after the shelling of the village.[14419]

[14416] P2362 (Witness RM-015, witness statement, 13 March 2002), paras 2, 6, 9, 111.
[14417] The relevant evidence of Witness RM-015 is reviewed in chapter 4.12.3.
[14418] P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 4.
[14419] The relevant evidence of Sejmenović is reviewed in chapter 4.10.2 *Schedule C.15.4*.

3885. Based on the foregoing, the Trial Chamber finds that a paramilitary unit referred to as 'Martić's men' was present in Prijedor Municipality and participated in the capture and transport of men and boys to Trnopolje camp following the shelling of Trnopolje Village. It was also present in Sanski Most Municipality at least from March to the end of May 1992. The Trial Chamber recalls its finding in chapter 4.12.6 that, with respect to the erection and manning of checkpoints in and around the town of Sanski Most during this time, Martić's men operated in cooperation with soldiers of the 6th Krajina Brigade, Serb policemen, local Serbs from Lukavica, the White Eagles, and 'Šešelj's Chetniks'.

Kunarac's unit

3886. The Trial Chamber recalls its finding in chapters 4.3.2 *Schedule C.6.4* and 8.9.2 that in July and August 1992, Dragoljub Kunarac, a.k.a. Žaga, and Montenegrin soldiers under his command raped Bosnian-Muslim women and girls detained at Partizan Hall. The Trial Chamber further recalls its finding in chapters 4.5.4 and 8.9.2 that in July or August 1992, Kunarac's men plundered valuables from Bosnian-Muslim detainees at the Kalinovik elementary school.

3887. The Trial Chamber received evidence relating to Kunarac's unit from **Božidar Krnojelac**, a Serb member of the 'village guards' in Foča who was present at the KP Dom facility daily from mid-April to mid-May 1992;[14420] **Veselinko Simović**, a marksman in the 5th Battalion from 15 April 1992 and later a member of the Dragan Nikolić Intervention Unit, both TO formations in Foča which later became part of the VRS;[14421] **Witness RM-070**, a Muslim woman from Foča municipality;[14422] **Witness RM-048**, a Bosnian Muslim from Bosnia-Herzegovina;[14423] **Zoran Nikolić**, a Serb from Foča;[14424] and **Witness RM-032**, a Bosnian-Muslim woman,[14425] as well as documentary evidence.

[14420] D650 (Božidar Krnojelac, witness statement, 8 March 2014), p. 1, paras 1, 9; Božidar Krnojelac, T. 25972.
[14421] D583 (Veselinko Simović, witness statement, 8 June 2014), p. 1, paras 1, 7; Veselinko Simović, T. 24372. The relevant evidence of Veselinko Simović is also reviewed in chapter 3.1.2.
[14422] P2422 (Witness RM-070, witness statement, 18 November 1995), p. 1, para. 1; P2421 (Pseudonym sheet for Witness RM-070).
[14423] P979 (Witness RM-048, witness statement, 8 June 1999), p. 1, para. 1; Witness RM-048, T. 8815. The relevant evidence of Witness RM-048 is reviewed in chapter 4.3.2 *Schedule C.6.4*.
[14424] D581 (Zoran Nikolić, witness statement, 8 March 2014), para. 1 The relevant evidence of Zoran Nikolić is reviewed in chapter 3.1.2.

3888. **Božidar Krnojelac** testified that until 22 June 1992 neither the VRS nor any battalions were in Foča Municipality.[14426] 'Serbian forces' units including the ones in which the witness was engaged, i.e. Vujičić's unit and Nikolić's detachment, acted independently and without a single command.[14427] Several groups of self-proclaimed intervention platoons under the command of Žaga, Gojko, Pero, and Ćosa as well as of the police, existed independently of the VRS in Foča town.[14428] Only after 22 June 1992, a brigade and tactical group was formed and effectively assumed operational control over Foča.[14429] On 7 July 1992, Colonel Marko Kovač, Commander of the Foča Tactical Group, ordered the 'Independent Zaga Detachment' to take part in 'cleansing or mopping-up' areas in connection with the VRS 5th Battalion's attack on Goražde.[14430]

3889. Based on the foregoing, the Trial Chamber finds that Dragoljub Kunarac, a.k.a. Žaga, headed a paramilitary unit of Montenegrin soldiers, some of whom wore camouflage uniforms with an insignia of an eagle and the letter 'S'. This unit was present in Kalinovik Municipality in July or August 1992. This was a paramilitary unit that was incorporated into the VRS by at least July 1992. The Trial Chamber recalls its finding in 3.1.2 that the Independent 'Žaga' Detachment commanded by Dragomir or 'Dragoljub' Kunarac was subordinated to Marko Kovač, Commander of the Foča Tactical Group. The Trial Chamber further recalls its findings in chapters 4.3.2 *Schedules C.6.2* and *C.6.4* and 4.3.3 that Kunarac's unit was present in Foča Municipality in July and August 1992 and that, with respect to the ill-treatment of detainees at Partizan Hall at that time, this unit operated in cooperation with Dragan Gagović, a.k.a. 'Gaga', the head of Foča police, and Janko Janjić, a.k.a. 'Tuta'. The Trial Chamber also recalls its finding in chapter 4.5.4 that, with respect to the plundering the property of detainees at Kalinovik elementary school in July or August 1992, this unit operated in cooperation with Ćosa's unit and Pero Elez's unit.

[14425] P180 (Witness RM-032, witness statement, 20 October 1998), p. 1, para. 1. The relevant evidence of Witness RM-032 is reviewed in chapter 4.5.2 *Schedule C.9.1*.
[14426] D650 (Božidar Krnojelac, witness statement, 8 March 2014), para. 12; Božidar Krnojelac, T. 25981, 25994-25996, 26001.
[14427] D650 (Božidar Krnojelac, witness statement, 8 March 2014), paras 10-11.
[14428] D650 (Božidar Krnojelac, witness statement, 8 March 2014), para. 16.
[14429] D650 (Božidar Krnojelac, witness statement, 8 March 2014), para. 12.
[14430] P2823 (Order from Col. Marko Kovač, Commander of the Foča Tactical Group, 7 July 1992), pp. 1, 3, 5.

Pero Elez's unit

3890. The Trial Chamber recalls its finding in chapters 4.5.1 *Schedule B.7.1*, 8.3.2 and 8.9.2 that on 5 August 1992, Serb soldiers commanded by Pero Elez murdered 23 Bosnian-Muslim detainees taken from the ammunition warehouse in Jalašačko Polje in Kalinovik Municipality. The Trial Chamber further recalls its finding in chapters 4.5.4 and 8.9.2 that in July or August 1992, Elez's men plundered valuables from Bosnian-Muslim detainees at the Kalinovik elementary school. The Trial Chamber also recalls its finding in chapters 4.3.2 Schedule C.6.2 and 8.9.2 that from early August 1992, Radovan Stanković, who was affiliated with Elez, unlawfully detained several groups of Bosnian-Muslim women and girls in 'Karaman's house' in Foča Municipality, and that Elez and his men raped those women and girls there. Lastly, the Trial Chamber recalls its finding in chapters 4.3.1 Schedule AB.5.1, 8.3.2 and 8.9.2 that in the second half of 1992, Elez and Predrag Trivun, a.k.a. Pedolino or Pedo, murdered some of the hundreds of predominantly Bosnian-Muslim detainees who were killed at KP Dom Foča.

3891. The Defence submitted that Pero Elez headed a paramilitary unit that was not under the effective control of the VRS.[14431] The Trial Chamber took judicial notice of Adjudicated Facts 706 and 745.[14432] It further received evidence from **Svetozar Petković**, a Montenegrin Serb and SDS member who lived in Foča during the war;[14433] **Witness RM-019**, a member of the 11th Herzegovina Light Infantry Brigade;[14434] **Fejzija Hadžić**, a Bosnian Muslim from Kalinovik;[14435] **Witness RM-048**, a Bosnian Muslim from Bosnia-Herzegovina;[14436] **Witness RM-032**, a Bosnian-Muslim woman;[14437] **Božidar Krnojelac**, a Serb member of the 'village guards' in Foča who was present at the KP Dom facility daily from mid-April to mid-May 1992;[14438] and

[14431] Defence Final Brief, paras 1588, 1593.
[14432] Adjudicated Facts I, no. 706 is reviewed in chapter 4.3.1 *Schedule B.5.1*. Adjudicated Facts I, no. 745 is reviewed in chapter 4.5.1 *Schedule B.7.1*.
[14433] D681 (Svetozar Petković, witness statement, 8 June 2014), p. 1, para. 1; Svetozar Petković, T. 26576.
[14434] P572 (Witness RM-019, witness statement, 3 September 2003), p. 1, paras 4, 6-8; Witness RM-019, T. 5701-5706. The relevant evidence of Witness RM-019 is reviewed in chapters 4.3.1 *Schedule B.5.1*, 9.3.4.
[14435] P138 (Fejzija Hadžić, witness statement, 31 January 1999), p. 1; P139 (Statement of Fejzija Hadžič, 20 October 1992), p. 1; Fejzija Hadžić, T. 1830. The relevant evidence of Hadžić is reviewed in chapter 4.5.1 *Schedule B.7.1*.
[14436] P979 (Witness RM-048, witness statement, 8 June 1999), p. 1, para. 1; Witness RM-048, T. 8815. The relevant evidence of Witness RM-048 is reviewed in chapter 4.5.2 *Schedule C.9.1*.
[14437] P180 (Witness RM-032, witness statement, 20 October 1998), p. 1, para. 1. The relevant evidence of Witness RM-032 is reviewed in chapter 4.5.2 *Schedule C.9.1*.
[14438] D650 (Božidar Krnojelac, witness statement, 8 March 2014), p. 1, paras 1, 9; Božidar Krnojelac, T. 25972. The relevant evidence of Krnojelac is reviewed in chapter 9.2.8.

Veselinko Simović, a marksman in the 5th Battalion from 15 April 1992 and later a member of the Dragan Nikolić Intervention Unit, both TO formations in Foča which later became part of the VRS,[14439] as well as documentary evidence.[14440]

3892. According to 'VINS' newspaper, a publication of the VRS Srbinje Garrison Command, 'Serbian' soldiers took over all the institutions in Bistrica on 6 April 1992 in a well-organised and professionally conducted operation. After the take-over, Pero Elez, and a group of fellow Serb co-fighters, referred to as 'the Serbian volunteer guard' were joined by many 'Serbian' men and they became the 7th Battalion. He was unanimously chosen as commander of the Battalion by the 'Serbian people's army', and they were to 'win glory for the Serbian Army in the whole area'.[14441] Elez and Dragan Nikolić, amongst other soldiers, fought in the battle for Foča against 'a much stronger enemy', and ultimately 'liberated Foča'.[14442] According to the article, after Foča was 'liberated', Muslims in Kratine, Kozja Luka, and Poljice burned 'Serbian' houses and killed 'Serbian' children.[14443] Following this, the 7th Battalion set out with the goal of liberating the area around Miljevina and Foča.[14444]

3893. **Svetozar Petković** testified that Pero Elez joined the VRS when a brigade was established in Preljuća on approximately 28 June 1992.[14445] Elez's record of VRS service dates from 6 April to 10 December 1992.[14446] According to the witness, military records were often inaccurately dated from the beginning of the war as a 'matter of convenience'.[14447] On 24 July 1992, Mladić recorded a meeting with Elez, who said that before the war, he had been dealing 'with weapons at the macroeconomic level' and had been 'a go-between between the Army and the Serbs' and that, at the time, he was told by Colonel Gaković that he would be working with a man called Lugonja.[14448] On 31 July 1992 Mladić recorded a meeting he had with the Command of Podrinje Operations Group and parts of the HK, including Captain Antelj and Pero Elez, Commander of the

[14439] D583 (Veselinko Simović, witness statement, 8 June 2014), p. 1, paras 1, 7; Veselinko Simović, T. 24372. The relevant evidence of Simović is reviewed in chapter 9.2.8.
[14440] The relevant portion of P2857 (Excerpt from VINS newspaper publication) is reviewed in chapter 4.3.7. P2823 is also reviewed in chapter 3.1.2.
[14441] P2857 (Excerpt from VINS newspaper publication), p. 6.
[14442] P2857 (Excerpt from VINS newspaper publication), pp. 6-7.
[14443] P2857 (Excerpt from VINS newspaper publication), p. 7.
[14444] P2857 (Excerpt from VINS newspaper publication), p. 7. The Trial Chamber understands the reference to the Miljevina Battalion to refer to the 7th Battalion.
[14445] D681 (Svetozar Petković, witness statement, 8 June 2014), para. 7; Svetozar Petković, T. 26567, 26574-26575.
[14446] P6812 (Pero Elez's record of VRS service, 6 November 2008), p. 1.
[14447] Svetozar Petković, T. 26575-26576.

Miljevina Independent Battalion, at the time.[14449] Elez requested, among others, ammunition, weapons and vehicles.[14450]

3894. Based on the foregoing, the Trial Chamber finds that Pero Elez commanded the 7th Battalion, a.k.a. the Miljevina Battalion, which included both Radovan Stanković and Predrag Trivun, a.k.a. Pedolino or Pedo. This was a paramilitary unit that was incorporated into the VRS by at least late June 1992. The Trial Chamber recalls its finding in chapter 3.1.2 that the Miljevina Battalion commanded by Pero Elez was subordinated to Marko Kovač, Commander of the Foča Tactical Group. The Trial Chamber further recalls its finding in chapter 4.5.4 that, with regard to the plunder of valuables from Bosnian-Muslim detainees at Kalinovik elementary school, this unit operated in cooperation with Ćosa's unit and Dragan Kunarac's unit.

Ćosa's unit

3895. The Trial Chamber recalls its finding in chapters 4.5.4 and 8.9.2 that, in July or August 1992, Ćosa's men plundered valuables from Bosnian-Muslim detainees at the Kalinovik elementary school.

3896. The Trial Chamber further received evidence from **Witness RM-032**, a Bosnian-Muslim woman;[14451] **Veselinko Simović**, a marksman in the 5th Battalion from 15 April 1992 and later a member of the Dragan Nikolić Intervention Unit, both TO formations in Foča which later became part of the VRS;[14452] **Trivko Pljevaljčić**, a Bosnian Serb from Foča Municipality who was commander of the 3rd Company of the 5th Battalion of the Foča Tactical Group and who worked in KP Dom Foča in 1995;[14453] **Božidar Krnojelac**, a Serb member of the 'village guards' in Foča who was present at the KP Dom facility daily from mid-April to mid-May 1992,[14454] as well as documentary evidence.[14455]

[14448] P353 (Mladić notebook, 27 May - 31 July 1992), pp. 364-365.
[14449] P353 (Mladić notebook, 27 May - 31 July 1992), pp. 389, 394-396.
[14450] P353 (Mladić notebook, 27 May - 31 July 1992), p. 394.
[14451] P180 (Witness RM-032, witness statement, 20 October 1998), p. 1, para. 1. The relevant evidence of Witness RM-032 is reviewed in chapter 4.5.4.
[14452] D583 (Veselinko Simović, witness statement, 8 June 2014), p. 1, paras 1, 7; Veselinko Simović, T. 24372. The relevant evidence of Veselinko Simović is reviewed in chapter 3.1.2.
[14453] D706 (Trivko Pljevaljčić, witness statement, 10 July 2014), p. 1, paras 1, 4; Trivko Pljevaljčić, T. 27200, 27205, 27215-27216. The relevant evidence of Trivko Pljevaljčić is reviewed in chapter 3.1.2.
[14454] D650 (Božidar Krnojelac, witness statement, 8 March 2014), p. 1, paras 1, 9; Božidar Krnojelac, T. 25972. The relevant evidence of Krnojelac is reviewed in chapter 9.2.8.
[14455] P2823 is also reviewed in chapter 3.1.2.

3897. The Trial Chamber recalls its finding in chapter 3.1.2 that the 'Dragan Nikolić' Intervention Unit commanded by Brane Ćosović, a.k.a. Ćosa, was subordinated to Marko Kovač, Commander of the Foča Tactical Group. Based on the foregoing, the Trial Chamber finds that this unit was incorporated into the VRS by at least July 1992. The Trial Chamber also recalls its finding in chapter 3.1.2 that Brane Ćosović headed other sub-units, including a unit led by Janko Janjić a.k.a. Tuta. The he Trial Chamber finds that Ćosa's men were present in Kalinovik Municipality in July or August 1992. The Trial Chamber further recalls its finding in chapter 4.5.4 that, with respect to the plunder of valuables from Bosnian-Muslim detainees at the Kalinovik elementary school, this unit operated in cooperation Pero Elez's unit, Zoran and Nedžo Samardžić, and Dragan Kunarac's unit.

Units commanded by Basara

3898. The Trial Chamber recalls its finding in chapters 4.12.3 and 8.9.2 that, with regard to the destruction of houses and four Muslim sacred sites in the Muslim villages of Hrustovo and Vrhpolje at the end of May 1992, paramilitary units subordinated to Colonel Branko Basara, commander of the VRS 6th Krajina Brigade, operated in cooperation with the 6th Krajina Brigade and the SOS in Sanski Most Municipality. The Trial Chamber further recalls its finding in chapters 4.12.1 Schedule A.7.2, 8.3.2, and 8.9.2 that, on 31 May 1992, forces under the command of Basara – either paramilitary formations or the VRS 6th Krajina Brigade – murdered approximately 31 Bosnian Muslims in Sanski Most Municipality.

3899. The Trial Chamber further received evidence from **Witness RM-015**, a Bosnian Serb from Sanski Most.[14456] He testified that on 1 June 1992, Colonel Basara issued an order prohibiting '[a]ll self-declared soldiers from other units or irregular formations' from entering combat operation zones 'because in most cases they enter … to commit genocide and loot property' and establishing a military court 'to sentence war criminals and war profiteers from our own brigade'.[14457] Given the timing of this order, Witness RM-015 saw it as a response to killings in Hrustovo and Vrhpolje, and believed that the

[14456] P2362 (Witness RM-015, witness statement, 13 March 2002), paras 2, 6, 9, 111. Further relevant evidence of Witness RM-015 is reviewed in chapters 3.1.2 and 4.12.1 *Schedule A.7.2*.
[14457] Witness RM-015, T. 17287-17288; P2366 (Order of the commander of the 6th Krajina Brigade, 1 June 1992).

order was issued by Colonel Basara to protect himself.[14458] According to the witness, the military court referred to in the order was never formed and no one was ever punished for these offences.[14459]

3900. Based on the foregoing, the Trial Chamber finds that paramilitary units in Sanski Most Municipality were subordinated to the VRS 6th Krajina Brigade, at least in late May 1992. This included paramilitary units located in Lušci Palanka, Dabar, Klejevci, Tomina, Kozica, Podlug, and Tramošinja. These units participated in the 30 and 31 May 1992 attacks on Hrustovo and Vrhpolje villages.

Andžić's unit

3901. The Trial Chamber recalls its finding in chapters 4.10.1 *Schedule A.6.1*, 8.3.2 and 8.9.2 that, between 24 and 26 May 1992, Milan Andžić's paramilitaries murdered over 800 people in Kozarac, Prijedor Municipality, in a shelling attack along with other units, and further murdered at least 80 Bosnian-Muslim civilians and 10 to 14 surrendered Bosnian-Muslim policemen in that town. The Trial Chamber further recalls its finding in chapters 4.10.3 and 8.9.2that, on 30 May 1992, members of Andžić's paramilitary unit destroyed the Čaršijka mosque in Prijedor Municipality.

3902. Based on the foregoing, the Trial Chamber finds that Milan Andžić headed a paramilitary unit that was present in Prijedor Municipality in late May 1992. The Trial Chamber recalls its finding in chapter 4.10.1 *Schedule A.6.1* that Andžić's unit was subordinated to the VRS in May 1992 for the purpose of the 24 to 26 May 1992 attack on Kozarac. In this attack, Andžić's unit operated in cooperation with VRS units of the Banja Luka Corps, Duško Tadić, the 5th Kozara Brigade, the 6th Krajina Brigade commanded by Basara, and the Serb police from Prijedor. The Trial Chamber further recalls its finding in chapter 4.10.3 that with respect to the 30 May 1992 attack on Prijedor Town, this unit operated in cooperation with the 5th Kozara Brigade, the 43rd Motorized Brigade, some members of the 6th Krajina Brigade, the Prijedor police, and the Spare Ribs.

[14458] P2362 (Witness RM-015, witness statement, 13 March 2002), paras 133, 139; Witness RM-015, T. 17287-17288; P2366 (Order of the commander of the 6th Krajina Brigade, 1 June 1992).
[14459] P2362 (Witness RM-015, witness statement, 13 March 2002), para. 133; Witness RM-015, T. 17288-17289.

SOS

3903. The Trial Chamber recalls its finding in chapters 4.12.3 and 8.9.2 that members of the SOS (i) at the end of May 1992, destroyed houses and four Muslim sacred sites in the Muslim villages of Vrhpolje and Hrustovo, (ii) destroyed one Muslim sacred site in the Muslim neighbourhood of Mahala, in cooperation with the TO, and (iii) destroyed three Muslim sacred sites and one Muslim cultural monument in the Muslim villages of Lukavice, Okreč, and Čirkići. The Trial Chamber further recalls its finding in chapters 4.12.3 and 8.9.2 that members of the SOS destroyed properties and businesses owned by non-Serbs, including Bosnian Muslims, in Sanski Most Town from the spring of 1992 until late May 1992. The Trial Chamber further recalls its finding in chapters 4.12.4 and 8.9.2 that in May and June 1992, the Sanski Most SOS plundered property belonging to the Bosnian-Muslim inhabitants of the Mahala neighbourhood.

3904. The Trial Chamber took judicial notice of a number of Adjudicated Facts related to the SOS.[14460] It also received evidence from **Witness RM-016**, a Bosnian Serb from Banja Luka;[14461] as well as documentary evidence, and finds that this evidence is consistent with the Adjudicated Facts.[14462] It further received evidence from **Witness RM-015**, a Bosnian Serb from Sanski Most;[14463] **Witness RM-802**, a VRS officer;[14464] and **Ahmet Zulić**, a Bosnian Muslim from the village of Pobriježje near Sanski Most;[14465] **Branko Basara**, commander of the 6th Krajina Brigade from 29 October 1991 to mid-December 1992;[14466] **Mirzet Karabeg**, a Bosnian Muslim who served as the SDA President of the Executive Board of the Sanski Most Municipal Assembly from 1 January 1991 until 17 April 1992 and as the President of the Sanski Most War Presidency from 30 March 1993 until 15 March 1996;[14467] **Vinko Nikolić**, a member of the SOS from November 1991 to mid-May 1992 and a member of the Sanski Most

[14460] Adjudicated Facts I, no. 420 is reviewed in chapter 2.2.1. Adjudicated Facts I, nos 453-455 are reviewed in chapter 4.1.6. Adjudicated Facts I, no. 1151 is reviewed in chapter 4.12.6. Adjudicated Facts I, no. 1151 is reviewed in chapter 4.12.6.
[14461] P2375 (Witness RM-016, witness statement, 5 August 2013), p. 1, paras 4, 11, 16; Witness RM-016, T. 17398. The evidence of Witness RM-016 is reviewed in chapter 4.12.3.
[14462] **Witness RM-016**: Witness RM-016, T. 17413; **Documentary evidence**: P3802 (Report on paramilitary formations by Tolimir, 28 July 1992), pp. 4-5.
[14463] P2362 (Witness RM-015, witness statement, 13 March 2002), paras 2, 6, 9, 111. Further relevant evidence of Witness RM-015 is reviewed in chapters 4.12.6.
[14464] P439 (Witness RM-802, witness statement, 25 April 2012), pp. 1-2, 33; P438 (Witness RM-802, pseudonym sheet).
[14465] P3611 (Ahmet Zulić, witness statement, 22 February 2010), p. 1, paras 1-3. The relevant evidence of Zulić is reviewed in chapter 4.12.3.
[14466] D1031 (Branko Basara, witness statement, 21 July 2014), para. 4; Branko Basara, T. 34386, 34401.

Crisis Staff from its inception on 14 April 1992, where he held the position of transport commissioner since 19 June 1992;[14468] **Branko Davidović**, Assistant Commander for Morale, Legal Affairs, and Information of the 6th Krajina Brigade since June 1992;[14469] **Radoslav Daničić**, a driver for Branko Basara who was stationed in Sanski Most;[14470] **Nenad Davidović**, the Chief of Medical Service in the 6th Krajina Brigade from June 1992 until the end of the war;[14471] and **Bekir Delić**, a Bosnian Muslim from Sanski Most;[14472] as well as documentary evidence.

SOS in Sanski Most

3905. **Mirzet Karabeg** stated that the SOS, a group of locals funded by the SDS, was used by the SDS so that 'it would not be obvious that the SDS was doing these bad things'.[14473] SOS members wore camouflage uniforms with an 'SOS' emblem on their arms.[14474] The leaders of the SOS were Duško Saović a.k.a. Njunja, a person called Mudrinić a.k.a. Medeni, and Daniluško Kajtez, a.k.a Dane Kajtez.[14475] **Vinko Nikolić** testified that the SOS was established in October or November 1991 and armed in April 1992, and that in mid-May 1992, all members of the SOS were placed under the command of the 6th Krajina Brigade as a sabotage or intervention platoon.[14476] The SOS was present in Sanski Most Municipality, in particular in September 1992.[14477] The SOS was comprised of SDS members and implemented instructions from the SDS at both the

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[14467] P3248 (Mirzet Karabeg, witness statement, 25 July 1999), pp. 1-2; P3249 (Mirzet Karabeg, witness statement, 23 May 2002), pp. 1-2..
[14468] D892 (Vinko Nikolić, witness statement, 13 January 2014), paras 5, 28; Vinko Nikolić, T. 31248-31249; P7111 (Crisis Staff decision on the appointment of Vinko Nikolić as transport commissioner, 19 June 1992).
[14469] D675 (Branko Davidović, witness statement, 30 June 2014), paras 1, 14-16; Branko Davidović, T. 26504.
[14470] D1321 (Radoslav Daničić, witness statement, 19 June 2014), paras 1, 5.
[14471] D897 (Nenad Davidović, witness statement, 4 March 2014), para. 3. The relevant evidence of Davidović is reviewed in 2.2.2.
[14472] P3432 (Bekir Delić, witness statement, 13 September 2001), pp. 1-2. The relevant evidence of Delić is reviewed in chapter 4.12.3.
[14473] P3248 (Mirzet Karabeg, witness statement, 25 July 1999), p. 8.
[14474] P3248 (Mirzet Karabeg, witness statement, 25 July 1999), p. 9.
[14475] P3248 (Mirzet Karabeg, witness statement, 25 July 1999), pp. 8-9. The Trial Chamber understands this Kajtez to be Daniluško Kajtez.
[14476] D892 (Vinko Nikolić, witness statement, 13 January 2014), para. 28; P7112 (Report on the activities and participation in combat of the SOS according to the plan of the 6th Krajina Brigade, 4 September 1992), p. 1; P7114 (Report on the work and activities of the SOS between 1 May 1991 and 16 September 1992, 16 September 1992), p. 1.
[14477] D892 (Vinko Nikolić, witness statement, 13 January 2014), para. 28; Vinko Nikolić, T. 31253; P7112 (Report on the activities and participation in combat of the SOS according to the plan of the 6th

republic and ARK level, and in doing so worked closely with the Crisis Staff.[14478] In April and May 1992, the SOS and the Serbian police, on the orders of the Crisis Staff, arrested 'extremists', armed Muslims, and SDA and HDZ leaders.[14479]

3906. **Witness RM-015** testified that the weapons storage department at the Sanski Most TO was also the logistics base of the SOS, which was formed at the end of 1991. The weapons storage department issued some materials to the SOS, such as blankets, rations, and military support equipment, but not weapons, and SOS members were sent to Dabarska Pećina and Kruhari for training by local Serb military instructors. The uniforms issued to the SOS were camouflage unlike the JNA camouflage uniforms, and SOS members wore different headpieces such as red berets, fur hats, and black bandanas. Some wore the Kokarda insignia and others wore the tri-colour star.[14480] According to the witness, the SOS was a group of undisciplined criminals whose objective was to commit robbery, and the only authority they respected was that of their commander, Duško Šaović, a.k.a. Njunja.[14481] Šaović's deputy was Duško Mudrinić, a.k.a. Medeni.[14482] There were approximately 33 members of the SOS, some of whom had previously been with the 6th Krajina Brigade but deserted when it returned from Korenice.[14483] These former brigade members were not disciplined by the military for desertion like their Muslim counterparts; these soldiers simply joined the SOS.[14484]

3907. During the first three months of 1992, the SOS was responsible for regular nightly explosions in Sanski Most which often resulted in the destruction of non-Serb businesses.[14485] Sometimes Serb businesses were even targeted by the SOS as a form of propaganda; the SOS wanted the Serb population to believe that Serb businesses were being targeted by Muslims.[14486] After the war, Witness RM-015 learned that in 1992,

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Krajina Brigade, 4 September 1992), p. 1; P7113 (Conclusions by the Crisis Staff of Sanski Most, 18 June 1992), para. 3.

[14478] Vinko Nikolić, T. 31255-31256; P7114 (Report on the work and activities of the SOS between 1 May 1991 and 16 September 1992, 16 September 1992), p. 3.

[14479] Vinko Nikolić, T. 31257-31259; P7114 (Report on the work and activities of the SOS between 1 May 1991 and 16 September 1992, 16 September 1992), pp. 2, 4.

[14480] P2362 (Witness RM-015, witness statement, 13 March 2002), para. 89.

[14481] P2362 (Witness RM-015, witness statement, 13 March 2002), paras 89-91.

[14482] P2362 (Witness RM-015, witness statement, 13 March 2002), para. 89. *See also* D892 (Vinko Nikolić, witness statement, 13 January 2014), para. 28; Vinko Nikolić, T. 31253; P7112 (Report on the activities and participation in combat of the SOS according to the plan of the 6th Krajina Brigade, 4 September 1992), p. 1; P7113 (Conclusions by the Crisis Staff of Sanski Most, 18 June 1992), para. 3.

[14483] P2362 (Witness RM-015, witness statement, 13 March 2002), para. 97; P2417 (List of 33 Sanski Most SOS members, 16 December 1995).

[14484] P2362 (Witness RM-015, witness statement, 13 March 2002), para. 97.

[14485] P2362 (Witness RM-015, witness statement, 13 March 2002), para. 100.

[14486] P2362 (Witness RM-015, witness statement, 13 March 2002), para. 100.

Mirko Delić threw a small explosive into the premises of Serb Dragan Lazić's business for this purpose.[14487] In approximately October 1992, Šaović reported to Vlado Vrkeš that he had done as ordered in Jajce and that Jajce had fallen.[14488] This convinced Witness RM-015 that the SOS was directly under the ultimate authority of the SDS.[14489]

3908. **Branko Basara** testified that there were extremist and paramilitary organisations under the command of the Serb part of the municipal leadership in the territory of Sanski Most, which advocated retaliation against Muslims for the events of 1941.[14490] According to the witness, it was difficult to find perpetrators of 'incidents' because at night, paramilitaries would come in and put on their balaclavas.[14491] One paramilitary group was the SOS, which was considered an illegal formation.[14492] According to the witness, this unit was not under the command of the VRS although the witness unsuccessfully tried to place them under his command so that 'they' could control their activities.[14493] The witness acknowledged that sometimes the SOS accepted the command of the brigade, however they also sometimes withdrew and Njunja never reported to the witness.[14494]

3909. **Branko Davidović** testified that the SDS set up the SOS, a paramilitary unit, within the TO.[14495] The witness believed that the SOS unit was part of the Sanski Most TO, of which Colonel Aničić was the commander.[14496] Aničić received orders from the Sanski Most Crisis Staff.[14497] There were no paramilitary formations in the 6th Krajina Brigade and paramilitary formations were not close to the brigade's command.[14498] The 6th Krajina Brigade and the SOS functioned independently of each other and had their own chain of command and subordination rules.[14499] When the SOS was disbanded in 1992, part of its personnel became members of the 6th Krajina Brigade.[14500] **Radoslav**

[14487] P2362 (Witness RM-015, witness statement, 13 March 2002), para. 100.
[14488] P2362 (Witness RM-015, witness statement, 13 March 2002), para. 91.
[14489] P2362 (Witness RM-015, witness statement, 13 March 2002), para. 91.
[14490] D1031 (Branko Basara, witness statement, 21 July 2014), para. 8.
[14491] D1031 (Branko Basara, witness statement, 21 July 2014), para. 25.
[14492] D1031 (Branko Basara, witness statement, 21 July 2014), paras 11, 26; Branko Basara, T. 34566.
[14493] D1031 (Branko Basara, witness statement, 21 July 2014), para. 26; Branko Basara, T. 34566.
[14494] Branko Basara, T. 34566.
[14495] D675 (Branko Davidović, witness statement, 30 June 2014), paras 28, 34.
[14496] D675 (Branko Davidović, witness statement, 30 June 2014), paras 28, 34-35.
[14497] D675 (Branko Davidović, witness statement, 30 June 2014), para. 35.
[14498] D675 (Branko Davidović, witness statement, 30 June 2014), para. 38.
[14499] D675 (Branko Davidović, witness statement, 30 June 2014), para. 35.
[14500] D675 (Branko Davidović, witness statement, 30 June 2014), para. 28.

Daničić stated that in Sanski Most, Basara managed a conflict between the VRS and the SOS by integrating members of the SOS into the 6th Krajina Brigade.[14501]

3910. On 30 May 1992, the Sanski Most SOS issued a proclamation to the attention of the Sanski Most Crisis Staff, stating all of their actions had been undertaken to protect citizens and in agreement with 'the legal authorities', 'the official bodies', and the 6th Krajina Brigade Command.[14502] They stated that, due to hostile propaganda regarding the behaviour of the Sanski Most SOS that had been spread by 'individual members of the present official authorities', the Sanski Most SOS would leave Sanski Most and continue their fight for 'the Serbian cause' elsewhere.[14503]

3911. **Ahmet Zulić** stated that in April 1992, a War Presidency was set up in the municipality.[14504] Its members were Rašula, Milorad Krunić, a local police commander, or his brother Milan Krunić, a.k.a. 'Buco', and Boro Tadić.[14505] Tadić was in charge of the SOS within the War Presidency.[14506] **Mirzet Karabeg** stated that after April 1992, Basara called a series of meetings in surrounding villages and the town and presented himself as a neutral peacemaker who wanted to deal with the SDS and the SOS extremists.[14507]

SOS in Banja Luka

3912. The SOS paramilitary group under Nenad Stevandić, a member of the ARK Crisis Staff, was operative in Banja Luka in spring and summer 1992. It included convicted criminals and had links to SJB and CSB officials. Members of the SOS even acted as escorts for SDS leaders such as Radoslav Brđanin.[14508] **Witness RM-802** testified that Nenad Stevandić was in charge of the Sokol Society in Banja Luka, which formed armed paramilitary formations, and he was politically connected to the highest levels of the SDS including Karadžić and Brđanin.[14509] The SOS was part of the SDS 'Party Army'.[14510] According to a 28 July 1992 report from Tolimir to be distributed to

[14501] D1321 (Radoslav Daničić, witness statement, 19 June 2014), paras 12-13.
[14502] P3845 (Sanski Most SOS, Proclamation, 30 May 1992).
[14503] P3845 (Sanski Most SOS, Proclamation, 30 May 1992).
[14504] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 16.
[14505] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 17.
[14506] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 17.
[14507] P3248 (Mirzet Karabeg, witness statement, 25 July 1999), p. 9.
[14508] Adjudicated Facts I, no. 308.
[14509] P439 (Witness RM-802, witness statement, 25 April 2012), para. 34.
[14510] P439 (Witness RM-802, witness statement, 25 April 2012), para. 35.

Karadžić, Mladić, Đeric, and the VRS Corps Commands' Departments of Intelligence and Security Affairs, the SOS from Banja Luka consisted of many infamous Banja Luka criminals, whilst the Banja Luka CSB exerted considerable influence over the group.[14511] Part of the SOS formations joined the Banja Luka CSB special police detachment, but they were not really under the control of the detachment's command or the CSB.[14512]

The Trial Chamber's findings on the SOS

3913. Based on the foregoing, the Trial Chamber finds that the SOS was a paramilitary unit established in late 1991. The SOS included local SDS members, some of whom had deserted from the 6th Krajina Brigade and some of whom were convicted criminals. They were heavily armed with automatic weapons and wore camouflage uniforms distinct from JNA uniforms. The Trial Chamber recalls its finding in chapter 4.12.3 that the SOS in Sanski Most Municipality was led by Dušan Saović, a.k.a. Njunja. The SOS in Banja Luka was led by Nenad Stevandić, a member of the ARK Crisis Staff. Saović's deputy was Duško Mudrinić, a.k.a. Medeni, and Daniluško Kajtez was also a leader.[14513]

3914. The SOS arrived in Sanski Most Municipality by early 1992 and was present there at least between April and September 1992. The SOS was supported by the SDS, had links to SDS leaders and to SJB and CSB officials, received material support from the Sanski Most TO and the Crisis Staff, and implemented instructions from the SDS and the Crisis Staff. The SOS was present in Banja Luka Municipality by 29 February 1992 and was operational in the municipality through the summer of 1992. As late as July 1992, the Banja Luka CSB exerted considerable influence over the SOS, and SOS units joined the Banja Luka CSB special police detachment. In mid-May 1992, the SOS was placed under the command of the 6th Krajina Brigade as a sabotage or intervention platoon, but SOS members did not always accept the command of the brigade. The SOS had severed ties with the brigade by approximately June 1992.

3915. The Trial Chamber recalls its finding in chapters 4.12.3 and 4.12.6 that in Sanski Most Municipality from the spring of 1992 until June 1992, the SOS operated in

[14511] P3802 (Report on paramilitary formations by Tolimir, 28 July 1992), pp. 1, 4-6.
[14512] P3802 (Report on paramilitary formations by Tolimir, 28 July 1992), pp. 4-5.

cooperation with the 6th Krajina Brigade, paramilitary units subordinated to Branko Basara, the TO, and the local police; and that they were politically connected to Karadžić and Brđanin.

Unnamed paramilitary units

3916. The Trial Chamber recalls its findings in chapters 4.3.3, 4.3.7, 4.10.3, 4.11.2 *Schedule C.16.1*, 4.13.7, 7.12 *Schedule E.15.1*, 8.3.2, and 8.9.2 that unnamed paramilitary units perpetrated crimes covered by the Indictment. In the absence of any specificity as to the identity of these paramilitary units, the Trial Chamber will not further consider these incidents insofar as the unnamed paramilitary units are concerned.

9.2.9 The role of the regional and municipal leadership

3917. According to the Indictment, members of Bosnian-Serb government bodies at the republic, regional, municipal, and local levels, including crisis staffs, war presidencies, and war commissions, were members of an overarching JCE, which lasted from at least October 1991 until 30 November 1995, with the objective of permanently removing Bosnian Muslims and Bosnian Croats from Bosnian Serb-claimed territory in Bosnia-Herzegovina through the crimes charged.[14514] In this chapter, the Trial Chamber will consider the alleged involvement of the crisis staffs, war presidencies, and war commissions, which comprised the regional and municipal leadership.

3918. The Defence argued that crisis staffs responded to local events and local interests; they were not coordinated in accordance with any common plan.[14515] Crisis staffs had 'a tremendous amount of autonomy', were governed by local personalities with local influence, and pursued their own agenda in defiance of state-level authorities.[14516] As for any relationship between the crisis staffs and the VRS, the Defence submitted that the crisis staffs' formal chain of command was separate to the

[14513] The Trial Chamber notes that it found Kajtez to have perpetrated killings in Sanski Most Municipality on 2 November 1995 (*see* chapter 4.12.1 *Schedule A.7.5*). The Trial Chamber found that, at the time, Kajtez was a soldier in the VRS 6th Krajina Brigade.
[14514] Indictment, paras 8, 11. According to the Indictment, some or all of these individuals were, alternatively, not members of the JCE but were used by members of the JCE to carry out crimes committed in furtherance of its objective. *See* Indictment, para. 11.
[14515] Defence Final Brief, paras 464, 467-475.
[14516] Defence Final Brief, paras 464-465.

VRS chain of command and the crisis staffs only commanded the TO.[14517] VRS personnel were not members of any crisis staff and were not involved in any crisis staff decision-making.[14518] The presence of any VRS personnel at crisis staff meetings was limited to matters such as updates on the combat situation and the provision of supplies to the VRS.[14519] Finally, the Defence pointed to fundamental disagreements between the VRS and the crisis staffs, including criticism from the VRS on the way in which municipal leaders struggled for power over military matters and tolerated inter-ethnic crimes.[14520]

3919. The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to the alleged involvement of the regional and municipal leadership in the alleged overarching JCE.[14521] It also received documentary evidence, and finds that this evidence is consistent with the Adjudicated Facts.[14522] The Trial Chamber further received evidence from **Dorothea Hanson**, a research officer for the Prosecution Leadership Research Team;[14523] **Nikola Erceg**, President of the ARK Executive Committee as of March 1992, a member of the ARK Crisis Staff as of May 1992, and a member of the Banja Luka War Presidency as of July 1995;[14524] **Predrag Radić**, President of the Banja Luka Municipal Assembly as of January 1991, a member of the SDS Main Board as of July 1991, a member of the ARK Crisis Staff as of 1992, and a member of the Banja Luka Crisis Staff;[14525] **Milorad Sokolović**, President of the Rogatica Crisis Staff from April 1992 until 25 June 1992 and President of the Executive Board of the Rogatica Municipality from May 1992 until October 1993;[14526] **Sveto Veselinović**, member of the SDS and the Rogatica Crisis Staff;[14527] **Milan Tupajić**,

[14517] Defence Final Brief, paras 478-491.
[14518] Defence Final Brief, paras 493-495, 497-498.
[14519] Defence Final Brief, paras 495-501.
[14520] Defence Final Brief, paras 502-508.
[14521] Adjudicated Fact I nos 419 and 420 are reviewed in chapter 2.2.1.
[14522] P7087 (Certificate of Dragan Đokanović's appointment as State Commissioner by Karadžić, 10 June 1992).
[14523] P378 (Dorothea Hanson, *curriculum vitae*), p. 1; Dorothea Hanson, T. 4141..
[14524] D982 (Nikola Erceg, witness statement, 21 November 2013), paras 1-2.
[14525] P4333 (Predrag Radić, *Krajišnik* transcript, 26-28 October 2004), pp. 7364, 7378-7379; P4337 (Official Gazette, Decision on the formation of the ARK Crisis Staff, 5 May 1992), p. 1.
[14526] D652 (Milorad Sokolović, witness statement, 6 June 2014), paras 7, 15-16; Milorad Sokolović, T. 26014, 26029, 26054, 26057; P6776 (Bosnian-Serb MUP official note, 17 June 2004), p. 1.
[14527] D770 (Sveto Veselinović, witness statement, 15 February 2013), paras 1, 3, 13, 15, 22; Sveto Veselinović, T. 28226, 28248-28250, 28258; P6906 (*Politika* article, 5 July 1991), p. 1; P6908 (Decision on the appointment of Sveto Veselinović as member of the Crisis Staff of the Serb Municipality of Rogatica, 24 May 1992); D774 (Decision of the Rogatica Municipal Executive Committee on the appointment of Sveto Veselinović as Secretary of the Secretariat in the Municipal Public Revenue Administration, 18 February 1991).

President of the Sokolac Municipal Assembly from 1991 and President of the Sokolac Crisis Staff from April 1992 until 1996;[14528] **Slavko Mijanović**, President of the Commission for the Allocation of Flats for Temporary Use in Ilidža during the war;[14529] **Mevludin Sejmenović**, the Vice-President of the SDA in Prijedor from 1990 to 1992;[14530] **Mirzet Karabeg**, a Bosnian Muslim who served as the SDA President of the Executive Board of the Sanski Most Municipal Assembly from 1 January 1991 until 17 April 1992 and as the President of the Sanski Most War Presidency from 30 March 1993 until 15 March 1996;[14531] **Mane Đurić**, Head of the SJB Vlasenica as of 20 May 1992;[14532] **Vladimir Radojčić**, the Commander of the VRS Ilidža Brigade between January 1993 and the end of the war;[14533] **Branko Basara**, Commander of the 6th Krajina Brigade from 29 October 1991 to mid-December 1992;[14534] **Nenad Davidović**, the Chief of Medical Service in the 6th Krajina Brigade from June 1992 until the end of the war;[14535] **Branko Davidović**, Assistant Commander for Morale, Legal Affairs, and Information of the 6th Krajina Brigade since June 1992;[14536] **Miloš Šolaja**, Editor-in-chief within the 1KK Press Centre from 18 July 1992 until the end of the war;[14537] **Rade Javorić**, Commander of the Prijedor TO staff since 16 September 1991;[14538] **Grujo Borić**, Commander of the 2KK from July 1992 to December 1994;[14539] **Witness RM-709**, a Bosnian Muslim who deserted from the JNA in February 1992 and joined a Muslim TO;[14540] **Muhamed Filipović**, a Bosnian-Muslim resident of Ključ;[14541] **Ahmet**

[14528] P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), pp. 15321, 15469, 15471; P3182 (Letter of resignation by Milan Tupajić, 9 October 1992).
[14529] D799 (Slavko Mijanović witness statement, 19 January 2013), paras 1, 6; Slavko Mijanović, T. 28816.
[14530] P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 4.
[14531] P3248 (Mirzet Karabeg, witness statement, 25 July 1999), pp. 1-2; P3249 (Mirzet Karabeg, witness statement, 23 May 2002), pp. 1-2.
[14532] Mane Đurić, T. 27630.
[14533] D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 1.
[14534] D1031 (Branko Basara, witness statement, 21 July 2014), para. 4; Branko Basara, T. 34386, 34401. The evidence of Branko Basara is also reviewed in chapter 9.2.7.
[14535] D897 (Nenad Davidović, witness statement, 4 March 2014), para. 3.
[14536] D675 (Branko Davidović, witness statement, 30 June 2014), paras 14-16; Branko Davidović, T. 26504.
[14537] D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 4. The evidence of Miloš Šolaja is reviewed in chapter 3.1.1.
[14538] D895 (Rade Javorić, witness statement, 26 June 2014), paras 2, 6; Rade Javorić, T. 31424.
[14539] Grujo Borić, T. 34580-34581, 34586, 34599-34600, 34608.
[14540] P3437 (Witness RM-709, witness statement, 6 June 2000), pp. 1-4; P3438 (Witness RM-709, witness statement, 16 February 2002), pp. 1-2; P3439 (Witness RM-709, witness statement, 26 October 2002), pp. 1-2.
[14541] P3133 (Muhamed Filipović, witness statements), witness statement of 24 May 1997, pp. 1-2, witness statement, of 13 March 2001, p. 1.

Zulić, a Bosnian Muslim from the village of Pobriježje near Sanski Most;[14542] **Bekir Delić**, a Bosnian Muslim from Sanski Most;[14543] **Adil Draganović**, a Muslim Judge, President of the Sanski Most Municipal Court, who was detained in Manjača camp from 17 June 1992 to 14 December 1992;[14544] **Witness GRM-014**, a Serb from Ključ Municipality;[14545] **Witness RM-016**, a Bosnian Serb from Banja Luka;[14546] and **Witness RM-513**, a Bosnian Serb from Bijeljina.[14547]

3920. This evidence is in addition to the evidence reviewed, and the subsequent findings made, in chapters 2.2.1 and 2.2.2 on the establishment and structure of regional and municipal crisis staffs, war presidencies, and war commissions. It is also in addition to the evidence on crimes committed in the Municipalities, reviewed in chapter 4.

The role of the VRS personnel on crisis staffs

3921. The Trial Chamber will now focus on the alleged membership of VRS personnel in regional and municipal crisis staffs, war presidencies, and war commissions. Most of the evidence received by the Trial Chamber concerned the ARK Crisis Staff and municipal political structures in Sanski Most Municipality.

3922. **Rade Javorić** testified that he was not a member of the crisis staff, nor was anybody from the military.[14548] **Witness GRM-014** testified that by 21 May 1992, VRS officer Colonel Milenko Milojević was attending Ključ Crisis Staff meetings, but did not vote and was not one of its members.[14549] **Vladimir Radojčić** testified that at one point he was a member of the Ilidža War Presidency so that he could provide information about the army's logistical needs.[14550] **Milorad Sokolović** testified that the role of the Rogatica Crisis Staff was to prevent conflict, supply the army, provide

[14542] P3611 (Ahmet Zulić, witness statement, 22 February 2010), p. 1, paras 1-3.
[14543] P3432 (Bekir Delić, witness statement, 13 September 2001), pp. 1-2. The evidence of Bekir Delić is reviewed in chapter 9.2.8.
[14544] P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, pp. 1-2, 7, 10, 12, witness statement of 6 October 2000, p. 1, witness statement of 7 July 2000, pp. 1, 3.
[14545] D869 (Witness GRM-014, witness statement, 17 June 2014), p. 1, paras 1-2; Witness GRM-014, T. 30331; D868 (Pseudonym sheet for Witness GRM-014).
[14546] P2375 (Witness RM-016, witness statement, 5 August 2013), p. 1, paras 4, 11, 16; Witness RM-016, T. 17398.
[14547] P1054 (Witness RM-513, witness statement, 25 June 2011), p. 1, paras 2, 4-6.
[14548] Rade Javorić, T. 31488.
[14549] Witness GRM-014, T. 30364, 30405; P7038 (Notes of SDS meetings including events in Ključ area, February-July 1992), pp. 18-19.
[14550] D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 66.

necessities for refugees and displaced people, and establish authority.[14551] It did not deal with, and was not informed of, operational military and police tasks.[14552]

3923. **Nikola Erceg** testified that the ARK Crisis Staff's expanded meetings were attended by ARK Crisis Staff members, members of municipal crisis staffs, and representatives of municipal departments, such as health care or education, and that at times there would be 40-50 people present.[14553]

3924. Adjudicated Facts numbers 419 and 420, which formed the basis of the Trial Chamber's findings on the non-VRS members of the ARK Crisis Staff, were also discussed in chapter 2.2.1. However, among the core members of the ARK Crisis Staff, such as the Head of the Banja Luka CSB Stojan Župljanin, Nenad Stevandić, who was the head of the SOS, and Slobodan Dubočanin, who was connected with the SOS and the Special Intervention Squad, there were VRS members: the Commander of the First Krajina Corps of the VRS General Momir Talić and VRS Air Force officer Major Zoran Jokić.[14554]

3925. According to an excerpt from a Prosecution interview with **Grujo Borić**, Borić stated that crisis staffs would comprise, *inter alios*, the Chief of the local MUP and a representative of the army, usually the commander or his deputy.[14555]

3926. With regard to Sanski Most Municipality specifically, **Witness RM-016** testified that the Sanski Most Crisis Staff, later renamed the war presidency, was the highest authority in the municipality in 1992 and had absolute powers.[14556] The crisis staff was composed of Neđeljko Rašula, president of the crisis staff, Vlado Vrkeš, president of the SDS, Mirko Vručinić, chief of police, Colonel Aničić, liaison between the military and civilian authorities in Sanski Most, and Branko Basara, Commander of the 6th Krajina Brigade.[14557] **Ahmet Zulić** stated that the members of the Sanski Most War Presidency were Rašula, Milorad Krunić, a local police commander, or his brother Milan Krunić, a.k.a. Buco, and Boro Tadić. Boro Tadić was in charge of the SOS within the Sanski

[14551] D652 (Milorad Sokolović, witness statement, 6 June 2014), para. 8; P6773 (Report by the Rogatica Executive Board on the current situation in the area of the Rogatica Municipality, 26 June 1992), p. 3; P6776 (Bosnian-Serb MUP official note, 17 June 2004), p. 1.
[14552] Milorad Sokolović, T. 26064-26065, 26068; P6776 (MUP official note, 17 June 2004), p. 1.
[14553] D982 (Nikola Erceg, witness statement, 21 November 2013), paras 74-75; Nikola Erceg, T. 34000.
[14554] Adjudicated Facts I, nos 419-420.
[14555] P7331 (Excerpts from transcript of Prosecution interview of Grujo Borić, 21-23 April 2004), pp. 11-12, 17-18.
[14556] P2375 (Witness RM-016, witness statement, 5 August 2013), paras 53, 56.

Most War Presidency.[14558] **Mirzet Karabeg** stated that the Sanski Most Crisis Staff was composed of Branko Basara; SDS representatives; the Serb chief of police, Drago Majkić; and the commanders of the TO.[14559] **Adil Draganović** stated that a Serb Crisis Staff, presided over by Neđeljko Rašula, was set up on 14 April 1992.[14560] On 16 April 1992, the Serb Assembly of Sanski Most adopted its statute and appointed Milan Ivanić as acting Chief of the SJB and Neđeljko Aničić as acting commander of the Serb TO.[14561]

3927. **Karabeg** stated that in March 1992, Basara, Commander of the 6th Krajina Brigade, began attending Municipal Assembly meetings and explaining that his role, as a military representative, was to protect non-Serbs from what he called the 'extremist wing of the SDS', meaning Vrkeš, Rašula, and Savanović.[14562] On or around 20 April 1992, the witness was given a message from Rašula that 'the doors of the Municipal Building would remain closed' to him. Following this, Mladen Lukić was appointed President of the Executive Board of 'Serbian Sanski Most', taking over the position from the witness. Neđeljko Aničić, a Serb, took over the position as head of the TO from Nijaz Hadžic, a Muslim, and Mirko Vručinić became the Chief of the Police. After April 1992, Basara called a series of meetings in surrounding villages and the town and presented himself as a neutral peacemaker who wanted to deal with the SDS and the SOS extremists.[14563]

3928. According to the conclusions of the Sanski Most Crisis Staff on 30 May 1992, on 30 May 1992, the Sanski Most Crisis Staff consisted of, *inter alios*, Branko Basara, 6th Krajina Brigade Commander, Mirko Vručinić, SJB Chief, and Neđo Aničić, TO Commander.[14564]

3929. On 18 June 1992, the Sanski Most Crisis Staff adopted conclusions that set out that the seven permanent members of the Crisis Staff were Mladen Lukić, Neđeljko Rašula, Vlado Vrkeš, Mirko Vručinić, Neđo Aničić, Boro Savanović, and Branko

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[14557] P2375 (Witness RM-016, witness statement, 5 August 2013), paras 53, 60; P2376 (Clarifications to statement of Witness RM-016).
[14558] P3611 (Ahmet Zulić, witness statement, 22 February 2010), paras 3, 17.
[14559] P3248 (Mirzet Karabeg, witness statement, 25 July 1999), p. 3.
[14560] P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 4, witness statement of 6 October 2000, p. 4; P3294 (Diary of Neđeljko Rašula, entries from 28 December 1991-14 April 1992), p. 20.
[14561] P3294 (Diary of Neđeljko Rašula, entries from 28 December 1991-14 April 1992), pp. 21-22.
[14562] P3248 (Mirzet Karabeg, witness statement, 25 July 1999), p. 3.
[14563] P3248 (Mirzet Karabeg, witness statement, 25 July 1999), p. 9.
[14564] P404 (Conclusions of the Sanki Most Crisis Staff, 30 May 1992), p. 1.

Basara. Five persons were appointed as commissioners: Nenad Davidović as Commissioner for Health and Chief of the 6th Krajina Brigade Medical Corps; Nemanja Tripković as Commissioner for Primary and Secondary Education; Vinko Nikolić as Commissioner for Transport; Milenko Stojinović as Commissioner for Civilian Protection Affairs; and Boro Tadić as Commissioner for National Defence.[14565]

3930. **Branko Basara** testified that he attended certain meetings of the Crisis Staff and tried to influence the decision making process, but he was not a member of this body and did not take part in the actual decision-making.[14566]

3931. **Branko Davidović** testified that officers of the 6th Krajina Brigade, including the witness, were army representatives who sometimes attended Sanski Most Crisis Staff meetings. They did not have the right to vote, did not participate in the decision-making process, and were not members of the Sanski Most Crisis Staff.[14567] According to the witness, brigade commander Basara attended some meetings even though he was not a member of the Sanski Most Crisis Staff or an SDS member.[14568]

The relationship between the regional and municipal leadership and military and police structures

3932. The Trial Chamber received the following evidence on the nature of the alleged relationship between the regional and municipal leadership and military structures. **Dorothea Hanson** testified that the coordination and cooperation between the crisis staffs and the VRS differed from municipality to municipality.[14569] While some municipalities did not in any way limit the military authority of crisis staffs, others explicitly distanced themselves from any direct military command.[14570] For example, on 26 June 1992, the Kotor Varoš Crisis Staff publicized that while it required the police and the army to secure safe conditions in the municipality, it did not have the right to interfere in their professional work, nor did it wish to do so.[14571] Some crisis staffs

[14565] P4161 (Conclusions on composition Sanski Most Crisis Staff, 19 June 1992), p. 1.
[14566] Branko Basara, T. 34464, 34559.
[14567] D675 (Branko Davidović, witness statement, 30 June 2014), para. 40.
[14568] D675 (Branko Davidović, witness statement, 30 June 2014), para. 40; Branko Davidović, T. 26550-26551.
[14569] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), paras 76, 78-79, 81, 84.
[14570] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), paras 78-79.
[14571] P3698 (Bulletin of the Kotor Varoš Crisis Staff, 26 June 1992), pp. 1-3.

interpreted the government and party instructions in a manner that gave them command authority, set tasks for the military, issued orders, and claimed authority over military units in their municipality.[14572] In some cases, crisis staff leaders styled themselves commanders and took control over local forces to the point of assuming direct command of local units.[14573] Despite local differences, the cooperation and coordination offered by the crisis staffs were essential to the VRS and its operations; they provided the recruits, supplies, material, and moral support without which the military units could not have operated.[14574]

3933. On 26 April 1992, Branko Đerić, head of the Bosnian-Serb Government, issued instructions for the work of the crisis staffs.[14575] One of the instructions was that the crisis staffs shall consist of members, each of whom has an individual responsibility. These members included the commander of the TO, chief of the MUP, as well as members responsible for war crimes and damage. The instructions further stipulated that command of the TO and police forces were exclusively within the competence of professional personnel and any interference should be prevented.[14576]

3934. In the introduction to an order issued by Mladić on 4 June 1992, Mladić stated that local leadership loved power and self-advertisement, which resulted in casualties, massacres, and looting that seriously damaged the struggle.[14577] On 9 June 1992, General Talić informed the VRS Main Staff that the unwillingness of authorities in Prijedor, Sanski Most, and Ključ to deal with the refugee problem, the slow process of disarmament, and economic inertia unfavourably affected the morale of the First Krajina Corps.[14578]

3935. The Trial Chamber received evidence from **Hanson** on the dissolution of the crisis staffs in July 1992. She testified that by July 1992, the VRS structures were

[14572] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 81. *See also* P3779 (Minutes of the Prijedor SDS Municipal Board, 23 April 1992); P3982 (Decision of the SAO Birač Crisis Staff on the proclamation of the state of war, 29 April 1992).
[14573] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), paras 69, 81.
[14574] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 85.
[14575] P408 (Bosnian-Serb Government Instructions for the Work of Crisis Staffs of the Serbian People in Municipalities, 26 April 1992).
[14576] P408 (Bosnian-Serb Government Instructions for the Work of Crisis Staffs of the Serbian People in Municipalities, 26 April 1992), p. 1.
[14577] P4381 (VRS Main Staff order, 4 June 1992), p. 2.
[14578] P3902 (First Krajina Corps Command report, 9 June 1992), p. 2.

sufficiently robust that the Minister of Defence also called for the abolition of the crisis staffs; noting that there was no legal basis for their creation and that the lack of regulation of the relationship with the military hindered military operations.[14579] **Miloš Šolaja** provided similar evidence, reviewed in chapter 3.1.1. In a research article on the abolition of the crisis staff on 7 July 1992, he outlined that the jurisdiction of the crisis staffs and military organs were not always clearly delineated, so minor misunderstandings occurred.[14580]

3936. According to a report to the 1KK Command, on 3 February 1993, problems caused by insufficient coordination and cooperation between the authorities and the army command on the one hand, and the military police and the civilian police on the other hand, were identified.[14581]

3937. The Trial Chamber also received evidence about the situation in specific municipalities.

3938. **Milan Tupajić** stated that in execution of a Sokolac Crisis Staff order dated 21 April 1992, the Municipal Secretariat for National Defence of Sokolac Municipality took legal measures against Serbs who did not respond to the call for mobilization, such as filing reports and having the military police bring people in.[14582]

3939. On 29 April 1992, the Trnovo SDS Crisis Staff Municipal Committee held a meeting, at which Radivoje Drašković, Danilo Golijanin, Gliša Simanić, Rade Ivanović, Neđo Vlaški, Anđelko Milić, Savo Vlačić, Dragan Klepić, and Radmilo Golijanin were present.[14583] Radivoje Drašković stated that they agreed with the JNA representatives, who were to get involved in the 'cleaning up' of the municipality, and that they had to make the ground ready for APCs and tanks, as the APCs and tanks were good for 'psychological effect'. He also stated that they had to work on psychological and propaganda activities.[14584]

[14579] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 84. *See also* D924 (Miloš Šolaja, witness statement, 11 June 2014), paras 27-28; D925 (Glas Press Article, 7 July 1992), p. 1.
[14580] D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 28; D925 (Glas Press Article, 7 July 1992), p. 1.
[14581] P3769 (Report of the Assistant Commander for Civilian Affairs to the First Krajina Corps Command, 16 February 1993), p. 1.
[14582] P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), pp. 15340-15343; P3173 (Order by the Sokolac Municipality Crisis Staff concerning TO and JNA deserters, 21 April 1992).
[14583] P4943 (Minutes of SDS Trnovo Crisis Staff Municipal Committee meeting, 29 April 1992), p. 1.
[14584] P4943 (Minutes of SDS Trnovo Crisis Staff Municipal Committee meeting, 29 April 1992), p. 2.

3940. **Mevludin Sejmenović** testified that when the VRS was created, the relationship between the Prijedor Crisis Staff and the military became more direct than it had been under the JNA. The Prijedor Crisis Staff could decide to militarily intervene in a particular village, as it did in Hambarine.[14585]

3941. On 8 May 1992, General Talić informed the President of the ARK Assembly that he was dissatisfied with the cooperation provided by the municipal organs in Ključ Municipality to the JNA units in the area. He was concerned about extremism in the municipality, such as self-proclaimed 'Vojvodas' and 'Chetnik' units, the killing of two Muslims for unknown reasons, and attempts by the President of the Ključ Municipal Assembly to exercise command over the JNA units in the area.[14586]

3942. According to the minutes of the Ključ Crisis Staff meeting on 16 June 1992, following the conclusions of the ARK Crisis Staff, the Ključ Crisis Staff would remain the highest authority and it would cooperate fully with the military command and the Ključ SJB.[14587]

3943. On 11 May 1992, the SDS Vogošća Crisis Staff, following the announcement on the mobilization of the Serb TO Vogošća, requested all conscripts from the territory of Vogošća aged 16 to 60 to report immediately to the TO Command for mobilization and deployment.[14588]

3944. **Nenad Davidović** testified that Neđeljko Rašula commanded the SOS and TO units as well as the police.[14589] The Sanki Most Crisis Staff was superior to the TO and its units.[14590] According to minutes of the meeting of the Executive Committee of the Municipal Assembly dated 27 July 1992, Vlado Vrkeš advised that the 'soldiers' and the people of Sanski Most Municipality 'required' the crisis staff to make Sanski Most a Serb town.[14591]

[14585] P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 23.
[14586] D1138 (Note from General Talić of the Banja Luka 5th Corps Command to the President of the ARK Assembly, 8 May 1992).
[14587] P3758 (Compilation of minutes from the sessions of the Ključ Municipal Assembly Crisis Staff, 27-30 May, 1-6 June, 9 June, 16-18 June, 24 June, 30 June, 10 July), pp. 16, 18.
[14588] P4948 (Call for mobilization by Jovan Tintor, President of the SDS Vogošća Crisis Staff, 11 May 1992), p. 1.
[14589] D897 (Nenad Davidović, witness statement, 4 March 2014), paras 15-16.
[14590] D897 (Nenad Davidović, witness statement, 4 March 2014), para. 15.
[14591] P7116 (Minutes of the Executive Committee of the Sanski Most Municipal Assembly, 27 July 1992), pp. 3-4.

3945. The Trial Chamber received evidence from **Branko Davidović**, reviewed in chapter 3.1.2, that the brigade command was under the sole and exclusive command of the corps commander from Banja Luka.[14592] According to the witness, there were attempts by SDS leaders to exert influence over the military but that never materialised and the Sanski Most Crisis Staff could not issue orders to an officer belonging to the First Krajina Corps.[14593]

3946. The Trial Chamber recalls the evidence of Basara, reviewed in chapter 9.2.7, on the limited involvement of the 6th Krajina Brigade with the municipal authorities and attempts by the municipal authorities to interfere in the work of the brigade.

3947. According to a report from the 2nd Military District Reserve Command on 6 April 1992, the unit had maintained 'constant contact and coordination of operations' with the Pale Crisis Staff.[14594] According to a letter from the Executive Committee of the Rogatica Municipality dated 30 November 1992, the First Podrinje Light Infantry Brigade was invited to discuss with the civilian authorities any existing problems concerning, among others, mobilization and the provision of supplies to the army by these authorities.[14595] However, according to **Milorad Sokolović** the Executive Committee never received any professional assignments from the MUP or the military, except in terms of requests for logistical support.[14596]

3948. **Witness RM-513** testified that when the Bijeljina Crisis Staff evolved into the Bijeljina War Presidency, it took command of the defence and military forces, cooperating with the JNA.[14597]

3949. **Radojčić** testified that civilian authorities were not expected to interfere in command and military matters, and the President of Ilidža Municipality did not exercise any command and control or have any jurisdiction over the Ilidža Brigade.[14598]

3950. **Slavko Mijanović** testified that on 5 July 1992, the Ilidža War Commission adopted regulations on allocating flats for temporary use and, pursuant to the regulations, the Commission for the Allocation of Flats for Temporary Use was

[14592] D675 (Branko Davidović, witness statement, 30 June 2014), para. 34.
[14593] D675 (Branko Davidović, witness statement, 30 June 2014), para. 34; Branko Davidović, T. 26516, 26548.
[14594] P3795 (Report from the 2nd Military District Reserve Command signed by Branko Filipović, 6 April 1992).
[14595] P6775 (Rogatica Executive Board letter, 30 November 1992), pp. 1-2.
[14596] Milorad Sokolović, T. 26067.
[14597] P1054 (Witness RM-513, witness statement, 25 June 2011), paras 14-16.

founded, with the witness as president.[14599] Further in accordance with the regulations, flats were allocated to homeless families of VRS soldiers and members of the MUP in Ilidža Municipality who had been killed or wounded; families of VRS soldiers and members of the MUP in Ilidža Municipality from places under Muslim control; and families of VRS soldiers and members of the MUP in Ilidža Municipality whose houses had been demolished and were not fit for habitation.[14600]

3951. In respect of the nature of the alleged relationship between the regional and municipal leadership and police structures, **Hanson** testified on the closer and clearer ties between the police and the crisis staffs than between the military and the crisis staffs.[14601] In this respect, Hanson testified that by July 1992, the higher levels of the MUP began to express the need for clearer delineation of authority between local political leaders and the police, complaining of an 'interference in local politics' and 'interventions and tampering' by local governments.[14602] According to Hanson, the police were also crucial to the establishment and maintenance of Serb power on the ground.[14603] As the police were based in and materially supported by the municipalities, their ties with the crisis staff were closer and clearer than those of the military.[14604] Bosnian-Serb legislation stipulated that municipal police stations were to be tasked by, and report to, the MUP and the municipal assembly.[14605] The police were under the control of the civilian authority.[14606] Crisis staffs were further instructed to recruit active and reserve police forces, order their activation, and name new staff to run the Serb police stations.[14607] The crisis staffs enabled the creation of Serb police forces in the

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[14598] D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 66.
[14599] D799 (Slavko Mijanović witness statement, 19 January 2013), para. 6; Slavko Mijanović, T. 28817; P6942 (War Commission of Ilidža Serb Municipality, Regulations on allocating flats for temporary use, 5 July 1992).
[14600] D799 (Slavko Mijanović witness statement, 19 January 2013), para. 7; Slavko Mijanović, T. 28821-28822; P6942 (War Commission of Ilidža Serb Municipality, Regulations on allocating flats for temporary use, 5 July 1992), Arts 6-7.
[14601] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), paras 87-89, 91-92.
[14602] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 93.
[14603] P379 (Dorothea Hanson, Bosnian Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 87.
[14604] P379 (Dorothea Hanson, Bosnian Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 87.
[14605] P379 (Dorothea Hanson, Bosnian Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 89.
[14606] P379 (Dorothea Hanson, Bosnian Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), paras 89, 92.
[14607] P379 (Dorothea Hanson, Bosnian Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 88.

municipalities, including the firing of non-Serbs.[14608] CSBs regularly reported information to municipal and regional government organs.[14609] By July 1992, however, the higher levels of the MUP began to express the need for clearer delineation of authority between local political leaders and the police, complaining of an 'interference in local politics' and 'interventions and tampering' by local governments.[14610] While the police's task was to ensure the functioning of the crisis staffs, the crisis staffs' task was to ensure local security and safety.[14611] While the crisis staffs could issue orders to the police, the commander of the police was a member of the crisis staff.[14612] As well as overlap at the municipal level, the crisis staff and police were responsible to the same organs at the republican level, the government and the Presidency.[14613] According to Hanson, the common purpose of all was to establish and maintain Serb power in the municipalities.[14614]

3952. **Mane Đurić** testified that the Vlasenica Crisis Staff, which was established in early April 1992, included the SJB Chief.[14615] According to **Hanson**, once a 'purely Serb' police force was established, the crisis staffs issued orders to, and received reports from, their municipal police force, including on the disarming of the non-Serb population.[14616] On 20 April 1992, the Sokolac Crisis Staff ordered the Sokolac SJB, together with JNA security organs, to identify those involved in the theft of military equipment from Faletići.[14617]

[14608] P379 (Dorothea Hanson, Bosnian Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 91.
[14609] P379 (Dorothea Hanson, Bosnian Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 92.
[14610] P379 (Dorothea Hanson, Bosnian Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 93.
[14611] P379 (Dorothea Hanson, Bosnian Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 94.
[14612] P379 (Dorothea Hanson, Bosnian Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 94.
[14613] P379 (Dorothea Hanson, Bosnian Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 94.
[14614] P379 (Dorothea Hanson, Bosnian Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 94.
[14615] D732 (Mane Đurić, witness statement, 30 July 2014), paras 8-9.
[14616] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 91.
[14617] P3174 (Order by the Sokolac Crisis Staff, 20 April 1992).

The relationship between the regional and municipal leadership and the Bosnian-Serb leadership

3953. **Hanson** testified that the SDS used the crisis staffs as party organs, and the crisis staffs claimed the authority of a collective municipal presidency.[14618] The SDS trusted the crisis staffs to operate based on their own initiative, in accordance with SDS policies, until the full functioning of the municipal organs of the new Bosnian-Serb state could be ensured.[14619] The crisis staffs cited the regional crisis staffs, the Bosnian-Serb Assembly, the Bosnian-Serb Presidency, and government orders and decisions as justification for their actions, including moving non-Serbs out of the municipalities.[14620]

3954. A list of commissioners was drawn up on 10 June 1992 and included Dragan Đokanović, Nikola Poplašen, Milimir Mučibabić, Miroslav Radovanović, Jovan Tintor, and Danilo Veselinović. Soon thereafter, Dragan Đokanović was appointed state commissioner for Zvornik, Vlasenica, Skelani, Bratunac, Šekovići, and Novo Sarajevo.[14621] Karadžić appointed a state commissioner for Ilidža Municipality on 21 August 1992.[14622] The appointed municipal war commissions were to act in accordance with the decision on the formation of war commissions in municipalities during a state of an imminent threat of war or war, dated 10 June 1992.[14623]

3955. On 17 June 1992, Karadžić confirmed members of the Vlasenica War Commission and the Bratunac War Commission.[14624] On 23 and 25 June 1992, Karadžić confirmed members of the Sokolac War Commission and the Pale War Commission, which included Biljana Plavšić.[14625] On 20 July 1992, Karadžić confirmed members of

[14618] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 13.
[14619] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 15.
[14620] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 62.
[14621] Adjudicated Facts I, no. 400.
[14622] P3804 (Certificate appointing a state commissioner for Ildiža, signed by Radovan Karadžić, 21 August 1992).
[14623] P3041 (Decision on appointment of the Pale war commission, 25 June 1992); P3045 (Decision on appointment of the municipal war commission, 17 September 1992); P3046 (Decision on appointment of the Vlasenica war commission, 17 June 1992); P3047 (Decision on appointment of the Rogatica war commission, 20 July 1992); P7087 (Certificate of Dragan Đokanović's appointment as State Commissioner by Karadžić, 10 June 1992).
[14624] P3046 (Decision on appointment of the Vlasenica war commission, 17 June 1992); P3935 (Appointment of the War Commission of Bratunac, 17 June 1992).
[14625] P3859 (Decision establishing the War Commission of Sokolac, 23 June 1992); P3041 (Decision on appointment of the Pale war commission, 25 June 1992).

the Rogatica War Commission, including the appointed republican commissioner.[14626] On 1 September 1992, Karadžić issued a decision that the organs of civilian and military authorities in the Bosnian-Serb Republic were required to cooperate with Mirko Mijatović, Commissioner of the Bosnian-Serb Presidency for Foča, Čajniče, Rudo, and Višegrad Municipalities, in the performance of the commissioner's tasks, and to provide him with accommodation, food, fuel, and personal security in their municipalities.[14627] On 17 September 1992, Karadžić confirmed members of the Višegrad War Commission as well as another municipal war commission.[14628]

3956. **Predrag Radić** testified that he asked the JNA to help him establish communication lines with Pale about five times during the blockade, which lasted for about two months, from April until 26 June 1992.[14629]

3957. **Witness RM-016** testified that the ARK Crisis Staff in Banja Luka was in absolute control of the decisions and events occurring in the ARK region and Neđeljko Rašula, President of the Sanski Most Crisis Staff, communicated directly with the ARK Crisis Staff.[14630] From May to August 1992, the ARK Crisis Staff was the organ of authority in Banja Luka.[14631] The SDS controlled powerful positions in organs of authority, the police, the army, and civilian structures.[14632] **Nenad Davidović** testified that Rašula was also the main liaison between the Sanski Most Crisis Staff and the ARK Crisis Staff.[14633]

3958. The Trial Chamber also received the following evidence on the alleged specific links between municipal leaders and the Bosnian-Serb leadership.

3959. In relation to Foča Municipality, according to a letter from the Foča SDS Municipal Board to the SDS Crisis Staff dated 2 March 1992, the Foča SDS Municipal Board stated that it was capable of providing security to the Serb people and their property in the area and that it was ready to carry out any orders that would be issued.

[14626] P3047 (Decision on appointment of the Rogatica war commission, 20 July 1992).
[14627] P3039 (Decision issued by the Bosnian-Serb Presidency appointing Mirko Mijatović as a Commissioner of the Presidency for the municipalities Foča, Čajniče, Rudo, and Višegrad, 1 September 1992).
[14628] P3045 (Decision on appointment of the municipal war commission, 17 September 1992); P3717 (Decision establishing the War Commission of Višegrad, 17 September 1992).
[14629] P4333 (Predrag Radić, *Krajišnik* transcript, 26-28 October 2004), pp. 7533-7534; Predrag Radić, T. 7532-7534.
[14630] P2375 (Witness RM-016, witness statement, 5 August 2013), paras 53, 56.
[14631] P2375 (Witness RM-016, witness statement, 5 August 2013), paras 25, 32.
[14632] P2375 (Witness RM-016, witness statement, 5 August 2013), para. 30.
[14633] Nenad Davidović, T. 31547.

The Foča SDS Municipal Board also expressed its unconditional support for the SDS Crisis Staff in Bosnia-Herzegovina.[14634]

3960. In relation to Rogatica Municipality, **Sveto Veselinović** testified that the main task of the Rogatica Crisis Staff was negotiations on the delineation of the municipality's territory and the division of power with the Muslims. The Rogatica Crisis Staff was later expanded from three to about 15 people, without any influence from the SDS Main Board or the party's highest officials.[14635]

3961. In relation to Sokolac Municipality, **Tupajić** stated that in 1991 and early 1992, the Sokolac SDS received orders, directives, and guidelines from the SDS Main Board.[14636] Important decisions were received in writing and, at times, orally.[14637] In June 1992, a war commission, consisting of the witness, Marko Simić, and two others was established in Sokolac and the war commissioners, who were also members of the Bosnian-Serb Assembly, kept the President of the Assembly informed of the situation on the ground.[14638] Marko Simić was a deputy for Sokolac to the Bosnian-Serb Assembly and Milovan Bjelica was President of the SDS Municipal Board; according to the witness, they had the most contact with the SDS and the Bosnian-Serb Republic leadership.[14639] On 15 May 1992, the Sokolac Crisis Staff provided three trucks with tarpaulins, in execution of Branko Đerić's order to transport 500 to 600 Muslims, originally detained in Bratunac, from Pale to Visoko *via* Ilijaš.[14640]

3962. In relation to Zvornik Municipality, according to a report on the work of the Zvornik War Presidency, on 18 October 1995, the war presidency sent a telegram of support to Karadžić in connection with the measures taken to overcome and improve the situation at the time and the functioning of the authorities.[14641] The war presidency also noted its commitment to keeping the MoD regularly informed of its activities, the measures and tasks it would take and perform in accordance with the guidelines on the

[14634] P3957 (Letter from SDS Municipal Board of Foča to the SDS Crisis Staff, 2 March 1992).
[14635] D770 (Sveto Veselinović, witness statement, 15 February 2013), paras 1, 14.
[14636] P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), pp. 15348, 15490-15491.
[14637] P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), p. 15349.
[14638] P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), pp. 15402-15403, 15494-15495.
[14639] P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), pp. 15345, 15349-15350, 15361-15362, 15402, 15472-15477, 15482-15483, 15488.
[14640] P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), pp. 15389, 15393, 15395-15396; P3177 (Order from Branko Đerić pertaining to logistical support in relation to the transport of detainees, 15 May 1992).
[14641] P3950 (Report on the work of the Zvornik Municipality War Presidency, 21 October 1995), p. 8.

tasks of municipal war presidencies during a state of war, and the application of wartime laws and other wartime regulations.[14642]

Crimes perpetrated by the regional and municipal political leadership

3963. The Trial Chamber recalls its findings in chapters 4 and 8 that members of the following political structures, *i.e.* crisis staffs, war presidencies, war commissions, and municipal assemblies, committed underlying acts of persecution as a crime against humanity.

3964. Starting with the regional political structures, as further set out in chapters 4.10.4 and 8.9.2 when Bosnian-Muslim and Bosnian-Croat villagers left Prijedor Municipality, the Crisis Staff plundered their property. In Banja Luka and Sanski Most municipalities, from 12 May 1992 and throughout the remainder of that year, the ARK Crisis Staff imposed and maintained restrictive and discriminatory measures against Bosnian Muslims and Bosnian Croats by issuing decisions that were implemented by other perpetrators, discussed in chapters 4.1.6, 4.12.6, and 8.9.2. In Banja Luka and Ključ municipalities, between May 1992 and May 1993 and 27 May 1992 and May 1993 respectively, the ARK Crisis Staff also displaced Bosnian Muslims and Bosnian Croats, as discussed in chapters 4.1.7, 4.6.7, and 8.5.2.

3965. Turning to the municipal political structures, as further set out in chapters 4.2.4 and 8.9.2 from 1992 onwards, including after the Bosnian Muslims were forced out of Bijeljina Municipality, Vojkan Đurković of the Bijeljina SDS, aided by Mauzer's men plundered property from Bosnian Muslims in Bijeljina Municipality. They also displaced Bosnian Muslims from Bijeljina Municipality from the summer of 1992 until 1995, as described in chapters 4.2.7 and 8.5.2.

3966. As further set out in chapters 4.3.2 *Schedule C.6.5* and 8.9.2, policemen subjected Bosnian Muslims to unlawful detention and cruel and/or inhumane treatment at Foča High School in June and July 1992. Mitar Sipčić, member of the Serb Crisis Staff in Foča, was in charge of these policemen in June 1992. As discussed in chapters 4.3.7 and 8.5.2, the Foča War Commission displaced Muslims from Foča Municipality from July until 13 August 1992.

[14642] P3950 (Report on the work of the Zvornik Municipality War Presidency, 21 October 1995), p. 9.

3967. The SDS crisis staff in Kalinovik Municipality imposed and maintained restrictive and discriminatory measures against Bosnian Muslims from 12 May or later in May 1992, as further set out in chapters 4.5.6 and 8.9.2.

3968. As established in chapters 4.6.7 and 8.5.2, the Ključ Crisis Staff and members of the Civilian Protection Department in the Ključ Municipal Assembly displaced Bosnian Muslims and Bosnian Croats from Ključ Municipality between 27 May 1992 and May 1993. Some displacements were perpetrated with members of the police and members of the VRS. From 12 May or later in May 1992, the Ključ Crisis Staff with members of the Ključ SJB imposed and maintained restrictive and discriminatory measures, as further set out in chapters 4.6.6 and 8.9.2.

3969. As discussed in chapters 4.7.6 and 8.9.2, the Kotor Varoš Crisis Staff, alongside members of the Kotor Varoš MUP and members of the VRS, imposed and maintained restrictive and discriminatory measures against Bosnian Muslims and Bosnian Croats from 12 May 1992 onwards. Furthermore, the Kotor Varoš Crisis Staff displaced Bosnian Muslims and Bosnian Croats between June and November 1992, as established in chapters 4.7.7 and 8.5.2.

3970. As discussed in chapters 4.10.6 and 8.9.2, the Prijedor Crisis Staff, from 12 May 1992 onwards, imposed and maintained restrictive and discriminatory measures against Bosnian Muslims and Bosnian Croats in Prijedor Municipality. They, alongside members of the VRS, including the Military Police of the Banja Luka Corps/1KK, the Omarska TO, and the Prijedor SJB, *inter alia*, subjected Bosnian Muslims and Bosnian Croats to unlawful detention and cruel and/or inhumane treatment at Omarska camp between 27 May and 16 August 1992, and at Keraterm camp between 25 May and at least 5 August 1992, as established in chapters 4.10.2 *Schedules C.15.2* and *C.15.3* and 8.9.2. A member of the Prijedor Crisis Staff also destroyed Bosnian-Muslim houses, as further set out in chapters 4.10.3 and 8.5.2.

3971. Members of the municipal crisis staff in Sanski Most Municipality destroyed a Muslim sacred site in mid-1992, as described in chapters 4.12.3 and 8.9.2. The Sanski Most Crisis Staff, on 15 May 1992 and pursuant to ARK Crisis Staff decisions, imposed and maintained restrictive and discriminatory measures against Muslims, as further set out in chapters 4.12.6 and 8.9.2. Between 27 May 1992 and 13 October 1995, the Sanski Most Crisis Staff and members of the SDS, alongside members of VRS units,

TO, MUP, and paramilitary groups displaced Bosnian Muslims and Bosnian Croats, as discussed in chapters 4.12.7 and 8.5.2.

3972. As further set out in chapters 4.13.7 and 8.5.2, from 12 May 1992 onwards members of the crisis staff displaced Muslims from Sokolac Municipality.

3973. The Vlasenica Crisis Staff, alongside members of the VRS and members of the MUP, as well as Dragan Nikolić and camp guards, including Goran Tešić, a.k.a. Goce, a member of the MUP, other police officers, and Goran a.k.a. Vjetar and Đuro subjected Bosnian Muslims to unlawful detention and cruel and/or inhumane treatment at Sušica camp between 31 May 1992 and September 1992, as established in chapters 4.14.2 *Schedule C.19.3* and 8.9.2. From 19 May 1992, the Vlasenica Crisis Staff imposed and maintained restrictive and discriminatory measures against Bosnian Muslims, as discussed in chapters 4.14.6 and 8.9.2. Furthermore, the Vlasenica Crisis Staff displaced Bosnian Muslims throughout May and June 1992, as further set out in chapters 4.14.7 and 8.5.2. Kraljević, under the command of the Vlasenica Crisis Staff, led his unit, supported by a VRS unit, also displaced Bosnian Muslims during this time.

Knowledge of and response to crimes

3974. At a press conference on 11 November 1991, Radoslav Brđanin proposed that all directors and managers who did not participate in the plebiscite be urgently fired from their positions in the ARK and in Bosnia-Herzegovina. Brđanin stated that those who did not participate in the plebiscite should immediately tender their resignations, as their identities would soon be discovered from the lists of voters.[14643] On 22 June 1992, the ARK Crisis Staff issued a decision, signed by Radoslav Brđanin, President of the ARK Crisis Staff, providing that only personnel of Serb ethnicity may hold posts important to the functioning of the economic entities, including posts in socially owned enterprises, state institutions, public enterprises, shareholding societies, the VRS, and the MUP.[14644] The decision further stated that these posts could not be held by personnel of Serb ethnicity who 'have not confirmed it in the plebiscite' or have not accepted that the only representative of the Serb people is the SDS. This decision was to be submitted

[14643] P4335 (*Oslobođenje* article 'After the plebiscite: you should better give yourselves up', 12 November 1991).
[14644] P4339 (ARK Crisis Staff decision limiting executive posts to personnel of Serb ethnicity only, 22 June 1992), pp. 1-2.

immediately to the municipality Crisis Staff Presidents and implemented by 26 June 1992, and the presidents of the municipal crisis staffs were to report on its implementation to the ARK Crisis Staff.[14645]

3975. On 25 June 1992, the Petrovac Municipal Assembly Crisis Staff informed the ARK Crisis Staff of the steps taken to implement the ARK Crisis Staff decision of 22 June 1992.[14646] The steps in item one, paragraph one of the decision had been implemented in all public enterprises, institutions of public interest, and other labour associations, as well as public places. Further, all members of the police of Muslim 'nationality', both active and reserve, at the SJB had been fired.[14647] Muslims employed at the Municipal Assembly Administrative Organs had been fired, with the exception of one employee who was to be fired after completing his tasks.[14648] Employees of Serb 'nationality', who were considered disloyal, had already been fired from executive posts in public enterprises and institutions.[14649]

3976. The Trial Chamber recalls the evidence of Bekir Delić, reviewed in chapter 9.2.10, that political leaders of the ARK in Banja Luka, including Vojo Kuprešanin, visited Manjača camp together with Popović. **Zulić** stated that on 13 August 1992, Andelko Grahovac and Kuprešanin visited Manjača camp and promised the detainees more food.[14650] **Muhamed Filipović** stated that Kuprešanin told the detainees he had heard complaints of mistreatment. He was accompanied by Popović and Serb journalists.[14651] According to **Witness RM-709**, Kuprešanin also told the detainees that this situation had been imposed on the ARK, it was only temporary, and that the corps commander would improve the conditions in the camp.[14652]

[14645] P4339 (ARK Crisis Staff decision limiting executive posts to personnel of Serb ethnicity only, 22 June 1992), p. 1.
[14646] P4340 (Petrovac Municipal Assembly Crisis Staff, implementation of ARK Crisis Staff decision, 25 June 1995), p. 1; *See also* P4339 (ARK Crisis Staff decision limiting executive posts to personnel of Serb ethnicity only, 22 June 1992), pp. 1-2.
[14647] P4340 (Petrovac Municipal Assembly Crisis Staff, implementation of ARK Crisis Staff decision, 25 June 1995), p. 1.
[14648] P4340 (Petrovac Municipal Assembly Crisis Staff, implementation of ARK Crisis Staff decision, 25 June 1995), p. 1. *See also* P4339 (ARK Crisis Staff decision limiting executive posts to personnel of Serbian ethnicity only, 22 June 1992), pp. 1-2.
[14649] P4340 (Petrovac Municipal Assembly Crisis Staff, implementation of ARK Crisis Staff decision, 25 June 1995), p. 1. *See also* P4339 (ARK Crisis Staff decision limiting executive posts to personnel of Serb ethnicity only, 22 June 1992), pp. 1-2.
[14650] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 128; P3613 (Diary of Ahmet Zulić, third book), p. 4. *See also* P3403 (Asim Egrlić, *Brđanin* transcript, 10 October 2002), pp. 10610-10611.
[14651] P3133 (Muhamed Filipović, witness statements), witness statement, of 13 March 2001, p. 3.
[14652] P3437 (Witness RM-709, witness statement, 6 June 2000), p. 10.

3977. **Radić** testified that in 1992 mosques were being destroyed across the Krajina for the purpose of wiping out all traces of Muslims.[14653] People in the highest authority complained to him about the fact that mosques in Banja Luka were still standing.[14654] Velibor Ostojic, Minister of Information in the Bosnia-Herzegovina government, complained to Radić often on behalf of someone higher up.[14655] According to Radić, the mosques in Banja Luka, which were finally destroyed in 1993, were the last mosques to be destroyed in the Bosnian-Serb Republic.[14656] Immediately after the destruction of two mosques in Banja Luka in 1993, Radić held a press conference.[14657]

3978. According to a report on the implementation of the conclusions of the Prijedor Municipal Crisis Staff dated 13 July 1992, the SJB was responsible for the implementation of a number of conclusions such as the ban on releasing detainees, which was being fully respected, and the issuing of permits to persons who were moving out of the municipality.[14658] The report also stated that the Prijedor SJB formed a unified intervention platoon which was actively engaged with members of the military police in the prevention and suppression of crimes, and the first results were visible with the 'cracking down' on looting, robbery, and the confiscation of illegally obtained property.[14659] The decision about the legalization of passes allowing citizens freedom of movement was being carried out and, according to this decision, passes were not distributed in crisis areas or to individuals wanted for crimes.[14660] The 22 June 1992 ARK Crisis Staff decision regarding the filling of vacant positions important for the functioning of the economy was implemented in the SJB.[14661]

[14653] P4333 (Predrag Radić, *Krajišnik* transcript, 26-28 October 2004), pp. 7468-7470.
[14654] P4333 (Predrag Radić, *Krajišnik* transcript, 26-28 October 2004), pp. 7470-7474; P4334 (Video of plebiscite rally for all Serbs to live in one state held in Banja Luka), p. 1.
[14655] P4333 (Predrag Radić, *Krajišnik* transcript, 26-28 October 2004), pp. 7474-7475. For Ostojić's position, *see* P4334 (Video of plebiscite rally for all Serbs to live in one state held in Banja Luka), p. 1.
[14656] P4333 (Predrag Radić, *Krajišnik* transcript, 26-28 October 2004), p. 7470.
[14657] P4333 (Predrag Radić, *Krajišnik* transcript, 26-28 October 2004), p. 7470.
[14658] P4341 (Report on the implementation of the conclusions of the Prijedor Municipal Crisis Staff, 13 July 1992), p. 1.
[14659] P4341 (Report on the implementation of the conclusions of the Prijedor Municipal Crisis Staff, 13 July 1992), pp. 1-2.
[14660] P4341 (Report on the implementation of the conclusions of the Prijedor Municipal Crisis Staff, 13 July 1992), p. 1.
[14661] P4341 (Report on the implementation of the conclusions of the Prijedor Municipal Crisis, 13 July 1992), p. 2.

The Trial Chamber's findings

3979. The Trial Chamber recalls its findings on the structure and establishment of regional and municipal political structures in the Bosnian-Serb Republic, including that crisis staffs and war presidencies publicly operated in the municipalities in 1992, as further set out in chapters 2.2.1 and 2.2.2.

3980. Based on the foregoing, the Trial Chamber finds that depending on the municipality, VRS personnel, usually the commander or his deputy, were members of crisis staffs and war presidencies in 1992. In some circumstances, such as in Prijedor Municipality, VRS personnel were not members of the crisis staff, war presidency, or war commission. Members of the ARK Crisis Staff, on the other hand, included the Commander of the VRS First Krajina Corps, General Momir Talić, and VRS Air Force officer, Major Zoran Jokić. The Commander of the VRS Ilidža Brigade, Vladimir Radojčić, was a member of the Ilidža War Presidency. Members of the Sanski Most Crisis Staff included Branko Basara, 6th Krajina Brigade Commander, and Colonel Neđeljko Aničić, who was the liaison between the military and civilian authorities in Sanski Most Municipality and acting commander of the Serb TO. Therefore, in light of the evidence before the Trial Chamber, the Trial Chamber rejects the Defence's argument that VRS personnel were not members of any crisis staff.

3981. To the extent that VRS personnel were members of crisis staffs and war presidencies or attended their meetings without being members, their role at least included coordinating logistics, such as arranging recruits and supplies, and updating the regional and municipal political leaders on the combat situation. Depending on the municipality, there were tensions between the VRS and the regional and municipal political leadership, such that Talić informed the VRS Main Staff in June 1992 that the unwillingness of the authorities in Prijedor, Sanski Most, and Ključ municipalities to address refugee problems, slow disarmament, and economic inertia unfavourably affected the morale of the First Krajina Corps. Nevertheless, that same month, the Ključ Crisis Staff agreed to cooperate fully with the military command. Some crisis staffs claimed authority over and issued orders to military units in their municipality. These attempts failed in Sanski Most Municipality, but not in Bijeljina Municipality. Although Basara did not make any decisions on the Sanski Most Crisis Staff, he tried to influence the decision-making process. By July 1992, the VRS was sufficiently robust so that the Minister of Defence called for the abolition of the crisis staffs.

3982. Contrary to the Defence's argument that VRS involvement was limited to logistical support, and despite the above-mentioned tensions, the Trial Chamber reiterates its findings on crimes in the municipalities, recalled above: the Ključ Crisis Staff, the Kotor Varoš Crisis Staff, the Prijedor Crisis Staff, the Sanski Most Crisis Staff, and the Vlasenica Crisis Staff worked with members of the VRS, including the First Krajina Corps, to carry out underlying acts of persecution as a crime against humanity. Furthermore, the Trial Chamber finds that ARK political leaders, including Vojo Kuprešanin, visited Manjača camp and knew of the poor conditions and mistreatment of detainees. In this respect, the Trial Chamber recalls its findings in chapters 4.1.2 *Schedule C.1.2* and 8.9.2 that members of the VRS, including the VRS First Krajina Corps, subjected detainees in Manjača camp to unlawful detention and cruel and/or inhumane treatment.

3983. Turning to the relationship between the MUP and the regional and municipal political leadership, the SJB Sanski Most Chief, Drago Majkić, and the SJB Chief, Mirko Vručinić, were members of the Sanski Most Crisis Staff. The Vlasenica SJB Chief was also a member of the Vlasenica Crisis Staff. The head of the Banja Luka CSB, Stojan Župljanin, was a member of the ARK Crisis Staff. The Trial Chamber recalls its finding in chapter 3.4 that the CSBs and SJBs were to implement certain municipal assembly regulations. Further to this, crisis staffs and war presidencies issued orders to and received reports from the MUP. Although by July 1992, the higher levels of the MUP sought a clearer delineation of authority between the police and crisis staffs, this does not detract from the Trial Chamber's findings, recalled above, that Mitar Sipčić, a member of the Foča Crisis Staff, worked with policemen in Foča Municipality in June 1992, the Ključ Crisis Staff worked with Serb police, the Kotor Varoš Crisis Staff worked with the Kotor Varoš MUP, the Prijedor Crisis Staff worked with the Prijedor SJB, the Sanski Most Crisis Staff worked with the MUP, and the Vlasenica Crisis Staff worked with the MUP, including the Vlasenica SJB special police platoon, each in order to carry out underlying acts of persecution as a crime against humanity.

3984. Regarding the Bosnian-Serb leadership, the Trial Chamber recalls its findings set out in chapters 2.1.1, 2.2.1, and 2.2.2. Further to this, the Trial Chamber finds that from April to June 1992, the regional and municipal leadership in Banja Luka Municipality needed to communicate with the Bosnian-Serb leadership in Pale, to the extent that Predrag Radić, a member of the Banja Luka and ARK Crisis Staffs, asked about five

times for the JNA to help him establish communication. In May 1992, the Sokolac Crisis Staff followed orders from the Bosnian-Serb Republic. In June 1992 in Sokolac Municipality, republic commissioners informed the President of the Bosnian-Serb Assembly of the situation on the ground. On 1 September 1992, Karadžić directed civilian authorities to cooperate with republic commissioners.

3985. The Trial Chamber will further consider these findings in relation to the alleged overarching JCE in chapter 9.2.14.

9.2.10 Attempts to cover up crimes

3986. The Prosecution argued that JCE members, including members of the VRS, attempted to conceal the conditions in the camps in which thousands of Bosnian Muslims and Bosnian Croats were detained in inhumane conditions and covered up many of the crimes committed during the alleged ethnic cleansing campaign.[14662] The Trial Chamber received evidence in relation to attempts to conceal the commission of some of the crimes charged in the Indictment committed in Banja Luka, Bijeljina, Foča, Kotor Varoš, Prijedor, and Vlasenica municipalities and will consider this evidence in this chapter. Much of the evidence has been reviewed in chapter 4. The Trial Chamber will address the specific submissions of the Defence below.

Banja Luka Municipality – Murder of Manjača camp detainees

3987. With respect to the alleged cover-up of the murder of six Manjača camp detainees sometime between 3 June and 18 December 1992, as set out in chapter 4.1.1 *Schedule B.1.4* and 8.3.2, the Trial Chamber has taken judicial notice of Adjudicated Fact 488.[14663] It further received evidence from **Witness RM-051**, a VRS security officer;[14664] and **Charles McLeod**, a member of the ECMM in north-west Bosnia since July 1992.[14665]

[14662] *See*, e.g., Prosecution Final Brief, paras 333-335, 340, 492-493, 495-497; Annex A, Banja Luka Summary (paras 25, 27, 29), Bijeljina Summary (paras 16, 20, 23), Foča Summary (para. 24), Kotor Varoš Summary (paras 18-19, 38-40, 43), Prijedor Summary (paras 33, 43), Vlasenica Summary (paras 31-32).

[14663] Adjudicated Fact I, no. 488 is reviewed in chapter 4.1.1 *Schedule B.1.4*.

[14664] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), p. 5255; Witness RM-051, T. 2883-2884. The evidence of Witness RM-051 is reviewed in chapter 4.1.1 *Schedule B.1.4* .

[14665] P3258 (Charles McLeod, *Brđanin* transcript 21-24 June 2002), p. 7281. The evidence of Charles McLeod is reviewed in chapter 4.1.1 *Schedule B.1.4* .

3988. Based on the foregoing, the Trial Chamber finds that Božidar Popović, the Manjača camp commander, ordered that death certificates giving a false account of the cause of death of detainees who were killed by being beaten inside Manjača camp be issued. Furthermore, on 30 August 1992, Popović falsely informed the ECMM that there had been six deaths in the camp up to that date but that they had all been due to natural causes. The Trial Chamber thus finds that Popović made efforts to conceal the murder of Manjača camp detainees from members of an international organization. The Trial Chamber further finds that on 8 July 1992, the Manjača Camp Operative Group concealed the murder of one Manjača camp detainee who had been shot and killed from the 1KK Command by falsely reporting to the command that the detainee had died of natural causes.

Banja Luka Municipality – conditions at Manjača camp

3989. With respect to the alleged cover-up of the unlawful detention and the cruel and inhumane treatment of primarily Bosnian Muslims and some Bosnian Croats at Manjača camp between 3 June and 18 December 1992, as set out in chapter 4.10.2 *Schedule C.1.2* and 8.9.2, the Trial Chamber took judicial notice of a number of Adjudicated Facts. It further received evidence from **Ewan Brown**, a military analyst;[14666] **Radomir Radinković**, a VRS 1KK intelligence and security officer at Manjača camp as of May 1992;[14667] **Boško Amidžić**, Chief of Quartermaster Service in the 1KK from May 1992 and Assistant Commander for logistics in the 1KK from 14 February 1993;[14668] **Adil Medić**, a Muslim from Ključ and leader of the 'Muslim Corps' commission in charge of camp- and prisoner-related problems;[14669] **Sakib Muhić**, a Bosnian Muslim from Mahala in Sanski Most Town;[14670] **Miloš Šolaja**, Editor-in-chief within the 1KK Press Centre from 18 July 1992 until the end of the war;[14671] **Bekir Delić**, a Bosnian-Muslim from Sanski Most;[14672] **Enis Šabanović**, a Bosnian Muslim from Trnova in Sanski Most Municipality who was detained at Manjača camp from about 6 June to 24 November

[14666] P2863 (Ewan Brown, witness statement, 27 and 28 July 2009), p. 2; P2858 (Ewan Brown, curriculum vitae), p. 1. The evidence of Ewan Brown is also reviewed in chapters 4.1.2 *Schedule C.1.2* and 4.1.7.
[14667] D900 (Radomir Radinković, witness statement, 8 December 2013), pp. 1, 6.
[14668] D847 (Boško Amidžić, witness statement, 25 June 2014), para. 2; Boško Amidžić, T. 29502.
[14669] P154 (Adil Medić, witness statement, 31 January 1996), p. 1, para. 4; Adil Medić, T. 2033.
[14670] P3426 (Sakib Muhić, witness statement, 11 April 2000), pp. 1-2.
[14671] D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 4.
[14672] P3432 (Bekir Delić, witness statement, 13 September 2001), pp. 1-2.

1992;[14673] **Atif Džafić**, the Bosnian-Muslim police commander of the Ključ SJB from 1991 to 21 or 22 May 1992;[14674] **Muhamed Filipović**, a Bosnian Muslim from Ključ Municipality;[14675] **Charles McLeod**, a member of the ECMM in north-west Bosnia since July 1992;[14676] **Ahmet Zulić**, a Bosnian Muslim from the village of Pobriježje near Sanski Most;[14677] **Witness RM-051**, a VRS security officer;[14678] **Herbert Okun**, special advisor and deputy to the Special Envoy of the UNSG from 1991 through 1997 and co-chairman of the International Conference on the former Yugoslavia;[14679] **Witness RM-093**, a member of the Banja Luka district TO,[14680] as well as documentary evidence. This evidence relates primarily to a number of visits to the camp made by ICRC and others during the course of many months in 1992.

3990. **Ewan Brown** testified that an 'Operational Team' at Manjača camp produced daily information reports, which were sent to the 1KK Intelligence and Security Department and regularly forwarded to the VRS Main Staff.[14681] The 1KK Department of Morale, Legal and Religious Affairs also had a clear connection with activities at the camp, particularly in relation to visits by external figures, including the ICRC.[14682]

3991. **Radomir Radinković** testified that the ICRC was regularly granted approval to visit Manjača camp, and journalists from various media and countries were occasionally granted such approval; Karadžić usually granted such approval.[14683] According to **Boško Amidžić**, the camp was regularly monitored by the ICRC, Merhamet, and

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[14673] P3124 (Enis Šabanović, witness statement, 19 February 2001), pp. 1-2. The evidence of Enis Šabanović is reviewed in chapter 4.1.2 *Schedule C.1.2*.

[14674] P3394 (Atif Džafić, witness statement, 28 September 2011), p. 1, paras 1, 4, 6; P3395 (Atif Džafić, *Karadžić* transcript, 30 September 2011), p. 19657. The evidence of Atif Džafić is reviewed in chapter 4.1.2 *Schedule C.1.2*.

[14675] P3133 (Muhamed Filipović, witness statements), witness statement of 24 May 1997, pp. 1-2, witness statement, of 13 March 2001, p. 1. The evidence of Muhamed Filipović is reviewed in chapter 4.1.2 *Schedule C.1.2*.

[14676] P3258 (Charles McLeod, *Brđanin* transcript 21-24 June 2002), p. 7281. The evidence of Charles McLeod is reviewed in chapter 4.1.2 *Schedule C.1.2*.

[14677] P3611 (Ahmet Zulić, witness statement, 22 February 2010), p. 1, paras 1-3. The evidence of Ahmet Zulić is also reviewed in chapter 4.1.2 *Schedule C.1.2*.

[14678] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), p. 5255; Witness RM-051, T. 2883-2884. The evidence of Witness RM-051 is also reviewed in chapters 4.1.2 *Schedule C.1.2*.

[14679] P3103 (Herbert Okun, *Krajišnik* transcript, 22-25 June 2004), p. 4137. The evidence of Herbert Okun is reviewed elsewhere in chapter 9.2.10.

[14680] P3144 (Witness RM-093, witness statement, 12 October 2002), p. 1-2; P3145 (Witness RM-093, *Brđanin* transcript, 6-7, 10-13 March 2003), p. 15273.

[14681] P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013), paras 2.56-2.57, 2.60.

[14682] P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013), para. 2.59.

[14683] D900 (Radomir Radinković, witness statement, 8 December 2013), p. 8.

Caritas upon request from these organizations.[14684] The ICRC collected lists of detainees and the humanitarian organizations brought supplies, including eating utensils, dishes, dishwashing detergent, food, hygiene articles, and medicine.[14685] On several occasions, the witness personally accompanied the humanitarian workers during their visits to the camp.[14686]

3992. The Muslim lawyer Amir Džonlić visited Manjača camp with members of a local human rights organization in late May or early June 1992. Predrag Radić; General Momir Talić, Commander of the VRS 1KK; and Lieutenant Colonel Božidar Popović, head of Manjača camp, explained to Džonlić that the camp was under the control of the VRS 1KK, and that almost all of the detainees were POWs. Popović admitted that food at the camp was insufficient.[14687]

3993. **Atif Džafić** stated that at the end of June 1992, a delegation from Banja Luka visited the camp and questioned some of the detainees about the circumstances of their detention. Delegation representatives included members of the Banja Luka SDS, the Serb military and police, the 'Serbian' Red Cross, and 'the Muslim Red Cross called Merhamet'; the latter included Adil Medić. Among the detainees selected to speak to the delegation, Omer Filipović spoke up and told the delegation about the living conditions in the camp. Following his story, the reporting ended and no one else was allowed to speak.[14688] **Adil Medić** confirmed that on 18 June 1992, he visited Manjača camp for the first time at the invitation of General Talić.[14689] During this visit, the witness was accompanied by Colonel Tepšić; Colonel Dikić, assistant to General Talić; and Popović.[14690] Based on conversations with detainees at the camp, the witness estimated that 1,200 detainees were kept in three stables.[14691] The witness met with two wounded detainees - Muhamed Filipović and Asim Egrlić, both from Ključ – who, from his observations, had sustained injuries from beatings and bullets.[14692] Filipović complained about regular beatings, lack of food, shortage of clothing, and inadequate medical supplies in the camp.[14693] **Amidžić** testified that he, Tepšić, Lieutenant-Colonel

[14684] D847 (Boško Amidžić, witness statement, 25 June 2014), paras 34-35; Boško Amidžić, T. 29475.
[14685] D847 (Boško Amidžić, witness statement, 25 June 2014), para. 37; Boško Amidžić, T. 29475-29476.
[14686] D847 (Boško Amidžić, witness statement, 25 June 2014), para. 38.
[14687] Adjudicated Facts I, no. 480.
[14688] P3394 (Atif Džafić, witness statement, 28 September 2011), para. 112.
[14689] P154 (Adil Medić, witness statement, 31 January 1996), paras 5-6.
[14690] P154 (Adil Medić, witness statement, 31 January 1996), para. 6.
[14691] P154 (Adil Medić, witness statement, 31 January 1996), para. 8.
[14692] P154 (Adil Medić, witness statement, 31 January 1996), para. 9; Adil Medić, T. 2056.
[14693] P154 (Adil Medić, witness statement, 31 January 1996), para. 10; Adil Medić, T. 2048.

Andrić, and Captain Lukaić were present when representatives from Merhamet visited Manjača camp on 18 June 1992.[14694] According to a daily report from the Manjača Camp Operative Group to the 1KK of that day, the detainees told Merhamet representatives about the poor quality of the food, leaks in the living quarters, and about not being able to contact their families.[14695] However, the report stated that, in the assessment of the Manjača Camp Operative Group, the Merhamet representatives and the representatives of the detainees were 'basically happy' with the conditions prevailing at the camp.[14696]

3994. **Medić** testified that he later learned that Omer Filipović and another detainee named Esad Bender had been beaten to death on or around 28 or 29 July 1992.[14697] The witness claimed to know this based on the death certificates and pathological reports he obtained, and from subsequent discussions with other detainees.[14698] On 1 August 1992, Colonel Vukelić informed him that of the 2,000 detainees in the camp, less than 200 had anything to do with the armed conflict.[14699] The witness never saw a detainee dressed in uniform in the camp.[14700] While at the camp, he was also informed that of the persons detained at Manjača camp, 85 per cent were Muslim and 15 per cent were Croat.[14701]

3995. **Ewan Brown** testified that on 24 June 1992, two Merhamet representatives visited the camp and delivered food, some medication, clothing, footwear, and some personal hygiene items.[14702] They asked for a list of detainees, which they did not receive, and were informed that they were to apply to the corps command for such details. They were also not allowed to have contact with the detainees.[14703]

[14694] Boško Amidžić T. 29532-29535; P6993 (Manjača Camp daily report to the 1KK, 18 June 1992), pp. 1-2. *See also* P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013) para. 2.143.
[14695] P6993 (Manjača camp daily report to the 1KK, 18 June 1992), p. 2. *See also* P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013) para. 2.143.
[14696] Boško Amidžić, T. 29552-29553; P6993 (Manjača Camp daily report to the 1KK, 18 June 1992), p. 2. *See also* P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013) para. 2.143.
[14697] P154 (Adil Medić, witness statement, 31 January 1996), para. 10; P155 (Adil Medić, supplemental witness statement, 9 November 2001), p. 2; Adil Medić, T. 2036, 2059.
[14698] P154 (Adil Medić, witness statement, 30-31 January 1996), para. 11; Adil Medić, T. 2059-2064.
[14699] P154 (Adil Medić, witness statement, 31 January 1996), para. 21.
[14700] P154 (Adil Medić, witness statement, 31 January 1996), para. 21; Adil Medić, T. 2042-2043.
[14701] Adil Medić, T. 2043.
[14702] P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013) para. 2.144.
[14703] P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013) para. 2.144.

3996. From 14 to 16 July 1992, the ICRC visited Manjača camp and interviewed detainees without witnesses.[14704] The authorities refused to notify the ICRC of the identity of the detainees at the camp.[14705] **Bekir Delić** confirmed that the ICRC visited the camp between 7 and 14 July 1992.[14706] **Džafić** stated that for the visit of the ICRC on or about 14 July 1992, the detainees – whose clothes were tattered and falling apart – were given old JNA uniforms.[14707] The witness believed this was done to make them look like POWs.[14708] Following the visit of the ICRC around 14 July 1992, political leaders of the ARK in Banja Luka, including Vojo Kuprešanin, visited Manjača camp together with Popović, but in **Delić**'s view this visit did not improve the conditions at Manjača camp.[14709]

3997. On 25 July 1992, the ICRC sent a report on the situation at Manjača camp to Karadžić, Biljana Plavšić, and Dragan Kalinić, Health Minister of the Bosnian-Serb Republic.[14710] In the report, the ICRC delegates noted that general living conditions, including hygiene and clothing, were 'absolutely insufficient'.[14711] The stables provided inadequate sanitary conditions and protection from the elements. Water supply was inconsistent and taps were provided inadequately; detainees only had the opportunity to shower twice a month, and facilities for washing clothes were non-existent.[14712] The delegates observed signs of anaemia in the detainees.[14713] The visit was also terminated prematurely when the ICRC delegates observed two detainees being subjected to ill-

[14704] P2880 (Letters from Karadžić to Bosnian-Serb Prime Minister Đerić and to the ICRC President, 7 August 1992; Letter from the ICRC Head of Mission to Karadžić, 25 July 1992; and ICRC report on Manjača camp, 22 July 1992), pp. 4-5.
[14705] P2880 (Letters from Karadžić to Bosnian-Serb Prime Minister Đerić and to the ICRC President, 7 August 1992; Letter from the ICRC Head of Mission to Karadžić, 25 July 1992; and ICRC report on Manjača camp, 22 July 1992), p. 5.
[14706] P3432 (Bekir Delić, witness statement, 13 September 2001), p. 8.
[14707] P3394 (Atif Džafić, witness statement, 28 September 2011), para. 113.
[14708] P3394 (Atif Džafić, witness statement, 28 September 2011), para. 112.
[14709] P3432 (Bekir Delić, witness statement, 13 September 2001), p. 9.
[14710] P2880 (Letters from Karadžić to Bosnian-Serb Prime Minister Đerić and to the ICRC President, 7 August 1992; Letter from the ICRC Head of Mission to Karadžić, 25 July 1992; and ICRC report on Manjača camp, 22 July 1992), p. 4. *See also* P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013) paras 2.160-2.161.
[14711] P2880 (Letters from Karadžić to Bosnian-Serb Prime Minister Đerić and to the ICRC President, 7 August 1992; Letter from the ICRC Head of Mission to Karadžić, 25 July 1992; and ICRC report on Manjača camp, 22 July 1992), p. 5. *See also* P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013) paras 2.160-2.161.
[14712] P2880 (Letters from Karadžić to Bosnian-Serb Prime Minister Đerić and to the ICRC President, 7 August 1992; Letter from the ICRC Head of Mission to Karadžić, 25 July 1992; and ICRC report on Manjača camp, 22 July 1992), p. 6. *See also* P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013) paras 2.160-2.161.

treatment.[14714] The delegates concluded that the camp should be closed, with civilian detainees released and military detainees transferred to adequate facilities.[14715] The delegates had submitted a list of 19 detainees who were either physically or mentally handicapped, wounded or who suffered from serious chronic or acute illness, such as tuberculosis; the delegates recommended these detainees be released immediately, stressing that there were many more and that this list was only the beginning.[14716]

3998. On 7 August 1992, Karadžić sent copies of the ICRC report on the situation in Manjača and Bileća to Prime Minister Branko Đerić, stating that he expected the Government to take prompt action to improve the living conditions in 'the prisons on our territories that are being held by civil authorities'.[14717] Karadžić stated that in relation to the report, he had also sent a letter to Mladić.[14718] Karadžić also sent a letter to the president of the ICRC, condemning the local incidents provoked by 'individuals and groups out of [his] control'.[14719] He accepted the recommendations of the ICRC concerning Manjača and Bileća – specifically the suggestion to release all persons older than 60 years of age from all the prisons – and stated that he had requested 'from the commander of our Army Staff and from our Government' to take action in accordance with the ICRC's suggestions and to report back as soon as possible.[14720] Karadžić also stated the Serb government was ready to speed up the exchange of detainees through a system of decentralized exchange commissions. He suggested that the ICRC provide

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[14713] P2880 (Letters from Karadžić to Bosnian-Serb Prime Minister Đerić and to the ICRC President, 7 August 1992; Letter from the ICRC Head of Mission to Karadžić, 25 July 1992; and ICRC report on Manjača camp, 22 July 1992), p. 6.
[14714] P2880 (Letters from Karadžić to Bosnian-Serb Prime Minister Đerić and to the ICRC President, 7 August 1992; Letter from the ICRC Head of Mission to Karadžić, 25 July 1992; and ICRC report on Manjača camp, 22 July 1992), p. 5.
[14715] P2880 (Letters from Karadžić to Bosnian-Serb Prime Minister Đerić and to the ICRC President, 7 August 1992; Letter from the ICRC Head of Mission to Karadžić, 25 July 1992; and ICRC report on Manjača camp, 22 July 1992), p. 6.
[14716] P2880 (Letters from Karadžić to Bosnian-Serb Prime Minister Đerić and to the ICRC President, 7 August 1992; Letter from the ICRC Head of Mission to Karadžić, 25 July 1992; and ICRC report on Manjača camp, 22 July 1992), p. 7.
[14717] P2880 (Letters from Karadžić to Bosnian-Serb Prime Minister Đerić and to the ICRC President, 7 August 1992; Letter from the ICRC Head of Mission to Karadžić, 25 July 1992; and ICRC report on Manjača camp, 22 July 1992), pp. 1-2.
[14718] P2880 (Letters from Karadžić to Bosnian-Serb Prime Minister Đerić and to the ICRC President, 7 August 1992; Letter from the ICRC Head of Mission to Karadžić, 25 July 1992; and ICRC report on Manjača camp, 22 July 1992), p. 1.
[14719] P2880 (Letters from Karadžić to Bosnian-Serb Prime Minister Đerić and to the ICRC President, 7 August 1992; Letter from the ICRC Head of Mission to Karadžić, 25 July 1992; and ICRC report on Manjača camp, 22 July 1992), p. 2.
[14720] P2880 (Letters from Karadžić to Bosnian-Serb Prime Minister Đerić and to the ICRC President, 7 August 1992; Letter from the ICRC Head of Mission to Karadžić, 25 July 1992; and ICRC report on Manjača camp, 22 July 1992), pp. 2-3.

support in food and hygiene products to the prisons since this was in the interest of all the detained persons regardless of their ethnicity.[14721]

3999. On 29 July 1992 'The Guardian' reported that about 106 underage boys and men over 60 were released from a male camp in Manjača, to which the Red Cross had been given access.[14722]

4000. **Sakib Muhić** stated that after the ICRC was granted access to Manjača camp, the detainees were permitted to spend short periods of time outside. Around this time, there were many journalists visiting the camp and when they came, the guards allowed the detainees to spend some time outdoors in order to demonstrate to the journalists that they had freedom of movement within the camp.[14723]

4001. On 3 August 1992, pursuant to the agreement of the political leadership of the three Bosnia-Herzegovina peoples and relating to the preparation of POW camps for visits of foreign journalists and members of the ICRC, Mladić ordered that measures be immediately taken through the MUP and 'authorities' to arrange the POW camps in the various zones of responsibility in preparation for the visits. Visits were planned to take place at the Omarska, Trnopolje, and Manjača camps in the zone of the 1KK, and Lukavica prison in the SRK zone.[14724] Mladić ordered that all other camps in the zones of responsibility also be prepared.[14725] The recipient of the order, along with the MUP, was to provide accommodation for the journalists and escort them during their trip in the zone of responsibility and ensure their safety.[14726] Mladić also ordered the preparation of evidence of crimes committed by the 'enemy' to be presented to the teams, including video tapes, photographs, and other objects.[14727]

4002. Also on 3 August 1992, Krajina Corps Commander Momir Talić wrote to the Command of the 43rd Motorized Brigade, the Manjača camp command, the Prijedor

[14721] P2880 (Letters from Karadžić to Bosnian-Serb Prime Minister Đerić and to the ICRC President, 7 August 1992; Letter from the ICRC Head of Mission to Karadžić, 25 July 1992; and ICRC report on Manjača camp, 22 July 1992), p. 3.
[14722] P4320 (Press report from The Guardian, 29 July 1992), p. 4.
[14723] P3426 (Sakib Muhić, witness statement, 11 April 2000), p. 9.
[14724] P2879 (Order by Mladić, 3 August 1992), p. 1. *See also* P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013) para. 2.169.
[14725] P2879 (Order by Mladić, 3 August 1992), p. 1.
[14726] P2879 (Order by Mladić, 3 August 1992), p. 2. *See also* P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013) para. 2.169.
[14727] P2879 (Order by Mladić, 3 August 1992), p. 2.

CSB, and the Security Organ of the 1KK Rear Command Post.[14728] Talić informed these commands that the VRS Main Staff Commander had provided his verbal approval for an ICRC team and reporters to visit the detention camps in Manjača, Trnopolje, Omarska, and Prijedor in the next two days. Talić instructed that all measures be taken to make conditions in these camps satisfactory, through ensuring, *inter alia*, functional medical care for detainees and records of deaths and findings on the cause of deaths.[14729] He further instructed that 'representatives of the detainees for contact with the camp authorities' be selected.[14730]

4003. On 13 August 1992, Dana Lukajić reported to the 1KK Command that the ICRC team had visited the Manjača camp on the same day and contacted the detainees of its choice without military organs being present.[14731] Due to its work, the team had probably obtained the information that two prisoners, Omer and Bender Filipović, had been physically maltreated, following which they had died.[14732] The ICRC also brought messages for detainees, and one of them indicated that detainees could be 'bought' for hard currency in Omarska.[14733]

4004. According to a report by the 1KK Command to the VRS Main Staff dated 13 August 1992, the ICRC had visited the camp that day.[14734] **Brown** testified that the ICRC returned to Manjača camp on 14 August 1992, with a delegation from the French Ministry of Health, headed by Minister Kouchner, and a number of foreign journalists.[14735] The ICRC also visited Manjača camp on 18, 24, and 26 August 1992 and delivered humanitarian aid, including food, water, and medical supplies to the camp.[14736]

[14728] P201 (Letter regarding visits to detention camps, Major General Momir Talić, 3 August 1992). *See also* P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013) para. 2.169.
[14729] P201 (Letter regarding visits to detention camps, Major General Momir Talić, 3 August 1992). *See also* P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013) para. 2.169.
[14730] P201 (Letter regarding visits to detention camps, Major General Momir Talić, 3 August 1992).
[14731] P3879 (Report to 1KK Command, 13 August 1992), pp. 1-2. *See also* P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013) paras 2.140, 2.171.
[14732] P3879 (Report to 1KK Command, 13 August 1992), p. 2. *See also* P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013) paras 2.140, 2.171.
[14733] P3879 (Report to 1KK Command, 13 August 1992), p. 2.
[14734] P3818 (1KK regular combat report to Main Staff, 13 August 1992), pp. 1-2. *See also* P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013) para. 2.172.
[14735] P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013) para. 2.173.
[14736] P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013) paras 2.174-2.175. *See also* P2899 (Daily report by Manjača Camp Operative Group to 1KK

4005. The UN Special Rapporteur of the Commission on Human Rights, Tadeusz Mazowiecki, together with other UN representatives, visited Bosnia-Herzegovina from 21 to 26 August 1992.[14737] During this period, he tried to visit Manjača camp, reportedly the largest detention camp on Bosnian territory under the control of Serbs.[14738] Upon arrival at the camp, Mazowiecki requested permission to visit the detainees from the officer in charge. This request was denied because, according to the officer in charge, the detainees were 'tired of being visited by international missions' and it was too late in the day, even though it was more than an hour before sunset. Finally, the officer in charge indicated that the members of the mission were not allowed to visit the detainees because the mission had not requested permission from the central authorities to enter the Bosnian-Serb Republic. Mazowiecki reported that the treatment he received from the officer in charge gave him a vivid impression of the state of terror under which the detainees were presumably living. The officer in charge informed the members of the mission that there were 3,000 POWs who were held at the camp at that moment.[14739] According to Mazowiecki, well-informed sources estimated that the number of detainees was in all probability considerably higher than the official figures indicated. Even though it was unable to visit the camp, the mission did receive information, including photographs, from persons who had visited the camp a few weeks before and many detainees were in a poor state of health, with signs of malnutrition and, in some cases, torture. Mazowiecki also reported being informed that a detainee from the camp had recently been taken to the hospital and weighed only 34 kilograms.[14740]

4006. On 23 August 1992, Colonel Milutin Vukelić, the Assistant Commander of the 1KK, reported to the Bosnian-Serb Government, the VRS Main Staff, and the 1KK Command IKM that in accordance with a confidential order, the UN representative Tadeusz Mazowiecki had been prevented from visiting Manjača camp by the 1KK

Command, 18-20 August 1992), p. 2; P2909 (Daily report by Manjača Camp Operative Group to 1KK Command, 23-24 August 1992).

[14737] P299 (UN Commission on Human Rights report on the situation of human rights the former Yugoslavia, 28 August 1992), p. 1, paras 2-3.

[14738] P299 (UN Commission on Human Rights report on the situation of human rights the former Yugoslavia, 28 August 1992), paras 2, 35.

[14739] P299 (UN Commission on Human Rights report on the situation of human rights the former Yugoslavia, 28 August 1992), para. 35.

[14740] P299 (UN Commission on Human Rights report on the situation of human rights the former Yugoslavia, 28 August 1992), para. 36.

Command on the pretext that he did not have permission from the Bosnian-Serb Government.[14741]

4007. **Witness RM-093** stated that it was government and army policy, promulgated by, amongst others, General Talić and Stojan Župljanin, not to allow journalists access to combat areas unless they had government clearance.[14742] The witness confirmed that a report of 23 August 1992 by 1KK Colonel Vukelić regarding a visit of a UN representative to Manjača camp represented this policy regarding journalists; it reads: 'we had to act in accordance with your strictly confidential order number 02/5/-115 of 23 August, 1992.[14743] We prevented them from going to the camp on the pretext that they did not have permission from the Serbian Republic government'.[14744] The witness further stated that interviews with army officers were not held without the presence of a government representative.[14745]

4008. In a 24 August 1992 briefing by the organs of the VRS Main Staff attended by Mladić, the organ for reserve supplies reported that Mazowiecki 'should have been allowed a visit'.[14746]

4009. According to **Brown**, a 1KK report dated 25 August 1992 noted that:

> […] in the territory and in the zone of combat operations visits by foreign journalists and delegations directed by the Banja Luka Press Centre are becoming increasingly frequent. Regarding the problems that arose in connection with the visit of UN envoy Tadeausz MAZOWIECKI [*sic*], a report was made, strictly confidential number 600, dated 23 August 1992, and General MLADIC's remarks were conveyed to Corps Command organs. The commander of the prison camp, Lieutenant Colonel POPOVIC, has been informed of these views and he claims that during the latest visit by a Red Cross delegation there were no problems regarding the reception of aid, but he was unable to engage his physicians and quartermasters because they were on an official trip to Banja Luka.[14747]

[14741] P3805 (Report by 1KK on a visit of a UN representative, 23 August 1992), p. 2. *See also* P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013) para. 2.156.
[14742] P3145 (Witness RM-093, *Brđanin* transcript, 6, 7, 10-13 March 2003), pp. 15519-15520, 15530, 15532.
[14743] P3145 (Witness RM-093, *Brđanin* transcript, 6, 7, 10-13 March 2003), p. 15530.
[14744] P3145 (Witness RM-093, *Brđanin* transcript, 6, 7, 10-13 March 2003), p. 15530.
[14745] P3145 (Witness RM-093, *Brđanin* transcript, 6, 7, 10-13 March 2003), p. 15532.
[14746] P354 (Mladić notebook, 16 July - 9 September 1992), p. 87. *See also* P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013) para. 2.157.
[14747] P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013) para. 2.158.

4010. **Ahmet Zulić** stated that on 26 August 1992, Bernard Kouchner, a French minister, visited Manjača camp. Together with Božidar Popović, he entered the stable in which the witness was staying and wanted to talk to the detainees in German, French, or Italian, but none of the detainees dared to speak to him during the approximately ten-minute-long visit. Popović pointed to a group of men from Ključ who had arrived at the camp a few days prior, saying how nice the men looked and how they were not malnourished. Before Kouchner's visit, the detainees had to 'clean and straighten everything out'.[14748]

4011. On 1 November 1992, the Manjača Camp Operative Group reported to the 1KK Command that the ICRC visited the camp that day and provided 1,800 kilograms of bread and delivered messages to the detainees. The operative group was engaged in checking the incoming messages from the ICRC.[14749] The guard policeman Radenko Kaurin slapped two detainees in the presence of the ICRC because they took bread to eat while they were carrying bread baskets.[14750]

4012. On 9 November 1992, Intelligence Affairs Operations team leader Dane Lukajić reported to the First Krajina Corps Command that around 12-15 detainees, prior to arriving at Manjača camp, had been physically abused and visibly injured in prison in Banja Luka.[14751] He stated that this was a problem because ICRC had access to such cases, and advised that measures should be taken to prevent maltreatment of the prisoners in Banja Luka in cases where the maltreatment would result in visible injuries, such as bone breakage, bruises, or scars.[14752]

4013. With regard to visits to the camp by journalists, **Miloš Šolaja** testified that the Press Centre received all foreign journalists in the 1KK's zone of responsibility.[14753] Roy Gutman, Peter Maass of the Washington Post, and Chuck Sudetić of the New York Times also visited detainees at Manjača camp.[14754] Journalists of the Turkish Anadolu

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[14748] P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 131.
[14749] P3885 (Daily report by Manjača Camp Operative Group to the 1KK, 1 November 1992), p. 1. *See also* P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013) paras 2.176-2.177.
[14750] P3885 (Daily report by Manjača Camp Operative Group to the 1KK, 1 November 1992). *See also* P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013) para. 2.177.
[14751] P3696 (Report to 1KK Command, 9 November 1992), p. 1.
[14752] P3696 (Report to 1KK Command, 9 November 1992), p. 1.
[14753] D924 (Miloš Šolaja, witness statement, 11 June 2014), paras 4, 7-8.
[14754] D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 8.

Agency were also granted access to Manjača camp and visited.[14755] **Brown** testified that Roy Gutman, a US journalist working for *Newsday*, and a photographer also gained access to Manjača camp on 16 July 1992.[14756] Gutman interviewed a number of former detainees from Omarska, Trnopolje, and Manjača camps and published a number of articles in July and early August 1992, exposing the conditions at the three camps.[14757]

4014. On 8 August 1992, the Manjača Camp Operative Group reported to the 1KK Command that Manjača Camp had been visited that day by two teams of journalists, who were allowed to enter one of the cell blocks in order to inspect the state of the accommodation and to interview some detainees, including a member of the Croatian army and a Muslim priest.[14758] The visit was 'directed, that is, scripted' by 1KK Press Centre Head Major Milutinović, whereas Camp Commander Lieutenant Colonel Božidar Popović and the 1KK security organ was with the groups of journalists at all times during their visit.[14759]

4015. On 8 August 1992, the 1KK reported to the VRS Main Staff that two groups of foreign correspondents visited Manjača camp that day.[14760] It further reported that the correspondents were satisfied that Manjača was not a concentration camp and that they did not have any serious objections to the conditions in the camp.[14761]

4016. On 10 August 1992, the 1KK reported that a group of journalists from the US, UK, and France visited Manjača camp for one hour. On 12 August 1992, a group of seven journalists visited the camp and the camp's daily report noted that they had 'tried, as during all previous visits, to photograph and see only the bad side of the camp and the undernourished prisoners'.[14762]

[14755] D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 10.
[14756] P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013) para. 2.168.
[14757] P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013) para. 2.168. *See also* P2891 (Article in 'Newsday' by Roy Gutman, 'Prisoners of Serbia's war', 19 July 1992).
[14758] P2908 (Daily report by Manjača Camp Operative Group to 1KK Command, 8 August 1992), pp. 1-2. *See also* P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013) para. 2.150.
[14759] P2908 (Daily report by Manjača Camp Operative Group to 1KK Command, 8 August 1992), pp. 1-2. *See also* P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013) para. 2.150.
[14760] P3877 (Regular Combat Report to the VRS Main Staff, addressed to the 1KK, 8 August 1992), p. 1, para. 5.
[14761] P3877 (Regular Combat Report to the VRS Main Staff, addressed to the 1KK, 8 August 1992), para. 5.
[14762] P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013) para. 2.155.

4017. On 12 December 1992, three journalists visited Manjača camp and were interested in the accommodation, treatment, and reasons for the arrest of the detainees they spoke to.[14763]

4018. Based on the foregoing, the Trial Chamber finds that sometime in early June 1992, Predrag Radić; General Momir Talić, Commander of the VRS 1KK; and Božidar Popović, the Manjača camp commander told a Muslim lawyer who visited Manjača camp together with members of a local human rights organization that almost all Manjača camp detainees were POWs. The Trial Chamber recalls that the detainees at Manjača camp were predominantly civilians and that the VRS 1KK was responsible for detention at the camp (see chapter 4.1.2 *Schedule C.1.2*). The Trial Chamber thus considers that Talić, as well as camp commander Popović, knew that the majority of detainees were not POWs and that the information they provided was therefore purposefully misleading. Also, on 24 June 1992, the Manjača Camp Operative Group denied members of Merhamet contact with the detainees and did not provide them with a list of detainees which they had requested. The members of the operative group told Merhamet that such information was to be requested from the 1KK Command. Furthermore, during a visit of the ICRC which took place around mid-July 1992, the Manjača Camp Operative Group gave the detainees old JNA uniforms and refused to inform the ICRC of the identity of the detainees at the camp. Also, on 8 August 1992, the Manjača Camp Operative Group did not allow the visiting journalists to see a group of detainees who had recently been transferred from Omarska camp, while between 18 and 26 August 1992, it denied the ICRC access to the camp.[14764] On 23 August 1992, the 1KK Command, acting pursuant to instructions from the Bosnian-Serb Government and the VRS Main Staff, prevented the UN Special Rapporteur of the Commission on Human Rights, Tadeusz Mazowiecki, from visiting Manjača camp. However, the Trial Chamber further finds that the 1KK permitted the ICRC and members of other local and international organizations, including Merhamet and the ECMM, to visit Manjača camp on several occasions between June and December 1992 and that on a number of these occasions, the ICRC registered detainees and interviewed them with respect to their treatment and the conditions of detention. International journalists also visited Manjača

[14763] P2862 (Ewan Brown, The VRS and Manjača Detention Camp 1991-1993: A background study, March 2013) para. 2.159.

[14764] The Trial Chamber notes that while exhibit P2909 indicates that on 24 August 1992, the ICRC delivered humanitarian aid to Manjača camp, it does not state that the ICRC members also visited the camp that day.

camp on a number of occasions between July and December 1992 and interviewed detainees at the camp. The visits usually occurred with Karadžić's approval and the members of the ICRC and other organizations, as well as the journalists were sometimes accompanied by members of the 1KK during their visits. In light of the foregoing, the Trial Chamber finds that, in some instances, the 1KK, the VRS Main Staff, and the Bosnian-Serb Government made efforts to conceal the unlawful detention and the cruel and inhumane treatment at Manjača camp from journalists and representatives of international and local human rights organizations. It further finds that they also sometimes permitted such persons to visit Manjača camp and interview detainees at the camp.

4019. Mladić's alleged involvement in the concealment of the unlawful detention and the cruel and inhumane treatment of Bosnian Muslims and Bosnian Croats at Manjača camp will be further addressed in chapter 9.3.10.

Bijeljina Municipality – Batković camp

4020. With respect to the alleged cover-up of the unlawful detention and the cruel and inhumane treatment of predominantly Bosnian-Muslim and Bosnian-Croat detainees at Batković camp between 27 June 1992 and the end of November 1995, as set out in chapter 4.2.2 *Schedule C.2.1* and 8.9.2, the Trial Chamber took judicial notice of a number of Adjudicated Facts.[14765] With respect to this alleged cover-up and to the murder of one Bosnian-Croat detainee and two Bosnian-Muslim Batković camp detainees during this time period, as set out in chapter 4.2.1 *Schedule B.2.1* and 8.3.2 , it further received evidence from **Milenko Todorović**, Assistant Commander of the Intelligence and Security Organ of the IBK as of 16 November 1993;[14766] **Đorđo Krstić**, a Serb deputy warden at Batković camp from 11 January 1993 to 6 June 1994;[14767] **Tahir Ferhatbegović**, a Bosnian Muslim from Šekovići Municipality;[14768] **Mirsad Kuralić**, a Bosnian-Muslim member of the ABiH;[14769] **Witness RM-513**, a Bosnian Serb from Bijeljina;[14770] **Elvir Pašić**, a Bosnian Muslim from Rogatica

[14765] Adjudicated Facts 513-514 are reviewed in chapter 4.2.2 *Schedule C.2.1*.
[14766] Milenko Todorović, T. 19835, 19837.
[14767] D664 (Đorđo Krstić, witness statement, 29 September 2014), para. 3; Đorđo Krstić, T. 26345.
[14768] P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, pp. 1-2.
[14769] P2521 (Mirsad Kuralić, witness statement, 28 June 1996), pp. 1-3; P2524 (Medical record of Mirsad Kuralić, 21 June 1993), p. 6.
[14770] P1054 (Witness RM-513, witness statement, 25 June 2011), p. 1, paras 2, 4-6.

Municipality;[14771] **Witness RM-088**, a Bosnian Muslim from Šekovići Municipality,[14772] as well as documentary evidence.[14773]

4021. The Special Rapporteur of the Commission on Human Rights visited Batković camp in October 1992 and reported that the approximately 1,000 Muslim prisoners there generally appeared to be in good health and did not complain of ill-treatment, although they complained that they did not know the reasons for their detention and slept on straw bedding on the floor of an unheated stable, where living conditions were intolerable in the cold.[14774]

4022. Based on the foregoing, the Trial Chamber finds that in October 1992, the Special Rapporteur of the Commission on Human Rights visited Batković camp. The ICRC also visited Batković camp on a number of occasions from late August or September 1992 onwards, and in some instances could speak to the detainees without the presence of camp guards. However, not all Batković camp detainees were registered with the ICRC.[14775] The Trial Chamber also recalls its finding in chapter 4.2.2 *Schedule C.2.1* that a Serb doctor, accompanied by two nurses, only arrived at the camp on days the ICRC visited the camp. In addition, when representatives of the ICRC visited the camp, the camp guards temporarily removed from the camp the detainees who were younger than 18 and over 60 years of age, as well as those detainees who had been most severely beaten.[14776] Camp guards, as well as Serb policemen and Vlado Stević, a

[14771] P434 (Elvir Pašić, witness statement, 21 October 1994), p. 1, para. 1
[14772] P524 (Witness RM-088, witness statement, 17 October 1994), p. 1, para. 1.
[14773] The evidence of Milenko Todorović, Tahir Ferhatbegović, Mirsad Kuralić, Witness RM-513, Elvir Pašić, and Đorđo Krstić, and exhibits P527, P2132, P4163, and P6795 are reviewed in chapter 4.2.2 *Schedule C.2.1*. The evidence of Witness RM-088 is reviewed in chapters 4.10.1 *Schedule B.2.1* and 4.2.2 *Schedule C.2.1*.
[14774] P2813 (Special Rapporteur of the Commission on Human Rights report on the human rights situation in the territory of former Yugoslavia, 27 October 1992), paras 2, 15.
[14775] While the Trial Chamber received evidence from Milenko Todorović that all detainees were registered upon their arrival at Batković camp and the President of the POW commission, Ljubomir Mitrović, would then immediately notify the ICRC in Bijeljina, the Trial Chamber notes that Todorović was chief of the intelligence and security organ of the IBK only as of 16 November 1993. His evidence therefore does not contradict the evidence of Witness RM-088 that, in September 1992, a group of elderly, children, and former Muslim JNA soldiers, the presence of whom had not been reported to the ICRC when they arrived at the camp in August, were released and that he did not type a report about a former JNA soldier who died as a consequence of a beating in August 1992, as the former JNA soldier had never been registered with the ICRC. Under these circumstances, the Trial Chamber also rejects the Defence's submission that all detainees were registered by the ICRC upon arrival at Batković camp (*see* Defence Final Brief, para. 1630).
[14776] The Trial Chamber received evidence from Đorđo Krstić that no special preparations were made before the ICRC or foreign journalists visited Batković camp. However, the Trial Chamber notes that Krstić was the deputy warden of Batković camp from 11 January 1993 to 6 June 1994, so not throughout the whole period of existence of the camp. His evidence therefore does not contradict Adjudicated Fact 513.

military policeman from the Bijeljina barracks, disguised themselves as detainees so as to stand in for those detainees who had been temporarily removed or killed. Detainees were also hidden when journalists visited Batković camp.[14777] Considering that on 4 August 1992, Colonel Dragutin Ilić, Commander of the IBK, had ordered that Batković camp be prepared for a visit by foreign journalists and the ICRC,[14778] the Trial Chamber finds that these measures were taken pursuant to Ilić's order.

4023. The camp guards also instructed the detainees to report to the ICRC that the conditions at the camp were good and beat the detainees who did not comply and, on one occasion when an American news crew visited Batković camp in September 1992, Velibor Stojanović and Deputy Commander Mladen Tukodi told the detainees that they were not allowed to tell the reporters about the detainees who were dead or who had been beaten.

4024. Furthermore, the Batković camp command, including Tukodi, ordered detainees to include false information in reports sent to the ICRC. Detainees who had died because they were denied access to medical care were reported to have died of natural causes and if a detainee was killed, the report would state that he had been exchanged. In particular, when the ICRC enquired about the whereabouts of a murdered Bosnian-Croat detainee, as found in chapters 4.2.1 *Schedule B.2.1* and 8.3.2 , Tukodi ordered another detainee to add the murdered detainee's name to a list of people who had already been released. Furthermore, after the murder of two Bosnian-Muslim Batković camp detainees, as found in chapters 4.2.1 *Schedule B.2.1*, the camp command ordered a detainee to type a report for the ICRC stating that the two detainees had been exchanged; it was only after details about the incident came to the attention of the ICRC that the camp command confirmed that the two detainees had been killed .

4025. In light of the foregoing, the Trial Chamber finds that Dragutin Ilić, the Batković camp guards, and the camp command, including Deputy Commander Tukodi, made

[14777] With respect to the Defence's argument that the alleged hiding of detainees is not supported by the evidence, due to the 'almost constant presence' of the ICRC (*see* Defence Final Brief, para. 1637), the Trial Chamber rejects the argument as unmeritorious. The Trial Chamber's findings that detainees were hidden both when the ICRC and when journalists visited the camp is based on the unrebutted Adjudicated Fact 513 and the evidence of Tahir Ferhatbegović, Witness RM-088, and Mirsad Kuralić, which provides further details in this respect.

[14778] In light of the VRS Main Staff order to the IBK Command that a POW camp be set up for POWs in the village of Batković dated 12 June 1992, in evidence as exhibit P189, the Trial Chamber understands the 4 August 1992 order from Colonel Dragutin Ilić, Commander of the IBK, to the commander of an unspecified POW camp, in evidence as exhibit P6795, to have been addressed to the commander of Batković camp.

efforts to conceal the unlawful detention and the cruel and inhumane treatment at Batković camp and the murder of a Bosnian-Croat Batković camp detainee from the ICRC and international journalists. The camp command also attempted to conceal the murder of two Bosnian-Muslim Batković camp detainees from the ICRC.

Foča Municipality – KP Dom Foča

4026. With respect to the alleged cover-up of the unlawful detention and the cruel and inhumane treatment of non-Serb civilian men, mostly of Bosnian-Muslim ethnicity, at KP Dom Foča between 12 May 1992 and October 1994, as set out in chapters 4.3.2 *Schedule C.6.1* and 8.9.2, the Trial Chamber took judicial notice of a number of Adjudicated Facts.[14779] It further received evidence from **Witness RM-046**, **Witness RM-086**, and **Witness RM-013**, all Bosnian Muslims from Foča.[14780]

4027. **Witness RM-046** testified that on 23 June 1993, the ICRC came to KP Dom to register the detainees, but a group of 12 detainees, mostly professionals and intellectuals, were hidden in the cellar of the bakery outside KP Dom because, according to the guards, they were meant for 'retaliation'.[14781]

4028. Based on the foregoing, the Trial Chamber finds that the ICRC visited KP Dom Foča on a number of occasions between 1992 and 1993. During these visits, the ICRC was able to talk to some of the detainees, in the presence of camp guards, including the head of guards and his deputy. However, during these visits, the camp guards hid a group of 25 detainees who were kept hidden until 1993, when they were finally registered by the ICRC. During an ICRC visit which took place on 23 June 1993, the camp guards hid a group of 12 detainees. The Trial Chamber further finds that only when British journalists announced that they would be visiting KP Dom did the camp guards tell the detainees to clean their rooms, give them haircuts, and allow them to shave and wash themselves. In light of the foregoing, the Trial Chamber finds that the authorities in charge of KP Dom Foča, MoJ employees and other camp guards, made

[14779] Adjudicated Facts 628 and 652 are reviewed in chapter 4.3.2 *Schedule C.6.1*.
[14780] **Witness RM-046**: P738 (Witness RM-046, witness statement, 20 April 1996), p. 9. **Witness RM-086**: P2933 (Witness RM-086, witness statements), witness statement of 22 October 1995, pp. 1-2. **Witness RM-013**: P982 (Witness RM-013, witness statement, 22 October 1995), p. 1, para. 1; P983 (Witness RM-013, witness statement, 20 May 1996), p. 1. The evidence of Witness RM-086 and Witness RM-013 is reviewed in chapter 4.3.2 *Schedule C.6.1* .
[14781] P738 (Witness RM-046, witness statement, 20 April 1996), p. 9.

efforts to conceal the unlawful detention and the cruel and inhumane treatment of some of the KP Dom Foča detainees from the ICRC and international journalists.

Foča Municipality – Foča high school

4029. With respect to the alleged cover-up of the cruel and inhumane treatment of Bosnian-Muslim civilian detainees at Foča high school in June and July 1992, as set out in chapters 4.3.2 *Schedule C.6.5* and 8.9.2, the Trial Chamber received evidence from **Witness RM-070**, a Muslim woman from Foča Municipality.[14782]

4030. Based on the evidence of Witness RM-070, the Trial Chamber finds that before Serbian TV reporters came to Foča high school to interview the detainees about their living conditions, Mitar Sipcić from the Serb Crisis Staff in Foča, who was in charge of the policemen guarding the school in June 1992, told the detainees to tell the journalists that they were treated well. As a consequence, nobody dared to tell the journalists about the rapes that had occurred at the school. The Trial Chamber thus finds that Sipcić made efforts to conceal the cruel and inhumane treatment at the school from journalists.

Kotor Varoš Municipality – Murder at Grabovica School

4031. In relation to the alleged cover-up of the murder of approximately 150 unarmed Bosnian-Muslim men in the sports hall of Grabovica School, at a field in Duboka, and in Maljava on 4 November 1992, as set out in chapter 4.7.1 *Schedule A.4.4* and 8.3.2, the Trial Chamber took judicial notice of a number of Adjudicated Facts. It further received evidence from **Witness RM-009**, a Bosnian Serb from Kotor Varoš;[14783] and **Witness RM-802**, a VRS officer,[14784] as well as documentary evidence.

4032. **Witness RM-009** testified that sometime after October 1992, Duško Kerezović gave a verbal order for Serb-only members of the Sanitation Unit to take some vehicles to Grabovica because a large killing had occurred, and to tell Slavko Kuprešak to take

[14782] P2422 (Witness RM-070, witness statement, 18 November 1995), p. 1, para. 1; P2421 (Pseudonym sheet for Witness RM-070). The evidence of Witness RM-070 is reviewed in chapter 4.3.2 *Schedule C.6.5*.
[14783] P843 (Witness RM-009, witness statement, 23 January 2003), paras 39-40; Witness RM-009, T. 7957-7958; P846 (Certificate dated 5 February 1993, signed by Duško Kerezović).
[14784] P439 (Witness RM-802, witness statement, 25 April 2012), pp. 1-2, 33; P438 (Witness RM-802, pseudonym sheet). The evidence of Witness RM-802 is reviewed in chapter 4.7.1 *Schedule A.4.4*.

his fire brigade truck there in order to wash the road.[14785] Kerezović also ordered Velibor Tepić to re-paint the walls of the school's sports hall.[14786] In all other instances, the Sanitation Unit had received written orders from Kerezović, but this time Kerezović's order was verbal and related specifically to an all-Serb work detail, which was understood to mean that Kerezović wanted to conceal the operation from the international community.[14787] According to the witness, a terrible crime had happened at Grabovica in which 160 to 163 unarmed civilians were killed.[14788] Members of the Sanitation Unit including Želimir Brkić, Mile Brborović, Velibor Katana, and Boško Filipović, arrived in Grabovica that morning around 9 a.m.[14789] There were bodies lying along the road as far as 100 metres away from the school.[14790] Members of the Sanitation Unit reported to Milivoje Kljajić, Commander of the Grabovica Platoon, in front of the school.[14791] Kljajić told them that bodies were located at the school, as well as in Duboka and Maljava, but that no list of the dead would be provided.[14792] Nedeljko Đekanović went to Grabovica School on 5 November 1992 to monitor the 'clearing up of the terrain and cleaning of the school'.[14793] According to the minutes of the 118th meeting of the War Presidency of Kotor Varoš on 6 November 1992, attended also by Slobodan Župljanin, Zdravko Pejić, and Čedo Đukić, the Kotor Varoš War Presidency was informed that Đekanović, the President of the War Presidency, monitored the clearing up of the terrain and the cleaning of the school in Grabovica.[14794]

4033. **Witness RM-009** testified that because the Serb inhabitants of Grabovica Village did not want Muslims buried there, Kljajić and Kerezović decided that the bodies would be buried at least ten kilometres away.[14795] Shortly after, two military trucks and an excavator driven by Filipović arrived in Duboka, where the bodies were loaded into the vehicles with the help of soldiers.[14796]

[14785] P843 (Witness RM-009, witness statement, 23 January 2003), paras 154, 158.
[14786] P843 (Witness RM-009, witness statement, 23 January 2003), para. 158.
[14787] P843 (Witness RM-009, witness statement, 23 January 2003), para. 158; Witness RM-009, T. 7961-7962, 7981, 7988-7989, 8029.
[14788] Witness RM-009, T. 7972-7973.
[14789] P843 (Witness RM-009, witness statement, 23 January 2003), para. 159.
[14790] P843 (Witness RM-009, witness statement, 23 January 2003), para. 160.
[14791] P843 (Witness RM-009, witness statement, 23 January 2003), para. 160; P851 (List of 46th Kotor Varoš Brigade Members), p. 9.
[14792] P843 (Witness RM-009, witness statement, 23 January 2003), para. 160.
[14793] Adjudicated Facts I, no. 808. P3705 is consistent with Adjudicated Fact 808.
[14794] P3705 (Extract from the Minutes of the 118th Meeting of the War Presidency of Kotor Varoš Municipality, 6 November 1992).
[14795] P843 (Witness RM-009, witness statement, 23 January 2003), para. 163.
[14796] P843 (Witness RM-009, witness statement, 23 January 2003), para. 164.

4034. At Grabovica School, soldiers had loaded around 25 bodies from inside the school into a trailer.[14797] At this point, all of the bodies had been removed from the school's sports hall.

4035. After gathering corpses from Duboka, the members of the Sanitation Unit returned to the school, where they heard one of the Muslim victims from Večići, who was thought to be dead, calling out from under the bodies for water.[14798] Pero Zarić arrived and, when a member of the Sanitation Unit ordered that the wounded man be taken to the hospital, Zarić said, '[w]ell, here's water and here's the hospital for him,' and then shot the Muslim man dead at close range.[14799]

4036. Once the vehicles, which included three military trucks and two tractors with trailers, were fully loaded with approximately 165 bodies, a convoy was formed which included the excavator, which left Grabovica in the direction of Vrbanjci, passing women who spat on the vehicles, saying that they were very pleased with the killings.[14800] Kerezović ordered the convoy to bury the bodies at a location in Plitska, and members of the Sanitation Unit, with the help of 20 soldiers from the Grabovica and Vrbanjci units who were drinking alcohol the entire time, buried the bodies in a mass grave.[14801] The burial was done in a hurry and at night so that the international community and the ICRC would not hear of it.[14802]

4037. The following day, pursuant to verbal orders of Kerezović, members of the Sanitation Unit added additional bodies to the mass grave and put more soil on the grave because dogs had started digging up some of the bodies.[14803] A few days later, Kerezović ordered members of the Sanitation Unit to pick up the remaining bodies in Maljava.[14804] The bodies were taken by members of the Sanitation Unit to Plitska where, in the presence of five or six soldiers from the Grabovica and Vrbanjci units,

[14797] P843 (Witness RM-009, witness statement, 23 January 2003), para. 165.
[14798] Witness RM-009, T. 7973.
[14799] Witness RM-009, T. 7973.
[14800] P843 (Witness RM-009, witness statement, 23 January 2003), paras 171-172; P844 (Chart of clarifications to Witness RM-009 witness statement), p. 1.
[14801] P843 (Witness RM-009, witness statement, 23 January 2003), paras 173-175; Witness RM-009, T. 7974, 8022-8023; P844 (Chart of clarifications to Witness RM-009 witness statement), p. 1; P853 (Photographs of exhumation at Gorna Plitska), p. 2.
[14802] Witness RM-009, T. 7974-7975, 7981.
[14803] P843 (Witness RM-009, witness statement, 23 January 2003), para. 176.
[14804] P843 (Witness RM-009, witness statement, 23 January 2003), para. 178; Witness RM-009, T. 8023.

they were buried in a mass grave. The Sanitation Unit then reported to Kerezović that the work had been completed.[14805]

4038. According to a report of the 1KK Command of 4 November, 'a brutal massacre of the captured members of the Green Berets started because of the wounding of four and the killing of one soldier of the Kotor Varoš Light Infantry Brigade and the burning of wounded soldiers on Gola Planina (Jajce)'.[14806] The 4 November 1992 report from the 1KK to the VRS Main Staff specified that those killed were part of a group of 200 members of the Green Berets who had been captured that day following a clash with Muslim forces in the area of Kotor Varoš, which had occurred because of a refusal to negotiate on moving out of the Večići area, and in which 40 Green Berets had been killed.[14807] The report goes on to state that '[m]easures to prevent further massacre were taken through the 22nd Light Infantry Brigade'.[14808] The report also states that the situation was calm in other areas under the control of the 1KK, '[w]ith the exception of Kotor Varoš, where we have taken serious intentions to prevent a genocide of Muslims. Women and children from the area have been allowed to pass through to Travnik'.[14809] **Witness RM-802** testified that this report did not accurately reflect what had actually happened in Grabovica and that the part about taking measures to prevent further massacres was likely meaningless and only included as a formality.[14810] According to another 1KK Command report dated 4 November 1992, sent by Colonel Milutin Vukelić to the VRS Main Staff, Green Berets pulling out from Večići fell into an ambush of the 1KK. Forty of them were killed during the clash, 150 members, mostly women and children, surrendered, and another 20 members of the ABiH were captured.[14811] On 5 November 1992, the 1KK submitted yet another report to the VRS Main Staff which stated that 'following the death of one soldier and the wounding of several others, more than 150 extremists died in combat'.[14812] **Witness RM-802** testified that this report was inaccurate with respect to the combat in which 150

[14805] P843 (Witness RM-009, witness statement, 23 January 2003), para. 180.
[14806] Adjudicated Facts I, no. 807. The Trial Chamber notes that P441 is consistent with Adjudicated Fact 807.
[14807] P441 (Report from 1KK Command to VRS, 4 November 1992), p. 1.
[14808] P441 (Report from 1KK Command to VRS, 4 November 1992), p. 1.
[14809] P441 (Report from 1KK Command to VRS, 4 November 1992), p. 1.
[14810] Witness RM-802, T. 4639-4640.
[14811] P3745 (1KK regular combat report, 4 November 1992), p. 1.
[14812] P439 (Witness RM-802, witness statement, 25 April 2012), para. 73; P442 (Report from 1KK Command to VRS, 5 November 1992), p. 1.

'extremists' died, and neither was there any fighting at that time nor had so many fighters been killed.[14813]

4039. The Trial Chamber also considered additional evidence of Witness RM-009, which has been placed in the confidential annex in Appendix D.

4040. Based on the foregoing, the Trial Chamber finds that around 5 November 1992, pursuant to a verbal order from Duško Kerezović, members of the Sanitation Unit, with the help of 20 soldiers from the Grabovica and Vrbanjci units, buried the bodies of some of the approximately 150 unarmed Bosnian-Muslim men in two mass graves at Plitska. The men had been murdered the previous day in and around Grabovica School. The burial was carried out hurriedly and at night. Pursuant to Kerezović's order, only Serb members of the Sanitation Unit were to participate in the operation. Based on the circumstances in which the order was given, and the manner in which it was carried out, the Trial Chamber rejects the Defence's argument that the order that the terrain be cleared at Grabovica was not an attempt to conceal what had occurred.[14814] The Commander of the Grabovica Platoon Milivoje Kljajić and military police member Zoran Kovačević were present at Grabovica School when the members of the Sanitation Unit arrived to pick up the bodies. Kljajić indicated that no list of the dead was to be provided. The operation was monitored by Nedeljko Đekanović, the President of the Kotor Varoš War Presidency. The Trial Chamber finds that Kerezović had also ordered Slavko Kuprešak to wash the road in Grabovica with his fire brigade truck and Velibor Tepić to re-paint the walls of the sports hall of Grabovica School. In light of the foregoing, the Trial Chamber finds that Kerezović, members of the Sanitation Unit, 20 soldiers from the Grabovica and Vrbanjci units, and Đekanović made efforts to conceal the murder at Grabovica School from the international community. The Trial Chamber further finds that on 4 November 1992, the 1KK made efforts to conceal the murder from the VRS Main Staff by falsely reporting that captured members of the Green Berets had been killed that day following the wounding of four and the killing of one soldier of the Kotor Varoš Light Infantry Brigade and the burning of wounded soldiers on Gola Planina, while the following day, the 1KK falsely reported to the VRS Main Staff that the same victims had died as a result of combat operations.

[14813] Witness RM-802, T. 4639-4642.
[14814] *See* Defence Final Brief, para. 1140.

Kotor Varoš Municipality – Murder in Vrbanjci

4041. In relation to the alleged cover-up of the murder of at least 30 Bosnian Muslims, including 15 Bosnian Muslims who were detained in Alagić café, on 2 July 1992, during the attack on Vrbanjci in retaliation for an ambush of VRS forces by armed Bosnian Muslims, as set out in chapter 4.7.1 *Unscheduled murder incidents*, the Trial Chamber received evidence from **Witness RM-009**, a Bosnian Serb from Kotor Varoš.[14815]

4042. Based on the foregoing, the Trial Chamber finds that on 3 July 1992, members of the Sanitation Unit buried the bodies of some of the Bosnian Muslims who had been murdered the previous day during the attack on Vrbanjci. The burial was carried out pursuant to an order from Duško Kerezović, who had received specific orders in this respect from Sretko Majstorović, the Minister of War for Kotor Varoš. Given the fact that the order specified that only Serb members of the Sanitation Unit were to participate in the operation, the Trial Chamber finds that Kerezović, acting pursuant to Majstorović's order, and the members of the Sanitation Unit made efforts to conceal the murder from the public.

Prijedor Municipality – Murder of Keraterm camp detainees

4043. In relation to the alleged cover-up of the murder of between 190 and 220 Keraterm camp detainees on or around 25 July 1992, as set out in chapters 4.10.1 *Schedule B.13.1* and 8.3.2, the Trial Chamber received evidence from **Safet Tači**, a Bosnian-Muslim civilian from Kozarac in Prijedor Municipality;[14816] and **Witness RM-008**, a Bosnian Muslim from Prijedor Municipality,[14817] as well as documentary evidence.[14818]

4044. Based on the foregoing, the Trial Chamber finds that the 1KK made efforts to conceal the murder of between 190 and 220 Keraterm camp detainees from the VRS

[14815] P843 (Witness RM-009, witness statement, 23 January 2003), paras 39-40; Witness RM-009, T. 7957-7958; P846 (Certificate dated 5 February 1993, signed by Duško Kerezović). The evidence of Witness RM-009 is reviewed in chapter 4.7.1 *Unscheduled murder incidents*.
[14816] P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 1; P159 (Safet Tači, witness statement, 20 September 2000), p. 1; Safet Tači, T. 2092.
[14817] P3224 (Witness RM-008, witness statement, 16 May 2013), p. 1, para. 3.
[14818] The evidence of Witness RM-008 and Safet Tači and exhibits P161 and P248 are reviewed in chapter 4.10.1 *Schedule B.13.1*.

Main Staff by falsely reporting that 50 detainees had been killed while attempting to escape *en masse* from the camp.

Prijedor Municipality – Omarska camp

4045. In relation to the alleged cover-up of the unlawful detention and the cruel and inhumane treatment of approximately 3,300 Bosnian Muslims and Bosnian Croats at Omarska camp between 27 May and 16 August 1992, as set out in chapters 4.10.2 *Schedule C.15.2* and 8.9.2, the Trial Chamber took judicial notice of a number of Adjudicated Facts.[14819] It further received evidence from **Edward Vulliamy**, a journalist for *The Guardian* who covered events in Bosnia-Herzegovina between 1992 and 1995;[14820] **Milovan Milutinović**, Chief of the Press Centre and the Information Service at the 1KK between 1992 and 1994 and head of the VRS Main Staff Information Service and Centre for Information and Propaganda Activities between 1994 and 1996;[14821] **Witness RM-065** and **Witness RM-026**, both Bosnian Muslims from Prijedor Municipality;[14822] **Miloš Šolaja,** Editor-in-chief within the 1KK Press Centre from 18 July 1992 until the end of the war,[14823] as well as documentary evidence.[14824]

4046. According to a *Newsday* article dated 19 July 1992, military authorities and the local Red Cross had acknowledged the existence of a camp at Omarska but had rejected requests to visit it. An SDA official was reported to have said that the military had rejected all requests for visits on grounds that Omarska was in a 'high-risk zone'.[14825]

4047. **Edward Vulliamy** arrived in Belgrade on either 28 or 29 July 1992 together with two ITN journalists.[14826] This visit was triggered by reports published by *The*

[14819] Adjudicated Facts 967 and 1005 are reviewed in chapter 4.10.2 *Schedule C.15.2*.
[14820] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7899-7904, 7989-7990, 8035.
[14821] D862 (Milovan Milutinović, witness statement, 11 July 2014), paras 3, 5, 51, 54, 140; Milovan Milutinović, T. 30038.
[14822] **Witness RM-065**: P3271 (Witness RM-065, witness statements), witness statement of 22 March, pp. 1-2, witness statement of 28 August 2000, p. 2; P3274 (Pseudonym sheet for Witness RM-065). *See also* P3279 (Table of Concordance). **Witness RM-026**: P2585 (Witness RM-026, witness statements), statement of 23 September 1994, pp. 1-2.). The evidence of Witness RM-065 and Witness RM-026 is reviewed in chapter 4.10.2 *Schedule C.15.2* .
[14823] D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 4. The evidence of Miloš Šolaja is reviewed in chapter 4.10.2 *Schedule C.15.2*.
[14824] . Exhibits P3878 and P3928, are reviewed in chapter 4.10.2 *Schedule C.15.2* . Exhibits P201 and P2879 are reviewed elsewhere in chapter 9.2.10.
[14825] P2890 (Newsday article, 19 July 1992), p. 2.
[14826] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7905.

Guardian on the conditions at Omarska camp, Karadžić's denial of the fact that civilians were being held there, and his public invitation to journalists to verify for themselves that the reports were fabrications.[14827] Having arrived in Belgrade, the journalists received accreditation from the Bosnian-Serb press agency and from the federal authorities to visit Omarska camp.[14828] They then met officials from the Serbian and Bosnian-Serb authorities, including Nikola Koljević, the Vice-Bosnian-Serb President.[14829]

4048. Koljević and the authorities from the Bosnian-Serb Republic arranged for the journalists to see other camps first, before Omarska.[14830] On 3 August 1992, the witness and other journalists were flown by a military helicopter, accompanied by men in military fatigues, to Pale.[14831] In Pale, the witness, the two ITN reporters, and two television crews – that of ITN and a Bosnian-Serb television crew, some or all of whom were wearing military fatigues – were greeted by Karadžić.[14832] Karadžić promised them access to Omarska and Trnopolje, but first wanted them to see some other facilities where Muslims were held in the Pale area.[14833] Koljević was also present in Pale when the journalists arrived.[14834] Vulliamy further testified that he recalled Mladić walking past them in Pale while they were having lunch.[14835] With regard to the reports and television coverage of allegations concerning Omarska camp, the witness recalled Mladić saying that the photographs from the camps were forgeries and montages, or were photographs showing 'Serbian' detainees in Muslim camps.[14836]

4049. On 4 August 1992, the witness and the two ITN journalists were driven by camouflage military truck from Pale to Banja Luka, under military escort.[14837] When

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[14827] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7904-7905, 8080, 8095-8096; Edward Vulliamy, T. 2584; P204 (Article authored by the witness published in the Guardian on 7 August 1992), p. 2.
[14828] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 8080-8081.
[14829] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7905.
[14830] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7907.
[14831] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7908; Edward Vulliamy, T. 2584, 2600.
[14832] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7908-7909; Edward Vulliamy, T. 2586, 2600, 2633.
[14833] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7909; Edward Vulliamy, T. 2586-2587.
[14834] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7910.
[14835] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 8113.
[14836] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 8114-8115.
[14837] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7910-7911; Edward Vulliamy, T. 2587.

they stopped in Bijeljina for lunch, Koljević joined them.[14838] The witness also saw Koljević in Banja Luka that evening.[14839] On the morning of 5 August 1992, the witness and the two ITN journalists met with the representative of the VRS in Banja Luka, whom the witness referred to as Major Milutinović, and who was assigned as their military escort from that point on.[14840] From Banja Luka, they drove with Major Milutinović towards Prijedor.[14841]

4050. Upon arrival in Prijedor Town, the witness, who by that point had formed the impression that their visit to Omarska was being intentionally delayed, told Major Milutinović that he wanted to meet the people who were going to give them authority to visit Omarska.[14842] Milutinović took the witness and the other journalists to the Prijedor Town civic centre, and introduced them to the Chief of Police, Simo Drljača, who in turn introduced them to a group of men who, according to the witness, they were told comprised the 'crisis committee' or 'crisis staff'.[14843] In addition to Drljača, the members of this committee included the mayor Milomir Stakić, the mayor's deputy Milan Kovacević, Colonel Vladimir Arsić, and Nada Balaban.[14844] Colonel Arsić recommended that the journalists visit Manjača first, which was under his military authority.[14845] The witness knew that Manjača had already been visited by the ICRC and was not interested in visiting it.[14846] Arsić told the witness that if he wanted access to Omarska, he would have to seek it from the civilian authorities that controlled the camp and gestured towards Stakić, Kovacević, and Drljača, implying that he needed their permission.[14847] It was pointed out at the meeting that Omarska and Trnopolje camps were operated by the civil authorities.[14848] The witness insisted that they be taken to see

[14838] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7910.
[14839] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7910-7911.
[14840] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7910; Edward Vulliamy, T. 2588, 2602, 2638-2639.
[14841] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7911.
[14842] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7912.
[14843] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7912-7913, 8081-8083, 8111-8112, 8146; Edward Vulliamy, T. 2589, 2602. The Trial Chamber understands the witness's evidence to refer to the crisis staff.
[14844] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7913, 8111.
[14845] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7916-7917, 8084-8085; Edward Vulliamy, T. 2692-2693.
[14846] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7917, 8150; Edward Vulliamy, T. 2693.
[14847] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 8084-8086, 8156-8157.
[14848] Edward Vulliamy, T. 2664-2665, 2678; P204 (Article authored by the witness published in the Guardian on 7 August 1992), p. 3.

Omarska; one of the two ITN journalists also expressed the wish to visit Trnopolje.[14849] Stakić told him that Manjača held Muslim militia who had been arrested or captured, while Omarska and Trnopolje held civilians who wanted to leave the area.[14850] At the same meeting, Kovacević told the journalists that the camps they would be visiting were transit camps.[14851]

4051. Following what the witness described as a heated discussion by members of the meeting concerning the journalists' insistence on visiting Omarska camp, Drljača told them they would proceed to Omarska following which Drljača, Major Milutinović, and some uniformed men escorted the witness and the two ITN journalists to the camp.[14852] A blue police APC with a machine gun mounted on it headed the escort to Omarska.[14853]

4052. On an unpaved road heading towards Omarska camp, a burst of gunfire went over their heads from the direction of the woods, and some of the uniformed men, wearing what the witness described as blue paramilitary uniforms, got out of the blue APC and returned fire from a ditch.[14854] The journalists were told that they were being attacked by 'Muslim extremists', but the witness, who had been exposed to fire in other conflicts, concluded on the basis of the fact that the fire only came from one direction and went straight over their heads and that the return fire was fairly high, that the incident was staged to intimidate the journalists.[14855]

4053. According to a press release from the Bosnian-Serb Republic dated 7 August 1992, the competent organs had evidence that the people imprisoned in Omarska camp had fought against the VRS.[14856] While the rooms in Omarska camp were not equipped to accommodate a large number of people and there was insufficient sanitary or other equipment, they were forced to use them; one reason being that 'the other side' was not interested in exchanging detainees.[14857] Furthermore, according to the press release, the MUP issued an order to immediately release all people over 60 years old, heavily

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[14849] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7917, 7923, 7936, 8085.
[14850] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7923.
[14851] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7931.
[14852] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7935-7937, 8094; Edward Vulliamy, T. 2589, 2602, 2637-2638.
[14853] Edward Vulliamy, T. 2623-2624.
[14854] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7937-7938, 8028-8029.
[14855] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7938-7939; Edward Vulliamy, T. 2624-2626, 2631, 2736-2737.
[14856] P7194 (Public announcement by Branko Đerić, 7 August 1992), p. 4.
[14857] Miloš Šolaja, T. 32765; P7194 (Public announcement by Branko Đerić, 7 August 1992), p. 4.

wounded or sick from Omarska camp, unless there were criminal proceedings against them. Cameramen were not allowed to film everything in the camp. The ICRC was invited to provide assistance to those in Omarska camp.[14858]

4054. **Milovan Milutinović** testified that around 9 August 1992, he met with a group of journalists in Banja Luka.[14859] They insisted on visiting Omarska and Trnopolje in Prijedor Municipality but he refused to take them there because the centres were not under the jurisdiction of the VRS, but under the jurisdiction of the state and the civil municipal authorities. However, after conferring with Karadžić, Generals Talić and Kelečević ordered the witness to take the journalists there.[14860] At Omarska, they were met by Simo Drljača, the Chief of the Prijedor SJB, with whom they visited the premises and talked to the detainees.[14861]

4055. On 5 August, a number of journalists visited Omarska and Trnopolje camps. At Omarska camp, the reporters were shown only several hundred of the 2,500 detainees, all Muslim men. The reporters were told by camp authorities that the detainees were interrogated and those who were found guilty of fighting the Serbs were sent to POW camps, while those found innocent were sent to refugee camps.[14862] An unidentified woman stated that Omarska and Trnopolje were transit centres, not camps.[14863] Detainees from Omarska and other detention camps were transferred to Trnopolje, after days or months of interrogation.[14864] According to a reporter, after the journalists' visit, the Serbs quickly closed down Omarska and the majority of surviving detainees were secretly moved to Manjača camp.

4056. According to two ITN news reports, Omarska camp was situated at an old mining complex outside Banja Luka and was guarded by the Serbs. ITN reporters were shown several hundred of the 2,500 detainees, all Muslim men. The reporters were told that the detainees were interrogated as possible Muslim fighters; those who were found guilty of fighting the Serbs were sent to POW camps, while those found innocent were sent to refugee camps. The reporters were also told by soldiers that the army did not control Omarska; rather, the detainees were the responsibility of the civil authorities and

[14858] P7194 (Public announcement by Branko Đerić, 7 August 1992), p. 4.
[14859] D862 (Milovan Milutinović, witness statement, 11 July 2014), paras 37, 39.
[14860] D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 38.
[14861] D862 (Milovan Milutinović, witness statement, 11 July 2014), paras 39, 46.
[14862] P4136 (Dispatches video excerpt), p. 10.
[14863] P4136 (Dispatches video excerpt), p. 11.
[14864] P4136 (Dispatches video excerpt), p. 11.

the local militia. A camp commander and the spokeswoman for the local Serbian authorities stated that Omarska and Trnopolje were transit centres, not camps.[14865] Detainees from Omarska and other detention camps were transferred to Trnopolje, after days or months of interrogation.[14866] The detainees at Omarska camp received one meal per day.[14867] The UN and the ICRC had been denied access to the camp.[14868] Despite Karadžić's promise of openness to the press, reporters were only permitted to observe the camp's canteen.[14869]

4057. On 22 August 1992, the Command of the 1KK reported from its IKM to the Prijedor Operative Group Command that a lack of discipline had brought the Prijedor Municipality to the verge of anarchy, and that the Military Police Company there suffered from a lack of unity.[14870] After foreign journalists visited the Omarska and Trnopolje camps, Company members attempted to distance themselves from incidents in camps and reception centres, and passed the responsibility for issuing orders for mass executions onto someone else.[14871] The report refers to the appearance of forged, backdated documents concerning such incidents and concludes that as a result of such killings, Muslims who had been driven out of, or who had fled from, Prijedor Municipality were taking up arms against the Bosnian-Serb Republic.[14872]

4058. Based on the foregoing, the Trial Chamber finds that until the beginning of August 1992, Karadžić and the authorities in charge of Omarska camp denied the ICRC and international journalists access to Omarska camp.[14873] Sometime in the beginning of August 1992, a group of international journalists were granted access to Omarska camp.[14874] Their visit was approved by Karadžić and, pursuant to an order from General Talić and General Kelečević, they were escorted in Omarska camp by, *inter alios*, Simo Drljača, who was the Chief of the Prijedor SJB, Milovan Milutinović, and Miloš Šolaja. The journalists also met with the members of the Prijedor Crisis Staff, including

[14865] P4155 (ITN footage transcript), pp. 1, 4.
[14866] P4155 (ITN footage transcript), pp. 2, 4.
[14867] P4155 (ITN footage transcript), p. 4.
[14868] P4155 (ITN footage transcript), pp. 1, 4.
[14869] P4155 (ITN footage transcript), pp. 1-2, 4.
[14870] P3820 (Report on Prijedor Municipality, 22 August 1992), pp. 1-2.
[14871] P3820 (Report on Prijedor Municipality, 22 August 1992), p. 2.
[14872] P3820 (Report on Prijedor Municipality, 22 August 1992), p. 2.
[14873] The Trial Chamber notes that while it received evidence that up until the beginning of August 1992, the ICRC was denied access to Omarska camp, it has not received any evidence with respect to whether the ICRC actually visited the camp after this date.

Milomir Stakić, Milan Kovačević, Colonel Vladimir Arsić, and Nada Balaban.[14875] Arsić told the journalists that the civilian authorities were in charge of Omarska camp while Stakić told them that Omarska held civilians who wanted to leave the area.

4059. The Trial Chamber further finds that, around the time when groups of journalists started visiting Omarska camp, the authorities in charge of the camp transferred the large majority of Omarska camp detainees to Manjača camp; only between 170 and several hundred detainees, all male, remained at the camp following the transfer. The camp authorities then distributed blankets to the remaining detainees and placed beds in the camp. They told the remaining detainees to tell the visiting journalists that they had only been held for 15 days and warned them not to complain about the conditions of detention. The journalists were only permitted to see the camp canteen but were permitted to talk to the detainees. The Trial Chamber further finds that these measures were taken pursuant to an order from Mladić dated 3 August 1992 stating that, *inter alia*, Omarska camp was to be prepared for visits by foreign journalists. In light of the foregoing, the Trial Chamber finds that Karadžić and the authorities in charge of Omarska camp made efforts to conceal the unlawful detention and the cruel and inhumane treatment at Omarska camp from the ICRC and from international journalists.

4060. Mladić's alleged involvement in the concealment of the unlawful detention and the cruel and inhumane treatment of Bosnian Muslims and Bosnian Croats at Omarska camp will be further addressed in chapter 9.3.10.

Prijedor Municipality – Trnopolje camp

4061. In relation to the alleged cover-up of the unlawful detention and the cruel and inhumane treatment of approximately 8,000 Bosnian Muslims and Bosnian Croats at Trnopolje camp between at least 26 May 1992 and the end of September 1992, as set out in chapter 4.10.2 *Schedule C.15.4* and 8.9.2, the Trial Chamber received evidence from **Herbert Okun**, special advisor and deputy to the Special Envoy of the UNSG

[14874] The Trial Chamber notes that it has received inconsistent evidence with respect to the exact date when the group of journalists visited Omarska camp, however, all the evidence places the visit sometime between 5 and 7 August 1992.

[14875] The Trial Chamber notes that while Adjudicated Fact 967 states that the journalists met Drljača, Stakić, Kovačević, Arsić, and Balaban *at* Omarska camp, according to Edward Vulliamy, the journalists met these officials *before* being escorted to Omarska camp. The Trial Chamber considers that this slight discrepancy between the evidence and the Adjudicated Fact does not affect its overall finding that the journalists met with these officials in relation to their visit to Omarska camp.

from 1991 through 1997 and co-chairman of the International Conference on the former Yugoslavia;[14876] **Witness RM-060**, a Bosnian Muslim from Bišćani, Prijedor Municipality;[14877] and **Idriz Merdžanić**, a Bosnian-Muslim doctor from Kreševo, Sarejevo Municipality.[14878] It also received evidence from **Edward Vulliamy**, a journalist for *The Guardian* who covered events in Bosnia-Herzegovina between 1992 and 1995;[14879] **Milovan Milutinović**, Chief of the Press Centre and the Information Service at the 1KK between 1992 and 1994 and head of the VRS Main Staff Information Service and Centre for Information and Propaganda Activities between 1994 and 1996;[14880] **Miloš Šolaja,** Editor-in-chief within the 1KK Press Centre from 18 July 1992 until the end of the war;[14881] **Nusret Sivac**, a journalist for TV Sarajevo who covered events in Prijedor and surrounding municipalities;[14882] **Charles McLeod**, a member of the ECMM in north-west Bosnia since July 1992;[14883] **Slavko Puhalić**, a Serb soldier from Prijedor who served under Slobodan Kuruzović in Trnopolje camp until August 1992,[14884] as well as documentary evidence.[14885]

4062. **Herbert Okun** stated that on 26 August 1992, in an address at the London Conference on the former SFRY, the President of the ICRC highlighted the precarious position of thousands of detainees detained at the Trnopolje and Manjača camps to which the ICRC had been denied access since 18 August 1992. Following numerous ICRC demarches at the local and the highest political level, ICRC delegates were

[14876] P3103 (Herbert Okun, *Krajišnik* transcript, 22-25 June 2004), p. 4137.
[14877] P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), pp. 6850-6851, 6853; P2597 (Witness RM-060,
pseudonym sheet from *Prosecutor v. Stakić*, Case No. IT-97-24-T); P2599 (Witness RM-060, table of concordance to
Stakić transcript, 7 March 2013), p. 1. The evidence of Witness RM-060 is reviewed in chapter 4.10.2 *Schedule C.15.2*.
[14878] P269 (Idriz Merdžanić, witness statement, 28 August 2000), p. 1, paras 1-3; Idriz Merdžanić, T. 3321.
[14879] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7899-7904, 7989-7990, 8035.
[14880] D862 (Milovan Milutinović, witness statement, 11 July 2014), paras 3, 5, 51, 54, 140; Milovan Milutinović, T. 30038.
[14881] D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 4.
[14882] P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6561-6562.
[14883] P3258 (Charles McLeod, *Brđanin* transcript 21-24 June 2002), p. 7281.
[14884] D898 (Slavko Puhalić, witness statement, 26 June 2014), p. 1, paras 2-5; Slavko Puhalić, T. 31659, 31664.
[14885] The evidence of Witness RM-060, Idriz Merdžanić, Edward Vulliamy, Miloš Šolaja, Nusret Sivac, Charles McLeod, and Slavko Puhalić is reviewed in chapter 4.10.2 *Schedule C.15.2*. The evidence of Milovan Milutinović is reviewed in chapters 4.10.2 *Schedule C.15.2* and elsewhere in 9.2.10. Exhibits P201, P2813, and P2879 are reviewed elsewhere in chapter 9.2.10.

authorized to access the camps on 26 August 1992.[14886] Following this speech, none of the persons in the Bosnian-Serb leadership, including Karadžić, denied the ongoing occurrence of these events in Bosnia, although Karadžić claimed in September 1992 that the camp was open and that detainees were free to leave.[14887]

4063. On 29 July 1992 'The Guardian' reported on the conditions in and around the Trnopolje concentration camp, located three miles away from Kozarac and which was functioning as a prison for Muslims and Croats.[14888] Five thousand women and children had been detained there since 27 April.[14889] The ICRC was not allowed inside.[14890] According to 'The Guardian', Trnopolye was the 'best' of the four concentration camps in the northern Serbian Republic of Bosnia, where at least 14,000 Muslims were being held.[14891] Prisoners were fed every day and the villagers were allowed to bring them supplies.[14892]

4064. According to an ITN news report, 2,000 'refugees' were living at Trnopolje camp.[14893] An ITN reporter relayed that conditions at Trnopolje were appalling.[14894] In 100-degree heat, hundreds of men were forced to eat and sleep outside in the field behind barbed wire, and their rations consisted of a small hunk of bread and a bowl of soup per day.[14895] In the makeshift medical centre there were cases of scabies, malnutrition, and diarrhoea, and local doctors said that they were chronically short of medicine.[14896] ITN reporters did not observe evidence of beatings, but a Muslim camp doctor at Trnopolje agreed that there had been cases of beatings and that he had also received cases of people who had been beaten at other camps.[14897] The detainees that the reporters spoke to did not know why they were there and whether they were prisoners or refugees.[14898] Several detainees reported that retaliatory killings took place at Trnopolje,

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[14886] P3104 (Herbert Okun, *Karadžić* transcript, 22-23, 28 April 2010), pp. 1502-1504; P3111 (Address by ICRC President Sommaruga on 26 August 1992 at the London Conference), pp. 3; P3116 (Herbert Okun, Table of Concordance), p. 1.
[14887] P3103 (Herbert Okun, *Krajišnik* transcript, 22-25 June 2004), pp. 4198, 4200; P3104 (Herbert Okun, *Karadžić* transcript, 22-23, 28 April 2010), pp. 1504-1505; P3115 (Index to diary entries by Ambassador Herbert Okun, entry dated 10 September 1992), p. 5.
[14888] P4320 (Press report from The Guardian, 29 July 1992), pp. 1-2.
[14889] P4320 (Press report from The Guardian, 29 July 1992), p. 2.
[14890] P4320 (Press report from The Guardian, 29 July 1992), p. 2.
[14891] P4320 (Press report from The Guardian, 29 July 1992), pp. 2-3.
[14892] P4320 (Press report from The Guardian, 29 July 1992), p. 2.
[14893] P4155 (ITN footage transcript), pp. 2, 6.
[14894] P4155 (ITN footage transcript), p. 4.
[14895] P4155 (ITN footage transcript), p. 4.
[14896] P4155 (ITN footage transcript), p. 6.
[14897] P4155 (ITN footage transcript), pp. 2, 6.
[14898] P4155 (ITN footage transcript), p. 3.

noting that, on one occasion, 150 detainees had been killed following the death of ten Serb soldiers in a Muslim village.[14899] Reporters were also told that prisoners were beaten to death.[14900] A male detainee gave ITN reporters a roll of film which portrayed severe injuries, apparently as a result of beatings.[14901] The detainee feared that he would be killed if caught speaking to the reporters.[14902]

4065. Based on the foregoing, the Trial Chamber finds that prior to international journalists visiting Trnopolje camp sometime in the beginning of August 1992,[14903] camp commander Slobodan Kuruzović, a member of the 43rd Motorised Brigade as found in chapter 3.1.2, told many detainees that they could leave the camp and return to their homes and the camp guards organized a convoy by which nearly all the women and elderly men left the camp.[14904] The journalists' visit was approved by Mladić and Karadžić and, pursuant to an order from General Talić and General Kelečević, they were escorted to Omarska camp by, *inter alios*, Simo Drljača, who was the Chief of the Prijedor SJB, Milovan Milutinović, Miloš Šolaja, and members of the civilian police. During the visit, some of the detainees were hesitant to speak about the conditions and their treatment at the camp in the presence of camp guards and of medical technician Mića Kobas,[14905] while others told the journalists about beatings and killings which had occurred at the camp and the lack of food and water; one detainee managed to find himself alone with one of the journalists and gave her a camera and a film with which he had been taking pictures at the camp. As of mid-August 1992, several international delegations, including representatives of the ICRC, visited Trnopolje camp and before these visits, the conditions at the camp improved; the camp guards ordered the detainees to remove the fences surrounding the camp and the camp authorities brought food,

[14899] P4155 (ITN footage transcript), p. 5.
[14900] P4155 (ITN footage transcript), p. 5.
[14901] P4155 (ITN footage transcript), pp. 2, 5.
[14902] P4155 (ITN footage transcript), pp. 2, 5.
[14903] The Trial Chamber notes that it received inconsistent evidence with respect to the exact date when the group of journalists visited Omarska camp, however, all the evidence places the visit sometime between 4 and 7 August 1992.
[14904] The Trial Chamber received evidence from Slavko Puhalić that no preparations were made for the journalists' arrival at Trnopolje camp. However, the Trial Chamber notes that Puhalić did not specify when the journalists' visit which he was referring to took place. Furthermore, the witness testified that he was present at the camp only the day prior to, and the day after the journalists' arrival. The Trial Chamber therefore considers it credible that other witnesses, including Idriz Merdžanić and Witness RM-060, who were both detained at Trnopolje camp, observed either measures, including the removal of detainees from the camp and/or the improvement of the conditions of detention, which were taken before a different visit of journalists to Trnopolje camp than the one that Puhalić testified about or measures which were taken without Puhalić's knowledge.

clothing, and medicine to the camp and allowed the detainees to receive visits from their families. The camp guards also put up a sign which stated that the camp was a collection centre and threatened the detainees not to give statements to the ICRC representatives. The Trial Chamber finds that the aforementioned measures were taken pursuant to an order from Mladić dated 3 August 1992 stating that, *inter alia*, Trnopolje camp was to be prepared for visits by the ICRC and foreign journalists. The Trial Chamber also finds that Mladić and Karadžić denied the ICRC access to Trnopolje camp between 18 and 26 August 1992. The Trial Chamber rejects the Defence's submission that Trnopolje camp was under the constant supervision of the ICRC[14906] as unsubstantiated, as the Defence did not refer to any evidence in support of its argument and as the argument is contradicted by the evidence.

4066. The Trial Chamber further finds that on 31 August 1992, the ECMM visited Trnopolje camp. On this occasion, Stakić told the ECMM that the Bosnian Muslims and Bosnian Croats who were at Trnopolje camp had not been accused of any crimes but that the majority wished to remain in the camp and that the VRS and the police had captured several thousand people and brought them to Trnopolje camp in order to protect them from the fighting. The camp guards told the ECMM that the machine guns pointed at the camp were there for the protection of the people inside the camp. The Trial Chamber rejects the Defence's submission that Trnopolje camp was visited by Doctors without Borders and Pharmacists without Borders[14907] as unsubstantiated, as the Defence did not refer to any evidence is support of its argument and the Trial Chamber did not receive any evidence in this respect.

4067. In light of the foregoing, the Trial Chamber finds that, on occasion, Karadžić and the authorities in charge of Trnopolje camp, including camp commander Kuruzović, a member of the 43rd Motorised Brigade as found in chapter 3.1.2, and the camp guards made efforts to conceal the unlawful detention and the cruel and inhumane treatment of Bosnian Muslims and Bosnian Croats at Trnopolje camp from international organizations, including the ICRC, as well as from international journalists.

[14905] The Trial Chamber understands Merdžanić's evidence referring to 'Mico' Kobas to refer to the Trnopolje camp medical technician, Mića Kobas.
[14906] *See* Defence Final Brief, para. 993.
[14907] *See* Defence Final Brief, para. 993.

4068. Mladić's alleged involvement in the concealment of the unlawful detention and the cruel and inhumane treatment of Bosnian Muslims and Bosnian Croats at Trnopolje camp will be further addressed in chapter 9.3.10.

Vlasenica Municipality – Sušica camp

4069. In relation to the alleged cover up of the unlawful detention and the cruel and inhumane treatment of between 2,000 and 2,500 Bosnian Muslims of both sexes and all ages, including civilians, at Sušica camp between 31 May and September 1992 by the Vlasenica Crisis Staff and guards, who were members of the VRS and the MUP, as set out in chapter 4.14.2 *Schedule C.19.3* and 8.9.2, as well as the murder of 140 to 150 Bosnian-Muslim Sušica camp detainees by Serb MUP officers from the SJB Vlasenica on 30 September 1992, as set out in chapter 4.14.1 *Schedule B.16.2* and 8.3.2, the Trial Chamber took judicial notice of a number of Adjudicated Facts.[14908] It further received evidence from **Witness RM-006**, a Serb from Vlasenica,[14909] as well as documentary evidence.[14910]

4070. Based on the foregoing, the Trial Chamber finds that on two occasions between mid-June and 30 September 1992 when members of international organizations visited Sušica camp, Dragan Nikolić, the Sušica camp commander as of mid-June 1992, managed to conceal many detainees and the conditions of detention. The Trial Chamber further finds that following the murder of the last 140 to 150 Bosnian Muslim Sušica camp detainees on 30 September 1992, the Vlasenica Crisis Staff members ordered the dismantling of the camp and the concealment of its traces, including the destruction of documents and of any items left behind by the detainees. The Trial Chamber thus finds that the Vlasenica Crisis Staff and Nikolić made efforts to conceal the unlawful detention and the cruel and inhumane treatment at Sušica camp, as well as the murder of 140 to 150 Bosnian Muslim Sušica camp detainees on 30 September 1992 from members of international organizations.[14911]

[14908] Adjudicated Fact I, no. 1264 is reviewed in chapter 4.13.2 *Schedule C.19.3*. Adjudicated Facts I, nos 1267 and 1268 are reviewed in chapter 4.14.1 *Schedule B.16.2*.

[14909] P182 (Witness RM-066, witness statement, 7 April 2010), p. 1. The evidence of Witness RM-066 is reviewed in chapter 4.14.1 *Schedule B.16.2*.

[14910] Exhibit P6937 is reviewed in chapter 4.13.2 *Schedule C.19.3*.

[14911] The Trial Chamber notes that, although it received no evidence that further visits from members of international organizations to Sušica camp were scheduled to take place after 30 September 1992, the Trial Chamber considers that, given the nature of the acts, they were meant to conceal the murder of Sušica camp detainees and the existence of the camp from members of international organizations.

9.2.11 Tomašica

4071. The Prosecution argued that the VRS and other authorities attempted to conceal crimes committed during the alleged ethnic cleansing campaign carried out in Prijedor by burying the victims in the Tomašica mass grave and reburying some of them in the Jakarina Kosa mass grave.[14912] The Defence argued that VRS personnel were not involved in the Tomašica burials and that the presence of people in military-style uniforms cannot establish VRS involvement as people mobilized into work obligations were mandated to wear uniforms but were not subordinated to the VRS.[14913]

4072. With respect to the alleged murder of Bosnian Muslims and Bosnian Croats in Prijedor Municipality, as set out in chapters 4.10.1 *Schedules A.6.1, A.6.4, A.6.5, A.6.6, A.6.8, B.13.1, B.13.2*, and 8.3.2, and the alleged attempt to conceal these crimes, the Trial Chamber took judicial notice of a number of Adjudicated Facts.[14914] It further received evidence from **Ostoja Marjanović**, the general director of the Ljubija Mines Company in Prijedor Municipality from February 1991 until the end of 1996 and a member of the SDS Commission for Information and Propaganda;[14915] **Witness RM-387**, a Bosnian-Serb employee at the Ljubija Mines Company in Prijedor as of the spring of 1992;[14916] **Witness RM-382**, a Bosnian-Serb employee at the Ljubija Mines Company based at the Tomašica mine in Prijedor in 1992 and 1993;[14917] **Radovan Zdjelar**, an excavator operator working in the Tomasiča mine in 1992;[14918] **Dragan Gajić**, Commander of the Engineer Battalion of the JNA 343rd Motorized Brigade and subsequently the VRS 43rd Motorized Brigade between 16 September 1991 and 18 November 1996;[14919] **Dragan Vujčić**, a Serb from Prijedor Municipality who was Dragan Gajić's deputy and number three of the 43rd Motorised Brigade of the VRS;[14920] **Witness RM-383**, a Serb truck driver who lived in Prijedor;[14921] **Witness RM-384**, a

[14912] Prosecution Final Brief, Annex A, Prijedor Summary, paras 48-52, 55, 57.
[14913] Defence Final Brief, paras 1060-1081.
[14914] Adjudicated Fact 904 is reviewed in chapter 4.10.1 *Schedule A.6.5*. Adjudicated Facts 1053 and 1054 are reviewed in chapter 4.10.1 *Schedule B.13.1*.
[14915] Ostoja Marjanović, T. 40963-40964, 40966, 40989-40990, 40992-40993, 41053; P7622 (List of SDS Municipal Board Commissions, undated).
[14916] P7316 (Witness RM-387, witness statement, 4 July 2014), p. 1, para. 1.
[14917] P7420 (Witness RM-382, witness statement, 1 July 2014), p. 1, paras 1-2.
[14918] P7311 (Radovan Zdjelar, witness statement, 18 July 2014), paras 1-2.
[14919] D1439 (Dragan Gajić, witness statement, 14 July 2015), p. 1, paras 1, 3, 5, 16..
[14920] D1359 (Dragan Vujčić, witness statement, 20 July 2015), p. 1, para. 2; Dragan Vujčić, T. 41497-41498.
[14921] P7416 (Witness RM-383, witness statement, 28 January 2014), p. 1, paras 1-2.

driver mobilised into the JNA on 5 May 1992;[14922] **Witness RM-038**, a Bosnian Muslim from Prijedor Municipality;[14923] **Witness RM-097**, a Serb from Prijedor;[14924] **Witness RM-704**, a man from the Muslim hamlet of Ćemernica, Jugovci Village, Prijedor Municipality;[14925] **Jusuf Arifagić**, a Bosnian Muslim from Kozarac in Prijedor Municipality;[14926] **Witness RM-385** a Serb from Prijedor;[14927] **Ewa Tabeau**, a demographer and statistician;[14928] **Thomas Parsons**, director of forensic science at the ICMP;[14929] and **Ian Hanson**, deputy director of forensic science at the ICMP;[14930] as well as documentary evidence.

4073. **Ostoja Marjanović** testified that the Ljubija mines consisted of, *inter alia*, the Eastern mines, also known as Tomašica and located 18 kilometres to the east of Prijedor with pits in the villages of Busnovi and Marićthe.[14931] The Ljubija Mines Company administered the mines, which were state-owned.[14932] After March 1992, the mines stopped operating.[14933] There was a gate at the main entrance to the Tomašica mine, so civilians could not enter.[14934] Around 100 metres away from this entrance there was another gate which led to the compound of the *Ferox* company.[14935] In 1992, the Ljubija Mines Company owned various types of heavy mining and construction machinery, including hydraulic excavators, electric bulldozers, graders, dump trucks, small buses, and several rock drills.[14936] From 1991 onwards, the JNA – and later the VRS – regularly requisitioned the mine's equipment.[14937] In May 1992, the Ljubija Mines

[14922] P7313 (Witness RM-384, witness statement, 30 January 2014), p.1, para. 2. The evidence of Witness RM-384 is reviewed in chapter 4.10.1 *Schedule A.6.5*.
[14923] P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5874, 5878-5879.
[14924] P2432 (Witness RM-097, *Brđanin* testimony, 17 and 20 October 2003), pp. 21047-21048, 21066-21070, 21091; Witness RM-097, T. 17828; P2439 (Plea agreement of Witness RM-097, 24 July 2003), para. 7.
[14925] P2602 (Witness RM-704, witness statement, 12 October 2001), pp. 1-2. The evidence of Witness RM-704 is reviewed in chapter 4.10.1 *Schedule A.6.5*.
[14926] P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 1-2. The evidence of Jusuf Arifagić is reviewed in chapters 4.10.1 *Schedule B.13.1* and *Schedule C and unsheduledmurder incidents*.
[14927] P7314 (Witness RM-385, witness statement, 5 April 2014), p. 1, paras 2, 4, 8-10.
[14928] Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).
[14929] Thomas Parsons, T. 36415; P1715 (*Curriculum vitae* of Thomas Parsons).
[14930] Ian Hanson, T. 36240; P7430 (*Curriculum vitae* of Ian Hanson).
[14931] Ostoja Marjanović, T. 40965-40966, 40968-40969.
[14932] Ostoja Marjanović, T. 40989.
[14933] Ostoja Marjanović, T. 40966-40967.
[14934] Ostoja Marjanović, T. 40977.
[14935] Ostoja Marjanović, T. 40977, 40979-40980; D1347 (Aerial photograph of the Tomasiča mine, marked by Ostoja Marjanović).
[14936] Ostoja Marjanović, T. 40968, 40983, 41051-41052; P7635 (Photograph of a drilled hole in a rock at the Jakarina Kosa mass grave-site, 13 September 2001).
[14937] Ostoja Marjanović, T. 40970-40971.

Company handed over all of its mining explosives to the VRS.[14938] The company also maintained certain machinery that belonged to the military at its central workshop in Prijedor.[14939] Sometime in late 1991 or the beginning of 1992, upon request of Vladimir Arsić, the Ljubija Mines Company provided the JNA with maps that reflected the activity and works in the mines, including sites where no mining was going on.[14940] According to a list of territorial maintenance resources signed by Mladić, the Ljubija Mines Company provided resources to the 14th Logistics Base and 1KK, namely four management personnel, 62 workers, 22 tracked vehicles, and 30 wheeled vehicles.[14941] **Marjanović** confirmed that throughout the war, the Ljubija Mines Company provided services and resources to the VRS, which included maintaining the army's machinery.[14942]

4074. **Witness RM-387** stated that in April or May 1992, the Prijedor Crisis Staff and the VRS, acting in a coordinated manner, took control of the facilities of the Ljubija Mines Company, including the Tomašica mine.[14943] Access was controlled by the VRS together with the mine's guards.[14944] **Witness RM-382** testified that in May 1992, 'the military' took control of the entrance to the grave site at the Tomašica mine.[14945] A guard at the Tomašica mine told **Witness RM-387** after the war that during the summer of 1992, the guards were 'just put aside' and could not influence the events.[14946] According to the witness, all material and human resources engaged at the mine's facilities were mobilized for mandatory military work.[14947]

4075. **Witness RM-382** testified that around May 1992, he was tasked to take fuel to an area of the Tomašica mine called 'Kipa', where waste soil from mining operations was deposited.[14948] There, he handed over the fuel to Dragan Mlinarević who told the witness that he was going to level the ground in that area with one of the Ljubija Mines

[14938] Ostoja Marjanović, T. 41020.
[14939] Ostoja Marjanović, T. 41023.
[14940] Ostoja Marjanović, T. 41018, 41020, 41024, 41036.
[14941] P7630 (List of territorial maintenance resources signed by Mladić, undated).
[14942] Ostoja Marjanović, T. 41021-41025.
[14943] P7316 (Witness RM-387, witness statement, 4 July 2014), paras 2, 5.
[14944] P7316 (Witness RM-387, witness statement, 4 July 2014), para. 2.
[14945] P7420 (Witness RM-382, witness statement, 1 July 2014), para. 13; Witness RM-382, T. 36215.
[14946] P7316 (Witness RM-387, witness statement, 4 July 2014), para. 6.
[14947] P7316 (Witness RM-387, witness statement, 4 July 2014), paras 7-10; P7318 (List of employees of the General Services Unit of the Ljubija Mines Company, 7 July 1992); P7319 (List of 36 machines and vehicles from the Ljubija Mines Company engaged at military units, undated).
[14948] P7420 (Witness RM-382, witness statement, 1 July 2014), para. 4.

Company's bulldozers so that it could be used by a rocket unit of the military.[14949] A record of fuel held and used by the Tomašica mine indicates that on 14 July 1992, fuel was extracted from one of the Ljubija Mines Company's vehicles 'for the army'; on 20 July 1992, a land grader levelled the road towards the Luke area; and on 26 July 1992, a bulldozer was under the army's responsibility.[14950] According to excerpts of the Ljubija Mines Company's July 1992 log book, on 21 July 1992, a land grader was used to level a road in the Luke area and 'soldiers' broke down both locks on the gate.[14951] On 23, 24, and 27 July 1992, a bulldozer was used in this area for the needs of the army.[14952] An overview of fuel quantities used by machinery engaged for VRS needs also indicates that a bulldozer worked at the Luke site during June and July 1992, including on 23 and 24 July 1992.[14953] According to a list compiled by a manager of the Ljubija Mines Company on 11 April 1994, four cars and machines belonging to the company, including a land grader, had been engaged for the needs of the VRS during the period of September 1991 to September 1993.[14954]

4076. During the summer of 1992, **Witness RM-382** saw two trucks loaded with dead bodies arrive at the main gate of the Tomašica mine.[14955] He could see blood dripping from the trucks.[14956] One man sitting in the cabin of the truck was holding an automatic rifle; as the guard manning the gate did not want to open it, another man wearing SMB trousers or an SMB top and sitting on the bonnet of one of the vehicles shot at the padlock of the gate to open it.[14957] The witness concluded that the men accompanying the trucks were 'civilians' because they were not wearing a complete uniform.[14958] He also saw that the Autoservis logo on the door of the trucks had been covered.[14959]

[14949] P7420 (Witness RM-382, witness statement, 1 July 2014), para. 4; Witness RM-382, T. 36201-36202.
[14950] P7426 (Records of fuel held and used by Tomašica Eastern Mine of the Ljubija Mines Company, 4 June, 4, 16, 20 and 26 July 1992), pp. 3, 5-6.
[14951] Witness RM-382, T. 36186-36187, 36220; P7422 (Excerpt of 21 July entry of the Ljubija Mines Company log book for July 1992), p. 2.
[14952] Witness RM-382, T. 36189-36191; P7423 (Excerpt of 20, 23-24 and 27 July entries of the Ljubija Mines Company log book for July 1992), pp. 4, 6, 8.
[14953] Witness RM-382, T. 36192-36193; P7424 (Overview of allocated and used quantities of oil and other fuels for VRS needs, from 1 January 1992-31 May 1993), p. 1.
[14954] Witness RM-382, T. 36224-36226; D1082 (List of 4 vehicles and machines belonging to the Ljubija Mines Company used by the VRS, 11 April 1994), p. 1.
[14955] P7420 (Witness RM-382, witness statement, 1 July 2014), para. 5; Witness RM-382, T. 36180, 36202.
[14956] P7420 (Witness RM-382, witness statement, 1 July 2014), para. 5.
[14957] P7420 (Witness RM-382, witness statement, 1 July 2014), para. 5; Witness RM-382, T. 36203.
[14958] Witness RM-382, T. 36203-36204.
[14959] P7420 (Witness RM-382, witness statement, 1 July 2014), para. 5.

Autoservis was part of the Ljubija Mines Company and owned these trucks.[14960] Once the gate was open, the witness saw both trucks drive towards the Kipa area.[14961] About two hours later, the witness drove to that same area and saw a man working in an excavator digging a grave that was approximately 20 to 30 metres long, four to five metres wide, and two to three metres deep.[14962] He then watched the two trucks unload a large number of bodies into this grave.[14963] There were bodies lying on the side of the grave that had not already fallen into the grave from the trucks, and a bulldozer pushed them into the grave.[14964] Among those bodies, the witness recognized two people he had known: a butcher from Prijedor named Husein, a.k.a. Huso, and a man nicknamed 'Babin', who was from either the village of Volar or Bišćani.[14965] Those present at the grave site included the two truck drivers, two soldiers who appeared to be drunk, five 'civilians', and Radiša Ljesnjak, a supervisor at the Tomašica mine who was in charge of the drainage system.[14966] According to a document issued by the SJB Prijedor, Ljesnjak was a member of the police force between 4 April 1992 and 28 February 1993.[14967] A few days later, around midnight, Ljesnjak went to Witness RM-382's house, which is approximately 1,200 metres from the main gate of the Tomašica mine, and told him that the lights of an excavator were not working and that there were bodies that needed to be buried at the Tomašica mine grave site before the morning.[14968] Ljesnjak asked the witness to use the lights of his truck to illuminate a grave.[14969] Out of fear, the witness felt obliged to complete this task, and he observed more than 100 bodies being buried in the mass grave by a 'civilian' who was operating the excavator.[14970]

4077. **Radovan Zdjelar** stated that one or two days after the conflict in Prijedor started, he received a telephone call at 2 or 3 a.m. from someone claiming to be from the

[14960] P7420 (Witness RM-382, witness statement, 1 July 2014), para. 5.
[14961] P7420 (Witness RM-382, witness statement, 1 July 2014), para. 6.
[14962] P7420 (Witness RM-382, witness statement, 1 July 2014), para. 6.
[14963] P7420 (Witness RM-382, witness statement, 1 July 2014), para. 7.
[14964] P7420 (Witness RM-382, witness statement, 1 July 2014), para. 7.
[14965] P7420 (Witness RM-382, witness statement, 1 July 2014), para. 8.
[14966] P7420 (Witness RM-382, witness statement, 1 July 2014), para. 7.
[14967] P7420 (Witness RM-382, witness statement, 1 July 2014), para. 7; D1081 (Certificate issued by SJB Prijedor confirming that Radiša Ljesnjak was a member of the police between 4 April 1992 and 28 February 1993, 23 February 1993), p. 1.
[14968] P7420 (Witness RM-382, witness statement, 1 July 2014), para. 9.
[14969] P7420 (Witness RM-382, witness statement, 1 July 2014), para. 9.
[14970] P7420 (Witness RM-382, witness statement, 1 July 2014), para. 10; Witness RM-382, T. 36211-36212.

crisis staff and advising him that he would be picked up soon.[14971] Ljesnjak and his driver arrived at the witness's house in a vehicle and took him to a workshop at the Tomašica mine to get his excavator.[14972] Ljesnjak asked the witness to take this machine to the Kipa area.[14973] Ljesnjak instructed him to dig a pit three to four metres deep and four to five metres wide, which Ljesnjak said was for the purpose of burying the bodies of people killed during fighting in Prijedor.[14974] Around noon that day, soldiers arrived at the site in a military vehicle and unloaded ten to twelve bodies.[14975] After the bodies had been put in the pit, Ljesnjak asked the witness to cover them.[14976] The witness was then taken home and told that he would return to the pit. The following day, he was picked up again and taken back to the pit. This sequence of events repeated itself over the next three to four days. During these days, two to three 'civilian vehicles' brought in a total of approximately 15 bodies.[14977] Ljesnjak was present on all occasions, and on one occasion, people in old JNA uniforms and Simo Drljača were also present. Ljesnjak told the witness that the man was Drljača. Both Drljača and Ljesnjak wore camouflage uniforms.[14978]

4078. **Witness RM-382** testified that the guards at the main gate told him that on approximately two more occasions, bodies were brought through the main gate for burial at the same location.[14979] After these occasions, the grave site was accessed by the unmanned back gate, which provided a shortcut to the grave site.[14980] Throughout 1992 and 1993, the witness saw trucks close to the grave site on multiple occasions.[14981] He could see bodies in the trucks and blood traces on the road, and he could smell decomposing bodies.[14982]

4079. In the summer of 1992, two or three days after the witness had first observed bodies being brought to the Tomašica mine, people from Busnovi went to Prijedor Town in order to complain to Simo Drljača, the Chief of the Prijedor SJB, about bodies

[14971] P7311 (Radovan Zdjelar, witness statement, 18 July 2014), para. 2.
[14972] P7311 (Radovan Zdjelar, witness statement, 18 July 2014), paras 2-3.
[14973] P7311 (Radovan Zdjelar, witness statement, 18 July 2014), para. 3.
[14974] P7311 (Radovan Zdjelar, witness statement, 18 July 2014), para. 3.
[14975] P7311 (Radovan Zdjelar, witness statement, 18 July 2014), para. 5.
[14976] P7311 (Radovan Zdjelar, witness statement, 18 July 2014), para. 6.
[14977] P7311 (Radovan Zdjelar, witness statement, 18 July 2014), para. 7.
[14978] P7311 (Radovan Zdjelar, witness statement, 18 July 2014), para. 8.
[14979] P7420 (Witness RM-382, witness statement, 1 July 2014), para. 11; Witness RM-382, T. 36212.
[14980] P7420 (Witness RM-382, witness statement, 1 July 2014), para. 11; Witness RM-382, T. 36212.
[14981] P7420 (Witness RM-382, witness statement, 1 July 2014), para. 11.
[14982] P7420 (Witness RM-382, witness statement, 1 July 2014), para. 11.

being brought to the Tomašica mine.[14983] Drljača threatened a man called Slavko Savić, telling him that he was 'worse than the enemy' and should be killed.[14984]

4080. Sometime in 1992 or 1993, the witness noticed that the Tomašica grave site could no longer be accessed, as it was controlled by men in military uniforms; this continued until the end of the war.[14985] These men were clothed in the olive-drab uniforms of the army reserve force.[14986] The witness was not aware of any further burials at the site during this time.[14987] After the war, the area was left unguarded and the back gate remained unlocked.[14988] In August 1992 or the beginning of 1993, UNPROFOR members visited the Tomašica mine after receiving information that bodies had been dumped into the drying kiln.[14989] After visiting the site, the UNPROFOR members established that this had not occurred, as the kilns had not been used for over a year.[14990]

4081. **Witness RM-097** testified that one evening after the Čarakovo operation (*see* chapters 4.10.1 *Schedule A.6.5* and 4.10.7), between 6:30 and 7:30 p.m., he saw between eight and ten military trucks in a hamlet near Čarakovo, and concluded from the smell that they were transporting dead bodies.[14991] Each truck could have contained approximately 50 to 70 bodies.[14992]

4082. **Radovan Zdjelar** stated that he returned to the Tomašica mine several times during the war.[14993] During one visit in 1995, he noticed a high presence of soldiers in the area and he saw bodies being removed from the pit he had dug and loaded onto civilian trucks with trailers.[14994] **Witness RM-382** testified that sometime at the end of 1995, after the 14 December signing of the Dayton Accords, he saw an excavator operating at the Tomašica grave site for one week.[14995] He was told that a soldier was

[14983] P7420 (Witness RM-382, witness statement, 1 July 2014), para. 15; Witness RM-382, T. 36216-36217.
[14984] P7420 (Witness RM-382, witness statement, 1 July 2014), para. 15; Witness RM-382, T. 36217.
[14985] P7420 (Witness RM-382, witness statement, 1 July 2014), para. 12; Witness RM-382, T. 36212-36214.
[14986] Witness RM-382, T. 36212-36213.
[14987] Witness RM-382, T. 36214.
[14988] Witness RM-382, T. 36214.
[14989] Witness RM-382, T. 36205.
[14990] Witness RM-382, T. 36205.
[14991] P2432 (Witness RM-097, *Brđanin* testimony, 17 and 20 October 2003), pp. 21087-21088.
[14992] P2432 (Witness RM-097, *Brđanin* testimony, 17 and 20 October 2003), p. 21088.
[14993] P7311 (Radovan Zdjelar, witness statement, 18 July 2014), para. 10.
[14994] P7311 (Radovan Zdjelar, witness statement, 18 July 2014), paras 11-12.
[14995] P7420 (Witness RM-382, witness statement, 1 July 2014), para. 16; Witness RM-382, T. 36177.

preventing access to the Kipa area.[14996] The witness could again smell decomposing bodies.[14997]

4083. **Dragan Vujčić** testified that the VRS 43rd Motorized Brigade was mobilised to the Gradačac front after the 'corridor of life' had been opened, and stayed there until 1995.[14998] According to the witness, this mobilisation took place sometime in May or June 1992.[14999] According to Vujčić, his unit neither received any orders regarding the Tomašica mine nor knew what was happening there.[15000] The construction machines of his brigade were not used for the burial of bodies as they were used in the Gradačac front, and none of the brigade's personnel were involved in the burying of bodies in Tomašica.[15001] The witness was not present in Prijedor and did not know whether any machines were mobilized from the Ljubija Mines Company for the burial of bodies in Tomašica.[15002] The witness first heard of Tomašica from the media when the exhumation of the bodies began.[15003]

4084. **Dragan Gajić** stated that the Engineer Battalion of the 43rd Motorized Brigade did not take part in 'the clearing up of the terrain' in and around Prijedor and that the battalion's equipment was not used for this purpose.[15004] The battalion did not participate in the burial, relocation, or transportation of bodies in Tomašica, and the witness never received an order from the commander in this respect.[15005] The witness was at the Gradačac front with all of his machines '[a]t the time the events in Tomašica took place' and did not hear about Tomašica until the war ended.[15006] Sometime in March or April 1992, the 43rd Motorised Brigade was deployed at the Gradačac front in Skugrić Village and only the logistic part of the battalion remained in Prijedor.[15007] Sometime in September or October 1995, the 43rd Motorized Brigade returned to

[14996] P7420 (Witness RM-382, witness statement, 1 July 2014), para. 16; Witness RM-382, T. 36177, 36218-36219.
[14997] P7420 (Witness RM-382, witness statement, 1 July 2014), para. 16.
[14998] Dragan Vujčić, T. 41500-41501, 41516-41517.
[14999] Dragan Vujčić, T. 41500-41501, 41516-41517.
[15000] D1359 (Dragan Vujčić, witness statement, 20 July 2015), para. 10; Dragan Vujčić, T. 41507, 41510.
[15001] D1359 (Dragan Vujčić, witness statement, 20 July 2015), para. 10.
[15002] Dragan Vujčić, T. 41507, 41512.
[15003] D1359 (Dragan Vujčić, witness statement, 20 July 2015), para. 10.
[15004] D1439 (Dragan Gajić, witness statement, 14 July 2015), para. 12.
[15005] D1439 (Dragan Gajić, witness statement, 14 July 2015), para. 13.
[15006] D1439 (Dragan Gajić, witness statement, 14 July 2015), paras 13-14.
[15007] D1439 (Dragan Gajić, witness statement, 14 July 2015), para. 9.

Prijedor and was engaged in the defence of Prijedor Town.[15008] All the construction machines were in Prijedor and the pioneer company was in Ljubija.[15009]

4085. According to a 15 March 1993 MUP certificate signed by Drljača, the Prijedor SJB gifted a 9-millimetre pistol to Milorad Šipka, director of the Tomašica mine, in gratitude for his 'cooperation and assistance'.[15010] According to a 30 March 1993 MUP certificate signed by Drljača, the Prijedor SJB also gifted a 9-millimetre pistol to Marjanović, in gratitude for his 'cooperation and assistance'.[15011] **Marjanović** testified that the pistol was actually given to him by the Minister of Economy of Serbia, who sent it through Mr. Lovro, head of the SJB, and that Drljača signed the certificate so that he could get a licence.[15012]

4086. In a 27 May 1993 meeting with the officers of the First Krajina Corps and the Air Force and Anti-Aircraft Defence of the VRS in Banja Luka, Colonel Bogojević, the head of command and control group and the security department of the 1KK, reported to Mladić.[15013] He stated that four or five days earlier, Drljača had arrived and had been sent by the Minister of the Interior, to discuss the Tomašica mine, where earlier they had buried around 5,000 Bosnian Muslims.[15014] Drljača, who had been in charge 'while this was being done', wanted to leave this issue with Bogojević and others and wanted to get rid of the bodies 'by burning, grinding or some other way'.[15015] Also present at the meeting with Drljača were: General Subotić**,** the Minister of Defence; Colonel Vladimir Arsić, the Commander of the 43rd Motorized Brigade; and Mile Matijević, the Chief of police at the Banja Luka CSB.[15016] Mladić's advice to Bogojević was that 'they killed them, so they should get rid of them'.[15017] Mladić also told Bogojević that an investigation had to be launched in connection with the case, and that the information was to be retained well to prevent it getting into the hands of unauthorized people.[15018]

[15008] D1439 (Dragan Gajić, witness statement, 14 July 2015), para. 10.
[15009] D1439 (Dragan Gajić, witness statement, 14 July 2015), para. 10.
[15010] Ostoja Marjanović, T. 41012-41013; P7628 (MUP certificate signed by Simo Drljača, 15 March 1993).
[15011] P7627 (MUP certificate signed by Simo Drljača, 30 March 1993).
[15012] Ostoja Marjanović, T. 41011-41012.
[15013] P358 (Mladić notebook, 2 April 1993 - 24 October 1993), pp. 151, 154-155.
[15014] P358 (Mladić notebook, 2 April 1993 - 24 October 1993), pp. 154-155.
[15015] P358 (Mladić notebook, 2 April 1993 - 24 October 1993), p. 155.
[15016] P358 (Mladić notebook, 2 April 1993 - 24 October 1993), p. 155.
[15017] P358 (Mladić notebook, 2 April 1993 - 24 October 1993), p. 155.
[15018] P358 (Mladić notebook, 2 April 1993 - 24 October 1993), p. 155.

4087. According to **Ewa Tabeau**, the remains exhumed from the Tomašica mass grave included victims of Scheduled Incidents A.6.1, A.6.4, A.6.5, A.6.6, A.6.8, B.13.1, and B.13.2.[15019] Forensic evidence demonstrates that some of the remains first buried in the Tomašica mass grave were later moved to a secondary grave site at Jakarina Kosa.[15020]

4088. In the confidential annex *in* Appendix D, the Trial Chamber addresses the Defence argument denying the involvement of VRS personnel in the Tomašica burials and considers that the evidence of Gajić and Vujčić that the engineer battalion of the VRS 43rd Motorised Brigade was mobilized at Gradačac at the time of the Tomašica burial operation does not preclude the possibility that other battalions and members of the VRS 43rd Motorised Brigade were involved in the burials.

4089. With respect to the Defence argument that the presence of people in military-style uniforms cannot establish VRS involvement as people mobilized into work obligations were mandated to wear uniforms but were not subordinated to the VRS, the Trial Chamber notes that its finding with respect to VRS involvement is not based on identifications of VRS members on the basis of their clothing. Rather, the Trial Chamber's finding is based on the evidence that the VRS controlled the Tomašica mine, that officers from the VRS 43rd Motorised Brigade's Žarko Zgonjanin barracks ordered

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[15019] Ewa Tabeau, T. 36715, 36769-36770; P7449 (Ewa Tabeau, proof of death expert report for victims from the Tomašica mine, 20 August 2014) pp. 43-45, 47; P7451 (Ewa Tabeau, annexes to proof of death expert report for victims from the Tomašica mine, 20 August 2014), Annexes 1, 2 and 4. Tabeau's report reference evidence linking individual remains exhumed from the Tomašica mine to specific Scheduled Incidents, among them the remains of Menković (Jasim) Ilijaz, linked to Scheduled Incident A.6.1 (*see* P5546 (Identification report pertaining to the remains of Menković Ilijaz), P5517 (Court ruling on the deaths of Menković Jasim and brothers Ilijaz, Selim and Vahid)); the remains of Nureski (Iso) Alija, linked to Scheduled Incident A.6.4 (*see* P5588 (ICMP notice of DNA reports submitted from November 2001 to September 2007), part 1, row 8235); the remains of Kahteran (Hase) Kemal, linked to Scheduled Incident A.6.5 (*see* P5588 (ICMP notice of DNA reports submitted from November 2001 to September 2007), part 1, row 5638); the remains of Džolić (Ahmet) Besim, linked to Scheduled Incident A.6.6 (*see* P5767 (Court ruling on the death of Džolić Besim), P5768 (Death certificate for Džolić Besim, 20 September 1998)); the remains of Nasić (Mehmed) Irfan, linked to Scheduled Incident A.6.8 (*see* P5588 (ICMP notice of DNA reports submitted from November 2001 to September 2007), part 1, row 2710); the remains of Duratović (Hilmija) Emin, linked to Scheduled Incident B.13.1 (*see* P6109 (Collection of death certificates linked to victims of Scheduled Incident B.13.1), pp. 35-36, P5588 (ICMP notice of DNA reports submitted from November 2001 to September 2007), part 1, row 2710); and the remains of Hodžić (Saban) Ismet, linked to Scheduled Incident B.13.2 (*see* P6333 (Court ruling on the death of Hodžić Ismet), P6297 (Collection of death certificates linked to victims of Scheduled Incident B.13.2), pp. 13-14, P5588 (ICMP notice of DNA reports submitted from November 2001 to September 2007), part 1, row 4306).

[15020] Ewa Tabeau, T. 36729-36731, 36875; P7449 (Ewa Tabeau, proof of death expert report for victims from the Tomašica mine, 20 August 2014), pp. 12-13. *See also* P7431 (Ian Hanson, excavation at the Tomašica mines complex from 4 September to 20 December 2013, 6 May 2014), pp. 9-10, 53; Thomas Parsons, T. 36416-36418; P7436 (Thomas Parsons, explanatory note to the DNA match list of samples from Tomašica and linked cases from Jakarina Kosa, 6 May 2014); P7437 (Thomas Parsons, updated spreadsheet of DNA identification, 9 June 2014).

drivers who were mobilized in the VRS 43rd Motorised Brigade to take part in the burial operation, and that fuel and heavy machinery equipment belonging to the Ljubija Mines Company was used for the needs of the VRS at the Tomašica site at the time of the burial operation.

4090. Based on the foregoing, the Trial Chamber finds that in May 1992, the Prijedor Crisis Staff and the VRS controlled the Tomašica mine. Sometime in early May 1992, Radiša Ljesnjak, a member of the Prijedor SJB and of the Prijedor Crisis Staff, ordered the digging of a pit in a waste dump site in Tomašica. Between May and the end of July 1992, members of the VRS, including members of the 43rd Motorized Brigade Logistics Battalion, the Prijedor SJB and its Chief Simo Drljača, and the Prijedor Crisis Staff worked together to bury bodies – including victims of Scheduled Incidents A.6.1, A.6.4, A.6.5, A.6.6, A.6.8, B.13.1, and B.13.2 – at Tomašica. From 1992 or 1993 until the end of the war, the VRS blocked access to the Tomašica site.

4091. The Trial Chamber further finds that on 27 May 1993, Colonel Bogojević reported to Mladić that the Bosnian-Serb Minister of Interior sent Drljača to discuss Tomašica with Subotić, Arsić, Matijević and himself. At this meeting, Drljača said that he wanted to get rid of the bodies buried at Tomašica by burning or grinding them. Mladić told Bogojević that those responsible for the killings should get rid of the bodies. Mladić further noted that an investigation had to be launched in connection with the case and that the information was to be retained well to prevent it getting into the hands of unauthorized people.

4092. The Trial Chamber also finds that at the end of 1995, the VRS, the Prijedor SJB, including Drljača, and the Prijedor Crisis Staff reburied some of the bodies from Tomašica in the Jakarina Kosa mass grave.

4093. In light of the findings set out above, the Trial Chamber finds that the VRS, the SJB Prijedor, including Drljača, and the Prijedor Crisis Staff attempted to conceal the murder of a large number of Bosnian Muslims and Bosnian Croats in Prijedor Municipality by removing evidence of the crimes and thereby impeding potential future investigations.

9.2.12 Investigation and prosecution of crimes

4094. In this chapter, the Trial Chamber will review the evidence and make findings concerning the response of the Bosnian-Serb military and civilian justice system to crimes committed by members of the VRS and other Serb forces. The Prosecution argued that the relevant authorities within this system failed to take adequate steps to investigate such crimes and to arrest and/or punish the perpetrators thereof.[15021] It further argued that the VRS military justice system functioned effectively and ensured impunity for VRS crimes.[15022] The Defence argued that the military justice system made efforts to initiate investigations and criminal proceedings, but that this was not possible in many cases due to difficult wartime circumstances.[15023] The Trial Chamber will first consider evidence with regard to the structure and function of the military and civilian justice system. It will then turn to evidence of responses to crimes which the Trial Chamber has found to have been committed within the geographic and temporal scope of the Indictment.

Structure and function of the military and civilian justice system

4095. The Trial Chamber took judicial notice of Adjudicated Facts with regard to the structure and function of the military and civilian justice system. It further received evidence from **Osman Selak**, a Bosnian-Muslim Colonel in the JNA, and later the VRS, who retired in July 1992;[15024] **Witness RM-016**, a Bosnian Serb from Banja Luka;[15025] **Predrag Drinić**, a VRS chief military prosecutor from 1992 to 2000;[15026] **Slobodan Radulj**, the municipal public attorney in Prijedor from 20 May 1992 and Deputy Prosecutor at the Military Prosecutor's Office in Banja Luka between 20 October 1993 and August 1997;[15027] **Witness RM-513**, a Bosnian Serb from

[15021] Prosecution Final Brief, paras 110-120. *See also* Prosecution Final Brief, Annex A, paras 30-31 (Banja Luka), 23-24 (Bijeljina), 30-32 (Ključ), 43 (Kotor Varoš), 36, 40 (Prijedor), 34-37 (Sanski Most), 36-37 (Vlasenica).
[15022] Prosecution Final Brief, para. 120.
[15023] Defence Final Brief, paras 731-733.
[15024] P244 (Osman Selak, witness statement, 13 July 2000), p. 1; Osman Selak, T. 2965-2966, 3182.
[15025] P2375 (Witness RM-016, witness statement, 5 August 2013), p. 1, paras 4, 11, 16; Witness RM-016, T. 17398. Further relevant evidence of Witness RM-016 is reviewed in chapter 3.1.1.
[15026] P3351 (Predrag Drinić, *Blagojević and Jokić* transcript, 15 June 2004), pp. 10843-10844.
[15027] Slobodan Radulj, T. 35481, 35509, 35533.

Bijeljina;[15028] and **Vladimir Lukić**, Prime Minister of the Bosnian-Serb Republic from December 1992 to August 1994,[15029] as well as documentary evidence.

4096. The Bosnian-Serb Constitution vested the Constitutional Court and lower courts of the Bosnian-Serb Republic with judicial authority.[15030] The judicial system of the Bosnian-Serb Republic, with the Constitutional Court at the top of the hierarchy, was to be autonomous and independent and was entrusted with protection of human rights and freedoms.[15031] Members of the judiciary, including judges and public prosecutors, were to be elected by the Bosnian-Serb Assembly.[15032] The Assembly discussed and voted on appointment and dismissal of judges and prosecutors at its 19th and 22nd sessions on 12 August 1992 and 23-24 November 1992, respectively.[15033]

4097. The lower courts were to ensure that all coercive actions on behalf of the state authorities were conducted in accordance with the rule of law.[15034] No state official could enter a dwelling against the tenant's will without a court warrant.[15035] No one could be deprived of his or her freedom without a valid court decision.[15036] In addition, pre-trial detention could not exceed two months, unless extended by the Constitutional Court for up to another two months.[15037] The Constitution set forth the principle of a fair trial in criminal proceedings.[15038] An accused person had the right to be informed of the nature of the allegation against him or her in the shortest time provided by the law, and guilt could not be established except by pronouncement of a valid court verdict.[15039] According to a decision by the Bosnian-Serb Presidency on 20 May 1992, lower courts were to have subject-matter jurisdiction to conduct legal proceedings in the first instance for all criminal offences.[15040]

4098. The Bosnian-Serb Law on Internal Affairs of 28 February 1992 extended the maximum period of allowable detention on the premises of CSBs and SJBs to three

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[15028] P1054 (Witness RM-513, witness statement, 25 June 2011), p. 1, paras 2, 4-6. Witness RM-513's evidence is reviewed in chapter 4.2.1 *Schedule B.2.1*.
[15029] D626 (Vladimir Lukić, witness statement, 18 May 2013), paras 4, 6; Vladimir Lukić, T. 25423-25424; D631 (Minutes of the 61st session of the Bosnian-Serb Government, 21 December 1992), p. 2.
[15030] Adjudicated Facts I, no. 202.
[15031] Adjudicated Facts I, no. 203.
[15032] Adjudicated Facts I, no. 204.
[15033] Adjudicated Facts I, no. 205.
[15034] Adjudicated Facts I, no. 206.
[15035] Adjudicated Facts I, no. 207.
[15036] Adjudicated Facts I, no. 208.
[15037] Adjudicated Facts I, no. 208.
[15038] Adjudicated Facts I, no. 209.
[15039] Adjudicated Facts I, no. 210.

days (from the maximum of 24 hours permitted by the Bosnia-Herzegovina Law on Internal Affairs).[15041] Persons of unknown identity suspected of serious criminal offences could be detained indefinitely under the 1992 law.[15042]

4099. At the 16th Session of the Bosnian-Serb Assembly, on 12 May 1992, a decision was taken to establish a system of military prosecutors and independent military courts.[15043] The Assembly decided that the military prosecutors, as well as the presidents, judges, and assistant judges of the military courts, would be appointed by the Bosnian-Serb President, who would also have the authority to promote them or to relieve them of duty.[15044]

4100. **Osman Selak** testified that for serious breaches of discipline, an officer could be tried in a military court.[15045] If a serious criminal offence occurred in a brigade, it was the responsibility of that brigade to report the incident to the corps without delay and to initiate an investigation.[15046] The military police usually investigated the military, but could request civilian police assistance.[15047] The civilian police did not have the authority to arrest JNA or VRS officers, but could detain an officer provided that they immediately informed the military.[15048]

4101. **Witness RM-016** testified that military courts had absolute jurisdiction over the crime of armed rebellion, crimes against the state, crimes against humanity, and violations of the Geneva Conventions. The jurisdiction of the courts also extended to crimes committed by police officers and paramilitaries subordinated to military units, and crimes committed by military personnel before the courts were staffed and functional in the late summer or early autumn of 1992.[15049]

4102. Witness RM-016 further testified that after being arrested by the military police, a suspect could be held in pre-trial detention for up to six months pending the completion of an investigation.[15050] After this, the Military Prosecutor could issue an

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[15040] P473 (Decisions on courts and return of people, 20 May 1992 and 2 June 1992), p. 1.
[15041] Adjudicated Facts I, nos 320-321, 331.
[15042] Adjudicated Facts I, no. 332.
[15043] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), pp. 1, 53.
[15044] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 53.
[15045] P244 (Osman Selak, witness statement, 13 July 2000), para. 32.
[15046] P244 (Osman Selak, witness statement, 13 July 2000), para. 33.
[15047] P244 (Osman Selak, witness statement, 13 July 2000), para. 36.
[15048] P244 (Osman Selak, witness statement, 13 July 2000), para. 36.
[15049] P2375 (Witness RM-016, witness statement, 5 August 2013), paras 15,17, 20, 87, 90, 92, 94, 96-97, 101, 112-116; Witness RM-016, T. 17400-17407, 17366, 17372-17373, 17475-17476, 17480-17481.
[15050] P2375 (Witness RM-016, witness statement, 5 August 2013), para. 98; Witness RM-015, T. 17444.

indictment and extend the detention, or drop the case.[15051] Pre-trial detention was mandatory for crimes carrying a minimum sentence of ten years imprisonment.[15052] Suspects would be detained until the final judgment was issued if they were charged with murder, robbery, or crimes against the state and the army.[15053]

4103. **Predrag Drinić** stated that from 1992 to 1994, four first-instance military courts existed in the Bosnian-Serb Republic.[15054] These were located in Banja Luka, Sarajevo, Bijeljina, and Bileća.[15055] The military court in Bijeljina had jurisdiction over the territory of the IBK, while the military court in Sarajevo initially dealt with matters related to the DK.[15056] **Witness RM-016** testified that the Banja Luka Military Court had jurisdiction over crimes allegedly committed by soldiers belonging to the 1KK and 2KK.[15057] The military court in Bileća had jurisdiction over the HK.[15058] Witness RM-016's testified that the Supreme Military Court was located in Zvornik. [15059]

4104. **Drinić** stated that the military prosecutor could initiate a first-instance investigation after an individual reported directly to the prosecutor or after the military police and the security organ of the respective unit filed a criminal report.[15060] During this investigation, the prosecutor would seek additional information from the level of the alleged perpetrator's unit and one level above, with the highest level being the commander of the Main Staff.[15061] If the prosecutor considered that there was sufficient ground to suspect that a crime had been committed by a particular individual, he would submit a request to the investigating judge to initiate a full criminal investigation.[15062] When an individual submitted a complaint, the prosecutor knew the identity of that individual and could not keep it secret.[15063] An anonymous tip-off was always viewed as 'incomplete'.[15064] The atmosphere in 1995 was such that although it was possible for an individual to file a criminal complaint against high-ranking VRS officers, it was not

[15051] P2375 (Witness RM-016, witness statement, 5 August 2013), para. 98.
[15052] P2375 (Witness RM-016, witness statement, 5 August 2013), para. 99.
[15053] P2375 (Witness RM-016, witness statement, 5 August 2013), para. 99.
[15054] P3351 (Predrag Drinić, *Blagojević and Jokić* transcript, 15 June 2004), pp. 10843-1044, 10846-10847. *See also* P338 (Analysis of the Combat Readiness and Activities of the VRS in 1992), p. 53.
[15055] D437 (Report on the Work of the VRS Military Prosecutor's Office in 1992, 10 February 1993), p. 4.
[15056] P3351 (Predrag Drinić, *Blagojević and Jokić* transcript, 15 June 2004), pp. 10846-10847.
[15057] P2375 (Witness RM-016, witness statement, 5 August 2013), para. 89; Witness RM-016, T. 17406-17407.
[15058] P338 (Analysis of the Combat Readiness and Activities of the VRS in 1992), p. 53.
[15059] Witness RM-016, T. 17431.
[15060] P3351 (Predrag Drinić, *Blagojević and Jokić* transcript, 15 June 2004), p. 10845.
[15061] P3351 (Predrag Drinić, *Blagojević and Jokić* transcript, 15 June 2004), pp. 10846, 10853-10854.
[15062] P3351 (Predrag Drinić, *Blagojević and Jokić* transcript, 15 June 2004), p. 10846.
[15063] P3351 (Predrag Drinić, *Blagojević and Jokić* transcript, 15 June 2004), pp. 10848-10850.

realistic as anyone who did so would have risked the safety and lives of his or her family.[15065] Alternatively, it was possible for a prosecutor to initiate an investigation against the security organ of the Main Staff, but no prosecutor would have done so for the same reason.[15066]

4105. Between September 1992 and April 1994, there were up to 1,000 criminal court proceedings before the Banja Luka Military Court.[15067] There were six prosecutions of war crimes during this time period; four alleged perpetrators were Bosnian Muslims, and two were Bosnian Croats.[15068] Between October 1992 and October 1993, individuals were being convicted or acquitted of committing a variety of crimes including absconding and deserting from the armed forces, assault, theft, espionage, fomenting armed rebellion, serving in the enemy army, manslaughter and murder.[15069] One individual was indicted for war crimes during this period; he was also indicted for serving in the enemy army, and was given an eight-year sentence for the latter crime.[15070]

4106. **Vladimir Lukić** testified that in early 1993 there were many problems with the judiciary caused by a shortage of staff and materials, and also due to people's awareness that crimes committed against Serbs were not being prosecuted on the Muslim side.[15071] **Slobodan Radulj** testified that Bosnian Serbs were charged for crimes committed against non-Serbs during the war, but could not provide any concrete examples of this occurring.[15072] According to the records available to the witness, no VRS soldier was prosecuted for killing non-Serbs in Sanski Most, where the 6th Krajina Brigade was based.[15073] According to the witness, at the Banja Luka Military Court, the prosecution of crimes committed by Serb soldiers against Serbs during the war was quite efficient, while cases concerning non-Serb victims were delayed due the circumstances of the cases, including the difficulty in securing evidence due to the fact that both the victims

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[15064] P3351 (Predrag Drinić, *Blagojević and Jokić* transcript, 15 June 2004), pp. 10856-10857.
[15065] P3351 (Predrag Drinić, *Blagojević and Jokić* transcript, 15 June 2004), p. 10856.
[15066] P3351 (Predrag Drinić, *Blagojević and Jokić* transcript, 15 June 2004), pp. 10861-10862.
[15067] P3563 (Banja Luka Military Court Register from 10 September 1992 to 6 April 1994).
[15068] P3563 (Banja Luka Military Court Register from 10 September 1992 to 6 April 1994).
[15069] P3537 (Review of sentencing issued by Banja Luka Military Court document during the period from 1 August 1992 to 30 October 1993, 11 November 1993).
[15070] P3537 (Review of sentencing issued by Banja Luka Military Court document during the period from 1 August 1992 to 30 October 1993, 11 November 1993), p. 20.
[15071] D626 (Vladimir Lukić, witness statement, 18 May 2013), para. 26.
[15072] Slobodan Radulj, T. 35520-35521.
[15073] Slobodan Radulj, T. 35543-35545.

and their relatives would have left.[15074] Priority, however, was given to cases concerning the evasion of military service by Serbs, in order to boost military discipline.[15075] On 9 September 1992, Milan Gvero, Assistant Commander of the VRS Main Staff, asked various military prosecutor's offices to assess the appropriateness of prosecuting individuals for the crime of failure to respond to the call-up and for the crime of departure without authorisation and desertion from the armed forces.[15076] The Banja Luka Military Prosecutor told the witness that he had received instructions not to bring charges under Article 142 of the SFRY Criminal Code, i.e. war crimes, for crimes committed by VRS soldiers against non-Serbs.[15077]

4107. **Witness RM-513** testified that after the Bijeljina Military Court began functioning in August 1992, the justice system, including the court, prosecutors, and police, was not prosecuting Serbs for committing crimes against non-Serbs, with the exception of a few cases, even though it was common knowledge that Serbs were killing non-Serbs in 1992.[15078] Even if Bosnian-Serb soldiers were sentenced for such crimes, these sentences were not carried out. In contrast, in cases where the victims were Bosnian Serbs, perpetrators were punished according to the law. Pressure from families influenced the courts, and Bosnian-Serb families were able to exercise pressure whereas Bosnian-Muslim families could not.[15079] In the court, cases of failure to respond to mobilization and desertion from the military were given priority.[15080] In the civilian courts of Bijeljina between 1992 and 1995, there were around 12 cases involving crimes committed by Serbs against non-Serbs, which the witness did not consider to be a substantial percentage of the crimes against non-Serbs happening in Bijeljina at that time.[15081] The witness knew of no prosecutions by the military court of VRS soldiers for crimes against non-Serbs under Article 142 of the SFRY Criminal Code, pursuant to which crimes against the civilian population would have been prosecuted.[15082]

[15074] Slobodan Radulj, T. 35542.
[15075] Slobodan Radulj, T. 35548-35549, 35553-35554, 35575, 35578-35579.
[15076] P7386 (Dispatch on the institution of criminal proceedings against deserters from Milan Gvero addressed to the Military Prosecutor's Office, 9 September 1992), p. 5.
[15077] Slobodan Radulj, T. 35539-35540.
[15078] P1054 (Witness RM-513, witness statement, 25 June 2011), paras 51-54; Witness RM-513, T. 9319-9320, 9329, 9397-9398.
[15079] P1054 (Witness RM-513, witness statement, 25 June 2011), para. 54.
[15080] P1054 (Witness RM-513, witness statement, 25 June 2011), para. 51.
[15081] Witness RM-513, T. 9389-9392; P1063 (Bijeljina District Prosecutor report, 24 August 2000).
[15082] Witness RM-513, T. 9259-9261.

4108. **Lukić** testified that according to the minutes of the 63rd meeting of the Bosnian-Serb Government of 5 February 1993, procedure in the judicial organs was unjustifiably slow despite the fact that criminal reports were filed promptly.[15083] According to the minutes, the Republican Prosecutor's Office would be asked to inform the Bosnian-Serb Government of the reasons for such delays, and the MoJ was tasked with taking steps to accelerate judicial proceedings once criminal reports were filed.[15084]

4109. A report on the work of the Military Prosecutor's Office during 1995 reflects that the lower military prosecutor's offices in Sarajevo, Banja Luka, Bijeljina, and Bileća received a total of 253 criminal reports, exclusively against civilians, concerning crimes against humanity and breaches of international law, a decrease from the 611 complaints these offices had received in 1994.[15085] Only two civilians were indicted for war crimes against the civilian population in 1995.[15086] The lower military prosecutor's offices received 172 criminal reports concerning crimes against life and limb; 164 of the alleged perpetrators were soldiers, two were non-commissioned officers, five were officers, and one was unidentified.[15087] The largest number of criminal reports related to the crime of murder.[15088] In 1995, 82 soldiers and one officer were indicted.[15089]

4110. A report on the work of the military courts during 1995 reflects that military courts almost exclusively prioritized and heard cases involving crimes committed against the VRS or against property, as well as violent crimes.[15090] The report states that '[c]riminal proceedings were primarily initiated and completed with the aim of assisting the armed struggle and thus contributing to the creation of the new Serbian state. This is why most of the criminal cases /relate to crimes/ against the Republika Srpska Army'.[15091] In these cases, due to intensified war operations and the loss of Bosnian-Serb territory, the non-appearance of witnesses and the impossibility of bringing

[15083] Vladimir Lukić, T. 25451; D633 (Minutes of the 63rd session of the Bosnian-Serb Government, 5 February 1993), p. 6.
[15084] Vladimir Lukić, T. 25451; D633 (Minutes of the 63rd session of the Bosnian-Serb Government, 5 February 1993), p. 6.
[15085] P3561 (Report on the Military Prosecutor's Office during 1995, 20 February 1996), pp. 1-2, 9-10, 26, 41.
[15086] P3561 (Report on the Military Prosecutor's Office during 1995, 20 February 1996), pp. 10, 29, 43.
[15087] P3561 (Report on the Military Prosecutor's Office during 1995, 20 February 1996), pp. 10, 26.
[15088] P3561 (Report on the Military Prosecutor's Office during 1995, 20 February 1996), p. 11.
[15089] P3561 (Report on the Military Prosecutor's Office during 1995, 20 February 1996), pp. 10, 29.
[15090] P3560 (Report on the work of the Military Courts during 1995, 29 February 1996), pp. 4, 12-14, 17.
[15091] P3560 (Report on the work of the Military Courts during 1995, 29 February 1996), p. 3.

accused individuals to court became a bigger problem; thus, many trials were postponed and many interrogations were cancelled.[15092]

4111. Based on the foregoing, the Trial Chamber finds that on 12 May 1992, during the 16th Session of the Bosnian-Serb Assembly, a decision was passed to establish military courts and military prosecutors. The Supreme Military Court was subsequently established in Zvornik, and first-instance military courts were established in Bijeljina, Banja Luka, Sarajevo, and Bileća. The Trial Chamber finds that presidents, judges, and assistant judges in the military courts, and military prosecutors were appointed by the Bosnian-Serb President, who also had the authority to promote them or relieve them of duty. The Trial Chamber further finds that the military courts were fully operational by the early autumn of 1992, and had jurisdiction over the crime of armed rebellion, crimes against the state, crimes against humanity, and violations of the Geneva Conventions. Their jurisdiction also extended to crimes committed by police officers and paramilitaries subordinated to military units, and crimes committed by military personnel before the courts became functional.

4112. The Trial Chamber finds that detailed procedures were put in place for reporting crimes, initiating investigations, and detaining suspected perpetrators. If a serious criminal offence was committed in a brigade, the brigade was obligated to report the incident to the corps command and to file a criminal report. Criminal reports could also be submitted by individuals, but it was not possible in practice to do this anonymously.

4113. The Trial Chamber further finds that pre-trial detention was mandatory for crimes carrying a minimum sentence of ten years, and that suspects would be detained until a final judgment was issued if they were charged with murder, robbery, or crimes against the state and the army.

4114. The Trial Chamber finds that proceedings before the military courts continued throughout the war. Despite the fact that courts reported problems such as shortages of staff and materials and difficulties locating suspects and witnesses, investigations were initiated for a variety of crimes between the autumn of 1992 and the end of 1995. The military courts focused on crimes committed against the VRS, including absconding and deserting from the armed forces, failing to respond to mobilization, and serving in the

[15092] P3560 (Report on the work of the Military Courts during 1995, 29 February 1996), p. 4.

enemy army. The Trial Chamber did not receive evidence of any Bosnian Serbs being prosecuted for war crimes against non-Serbs during this period.

4115. The Trial Chamber will, against the background of these findings, review the function of the military and civilian justice system with respect to the punishment or non-punishment of specific crimes which it found to have been committed within the scope of the Indictment in chapter 4.

Banja Luka Municipality

Schedule B.1.4

4116. The Trial Chamber recalls its findings in chapters 4.10.1 *Schedule B.1.4* and 8.3.2 that guards at Manjača camp murdered two Bosnian-Muslim detainees by beating them to death between 3 June and 18 December 1992. The Trial Chamber further recalls its finding in chapter 9.2.10that, following an order from the Manjača camp commander Božidar Popović, death certificates listing false causes of death were issued for the detainees who had been killed by beatings. Popović also informed the ECMM that the victims had died of natural causes.

4117. The Prosecution argued that the 1KK and the military court failed to properly address the murders of these detainees – Omer Filipović and Esad Bender – despite the fact that the perpetrators' identities were readily available.[15093] The Defence argued that the VRS launched an on-site investigation, suspended those responsible for the crimes, and filed a criminal report.[15094] The Defence further submitted that judicial proceedings took place after the war and the perpetrators received long custodial sentences.[15095] The Trial Chamber received evidence from **Witness RM-016**, a Bosnian Serb from Banja Luka;[15096] **Witness RM-051**, a VRS security officer;[15097] **Adil Draganović**, a Muslim Judge, President of the Sanski Most Municipal Court, who was detained in Manjača camp from 17 June 1992 to 14 December 1992;[15098] and **Radomir Radinković,** a VRS

[15093] Prosecution Final Brief, Annex A, Banja Luka Summary, para. 31.
[15094] Defence Final Brief, para. 867.
[15095] Defence Final Brief, para. 867.
[15096] P2375 (Witness RM-016, witness statement, 5 August 2013), p. 1, paras 4, 11, 16; Witness RM-016, T. 17398.
[15097] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), p. 5255; Witness RM-051, T. 2883-2884. Witness RM-051's evidence is reviewed in chapter 4.1.1 *Schedule B.1.4*.
[15098] P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, pp. 1-2, 7, 10, 12, witness statement of 6 October 2000, p. 1, witness statement of 7 July 2000, pp. 1, 3.

1KK intelligence and security officer at Manjača Camp as of May 1992,[15099] as well as documentary evidence.[15100]

4118. **Witness RM-016** testified that Manjača camp was within the jurisdiction of the Banja Luka military court.[15101] The camp commander and the military police would have been responsible for filing incident reports for any killings which occurred.[15102] However, as far as the witness was aware, the military prosecutor did not receive any incident reports in relation to Manjača camp, or conduct any judicial investigations in relation to crimes committed against the detainees.[15103]

4119. The Trial Chamber recalls its review of a Manjača camp operational team report dated 29 July 1992, admitted into evidence as P222, along with its review of **Witness RM-051**'s evidence in chapter 4.1.1 *Schedule B.1.4*, and recalls that the perpetrators of this crime were identified and were rotated out of the camp on the same day, but were not prosecuted until 2007.

4120. The Trial Chamber recalls the evidence of Radomir Radinković, reviewed in 4.1.1 *Schedule B.1.4*, that the perpetrators were suspended by the 'crime fighting service' of the military police battalion, that a criminal report was filed against them, and that they were convicted by the Banja Luka District Court after the war.

4121. **Adil Draganović** stated that Serb military officials conducted an investigation at the camp and replaced some of the Serb guards.[15104] Following this investigation, the detainees were not beaten as often.[15105]

4122. On 17 November 1998, the Ključ Municipal Court recorded that an on-site investigation into the killings of Filipović and Bender was conducted by an investigating judge, MUP representatives, and forensic experts.[15106] The team of investigators performed autopsies on two corpses that had been exhumed from the Banja Luka cemetery.[15107] The identity of the two victims had been established earlier

[15099] D900 (Radomir Radinković, witness statement, 8 December 2013), pp. 1, 6. Radinković's evidence is reviewed in chapter 4.1.1 *Schedule B.1.4*.
[15100] P222 is reviewed in chapter 4.1.1 *Schedule B.1.4*.
[15101] P2375 (Witness RM-016, witness statement, 5 August 2013), para. 43.
[15102] P2375 (Witness RM-016, witness statement, 5 August 2013), paras 43-44.
[15103] P2375 (Witness RM-016, witness statement, 5 August 2013), paras 43-44, 95; Witness RM-016, T. 17396.
[15104] P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 15.
[15105] P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 15.
[15106] P5992 (Court record of Exhumation of Bender and Filipović, 17 November 1998), p. 1.
[15107] P5992 (Court record of Exhumation of Bender and Filipović, 17 November 1998), pp. 1-7.

by Ključ MUP officials as those of Filipović and Bender.[15108] According to the forensic medical expert, the victims' broken bones showed that injuries had been inflicted on them.[15109] Muhamed Filipović stated that he had witnessed the violent murder of the victims at Manjača camp on the evening of 28 July and the morning of 29 July 1992.[15110]

4123. Based on the foregoing, the Trial Chamber finds that on 29 July 1992, following the deaths of Filipović and Bender, an investigating judge of the Basic Court in Banja Luka carried out an on-site investigation and produced a report identifying the military policemen who were responsible for killing the detainees. The Trial Chamber further finds that the perpetrators were rotated out of the camp on the following day, but were not otherwise punished. Though a criminal report may have been filed, nobody was prosecuted for the murders until after the war.[15111]

Schedule C.1.2

4124. The Trial Chamber recalls its findings in chapters 4.1.2 *Schedule C.1.2* and 8.9.2 that between 3 June and 18 December 1992, guards under the control of the 1KK mistreated detainees at Manjača camp by subjecting them to regular beatings which sometimes resulted in serious injuries. The Trial Chamber further recalls its finding in chapter 9.2.10 that the 1KK, the VRS Main Staff, and the Bosnian-Serb Government generally permitted journalists and representatives of international and local human rights organisations to visit Manjača camp, but on some occasions made efforts to conceal the unlawful detention and the cruel and inhumane treatment of detainees which took place in the camp.

4125. The Prosecution argued that the Banja Luka Military Court did not carry out any investigations into crimes committed at Manjača camp.[15112] The Trial Chamber received evidence from **Witness RM-016**, a Bosnian Serb from Banja Luka;[15113] **Radomir Radinković,** a VRS 1KK intelligence and security officer at Manjača Camp as of May

[15108] P5992 (Court record of Exhumation of Bender and Filipović, 17 November 1998), p. 2.
[15109] P5992 (Court record of Exhumation of Bender and Filipović, 17 November 1998), p. 5.
[15110] P5992 (Court record of Exhumation of Bender and Filipović, 17 November 1998), p. 5.
[15111] The military policemen who committed this crime were convicted by the Banja Luka District Court in 2007.
[15112] Prosecution Final Brief, Annex A, Banja Luka Summary, para. 26.
[15113] P2375 (Witness RM-016, witness statement, 5 August 2013), p. 1, paras 4, 11, 16; Witness RM-016, T. 17398 Witnes RM-016's evidence is also reviewed in chapter 4.1.2 *Schedule C.1.2*.

1992;[15114] **Witness RM-051**, a VRS security officer;[15115] and **Adil Medić**, a Muslim from Ključ and leader of the 'Muslim Corps' commission in charge of camp- and prisoner-related problems.[15116]

4126. **Witness RM-016** testified that no judicial investigations were conducted in relation to alleged crimes committed against detainees at Manjača camp, which fell under the jurisdiction of the Banja Luka Military Court.[15117] The Trial Chamber recalls its finding in chapter 4.1.2 *Schedule C.1.2* that Popović was aware of the beatings inflicted upon the detainees at the camp. The Trial Chamber further recalls the evidence of **Witness RM-016** and **Witness RM-051**, reviewed in chapter 4.1.2 *Schedule C.1.2*, that Popović reported to the 1KK Commander, Talić, and that the Manjača camp operational team sent regular reports to the Corps Command.

4127. **Adil Medić** testified that an official meeting was held on 22 June 1992 in the offices of the 1KK Command.[15118] This meeting was attended by General Talić, Colonel Vukelić, Colonel Osman Selak, Mufti Halilović, Sead Hadžagić (President of the SDA), Nijaz Karaselimović (President of Merhamet in Banja Luka), Sedat Širbegović, and the witness himself.[15119] General Talić promised to address the situation when informed by the witness of the poor conditions in Manjača camp and made a verbal agreement to allow aid to be sent by the Muslim Corps to the detainees, which was honoured.[15120] Despite the assurances of General Talić, the witness noted that Lieutenant Colonel Popović continued to ignore the beatings and killings that continued to occur and seemed proud about how the camp was run.[15121]

4128. Based on the foregoing, the Trial Chamber finds that although VRS officials, including General Talić, was regularly informed that detainees at Manjača camp were being ill-treated, and despite the fact that they provided assurances that the situation would be addressed, the ill-treatment continued. No judicial investigations or

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[15114] D900 (Radomir Radinković, witness statement, 8 December 2013), pp. 1, 6. Radinković's evidence is reviewed in chapter 4.1.2 *Schedule C.1.2*.
[15115] P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), p. 5255; Witness RM-051, T. 2883-2884. Witness RM-051's evidence is reviewed in chapter 4.1.2 *Schedule C.1.2*.
[15116] P154 (Adil Medić, witness statement, 31 January 1996), p. 1, para. 4; Adil Medić, T. 2033.
[15117] P2375 (Witness RM-016, witness statement, 5 August 2013), paras 43-44, 95; Witness RM-016, T. 17396.
[15118] P154 (Adil Medić, witness statement, 31 January 1996), para. 15.
[15119] P154 (Adil Medić, witness statement, 31 January 1996), para. 15.
[15120] P154 (Adil Medić, witness statement, 31 January 1996), para. 16; Adil Medić, T. 2067-2068.
[15121] P154 (Adil Medić, witness statement, 31 January 1996), para. 18.

prosecutions were conducted by the Banja Luka Military Court in this regard, and the perpetrators of the crimes were not punished.

Bijeljina Municipality

Schedule B.2.1

4129. The Trial Chamber recalls its findings in chapters 4.2.1 *Schedule B.2.1* and 8.3.2 that soldiers from the 2KK murdered two Bosnian-Muslim detainees from Batković camp working at the Žitopromet company in Bijeljina by cutting their throats. The Trial Chamber recalls its finding in chapter 9.2.10 that after the murder of the two detainees, Batković camp command initially attempted to conceal the crime by falsely reporting to the ICRC that the detainees had been exchanged, and only confirmed that the detainees had been killed after the ICRC became aware of details of the incident.

4130. The Prosecution argued that no VRS soldiers were investigated or prosecuted in the Bijeljina Military Court for crimes committed at Batković camp during the war, despite the fact that the military court was aware of the murder of detainees on work detail.[15122] The Defence argued that the cover-up and non-prosecution of Serb perpetrators in the Bijeljina military court was connected to the abuse of position of a single individual, namely military prosecutor Predrag Drinić, who obstructed the work of the military court.[15123] The Trial Chamber received evidence from **Savo Bojanović**, a Serb judge at the military court of Bijeljina from mid-July 1992 until late 1993;[15124] **Witness RM-513**, a Bosnian Serb from Bijeljina;[15125] and **Witness RM-088**, a Bosnian Muslim from Šekovići Municipality.[15126]

4131. **Savo Bojanović** testified that in February 1993, he was contacted by the military police to conduct an on-site investigation into the killing of two men at Vanek's Mill in Bijeljina, a factory which belonged to the Žitopromet company and was located across

[15122] Prosecution Final Brief, Annex A, Bijeljina Summary, para. 23; Prosecution Closing Arguments, T. 44432.
[15123] Defence Final Brief, para. 1620
[15124] D747 (Savo Bojanović, witness statement, 28 July 2014), p. 1, paras 4, 14. Savo Bojanović's evidence is also reviewed in chapter 4.2.1 *Schedule B.2.1*.
[15125] P1054 (Witness RM-513, witness statement, 25 June 2011), p. 1, paras 2, 4-6. Witness RM-513's evidence is reviewed in chapter 4.2.1 *Schedule B.2.1*.
[15126] P524 (Witness RM-088, witness statement, 17 October 1994), p. 1, para. 1. Witness RM-088's evidence is reviewed in chapter 4.2.1 *Schedule B.2.1*.

from the entrance of the VRS Vojvoda Stepa Stepanović barracks.[15127] The crime scene investigation team established that soldiers from a unit of the 2KK killed two detainees from Batković camp who were working at the mill.[15128] The witness stated that he formed a crime scene investigation team and carried out a preliminary on-site investigation on the same evening.[15129] He issued a 'wanted' circular for an unidentified perpetrator.[15130] Bojanović testified that the office of the prosecutor was in charge of starting an investigation and that he did not know whether anyone was punished for these murders.[15131] The ICRC was also informed about the on-site investigation report.[15132] The Trial Chamber recalls the evidence of **Witness RM-513**, reviewed in chapter 4.2.1 *Schedule B.2.1*that the Military Prosecutor's Office took no action after it received the report of the murders from Bojanović.

4132. **Witness RM-513** stated that military prosecutor Predrag Drinić obstructed the work of the Bijeljina military court and put pressure on his subordinates to drop cases involving Bosnian-Serb perpetrators and Bosnian-Muslim victims.[15133] In one case, after proceedings were brought against men who had allegedly murdered a Bosnian Muslim, Drinić terminated the case after meeting with Dušan Tanacković, the IBK Chief of Security.[15134]

4133. Regarding the Defence's argument that the non-prosecution of Serb perpetrators was limited to Drinić's abuse of his position, the Trial Chamber has not received any evidence that Drinić interfered in the investigation into the killings at Vanek's Mill. Furthermore, the Trial Chamber notes that according to the evidence on which the Defence relied, Drinić conferred with at least one other person, namely the IBK Chief of Security Tanacković, which makes the evidence inconclusive as to the role Drinić may have played. The Trial Chamber therefore rejects the Defence's argument in this regard.

4134. Based on the foregoing, the Trial Chamber finds that in February 1993, Savo Bojanović, a Serb judge at the Bijeljina military court, conducted an on-site investigation at the request of the military police into the murders of two detainees on work detail at the Žitopromet company. The Trial Chamber further finds that although

[15127] D747 (Savo Bojanović, witness statement, 28 July 2014), para. 18; Savo Bojanović, T. 27977-27978.
[15128] D747 (Savo Bojanović, witness statement, 28 July 2014), para. 18; Savo Bojanović, T. 27976.
[15129] D747 (Savo Bojanović, witness statement, 28 July 2014), para. 18.
[15130] D747 (Savo Bojanović, witness statement, 28 July 2014), para. 18; Savo Bojanović, T. 27984.
[15131] Savo Bojanović, T. 27977-27978.
[15132] Savo Bojanović, T. 27981.
[15133] P1054 (Witness RM-513, witness statement, 25 June 2011), paras 58, 62.

the investigation team established that the perpetrators were members of the 2KK, and the Bijeljina Military Prosecutor's Office was aware of the killings, no further investigations or prosecutions were carried out and the perpetrators were not punished.

Ključ Municipality

Schedule B.8.1

4135. The Trial Chamber recalls its findings in chapters 4.6.1 *Schedule B.8.1* and 8.3.2 that on 1 June 1992, members of the VRS murdered at least 77 Bosnian-Muslim men by shooting them at Velagići school.

4136. The Prosecution argued that although several perpetrators were identified and arrested, they were released after asking Talić to send them back to their units.[15135] The Prosecution further argued that when two of the perpetrators were remanded, the Banja Luka military court released them after consultations with the legal affairs section of the VRS.[15136] The Defence argued that an investigation was launched and 12 individuals were investigated for murder as a war crime, two of whom were subsequently arrested.[15137] The Defence further argued that the decision to release these two perpetrators was made due to wartime circumstances and pressure which was exerted on the court by the perpetrators' colleagues.[15138] Furthermore, the Defence asserted that the VRS Main Staff did not approve this decision, and that Witness RM-016's evidence in this regard is not reliable as it is based on hearsay.[15139] The Trial Chamber received evidence from **Rajko Kalabić**, a member of the Ključ Crisis Staff;[15140] **Witness RM-016**, a Bosnian Serb from Banja Luka;[15141] and **Slobodan Radulj**, a Serb, who acted as municipal public attorney in Prijedor from 20 May 1992 and Deputy Prosecutor at the Military Prosecutor's Office in Banja Luka between 20 October 1993 and August 1997,[15142] as well as documentary evidence.[15143]

[15134] P1054 (Witness RM-513, witness statement, 25 June 2011), paras 56-57.
[15135] Prosecution Final Brief, Annex A, Ključ Summary, para. 30.
[15136] Prosecution Final Brief, Annex A, Ključ Summary, para. 30.
[15137] Defence Final Brief, para. 1276.
[15138] Defence Final Brief, para. 1277.
[15139] Defence Final Brief, para. 1277.
[15140] Rajko Kalabić, T. 30198, 30208. Kalabić's evidence is reviewed in chapter 4.6.1 *Schedule B.8.1*.
[15141] P2375 (Witness RM-016, witness statement, 5 August 2013), p. 1, paras 4, 11, 16; Witness RM-016, T. 17398. Witness RM-016's evidence is reviewed in chapter 4.6.1 *Schedule B.8.1*.
[15142] Slobodan Radulj, T. 35481, 35509, 35533.
[15143] P3544 is reviewed in chapter 4.6.1 *Schedule B.8.1*. P3528 is reviewed in chapter 4.6.1 *Schedule B.8.1*.

4137. The Trial Chamber recalls the evidence of Rajko Kalabić, reviewed in chapter 4.6.1 *Schedule B.8.1* , that Lieutenant Amidžić and 11 others were charged with war crimes and were held in custody for a short time before being released to their units after sending a complaint to General Talić.

4138. According to the Banja Luka military court file against Goran Amidžić and others, on 1 June 1992, authorised officials of the military police and investigating judge Jovo Dimitrić of the Ključ Municipal Court conducted an on-site investigation in Velagići village.[15144] On 5 June 1992 a criminal report was filed before the Banja Luka Military Prosecutor's Office against Amidžić and 11 other members of the military police platoon and of the intervention platoon with the engineering unit based in Lanište.[15145] On that same day, each of the 11 other members provided written statements regarding the incident after being brought into the rooms of the military police on 5 June 1992.[15146] On 12 June 1992, the same 11 members signed a letter addressed to General Talić complaining about their 'illegal detention' and requesting their release.[15147]

4139. The Trial Chamber recalls the evidence of Witness RM-016, reviewed in chapter 4.6.1 *Schedule B.5.1*, that the military prosecutor reopened proceedings against the 12 suspects on 8 March 1993, two of whom were subsequently placed in custody on 20 July 1993. These men were released on 29 July 1993 pursuant to a proposal from the Banja Luka Military Prosecutor to the Investigating Judge of the Military Court. The Trial Chamber recalls that Witness RM-016 testified that the suspects were released with the consent of the VRS Main Staff following a blackmail operation by members of the Ključ Brigade.

4140. **Slobodan Radulj** testified that in mid-June or mid-July 1992, while still in Prijedor, he heard about a massacre in a school in the village of Velagići, in Ključ Municipality.[15148] When he joined the prosecutor's office in 1993, he heard people

[15144] P3528 (Banja Luka military court file against Goran Amidžić and others, 3 June 1992-20 December 1996), pp. 4, 5-7.
[15145] P3528 (Banja Luka military court file against Goran Amidžić and others, 3 June 1992-20 December 1996), pp. 7-16.
[15146] P3528 (Banja Luka military court file against Goran Amidžić and others, 3 June 1992-20 December 1996), pp. 7-16.
[15147] P3528 (Banja Luka military court file against Goran Amidžić and others, 3 June 1992-20 December 1996), pp. 38-39
[15148] Slobodan Radulj, T. 35338-35539.

talking about a 'grave crime' committed near Ključ.[15149] He further heard that two out of at least ten suspects had been brought into custody and that either the entire brigade had threatened to leave their positions, or that a number of soldiers had otherwise exerted pressure on the military court in order to have the suspects released.[15150] The witness was assigned to the case in 1996 or 1997.[15151]

4141. The Trial Chamber has received evidence presenting various different reasons for the release of Bajić and Miljević on 8 June 1992, and notes that although Witness RM-016 and Slobodan Radulj mentioned pressure being exerted by the Ključ Brigade, this was not mentioned in the military prosecutor's statement of reasons for release. However, the Trial Chamber considers that the military prosecutor's statement of reasons is not necessarily a complete record of the facts. Furthermore, the reasons provided therein are not incompatible with Witness RM-016's evidence that the decision to release the perpetrators was made with the approval of the VRS Main Staff, or with the evidence of Witness RM-016 and Slobodan Radulj that the Ključ Brigade exercised pressure on the court. The Trial Chamber therefore finds that there is no contradiction between the evidence of the two witnesses and the military prosecutor's statement of reasons for release.

4142. The Defence argued that Witness RM-016's evidence that the VRS Main Staff approved the decision to release the perpetrators is unreliable, as it is based on conversations of which the witness had no personal knowledge.[15152] While the Trial Chamber treats hearsay evidence with caution, it notes that Witness RM-016's testimony concerning the VRS Main Staff's approval of the decision was specific, detailed, and internally consistent. Furthermore, the witness was extensively cross-examined on this issue. In light of these considerations, and given the position held by the witness's source of knowledge, the Trial Chamber finds Witness RM-016's evidence regarding the approval of the VRS Main Staff reliable, and therefore rejects the Defence's argument in this regard.

4143. Based on the foregoing, the Trial Chamber finds that on 1 June 1992, the Banja Luka military police conducted an on-site investigation into the killings at Velagići, as a result of which twelve perpetrators were taken into custody and questioned. On 12 June

[15149] Slobodan Radulj, T. 35531, 35535-35536.
[15150] Slobodan Radulj, T. 35531-35532, 35534-35536.
[15151] Slobodan Radulj, T. 35523, 35527, 35334.
[15152] Defence Final Brief, para. 1277.

1992, eleven of the twelve perpetrators wrote a letter to General Talić requesting their release from detention, following which all of the men were sent back to their units. The Trial Chamber further finds that on 8 March 1993, the military prosecutor re-opened proceedings against the perpetrators and remanded Željko Bajić and Marinko Miljević in custody. On 29 July 1992, following a blackmail operation by members of the Ključ Brigade, the investigating judge of the Banja Luka Military Court ordered the release of Bajić and Miljević with the consent of the President of the Supreme Military Court and officers of the VRS Main Staff. No further steps were taken to investigate, prosecute, or punish the perpetrators until 1996.

Kotor Varoš Municipality

Schedule A.4.4

4144. The Trial Chamber recalls its findings in chapters 4.7.1 *Schedule A.4.4* and 8.3.2 that on 4 November 1992, members of the 1st Kotor Varoš Light Infantry Brigade murdered approximately 150 unarmed Bosnian-Muslim men detained at Grabovica School. The Trial Chamber recalls its finding in chapter 9.2.10that on 4 November 1992, the 1KK made efforts to conceal the murders at Grabovica from the VRS Main Staff, by falsely reporting that they had captured and killed members of the Green Berets as retaliation for casualties suffered by the Kotor Varoš Light Infantry Brigade on the front lines and at Gola Planina. On the following day, the 1KK falsely reported to the VRS Main Staff that the victims of the massacre had died as a result of combat operations.

4145. The Prosecution argued that neither the physical perpetrators nor any other individuals were punished for the massacre at Grabovica.[15153] The Prosecution further argued that there was no will to investigate the massacre at any level within the VRS, despite the fact that the VRS Main Staff and the Banja Luka Military Court were aware of the crime.[15154] The Defence argued that the perpetrators of this incident had been killed during a robbery, and were therefore not investigated or punished.[15155] The Trial

[15153] Prosecution Final Brief, Annex A, Kotor Varoš Summary, para. 43.
[15154] Prosecution Final Brief, Annex A, Kotor Varoš Summary, para. 43.
[15155] Defence Final Trial Brief, paras 1140..

Chamber received evidence from **Witness RM-802**, a VRS officer;[15156] and **Witness RM-016**, a Bosnian Serb from Banja Luka,[15157] as well as documentary evidence.

4146. **Witness RM-802** testified that Talić said that it would be impossible to catch the soldiers who had opened fire on the detainees because they had escaped to the FRY, but that the municipal structures would conduct an investigation.[15158] A search for the three or four soldiers who had opened fire on the Muslim detainees was ordered.[15159] Some time after this, the witness heard that the perpetrators had fled to the FRY and had been killed in a robbery.[15160] He never checked whether this was true, as he did not have any means of doing so.[15161] No investigation was conducted, and no legal or disciplinary actions were ever taken against anyone for the killings at Grabovica, nor did there appear to be the will to take such action at any level.[15162] The Trial Chamber also considered additional evidence of Witness RM-802 which has been placed in the confidential annex in Appendix D. **Witness RM-016** testified that no investigation was launched in relation to the killing and capture of members of the Green Berets in Kotor Varoš.[15163]

4147. With respect to the Defence's argument that no investigation was carried out because the perpetrators of this crime were killed during a robbery, the Trial Chamber notes that Witness RM-802 was not clear about the circumstances or location of this event, and stated that his knowledge was based on hearsay which he took no steps to verify. The Trial Chamber therefore considers that this evidence was insufficient to justify a decision not to investigate the crime, and dismisses the Defence's argument in this regard.

4148. Based on the foregoing, the Trial Chamber finds that the killings at Grabovica were reported to General Talić on 4 November 1992, and that a search for the perpetrators was ordered but no further investigations were conducted. The Trial

[15156] P439 (Witness RM-802, witness statement, 25 April 2012), pp. 1-2, 33; P438 (Witness RM-802, pseudonym sheet).
[15157] P2375 (Witness RM-016, witness statement, 5 August 2013), p. 1, paras 4, 11, 16; Witness RM-016, T. 17398.
[15158] Witness RM-802, T. 4536, 4642, 4644.
[15159] Witness RM-802, T. 4536.
[15160] Witness RM-802, T. 4536, 4642-4643.
[15161] Witness RM-802, T. 4642.
[15162] P439 (Witness RM-802, witness statement, 25 April 2012), para. 72; Witness RM-802, T. 4536-4537, 4642, 4655-4656.
[15163] Witness RM-016, T. 17370.

Chamber finds that no legal or disciplinary action was taken against the perpetrators of the killings at Grabovica.

Unscheduled murder incident and appropriation or plunder of property

4149. The Trial Chamber recalls its finding in chapters 4.7.1 *Unscheduled murder incidents* and 4.7.4that (i) on 2 July 1992, members of the Banja Luka CSB Special Police Detachment, or military forces under the command of Slobodan Župljanin, the 2nd Infantry Battalion Commander of the VRS 22nd Brigade, and Saša Petrović , killed at least 30 Bosnian Muslims during the attack on Vrbanjci, including 15 who were detained in Alagić café, and (ii) in June and July 1992, a special unit from the Banja Luka CSB, which was led by VRS Captain Slobodan Dubočanin, took furniture, televisions, videocassette recorders, and gold from the houses of Bosnian Muslims and Bosnian Croats in towns and villages in Kotor Varoš Municipality.

4150. In relation to the non-punishment of the abovementioned crimes committed by the CSB Banja Luka Special Police Detachment in Kotor Varoš Municipality in June and July 1992, the Trial Chamber received evidence from **Predrag Radulović,** head of an intelligence team known as the Miloš group in the CSB Banja Luka from mid-1991 to 1994.[15164]

4151. **Predrag Radulović** testified that Stojan Župljanin, the chief of the Banja Luka CSB, sent the Banja Luka CSB Special Police Detachment to Kotor Varoš.[15165] The detachment remained in the municipality for about three months, where its members looted, killed, raped, and committed other crimes against non-Serbs to the knowledge of Župljanin.[15166] The witness saw Župljanin in Kotor Varoš during and after operations conducted by the detachment in the municipality.[15167] The Miloš group informed Mićo Stanišić, the Bosnian-Serb MUP SNB, and the Serbian MUP about the detachment's crimes against non-Serbs in Kotor Varoš Municipality.[15168] The Miloš group also requested the assistance of Milan Stevilović, the Chief of Security of the 1KK, and Stevan Marković, the Banja Luka CSB Commander for the Uniform Police, to prevent

[15164] P3207 (Predrag Radulović, witness statement, 5 December 2009), p. 1, paras 4-5.
[15165] P3207 (Predrag Radulović, witness statement, 5 December 2009), para. 67.
[15166] P3207 (Predrag Radulović, witness statement, 5 December 2009), paras 57-58, 67-69, 75, 87, 164.
[15167] P3207 (Predrag Radulović, witness statement, 5 December 2009), para. 72.
[15168] P3207 (Predrag Radulović, witness statement, 5 December 2009), paras 59, 69.

the commission of such crimes, but both were killed in an ambush during a visit to the municipality.[15169] None of the detachment's members were investigated.[15170]

4152. Based on the foregoing, the Trial Chamber finds that in June and July 1992, the Miloš group informed various authorities, including the SNB of the MUP; the MUP of Serbia; Milan Stevilović, the Chief of Security of the 1KK; and Stevan Marković, the Banja Luka CSB Commander for the Uniform Police about the commission of crimes by the CSB Banja Luka Special Police Detachment in Kotor Varoš Municipality, including lootings, killings, and rapes. The Trial Chamber finds that none of the detachment's members were investigated for any of these crimes.

Prijedor Municipality

Schedule A.6.9

4153. The Trial Chamber recalls its findings in chapters 4.10.1 *Schedule A.6.9* and 8.3.2 that on 24 and 25 July 1992, VRS forces comprising the 5th Kozarac Brigade and members of the 6th Krajina Brigade under the command of Colonel Branko Basara killed at least 68 people in Briševo village, Prijedor Municipality, first through shelling and then by shooting inhabitants upon entering the village.

4154. The Prosecution argued that high-ranking VRS officers, as well as Karadžić and Kuprešanin, were informed about the massacre, but that nobody was punished.[15171] The Defence argued that the VRS tried to investigate what happened in Briševo and formed a commission consisting of Vojo Kuprešanin and two officers from the 1KK.[15172] The Trial Chamber received evidence from **Vojo Kuprešanin**, President of the ARK Assembly as of mid-1991,[15173] and **Ivo Atlija**, a Bosnian Croat from the predominantly Croat village of Briševo in Prijedor Municipality.[15174]

[15169] P3207 (Predrag Radulović, witness statement, 5 December 2009), para. 70.
[15170] P3207 (Predrag Radulović, witness statement, 5 December 2009), paras 59, 75.
[15171] Prosecution Final Brief, Annex A, para. 53 (Prijedor).
[15172] Defence Final Brief, para. 957.
[15173] D852 (Vojo Kuprešanin, witness statement, 18 June 2014), para. 1; D1139 (Decision on election of the President of the Assembly of the Community of Bosnian Krajina municipalities, 26 April 1991). Kuprešanin's evidence is also reviewed in chapter 4.10.1 *Schedule A.6.9*.
[15174] P168 (Ivo Atlija, witness statement, 20 October 2000), p. 1, para. 9; P169 (Statement by Ivo Atlija to Croatian authorities, 30 January 1993), para. 44; Ivo Atlija, T. 2301; P174 (Map of Prijedor municipality) Atlija's evidence is reviewed in chapter 4.10.1 *Schedule A.6.9*.

4155. The Trial Chamber recalls Vojo Kuprešanin's evidence, reviewed in chapter 4.10.1 *Schedule A.6.9* , that after the massacre was committed, Kuprešanin went to Briševo with Bishop Komarica and two officers from the 1KK and met with the wives of those who had been killed. Kuprešanin further testified that Bishop Komarica informed Karadžić of the crimes in Briševo.[15175]

4156. The Trial Chamber also recalls the evidence of Ivo Atlija, reviewed in 4.10.1 *Schedule A.6.9*, that on several occasions after the attack on Briševo, Kuprešanin met with Atlija about the crimes.

4157. Based on the foregoing, the Trial Chamber finds that after the massacre at Briševo, a delegation including Vojo Kuprešanin, Bishop Komarica, and VRS officers from the 1st Kraijna Corps met with people from the village and questioned them about the incident. The Trial Chamber finds that Karadžić was also aware of the massacre. However, the Trial Chamber has not received evidence which allows it to conclude that no investigations or prosecutions took place. The Trial Chamber will therefore not consider this incident further in this regard.

Killings at Keraterm and Omarska

4158. The Trial Chamber recalls its findings in chapters 4.10.1 *Schedule B.13.1* and 8.3.2that (i) on or around 25 July 1992, camp guards and VRS soldiers murdered between 190 and 220 detainees held in Room 3 at Keraterm camp (*see* chapter 4.10.1 *Schedule B.13.1*); (ii) between 29 May and August 1992, camp guards murdered approximately 18 detainees held at Omarska camp (*see* chapter 4.10.1 *Schedule B.13.2*); (iii) on 5 August 1992, unidentified Bosnian Serbs murdered at least 126 detainees from Omarska and Keraterm camps; (iv) in the second half of July 1992, camp guards murdered between 100 and 180 detainees from Omarska camp; and (v) during the night of 2 to 3 July 1992, a camp guard killed a detainee at Keraterm camp.

4159. With regard to crimes committed in detention facilities in Prijedor Municipality, the Prosecution argued that there were few criminal reports generated and no prosecutions.[15176] With respect to killings in Keraterm camp, the Prosecution argued that despite the camp's close proximity to the military police, and despite the Banja

[15175] Vojo Kuprešanin, T. 29821.
[15176] Prosecution Final Brief, Annex A, Prijedor Summary, para. 40.

Luka court's knowledge of the crimes, the VRS did not investigate the murders of Room 3 detainees, which were reported more than once to the VRS Main Staff.[15177] With regard to crimes committed in Omarska camp, the Defence argued that the VRS was not present and had no contact with individuals inside the facility.[15178] Furthermore, the Defence argued that members of the VRS, including Colonel Miroslav Majstorović of the 1KK, requested information on Omarska on several occasions, but that no official information was provided by the Prijedor police or by the Security Service in Banja Luka.[15179] The Trial Chamber received evidence from **Predrag Radulović**, head of an intelligence team known as the Miloš group in the CSB Banja Luka from mid-1991 to 1994;[15180] **Boško Kelečević**, Chief of Staff of the 1KK from 12 May 1992 until the end of the war,[15181] **Witness RM-016**, a Bosnian Serb from Banja Luka,[15182] **Mišo Rodić**, an officer in the intelligence organ of the VRS 43rd Motorized Brigade in Prijedor from May 1992 to mid-January 1993,[15183] and documentary evidence.

4160. **Predrag Radulović** testified about a report from Beara's team addressed to Neđeljko Kesić, the head of the SDB at the Banja Luka CSB, and Stojan Župljanin, the chief of the Banja Luka CSB. According to this report, non-Serbs were detained at Keraterm and Omarska without checks. They were harassed and killed, and paramilitary units were able to enter both facilities freely.[15184] When the Miloš group reported crimes committed against non-Serbs at Omarska, Keraterm, and Trnopolje camps in July 1992, Kesić told them it was not his job.[15185] Radulović also reported these crimes to Jovica Stanišić.[15186] Under the reporting procedures, Radulović's reports should also have been provided to Mićo Stanišić.[15187] According to the witness, Župljanin refused to meet with the intelligence officers and only agreed to meet with them after the intervention of Marko Lazović, assistant to Jovica Stanišić.[15188] In the summer of 1992, Radulović met with Župljanin, Kesić, and Đuro Bulić to inform them about the detention and

[15177] Prosecution Final Brief, Annex A, Prijedor Summary, para. 36.
[15178] Defence Final Brief, para. 966.
[15179] Defence Final Brief, para. 966.
[15180] P3207 (Predrag Radulović, witness statement, 5 December 2009), p. 1, paras 4-5.
[15181] D1110 (Boško Kelečević, witness statement, 26 June 2014), p. 1, paras 1, 9; Boško Kelečević, T. 37131.
[15182] P2375 (Witness RM-016, witness statement, 5 August 2013), p. 1, paras 4, 11, 16; Witness RM-016, T. 17398. Witness RM-016's evidence is reviewed in chapter 4.10.1 Schedule B.13.1.
[15183] D930 (statement of Mišo Rodić, 26 June 2014), paras 1-2, 5.
[15184] P3207 (Predrag Radulović, witness statement, 5 December 2009), para. 148.
[15185] P3207 (Predrag Radulović, witness statement, 5 December 2009), paras 23, 138, 141.
[15186] P3207 (Predrag Radulović, witness statement, 5 December 2009), paras 141, 148.
[15187] P3207 (Predrag Radulović, witness statement, 5 December 2009), para. 141.
[15188] P3207 (Predrag Radulović, witness statement, 5 December 2009), para. 23.

interrogation of non-Serbs and the killings taking place at Omarska and Keraterm camps.[15189] A few days later, Župljanin requested further information about these killings from the witness.[15190] Župljanin formed and sent a delegation, composed of himself, Kesić, Predrag Radić, Mayor of Banja Luka, Radislav Vukić, and three or four other men, to Omarska.[15191]

4161. Radulović informed Župljanin about a publication describing crimes committed against non-Serb detainees at Omarska, which mentioned Župljanin, along with the Prijedor SJB Chief, Simo Drljača, as perpetrators of crimes. Župljanin and Radulović discussed the consequences for the Serb people if information about the crimes committed in Prijedor became known to the international community, and the *Miloš* group suggested arresting Drljača and putting him on trial. However, Župljanin refused to take any action, citing Drljača's influence in the municipality. Radulović stated that he was unaware of any measures taken by Župljanin to prevent crimes against non-Serb detainees at Omarska, or to arrest and charge the perpetrators of such crimes, or to punish members of the public and national security services who allowed these crimes to be committed.[15192]

4162. **Boško Kelečević** testified that military police did not interrogate anyone inside Keraterm camp regarding alleged killings, nor did any other military body.[15193] **Witness RM-016** testified that no proposal was made in the Banja Luka Military Court to investigate alleged crimes committed at Omarska and Keraterm camps, despite the fact that an official in the military court was aware that 'lots of people' were killed in the camp.[15194]

4163. **Mišo Rodić** testified that he heard from members of his unit, the 43rd Motorised Brigade, that on the night of 24 and 25 July 1992, 150 detainees at the Keraterm Complex were gathered in a single room and killed.[15195] Even though the building of the Command of the 43rd Brigade – which also housed the brigade's intelligence organ –

[15189] P3207 (Predrag Radulović, witness statement, 5 December 2009), paras 142, 144, 152.
[15190] P3207 (Predrag Radulović, witness statement, 5 December 2009), para. 145.
[15191] P3207 (Predrag Radulović, witness statement, 5 December 2009), para. 145.
[15192] P3207 (Predrag Radulović, witness statement, 5 December 2009), para. 149.
[15193] Boško Kelečević, T. 37283.
[15194] P2375 (Witness RM-016, witness statement, 5 August 2013), para. 77.
[15195] D930 (statement of Mišo Rodić, 26 June 2014), para. 27; Mišo Rodić, T. 33098-33101, 33111.

was located across the street from the Keraterm Complex, the intelligence organ never verified or investigated information relating to the killings.[15196]

4164. With regard to the Defence's argument that Colonel Miroslav Majstorović of the VRS was denied information about Omarska camp on several occasions, the Trial Chamber notes that Majstorović worked as part of the 1KK and interrogated prisoners at Omarska camp until 30 June 1992, after which he ceased to conduct interrogations but continued to visit the camp.[15197] According to Rodić, Majstorović sought data about the detainees at Omarska camp, or information obtained from them, but his requests were denied by the MUP.[15198] The Trial Chamber considers that, in light of this evidence, Majstorović's requests for information on the detainees at Omarska camp were unrelated to any attempt on behalf of the VRS to investigate alleged crimes at the camp, and therefore dismisses this argument in relation to this finding.

4165. Based on the foregoing, the Trial Chamber finds that in July 1992, the Miloš group reported to Nedeljko Kesić, the head of the SDB at the Banja Luka CSB; Jovica Stanišić, the head of the Serbian SDB; and Stojan Župljanin, the chief of the Banja Luka CSB, that killings had occurred in Omarska and Keraterm camps. Župljanin was also informed of the alleged involvement of the Prijedor SJB Chief, Simo Drljača, in these murders, but refused to take any action. The Trial Chamber also finds that Župljanin went to Omarska, accompanied by a delegation, but failed to take further steps to investigate or punish the perpetrators of the crimes. The Trial Chamber further finds that despite the fact that an official within the military court was aware of alleged killings in Omarska and Keraterm camps, no investigations were ordered into these killings nor were any prosecutions initiated.

Appropriation or plunder of property and Schedule C.15.3

4166. The Trial Chamber recalls its findings in chapters 4.10.2 *Schedule C.15.3*, 4.10.4, and 8.9.2 that (i) from 25 May until at least 5 August 1992, Zoran Žigić and other guards at Keraterm camp beat detainees and (ii) Serb soldiers including Žigić

[15196] D930 (statement of Mišo Rodić, 26 June 2014), para. 27; Mišo Rodić, T. 33098-33101, 33111.
[15197] D930 (Statement of Mišo Rodić, 26 June 2014), para. 29; Mišo Rodić, T. 33056, 33095-33099; P7209 (Report on the conduct of Banja Luka CSB special unit members, signed on 13 June 1992 by Simo Drljača), p. 1.
[15198] D930 (Statement of Mišo Rodić, 26 June 2014), para. 29.

looted houses in Brđani village after the attack on Kozarac town at the end of May 1992.

4167. The Prosecution argued that although Žigić was in custody on 4 July 1992, he was released because he was a 'capable' and 'diligent fighter' who was needed by his VRS unit.[15199] The Prosecution further argued that after being arrested for robbery, Žigić was again released by the military court in early October 1992.[15200] In relation to Scheduled Incident C.15.3, the Defence argued that the VRS was not in charge of Keraterm, but nonetheless reported any suspected crimes at camps to the appropriate authorities. The Defence further argued that cases were opened against many individuals, including Žigić.[15201] The Trial Chamber received evidence from **Mišo Rodić**, an officer in the intelligence organ of the VRS 43rd Motorized Brigade in Prijedor from May 1992 to mid-January 1993,[15202] as well as documentary evidence.[15203]

4168. **Mišo Rodić** commented on documents of an investigation that was carried out by the Public Prosecutor's office in Prijedor against Zoran Žigić.[15204] In July 1992, while Žigić was in custody for unlawfully abandoning the front line, his commander in the reconnaissance unit of the 43rd Brigade, Duško Knežević, sent a letter requesting that Žigić be released from detention as he was a 'very capable, obedient and a diligent fighter – soldier, and one of the best experts on explosive [sic]' and that he was needed for combat operations.[15205] Knežević provided a personal guarantee to make Žigić available for an eventual trial 'when the time comes for that'.[15206] The next day, the Prijedor Lower court decided on the immediate release of Zoran Žigić – citing from the letter sent by Knežević and remarking that Žigić had fully admitted to the crime of which he was accused.[15207]

4169. Rodić testified that he later participated in the arrest of Zoran Žigić and two other soldiers for robbery and looting of Bosnian-Muslim houses in the hamlet of Ganići.[15208]

[15199] Prosecution Final Brief, Annex A, Knowledge and Approval, para. 55.
[15200] Prosecution Final Brief, Annex A, Knowledge and Approval, para. 55.
[15201] Defence Final Brief, para. 980.
[15202] D930 (statement of Mišo Rodić, 26 June 2014), paras. 1-2, 5.
[15203] Exhibits P7204, P7205, and P7207 have been reviewed in chapter 4.10.2 *Schedule C.15.3*.
[15204] Mišo Rodić, T. 33073-33078.
[15205] P7204 (Letter by sergeant Duško Knežević to Prijedor Public Prosecutor's office, 8 July 1992), p. 1.
[15206] P7204 (Letter by sergeant Duško Knežević to Prijedor Public Prosecutor's office, 8 July 1992), p. 1.
[15207] P7205 (Decision by Prijedor Lower Court concerning Zoran Žigić, 9 July 1992), pp. 1-2; Mišo Rodić, T. 33075-33077.
[15208] Mišo Rodić, T. 33073-33074, 33078-33079, 33083.

Žigić confessed to the crime, was remanded in custody on 22 August 1992, and was then released on 8 October 1992.[15209] One of the other soldiers arrested and sentenced for this crime was Mladen Došen.[15210] Mladen Došen was first sentenced to two months of detention, but this ruling was overturned on appeal, factoring in 'the need to deploy him to the same unit on the battlefield that he came from'.[15211]

4170. The Trial Chamber notes that both the Prosecution and the Defence referred to Žigić's detention in July 1992 in the context of their arguments relating to the punishment or non-punishment of crimes committed at Keraterm camp. The Trial Chamber notes that Žigić was in custody in July 1992 for unlawfully abandoning the front line, and that it has not received any evidence that he was being investigated or charged with any other crimes at this time. The Trial Chamber further recalls its finding above, that no investigations or prosecutions were initiated for crimes committed at Keraterm camp, and finds that Žoran Žigić was not investigated, prosecuted, or punished for beating detainees at Keraterm from 25 May until at least 5 August 1992.

4171. The Trial Chamber further notes that according to Rodić's evidence, Žigić was charged for a robbery allegedly committed in Ganići, a Muslim hamlet in the settlement of Gojmenica.[15212] The Trial Chamber's findings relate to Žigić's involvement in the looting of Brđani, which is approximately 20 kilometres from Gojmenica. As the Trial Chamber has received evidence, tendered by the Defence, of Žigić's involvement in multiple crimes of looting in Prijedor Municipality, the Trial Chamber will consider the evidence of Žigić's arrest and detention in relation to its findings on his involvement in crimes in 4.10.4.

4172. Based on the foregoing, the Trial Chamber finds that on 8 July 1992 Zoran Žigić was in detention under the authority of the Prijedor Public Prosecutor's office. On the 9 July 1992, the Investigating Judge of the Prijedor Local Court released Žigić after receiving a letter from his unit, stating that Žigić was needed in combat operations and requesting he be returned to the front line. The Trial Chamber further finds that on 22 August 1992 Žigić was again arrested by the military police in Prijedor for carrying out a robbery in the Muslim hamlet of Ganići, and was remanded in custody. The Trial

[15209] P7206 (Military Court in Banja Luka, decision on release of Zoran Žigić, 8 October 1992), pp. 1-2.
[15210] Mišo Rodić, T. 33083.
[15211] P7207 (Military Court in Banja Luka, decision on release of Mladen Došen, 29 August 1992), pp. 1-2.
[15212] Mišo Rodić, T. 33079.

Chamber finds that on 8 October 1992, Žigić was released by the military court in Banja Luka, and sent back to his unit, However, the Trial Chamber has not received any evidence which allows it to conclude that Žigić was not investigated, prosecuted, or punished at a later date, and will therefore not consider this incident further in this regard.

Sanski Most Municipality

Schedules A.7.1 and A.7.2

4173. The Trial Chamber recalls its findings in chapters 4.12.1 *Schedules A.7.1* and *A.7.2*, and 8.3.2 that (i) on 31 May 1992, Nenad Kaurin and Jadranko Palija, a member of the reserve police and a member of the VRS 6th Krajina Brigade respectively, murdered at least 28 Bosnian Muslims between Begići and Vrhpolje bridge and at the bridge, and (ii) on 31 May 1992, soldiers under the command of Branko Basara killed around 31 people in Jelečevići, a Bosnian-Muslim hamlet in the area of Hrustovo.

4174. With regard to the first incident, the Prosecution argued that Basara arrived during the Vrhpolje Bridge massacre but did not request an investigation by the office of the military prosecutor or report the members of the 6th Krajina Brigade whom he knew to have been present during the murders.[15213] Regarding the second incident, the Prosecution argued that Basara admitted during cross-examination that he had heard about the murder of women and children in a garage in Hrustovo on 31 May 1992, but did not order an investigation into the crime.[15214] The Trial Chamber received evidence from **Witness RM-015**, a Bosnian Serb from Sanski Most;[15215] **Witness RM-016**, a Bosnian Serb from Banja Luka,[15216] and **Branko Predojević**, a Serb from Sanski Most who was the commander of the 2nd Infantry Battalion of the 6th Krajina Brigade from 22 June 1992until he assumed the role of Deputy Commander of the assault detachment of the 6th Krajina Brigade on 11 October 1995,[15217] as well as documentary evidence.[15218]

[15213] Prosecution Final Brief, Annex A, Sanski Most Summary, para. 35.
[15214] Prosecution Final Brief, Annex A, Sanski Most Summary, para. 35.
[15215] P2362 (Witness RM-015, witness statement, 13 March 2002), paras 2, 6, 9, 111.
[15216] P2375 (Witness RM-016, witness statement, 5 August 2013), p. 1, paras 4, 11, 16; Witness RM-016, T. 17398.
[15217] D881 (Branko Predojević, witness statement, 7 July 2014), pp. 1-2; Branko Predojević, T. 30788-30833. Predojević's evidence is reviewed in chapter 4.12.1 *Schedule A.7.1*.
[15218] Exhibits P7072 and P7073 have been reviewed in chapter 4.12.1 *Schedule A.7.1*.

4175. **Witness RM-015** testified that on 1 June 1992, Colonel Basara issued an order criticizing the conduct of the 6th Krajina Brigade and forbidding further acts of 'genocide' against members of the opposing side who were unable to fight, including women, children under the age of 18, the sick, and people over the age of 60.[15219] Given the timing of this order, Witness RM-015 saw it as a response to the events at Hrustovo and Vrhpolje, and believed that the order was issued by Colonel Basara to protect himself.[15220] The order called for a military court to be set up and for 'war criminals' and 'war profiteers' to be questioned and sentenced, but the military court referred to in this order was never formed and no one was ever punished for the Hrustovo and Vrhpolje massacres.[15221] In a record of the 6th Krajina Brigade, Colonel Basara wrote that 'the villages of Hrustovo and Vrhpolje put up resistance' but were 'successfully cleared' by the 6th Krajina Brigade.[15222]

4176. The Trial Chamber recalls the evidence of Branko Predojević, reviewed in chapter 4.12.1 *Schedule A.7.1*, that Jadranko Palija was a member of the 6th Krajina Brigade between 13 November 1991 and 13 July 1993, and that no criminal proceedings had been conducted against him as of 24 June 1994.

4177. **Witness RM-016** was not aware of any soldiers from the 6th Krajina Brigade being discharged from the brigade or charged with any criminal offence in relation to the Vrhpolje bridge incident.[15223] As far as he knew, there were never any proceedings relating to this incident.[15224] The witness was aware that Jadranko Palija had been convicted in a court in Bosnia-Herzegovina at a later date, but did not know with certainty that this was for his involvement in the killings at Vrhpolje bridge.[15225]

4178. Based on the foregoing, the Trial Chamber finds that on 1 June 1992, following the killings at Vrhpolje and Hrustovo**,** Colonel Basara issued an order criticizing the conduct of the 6th Krajina Brigade, forbidding acts of 'genocide' against the civilian population, and calling for a military court to be established where disciplinary and

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[15219] Witness RM-015, T. 17287-17288; P2366 (Order of the commander of the 6th Krajina Brigade, 1 June 1992).
[15220] P2362 (Witness RM-015, witness statement, 13 March 2002), paras 133, 139; Witness RM-015, T. 17287-17288; P2366 (Order of the commander of the 6th Krajina Brigade, 1 June 1992).
[15221] P2362 (Witness RM-015, witness statement, 13 March 2002), para. 133; Witness RM-015, T. 17288-17289: P2366 (Order of the commander of the 6th Krajina Brigade, 1 June 1992).
[15222] P2365 (History of the 6th Krajina Brigade signed by Colonel Basara, estimated date end of 1992), para. 6.
[15223] P2375 (Witness RM-016, witness statement, 5 August 2013), para. 84.
[15224] P2375 (Witness RM-016, witness statement, 5 August 2013), para. 84.
[15225] Witness RM-016, T. 17425.

legal actions would be taken against perpetrators of war crimes. The Trial Chamber finds that no such military court was set up, and further finds that no members of the 6th Krajina Brigade were investigated or prosecuted for their role in the killings at Vrhpolje and Hrustovo during the war, even after Basara had issued his order on 1 June 1992. The Trial Chamber further finds that Jadranko Palija was not tried or convicted for his role in the killings at Vrhpolje until he was prosecuted before the State Court of Bosnia-Herzegovina in 2008.

Schedule A.7.3

4179. The Trial Chamber recalls its findings in chapters 4.12.1 *Schedule A.7.3* and 8.3.2that on or about 27 June 1992, Milorad Mijatović and his men from Kljevci, who were subordinated to the 6th Krajina Brigade, murdered 18 Bosnian-Muslim men from Kenjari. According to the Prosecution, the 6th Krajina Brigade reported that this was a 'successfully implemented operation'.[15226] The Trial Chamber received evidence from **Branko Basara**, Commander of the 6th Krajina Brigade from 29 October 1991 to mid-December 1992.[15227]

4180. The Trial Chamber recalls Branko Basara's evidence, reviewed in chapter 4.12.1 *Schedule A.7.3*, that when the Commander of the 1st Battalion of the 6th Krajina Brigade, Lieutenant Ranko Brajić, found out about this crime, four soldiers were arrested and handed over for further proceedings. The Trial Chamber further recalls that Basara testified that he was not aware of what happened after these men were arrested.

4181. An undated excerpt from a document refers to 'mopping up actions' in a number of areas of Sanski Most and Ključ as a 'successfully implemented operation'.[15228] The Trial Chamber considers that this general statement, referring to a variety of separate operations, does not provide evidence that the perpetrators of the crime near Kenjari were not prosecuted. As the Trial Chamber did not receive any evidence which allows it to conclude that the four soldiers were not investigated or prosecuted following their arrest, it will not consider this incident further with regard to the punishment or non-punishment of perpetrators.

[15226] Prosecution Final Brief, Annex A, para. 22 (Sanski Most).
[15227] D1031 (Branko Basara, witness statement, 21 July 2014), para. 4; Branko Basara, T. 34386, 34401. Basara's evidence is reviewed in chapter 4.12.1 *Schedule A.7.3*.
[15228] P3851 (Military report of 6th Krajina Brigade, 8 October 1991 to 28 August 1992), p. 7..

Schedule A.7.5

4182. The Trial Chamber recalls its findings in chapters 4.12.1 *Schedule A.7.5* and 8.3.2 that on 2 November 1992, Daniluško Kajtez and Miloš Maksimović, both members of the 6th Krajina Brigade, and two minors, Todo Vokić and Goran Vukojević, murdered nine Bosnian Croats near Škrljevita in Sanski Most Municipality.

4183. The Prosecution argued that after the perpetrators were taken into custody, both the VRS and the SDS intervened on Kajtez's behalf, and that the Banja Luka Military Court subsequently released the perpetrators to return to their units.[15229] The Prosecution further argued that the perpetrators were not tried for the murders until after the war.[15230] The Defence submitted that an investigation was carried out the day after the killings, pursuant to which the command of the 6th Krajina Brigade's Military Police Company 'apprehended and processed' the perpetrators.[15231] It further argued that this was a robust and contemporaneous procedure demonstrating that necessary and reasonable measures were taken by the VRS to punish the individuals responsible.[15232] The Trial Chamber received evidence from **Branko Basara**, commander of the 6th Krajina Brigade from 29 October 1991 to mid-December 1992,[15233] **Witness RM-016**, a Bosnian Serb from Banja Luka,[15234] and **Grgo Stojić**, a Croat from Škrljevita in Sanski Most municipality,[15235] as well as documentary evidence.[15236]

4184. Following the killing of nine men near the village of Škrljevita on 2 November 1992, an on-site investigation was conducted by the Basic Court in Sanski Most on 3 November 1992.[15237] On 7 December 1992, a criminal report pertaining to Kajtez, Maksimović, Vukojević, and Vokić was submitted to the Office of the Military

[15229] Prosecution Final Brief, Annex A, Sanski Most Summary, para. 36
[15230] Prosecution Final Brief, Annex A, Sanski Most Summary, para. 36
[15231] Defence Final Brief, para. 1220.
[15232] Defence Final Brief, para. 1220.
[15233] D1031 (Branko Basara, witness statement, 21 July 2014), para. 4; Branko Basara, T. 34386, 34401. Basara's evidence is reviewed in chapter 4.12.1 *Schedule A.7.5*.
[15234] P2375 (Witness RM-016, witness statement, 5 August 2013), p. 1, paras 4, 11, 16; Witness RM-016, T. 17398. RM-016's evidence is reviewed in chapter 4.12.1 *Schedule A.7.5*.
[15235] P365 (Grgo Stojić, *Brđanin* transcript, 6-7 June 2002), p. 6763. Stojić's evidence is reviewed in chapter 4.12.1 *Schedule A.7.5*.
[15236] P366, P369, P372, P373, P2377, P2428, P7017, and D76 are reviewed in chapter 4.12.1 *Schedule A.7.5*.
[15237] D1956 (Letters from the Command of the 6th Krajina Brigade's Military Police Company in Sanski Most to the Military Court Banja Luka, 6 and 17 February 1993), p. 2.

Prosecutor in Banja Luka on the grounds of suspicion of murder.[15238] According to a report by the Military Police Company of the 6th Krajina Brigade Command, Kajtez, Maksimović, Vukojević, and Bokić were responsible for the mass murder of Croatian villagers in Škrljevita on 2 November 1992.[15239] An investigation by the Sanski Most SJB determined that the cartridge case found at the scene of the incident matched the machine gun taken from 'Dane' Kajtez.[15240] The accused individuals were arrested, processed, and were due to be taken to the Military Remand Prison in Banja Luka.[15241] The Trial Chamber recalls documentary evidence, reviewed in chapter 4.12.1 *Schedule A.7.5*, according to which an Investigating Judge of the Banja Luka Military Court ordered that Kajtez and Maksimović be detained as they had confessed to the crime. The Trial Chamber further recalls the evidence reviewed in chapter 4.12.1 *Schedule A.7.5*, that the Banja Luka Military Court released Kajtez from pre-trial detention after pressure was exerted upon it by the President of the Sanski Most Crisis Staff, Vlado Vrkeš, along with units of the 6th Krajina Brigade.

4185. A ruling of the Banja Luka Military Court, dated 2 January 1993, signed and stamped by an investigating judge, stated that Kajtez and Maksimović, of the 6th Krajina Brigade, were to be released from detention in the case against them for murder.[15242] The ruling stated that the accused were remanded in custody for one month following a ruling of the court on 7 December 1992.[15243] The ruling further stated that the investigating judge questioned the accused on the 2 January 1993 and that they expressed their willingness to return to their unit and proposed that their detention be suspended.[15244]

4186. According to a report on the work of the Military Prosecutor's Office in Han Pijesak in 1992, sent from the Prosecutor to the Main Staff of the VRS on 10 February 1993, an investigation had been initiated as there were reasonable grounds to believe that Kajtez and Maksimović went to Glamočica village on 1 November 1992, where they ambushed and killed ten Croats on the road.[15245]

[15238] D1951 (List of criminal reports by the Command of the 6th Krajina Brigade's Military Police Company, 19 February 1993), p. 1.
[15239] D1995 (Report from Command of the 6th Krajina Brigade, 7 December 1992).
[15240] D1995 (Report from Command of the 6th Krajina Brigade, 7 December 1992).
[15241] D1995 (Report from Command of the 6th Krajina Brigade, 7 December 1992).
[15242] P2420 (Ruling of Banja Luka military court, 3 January 1993)
[15243] P2420 (Ruling of Banja Luka military court, 3 January 1993)
[15244] P2420 (Ruling of Banja Luka military court, 3 January 1993)
[15245] D437 (Report on the Work of the VRS Military Prosecutor's Office in 1992, 10 February 1993), pp. 1, 16-17.

4187. According to a letter dated 6 February 1993 from the Command of the 6th Krajina Brigade to the Military Court in Banja Luka, charges had been filed against Kajtez and Maksimović.[15246] In a letter to the Military Court in Banja Luka, dated 17 February 1993, the Military Police Company stated that the crime of murder of nine persons from the village of Škrljevita had been committed by conscript Kajtez and three other minors and that proceedings against them were conducted by the Military Court in Banja Luka.[15247] On 2 June 1993, Vukojević was questioned before an investigating judge at the court in Sanski Most in the criminal proceedings against Tode Vokić and others.[15248] On 7 June 1993, an indictment against Kajtez and Maksimović was sent from the Military Prosecutor's Office to the Banja Luka Military Court proposing that a hearing be scheduled and that the accused be questioned at the main hearing and declared guilty.[15249] On 9 July 1993, the Banja Luka Military Court issued a decision to remand Kajtez and Maksimović in custody.[15250] On 29 December 1993, the Lower Court in Sanski Most received the complete case file for the accused Kajtez and Maksimović from the Military Court in Banja Luka.[15251] On 13 January 1994, the Lower Court informed the Command of the 6th Krajina Brigade that criminal proceedings for the crime of homicide against Maksimović were in progress at the Lower Court in Sanski Most and asked for further information regarding his status in the brigade at the time of the crime.[15252]

4188. According to a ruling by the Banja Luka District Court on 7 December 2000, Daniluško Kajtez and Miloš Maksimović had been accused of murder and criminal proceedings were pending at the Banja Luka Military Court.[15253] However, their file shows that their detention was suspended on 14 March 1995, after which they were

[15246] D1956 (Letters from the Command of the 6th Krajina Brigade's Military Police Company in Sanski Most to the Military Court Banja Luka, 6 and 17 February 1993), p. 2.
[15247] D1955 (Stamped receipt of case file by Sanski Most Lower Court, 29 December 1993), p. 1; D1956 (Letters from the Command of the 6th Krajina Brigade's Military Police Company in Sanski Most to the Military Court Banja Luka, 6 and 17 February 1993), p. 1; D1957 (Letter from the Lower Court in Sanski Most to the Command of the 6th Krajina Brigade, 13 January 1994); D1958 (Correspondence between the Lower Court in Sanski Most and Dragana Sekulić, 26 and 31 January 1994), p. 1; D1959 (Record of questioning of Goran Vukojević, 2 June 1993), p. 1.
[15248] D1959 (Record of questioning of Goran Vukojević, 2 June 1993), p. 1.
[15249] P369 (File of the Banja Luka Military Court: Indictment against Daniluško Kajtez et al).
[15250] P373 (Ruling of Military Court in Banja Luka, 9 July 1993).
[15251] D1955 (Stamped receipt of case file by Sanski Most Lower Court, 29 December 1993).
[15252] D1957 (Letter from the Lower Court in Sanski Most to the Command of the 6th Krajina Brigade, 13 January 1994).
[15253] P3556 (Banja Luka District Court Ruling to remand in custody Daniluško Kajtez and Miloš Maksimović, 7 December 2000), p. 1.

released. Their whereabouts were thereafter unknown.[15254] The presiding judge therefore decided to remand them in custody.[15255]

4189. Based on the foregoing, the Trial Chamber finds that following the killing of nine men near the village of Škrljevita on 2 November 1992, the Basic Court in Sanski Most conducted an on-site investigation on 3 November 1992. On 7 December 1992, after Daniluško Kajtez and Miloš Maksimović, both members of the 6th Krajina Brigade, confessed to committing the crime, an investigating judge of the Banja Luka Military Court ordered that the two men be detained for a period of one month. On 2 January 1993, Kajtez and Maksimović were released from pre-trial detention and sent back to their unit. The Trial Chamber further finds that on 9 July 1993, Kajtez and Maksimović were remanded for the purposes of criminal proceedings held in the Lower Court in Sanski Most. Whilst the perpetrators were in custody, Vrkeš and units of the 6th Krajina Brigade exercised pressure on the Banja Luka Military Court to release Kajtez. On 14 March 1995, the Banja Luka Military Court suspended the pre-trial detention of both Kajtez and Maksimović and released them. The Trial Chamber further finds that Kajtez and Maksimović were not prosecuted until long after the war, when they were tried before the Banja Luka District Court in 2007.

Vlasenica Municipality

Schedules A.9.1, B.16.1, and B.16.2

4190. The Trial Chamber recalls its findings in chapters 4.14.1 *Schedules A.9.1* and *B.16.1*, and 8.3.2 that VRS members, or members of Kraljević's unit under TO command, murdered at least 20 Bosnian-Muslim men in the village of Drum on 2 June 1992, and that Dragan Nikolić, Goran Tešić, and two local policemen murdered nine detainees at Sušica camp in June and July 1992. The Trial Chamber further recalls its findings in chapters 4.14.1 *Schedule B.16.2* and 8.3.2 that Serb MUP officers from the Vlasenica SJB murdered between 140 and 150 detainees in Sušica camp on 30 September 1992.

[15254] P3556 (Banja Luka District Court Ruling to remand in custody Daniluško Kajtez and Miloš Maksimović, 7 December 2000), p. 1; P372 (Ruling Suspending detention of Daniluško Kajtez and Miloš Maksimović, 14 March 1995).
[15255] P3556 (Banja Luka District Court Ruling to remand in custody Daniluško Kajtez and Miloš Maksimović, 7 December 2000), p. 2.

4191. The Trial Chamber also recalls its findings in 4.14.1 *Schedule B.16.1* and 4.14.7that on 2 June 1992, Kraljević's unit was operationally under the command of the Vlasenica SJB. The unit was working from the Vlasenica SJB building from at least mid-May 1992 until later in June when it was formally attached to the SJB. The Trial Chamber further recalls its finding in 9.2.10 that Dragan Nikolić and the Vlasenica Crisis Staff made efforts to conceal the murder of 140 to 150 Bosnian-Muslim Sušica camp detainees on 30 September 1992.

4192. In relation to these crimes, the Prosecution argued that no soldier was prosecuted before the military court in Bijeljina, which had jurisdiction over VRS soldiers in Vlasenica. The Prosecution further argued that some MUP perpetrators of crimes were reassigned to the VRS. Finally, the Prosecution argued that the massacre of the remaining Sušica camp detainees in late September 1992, though known to have been carried out by the Vlasenica Battalion Command and the Crisis Staff, was not investigated.[15256] The Trial Chamber took judicial notice of Adjudicated Fact 1268 (reviewed in chapter 4.14.1 *Schedule B.16.2*). The Trial Chamber further received evidence from **Witness RM-066**, a Serb from Vlasenica,[15257] and **Mane Đurić**, Head of the Vlasenica SJB as of 20 May 1992.[15258]

4193. **Mane Đurić** testified that following the reassignment of Kraljević's unit to the SJB in mid-June 1992, the SJB received reports of mistreatment of Muslims by members of the platoon.[15259] In execution of an order of the MUP on 10 August 1992, the platoon was dismissed from the SJB.[15260] Its members, including Nikolić, were reassigned to the VRS.[15261] Đurić testified that policemen who committed crimes were handed over to the VRS and the VRS would go on to engage them in their units.[15262] **Witness RM-066** testified that he was not aware of any disciplinary measures being

[15256] Prosecution Final Brief, Annex A, Vlasenica Summary, para. 36.
[15257] P182 (Witness RM-066, witness statement, 7 April 2010), p. 1.
[15258] Mane Đurić, T. 27630.
[15259] D732 (Mane Đurić, witness statement, 30 July 2014), para. 30.
[15260] D732 (Mane Đurić, witness statement, 30 July 2014), paras 33-34; P6876 (Letter from the Head of the Vlasenica SJB to the Sarajevo CSB concerning the disbanding of the special purpose platoon, 10 August 1992); D733 (Order from the Head of the CSB Sarajevo addressed to SJBs' Chiefs, 28 July 1992).
[15261] D732 (Mane Đurić, witness statement, 30 July 2014), paras 33-34; Mane Đurić, T. 27652-27653; P6876 (Letter from the Head of the Vlasenica SJB to the Sarajevo CSB concerning the disbanding of the special purpose platoon, 10 August 1992); P6879 (Order from the Minister of the Interior of the Bosnian-Serb Republic addressed *inter alia* to CSBs, 23 July 1992); D733 (Order from the Head of the CSB Sarajevo addressed to SJBs' Chiefs, 28 July 1992).
[15262] Mane Đurić, T. 27653.

imposed against members of the active, reserve, or special police of the Vlasenica SJB for any of the crimes committed against the non-Serb population in Vlasenica.[15263]

4194. Based on the foregoing, the Trial Chamber finds that on 10 August 1992, subsequent to the killings at Drum and Sušica in June and August 1992, Kraljević's unit was dismissed from the SJB, and its members, including those who had committed crimes, were reassigned to the VRS. The Trial Chamber further finds that no disciplinary measures were taken against members of the Vlasenica SJB for the killings at Drum and Sušica. Furthermore, no individuals were prosecuted for crimes committed at Sušica by the Banja Luka Military Court.

The Trial Chamber's findings on the non-punishment of crimes

4195. Based on all of the foregoing, the Trial Chamber finds that between 12 May 1992 and 30 November 1995, the Bosnian-Serb military and civilian justice system failed on many occasions to investigate crimes committed by members of the VRS and other Serb forces in the municipalities of Banja Luka, Bijeljina, Ključ, Kotor Varoš, Prijedor, Sanski Most, and Vlasenica, as detailed in the specific incidents above. The military and civilian justice system failed to arrest and/or punish the perpetrators of these crimes. On multiple occasions in which crimes had been committed against non-Serbs by VRS members or members of other Serb forces, criminal reports were not filed, investigations were not initiated by military prosecutors or investigating judges, suspects were not arrested or detained, and perpetrators were unlawfully released from detention to return to their units.

4196. In this regard, the Trial Chamber recalls its finding in 9.2.12 that pre-trial detention was mandatory for crimes carrying a minimum sentence of ten years, and that suspects charged with murder, robbery, or crimes against the state and the army would be detained until a final judgment was issued. The Trial Chamber finds that, in many instances, decisions to release suspects were made after VRS officers, including General Talić and members of the 6th Krajina Brigade, exerted pressure on the military courts to drop cases or release perpetrators of crimes. The Trial Chamber also finds that, after being released from pre-trial detention, members of the VRS or other Serb forces who

[15263] P182 (Witness RM-066, witness statement, 7 April 2010), para. 167.

committed crimes which furthered the objective of the JCE were rarely remanded in custody.

4197. The Trial Chamber will further consider evidence pertaining to the Accused's role in this respect in chapter 9.3.10.

9.2.13 Revenge and related arguments

4198. In response to the Prosecution's attribution of crimes to the VRS, the Defence submitted that such crimes were committed by individuals with revenge-related 'motives'.[15264] Such revenge-related motives, according to the Defence, included: responses to attacks, in which the Serb side reacted to prior attacks by the ABiH, Bosnian Muslims, and/or Bosnian Croats;[15265] acts in which individuals or small groups from the Serb side committed crimes for personal revenge for the killings of family members or fellow soldiers;[15266] and spontaneous or opportunistic attacks, sometimes committed in tense or chaotic situations, by Serb groups or individuals, both military and civilian.[15267] The Trial Chamber observes that the Defence's revenge-related arguments generally relate to: (a) legitimate military responses by the VRS or Bosnian Serb forces to attacks and/or crimes by the Bosnian-Muslim or Bosnian-Croat forces that resulted in unforeseen casualties; (b) spontaneous crimes on the part of physical perpetrators that fall outside of any common plan, therefore, breaking the link with the Accused and/or any alleged JCE members; and (c) crimes that were committed by Bosnian-Muslim or Bosnian-Croat forces against Bosnian-Serbs. The Trial Chamber emphasises that in relation to (a), where evidence related to a specific allegation or incident in the Indictment, the Trial Chamber considered that evidence in the relevant factual findings and as potential defences in the relevant legal findings. In this chapter, the Trial Chamber will assess evidence falling within the scope of (b) and (c), where it related to specific allegations or incidents in the Indictment. The Trial Chamber recalls from Appeals Chamber jurisprudence that *tu quoque* arguments do not ordinarily constitute a defence under international humanitarian law.[15268] The Trial Chamber,

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[15264] Defence Final Brief, paras 59, 123, 940, 1132, 1196, 1264, 1370, 1590, 2971.
[15265] Defence Final Brief, paras 378, 425, 549, 569, 693-694, 907, 934, 937, 939, 1135, 1265, 1370, 1346, 1505, 1575, 1590, 1671-1672, 2468, 2572, 2856, 2863-2867, 2882, 3112.
[15266] Defence Final Brief, paras 59, 1130, 1264, 1303-1306, 1670, 1672, 2511, 2572, 3070, 3077-3078.
[15267] Defence Final Brief, paras 123, 939, 1197-1201, 1264, 1672.
[15268] *Prosecutor v. Zoran Kupreškić et al.*, Case No. IT-95-16-T, Decision on Evidence of the Good Character of the Accused and the Defence of Tu Quoque, 17 February 1999, pp. 3-4; *Prosecutor v. Mićo*

therefore, emphasises that revenge-related arguments that have no specific link, particularly in terms of time and place, to the alleged crimes in the Indictment, or to the alleged responsibility of the Accused for these crimes, are irrelevant.

4199. The Trial Chamber received evidence from **Mile Dmičić**, Deputy Secretary General of the Presidency of Bosnia-Herzegovina between 1984 and 1992;[15269] **Miloš Škrba**, the Commander of the 2nd Infantry Company of the 2nd Infantry Battalion in the 1st Sarajevo Mechanised Brigade of the SRK;[15270] **Dragan Malinović**, a Bosnian Serb from Zenica who served as a driver in the Nedžarići Battalion of the Ilidža Brigade from January until May 1993;[15271] **Miloš Šolaja**, Editor-in-chief within the 1KK Press Centre from 18 July 1992 until the end of the war;[15272] **Branko Davidović**, Assistant Commander for Morale, Legal Affairs, and Information of the 6th Krajina Brigade since June 1992;[15273] **Zlatan Čelanović**, who in 1995 was a member of the 1st Bratunac Light Infantry Brigade;[15274] **Borislav Vasiljević**, a Bosnian-Serb police officer from Staza Village, Kotor Varoš Municipality;[15275] **Milenko Đurić**, a Bosnian-Serb member of the Rastik TO, which was part of the Kneževo Brigade, as of 10 May 1992;[15276] **Trivko Pljevaljčić**, a Bosnian-Serb from Foča Municipality who was commander of the 3rd Company of the 5th Battalion of the Foča Tactical Group and who worked in KP Dom Foča in 1995;[15277] **Branko Berić**, an assistant for medical and veterinary services at the logistics base in Čirkin Polje, which was part of the Prijedor TO;[15278] **Zdravka Karlica**, a Serb from Prijedor;[15279] **Zoran Durmić**, a member of the Vlasenica SJB reserve as of 22 September 1991;[15280] **Stojan Malčić**, a member of the Personnel Section of the VRS

Stanišić and Stojan Župljanin, Case No. IT-08-91-T, Order Further Amending Guidelines on the Admission and Presentation of Evidence, 19 August 2011, para. 21; *Prlić et al.* Trial Judgment, paras 279-281; *Kupreškić et al.* Appeal Judgment, para. 25; *Martić* Appeal Judgment, para. 111; *Dragomir Milošević* Appeal Judgment, para. 250.

[15269] Mile Dmičić, T. 41406.

[15270] D524 (Miloš Škrba, witness statement, 10 May 2014), paras 1, 6, 15; Miloš Škrba, T. 22797-22798, 22803-22804, 22822, 22902, 22887.

[15271] D1235 (Dragan Malinović, witness statement, 28 May 2014), p. 1, paras 1-2, 7-8.

[15272] D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 4.

[15273] D675 (Branko Davidović, witness statement, 30 June 2014), paras 14-16; Branko Davidović, T. 26504. Branko Davidović's evidence has also been reviewed in chapter 4.12.3.

[15274] P1451 (Zlatan Čelanović, *Popović et al.* transcript, 31 January 2007), p. 6626.

[15275] D1030 (Borislav Vasiljević, witness statement, 15 July 2014), p. 1, para. 1.

[15276] D927 (Milenko Đurić, witness statement, 3 August 2014), p. 1, paras 1, 3.

[15277] D706 (Trivko Pljevaljčić, witness statement, 10 July 2014), p. 1, paras 1, 4; Trivko Pljevaljčić, T. 27200, 27205, 27215-27216.

[15278] D928 (Branko Berić, witness statement, 26 June 2014), paras 11-12; Branko Berić, T. 32852-32853.

[15279] D863 (Zdravka Karlica, witness statement, 17 March 2014), p. 1, para. 1.

[15280] D659 (Zoran Durmić, witness statement, 12 February 2013), paras 1-3, 5-6, 29; Zoran Durmić, T. 26314; D663 (Bosnia-Herzegovina MUP Certificate re Zoran Durmić's reserve police force membership), pp. 1-2.

Main Staff in Han Pijesak from late May 1992 until 31 August 1997;[15281] **Tomislav Puhalac**, a member of the Bosnia-Herzegovina SDB from 1977 to 2005;[15282] **Dražen Višnjić**, a Bosnian Serb from Zenica, who lived as a teenager in Foča in 1992;[15283] **Velimir Kevac**, a Bosnian Serb who from the end of May 1992 until 7 October 1993 served as Assistant Chief of Staff at the Command of the VRS 30th Division in Mrkonjić Grad;[15284] as well as documentary evidence.[15285]

4200. The Trial Chamber, in this section will deal with evidence of (a) the circumstances in which alleged crimes occurred, and (b) attacks and crimes perpetrated by Bosnian Muslims or Bosnian Croats against Bosnian Serbs in various municipalities.

Circumstances in which alleged crimes occurred

4201. **Miloš Škrba** testified that Serbs organised themselves out of fear because the Muslims started arming and organizing themselves in the Patriotic League and the Green Berets in 1990 and 1991.[15286] **Mile Dmičić** testified that Alija Izetbegović made a 'well-known' statement about sacrificing peace for the sake of creating an independent Bosnia-Herzegovina.[15287]

4202. **Miloš Šolaja** testified that there were several murders in Banja Luka, but that these were perpetrated by individuals motivated by criminal gain who took advantage of ethnic tensions and the state of war.[15288] He also testified that there was no order for the deployment of soldiers in Prijedor but that they organised themselves out of fear for their families and in response to an attempt by Muslim forces to take over power in Prijedor by armed force.[15289] In May 1992 almost all of the soldiers in the Vlašić Rocket Brigade moved from Banja Luka to Prijedor, without permission or an official order to do so, because their families were there.[15290]

[15281] D656 (Stojan Malčić, witness statement, 26 June 2014), paras 2, 16-17, 30; Stojan Malčić, T. 26214-26216, 26249.
[15282] D758 (Tomislav Puhalac, witness statement, 8 March 2013), paras 2-3.
[15283] D1296 (Dražen Višnjić, witness statement, 19 June 2014), p. 1, paras 1, 4.
[15284] D871 (Velimir Kevac, witness statement, 31 July 2014), p. 1, paras 1, 4, 21. Velimir Kevac's evidence has also been reviewed in chapter 4.6.7.
[15285] D368 (Code cable 'Attitude of the Bosnian Government to UNPROFOR' from Akashi to Annan, 1 March 1995) reviewed in chapter 7.1.1.
[15286] D524 (Miloš Škrba, witness statement, 10 May 2014), para. 2.
[15287] Mile Dmičić, T. 41406-41407, 41414.
[15288] D924 (Miloš Šolaja, witness statement, 11 June 2014), paras 30-31; Miloš Šolaja, T. 32790-32792.
[15289] D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 46.
[15290] D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 46; Miloš Šolaja, T. 32759-32760.

4203. **Branko Davidović** testified that he received a report of a seditious nature from the public and national security services regarding war crimes perpetrated by Muslims during the Second World War, and that he forwarded these up the chain of command of the 6th Krajina Brigade.[15291] According to the witness, officers of the 6th Krajina Brigade would convey the information contained in such reports when talking to the troops, but they would do their best to convince them to forget what happened in the past.[15292] The information in Colonel Milutin Vukelić's report dated 21 May 1992, regarding the genocide of Serbs and the transformation of Serbs into a national minority, was conveyed to the troops, with an additional explanation as to what this would mean for them.[15293]

4204. According to Davidović, between 1992 and 1995, 472 members of the 6th Krajina Brigade were killed and over 2,000 were injured in combat activities against the Bosnian-Muslim and Bosnian-Croat forces.[15294] The witness heard that approximately 200 Muslims were killed in Sanski Most.[15295] According to the witness, the Muslims and Croats had formed terrorist and paramilitary formations and were directly confronting the 6th Krajina Brigade in Sanski Most.[15296]

4205. **Zlatan Čelanović** testified that there were about 20 or 30 Serb villages in Bratunac Municipality and that during the war, all of them except Polom and Slapašnica were attacked by Muslim forces from Srebrenica.[15297] Čelanović testified that in 1995, before the attack on Srebrenica, there was a raid in a Bosnian-Serb village in either Vlasenica or Šekovići Municipality. The raid on the village, which was in a protected zone, included the massacre of civilians, looting, and the torching of houses.[15298] Čelanović heard that this was what prompted the Serbs' attack of Srebrenica despite its status as a protected zone.[15299] He testified that people expressed hatred towards the crimes that had resulted in the death of their relatives, but that he did not notice an increased desire for vengeance among the Muslims or Serbs with whom he had

[15291] P3851 (Extract of a military report on the 6th Krajina Brigade from 8 October 1991 to 28 August 1992); Branko Davidović, T. 26507-26509.
[15292] Branko Davidović, T. 26508, 26513.
[15293] Branko Davidović, T. 26513. *See also*, P2874 (Document from the 1KK regarding the formation of the VRS, signed by Milutin Vukelić, dated 21 May 1992)
[15294] D675 (Branko Davidović, witness statement, 30 June 2014), para. 41; Branko Davidović, T. 26554.
[15295] Branko Davidović, T. 26555.
[15296] D675 (Branko Davidović, witness statement, 30 June 2014), paras 19, 22.
[15297] Zlatan Čelanović, T. 11087-11088.
[15298] Zlatan Čelanović, T. 11100.
[15299] Zlatan Čelanović, T. 11100.

contact.[15300] Čelanović never heard of the existence of a plan to expel the entire population of Srebrenica but did hear that the purpose of the attack was to disarm Srebrenica.[15301]

Attacks and crimes perpetrated by Bosnian Muslims or Bosnian Croats against Bosnian Serbs

4206. In relation to Foča Municipality, **Trivko Pljevaljčić** testified that Muslim forces were the first to set fire to houses in Foča, targeting homes belonging to Serbs, and committed rapes.[15302] **Dražen Višnjić** stated that on 19 December 1992, the Muslim army attacked the village of Jošanica, where he was visiting his uncle.[15303] The attack began around 6:30 on the morning of 'slava', a patron saint's day celebration for Serbs.[15304] Višnjić later found out that the Muslims killed everyone they came across.[15305] VRS forces eventually arrived and forced the Muslim forces to withdraw around 3 p.m.[15306] When walking through the village, the witness saw that half of the village had been burnt.[15307] Sixty Serb civilians were killed, including small children.[15308] **Pljevaljčić** testified that he had heard that on that day, Muslim forces from Goražde killed more than 60 Serb civilians in the village.[15309]

4207. In relation to Kotor Varoš Municipality, **Borislav Vasiljević** testified that he was detained in a garage along with Miladinka Narić and Kasim Smajlović and tortured by Muslim soldiers after he returned from Slovenia to the village of Večići on 13 July 1992.[15310] According to the witness, there were other Serbs in Večići who were detained in other facilities.[15311] **Milenko Đurić** testified that the Serb village of Rastik in Kotor Varoš Municipality was attacked from the neighbouring Muslim village of Večići on

[15300] Zlatan Čelanović, T. 11087-11088.
[15301] Zlatan Čelanović, T. 11100.
[15302] D706 (Trivko Pljevaljčić, witness statement, 10 July 2014), paras 10-11.
[15303] D1296 (Dražen Višnjić, witness statement, 19 June 2014), paras 5-9, 13.
[15304] D1296 (Dražen Višnjić, witness statement, 19 June 2014), paras 5, 9, 13.
[15305] D1296 (Dražen Višnjić, witness statement, 19 June 2014), para. 9.
[15306] D1296 (Dražen Višnjić, witness statement, 19 June 2014), paras 21, 23-24.
[15307] D1296 (Dražen Višnjić, witness statement, 19 June 2014), paras 26, 28.
[15308] D1296 (Dražen Višnjić, witness statement, 19 June 2014), paras 26, 28.
[15309] D706 (Trivko Pljevaljčić, witness statement, 10 July 2014), para. 6; Trivko Pljevaljčić, T. 27205-27206.
[15310] D1030 (Borislav Vasiljević, witness statement, 15 July 2014), paras 6-16, 20, 22, 24-25; Borislav Vasiljević, T. 34372-34373.
[15311] D1030 (Borislav Vasiljević, witness statement, 15 July 2014), para. 22.

several occasions and people were forced to move out.[15312] On 24 July 1992, Đurić was captured by Muslim-Croat soldiers.[15313] He and other detainees were physically and psychologically abused by several men, including Borislav Piličić, Mehmed Bilić a.k.a. Meša, Sulejman Berbić, and Ćamil Bilić.[15314] They were also forced to sing '*Ustaša*' songs.[15315] Some detainees died as a result of the abuse.[15316]

4208. In relation to Ključ Municipality, **Velimir Kevac** testified that from mid-May 1992 the 30th Division of the 1KK's zone of responsibility was marked by frequent incidents resulting in Serbs being expelled by Croat-Muslim armed forces and referred to an incident in the Turbe settlement, as well as an incident in Čipuljići village near Bugojno.[15317] According to the witness, Croat-Muslim paramilitaries were well-armed.[15318] The incidents originating from the town of Jajce were especially intense.[15319] He also testified that he was at the command post in the Kula Barracks near Mrkonjić Grad when there was an ambush on 27 May 1992 by well-armed and 'extremist' Muslim forces against mainly Serb JNA soldiers after their withdrawal from Croatia.[15320] The ambush took place between the villages of Velagići and Egrlići on the regional Petrovac-Ključ-Jajce road.[15321] The JNA soldiers were travelling on civilian buses, did not have any military equipment, and were not in a combat formation.[15322] According to the witness, many were killed and dozens wounded.[15323]

4209. In relation to Prijedor Municipality, **Branko Berić** testified that before the war, he saw Muslim groups training for combat against the Serbs in Čarakovo and heard of other groups doing the same at the Saw Mill in Kozarac.[15324] He also testified that large storages of medicine were found at the Health Centre in Korazac and at a summerhouse in Rajkovići village.[15325] He further heard that the Muslims had a mortar in Čarakovo,

[15312] D927 (Milenko Đurić, witness statement, 3 August 2014), paras 2, 4.
[15313] D927 (Milenko Đurić, witness statement, 3 August 2014), para. 6.
[15314] D927 (Milenko Đurić, witness statement, 3 August 2014), paras 6-11, 13-14.
[15315] D927 (Milenko Đurić, witness statement, 3 August 2014), para. 10.
[15316] D927 (Milenko Đurić, witness statement, 3 August 2014), paras 11-12.
[15317] D871 (Velimir Kevac, witness statement, 31 July 2014), para. 4-7.
[15318] D871 (Velimir Kevac, witness statement, 31 July 2014), para. 7.
[15319] D871 (Velimir Kevac, witness statement, 31 July 2014), para. 7.
[15320] D871 (Velimir Kevac, witness statement, 31 July 2014), paras 11-14, 18-20; Velimir Kevac, T. 30447, 30461.
[15321] D871 (Velimir Kevac, witness statement, 31 July 2014), para. 13; Velimir Kevac, T. 30461.
[15322] D871 (Velimir Kevac, witness statement, 31 July 2014), para. 13; Velimir Kevac, T. 30461.
[15323] D871 (Velimir Kevac, witness statement, 31 July 2014), para. 20; Velimir Kevac, T. 30530.
[15324] D928 (Branko Berić, witness statement, 26 June 2014), para. 3.
[15325] D928 (Branko Berić, witness statement, 26 June 2014), para. 4.

which exploded due to improper use.[15326] In February or March 1992, Muslims started to voluntarily move their women and children from Prijedor.[15327] According to the witness, 'it was clear that the Muslims were arming with the aim of killing the Serbs' and that after the murder of a man named 'Đapo', and the subsequent murder of soldiers at the checkpoint in Hambarine, there was enormous inter-ethnic tensions.[15328] **Zdravka Karlica** testified that on 2 May 1992, policeman Radenko Đapa, a Serb from Gornji Jelovac, was killed by Muslim extremists.[15329] The murder was then avenged by Đapa's uncle, who killed two and seriously wounded three Muslims.[15330]

4210. In relation to Vlasenica Municipality, **Zoran Durmić** testified that on 6 April 1992, armed Muslim soldiers confiscated guns, automatic rifles and a police car from him and two of his colleagues.[15331] On 21 May 1992, 'the Muslims' ambushed a truck in Žutica transporting mining workers and killed eight of them.[15332] On 27 May 1992, 'the Muslims' ambushed trucks transporting ore to Zvornik, killing five.[15333] Daily attacks against Serb villages in Milići Municipality began thereafter.[15334] Nearly all of the Serb villages in the municipality were burned to the ground; their populations were expelled, killed, or wounded, and property was looted.[15335]

4211. In relation to Sarajevo, **Stojan Malčić** testified that on 6 May 1992, he was arrested and mistreated by the Muslim reserve police when he went out of the barracks to Sarajevo in civilian clothes.[15336] Later, when he was handed over to the Green Berets, he was subjected to physical and psychological torture.[15337] Together with three other senior officers, he was exchanged on 13 May 1992.[15338] **Tomislav Puhalac** testified that Serbs in the SDB had their employment discontinued in early April 1992 and were

[15326] D928 (Branko Berić, witness statement, 26 June 2014), para. 5.
[15327] D928 (Branko Berić, witness statement, 26 June 2014), para. 6.
[15328] D928 (Branko Berić, witness statement, 26 June 2014), para. 9.
[15329] D863 (Zdravka Karlica, witness statement, 17 March 2014), para. 6. The Trial Chamber understands that Radenko Đapa refers to the man named 'Đapo' mentioned by Branko Berić in the preceding sentence.
[15330] D863 (Zdravka Karlica, witness statement, 17 March 2014), para. 6; Zdravka Karlica, T. 30143-30144; D866 (Regular combat report of the 5th Corps Command, 3 May 1992), p. 1.
[15331] D659 (Zoran Durmić, witness statement, 12 February 2013), paras 11-13, 17.
[15332] D659 (Zoran Durmić, witness statement, 12 February 2013), para. 25.
[15333] D659 (Zoran Durmić, witness statement, 12 February 2013), para. 26.
[15334] D659 (Zoran Durmić, witness statement, 12 February 2013), para. 27.
[15335] D659 (Zoran Durmić, witness statement, 12 February 2013), para. 27; Zoran Durmić, T. 26299, 26303.
[15336] D656 (Stojan Malčić, witness statement, 26 June 2014), paras 5-7.
[15337] D656 (Stojan Malčić, witness statement, 26 June 2014), paras 8-9.
[15338] D656 (Stojan Malčić, witness statement, 26 June 2014), para. 11.

expelled from Sarajevo.[15339] Their apartments were broken into and plundered and given to 'the newly employed Muslim extremists'.[15340] Serbs who stayed in Sarajevo were targeted to be tortured or killed.[15341] **Dragan Malinović** stated that the Muslim forces fired on ambulances transporting wounded soldiers on several occasions.[15342] On one occasion, in March 1993, the witness was driving an APC belonging to the Nedžarići Battalion of the Ilidža Brigade. An ambulance carrying his wife, which was immediately in front of the APC, came under fire from the Muslim side.[15343]

The Trial Chamber's findings

4212. Based on the foregoing, the Trial Chamber finds that the evidence presented above is vague and general. In addition, it is almost exclusively concerned with crimes committed by Bosnian Muslims or Bosnian Croats that does not, in any way, relate to the allegations or incidents in the Indictment. The Defence's arguments, therefore, made in respect of this evidence resorts to *tu quoque* and, therefore, does not constitute a valid defence. The Trial Chamber further finds that certain Defence arguments relating to Scheduled Incidents A.3.3, A.4.4, A.6.5, A.7.1, B.16.1, B.16.2, B.7.1, B.10.1, E.3.1, E.4.1, E.5.1, E.6.1, E.6.2, E.7.1, and E.7.2 were unsubstantiated, ambiguous, misleading, and/or sometimes resorted to *tu quoque*.[15344] Accordingly, the Trial Chamber will not consider the above evidence and arguments further.

[15339] D758 (Tomislav Puhalac, witness statement, 8 March 2013), paras 2, 16-17.
[15340] D758 (Tomislav Puhalac, witness statement, 8 March 2013), paras 16-18.
[15341] D758 (Tomislav Puhalac, witness statement, 8 March 2013), paras 12, 17.
[15342] D1235 (Dragan Malinović, witness statement, 28 May 2014), paras 3, 5.
[15343] D1235 (Dragan Malinović, witness statement, 28 May 2014), paras 3, 5.
[15344] **Scheduled Incident A.3.3**: Defence Final Brief, paras 59, 1264, 1265 – the assertion that the killings were spontaneous acts of revenge by soldiers is unsupported by any evidence, nor are details provided what spurred these acts of supposed spontaneous revenge. **Scheduled Incident A.4.4**: Defence Final Brief, paras 1126, 1130-1135 – the assertion that revenge was rife among civilians and that a woman in black held a knife to a witness's throat is unconnected with the incident. The assertion that civilians carried out the killings is unsubstantiated. The Trial Chamber found that the VRS 1st Kotor Varoš Light Infantry Brigade were perpetrators of this incident. **Scheduled Incident A.6.5**: Defence Final Brief, paras 933-934, 937, 939-941 – the assertion that perpetrators carried out killings in response to attacks is unsubstantiated; there is evidence that an attack against Serbs occurred, but no evidence indicating that those attacks were connected to the killings. **Scheduled Incident A.7.1**: Defence Final Brief, paras 1197-1199, 1201 – there was no evidence presented to suggest that the killings were spontaneous. The evidence apparently demonstrating the disparate nature of the perpetrators was considered and dismissed in the factual finding. **Scheduled Incidents B.16.1 and B.16.2**: Defence Final Brief, paras 1670-1672 – the assertion that the incidents were carried out for personal reasons and were retaliatory are unsubstantiated; no evidence is presented to indicate why these victims were targeted or why perpetrators were motivated by 'personal' reasons. **Scheduled Incident B.7.1**: Defence Final Brief, para. 1590 – the assertion that executions were reprisals for deaths of 'some Serbs somewhere else' is vague, speculative, and unsubstantiated. **Scheduled Incident B.10.1**: Defence Final Brief, para. 1370 – the assertion that 'people'

4213. The Trial Chamber recalls that in Scheduled Incidents A.7.1, and E.5.1 the Trial Chamber found that certain named physical perpetrators carried out crimes out of revenge-related motivations. [15345]

4214. In relation to Scheduled Incident A.7.1, the Trial Chamber recalls its finding in chapter 4.12.1 *Schedule A.7.1*that one of the physical perpetrators, Nenad Kaurin, a member of the reserve police, stated that they had to kill 70 Muslims on that day because seven Serb soldiers had been killed in that area. The Trial Chamber also recalls that Jadranko Palija, a member of the military police of the VRS 6th Krajina Brigade, was the commander of the perpetrators of this incident. In relation to Scheduled Incident E.5.1, the Trial Chamber recalls its finding in chapter 7.6 *Schedule E.5.1*that members of the VRS shot and killed approximately 21 Bosnian-Muslim men after a man referred to as the 'commander' stated that it was time to 'make up' for what happened to him while he was detained by the ABiH. The Trial Chamber also recalls that this incident took place in the context of broader operations. In relation to the incidents above, the Trial Chamber finds that the motive of the perpetrators for the killing of the Bosnian-Muslims does not negate the fact that the killings were part of wider VRS operations.

4215. The Trial Chamber will further consider these findings in chapter 9.2.14.

9.2.14 Conclusion

4216. The Prosecution argued that by September 1991 JCE members had determined to establish a separate and ethnically-homogenous Bosnian-Serb entity on Bosnian

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acted out of revenge for mistreatment of 'people' who fled Central Bosnia is vague and unsubstantiated and seems, in any case, to relate to beatings rather than killings. **Scheduled Incident E.3.1**: Defence Final Brief, para. 2572 – the argument that these killings were committed by brigade members exacting personal revenge is unfounded – the witness cited provides no basis of knowledge for his testimony to this effect. **Scheduled Incident E.4.1**: Defence Final Brief, para. 3070 – the assertion that generally the killings were motivated by revenge, as one 'volunteer' killed because his family was wiped out, is not persuasive or substantiated by any evidence. **Scheduled Incident E.5.1**: Defence Final Brief, para. 3077 – the argument that 'Chetniks' questioned, provoked, and identified detainees is irrelevant as the Trial Chamber found in its factual findings that those provoking the detainees were not the perpetrators in this incident. **Scheduled Incidents E.6.1 and E.6.2**: Defence Final Brief, paras 3081, 3086 – the argument that the situation was 'uncontrolled' and that hostile locals may have committed the killings out of revenge is speculative and unsubstantiated by the evidence. **Scheduled Incidents E.7.1 and E.7.2**: Defence Final Brief paras 3109-3110, 3112 – assertions that Serb soldiers asked detainees who had participated in the takeover of Kravica or called out detainees from certain villages are irrelevant, as there is no evidence that the detainees were targeted out of revenge, and the argument that revenge could not be excluded as a motive is speculative and unsupported by any evidence.

[15345] *See further,* **Scheduled Incident A.7.1**: Defence Final Brief, paras 1197-2001. **Scheduled Incident E.5.1**: Defence Final Brief, para. 3079.

territory to be achieved through the commission of crimes alleged in the Indictment.[15346] The Overarching JCE constituted a massive ethnic cleansing campaign with the goal of permanently removing the Bosnian-Muslim and Bosnian-Croat population.[15347] From 12 May 1992, the campaign escalated by using military force to consolidate Serb control over most of Bosnia-Herzegovina through the crimes alleged in the Indictment.[15348] The Prosecution argued that members of the Overarching JCE were, among others, Ratko Mladić, Radovan Karadžić, Momčilo Krajišnik, Biljana Plavšić, Nikola Koljević, Mićo Stanišić, Momčilo Mandić, Slobodan Milošević, Jovica Stanišić, Franko Simatović, Željko Ražnatović, a.k.a. Arkan, and Vojislav Šešelj.[15349]

4217. The Defence argued that the migration of people during the war was not due to the existence of a JCE aimed at ethnic cleansing.[15350] It also argued that large numbers of Bosnian Muslims and Bosnian Croats remained in Bosnian-Serb-claimed territories and that 'refugees' were allowed to return home.[15351] Accordingly, the Defence submitted that the Prosecution's case is not the only reasonable inference available on the evidence.[15352]

4218. The Trial Chamber recalls its findings in relation to the crimes relevant to the alleged Overarching JCE (chapters 4-8); and the various developments and statements, acts, and meetings of Serb individuals and groups from 1991 until the end of the conflict (chapters 9.2.2-9.2.12; see also chapters 2-3), and sets out a summary of the findings from these chapters below.

4219. In relation to precursors to the alleged Overarching JCE, from the moment of the SDS's creation in July 1990, the party's political platform emphasised the protection of the 'Serb nation'. In early 1991, the SDS promoted territorial division along ethnic lines and the establishment of separate, parallel Bosnian-Serb political, police, and military institutions. In April 1991, Karadžić expressed the Bosnian-Serb leadership's plans to divide Bosnia-Herzegovina and for Serbs to take over control of territory therein. In July 1991, during a meeting with Milan Babić and Milošević, Karadžić said that he

[15346] Prosecution Final Brief, paras 157-158, 175, 499.
[15347] Prosecution Final Brief, paras 153, 158, 499.
[15348] Prosecution Final Brief, paras 155, 158, 195, 499.
[15349] Prosecution Final Brief, paras 499-528.
[15350] Defence Final Brief, paras 767-769, 780-784.
[15351] Defence Final Brief, paras 769-777.
[15352] Defence Final Brief, paras 769.

would ‘chase the Muslims in Bosnia-Herzegovina into the river valleys in order to link up all Serb territories there into one’.

4220. In subsequent conversations, meetings, and speeches from at least July 1991 to May 1992, members of the Bosnian-Serb political leadership, in particular Karadžić, threatened violence and extinction should Bosnian Muslims attempt to create a sovereign state, described Muslims and Croats as enemies with whom the Bosnian Serbs could not coexist, and advocated the transfer of populations. In doing so, Karadžić repeatedly referred to, *inter alia*, the ‘expulsion’, ‘disappearance’, and ‘extinction’ of the Bosnian Muslims within Bosnian-Serb territory.

4221. On 19 December 1991, at a meeting of high-level SDS representatives chaired by Karadžić, the SDS Main Board issued strictly confidential instructions, also referred to as the Variant A/B instructions, detailing measures to be carried out at the municipal level throughout the territory of Bosnia-Herzegovina for the purpose of enhancing mobility and readiness to ‘protect’ the Bosnian-Serb population. They included instructions for Variant A municipalities, where Serbs constituted a majority, and Variant B municipalities, where Serbs constituted a minority. The Variant A/B instructions, which were to be implemented in two phases, set out practical preparations for the takeover of *de facto* power in the municipalities and the division of Bosnia-Herzegovina along ethnic lines. Implementation of the Variant A/B instructions would mean that in Variant A municipalities, the orders of newly established Bosnian-Serb municipal authorities would prevail, other legitimate party representatives would be ignored, and the laws of Bosnia-Herzegovina would no longer be respected. In Variant B municipalities, exclusively Serb municipal institutions would be established in parts of the territory. On 8 January 1992, Koljević stated that Bosnia-Herzegovina would be divided into three sovereign states on the basis of ‘homogeneity’, which would be achieved, in part, by population transfers.

4222. On 12 May 1992, after Karadžić presented six strategic objectives to the Bosnian-Serb Assembly, the assembly adopted the objectives, which most prominently included the demarcation of a Serb state, territorially separate from any Croat and Muslim state. This demarcation involved the separation of people along ethnic lines. Furthermore, at the assembly session, Mladić and others clarified their understanding of the objectives. It was emphasized that the objectives should be achieved by ‘whatever means’, should be made to sound appealing when referenced in public, and that the

Bosnian Serbs' approach should be guarded as their deepest secret and that Bosnian Serbs need to know how to read between lines.

4223. From at least 12 May 1992, members of the Bosnian-Serb political leadership, in particular Karadžić and Krajišnik, gave speeches and statements describing Muslims and Croats as enemies with whom the Bosnian Serbs could not coexist, threatening violence against those groups, and advocating the transfer of populations.

4224. Between 12 May 1992 and 30 November 1995, members of the VRS, MUP, and other forces and organs as specified below committed the crimes of persecution, murder, extermination, inhumane acts (forcible transfer), and deportation in the Municipalities. In addition, during this time, members of the perpetrating forces, as well as Karadžić, made efforts to conceal crimes from members of international organizations and the general public. On occasion, crimes were also concealed from individuals in the chain-of-command, including the VRS Main Staff and the 1KK Command. During this time, the Bosnian-Serb military and civilian justice system also failed, on many occasions, to investigate crimes committed against Bosnian Muslims and Bosnian Croats by members of the VRS and other Serb forces in the municipalities of Banja Luka, Bijeljina, Ključ, Kotor Varoš, Prijedor, Sanski Most, and Vlasenica. On multiple occasions in which crimes had been committed against Bosnian Muslims and Bosnian Croats by VRS members or members of other Serb forces, criminal reports were not filed, investigations were not initiated by military prosecutors or investigating judges, suspects were not arrested or detained, and when arrested perpetrators were unlawfully released from detention to return to their units.

4225. With regard to the VRS, the VRS Main Staff was the highest operative body directing the conduct of the VRS's military operations. The VRS Main Staff operated under the direction of the Supreme Command of the Bosnian-Serb Republic and in concert with both the MoD and MUP. The VRS was comprised of the following corps: 1KK, 2KK, IBK, SRK, HK, and, from 1 November 1992, the DK. Throughout the Indictment period, VRS units committed the crimes of murder, extermination, persecution, deportation, and inhumane acts (forcible transfer) in the municipalities of Banja Luka, Bijeljina, Foča, Kalinovik, Ključ, Kotor Varoš, Novi Grad, Prijedor, Rogatica, Sanski Most, Sokolac, and Vlasenica.

4226. Concerning the role of the VJ and the Serbian MUP, arms and ammunition factories in Serbia produced material for the VJ, which in turn was provided to units of

the VRS. The President of the FRY, Slobodan Milošević, commanded the VJ, in compliance with decisions of the Supreme Defence Council, which was a body he also chaired. The Commander of the VJ General Staff determined the basic organisation and use of the VJ and implemented decisions issued by the FRY President. Jovica Stanišić was the head of the Serbian SDB. The VJ General Staff set up a covert personnel centre called the '30th Personnel Centre' through which VJ soldiers were paid in order to fight in Bosnia-Herzegovina as part of the VRS. The evidence does not show that the VJ issued instructions (or was able to issue instructions) to these soldiers once they were incorporated into the VRS. The Trial Chamber also notes that it did not find that VJ soldiers not incorporated into the VRS committed any crimes relevant to the Indictment. Similarly, the Trial Chamber did not find that members of the Serbian MUP committed crimes relevant to the Indictment.

4227. With regard to the role of the MUP, the Trial Chamber found that the MUP cooperated closely with the VRS. On 15 May 1992, this cooperation was formalized when Mićo Stanišić, Minister of Interior, ordered the organization of all MUP employees into war units for the purpose of defending the territory of the Bosnian-Serb Republic. From at least 12 May 1992 until at least 26 September 1995, MUP units participated in combat operations with the VRS. When MUP units were participating in combat operations, they were re-subordinated to the command of the VRS. Members of the MUP were involved in a large number of crimes, including murder and persecution, committed in the municipalities of Banja Luka, Bijeljina, Foča, Ilidža, Kalinovik, Ključ, Kotor Varoš, Pale, Prijedor, Rogatica, Sanski Most, and Vlasenica.

4228. As to the role of paramilitary formations, despite efforts by the Bosnian-Serb political leadership and the VRS to put all armed formations and individuals under the unified command of the VRS, some paramilitary formations continued to exist and operate outside the command of the VRS throughout the conflict. The exact nature of the relationship between these paramilitary formations, on the one hand, and the VRS and the MUP, on the other, differed from formation to formation, some being subordinated, others merely cooperating. The units which were subordinated at the time they were committing crimes were: 'Mauzer's men', Pero Elez's unit, Čosa's unit, the SOS, Kunarac's unit, Andžić's unit, Praštalo's unit, and units commanded by Branko Basara. Those who merely cooperated were: Šešelj's unit, the White Eagles, the Spare Ribs, and Martić's unit.

4229. With regard to the role of regional and municipal authorities, VRS personnel were often members of crisis staffs and war presidencies in 1992, where they coordinated logistics, such as arranging recruits and supplies, and updated the regional and municipal political leaders on the combat situation. Regional and municipal authorities worked closely with VRS and MUP members in 1992. Members of crisis staffs, war presidencies, war commissions, and municipal assemblies, committed persecution in the municipalities of Banja Luka, Foča, Kalinovik, Ključ, Kotor Varoš, Prijedor, Sanski Most, Sokolac, and Vlasenica.

4230. As far as the TO was concerned, following the Bosnian-Serb Assembly's 12 May 1992 decision to establish the VRS, Serb TO units were incorporated into the VRS. This process of incorporation continued throughout 1992. Therefore TO units, under the supervision of the MoD, still operated in the Bosnian-Serb Republic after 12 May 1992. Bogdan Subotić was the Minister of Defence. TO units committed the crimes of murder, persecution, deportation, and inhumane acts (forcible transfer) in the municipalities of Prijedor, Rogatica, Sanski Most, and Vlasenica.

4231. In addition, the Trial Chamber found that employees of the MoJ committed persecution in the municipalities of Foča and Ilidža. Momčilo Mandić was Minister of Justice and Administration and therefore ultimately responsible for these employees.

4232. Based on all of these findings, the Trial Chamber concludes that there existed a JCE with the objective of permanently removing the Bosnian Muslims and Bosnian Croats from Bosnian-Serb-claimed territory in Bosnia-Herzegovina through persecution, extermination, murder, inhumane acts (forcible transfer), and deportation. This JCE existed from 1991 until 30 November 1995.

4233. With regard to whether the crime of genocide formed part of the JCE objective, the Prosecution argued that the specific intent of the perpetrators is revealed both by the concerted attack on the very foundation and fabric of the protected group to prevent it from continued existence in the Count 1 municipalities through the prohibited acts and other culpable acts, as well as by direct evidence of intent found in the statements of Mladić, Karadžić, and other members of the alleged Overarching JCE.[15353] It submitted that in the Count 1 municipalities, the number and nature of the crimes, considered together, reflected an intent to destroy the groups in part rather than an intent just to

[15353] Prosecution Final Brief, paras 351, 352-353, 366-373.

'ethnically cleanse' Bosnian Muslims and Bosnian Croats.[15354] The Defence argued that while Count 1 alleges a discriminatory approach to killings, there is nothing to suggest the physical destruction of the 'national group' as opposed to its cultural or functional destruction.[15355]

4234. The Trial Chamber recalls its findings in chapter 8 that the physical perpetrators in the Count 1 municipalities did not have the intent to destroy a substanial part of the Bosnian-Muslim and Bosnian-Croat protected groups in Bosnian-Herzegovina when they committed the underlying prohibited acts. The Trial Chamber will consider whether the crime of genocide nevertheless formed part of the objective of the Overarching JCE.

4235. While the statements and speeches referred to above were inflammatory, caused fear, and incited ethnic hatred against their war-time enemy, the Trial Chamber must consider whether they demonstrated intent to destroy either of the protected groups. Considering the disparate dates, meetings, and purposes of the speeches and statements, the Trial Chamber is careful not to combine them to give a semblance of a collective intent to destroy where no such collective intent existed or to read individual statements and speeches in isolation and without context. The Trial Chamber notes in this regard that there were instances where Mladić, Koljević, and Karadžić intimated that conciliation and compromise were possible, such as on 8 January 1992 and 12 May 1992, when it came to the strategic goals of living in ethnically separate states. The Trial Chamber considers that the speeches and statements could have been directed to the military enemy and have been used as propaganda, rather than to demonstrate an expression of a genocidal intent. The commission of prohibited and other culpable acts clearly demonstrates that the physical perpetrators were prepared to use force and violence against Bosnian Muslims and Bosnian Croats in order to achieve their objectives and assert their historic territorial claims. In that regard frequent references to 'ethnic cleansing' and other similar expressions by Karadžić, Krajišnik, and others do not necessarily indicate intent to physically destroy the protected group. In this respect, the Trial Chamber notes for example that during the 16th Session of the Bosnian-Serb Assembly, Mladić used the word 'eliminate', but added 'either temporarily or

[15354] Prosecution Final Brief, para. 350.
[15355] Defence Final Brief, paras 45, 49-53.

permanently'. The rhetorical speeches and statements assisted in the task of ethnic separation and division rather than the physical destruction of the protected groups.

4236. While the majority, Judge Orie dissenting, found that certain physical perpetrators in some municipalities had the intent to destroy a part of the protected group of Bosnian Muslims, the same could not be said of the physical perpetrators of prohibited acts committed against Bosnian Croats in any municipality or against the Bosnian Muslims in Ključ Municipality. An inference that the Bosnian-Serb leadership sought to destroy the protected groups in the Count 1 municipalities through the use of a number of physical perpetrators as tools requires more. In the absence of other evidence which would unambiguously support a finding of genocidal intent, drawing an inference on the basis of prohibited acts of physical perpetrators alone is insufficient.

4237. In light of the above and having assessed the entire trial record, including the statements, speeches, and conduct of Mladić and the Bosnian-Serb leadership as well as the prohibited and other culpable acts committed by the physical perpetrators, the Trial Chamber is not satisfied that the only reasonable inference that can be drawn from the evidence is that the crime of genocide formed part of the objective of the Overarching JCE.[15356]

4238. The Trial Chamber finds that there was a plurality of persons including the following individuals: Radovan Karadžić, Momčilo Krajišnik, Biljana Plavšić, Nikola Koljević, Bogdan Subotić, Momčilo Mandić, and Mićo Stanišić.[15357] The Trial Chamber will further determine whether Mladić was a member of the Overarching JCE in chapter 9.3.

4239. Many of the charged crimes were committed by members of the VRS, who were under the operational command of one of the corps, and ultimately of the VRS Main Staff. Many other crimes were committed by MUP members, either under the operational supervision of the VRS or under the supervision of the MUP. Some crimes were committed by TO members, under the supervision of the Bosnian-Serb MoD. Crimes were also committed by paramilitary groups subordinated to the VRS or MUP.

[15356] The Trial Chamber notes that the Indictment in paragraph 9 also alleges in the alternative that it was foreseeable that the genocide in Srebrenica (Count 2) might be perpetrated, thus incurring responsibility under the third form of JCE. However, in light of its findings in relation to the Srebrenica JCE, the Trial Chamber refrains from further considering this alternative.

[15357] The evidence received by the Trial Chamber did not show that Slobodan Milošević, Jovica Stanišić, Franko Simatović, Željko Ražnatović, or Vojislav Šešelj participated in the realization of the common criminal objective

These groups were ‘Mauzer’s men’, Pero Elez’s unit, Janković’s unit, Čosa’s unit, the SOS, Kunarac’s unit, Andžić’s unit, Praštalo’s unit, and units commanded by Branko Basara. Members of regional and municipal authorities also committed crimes. Such authorities often included VRS members. Also, they received orders, instructions, and requests from and reported to state organs, such as the Bosnian-Serb Government and the Bosnian-Serb Presidency. As such, members of the JCE used all of these units as tools to commit the crimes in the Municipalities in furtherance of the Overarching JCE.

4240. Some perpetrators were merely identified as ‘Serb soldiers’ (or similar terms) or by names in relation to which the Trial Chamber did not find the entity with which they were affiliated. Other perpetrators were members of paramilitary formations, which merely cooperated with the VRS or the MUP. With regard to these perpetrators, there is insufficient evidence to suggest that they were subordinated to JCE members, or that JCE members had other ways to use them as tools. Accordingly, the Trial Chamber will not further consider the crimes committed by these perpetrators as part of its discussion on Mladić’s responsibility under the first JCE form.

9.3 Ratko Mladić's alleged contribution to the first (overarching) joint criminal enterprise

9.3.1 Introduction

4241. According to the Indictment, as of 12 May 1992 the Accused was a key member of an overarching JCE, which lasted from at least October 1991 until 30 November 1995, the objective of which was the permanent removal of Bosnian Muslims and Bosnian Croats from Bosnian Serb-claimed territory in Bosnia-Herzegovina through crimes charged in the Indictment.[15358] The Accused is alleged to have significantly contributed to this JCE in one or more of the ways specified in paragraph 13 of the Indictment.[15359] The Trial Chamber will deal with the alleged contributions in turn, focusing on those on which it has received evidence and which the parties have addressed in their final briefs and closing arguments. In chapter 9.3.12, it will consider whether the Accused's alleged contribution was significant to the Overarching JCE. It will then turn to the *mens rea* of the Accused in chapter 9.3.13.

9.3.2 Participating in the establishment, organization and/or maintenance of the VRS

4242. With regard to this alleged contribution, the Defence submitted that Mladić could not exert influence over the selection of VRS corps commanders because their appointments were the exclusive right of the civilian leadership.[15360] The Defence argued that although Mladić could make recommendations, the legal authority to appoint, transfer, relieve or retire Army officers in positions of authority was exclusive to the Supreme Commander of the Armed Forces.[15361] The Trial Chamber received evidence from **Milivoje Simić**, Commander of the Doboj Garrison and Commander of Task Force Doboj until 1994;[15362] **Manojlo Milovanović**, the Chief of Staff and Deputy Commander of the VRS Main Staff from 1992 to 1996;[15363] **Branko Basara**, Commander of the 6th Krajina Brigade from 29 October 1991 to mid-December

[15358] Indictment, paras 5, 8.
[15359] Indictment, para. 13.
[15360] Defence Final Brief, para. 646.
[15361] Defence Final Brief, para. 646.
[15362] D921 (Milivoje Simić, witness statement, 24 July 2014), paras 6, 20; Milivoje Simić, T. 32527. Milivoje Simić's evidence is reviewed in chapter 3.1.2.
[15363] Manojlo Milovanović, T. 16889; P2211 (Signed *curriculum vitae* of Manojlo Milovanović), pp. 1-2; P2212 (VRS Main Staff Structure - organisation chart, July 1995). Manojlo Milovanović's evidence is reviewed in chapter 3.1.3.

1992;[15364] **Ewan Brown**, a military analyst;[15365] **Ratomir Maksimović**, who served in the SRK Command from 1 April 1993 to 1 September 1994 and from 30 April 1995 to 31 March 1996;[15366] **Witness RM-284**, a Bosnian Serb;[15367] **Petar Škrbić**, the Assistant Commander for Organisation, Mobilisation, and Personnel affairs of the VRS Main Staff in July 1995;[15368] **Dragiša Masal**, Commander of the Višegrad Tactical Group from 1993 and VRS Main Staff Chief of Artillery from August 1995 until the end of the war;[15369] **Richard Butler**, an intelligence research specialist;[15370] and **Stojan Malčić**, a member of the Personnel Section of the VRS Main Staff in Han Pijesak from late May 1992 until 31 August 1997;[15371] as well as documentary evidence.

May 1992

4243. The Trial Chamber has reviewed the evidence of Manojlo Milovanović in chapter 3.1.3 that after the establishment of the VRS on 12 May 1992, Mladić assigned Milovanović a number of tasks necessary for the creation of the Main Staff. **Manojlo Milovanović** testified that during a meeting on 11 May 1992 in Crna Rijeka with Mladić, Đukić, Gvero, the witness and about seven to eight other persons, it had been decided that talks should be held with commanders, dukes, or bosses of paramilitary forces to have them placed under the command of the VRS.[15372] Those who refused had to leave the territory of the Bosnian-Serb Republic.[15373] According to a 2nd Military District Order on mobilisation by Mladić dated 11 May 1992, mobilised units, including armed Serb people, TO units, and volunteer units, were to be organised, consolidated, armed, and trained for combat actions.[15374]

[15364] D1031 (Branko Basara, witness statement, 21 July 2014), para. 4; Branko Basara, T. 34386, 34401. Branko Basara's evidence is reviewed in chapter 9.3.3.
[15365] P2863 (Ewan Brown, witness statement, 27 and 28 July 2009), p. 2; P2858 (Ewan Brown, *curriculum vitae*), p. 1.
[15366] D686 (Ratomir Maksimović, witness statement, 15 December 2012), paras 4-5; Ratomir Maksimović, T. 26741, 26800.
[15367] P1460 (Witness RM-284, *Popović et al.* transcript, 31 August 2007), pp. 14582-14583; Witness RM-284, T. 11120, 11139.
[15368] Petar Škrbić, T. 13981.
[15369] D942 (Dragiša Masal, witness statement, 20 July 2014), para. 2. Dragiša Masal, T. 33336.
[15370] Richard Butler, T. 16108; P2203 (Richard Butler, Military Narrative on Operation Krivaja 95 in Srebrenica, 1 November 2002), paras 7.28-7.30.
[15371] D656 (Stojan Malčić, witness statement, 26 June 2014), paras 2, 16-17, 30; Stojan Malčić, T. 26214-26216, 26249.
[15372] Manojlo Milovanović, T. 16894-16896, 16899.
[15373] Manojlo Milovanović, T. 16899.
[15374] P3032 (2nd Military District mobilisation order in Bosnia-Herzegovina, 11 May 1992), paras 1, 5.

4244. The Trial Chamber recalls the evidence reviewed in chapter 3.1.1 that on 14 May 1992, Mladić noted that 'we urgently need all Serbian officers who were born in BH territory to be put at our disposal', and 'officers belonging to other ethnic groups should not be sent to us for now because of secrecy protection and also for their own sakes' On 15 May 1992, Mladić and Tolimir met with Dušan Smiljanić, the Chief of Security of the JNA's 10th Corps, in Belgrade. Mladić asked for Smiljanić's assessment and opinion of individual officers of the 10th Corps and the situation in Bihać. After this, Mladić decided upon the appointment of the Commander of the 2KK.[15375]

4245. Between 18 and 31 May 1992, pursuant to a FRY Presidency decision concerning the restructuring of the JNA, Mladić sent several requests to the SSNO Personnel Administration, asking for the reassignment of military personnel for urgent replenishment of units, as follows. On 18 May 1992, he requested the reassignment of 14 named individuals, including Artillery Captain 1st Class Mitar Kovač, to fill vacancies at the 2nd Military District Command.[15376] On 21 May 1992, Mladić requested the appointment of Colonel Ostoja Stjepić as Chief of the VRS Main Staff Traffic and Transport Administration; Lieutenant Colonel Rajko Krsmanović and Lieutnant Colonel Momčilo Prstojević, both as administrative officers at the VRS Main Staff Traffic and Transport Service; Captain Miloš Zekić to the VRS Main Staff Command; Major Uroš Ćirković and Captain 1st Class Mile Božić to the IBK; and 15 named individuals to the SRK.[15377] On 27 May 1992, he requested the SSNO to urgently send 423 named active duty military personnel to the IBK (Bijeljina), the 2KK (Drvar), and the 367th Communications Regiment.[15378] On the same day, Mladić requested the SSNO to send 454 named individuals to the VRS Main Staff, 1KK, HK, and SRK.[15379] He further requested the SSNO to send Lieutenant Colonel Rade Pecikoza to the VRS logistic base in Pale.[15380] On 29 May 1992, Mladić requested the urgent dispatch of 229 personnel to the VRS Main Staff, 1KK, 2KK, SRK, HK, and

[15375] P4022 (Dušan Smiljanić's request to Mladić, 15 October 1994), p. 4.
[15376] P7668 (Request sent by Mladić to the SSNO Personnel Administration, 18 May 1992), p. 1.
[15377] P4959 (Request for VRS military personnel, 21 May 1992), pp. 1-2.
[15378] P4966 (VRS Main Staff request by Mladić regarding deployment of officers to the IBK, 27 May 1992); P4967 (VRS Main Staff request by Mladić regarding deployment of officers to the 2KK, 27 May 1992); P4968 (VRS Main Staff request by Mladić regarding deployment of officers to the 367th Communications Regiment, 27 May 1992).
[15379] P4962 (Request for VRS Main Staff military personnel, 27 May 1992); P4965 (Request for 1KK military personnel, 27 May 1992), pp. 1-5; P4964 (Request for HK military personnel, 27 May 1992), pp. 1-3; P4963 (Request for SRK military personnel, 27 May 1992), pp. 1-5.
[15380] P4961 (Request for VRS logistics base personnel, 27 May 1992).

IBK.[15381] On 31 May 1992, he requested the urgent dispatch of 53 personnel to the VRS Main Staff, SRK, 1KK, 2KK, IBK, HK, and 27th Logistic Base, all of whom were listed by names.[15382]

4246. The Trial Chamber has also considered the evidence of **Milivoje Simić** in chapter 3.1.2 that soon after 26 May 1992, Mladić and Karadžić ordered Talić to establish the Operational Group Doboj.

June 1992

4247. The Trial Chamber recalls the evidence reviewed in chapter 3.1.1 that on 4 June 1992, Mladić issued an order establishing the area of responsibility of the 1KK, 2KK, SRK, IBK, and HK. In the same order, Mladić instructed various VRS Corps commands to establish one or more units of brigade rank, and to train and equip them for operations.[15383]

4248. On 9 June 1992, the 1KK Command submitted a report to the VRS Main Staff and the Bosnian-Serb Presidency on a decision taken by the ARK Crisis Staff, according to which an ultimatum was issued requesting the removal of the 67 officers of Muslim or Croat ethnicity from the units of the 1KK, 14th Logistics Base, and the units of the Air force and Anti-aircraft Defence in Banja Luka by 15 June 1992.[15384] The 1KK Command considered this demand to 'be justified' and added that it should make a decision as to which staff members 'may still be temporarily kept and at what posts'.[15385] On 9 June 1992, Mladić referred to the above-mentioned report and through a telegram ordered the Commander of the 1KK, Colonel Ranković, to immediately send on leave the officers of Muslim or Croat ethnicity.[15386] On 16 July 1992, Mladić made reference to the aforementioned telegram and personally submitted an order to all commands, stating that those Muslim or Croat officers who are judged by the commands of the corps and independent units to have proven themselves in combat action and were willing to sign the oath and declare in writing that they accept the citizenship of the Bosnian-Serb Republic, may remain in active military service in the

[15381] P4969 (Request for VRS personnel, 29 May 1992).
[15382] P4970 (Request for VRS personnel, 31 May 1992).
[15383] P4381 (VRS Main Staff order, 4 June 1992), p. 1.
[15384] P3892 (1KK report on the removal of Muslim and Croat officers, 9 June 1992), p. 1.
[15385] P3892 (1KK report on the removal of Muslim and Croat officers, 9 June 1992), p. 1.

VRS.[15387] On 19 July 1992, the 1KK conveyed the above-mentioned order, dated 16 July 1992, to all subordinated units, adding that proposals had to be submitted by 25 July 1992.[15388] On 21 July 1992, pursuant to Mladić's order of 16 July 1992, the 1KK Command issued guidelines stating that the procedure for the regulation of the service status of Muslim and Croat officers would include an 'extremely thorough and selective evaluation' of the Muslim and Croat active-duty military personnel. Furthermore, those who, at their own request and on the basis of the command's evaluation, meet the conditions for resolving their status should be invited for an interview and informed that in order to stay in active duty in the VRS they must sign an oath and make a written statement accepting the citizenship of the Bosnian-Serb Republic. The signed statements and oaths were then to be verified by the unit commander, who should submit them to the Corps Command by 25 July 1992.[15389]

4249. On 10 June 1992, Mladić met in Belgrade with representatives of the Bosnian-Serb people and announced that the organization of the VRS had improved and that the authorities were functioning optimally concerning 'the needs of the front'.[15390] Karadžić and Krajišnik were also present at the meeting.[15391] Karadžić stated that 'we feel relieved now that we have formed our army'.[15392]

4250. On 18 June 1992, pursuant to the Law on the Army of the Bosnian-Serb Republic, Mladić ordered that Đorđe Đukić be promoted to the rank of Infantry Lieutenant Colonel, effective 17 June 1992.[15393] On 22 August 1992, pursuant to the same law, Mladić ordered that Boro Skrobić be promoted to Major of the Armoured Mechanised Units, effective 19 May 1992.[15394] On 26 June 1992, Mladić ordered that a ceremony for the state holiday and Patron Saint's Day of the VRS be held on

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[15386] P3893 (Order from Mladić to 1KK Command in relation to the removal of Muslim and Croat officers, 9 June 1992), p. 1.
[15387] P4036 (VRS Main Staff explanation of regulation of Muslim and Croat officers, 16 July 1992), p. 1.
[15388] P4012 (1KK Command report regarding VRS Main Staff explanation of regulation of Muslim and Croat officers, 19 July 1992), p. 1.
[15389] P4051 (1KK Command guidelines on the service of Muslim and Croat officers, 21 July 1992), p. 1.
[15390] P353 (Mladić notebook, 27 May - 31 July 1992), pp. 130, 132.
[15391] P353 (Mladić notebook, 27 May - 31 July 1992), pp. 132, 144.
[15392] P353 (Mladić notebook, 27 May - 31 July 1992), p. 133.
[15393] P4261 (Order from Mladić regarding promotion of Đorđe Đukić, 18 June 1992).
[15394] P4262 (Order from Mladić regarding promotion of Boro Skrobić, 22 August 1992), pp. 1-2.

28 June 1992 in Han Pijesak.[15395] Radoslav Krstić was to be the master of ceremony.[15396] Mladić and Karadžić were both scheduled to give speeches.[15397]

4251. On 28 June 1992, Mladić ordered the Commands of the 1KK and 2KK, HK, SRK, IBK, and the Air Force and Anti-Aircraft Defence to complete the formation of Anti-Aircraft Defence Artillery Rocket Units in all units and issued detailed instructions on the training of soldiers.[15398]

4252. **Stojan Malčić** testified that in June 1992 after the withdrawal of the JNA from the territory of Bosnia-Herzegovina, Muslim, Croat, and other officers were not purged but had an opportunity to choose if they wanted to stay in the VRS.[15399] The 1KK Corps asked for the position of Mladić in regard to active-duty officers of Muslim and Croat ethnicity.[15400] Mladić answered that they should be sent on annual leave for 30 days and then measures should be undertaken for sending them to the 'Army of Yugoslavia'.[15401] After such leave, some stayed in the VRS and some decided to join the 'Army of Yugoslavia'.[15402]

July-December 1992

4253. On 14 July 1992, Mladić informed the Commanders of the HK and the SRK that during a meeting between the civilian and military leaderships of the municipalities of Foča, Čajniče, Rudo, Goražde, and Višegrad, held in Čajniče on 7 July 1992, it was agreed that all Bosnian-Serb military formations, armed individuals and combat assets in the upper Drina region should be organised into a single unit and placed under the sole command of the VRS.[15403] According to Mladić, a meeting between representatives of the VRS Main Staff and the commands of the HK and personnel in the Kalinovik

[15395] P3671 (Directive of the VRS Main Staff on Ceremony to celebrate the state holiday and Patron Saint's Day of the VRS), pp. 1, 3.
[15396] P3671 (Directive of the VRS Main Staff on Ceremony to celebrate the state holiday and Patron Saint's Day of the VRS), p. 1.
[15397] P3671 (Directive of the VRS Main Staff on Ceremony to celebrate the state holiday and Patron Saint's Day of the VRS), p. 3.
[15398] P4982 (VRS Main Staff order by Mladić, 28 June 1992), pp. 1-4.
[15399] D656 (Stojan Malčić, witness statement, 26 June 2014), paras 18-19, 23; Stojan Malčić, T. 26236.
[15400] Stojan Malčić, T. 26241.
[15401] Stojan Malčić, T. 26241.
[15402] Stojan Malčić, T. 26241, 26249, 26253-26254.
[15403] P3677 (Order of the VRS Main Staff on the creation of Podrinje Operations Group, 14 July 1992), p. 1.

Garrison, held on 11 July 1992, led to a similar decision.[15404] To effect such consolidation and subordination, Mladić ordered the HK Commander and the municipal authorities to establish the Podrinje Operations Group.[15405] He further defined the composition and organization of the Podrinje Operations Group.[15406]

4254. On 23 August 1992, Mladić ordered that the Commands of, among others, the 1KK and 2KK, HK, SRK, IBK, and the Air Force and Anti-Aircraft Defence send a list of active military personnel serving in their units.[15407] Mladić also ordered that they prepare two further lists: one listing those active military personnel who chose to stay in the service of the VRS; the other listing those active military personnel who had been assigned pursuant to Article 271 of the Law on Service in the Armed Forces and who wished to return to the Armed Forces of the FRY.[15408]

4255. **Ewan Brown** testified that upon the 1KK's successful completion of Operation Corridor, Mladić and the VRS Main Staff sent a congratulatory letter commending the Corps for its work mopping up the Posavina corridor.[15409] A number of 1KK officers were subsequently promoted.[15410]

4256. On 13 October 1992, Mladić appointed Lieutenant Colonel Mihaljo Petrić and Lieutenant Colonel Vinko Pandurević as the Commanders of the 4th and 5th Podrinje Light Infantry Brigades of the DK, respectively.[15411] Mladić also appointed Lieutenant Colonel Zoran Borovina as the Commander of the Ilidža Light Infantry Brigade of the SRK.[15412]

4257. The Trial Chamber further recalls the evidence tendered through **Branko Basara** reviewed in chapter 9.3.3 that on 16 September 1992, Mladić issued orders regarding the training and mobilization of VRS officers.

[15404] P3677 (Order of the VRS Main Staff on the creation of Podrinje Operations Group, 14 July 1992), p. 1.
[15405] P3677 (Order of the VRS Main Staff on the creation of Podrinje Operations Group, 14 July 1992), pp. 1, 3.
[15406] P3677 (Order of the VRS Main Staff on the creation of Podrinje Operations Group, 14 July 1992), pp. 1-3.
[15407] P4983 (Request by Mladić concerning list of active military personnel, 23 August 1992), p. 1.
[15408] P4983 (VRS Main Staff request to Corps Commands, 23 August 1992), p. 1.
[15409] P2859 (Ewan Brown, Military Developments Bosanska Krajina 1992 – A Background Study, 27 November 2002), para. 2.192.
[15410] P2859 (Ewan Brown, Military Developments Bosanska Krajina 1992 – A Background Study, 27 November 2002), para 2.194.
[15411] P4985 (Order by Mladić appointing Petrić, Pandurević and Borovina as commanders, 13 October 1992), p. 1. The Trial Chamber notes that this order was received and processed on 30 November 1992.
[15412] P4985 (Order by Mladić appointing Petrić, Pandurević and Borovina as commanders, 13 October 1992), p. 1.

4258. On 20 October 1992, Mladić ordered the reorganisation of the VRS by forming the DK from parts of the IBK, the SRK and the HK.[15413] Mladić ordered the DK to carry out combat operations in specified zones.[15414] On 18 November 1992, Mladić gave orders to the commanders of the SRK and the DK regarding the reorganization of the 2nd Romanija Motorised Brigade.[15415]

4259. On 31 December 1992, on behalf of Mladić, it was confirmed that Major General Radovan Grubač took up the duty of Commander of the HK pursuant to a decree issued on 31 August 1992.[15416]

1993-1994

4260. The Trial Chamber received extensive documentary evidence detailing Mladić promoting and transferring VRS officers as well as forming and organizing VRS units during 1993 and 1994, and will review some of this evidence below.

4261. On 7 January 1993, Mladić promoted Vinko Pandurević, Commander of the Zvornik Light Infantry Brigade, to the rank of Infantry Major.[15417] On 31 January 1993, Mladić transferred Dragiša Masal from the position of Artillery Colonel to the position of Commander of the Višegrad Tactical Group.[15418] **Dragiša Masal** testified that after operation *Zvijezda-94*, in which he used modified air bombs, and after ordering the shelling of the market sector in Goražde, he was transferred to the VRS Main Staff in a higher command than he had previously been serving.[15419]

4262. On 11 May 1993, Mladić ordered the DK Command and the Command of the 2nd Zvornik Light Infantry Brigade to form subordinate units.[15420]

[15413] P3659 (Mladić's order to reorganise the VRS, 20 October 1992), p.1.
[15414] P3659 (Mladić's order to reorganise the VRS, 20 October 1992), p. 2.
[15415] P3669 (Ratko Mladić's order to reorganise the VRS, 18 November 1992), p. 1.
[15416] P4992 (Extract from personnel file of Radovan Grubač, 14 April 1993), p. 1.
[15417] P4994 (Order by Mladić promoting Vinko Pandurević to Infantry Major, 7 January 1993).
[15418] D942 (Dragiša Masal, witness statement, 20 July 2014), para. 3; P7224 (Mladić order appointing Masal, 31 January 1993) pp. 1-2. The Trial Chamber notes that the witness's statement says that he was appointed Commander in February 1993. However, the Trial Chamber will rely on the date of the order (exhibit P7224), which is 31 January 1993, as the official record of appointment.
[15419] D942 (Dragiša Masal, witness statement, 20 July 2014), paras 25-26; Dragiša Masal, T. 33368-33371, 33378-33382, 33434-33435, 33440-33441. *See also* P7244 (Communication from Dragiša Masal, 3 April 1994); P929 (Order from VRS Main Staff, 12 April 1994); P7245 (UNMO Goražde report on shelling, 20 April 1994); P7228 (Order from Dragiša Masal, 11 February 1993); P7229 (ABiH combat report, 12 February 1993), p. 2; P7230 (ABiH combat report, 13 February 1993), p. 1; P7231 (ABiH combat report, 14 February 1993), p. 1.
[15420] P4996 (Mladić's order on the establishment of units in the DK, 11 May1993), pp. 1-2.

4263. On 5 June 1993, Mladić conferred an extraordinary promotion to Rajko Kušić, Reserve Captain 1st Class, and promoted him to the rank of Reserve Infantry Major.[15421]

4264. On 20 June 1993, Mladić dispatched Dragomir Milošević, who at the time was an infantry colonel within the DK Command, to the SRK as the Chief of Staff of the SRK Command.[15422] On 7 October 1993, Mladić promoted Reserve 2nd Lieutenant Ljubiša Savić to the rank of Reserve Lieutenant in the communications division.[15423] On 7 October 1993, Mladić temporarily promoted a number of reserve officers, including Pavle Golić, Stojan Perković, Tomislav Savkić, and several others.[15424] On 14 October 1993, Mladić outlined the reasons for the early promotion of Stanislav Galić.[15425] One of the reasons set out was that as the SRK Commander, Galić 'fully contributed to the crushing of several Muslim offensives which were aimed at lifting the blockade of Sarajevo', and his contribution to the preparations for offensive operations MAČ-93 and Lukavac-93.[15426]

4265. On 2 May 1994, Mladić issued an order regulating the admission of members of the VRS to positions in the intelligence and security organs.[15427] The admission depended on a set of conditions, including an approval from the Commander of the VRS Main Staff to appoint the person in question to duties in these organs.[15428] On 11 May 1994, the DK Command sent out a notice to all DK's subordinate Commanders who had acted in contravention of Mladić's order, requiring them to cancel any appointments which had been made, and submit proposals for the appointment of candidates through the proper channels.[15429]

4266. On 30 July 1994, Mladić ordered the commanders of all Corps, the Air Force and Anti-Aircraft Defence, and the Military School Centre to attend a meeting of the enlarged Command Staff on 3 August 1994 at the VRS Main Staff Command Post in

[15421] P3684 (VRS Main Staff decision, 5 June 1993), p. 1.
[15422] P4364 (VRS Main Staff Order from Mladić, 20 June 1993), pp. 1-2.
[15423] P3657 (Mladić's promotions order, 7 October 1993), p. 2.
[15424] P5001 (Order by Mladić temporarily promoting reserve officers, 7 October 1993), pp. 1-3.
[15425] P5002 (Statement of reasons for early promotion of Stanislav Galić by Mladić, 14 October 1993), pp. 1-2.
[15426] P5002 (Statement of reasons for early promotion of Stanislav Galić by Mladić, 14 October 1993), pp. 1-2.
[15427] P5106 (Order regarding appointment of VRS members to intelligence or security positions, including Mladić's order of 2 May 1994, 11 May 1994), p. 1.
[15428] P5106 (Order regarding appointment of VRS members to intelligence or security positions, including Mladić's order of 2 May 1994, 11 May 1994), p. 1.
[15429] P5106 (Order regarding appointment of VRS members to intelligence or security positions, including Mladić's order of 2 May 1994, 11 May 1994), pp. 1-2.

order to, *inter alia*, review the current combat readiness, address problems in the Corps' areas of responsibility, and to resolve issues concerning the organisation, establishment and personnel at the level of the VRS and immediately subordinated commands and units.[15430]

4267. Mladić approved a schedule, which was signed by Manojlo Milovanović, concerning a briefing on combat readiness of the VRS taking place on 4 August 1994.[15431] The briefing was to be attended by himself, Talić, the Prime Minister, the Minister of Defence, and the Minister of the Interior of the Bosnian-Serb Republic, as well as the commands of several units, including the SRK and the DK.[15432] Topics to be discussed included the state and problems of combat readiness of the units, problems of organisation, establishment, personnel, and mobilisation tasks in the VRS, problems of financing in the VRS, and 'joint activities aimed at finding common and stable materiel and financial support for the VRS'.[15433]

4268. On 28 October 1994, Mladić issued an instruction aimed at eliminating observed problems and omissions of the command organs, and at ensuring more efficient engagement of the security and intelligence organs in the implementation of their tasks.[15434] On 23 December 1994, Mladić issued an order to the commanders and chiefs of security and intelligence organs of a number of units noting that the previous instruction had not been properly disseminated and implemented.[15435] Mladić gave further instructions on how to resolve such issues, and noted that persons who had granted unauthorized access to documents containing secret military intelligence to persons outside of those organs should be removed from their duties and criminally prosecuted.[15436]

1995

[15430] P5257 (Order by Mladić on meeting of enlarged Command Staff, 30 July 1994), pp. 1-3.
[15431] P5258 (Schedule on Briefing of Combat Readiness of the VRS, approved by Mladić, undated), pp. 1, 3.
[15432] P5258 (Schedule on Briefing of Combat Readiness of the VRS, approved by Mladić, undated), pp. 1-2.
[15433] P5258 (Schedule on Briefing of Combat Readiness of the VRS, approved by Mladić, undated), pp. 1-2.
[15434] P5108 (VRS order concerning command and control, 23 December 1994), p. 1.
[15435] P5108 (VRS order concerning command and control, 23 December 1994), pp. 1-2.
[15436] P5108 (VRS order concerning command and control, 23 December 1994), p. 2.

4269. On 13 January 1995, Mladić issued an order to a number of VRS units separating the intelligence and security departments and noting, *inter alia*, that the intelligence departments were to be subordinated to the Chief of Staff, while the security departments were to be subordinated to commanders and the security administration of the VRS Main Staff; that the chiefs of intelligence and security departments were to exchange information daily; that all VRS members coming into contact with UNPROFOR were to undergo preparations with the security organs and intelligence organs.[15437]

4270. Around late January 1995, Mladić approved a plan for a briefing on combat readiness in 1994, which was to take place on 29 and 30 January 1995.[15438] In addition to himself, the briefing was expected to be attended by the Bosnian-Serb President, government organs and MoD, as well as the commanders of all corps, the air force and anti-aircraft defence, and the Military School Centre.[15439] Topics to be discussed included general assessments of the level of combat readiness; assessment of the VRS morale; maintenance and ammunition production; equipping the VRS with modern weapons and military equipment; problems relating to the material and financial support of the VRS in the previous year and financing the VRS in 1995; defining of subsequent political and military aims and the strategy of waging the war; problems relating to the planning, development, and the financing of the VRS in 1994.[15440]

4271. On 28 January 1995, the DK Commander Milenko Živanović reported that in 1994, 54 reserve officers and 17 professional military staff were promoted by the Commander of the VRS Main Staff.[15441]

4272. On 26 February 1995, Mladić issued an order to all VRS Corps, the VJ Guards Motorized Brigade, and a number of VRS organs that any promotion which had not been proposed by VRS units and had not been discussed and approved by the VRS Main Staff would not be recognized.[15442]

[15437] P5109 (Changes in the organization of the VRS intelligence and security support, 13 January 1995), pp. 1-4.
[15438] P5260 (Schedule on briefing concerning VRS combat readiness, approved by Mladić, undated), p. 1.
[15439] P5260 (Schedule on briefing concerning VRS combat readiness, approved by Mladić, undated), pp. 1-2, 4-5.
[15440] P5260 (Schedule on briefing concerning VRS combat readiness, approved by Mladić, undated), pp. 1-5, 7.
[15441] P5259 (Analysis of combat readiness of the DK for 1994, January 1995), pp. 1, 13-14.
[15442] P5014 (VRS Main Staff Order of 26 February 1995), p. 1. The Trial Chamber refers to its finding in chapter 9.2.6 that the Guards Motorized Brigade was a VJ unit.

4273. The Trial Chamber recalls the evidence reviewed in chapter 9.6.2 that on 31 March 1995, Mladić recorded a meeting he had in Pale with the Bosnian-Serb Republic political leadership, including Karadžić, Koljević, Finance Minister Pejić, Tomo Kovač, and Krajišnik regarding the needs of the VRS.

4274. On 9 April 1995, Mladić 'exceptionally promoted' a number of individuals, including Vujadin Popović, promoted to the rank of Lieutenant Colonel; Dragan Jokić, promoted to the rank of Major; and Radomir Furtula, promoted to the rank of Lieutenant Colonel.[15443]

4275. The Trial Chamber further recalls the evidence reviewed in chapter 9.6.2 that on 15 and 16 April 1995, Mladić recorded in his notebook that he held an exposé at the 50th Session of the Bosnian-Serb Assembly in Sanski Most. Mladić noted that many Assembly members expressed strong discontent with the army, the battles it had lost over the last six months, and the manner in which it was functioning; and requested his replacement.

4276. On 28 April 1995 Mladić ordered the commands of the IBK, DK and the logistics sector of the VRS Main Staff to establish IKM-1 and IKM-2 in Zvornik and Bijeljina, respectively.[15444] A Military Police squad was engaged for the security of the Main Staff IKM, and the former IKM of the DK in Zvornik was to be abolished.[15445] The Commands of the DK and IBK were personally responsible to Mladić for creating conditions for the unimpeded functioning of IKM-1 and IKM-2.[15446]

4277. **Witness RM-284** testified that on 13 July 1995 Mladić ordered everyone in the DK present in the Bratunac command post to attend an assembly, where he announced the retirement of Zivanović and that Radislav Krstić was the new commander of the DK.[15447]

4278. On 30 October 1995, Mladić graded the performance of Major General Dragomir Milošević, Major General Milan Gvero and Major General Radovan Grubač as

[15443] P5015 (VRS Main Staff Order regarding exceptional promotions, 9 April 1995).
[15444] P5266 (Order re establishment of IKM-1 and IKM-2, 28 April 1995), p. 1.
[15445] P5266 (Order re establishment of IKM-1 and IKM-2, 28 April 1995), pp. 1-2.
[15446] P5266 (Order re establishment of IKM-1 and IKM-2, 28 April 1995), p. 2.
[15447] P1460 (Witness RM-284, *Popović et al.* transcript, 31 August 2007), pp. 14598-14600; Witness RM-284, T. 11135.

excellent, and detailed the reasons for it.[15448] Milošević was praised for, *inter alia*, 'smashing' many Muslim offences towards Sarajevo.[15449] **Ratomir Maksimović** testified that Milošević showed him positive official grades he had received from Mladić and told him that Mladić 'obviously respected everything that General Milošević was doing in his effort to preserve the Serbian territories in the Sarajevo sector'.[15450]

4279. According to an appraisal form for Radislav Krstić signed by Mladić and dated 6 November 1995, at the beginning of the war, Krstić 'put maximum effort in defence of the Serbian people'.[15451] Mladić also praised Krstić for his role in the establishment and development of the DK, and gave further details on the reasons for his appointment as DK Chief of Staff.[15452] Krstić was involved in the planning, organisation, and commanding of operations for the liberation of Srebrenica and Žepa with 'great success' despite NATO forces directly protecting Muslim formations.[15453] Under the command of Krstić, the DK 'broke down' the Muslim-NATO offensive in central Bosnia towards Podrinje.[15454]

4280. On 30 October 1995, Mladić signed an excerpt from the personnel file of General Momir Talić in the 30th Personnel Centre of the VJ General Staff, noting that Talić had successfully performed his duties and conducted the battles for the defence of Sarajevo and the liberation of Posavina and Podrinje.[15455] He received the grade of excellent.[15456]

4281. On 2 December 1995, in a speech in Vlasenica, Mladić stated that he decided to establish the DK 'in the most difficult moments for the people of Podrinje' and that he gave General Živanović the task of doing so.[15457] Mladić also invited Colonel Krstić to organize the 'people of Romanija' and to command the 2nd Romanija Brigade.[15458] Mladić further stated that General Milosević had made a great contribution to the

[15448] P5023 (Assessment of Dragomir Milošević by Mladić, 30 October 1995), p. 3; P5024 (Assessment of Milan Gvero by Mladić, 30 October 1995), p. 3; P5025 (Assessment of Radovan Grubač by Mladić, 30 October 1995), p. 3.
[15449] P5023 (Assessment of Dragomir Milošević by Mladić, 30 October 1995), pp. 1, 3.
[15450] Ratomir Maksimović, T. 26765.
[15451] P2631 (Appraisal signed by Mladić for Radislav Krstić, 6 November 1995), p. 2.
[15452] P2631 (Appraisal signed by Mladić for Radislav Krstić, 6 November 1995), p. 3.
[15453] P2631 (Appraisal signed by Mladić for Radislav Krstić, 6 November 1995), p. 3.
[15454] P2631 (Appraisal signed by Mladić for Radislav Krstić, 6 November 1995), pp. 2-3.
[15455] P2887 (Personnel file of Commander Momir Talić, 22 December 1992), pp. 1-3.
[15456] P2887 (Personnel file of Commander Momir Talić, 22 December 1992), p. 3.
[15457] P3689 (Excerpts from dictaphone cassette recordings, 2 December 1995), pp. 1, 6.
[15458] P3689 (Excerpts from dictaphone cassette recordings, 2 December 1995), p. 6.

fighting especially in Operation Cerska, Podrinje, and thanks in part to the results he achieved there, he was appointed Commander of the SRK and succeeded in defending Sarajevo.[15459]

4282. **Richard Butler** testified that the legal authority to appoint army officers in positions of authority was derived from the Law on the Army of the Bosnian-Serb Republic.[15460] According to the Law on the Army of the Bosnian-Serb Republic, the Bosnian-Serb President shall decide on the promotion of an officer to the rank of a Major General and higher, as well as appointments and transfers in 'the service of the general'.[15461] The MoD and officers in certain units and institutions shall decide on the promotion of active and reserve commissioned and non-commissioned officers to the rank of colonel, as well as appointments and transfers of officers to the rank of Colonel.[15462]

4283. **Petar Škrbić** testified that he attended all collegium meetings where promotions, appointments, and deployment of officers were discussed.[15463] He would submit proposals for promotions to Mladić as Main Staff Commander.[15464] Once a promotion was approved by Mladić, he would implement the decision and prepare the necessary order on the promotion; additionally, in the case of a promotion to the rank of General, he would prepare a decree by the President.[15465] Promotions that required a Presidential decree would normally be proposed by the witness and discussed in the collegium of Commanders of the VRS Main Staff; in some instances – as was the case with the promotion of General Krstić – the proposal was not initiated by the witness, but came directly from Mladić.[15466]

The Trial Chamber's findings

4284. The Trial Chamber recalls its finding in chapter 9.2.8 that on 28 July 1992, Mladić ordered the disarmament of all paramilitary formations, groups and individuals, in order to put them under the unified command of the VRS. The Trial Chamber further

[15459] P3689 (Excerpts from dictaphone cassette recordings, 2 December 1995), pp. 1, 8.
[15460] P2200 (Richard Butler, VRS Corps Command Responsibility Report, 5 April 2000), p. 18.
[15461] P3011 (Law on the Army of the Bosnian-Serb Republic), art. 369.
[15462] P3011 (Law on the Army of the Bosnian-Serb Republic), art. 370.
[15463] Petar Škrbić, T. 13981, 14019-14020.
[15464] Petar Škrbić, T. 13983.
[15465] Petar Škrbić, T. 13983.
[15466] Petar Škrbić, T. 13992.

recalls its finding in chapter 3.1.1 on the ethnic composition of the VRS, and further finds that on 9 June and 16 July 1992, Mladić ordered all the VRS Corps to immediately send Muslim and Croat officers on leave. He further instructed that only Muslim and Croat officers who had been judged by their superiors to have proven themselves in combat and who were willing to sign an oath and declare their acceptance of Bosnian-Serb Republic citizenship could remain in the VRS.

4285. Based on the evidence above, the Trial Chamber finds that between May 1992 and April 1995, Mladić issued orders regarding the establishment and organization of VRS organs, corps, and operations. In particular, on 11 May 1992, Mladić ordered that all mobilised units including armed Serbs, TO, and volunteer units organize, consolidate, arm, and train for combat actions. On the following day, Mladić assigned Milovanović the task of creating the VRS Main Staff. On 14 July 1992, Mladić stated that all Bosnian-Serb military formations, armed individuals, and combat assets in the Drina region should be organised into a single unit and placed under the command of the VRS. On 31 March 1995, Mladić had a meeting in Pale with the Bosnian-Serb Republic political leadership, including Karadžić and Krajišnik, to discuss the needs of the VRS. Mladić also ordered the establishment of several VRS units, as observed from his orders of 26 May and 20 October 1992, 11 May 1993, and 28 April 1995.

4286. On 4 June 1992, Mladić established the areas of responsibility of the 1KK and 2KK, SRK, IBK, and HK. On 26 June 1992, Mladić ordered that the ceremony for the state holiday and the saints day of the VRS to be held on 28 June 1992. On 28 June 1992, Mladić issued an order to all the VRS Corps and the Air Force and Anti-Aircraft Defence concerning the formation of the Anti-Aircraft Defence Artillery Rocket Units, and on 23 August 1992, he required from all the VRS Corps a list of the active personnel serving in their units.

4287. Mladić also issued specific instructions related to the training and mobilization of VRS officers, as demonstrated by his orders of 28 June 1992, 16 September 1992 and 28 October 1994. On 2 May 1994, Mladić regulated the admission of VRS members to positions in the intelligence and security organs, and on 13 January 1995, he detached these organs, noting that the intelligence departments be subordinated to the Chief of Staff, while the security organs be subordinated to the security administration of the VRS Main Staff.

4288. Mladić held briefings with Corps Commanders to discuss issues concerning the organization and mobilization of personnel, as shown by his order on 30 July 1994, and his approval of briefings to be held on 4 August 1994 and 29 to 30 January 1995.

4289. The Trial Chamber further finds that from 18 May until 31 May 1992, Mladić sent several requests to the SSNO Personnel Administration regarding the assignment of named officers to specific VRS corps and brigades, with the purpose of reinforcing units. Mladić also appointed high-ranking officers to the command of the 2KK, the 4th and 5th Podrinje Light Infantry Brigades of the DK, Ilidža Light Infantry Brigade of the SRK, 2nd Romanija Brigade, the HK, and the Višegrad Tactical Group.

4290. In addition, the Trial Chamber finds that from 18 June 1992 until at least October 1995, Mladić ordered and approved the promotion of several VRS officers, including Vujadin Popović, Dragan Jokić, Đorđe Đukić, Boro Skrobić, and Ljubiša Savić. Mladić also filled in a questionnaire for the promotion of Galić to the rank of Major General, and graded the performances of high-ranking VRS officers, including Dragomir Milošević, Gvero, Grubač, Krstić, and Talić. Mladić congratulated the 1KK for their work mopping up the Posavina corridor, and subsequently promoted a number of the Corps' officers.

4291. The Trial Chamber also finds that on 26 February 1995, Mladić issued an order to all VRS Corps, the VJ Guards Motorized Brigade, and a number of VRS organs that any promotion which had not been proposed by VRS units and had not been discussed and approved by the VRS Main Staff would not be recognized.

4292. In chapter 9.3.12, the Trial Chamber will consider whether Mladić's conduct in this respect, considered together with other acts or omissions, amounts to a significant contribution to the Overarching JCE.

9.3.3 Commanding and controlling the VRS

4293. With regard to this alleged contribution, the Defence submitted that (i) Mladić did not exercise effective command and control over the entire VRS because there were two chains of command—the traditional chain of command through the formal VRS structure and a second 'professional chain of command', which included members of security forces and the military police, over which Mladić did not have *de facto* control; (ii) due to the VRS radio-relay and radio communications system, Mladić could only

communicate with the operational level of command directly below him and therefore could not react to developments on the ground in real time; (iii) Mladić had strategic but not operational command over VRS activities and Corps Commanders possessed 'a degree of autonomy and self-initiative in making decisions'; (iv) Mladić was subordinated to the Supreme Command and its strategic decisions which limited his sphere of influence over the VRS forces; (v) as a 'state of war' was not declared, Mladić was unable to command or coordinate certain logistics of the VRS; (vi) Mladić lacked the technical abilities to exercise effective control over the events which occurred due to the 'size of the theater of conflict' and his physical absence; and (vii) there was lack of discipline within the VRS, and VRS soldiers were more influenced by personal agendas than by loyalty and obedience to the VRS.[15467]

4294. The Trial Chamber received evidence from **Husein Aly Abdel-Razek**, UNPROFOR Sector Sarajevo Commander from 21 August 1992 to 20 February 1993;[15468] **Michael Rose**, UNPROFOR Commander from 5 January 1994 to 23 January 1995;[15469] **David Harland**, an UNPROFOR Civil Affairs Officer assigned to Sarajevo as of May 1993;[15470] **Anthony Banbury**, an UNPROFOR Civil Affairs Officer in Sarajevo between March 1994 and May 1995 and later the Assistant to the UN Special Representative of the Secretary-General in Bosnia-Herzegovina;[15471] **Rupert Smith**, UNPROFOR Commander in Bosnia-Herzegovina between 23 January and December 1995;[15472] **Rajko Banduka**, a Warrant Officer Second Class and Adjutant to Mladić from May 1992 until 1995;[15473] **Branko Basara**, Commander of the 6th Krajina Brigade from 29 October 1991 to mid-December 1992;[15474] **Fejzija Hadžić**, a Bosnian Muslim from Kalinovik Municipality;[15475] **Vojin Ubiparip**, a member of the VRS 22nd Brigade since 25 August 1992;[15476] **Grujo Borić**, commander of the 2KK from July

[15467] Defence Final Brief, paras 636-637, 639-641, 643, 645-646, 648-649, 651-652, 658, 662, 669, 675, 678; T. 44702-44705, 44713-44715.
[15468] P293 (Husein Aly Abdel-Razek, witness statements), witness statement of 16 July 2002, p. 1, paras 2, 65, supplemental witness statement of 16 July 2002, p. 1; Husein Aly Abdel-Razek, T. 3578. The evidence of Husein Aly Abdel-Razek is reviewed in chapters 9.5.3.
[15469] P736 (Michael Rose, witness statement, 26 March 2009), paras 5, 195; Michael Rose, T. 6839.
[15470] P1 (David Harland, witness statement, 4 September 2009), p. 1, para. 5; David Harland, T. 661.
[15471] P874 (Anthony Banbury, witness statement, 19 May 2009), para. 3.
[15472] P785 (Rupert Smith, witness statement, 27 October 2009), paras 4, 6; Rupert Smith, T. 7287.
[15473] D711 (Rajko Banduka, witness statement, dated 14 July 2014), para. 3; Rajko Banduka, T. 27313, 27327. The evidence of Rajko Banduka is reviewed in chapter 3.1.3.
[15474] D1031 (Branko Basara, witness statement, 21 July 2014), para. 4; Branko Basara, T. 34386, 34401.
[15475] P138 (Fejzija Hadžić, witness statement, 31 January 1999), p. 1; P139 (Statement of Fejzija Hadžič, 20 October 1992), p. 1; Fejzija Hadžić, T. 1830.
[15476] D891 (Vojin Ubiparip, witness statement, 22 July 2014), paras 2-4; Vojin Ubiparip, T. 31182-31183.

1992 to December 1994;[15477] **Slavko Kralj**, Liaison Officer of the 1KK from 1992 until November 1994 and member of the Department for Relations with Foreign Military Envoys in the VRS Main Staff from 4 November 1994;[15478] **Manojlo Milovanović**, Chief of Staff and Deputy Commander of the VRS Main Staff from 1992 to 1996;[15479] **John Wilson**, UNMO Chief for UNPROFOR deployed to Sarajevo from 22 March to 24 June 1992;[15480] **Aernout van Lynden**, a Sky News journalist covering the conflict in the former Yugoslavia from Sarajevo, Pale, and Central Bosnia from May 1992 until 1995,[15481] **Pyers Tucker**, a British Army officer, who served with UNPROFOR as military assistant to General Philippe Morillon from October 1992 to March 1993;[15482] **Witness RM-511**, a member of the SRK;[15483] **Witness RM-802**, a former VRS officer;[15484] **Witness RM-088**, a Bosnian Muslim from Šekovići Municipality;[15485] **Boško Kelečević**, Chief of Staff of the 1KK from 12 May 1992 until the end of the war;[15486] **Novica Simić**, member of the VRS since 12 May 1992 and commander of the IBK from 31 August 1992 until after the war;[15487] **Robert Donia**, an expert on the history of Bosnia-Herzegovina;[15488] **Martin Bell**, a foreign affairs war correspondent for the BBC who covered the events in Bosnia-Herzegovina from around March 1992 through to the signing and implementation of the Dayton Agreement;[15489] **Đorđe Đukić,** the Assistant Commander for Logistics of the VRS Main Staff;[15490] **Milivoje Simić**, Commander of the Doboj Garrison and Commander of Task Force Doboj until

[15477] Grujo Borić, T. 34580-34581, 34586, 34599-34600, 34608.
[15478] D712 (Slavko Kralj, witness statement, June 2013), paras 3, 12; Slavko Kralj, T. 27437.
[15479] Manojlo Milovanović, T. 16889; P2211 (Signed *curriculum vitae* of Manojlo Milovanović), pp. 1-2; P2212 (VRS Main Staff Structure - organisation chart, July 1995) The evidence of Manojlo Milovanović is reviewed in chapter 3.1.3.
[15480] P320 (John Wilson, witness statement, 26 March 2009), paras 6-8, 25, 64, 93; John Wilson, T. 3919, 4020. The evidence of John Wilson is reviewed in chapter 9.5.3.
[15481] P66 (Aernout van Lynden, witness statement, 16 March 2010), paras 5, 10-11, 17, 27, 38, 40-43; Aernout van Lynden, T. 1343.
[15482] P317 (Pyers Tucker, witness statement, 10 May 2010), paras 4, 6; Pyers Tucker, T. 3751.
[15483] Witness RM-511, T. 4983, 4993, 4996, 5056; P500 (Pseudonym sheet). The evidence of Witness RM-511 is reviewed in chapter 9.5.3.
[15484] P439 (Witness RM-802, witness statement, 25 April 2012), pp. 1-2, 33; P438 (Witness RM-802, pseudonym sheet). The evidence of Witness RM-802 is reviewed in chapters 4.7.7 and 9.3.13.
[15485] P524 (Witness RM-088, witness statement, 17 October 1994), p. 1, para. 1. The evidence of Witness RM-088 is reviewed in chapters 4.2.1 *Schedule B.2.1* and 4.2.2 *Schedule C.2.1*.
[15486] D1110 (Boško Kelečević, witness statement, 26 June 2014), p. 1, paras 1, 9; Boško Kelečević, T. 37131.
[15487] P4325 (Novica Simić, *Popović et al* transcript, 19-21, 24 November 2008), pp. 28483-28485.
[15488] P1998 (Robert Donia, *curriculum vitae*, 22 August 2013); Robert Donia, T. 15492.
[15489] P832 (Martin Bell, witness statement, 8 March 2010), para. 3; Martin Bell, T. 7811-7812.
[15490] P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), p. 7.

1994;[15491] **Mihajlo Vujasin**, Company Commander and Chief of Engineers at the Rajlovac Airforce Base in Sarajevo;[15492] and **Ljubomir Obradović**, Deputy Chief of Operations and Training of the VRS Main Staff from September 1994 onwards;[15493] **Reynaud Theunens**, a military intelligence analyst;[15494] as well as documentary evidence.

4295. In this respect, the Trial Chamber will now review an illustrative, non-exhaustive compilation of orders issued by Mladić, as well as other general evidence of Mladić's role in commanding and controlling the VRS.

Regular briefings and daily reporting of subordinate units to Mladić

4296. The Trial Chamber recalls the evidence of Rajko Banduka reviewed in chapter 3.1.3 that Mladić was stationed at the VRS Main Staff command post in a villa in Crna Rijeka from 9 May 1992 until 1995. **Banduka** testified that while stationed at Crna Rijeka, Mladić had direct connections to the VRS Corps Commanders and to the Commanders of the Air Force and Anti-Aircraft Defence, but would rarely use these connections, as he spent a lot of time on the front lines.[15495] Direct lines to the Corps Commanders could not be intercepted as they were encrypted, while contact over civilian lines could be intercepted.[15496] Mladić would usually briefly communicate with the corps commanders between 6 and 7 a.m. and again in the evening, if he returned to the office by midnight.[15497] Encrypted telegrams from and to Mladić were sent from and received at the communications centre and were brought to the VRS Main Staff operations centre in Crna Rijeka; alternatively, telegrams were given to his Chief of Staff who would then deliver them to Mladić.[15498]

4297. **Manojlo Milovanović** testified that command within the VRS was centralised, going from the Supreme Command across the Main Staff, to corps commands, brigade

[15491] D921 (Milivoje Simić, witness statement, 24 July 2014), paras 6, 20; Milivoje Simić, T. 32527.
[15492] D641 (Mihajlo Vujasin, witness statement, 16 December 2012), para. 1.
[15493] P1783 (Ljubomir Obradović, *Tolimir* transcript, 29-31 March 2011), pp. 11929, 11931-11932; P1784 (VRS Main Staff structure, July 1995).
[15494] Reynaud Theunens, T.20230; P3093 (Reynaud Theunens, *curriculum vitae*, 15 October 2012), pp. 1-4.
[15495] D711 (Rajko Banduka, witness statement, 14 July 2014), para. 5; Rajko Banduka, T. 27307-27309, 27312.
[15496] D711 (Rajko Banduka, witness statement, 14 July 2014), para. 5; Rajko Banduka, T. 27308-27309.
[15497] D711 (Rajko Banduka, witness statement, 14 July 2014), para. 5; Rajko Banduka, T. 27310.
[15498] Rajko Banduka, T. 27309, 27311.

commands, battalion commands, company commands and squads; it was also continuous and every activity finished with an analysis exercise.[15499] Radovan Karadžić, as the supreme commander, had the right to issue orders and military directives two levels down to a corps commander, but was duty-bound to inform Mladić at the earliest possible moment.[15500] Milovanović testified that he always sought Mladić's approval before proceeding.[15501] The Trial Chamber further refers to the evidence of Milovanović in chapter 3.1.3 that Mladić held regular daily meetings, and occasional evening meetings, with VRS Main Staff officers. According to Milovanović, the system of command and control within the VRS worked throughout the war. VRS Commanders had to submit daily reports to the Main Staff, and Mladić was kept abreast by Milovanović of all of the main issues reported to the Supreme Command and any developments.

4298. The Trial Chamber further considered the evidence of Witness RM-802 in chapter 9.3.13 that brigades sent daily reports to the corps which then sent daily reports to the Main Staff and that Mladić was a 'hands-on' commander who visited the front often.

4299. On 13 May 1992 Milovanović relayed a verbal order from Mladić to corps commanders and commanders of the 580th Mixed Artillery Brigade and 289th Rocket Artillery Brigade, ordering that beginning on 14 May 1992, the commanders were to telephone Mladić every day between 7 and 8 a.m., and between 7 and 8 p.m., using a secure line, to report on combat operations, losses of personnel, new developments concerning the activities and conduct of the enemy, training of commanders for future work, and other important issues in their units.[15502] In Mladić's absence, reports were to be submitted to Milovanović.[15503]

4300. In his notebooks, Mladić noted several briefings with high-ranking officers regarding daily reporting, inspections of VRS units, and other matters. On 7, 8, and 9 July 1992, he was briefed by, *inter alios*, Gvero, Grubor, Đukić, and Tolimir, and issued them tasks accordingly.[15504] On 16 August 1992, he was briefed by VRS Main Staff

[15499] Manojlo Milovanović, T. 16932, 16971-16972.
[15500] Manojlo Milovanović, T. 16923.
[15501] Manojlo Milovanović, T. 16973.
[15502] P3057 (Relayed oral order that all units are to report to Mladić daily, 13 May 1992), p. 1.
[15503] P3057 (Relayed oral order that all units are to report to Mladić daily, 13 May 1992), p. 1.
[15504] P353 (Mladić notebook, 27 May 1992 - 31 July 1992), pp. 299-308.

officers on general matters related to the intelligence and personnel organs.[15505] On 23 May 1993, 22 February 1994, and 21 August 1994 Mladić was briefed by VRS officers on inspections of VRS corps.[15506]

4301. On 25 September 1992, pursuant to a request from the Bosnian-Serb Presidency, Mladić issued an order to VRS subordinate units, including the 1KK and 2KK, to include in their regular combat reports detailed information about crimes committed against Serbs by the 'Croatian-Muslim coalition'. A commission was to be established to collect this information. According to the order, this was an important task because the 'enemy side' was recording Serb victims as their own and submitting this information to international humanitarian organizations and embassies.[15507]

4302. On 25 November 1992, Mladić ordered the commands of VRS subordinate units, including the 1KK and 2KK, IBK, and the SRK, to take all anti-sabotage security measures to secure important economic facilities and fire positions in artillery and mortar units.[15508] Mladić ordered that the commands provide information on the operations and the results in regular combat reports.[15509]

4303. In 1992, Mladić issued the VRS Main Staff Instructions on Duty Operations in the VRS in Wartime, which would come into effect on 1 January 1993.[15510] Operation centres were to collect information through the MUP and other regional institutions and to issue command, situation, and coordination reports, and reports on adjacent units.[15511] The VRS Main Staff Operation Centre was to prepare daily reports for the Supreme Command, based on, *inter alia*, all the daily reports received from the operation centres.[15512]

4304. On 15 April 1993, Mladić issued an order to VRS subordinate commands regarding the irregular submission of daily combat reports, wherein he emphasized the

[15505] P354 (Mladić notebook, 16 July 1992 - 9 September 1992), pp. 65-72.
[15506] P358 (Mladić notebook, 2 April 1993 - 24 October 1993), pp. 139-142; P360 (Mladić notebook, 9 January 1994 - 21 March 1994), pp. 116-125; P361 (Mladić notebook, 31 March 1994 - 3 September 1994), pp. 295-302.
[15507] P5053 (Order by Mladić dealing with victims on the 'Croatian-Muslim Coalition', 25 September 1992).
[15508] P2905 (Order from Main Staff of VRS concerning operations, signed by Mladić, dated 25 November 1992), p. 1.
[15509] P2905 (Order from Main Staff of VRS concerning operations, signed by Mladić, dated 25 November 1992), p. 2.
[15510] P5067 (VRS Main Staff Instructions on Duty Operations in Wartime, 1 January 1993), pp. 1-2, 4.
[15511] P5067 (VRS Main Staff Instructions on Duty Operations in Wartime, 1 January 1993), p. 8-9.
[15512] P5067 (VRS Main Staff Instructions on Duty Operations in Wartime, 1 January 1993), p. 9.

need for the timely submission of daily reports.[15513] The order moreover relieved all corps commands from monitoring NATO flights and the submission of information thereon as this was being conducted by the Anti-Aircraft defence.[15514] Corps commands were, however, still under a duty to submit reports on situations of special circumstances.[15515]

4305. On 17 November 1994, Mladić sent an order to the Commands of the HK, the DK, the SRK, and to the VJ Guards Motorized Brigade, the Logistics Sector of the VRS Main Staff, and the 30th Logistics Base, concerning the allocation and preparation of forces for the execution of an offensive operation on the Kalinovik-Bjelimić-Konjic axis.[15516] Corps commanders, as well as the commander of the VJ Guards Motorized Brigade, were to be personally responsible to Mladić for the proper equipping of units engaged in the operation, as well as for the consistent and responsible execution of tasks.[15517] Reports were to be submitted to Mladić on the re-subordination of units from the DK, SRK, and the VJ Guards Motorized Brigade, as part of the regular submission of combat reports once the operation commenced.[15518]

4306. **Novica Simić** testified that when present in the zone of a corps, every officer from the VRS Main Staff had at his disposal the entire communication system of that corps, namely radio, radio relay, teleprinter, military and civilian police lines, protected or secure lines, to communicate with the VRS Main Staff and VRS units.[15519] Moreover, there was daily phone communication between the Main Staff and the corps commanders.[15520] Simić testified that he spoke over the phone with Mladić or Main Staff officers every evening from approximately 8 p.m. to 9 p.m.[15521] They also had the right to call Mladić whenever an extraordinary situation arose or when there was a need to inform Mladić of something.[15522] Most of the time, Mladić would call from the room where they held regular meetings at the headquarters of the Main Staff, but when

[15513] P5070 (Order on timely submission of daily combat reports, 15 April 1993), para. 1.
[15514] P5070 (Order on timely submission of daily combat reports, 15 April 1993), para. 2.
[15515] P5070 (Order on timely submission of daily combat reports, 15 April 1993), para. 2.
[15516] P5197 (Order from Mladić addressed *inter alia* to various VRS corps concerning the preparation for offensive operation, 17 November 1994), p. 1.
[15517] P5197 (Order from Mladić addressed *inter alia* to various VRS corps concerning the preparation for offensive operation, 17 November 1994), pp. 1-2.
[15518] P5197 (Order from Mladić addressed *inter alia* to various VRS corps concerning the preparation for offensive operation, 17 November 1994), p. 2.
[15519] P4325 (Novica Simić, *Popović et al.* transcript, 19-21, 24 November 2008), pp. 28530, 28532.
[15520] P4325 (Novica Simić, *Popović et al.* transcript, 19-21, 24 November 2008), pp. 28492-28494.
[15521] P4325 (Novica Simić, *Popović et al.* transcript, 19-21, 24 November 2008), pp. 28493-28494.
[15522] P4325 (Novica Simić, *Popović et al.* transcript, 19-21, 24 November 2008), pp. 28493-28494

Mladić was not there, they would be in contact with him from wherever he was.[15523] Simić also testified that the occasions in which they would not communicate daily with Mladić were very rare.[15524]

4307. From 29 to 31 January 1995, upon Mladić's request, a meeting of the Main Staff was held in Han Pijesak in the presence of Karadžić, the Prime Minister, the Minister of Defence, Mladić, Milovanović, and various corps commanders, including the witness himself, and commanders of units which had links with the Main Staff.[15525] During this meeting, unit commanders held briefings on the military situation and tasks executed in 1994.[15526] The level of combat readiness was assessed in order for the Main Staff and Supreme Command to define new strategic tasks.[15527]

4308. On 22 April 1995, Mladić ordered all unit commands to submit information about their ammunition and fuel usage in their daily combat reports as of 26 April 1995.[15528]

4309. According to an order dated 25 April 1995 signed by Major General Novica Simić, Commander of the IBK, and addressed to his subordinate units, it was obligatory for officers, TG commanders and chiefs of staff, their assistants, and battalion commanders to attend an upcoming briefing by Mladić on 26 April 1995.[15529]

4310. On 14 July 1995, Mladić informed, *inter alios*, the Supreme Commander, the VJ General Staff, the SVK Main Staff, and various VRS Corps, including the 1KK and IBK, that due to failure of power supply to the Veliki Žep Stationary Communications Centre, the VRS Main Staff communications centre would operate only from 8 p.m. until 8 a.m. the next day.[15530] Mladić instructed that any information the commands had

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[15523] P4325 (Novica Simić, *Popović et al.* transcript, 19-21, 24 November 2008), p. 28494.
[15524] P4325 (Novica Simić, *Popović et al.* transcript, 19-21, 24 November 2008), p. 28494.
[15525] P4325 (Novica Simić, *Popović et al.* transcript, 19-21, 24 November 2008), pp. 28498-28499; P4326 (Main Staff order regarding briefing on VRS combat readiness in 1994, signed Ratko Mladić, 23 January 1995), pp. 1-2.
[15526] P4325 (Novica Simić, *Popović et al.* transcript, 19-21, 24 November 2008), pp. 28500-28501; P4326 (Main Staff order regarding briefing on VRS combat readiness in 1994, signed Ratko Mladić, 23 January 1995), pp. 1-2, 4-6.
[15527] P4325 (Novica Simić, *Popović et al.* transcript, 19-21, 24 November 2008), pp. 28500-28501; P4326 (Main Staff order regarding briefing on VRS combat readiness in 1994, signed Ratko Mladić, 23 January 1995), pp. 1-2, 4-6.
[15528] P5098 (Order by Mladić requiring information on daily consumption of ammunition, 22 April 1995), pp. 1-3.
[15529] P5265 (IBK Order re obligatory attendance at briefing by Mladić, 25 April 1995), pp. 1-3.
[15530] P2122 (Notification on limited operation hours of the VRS Main Staff communication centre, 14 July 1995), p. 1.

for the VRS Main Staff should be prepared and exchanged during those operating hours.[15531]

Inspections and visits to VRS units by Mladić

4311. **Đorđe Đukić** stated that Mladić would issue orders directly during his visits to the corps.[15532] According to Đukić, Mladić very often directly participated in and monitored the work of the commands, and he often also took direct command of some operations, such as in Goražde, Igman, Srebrenica, Žepa and Bihać.[15533]

4312. **Boško Kelečević** testified that his corps received orders and directives directly from the VRS Main Staff, which then were turned into operational directives by Talić and the corps command.[15534] Mladić and other VRS Main Staff officers would regularly visit the 1KK.[15535] During a 16 July 1992 tour of inspection of the 1KK in Duge Njive attended by Mladić, Commander Colonel Ilić stated that the Muslim population in Zvornik Municipality had radically decreased and that the Corps was using prisoners to pick peaches and to dig up soya.[15536] On 17 July 1992, VRS General Momir Talić informed all units of the 1KK that Mladić, accompanied by core members of the command, had visited the OG Doboj Command near Trebava Mountain, the town of Odžak, and the Command of TG 1 on 16 July 1992.[15537] Mladić left after congratulating and thanking the soldiers for the 'success achieved' in combat operations.

4313. On 2 March 1993, Mladić ordered a team from the VRS Main Staff to tour and inspect part of the DK units to gain insight into their combat readiness.[15538] On 5 March 1993, Mladić sent an assessment report of the DK units' state of combat readiness to the DK Command, recommending that it study the report, draw up a plan to eliminate the shortcomings, and incorporate the set assignments into its working plan.[15539] According

[15531] P2122 (Notification on limited operation hours of the VRS Main Staff communication centre, 14 July 1995), p. 1.
[15532] P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), p. 14.
[15533] P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), p. 14.
[15534] Boško Kelečević, T. 37148.
[15535] Boško Kelečević, T. 37148.
[15536] P354 (Mladić notebook, 16 July - 9 September 1992), pp. 8, 11, 13-14.
[15537] P3060 (1KK Command Report, 17 July 1992), p. 1.
[15538] P3062 (DK tour and inspection order from Mladić, 2 March 1993), pp. 1, 3.
[15539] P5241 (Mladić's order to the DK Command on their state of combat readiness, 5 March 1993), p. 1.

to a DK regular combat report of 11 March 1993, Mladić visited the Višegrad TG Command, where intense reconnaissance activities were underway.[15540]

4314. According to a VRS Main Staff order to the SRK Command, dated 1 March 1994 and signed by Mladić, pursuant to a VRS Main Staff order dated 24 February 1994, a team from the VRS Main Staff conducted an inspection and provided assistance with the regrouping of SRK artillery, the technical working order and readiness for action of artillery weapons and anti-aircraft defence equipment, and the state of combat readiness of the commands of the SRK units.[15541]

4315. On 22 May 1994, Mladić visited the Zvornik Brigade Command.[15542] At the time of this visit, 'enemy forces' were attacking positions of the Brnjica Company defended by the Zvornik Brigade 5th Infantry Battalion and NATO aircraft were provocatively flying near the Bosnian-Serb positions.[15543]

4316. On 13 June 1994 Mladić ordered the 1KK, 2KK, SRK, IBK, HK, Air Force and Anti-Aircraft Defence, Sarajevo Communications Centre of the VRS, 14th, 27th, 30th, and 35th Anti-Armour Battalion, VJ Guards Motorized Brigade, 65th Motorised Protection Regiment, 67th Infantry Platoon, 172nd Anti-Aircraft Defence Medium Self-Propelled Rocket Regiment, and the VRS Main Staff alternate command post, to carry out a team field inspection of VRS commands and units between 16 June 1994 and 2 July 1994.[15544] The purpose of the inspection was to obtain information on, *inter alia*, the situation in commands and units; the levels and readiness of VRS units; and the implementation of the tasks listed in Directives 1 to 6.[15545]

4317. According to a 4 May 1995 combat report sent by the Commander of the 1st Bratunac Light Infantry Brigade, Lieutenant Colonel Slavko Ognjenović, to the DK Command, Mladić visited the 1st Bratunac Light Infantry Brigade and 'inspected a parade of the Intervention Battalion'.[15546]

4318. On 12 May 1995, Mladić ordered the VRS Main Staff Chief of Staff, the Assistant for Moral Guidance and Psychological Propaganda, the Chief of

[15540] P4272 (DK regular combat report, 11 March 1993), p. 1.
[15541] P4344 (VRS Main Staff order, 1 March 1994), pp. 1, 5.
[15542] P4273 (Zvornik Brigade regular combat report, 23 May 1994), p. 1.
[15543] P4273 (Zvornik Brigade regular combat report, 23 May 1994), p. 1.
[15544] P3064 (Field Inspection order from Mladić, 13 June 1994), pp. 1, 4.
[15545] P3064 (Field Inspection order from Mladić, 13 June 1994), p. 2.
[15546] P5268 (Combat report concerning Mladić's visit to the 1st Bratunac Light Infantry Brigade, 4 May 1995).

Administration, the Chief of Anti-Aircraft Defence, and the DK to establish three teams of VRS Main Staff officers to assist in the operations named *Spreča-95* and *Plamen-95*.[15547] Milovanović, Colonel Savo Šokarović, Lieutenant General Milan Gvero and Colonel Ljubiša Beara, among others, composed the teams.[15548] They were ordered to, *inter alia*, inspect IKMs and assess the combat readiness of VRS units.[15549] The team leaders were to report to Mladić daily on their activities, and were responsible to him for the implementation of these orders.[15550]

4319. **Grujo Borić** testified that Mladić would visit the 2KK for a few days at least twice a month, and would tour the entire front line together with the witness; he was therefore aware of the situation on the frontline without the witness having to report to him.[15551] Furthermore, the combat operations of the 2KK were planned in response to larger directives from the VRS Main Staff.[15552] The witness and other corps commanders were briefed on the 'strategic objectives for the Serbian people in Bosnia-Herzegovina' by Mladić and Karadžić.[15553] Mladić then issued orders setting out the tasks of the corps under his command which were necessary for the realization of the Strategic Objectives and the witness would implement them by issuing orders to the brigades under his command.[15554] However, units of the 2KK were not deployed to the Podrinje area in order to assist the DK in implementing the tasks assigned to it in Directive no. 4.[15555]

4320. **Vojin Ubiparip** testified that Mladić often came to visit the 22nd Brigade, usually without announcing his visits because he wanted to see the actual situation in the units.[15556] During his visits he would inquire about the situation at the front.[15557]

4321. **Milivoje Simić** stated that Mladić came to Doboj for meetings on three or four occasions, including a visit to the command post in Duge Njive on 16 July 1992.[15558]

[15547] P5269 (Order from Mladić re the establishment of three teams for *Spreča*-95 and *Plamen-95*, 12 May 1995), p. 1.
[15548] P5269 (Order from Mladić re the establishment of three teams for *Spreča*-95 and *Plamen-95*, 12 May 1995), p. 1.
[15549] P5269 (Order from Mladić re the establishment of three teams for *Spreča*-95 and *Plamen-95*, 12 May 1995), pp. 1-2.
[15550] P5269 (Order from Mladić re the establishment of three teams for *Spreča*-95 and *Plamen-95*, 12 May 1995), p. 2.
[15551] Grujo Borić, T. 34596.
[15552] Grujo Borić, T. 34628.
[15553] Grujo Borić, T. 34660-34661.
[15554] Grujo Borić, T. 34660-34661.
[15555] Grujo Borić, T. 34662.
[15556] D891 (Vojin Ubiparip, witness statement, 22 July 2014), para. 23.

Analysis of the combat readiness of VRS units by Mladić

4322. Mladić approved an agenda for a briefing on the combat readiness of the VRS in 1992.[15559] According to a VRS Main Staff analysis dated 5 April 1993 and signed by Karadžić, into which the agenda was embedded, the VRS had been under a single command and control structure in 1992, despite being initially composed of a large number of different armies and paramilitary formations.[15560] Decisions on the engagement of VRS forces were taken at meetings headed by Mladić with organs of the Main Staff.[15561] The presence of Mladić, or of a representative of the Main Staff, in the units carrying out the mission of the liberation of Podrijne was 'a specific way of giving weight to and steering combat operations towards a single goal'.[15562]

4323. Mladić approved another agenda for a briefing on combat readiness of the VRS for the period between 1 January and 1 June 1993.[15563] High-ranking officers, including Talić, Borić, Galić, Milovanović and Tolimir were to give presentations on their respective sectors of the VRS.[15564] Mladić was scheduled to give closing remarks and assign tasks to subordinate units.[15565]

4324. On 21 March 1993, Mladić ordered all officers at all levels of command in the VRS to report on the combat readiness of their respective units to their superior officer, his deputy, or any other person authorised to inspect the unit. These people, in turn, were obliged to report further to the VRS Commander, the VRS Main Staff Chief of Staff and the Bosnian-Serb President. Mladić instructed that reports could not be sent to civilian government organs or any other person.[15566]

[15557] D891 (Vojin Ubiparip, witness statement, 22 July 2014), para. 23.
[15558] D921 (Milivoje Simić, witness statement, 24 July 2014), para. 28; Milivoje Simić, T. 32528, 32553.
[15559] P338 (VRS Main Staff Analysis of the Combat Readiness and Activities of the VRS in 1992, April 1993), pp. 4-6.
[15560] P338 (VRS Main Staff Analysis of the Combat Readiness and Activities of the VRS in 1992, April 1993), pp. 4, 7, 153, 157.
[15561] P338 (VRS Main Staff Analysis of the Combat Readiness and Activities of the VRS in 1992, April 1993), p. 8.
[15562] P338 (VRS Main Staff Analysis of the Combat Readiness and Activities of the VRS in 1992, April 1993), p. 160.
[15563] P5240 (Plan on briefing on combat readiness for period from 1 January to 1 June 1993), p. 1.
[15564] P5240 (Plan on briefing on combat readiness for period from 1 January to 1 June 1993).
[15565] P5240 (Plan on briefing on combat readiness for period from 1 January to 1 June 1993), p. 2.
[15566] P5068 (Order on reporting lines within the VRS, 21 March 1993), p. 1.

Orders related to ceasefire agreements

4325. On 16 May 1993, Mladić ordered all Corps Commands and the Air Force and Anti-Aircraft Defence to ensure strict observance of the ceasefire agreement and cessation of all hostilities signed on 8 May 1993 by Mladić and ABiH Commander, General Sefer Halilović.[15567] Mladić ordered them to prevent any unauthorised firing and to respond to enemy fire only if absolutely necessary.[15568] On 19 May 1993, Chief of Staff of the DK, Milutin Skočajić, forwarded Mladić's order to subordinate units of the DK and instructed them to adhere to the order.[15569]

4326. On 16 May 1993, a meeting between HVO General Petković and Mladić, chaired by UNPROFOR Commander General Morillon, took place at the Sarajevo airport.[15570] During the meeting, a mutual ceasefire, set to commence on 18 May 1993 at noon, was agreed upon and signed by Petković and Mladić, with Morillon signing as witness.[15571] Both sides agreed to order troops to cease all hostilities, expedite the process of 'POW' exchanges, begin the exchange of dead bodies, and permit freedom of movement for the civilian population and humanitarian convoys.[15572]

4327. On 29 July 1993, pursuant to an order from Karadžić regarding the Geneva peace negotiations, Mladić ordered all Corps Commands and the Air Force and Anti-Aircraft Defence to adhere to a general cessation of fire in the whole territory of the Bosnian-Serb Republic as of 30 July 1993 at noon.[15573] Commanders were to answer personally to Mladić regarding the implementation of the order.[15574]

4328. On 22 April 1994, Slobodan Milošević, Karadžić, and Akashi, the UNSG Special Representative, met in Belgrade to discuss stabilisation of the situation in the Goražde area. Later that day, Mladić ordered the DK Command, the HK, and the Višegrad and Rina TGs to stop all combat activities immediately, and to go into defence on the front line towards Goražde. He further ordered them not to open any fire against

[15567] D1511 (Order by Mladić to observe ceasefire agreement and DK order, 16 and 17 May 1993), pp. 2-3.
[15568] D1511 (Order by Mladić to observe ceasefire agreement and DK order, 16 and 17 May 1993), p. 3.
[15569] D1511 (Order by Mladić to observe ceasefire agreement and DK order, 16 and 17 May 1993), pp. 1-2.
[15570] D1625 (Signed agreement and summary of ceasefire meeting between Mladić and General Petković, 16 May 1993), pp. 1-3.
[15571] D1625 (Signed agreement and summary of ceasefire meeting between Mladić and General Petković, 16 May 1993), pp. 2-3.
[15572] D1625 (Signed agreement and summary of ceasefire meeting between Mladić and General Petković, 16 May 1993), p. 3.
[15573] D1982 (Order on the implementation of a ceasefire, 29 July 1993).

the town of Goražde, and to refrain from firing at or provoking Muslim armed forces until the following day.[15575]

Directives and general orders issued by Mladić to subordinate units

4329. On 12 May 1992, at the 16th Session of Bosnian-Serb Assembly, Mladić referred to the need of discipline and 'absolute obedience' in the VRS.[15576]

4330. **Fejzija Hadžić** testified that in April or May 1992, Serb artillery guns were directed at the Muslim village of Golubići in Kalinovik Municipality.[15577] On Mladić's command, the artillery guns were moved for a short while, but in August 1992 they were reinstated in the same position and used to bombard the village.[15578]

4331. On 22 May 1992, Mladić ordered Lieutenant Colonel Miličević, just after having occupied Brezova Kosa, to keep every inch of the territory and the barracks under control and to fight a possible encirclement.[15579] Miličević was not allowed to contact or negotiate with the villages around the barracks and, in case 'they' tried anything or came within the range of Miličević's heaviest weapons, Mladić ordered him to burn down Pazarić, Tarčin, and 'everything around' and chase 'them' into the mountains.[15580] He further ordered Miličević to 'fight' because 'this is war, not theatre'.[15581]

4332. On 23 June 1992, Mladić issued a directive to the commands of the IBK and the Birač and Zvornik Brigades, ordering that specified areas be cleansed of '*Ustašas*'.[15582] In order to carry out this operation, Mladić gave detailed instructions to subordinate VRS units on how to conduct their combat activities.[15583] The activities were to be

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[15574] D1982 (Order on the implementation of a ceasefire, 29 July 1993).
[15575] P5040 (Order from Mladić regarding a ceasefire in Goražde, 22 April 1994).
[15576] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), pp. 1, 42.
[15577] P138 (Fejzija Hadžić, witness statement, 31 January 1999), p. 3.
[15578] P138 (Fejzija Hadžić, witness statement, 31 January 1999), p. 3; Fejzija Hadžić, T. 1846.
[15579] P4149 (Intercepted telephone conversation between Mladić and Lieutenant Colonel Miličević, 22 May 1992), pp. 1-3.
[15580] P4149 (Intercepted telephone conversation between Mladić and Lieutenant Colonel Miličević, 22 May 1992), pp. 3-4.
[15581] P4149 (Intercepted telephone conversation between Mladić and Lieutenant Colonel Miličević, 22 May 1992), p. 3.
[15582] P3673 (VRS Main Staff Directive on the expansion of the corridor between Romanija and Semberija and liberation of the roads in the central watercourse of the Drina River, 23 June 1992), pp. 1, 3, 7.
[15583] P3673 (VRS Main Staff Directive on the expansion of the corridor between Romanija and Semberija and liberation of the roads in the central watercourse of the Drina River, 23 June 1992), pp. 4-5.

unified and coordinated by Colonel Milenko Živanović on behalf of the VRS Main Staff.[15584]

4333. On 26 June 1992, Mladić informed the Command of the 1KK of his approval of the latter's 'decision on offensive operations'. Mladić, however, pointed out that the large quantity of ammunition which the 1KK had requested could not be supplied because transportation by road was risky and the possibilities for delivery by helicopter were limited. Mladić then advised the Command of the 1KK to create a suitable landing area for helicopters and inform the Main Staff accordingly.[15585]

4334. On 28 June 1992, Mladić ordered VRS subordinate commands and the Air Force and Anti-Aircraft Defence to prevent the use of equipment and Anti-Aircraft Defence Artillery Rocket Units for any purpose other than as designated, and to pay due attention to fortifying and camouflaging, constructing decoy firing positions, and applying anti-aircraft protection measures.[15586]

4335. On 2 July 1992, Mladić issued an order to all VRS units to prevent any combat activities in their zones of responsibility by individuals or groups who were not members of the VRS or the MUP.[15587] All VRS members were obliged to wear uniform insignia in accordance with the Law of the Army. If any individuals or groups appeared within the units' zone of responsibility, these units were ordered to receive them, conduct a security check, place them under VRS command, give them the appropriate insignia, and report the incident to the Main Staff. Moreover, the Main Staff did not grant any verbal authorisations and only issued written orders.[15588]

4336. On 6 July 1992, Mladić defined as tasks of the VRS the lifting of the blockade of Goražde, the control of the Rogatica-Kukavice-Goražde road, the occupation of the elevations which dominated that road, and the evacuation from and provision of supplies to Goražde.[15589] Mladić ordered members of the participating units to wear

[15584] P3673 (VRS Main Staff Directive on the expansion of the corridor between Romanija and Semberija and liberation of the roads in the central watercourse of the Drina River, 23 June 1992), p. 6.
[15585] P3672 (VRS Main Staff Approval of the 1KK Decision, 26 June 1992), p. 1.
[15586] P4982 (VRS Main Staff order by Mladić, 28 June 1992), p. 2.
[15587] P5052 (Order by Mladić to prevent criminal activities and false impersonation, 2 July 1992), pp. 1-2.
[15588] P5052 (Order by Mladić to prevent criminal activities and false impersonation, 2 July 1992), p. 2.
[15589] P3680 (Order by the VRS Main Staff regarding the lifting of the blockade of Goražde, 6 July 1992), pp. 2-4.

prescribed insignia of the VRS in order to avoid being misidentified as other units who were hostile.[15590]

4337. Acting pursuant to an order issued by the Main Staff on 6 July 1992, the SRK, in coordination with the Foča TG, deployed elements from the 2nd Romanija Motorised Brigade and 'defence forces' from Rogatica and Goražde, to secure the Rogatica-Mesići-Goražde road and break the siege of Goražde.[15591] During this operation, the Serb side incurred losses in personnel and equipment.[15592] To prevent future losses in a similar manner, on 21 July 1992, Mladić instructed the Goražde forces to permanently monitor and man the Jabuka-Mesići axis.[15593] Mladić also placed all forces operating in the northern parts of Goražde area under the command of the 2nd Romanija Motorised Brigade and reminded all elements of the VRS that had participated in the previous attempt to break the siege of Goražde to respect the agreed truce.[15594]

4338. On 7 July 1992, Mladić ordered the SRK Command to dispatch two 100 millimetre artillery guns each to the Birač Brigade and the Sokolac Brigade, as part of preparations for combat operations in Eastern Bosnia.[15595]

4339. On 12 July 1992, Mladić ordered the IBK Command to deploy the Zvornik Brigade, or any other available force, within two or three days, in order to protect the right flank of the Birač Brigade and to secure the Sarajevo-Šekovići-Zvornik road.[15596]

4340. On 18 July 1992, Mladić informed his subordinates that the ceasefire agreement negotiated in London would come into force the following day and instructed them to use the intervening time to engage in fortification activities and improve their operative and tactical positions on the frontlines with a view to enhancing the negotiating position of the Bosnian-Serb leadership.[15597]

4341. The Trial Chamber recalls its review of Mladić's order of 28 July 1992 in chapter 9.2.8 wherein he ordered the disarmament of all paramilitary groups and individuals in the territory of the Bosnian-Serb Republic in order to put all armed formations under the unified command of the VRS.

[15590] P3680 (Order by the VRS Main Staff regarding the lifting of the blockade of Goražde, 6 July 1992), p. 5.
[15591] P3681 (Order of the VRS Main Staff concerning Goražde, 21 July 1992), p. 1.
[15592] P3681 (Order of the VRS Main Staff concerning Goražde, 21 July 1992), pp. 1-2.
[15593] P3681 (Order of the VRS Main Staff concerning Goražde, 21 July 1992), pp. 1-2.
[15594] P3681 (Order of the VRS Main Staff concerning Goražde, 21 July 1992), p. 2.
[15595] P3679 (Order of the VRS Main Staff to SRK Command, 7 July 1992).
[15596] P3675 (Order of the VRS Main Staff to the IBK, 12 July 1992), pp. 1-2.

4342. On 3 August 1992, Mladić issued Directive No. 3, in which he set specific tasks for the 1KK, 2KK, IBK, SRK and HK, and ordered them to, *inter alia*, crush '*Ustaša*' forces.[15598]

4343. On 5 August 1992, Mladić ordered the 1KK Command to liberate Gradačac town in coordination with the IBK, and Jajce town in coordination with the 2KK, and gave further instructions about the operation.[15599] Mladić emphasized that subordinate commanders should be prevented from directly approaching the Main Staff for replenishment of ammunition and mines and explosives, as it had to be done centrally through the Corps Command.[15600]

4344. On 15 August 1992, the 1KK Command informed General Talić and Colonel Galić that pursuant to a verbal order issued by Mladić that same day at 7:30 p.m., the Doboj TG 3 and the 30th Krajina Division were expected, irrespective of any difficulties, to carry out their respective assignments within two or three days.[15601]

4345. In a 16 August 1992 briefing by VRS Main Staff organs, attended by Mladić, the VRS Main Staff Chief of Staff reported that a 15 August 1992 deadline for paramilitaries to disarm had passed and a report had been received only from the 2KK.[15602]

4346. On 18 August 1992, in order to lift the Bosnian-Muslim blockade of Goražde and to secure the Rogatica-Mesići-Goražde road, Mladić ordered the 2nd Romanija Motorised Brigade to, *inter alia*, form a combat group to take charge of a food and ammunition convoy, and to converge with the forces of 1st Podrinje Light Infantry Brigade to take control of the Rogatica-Mesići-Jelah road.[15603]

4347. Also on 18 August 1992, the 1KK Command conveyed to commanders of its subordinate units a set of instructions which Mladić issued to prevent desertion and maintain the requisite levels of manpower and combat readiness in the VRS.[15604]

[15597] P3676 (Order of the VRS Main Staff on London ceasefire agreement, 18 July 1992), pp. 1-2.
[15598] P1963 (VRS Main Staff Directive 3, type-signed by Ratko Mladić, 3 August 1992), pp. 4-5.
[15599] P4045 (Order by Mladić to the 1KK Command amending a decision on further operations, 5 August 1992).
[15600] P4045 (Order by Mladić to the 1KK Command amending a decision on further operations, 5 August 1992).
[15601] P3665 (1KK Command communication forwarding oral order from Ratko Mladić, 15 August 1992).
[15602] P354 (Mladić notebook, 16 July - 9 September 1992), pp. 65, 71-72.
[15603] P3667 (Order of the VRS Main Staff to lift the blockade of Goražde, 18 August 1992), pp. 1-2.
[15604] P3666 (Communication of the Command of the 1KK forwarding Mladić's order for the prevention of desertion, 18 August 1992), p. 1.

4348. On 23 August 1992, Mladić reported that a military operation conducted by the Višegrad Tactical Group and elements from the 2nd Romanija Motorised Brigade three days earlier, had proved unable to break the siege of Goražde.[15605] Mladić then issued detailed instructions to the commanders of various VRS units to prepare and carry out a joint military operation around Goražde on 25 August 1992.[15606] Mladić entrusted the VRS Main Staff with the task of directly commanding the envisaged military operation against Goražde. He also instructed the VRS Main Staff to formulate a plan for the creation of a system of communications for the operation in question. VRS forces engaged in this operation were instructed to wear regulation insignia of the VRS.[15607]

4349. According to **Branko Basara**, a consultation on the state of the VRS with all commanders of brigades, operations and TGs and senior officers of the 1KK Command was held under Mladić's leadership on 13 September 1992.[15608] All the presidents of municipal assemblies and MUP chiefs were in attendance.[15609] Mladić issued, *inter alia*, the following tasks: women should be first trained and then engaged in combat operations as well; there should be extended maximum support to the civilian authorities and the MUP; and behaviour towards UNPROFOR should be correct but not humble.[15610] Finally, Mladić stressed the aim of unity among the Serbs and said that anyone spreading rumours, slandering officers or organs of authority, should be considered an enemy of the 'Serbian' people and should be tried.[15611] According to the witness, this report was to be considered an order, and all tasks contained in it were to be carried out in full.[15612]

4350. On 19 September 1992, Mladić informed the commanders of the SRK, HK, 2nd Romanija Motorised Brigade, and Rogatica Brigade, as well as the Višegrad and Foča TGs that following activity by Bosnian-Muslim forces in the area of Goražde, the primary objective of the VRS was to defend the Višegrad hydroelectric power plant and

[15605] P3660 (VRS Main Staff Order on the lifting of the blockade of Goražde, 23 August 1992), pp. 1-2.
[15606] P3660 (VRS Main Staff Order on the lifting of the blockade of Goražde, 23 August 1992), pp. 1-3, 5.
[15607] P3660 (VRS Main Staff Order on the lifting of the blockade of Goražde, 23 August 1992), p. 4.
[15608] Branko Basara, T. 34536-34537; P7324 (Report by Branko Basara on consultation of the state of the VRS under the leadership of Mladić, 16 September 1992), p. 1.
[15609] P7324 (Report by Branko Basara on consultation on the state of the VRS under the leadership of Mladić, 16 September 1992), p. 1.
[15610] P7324 (Report by Branko Basara on consultation on the state of the VRS under the leadership of Mladić, 16 September 1992), pp. 2-3; Branko Basara, T. 34538.
[15611] P7324 (Report by Branko Basara on consultation on the state of the VRS under the leadership of Mladić, 16 September 1992), pp. 2-3.
[15612] P7324 (Report by Branko Basara on consultation on the state of the VRS under the leadership of Mladić, 16 September 1992), p. 3.

the town of Višegrad to create the necessary conditions for the return of combatants and residents of the Drina River valley in the area of Goražde.[15613] Mladić then ordered these units to be ready for combat and issued instructions accordingly.[15614] Colonel Pane Matić was put in charge of this operation and Rajko Kušić, the Commander of Rogatica Brigade, was assigned as his deputy.[15615]

4351. On 20 September 1992, after reporting that the Višegrad Brigade had obtained the resources and manpower to deal with the threat to the Višegrad hydroelectric power plant and the town of Višegrad on its own, Mladić amended the instructions he issued the previous day to the 2nd Romanija Motorised Brigade, the Rogatica Brigade, and the Višegrad and Foča Tactical Groups and ordered them to launch a closely coordinated attack along the Rogatica-Kukavica-Jabučko Sedlo-Goražde axis.[15616]

4352. On 2 October 1992, Mladić ordered corps commands and lower-level commands of the VRS not to negotiate or sign any agreements or treaties with international institutions either independently or on behalf of the republican leadership and the VRS Main Staff.[15617] Mladić stated that only the Presidency, the Government, and the VRS Main Staff may negotiate and sign such agreements.[15618]

4353. The Trial Chamber recalls the evidence of Witness RM-802 in chapter 4.7.7 that Mladić gave explicit orders to Colonel Bogojević in Kotor Varoš Municipality that no one was allowed to leave Večići until the unconditional surrender of weapons was completed.

4354. The Trial Chamber further recalls the evidence reviewed in chapter 7.1.1 on Directive No. 4, pursuant to which, on 19 November 1992, Mladić ordered, *inter alia*, that DK forces in the wider Podrinje region to exhaust the enemy.

4355. On 11 December 1992, Mladić issued an order to all VRS commanders to defend against any foreign and Bosnian-Croat military intervention in the Bosnian-Serb Republic, including a possible intervention from 'Western forces' in mid-December 1992.[15619] To alleviate any consequences of possible aggressor strikes, Mladić ordered

[15613] P3662 (VRS Main Staff Combat Order regarding Goražde, 19 September 1992), pp. 1-4.
[15614] P3662 (VRS Main Staff Combat Order regarding Goražde, 19 September 1992), pp. 3-8.
[15615] P3662 (VRS Main Staff Combat Order regarding Goražde, 19 September 1992), p. 5.
[15616] P3661 (VRS Main Staff Order regarding Goražde, 20 September 1992), p. 1.
[15617] P5214 (Mladić's order, 2 October 1992), p. 1.
[15618] P5214 (Mladić's order, 2 October 1992), p. 1.
[15619] P5030 (Order from Mladić to take measures against foreign military intervention, 11 December 1992), pp. 1-3.

the VRS to break-up Muslim forces on all fronts so that, in the event of an intervention, Western forces would not have support from these troops.[15620]

4356. On 7 December 1992, Mladić issued an order amending Directive No. 4, instructing that all war objectives of the VRS had to be achieved by 13 December 1992 at the latest.[15621] All formations that would fail to reach their targeted objectives by that date were to suspend all forms of active combat operations, so that the leadership of the Bosnian-Serb Republic could declare that the Bosnian-Serb Republic was unilaterally suspending active combat operations in the territory of the former Bosnia-Herzegovina.[15622]

4357. The Trial Chamber recalls the evidence of Witness RM-088 in chapter 4.2.2 *Schedule C.2.1* that a prisoner in Manjača camp was not allowed to be exchanged until Mladić gave his personal approval.

4358. According to an order for further combat operations issued by Mladić to the DK Command on 19 March 1993, the commanders of the Zvornik Brigade and the 1st Birač Infantry Brigade were to carry out all necessary organizational, materiel, and combat preparations for offensive operations on the axes leading to Teočak and Osmaci villages.[15623] The units were ordered to organize communications and to coordinate action with the IBK for an imminent attack on these.[15624]

4359. On the same day, Mladić ordered the commanders of the IBK and the DK to prepare an attack in the general area of Majevica, focused on the axis of Teočak village – Gornja Tuzla.[15625] Mladić further ordered that he be kept informed of the preparations and the attack itself through regular combat reports, but that he be notified of the readiness for attack separately.[15626]

4360. On 31 May 1993, due to the involvement of the VRS in large-scale activities in the Drina Valley, and the Goražde area in particular, Mladić ordered that the sabotage detachment of the 65th Motorised Protection Regiment should be prepared, provided with the necessary means, and deployed to the area of Borike village that same day at 8

[15620] P5030 (Order from Mladić to take measures against foreign military intervention, 11 December 1992), p. 3.
[15621] P2189 (VRS Order, 7 December 1992), p. 1, para. 1.
[15622] P2189 (VRS Order, 7 December 1992), p. 1, para. 1.
[15623] P5032 (Mladić Combat Order, 19 March 1993), p. 1.
[15624] P5032 (Mladić Combat Order, 19 March 1993), pp. 1-2.
[15625] P3686 (Order by Mladić to IBK and DK, 19 March 1993), pp. 1-2.
[15626] P3686 (Order by Mladić to IBK and DK, 19 March 1993), p. 1.

p.m.[15627] Mladić also ordered that the unit be subordinated to the DK Command which would thereafter use the unit 'strictly for special purposes and in line with the combat capabilities of the unit.'[15628]

4361. The Trial Chamber recalls the evidence reviewed in chapter 9.5.3 that on 25 June 1993, Mladić issued Directive No. 5, concerning the *Lukavac-93* Operation.[15629]

4362. On 7 July 1993, Mladić issued an order, pursuant to Directive No. 5, addressed to the DK Commander or Chief of Staff, in which he ordered that the 2nd Romanija Motorised Brigade and the Zvornik and 1st Birač Light Infantry brigades tie up as many Bosnian-Muslim forces as possible in the regions of Olovo, Kladanj, and Kalesija in order to support the SRK and IBK with the *Lukavac-93* Operation.[15630]

4363. On 17 October 1993, Mladić gave several orders to, *inter alia*, VRS corps command units concerning the crossing of the frontline and the movement of refugees out of the enemy-controlled territory into the Bosnian-Serb Republic and vice versa.[15631] He gave detailed instructions on how to monitor frontline crossings, and noted that corps and brigade commanders were to be personally accountable to him for any unauthorised border crossings or contact with the enemy side on the frontline.[15632] Mladić issued further orders regarding the registration and accommodation of refugees, children and persons crossing the border.[15633] Military-fit Muslims and Croats who fled to the Bosnian-Serb Republic from enemy-controlled territory were to be placed in POW camps and once processed, exchanged as POWs.[15634] The Main Staff was supposed to provide written authorisation only for those exchanges of POWs or civilians, if they were approved by the Supreme Commander, the Bosnian-Serb President, and the Commander of the Main Staff.[15635] Refugees and prisoners in refugee centres and POW camps were to be treated in accordance with the 1949 Geneva Conventions.[15636]

[15627] P3685 (VRS Main Staff Order on the use of sabotage detachment of 65th motorised protection regiment, 31 May 1993).
[15628] P3685 (VRS Main Staff Order on the use of sabotage detachment of 65th motorised protection regiment, 31 May 1993).
[15629] P2006 (VRS Main Staff operational directive entitled 'Directive for further action, VRS, operative number 5', 25 June 1993), p. 4.
[15630] P5035 (Order from Mladić to DK, 7 July 1993), p. 1.
[15631] P4145 (Order of VRS Main Staff regarding the movement of refugees, 17 October 1993), pp. 1-2, 9.
[15632] P4145 (Order of VRS Main Staff regarding the movement of refugees, 17 October 1993), pp. 4-5.
[15633] P4145 (Order of VRS Main Staff regarding the movement of refugees, 17 October 1993), pp. 5, 7.
[15634] P4145 (Order of VRS Main Staff regarding the movement of refugees, 17 October 1993), pp. 6-7.
[15635] P4145 (Order of VRS Main Staff regarding the movement of refugees, 17 October 1993), p. 7.
[15636] P4145 (Order of VRS Main Staff regarding the movement of refugees, 17 October 1993), p. 8.

4364. On 30 November 1993, Mladić ordered the DK to safely return the 5th Podrinje Light Infantry Brigade to the Nišić Plateau and include it in active combat operations according to Operation *Pancir-93*.[15637] The Corps Commander was personally responsible for this task.[15638]

4365. On 3 December 1993, Mladić directed the 1KK Command to deploy an infantry battalion to Ugljevik by 7 December 1993 and to re-subordinate it to the IBK Command until the successful liberation of Teočak, Vitinica, and Rasotnica. [15639] The battalion was to primarily engage in reconnaissance and, if necessary, active combat.[15640] Mladić was to be kept informed of the completion of this task by regular combat reports.[15641]

4366. On 13 January 1994, after referring to 'the changed circumstances in the general sector of Brčko' and the need to 'create the most favourable positions possible for the negotiating team in Geneva', Mladić instructed the commanders of the 1KK and IBK to prepare for a military operation codenamed *Tetima-84*. The preparatory measures were to be carried out under the direct supervision of Milovanović. He further specified that the VRS Main Staff was in charge of the *Tetima-84* operation.[15642]

4367. On 15 April 1994, Mladić issued an urgent directive to all corps and other VRS units regarding weaknesses in commands and units.[15643] He ordered these units to proceed with operations *Zvijezda-94*, *Tetima-94*, *Grmec-94*, and to take any measures necessary to ensure a speedy completion.[15644] He also ordered the SRK to take all necessary measures to prevent Muslim forces from breaking through towards Sarajevo and Sokolac and from gaining control of the Nišić Plateau.[15645] He directed the 1KK and 2KK to proceed with planned combat activities toward Cazin Krajina, but most strictly forbade any artillery or mortar fire on Bihać.[15646]

4368. On 7 August 1994, Mladić sent an order to, *inter alia*, all corps commands and the Air Force and Anti-Aircraft Defence, specifying the conditions for leave and absence of soldiers and officers from the units, and defined measures that should be

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[15637] P5036 (Order from Mladić to DK, 30 November 1993), p. 1.
[15638] P5036 (Order from Mladić to DK, 30 November 1993), p. 2.
[15639] P5037 (Order by Mladić to send an infantry battalion to the IBK, 3 December 1993), p. 1.
[15640] P5037 (Order by Mladić to send an infantry battalion to the IBK, 3 December 1993), p. 1.
[15641] P5037 (Order by Mladić to send an infantry battalion to the IBK, 3 December 1993), p. 2.
[15642] P3658 (VRS Main Staff Order regarding Operation *Tetima-84*, 13 January 1994).
[15643] P5038 (Order by Mladić on operations *Zvijezda-94, Tetima-94, and Grmec-94*, 15 April 1994), pp. 1-2.
[15644] P5038 (Order by Mladić on operations *Zvijezda-94, Tetima-94, and Grmec-94*, 15 April 1994), p. 3.
[15645] P5038 (Order by Mladić on operations *Zvijezda-94, Tetima-94, and Grmec-94*, 15 April 1994), p. 3.

taken in case of unauthorised absence.[15647] He ordered to strictly ban the transfer of VRS members from one unit to another or to the MUP without a request from the MoD and prior approval from the officer in charge.[15648] VRS members who were already transferred without permission were to be sent back to their original units.[15649] Mladić further ordered the prevention of unauthorized border crossing of citizens of the Bosnian-Serb Republic who are fit for military service.[15650] Non-implementation of the order was linked to strict disciplinary and military measures with drastic punishments.[15651]

4369. On 27 November 1994, Mladić instructed the DK Command to comply with the regulations governing communications and to strictly protect the confidentiality of the content of any outgoing messages.[15652] Mladić noted a lot of carelessness in telephone conversations containing, for instance, references to certain locations, and ignoring any protective measures set up to conceal confidential information, thereby jeopardising the code systems.[15653] Mladić warned those who failed to abide by the instructions that they would face disciplinary measures.[15654]

4370. On 13 February 1995, Mladić issued an order to all corps commanders and units subordinated to them and their personnel, setting out that only the Main Staff was allowed to contact the organs of the Bosnian-Serb Republic, or institutions in the FRY and RSK.[15655] Corps commanders and their units were forbidden to directly contact, for any reason, the state organs of the Bosnian-Serb Republic or any other organ in the FRY and RSK without the prior approval of the VRS Main Staff.[15656] Any unauthorised contacts or requests were to immediately be reported to the Main Staff.[15657] Mladić exempted from this order any correspondence between corps commands and

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[15646] P5038 (Order by Mladić on operations *Zvijezda-94, Tetima-94, and Grmec-94*, 15 April 1994), p. 4.
[15647] P5058 (VRS Main Staff order on conditions for leave and absence of soldiers, 7 August 1994), pp. 1-5, 7.
[15648] P5058 (VRS Main Staff order on conditions for leave and absence of soldiers, 7 August 1994), p. 5.
[15649] P5058 (VRS Main Staff order on conditions for leave and absence of soldiers, 7 August 1994), p. 5.
[15650] P5058 (VRS Main Staff order on conditions for leave and absence of soldiers, 7 August 1994), p. 6.
[15651] P5058 (VRS Main Staff order on conditions for leave and absence of soldiers, 7 August 1994), p. 6.
[15652] P5073 (Instructions on compliance with regulations on communications, 27 November 1994), pp. 1-2.
[15653] P5073 (Instructions on compliance with regulations on communications, 27 November 1994), pp. 1-2.
[15654] P5073 (Instructions on compliance with regulations on communications, 27 November 1994), p. 2.
[15655] P5074 (Order on contact with state organs, 13 February 1995), para. 1.
[15656] P5074 (Order on contact with state organs, 13 February 1995), para. 2.
[15657] P5074 (Order on contact with state organs, 13 February 1995), para. 2.

departments of the MoD in their zones of responsibility, and limited other correspondence.[15658]

4371. On 10 March 1995, Mladić sent an order to the Commands of the 1KK and 2KK, IBK, and the IKMs, concerning a series of combat unit transfers.[15659] Mladić ordered the 2KK Command to pull MUP forces out of combat operations and replace them with their own forces in the Corps zone of responsibility by 12 March 1995.[15660] After two days, the MUP forces were to be sent to the zone of responsibility of Operations Group *Pauk*, pursuant to orders of the Bosnian-Serb President and MUP.[15661] Corps commanders were to be personally accountable to Mladić for the execution of these tasks.[15662]

4372. The Trial Chamber recalls its review in chapter 9.7.2 of a 17 July 1995 order issued by Mladić, in which he ordered, *inter alia*, the Bratunac Brigade, the 67th Military Police Battalion and the MUP to comb the Bratunac-Drinjača-Milići-Bešići area to find and destroy Muslim groups.

4373. On 19 July 1995, in reference to a request from the 4th Drina Light Infantry Brigade Command for troop rotation in Trnovo and withdrawal from combat, Mladić ordered the DK to remain in their combat positions in Trnovo due to the DK activities regarding the liberation of Žepa, searching of the terrain, and blocking and destroying the remnants of Muslim groups from Srebrenica in greater Cerska, Kamenica, and Pobude.[15663]

General evidence on the role of Mladić as Commander of the VRS Main Staff

4374. **Ljubomir Obradović** testified that as Commander of the Main Staff, Mladić's duties included, *inter alia*, organizing and building the combat readiness of the entire VRS, and commanding by issuing directives, orders, instructions, warnings, and advice

[15658] P5074 (Order on contact with state organs, 13 February 1995), para. 3.
[15659] P5201 (Order from Mladić addressed *inter alia* to various VRS corps concerning the transfer of MUP units, 10 March 1995), p. 1.
[15660] P5201 (Order from Mladić addressed *inter alia* to various VRS corps concerning the transfer of MUP units, 10 March 1995), p. 1.
[15661] P5201 (Order from Mladić addressed *inter alia* to various VRS corps concerning the transfer of MUP units, 10 March 1995), p. 1.
[15662] P5201 (Order from Mladić addressed *inter alia* to various VRS corps concerning the transfer of MUP units, 10 March 1995), p. 1.
[15663] P7712 (Mladić order for 4th Drina Light Infantry Brigade to remain at Trnovo, 19 July 1995), pp. 1-2.

to units and institutions through the chain of command.[15664] The witness testified that Milovanović went on field missions pursuant to Mladić's orders, and that a forward command post was established when operations were carried out by several different corps, in order to coordinate the work and to carry out a uniform command.[15665] Mladić also sent Main Staff officers to assist subordinate units or to satisfy the control function of the Main Staff.[15666] He further testified that under the law of the SFRY Army, when a person was absent due to illness or unable to perform his duties, another person, by order, would stand in for them and would have all the powers of the position for which he was standing in.[15667] As deputy commander, Milovanović would temporarily stand in during Mladić's absence, which was defined not by Mladić's whereabouts, but by the duration of his absence.[15668] Obradović testified that if both Mladić and Milovanović were absent, Mladić would appoint one of the other assistant commanders to stand in for him, and in this capacity he would coordinate and supervise the work of the Main Staff command and subordinate units.[15669] When standing in for less than a week, an order from Mladić to Milovanović or an assistant commander could be oral, and the person standing in would only be able to issue orders in the spirit of the directives and decisions that had previously been issued by Mladić.[15670] According to the witness, if Mladić was absent longer than a week, a written order was required for the standing-in procedure, in which case the person standing in would have the same authority as Mladić.[15671] In an interview for the newspaper Oslobođenje, dated 6 January 1995, Karadžić stated that Mladić, Milovanović, and other generals were often on the first lines of combat.[15672]

4375. The Trial Chamber received evidence from John Wilson reviewed in chapter 9.5.3 that on many occasions, Mladić had effective control of Serb military forces in Bosnia-Herzegovina, and had a sophisticated communication system at his disposal,

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[15664] P1783 (Ljubomir Obradović, *Tolimir* transcript, 29-31 March 2011), p. 11935; P1784 (VRS Main Staff Structure, July 1995).
[15665] P1783 (Ljubomir Obradović, *Tolimir* transcript, 29-31 March 2011), p. 11950.
[15666] P1783 (Ljubomir Obradović, *Tolimir* transcript, 29-31 March 2011), pp. 11950-11951.
[15667] P1783 (Ljubomir Obradović, *Tolimir* transcript, 29-31 March 2011), p. 11976.
[15668] P1783 (Ljubomir Obradović, *Tolimir* transcript, 29-31 March 2011), p. 11936; Ljubomir Obradović, T. 14541.
[15669] P1783 (Ljubomir Obradović, *Tolimir* transcript, 29-31 March 2011), pp. 11936-11937, 12017, 12020-12021; Ljubomir Obradović, T. 14541, 14544-14546; P1784 (VRS Main Staff structure, July 1995).
[15670] P1783 (Ljubomir Obradović, *Tolimir* transcript, 29-31 March 2011), pp. 11936, 12020-12021; Ljubomir Obradović, T. 14544-14546.
[15671] Ljubomir Obradović, T. 14544-14545.
[15672] P6999 (*Oslobođenje* newspaper interview with Karadžić, 6 January 1995), p. 9.

which allowed him to effectively and quickly communicate with his subordinates. **Pyers Tucker** stated that Mladić was the 'leading player on military matters' who considered himself the 'ultimate authority' on any issue regarding the military security of the Bosnian-Serb Republic and its people.[15673]

4376. **Aernout van Lynden** testified that, on the basis of his observations during field trips and of conversations with soldiers and officers, the officers of the VRS were professionals while many of the soldiers were conscripts.[15674] Alcohol could be found at most of the VRS positions visited by the witness.[15675] The VRS had the same uniforms, ranks, weapons, tanks and military hardware as the JNA.[15676] The VRS followed one clear and precise chain of command, and the soldiers were working in a fairly strictly controlled and hierarchical army.[15677] The witness heard stories from international and Serb journalists that men would come from Serbia on weekends purely for the fun of shooting into Sarajevo, and that these so called 'weekend soldiers' were aligned with Vojislav Šešelj.[15678] The Trial Chamber recalls the evidence of Husein Aly Abdel-Razek in chapter 9.3.7 that Karadžić could not make any military decision that Mladić did not approve. **Husein Aly Abdel-Razek** further testified that he met Mladić around four to five times and on some occasions, both civilian and military personnel were present.[15679] According to the witness, Mladić was respected as a military leader and he was very strict and a disciplinarian.[15680] His subordinates feared him and he had the total loyalty of his troops.[15681]

4377. The Trial Chamber reviewed the evidence of Witness RM-511 in chapter 9.5.3 that Mladić did not allow any of the soldiers under his command to do as they pleased. **Slavko Kralj** testified that orders from Mladić, whether written or oral, were strictly adhered to and carried out.[15682] **Basara** testified that based on his observations, Mladić

[15673] P317 (Pyers Tucker, witness statement, 10 May 2010), para. 282.
[15674] P66 (Aernout van Lynden, witness statement, 16 March 2010), paras 149, 151; Aernout van Lynden, T. 1449-1450.
[15675] P66 (Aernout van Lynden, witness statement, 16 March 2010), paras 114, 149.
[15676] P66 (Aernout van Lynden, witness statement, 16 March 2010), paras 93, 99,150.
[15677] P66 (Aernout van Lynden, witness statement, 16 March 2010), paras 150-151.
[15678] P66 (Aernout van Lynden, witness statement, 16 March 2010), para. 152.
[15679] Husein Aly Abdel-Razek, T. 3654-3655, 3658.
[15680] P293 (Husein Aly Abdel-Razek, witness statements), witness statement of 16 July 2002, para. 58; Husein Aly Abdel-Razek, T. 3602.
[15681] P293 (Husein Aly Abdel-Razek, witness statements), witness statement of 16 July 2002), para. 58.
[15682] Slavko Kralj, T. 27436.

had an active style of command in the sense that he wanted to 'know everything, follow everything, and participate in things'.[15683]

4378. **Martin Bell** stated that under Mladić's command, the VRS adopted a more organized, military style approach.[15684] Mladić was a 'front line general', who was not found at his headquarters very often.[15685] **Reynaud Theunens** testified that he considered Mladić to be a very well-informed commander between 12 May 1992 and November 1995.[15686] This conclusion was based on the witness's comparison of applicable legislation and regulations, and the analysis of various combat and reporting documents.[15687] According to Theunens, there was daily reporting in the VRS from May 1992 to November 1995 from the subordinate units to the superior units.[15688] Mladić ordered the subordinate units to submit their daily or regular reports in a 'timely fashion'.[15689] He also issued orders to subordinate units and commands to report on their state of combat readiness, or would have the Main Staff inspection teams to gather information on this matter.[15690] Mladić regularly visited VRS commands, units and their combat positions on the battlefield, which, according to Theunens, was essential for Mladić to familiarize himself with the situation on the ground, including the implementation of his orders, the activities of his forces, and to exercise authority over his subordinate forces.[15691] Mladić implemented the six strategic goals through the directives for further operations of the VRS, whereby he signed seven out of nine of these directives, which covered the period May 1992 to October 1995.[15692] For Theunens, Mladić had a very high level of situational awareness, which was visible through his visits and inspections at the VRS units, meetings with subordinate commanders, and the regular combat reports submitted to him.[15693]

4379. **Anthony Banbury** testified that, based on his observations, there was no doubt that Mladić was the undisputed leader of the VRS, and that he made the decisions and

[15683] Branko Basara, T. 34302-34303.
[15684] P832 (Martin Bell, witness statement, 8 March 2010), para. 114.
[15685] P832 (Martin Bell, witness statement, 8 March 2010), para. 114.
[15686] Reynaud Theunens, T. 20241.
[15687] Reynaud Theunens, T. 20241.
[15688] Reynaud Theunens, T. 20254-20255.
[15689] Reynaud Theunens, T. 20254-20255.
[15690] P3029 (Expert Report of Reynaud Theunens, September 2012), Part II, p. 342.
[15691] P3029 (Expert Report of Reynaud Theunens, September 2012), Part II, pp. 243, 344-352.
[15692] Reynaud Theunens, T. 20350.
[15693] Reynaud Theunens, T. 20384; P3029 (Expert Report of Reynaud Theunens, September 2012), Part II, pp. 333-352.

gave the orders, which were followed.[15694] According to Banbury, the VRS did what it was told to do by its leadership.[15695] **Robert Donia** testified that Mladić had 'the overwhelming burden of responsibility' for implementing the six strategic objectives.[15696] **David Harland** testified that he frequently saw Mladić in the company of Gvero, Tolimir, Inđić, Milovanović, and junior officers.[15697] All deferred to Mladić and treated him with great respect.[15698] When Mladić ordered something, it happened.[15699] Harland stated that 'there was never any doubt whether Mladić had command and control of his military'.[15700] **Rupert Smith** observed Mladić as the military leader of the Bosnian Serbs and as a commander who delegated very little of importance and did not allow for much latitude or interpretation in his orders.[15701]

4380. **Michael Rose** testified that at the military level, nothing could happen without Mladić's knowledge or authorisation.[15702] During UNPROFOR meetings, Rose never observed anyone from the VRS acting contrary or in opposition to Mladić; they all showed complete respect to him.[15703] According to the witness, Mladić had absolute control of the Bosnian-Serb forces during the Goražde offensive.[15704] Furthermore, the VRS's operation in Goražde and the documents he reviewed in this respect suggested that Karadžić and Mladić had been in direct and effective control of the events and that the VRS had very good communication systems.[15705] According to the witness, Mladić was revered by his soldiers because of his 'habit of jumping into a tank and leading the front'.[15706]

4381. **Mihajlo Vujasin** testified that after the JNA withdrew to the FRY, Mladić organised a meeting in Lukavica in which he ordered the representatives of all brigades to abide by the laws of war in their interaction with civilians and UN members.[15707]

[15694] Anthony Banbury, T. 8225.
[15695] Anthony Banbury, T. 8225.
[15696] Robert Donia, T. 15525.
[15697] P1 (David Harland, witness statement, 4 September 2009), para. 258; David Harland, T. 724.
[15698] David Harland, T. 724.
[15699] David Harland, T. 724-725, 808.
[15700] P1 (David Harland, witness statement, 4 September 2009), para. 258.
[15701] P785 (Rupert Smith, witness statement, 27 October 2009), paras 229-230.
[15702] P736 (Michael Rose, witness statement, 26 March 2009), para. 212.
[15703] Michael Rose, T. 6858.
[15704] Michael Rose, T. 6853.
[15705] P736 (Michael Rose, witness statement, 26 March 2009), para. 100.
[15706] P736 (Michael Rose, witness statement, 26 March 2009), para. 210.
[15707] D641 (Mihajlo Vujasin, witness statement, 16 December 2012), para. 23; Mihajlo Vujasin, T. 25581-25584.

4382. A report of 30 May 1992 from the UNSG to the UNSC referred to Mladić's 'anomalous position', which allowed him and the forces under his command to act independently beyond the control of the JNA, Belgrade, and the Bosnia-Herzegovina Government.[15708]

The Trial Chamber's findings

4383. The Trial Chamber recalls its finding in chapter 3.1.4 that from 12 May 1992 until at least 8 November 1996, Mladić was Commander of the VRS Main Staff. The Trial Chamber further recalls its findings on the 1KK and 2KK, and HK in chapters 3.1.2 that the communication system between these units and the VRS Main Staff was fully functioning; that the units were regularly inspected by VRS Main Staff officers; and that the lower level units submitted daily reports to their Corps Commands, which were then sent to the VRS Main Staff.

4384. The Trial Chamber recalls its finding in chapter 9.3.2 that between May 1992 and April 1995, Mladić issued orders regarding the establishment and organization of the VRS, the training and mobilization of VRS personnel, the incorporation of the paramilitary groups into the VRS, and the promotion of a number of VRS officers. The Trial Chamber recalls its findings in chapter 3.1.3 on the functions and conduct of the VRS Main Staff and its commander, including the issuance of its 'Operational Directives'. It further recalls the finding on the system of daily combat reports, which were sent during the day through the relevant chain of command, eventually reaching the VRS Main Staff, and then reported to the Supreme Command before midnight.

4385. Based on the evidence and the findings reviewed above, the Trial Chamber finds that from May 1992 until 1995, Mladić was stationed at the VRS Main Staff command post in a villa in Crna Rijeka, from where he had daily telephone communication with corps commanders, usually in the mornings and in the evenings. Mladić was kept informed of developments in the battlefield through daily written reports, which were submitted to the VRS Main Staff by corps commanders by 8 p.m. Any emergencies or changes on the reports were communicated by telephone directly to Mladić or Milovanović. Mladić was very meticulous regarding the submission and content of these reports, and although he did not sign all the reports sent to the Supreme

[15708] P2052 (Report of Secretary-General to UNSC, 30 May 1992), p. 3.

Command, he was kept up to date on the main issues by Milovanović. Mladić also held daily briefings and occasional evening meetings with VRS Main Staff officers and corps commanders, during which they assessed the combat reports sent in the previous days by all units, and Mladić would order tasks accordingly.

4386. The Trial Chamber further finds that between May 1992 and May 1995, Mladić regularly visited and inspected VRS units at the corps, brigade, and tactical level. Mladić also ordered VRS Main Staff officers to conduct inspections of VRS units, in order to be informed on the units' state of combat readiness and to assist on specific tasks. In this regard, Mladić approved briefing agendas to discuss the combat readiness and activities of the VRS in 1992 and 1993. Based on the results of such analyses, Mladić then issued corresponding orders to subordinate units.

4387. The Trial Chamber finds that the VRS had a well-functioning communication system which allowed Mladić to effectively and quickly communicate with his subordinates.

4388. The Trial Chamber also finds that from May 1992 until July 1995, Mladić issued several orders to VRS units, including the 1KK and 2KK, IBK, HK, SRK, IKMs, DK, Višegrad and Foča TGs, the 67th Military Police Battalion, the 65th Protection Regiment and the Air Force and Anti-Aircraft Defence, with detailed instructions regarding, *inter alia*, combat strategies, military operations, deployment of units, authorization of offensive operations, use of weapons and ammunition, and ceasefire agreements.

4389. The Trial Chamber finds that Mladić issued Directive No. 3, which was implemented by the 1KK and 2KK, IBK, and HK; as well as Directives Nos. 4 and 5, which were implemented by, among others, the DK. Mladić also monitored the execution of Operations *Tetima-84*, *Bosna-92*, *Pancir-93*, *Zijezda-94*, *Tetima-94*, and *Grmec-94*.

4390. The Trial Chamber finds that at the 16th Session of the Bosnian-Serb Assembly, Mladić referred to the need for discipline and absolute obedience in the VRS. As the VRS Main Staff Commander, Mladić was respected as a leader by his subordinates.

4391. The Trial Chamber rejects the Defence's argument that the lack of a 'state of war' complicated Mladić's ability to command, mobilize, and coordinate logistics of the VRS. Although the powers of high-ranking officers and the Bosnian-Serb President

might have been formally greater during a declared state of war, the Trial Chamber finds, on the basis of the evidence reviewed above, that Mladić nevertheless possessed a very high level of command and control over his subordinates.

4392. With regard to the Defence's submission that VRS soldiers were more influenced by personal agendas than by loyalty and obedience to the VRS command, evidenced by, *inter alia*, episodes of evasion from military service and misconduct, the Trial Chamber notes that occasional indiscipline in the VRS did not undermine Mladić's overall ability to exercise command and control over his subordinates.

4393. The Trial Chamber rejects the Defence's arguments that Mladić had a limited sphere of influence over the VRS due to his subordination to the Supreme Command and its strategic decisions; that he had strategic but not operational command over the VRS; and that he was not always, or fully, informed of the situation on the ground. As found above, Mladić issued orders to VRS units and closely monitored their implementation, and communicated regularly with his subordinates. He was well aware of the developments on the ground.

4394. Lastly, the Trial Chamber dismisses the Defence's submission that Mladić did not have *de facto* control over members of the military police and security forces, since they would also carry out tasks proposed by the security organs of the government, as the evidence referred to by the Defence does not support their argument.[15709]

4395. In chapter 9.3.12, the Trial Chamber will consider whether Mladić's conduct in this respect, considered together with other acts or omissions, amounts to a significant contribution to the Overarching JCE.

9.3.4 Commanding and controlling elements of the Serb Forces integrated into, or subordinated to, the VRS

4396. With regard to this alleged contribution, the Prosecution argued that the Accused contributed to the overarching JCE, *inter alia*, by personally directing, monitoring

[15709] *See* Dragomir Keserović, T. 12807, 12812-12813, 12881, 12947-12948. According to Keserović, the security forces, including the military police, were part of the sector for intelligence and security affairs of the VRS Main Staff, headed by Zdravko Tolimir, subordinated to Mladić. Military police units could be tasked to carry out non-combat related assignments planned and proposed by the security organs of the VRS Main Staff such as providing cooperation or a security service for military tribunals or military prosecutor's office. When performing such tasks, the military police units were in the remit of the security organs of the VRS Main Staff.

and/or authorising VRS cooperation with other organs, including the MUP, the JNA/VJ,[15710] SDB, and paramilitaries, in implementing the JCE in furtherance of its criminal objectives.[15711] Once the Accused assumed command of the VRS in May 1992, his 'command was far-reaching', embracing paramilitaries.[15712] The MUP personnel co-operated with the VRS in the implementation of the JCE by participating, often in collaboration with or re-subordinated to VRS forces, in the commission of crimes.[15713] Regarding the SDB, the Prosecution submitted that it deployed units to Bosnia-Herzegovina, including the Red Berets, Skorpions, and Arkan's men which, when participating in operations together with the VRS, were generally placed under VRS command.[15714] The Defence submitted that there was only limited *de facto* re-subordination of the MUP to the VRS and when such joint operations were carried out, MUP units remained separate and within their own command chains, outside of the command or control of the Accused.[15715] Further, the Accused did not support or approve the actions of paramilitaries, nor did he exercise command/control over them.[15716] Furthermore, the paramilitary units of Brne's Chetniks, Arkan's men, and the Skorpions were subordinated to the MUP.[15717] Additionally, the Accused was not involved in any decision-making, nor did he exert any influence over, the VJ military chain of command.[15718]

4397. In this section, the Trial Chamber will consider evidence from **Witness RM-019,** a member of the 11th Herzegovina Light Infantry Brigade,[15719] as well as evidence reviewed in chapters 9.2.8 and 9.2.10.

4398. Regarding Mauzer's group, the Trial Chamber recalls that it reviewed evidence in chapter 9.2.8 about a meeting of the Bosnian-Serb leadership on 31 May 1992 attended by Mladić, where Karadžić noted that 'Mauzer (in Bijeljina) has grown arrogant and he cannot work in the way that he wants'. In an 11 June 1992 meeting

[15710] The Trial Chamber recalls that VRS cooperation with the JNA/VJ is addressed in chapter 9.2.6 and the alleged contribution of the Accused by participating in procuring material and military assistance from the VJ will be analysed in chapter 9.3.6.
[15711] Prosecution Final Brief, paras 529-541, 542-554, 572-576, 577-586.
[15712] Prosecution Final Brief, para. 580.
[15713] Prosecution Final Brief, para. 530.
[15714] Prosecution Final Brief, para. 572.
[15715] Defence Final Brief, paras 113, 122, 139, 536 (d), 542.
[15716] Defence Final Brief, paras 743, 746, 751-753.
[15717] Defence Final Brief, paras 758-763.
[15718] Defence Final Brief, paras 737, 741.
[15719] P572 (Witness RM-019, witness statement, 3 September 2003), p. 1, paras 4, 6-8; Witness RM-019, T. 5701-5706.

attended by Mladić, Colonel Zarić discussed Ljubiša Savić, a.k.a. Mauzer, who controlled over half of the municipal presidency in Bijeljina and had been chosen by the municipality to act as its 'security organ'. He noted that Savić had surrounded himself with 100 criminals who were 'carrying out searches' and that he was appointed as Commander of counter-intelligence affairs by the Commander of the IBK.

4399. Regarding Elez's group, the Trial Chamber recalls the evidence reviewed in chapter 9.2.8 namely that on 24 July 1992, Mladić recorded a meeting with Elez, who had been 'a go-between between the Army and the Serbs'. On 31 July 1992 Mladić recorded a meeting he had with the Command of Podrinje Operations Group and parts of the HK, including Captain Antelj and Pero Elez, Commander of the Miljevina Independent Battalion, at the time. Elez requested, among others, ammunition, weapons and vehicles. **Witness RM-019**, testified that in December 1992, Mladić, Boro Ivanović, Marko Kovač, and Miroslav Stanić, President of the Foča SDS, came to the Miljevina Motel and had a private meeting with Predrag Trivun, Pero Elez, Radovan Stanković, and Pavle Elez, the President of the Miljevina SDS, for three to four hours.[15720] When greeting him, Mladić kissed Radovan Stanković three times on the cheeks and called him his doggy.[15721]

4400. The Trial Chamber recalls evidence it reviewed in 9.2.10 that on 3 August 1992, Mladić gave his verbal approval for an ICRC team and reporters to visit the detention camps in Manjača, Trnopolje, Omarska, and Prijedor in the following two days. Pursuant to this approval, Commander Momir Talić informed the command of the 43rd Motorized Brigade, the Manjača camp command, the Prijedor CSB MUP organ, and the Security Organ of the 1KK Rear Command Post of the decision and further ordered that all measures be taken to make conditions in these camps satisfactory, through ensuring, *inter alia*, functional medical care for detainees, and records of deaths and findings on the cause of death.

The Trial Chamber's findings

4401. The Trial Chamber recalls that this chapter is dedicated to the evidence related directly to the Accused's alleged command and control of the paramilitary formations,

[15720] P572 (Witness RM-019, witness statement, 3 September 2003), paras 76-77.
[15721] P572 (Witness RM-019, witness statement, 3 September 2003), para. 76.

MUP forces and other Serb forces integrated into, or subordinated to, the VRS. The evidence and findings relating to the alleged contribution of the Accused by directing, monitoring and/or authorizing the VRS's cooperation and coordination with other elements of Serb forces and with Bosnian Serb political and governmental organs will be reviewed in chapter 9.3.5. As the Prosecution does not allege that the Accused was involved in any decision-making, nor exerted any influence over the VJ military chain of command, the Trial Chamber will not further consider the Defence's argument in this regard. Turning to the Prosecution's allegations that the SDB deployed units such as the Red Berets, the Skorpions and Arkan's men in Bosnia-Herzegovina, the Trial Chamber recalls its finding in chapter 9.2.8 that the Skorpions were working in coordination with the VRS (thus not subordinated or integrated), and that it did not find that the Red Berets or Arkan's men committed crimes in the Municipalities (in this respect, *see* chapter 8). Therefore, the Trial Chamber will not consider these allegations further in this chapter. The Trial Chamber also notes that although it received evidence in chapter 9.3.3 regarding orders issued by Mladić to the VJ Guards Motorized Brigade, it did not find that this unit committed any crimes in the Municipalities (in this respect, *see* chapter 8) and will therefore not further consider it.

4402. Regarding the unit commanded by Pero Elez, the Trial Chamber refers to its findings in chapter 8.9.2(f) that Elez's unit committed plunder in the municipality of Kalinovik in July and August 1992. It recalls its findings in 9.2.8 that Pero Elez commanded the paramilitary Miljevina Battalion that was incorporated into the VRS by at least late June 1992. Within the VRS, Elez headed his own sub-unit under Marko Kovač, Commander of the Foča Tactical Group, which was a part of the HK (in this respect, *see* chapter 3.1.2). Further the Trial Chamber finds that Elez met with Mladić on 24 July, 31 July and in December 1992 and that in July 1992 Elez requested ammunition, weapons and vehicles. The Trial Chamber refers to its findings in 9.3.3 that Mladić, as the Commander of the VRS Main Staff, issued orders to the HK. Based on the foregoing, the Trial Chamber finds that from at least late June 1992, Mladić commanded and controlled Elez's unit.

4403. Regarding the unit commanded by Ljubiša Savić, a.k.a. Mauzer, the Trial Chamber refers to its findings in chapters 8.9.2(f), 8.5.2 and 8.9.2(c), that it committed plunder from 1992 onwards in Bijeljina Municipality as well as forcible transfer or deportation in this municipality in the summer of 1992. The Trial Chamber also recalls

its findings in 3.1.2 that on 3 June 1992, Mauzer's unit joined the IBK and was put under the unified command of the VRS. The Trial Chamber recalls its findings in 9.3.3 that as the Commander of the VRS, Mladić issued orders to the IBK. The Chamber further found in chapter 9.3.2 that on 7 October 1993, Mladić conferred an 'extraordinary promotion' to Mauzer, who was Reserve 2nd Lieutenant, to the rank of Reserve Lieutenant. Based on the foregoing, the Trial Chamber finds that Mladić commanded and controlled Mauzer and his unit from 3 June 1992 onwards.

4404. Turning to the MUP, the Trial Chamber recalls its finding that members of the MUP committed crimes while operating under the command of the 1KK in Banja Luka as set out in Scheduled Incident B.1.4 and the incidents concerning the unlawful detention, ill-treatment, and forced labour in Manjača camp (in this respect, *see* chapters 4.1.2 and 8.9.2). The Trial Chamber finds that on 3 August 1992 Mladić, via Talić, ordered the command of the 43rd Motorized Brigade, the Manjača camp command, the Prijedor CSB, and the Security Organ of the 1KK Rear Command Post to allow an ICRC team and reporters to visit the detention camps in Manjača, Omarska and Trnopolje within the following two days and to take all measures to make conditions in these camps satisfactory, through ensuring, *inter alia*, functional medical care for detainees, and records of deaths and findings on the cause of death. The Trial Chamber notes that this evidence is also addressed in the findings of chapter 9.3.9. The Trial Chamber further recalls its finding in chapter 4.1.2 that the VRS 1KK was in charge of Manjača camp. The Trial Chamber refers to its findings in 9.3.3 that Mladić, as the Commander of the VRS Main Staff, issued orders to the 1KK. Based on the foregoing, the Trial Chambers finds that Mladić commanded and controlled the Manjača camp command, including the subordinated MUP units.

4405. In chapter 9.3.12, the Trial Chamber will consider whether Mladić's conduct in this respect, considered together with other acts or omissions, amounts to a significant contribution to the Overarching JCE.

9.3.5 Directing, monitoring and/or authorizing the VRS's cooperation and coordination with other elements of Serb forces and with Bosnian-Serb political and governmental organs

4406. With regard to this alleged contribution, the Defence submitted that (i) the Accused was not involved in the creation of Crisis Staffs and Crisis Staffs did not include members of the VRS; (ii) Crisis Staffs and the VRS did not cooperate, apart from the support with regard to the supply of recruits and material; and (iii) the Accused did not, directly or indirectly, send orders to Crisis Staffs.[15722]

4407. The Trial Chamber received evidence from **Milenko Stanić**, President of the Vlasenica Municipal Assembly from the beginning of 1991 to the beginning of 1993 and President of the Executive Council of the SAO Birač for a brief period;[15723] **Branko Basara**, Commander of the 6th Krajina Brigade from 29 October 1991 to mid-December 1992;[15724] and **Dorothea Hanson**, a research officer for the Prosecution Leadership Research Team,[15725] as well as documentary evidence.

Relationship with the MUP

4408. The Trial Chamber recalls evidence reviewed in chapters 9.2.7 and 9.3.3 that according to a report on a consultation meeting with, *inter alios*, the brigade commanders and the senior officer of the 1KK on 13 September 1992, Mladić tasked brigade commanders to extend maximum support to the civilian authorities and the MUP. Branko Basara stressed that assistance was only provided if those authorities asked for it.

4409. The aforementioned meeting of all units and commands of the 1KK was held in Banja Luka, chaired by representatives of the VRS Main Staff, headed by Mladić, 1KK Commander Major-General Momir Talić, Air Force and Anti-Aircraft Defence Commander Major-General Ninković, and the Bosnian-Serb Minister of Defence,

[15722] Defence Final Brief, paras 426-427, 440, 489, 493-494, 499-500.

[15723] D884 (Milenko Stanić, witness statement, 16 February 2013), paras 1-2, 5; Milenko Stanić, T. 30850, 30883-30884, 30904.

[15724] D1031 (Branko Basara, witness statement, 21 July 2014), para. 4; Branko Basara, T. 34386, 34401.

[15725] P378 (Dorothea Hanson, *curriculum vitae*), p. 1; Dorothea Hanson, T. 4141. The evidence of Dorothea Hanson is also reviewed in chapters 2.2.2 and 3.3.

Colonel Bogdan Subotić.[15726] The meeting was also attended by presidents of 26 municipalities and MUP organs.[15727] The aim of the meeting was to achieve maximum unity and to solve important problems.[15728] Mladić presented the 'very complex' general political and military situation and asked for maximum unity of all armed formations, political structures and MUP organs, especially in carrying out, *inter alia*, the operative and strategic tasks.[15729] During the meeting, unit commanders pointed out a series of mistakes arising from the lack of unity in the relationship between the VRS and civilian structures, and an agreement was reached that such phenomena should be prevented, ensuring general unity.[15730] At the meeting, it was decided that common uniforms and insignia were to be provided for both the police and the VRS.[15731] Promotions of certain officers were to be carried out and decorations were introduced.[15732] Organs of the MUP and Military Police were obliged to get rid of personnel who were involved in criminal activities.[15733]

Relationship with the municipal authorities

4410. **Dorothea Hanson** testified that Mladić would occasionally give direct orders to Crisis Staff members about military issues.[15734] On 25 May 1992, Gliša Simanić informed Mladić that a convoy of trucks was moving from the direction of Konjic towards Šabići and Trnovo, *via* Lukomir Village.[15735] Mladić ordered him to form a unit of ten to 20 soldiers to intercept the convoy, 'enslave them' and to chase them away.[15736] Simanić told Mladić that they had Trnovo under control and they could get through from the direction of Dobro Polje.[15737] Mladić told him to tell the Muslims 'that they better not start anything because they'll go to hell', and that whenever they want to, he will come and talk.[15738] Mladić also ordered Simanić to mobilise soldiers into larger

[15726] P5151 (Information on 1KK Military Round Table, 14 September 1992), p. 1.
[15727] P5151 (Information on 1KK Military Round Table, 14 September 1992), p. 1.
[15728] P5151 (Information on 1KK Military Round Table, 14 September 1992), p. 1.
[15729] P5151 (Information on 1KK Military Round Table, 14 September 1992), p. 1.
[15730] P5151 (Information on 1KK Military Round Table, 14 September 1992), pp. 3, 5.
[15731] P5151 (Information on 1KK Military Round Table, 14 September 1992), p. 3.
[15732] P5151 (Information on 1KK Military Round Table, 14 September 1992), pp. 3-4.
[15733] P5151 (Information on 1KK Military Round Table, 14 September 1992), p. 6.
[15734] Dorothea Hanson, T. 4171-4172.
[15735] P4125 (Intercepted conversation between Mladić and Gliša Simanić, 25 May 1992), pp. 1-2.
[15736] P4125 (Intercepted conversation between Mladić and Gliša Simanić, 25 May 1992), p. 1.
[15737] P4125 (Intercepted conversation between Mladić and Gliša Simanić, 25 May 1992), p. 2.
[15738] P4125 (Intercepted conversation between Mladić and Gliša Simanić, 25 May 1992), p. 2.

units.[15739] Gliša Simanić was a member of the Trnovo Crisis Staff.[15740] **Hanson** testified that despite local differences, the cooperation and coordination offered by the crisis staffs were essential to the VRS and its operations; they provided the recruits, supplies, material, and moral support without which the military units could not have operated.[15741] The military presence in the crisis staffs ensured a commonality of purpose among the political and military bodies.[15742]

4411. **Milenko Stanić** testified that on or around 25 June 1992, the leadership of the Vlasenica Municipal Assembly met with Mladić and a number of members of the VRS Main Staff in Vlasenica.[15743] The leadership of the Municipal Assembly briefed them on the ongoing security and political situation in the municipality and the degree of mobilization.[15744] During the meeting, the witness conveyed the information received by the President of the Executive Board of Vlasenica Municipality concerning the arrival of detainees in Vlasenica by bus and their placement at the secondary school around 25 June 1992.[15745] At the meeting, Mladić asked for a greater degree of engagement in the process of mobilization and for greater support in the supply of the army units.[15746] Around the end of June or beginning of July 1992, the entire political leadership of the municipalities of the Zvornik region met with Mladić and military commanders in Zvornik.[15747] Mladić talked about a decisive battle against Serbian paramilitary formations that were particularly active in the Zvornik area during that period.[15748] The witness met with Mladić in other meetings during which Mladić spoke about internal problems in the Bosnian-Serb Republic, and he criticized the problems and functioning of the MUP.[15749]

4412. On 3 September 1992, Krstić, Commander of the 2nd Romanija Motorized Brigade, sent a letter to Karadžić reporting that Mladić had notified him that the level of cooperation between the 2nd Romanija Motorized Brigade and the Sokolac Municipal

[15739] P4125 (Intercepted conversation between Mladić and Gliša Simanić, 25 May 1992), p. 3.
[15740] P4024 (Trnovo Minutes of SDS Municipal Board, 27 December 1991), pp. 1-2.
[15741] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 85.
[15742] P379 (Dorothea Hanson, Bosnian-Serb Crisis Staffs, War Presidencies, and War Commissions 1991-1995, July 2012), para. 86.
[15743] Milenko Stanić, T. 30846-30848.
[15744] Milenko Stanić, T. 30846-30848.
[15745] Milenko Stanić, T. 30848-30849, 30907-30909.
[15746] Milenko Stanić, T. 30848.
[15747] Milenko Stanić, T. 30846-30849.
[15748] Milenko Stanić, T. 30849.
[15749] Milenko Stanić, T. 30849-30850.

Assembly was inadequate.[15750] Krstić noted that municipal leaders and party leaders had apparently complained to Karadžić that the 2nd Romanija Motorized Brigade Command obstructed cooperation and treated them improperly.[15751] Krstić denied these allegations and stated that, as much as circumstances allowed, officers not only respected and cooperated with civilian authorities but also frequently met the people of Sokolac community to discuss pressing issues facing civilian authorities.[15752] They also regularly informed civilian authorities of the situation on the front, with respect to the command's operations. According to the letter**,** the Municipal Board of the Sokolac SDS asked the 2nd Romanija Motorized Brigade to align its activities and actions to the interests of the SDS; however, Krstić informed them that the command only carried out orders issued by its superior commands, and that the command was directly responsible to the state and military leaderships of the Bosnian-Serb Republic.[15753]

The Trial Chamber's findings

4413. The Trial Chamber recalls its findings set out in chapter 4 that identified members of the VRS, MUP, TO, regional and municipal authorities, and paramilitary formations as principal perpetrators of crimes charged in the Indictment. The Trial Chamber also recalls its finding in chapter 9.3.3 that as the commander of the VRS Main Staff, Mladić issued orders to the VRS. Further, the Trial Chamber recalls its finding in chapter 3.3 that following the Bosnian-Serb Assembly's 12 May 1992 order to establish the VRS, Serb TO units were incorporated into the VRS. The Trial Chamber will therefore not further consider the TO in this chapter.

4414. Based on the foregoing, with regard to the MUP, the Trial Chamber finds that on 13 September 1992, a 1KK military round table meeting was held in Banja Luka and chaired by members of the VRS Main Staff, including Mladić. The Bosnian-Serb Minister of Defence Colonel Bogdan Subotić, presidents of 26 municipalities, and representatives of the MUP were also in attendance. At the meeting, Mladić called upon

[15750] D2079 (Krstić report to Karadžić discussing cooperation with local authorities in Sokolac and their inability to restore law and order, 3 September 1992), pp. 1, 3.
[15751] D2079 (Krstić report to Karadžić discussing cooperation with local authorities in Sokolac and their inability to restore law and order, 3 September 1992), p. 1.
[15752] D2079 (Krstić report to Karadžić discussing cooperation with local authorities in Sokolac and their inability to restore law and order, 3 September 1992), p. 1.
[15753] D2079 (Krstić report to Karadžić discussing cooperation with local authorities in Sokolac and their inability to restore law and order, 3 September 1992), p. 2.

those present to ensure maximum unity of all armed formations, political structures, and MUP organs, in particular when carrying out operative and strategic tasks. At the same meeting, Mladić tasked brigade commanders of the 1KK to cooperate with the MUP.

4415. With regard to the municipal authorities, the Trial Chamber found in chapter 9.2.9 that in some municipalities, VRS personnel were members of crisis staffs and war presidencies or attended their meetings without being members. Their role at least included coordinating logistics, such as arranging recruits and supplies, and updating the regional and municipal political leaders on the combat situation. The Trial Chamber also found that the crisis staffs in Ključ, Kotor Varoš, Prijedor, Sanski Most, and Vlasenica Municipalities worked with members of the VRS, including the 1KK, to commit crimes as charged in the Indictment. ARK political leaders, including Vojo Kuprešanin, visited Manjača camp and knew of the poor conditions and mistreatment of detainees by members of the VRS, including the VRS 1KK.

4416. The Trial Chamber finds that Mladić, on occasion, gave direct orders to crisis staff members about military issues. For example, on 25 May 1992, Mladić directly ordered Gliša Simanić, a member of the Trnovo Crisis Staff, to form a unit of ten to 20 soldiers and to participate in a military operation. It also finds that Mladić monitored and authorized the VRS and Crisis Staffs' cooperation with regard to providing the VRS with recruits, supplies, other material, and moral support, and that such support was important for the VRS and its operations.

4417. On or around 25 June 1992, Mladić and other members of the VRS Main Staff met with the leadership of the Vlasenica Municipal Assembly, who briefed them about the ongoing security and political situation in the municipality, and the degree of mobilization as well as the arrival of detainees in Vlasenica and their subsequent placement in the Vlasenica secondary school. Mladić asked the Assembly for a greater degree of engagement in the process of mobilization and for greater support in the supply of VRS units.

4418. In chapter 9.3.12, the Trial Chamber will consider whether Mladić's conduct in this respect, considered together with other acts or omissions, amounts to a significant contribution to the Overarching JCE.

4419. With regard to paramilitary formations, in chapter 9.2.8, the Trial Chamber found that on 28 July 1992, Mladić ordered the disarmament of all paramilitary

formations, groups, and individuals in Bosnian-Serb territory by 15 August 1992, in order to put all armed formations and individuals under the unified command of the VRS. Nevertheless, some paramilitary formations continued to exist and to operate outside the command of the VRS throughout the conflict. In addition, the Trial Chamber found that several paramilitary formations cooperated and coordinated with the VRS while committing crimes in municipalities, including Prijedor, Sanski Most, and Trnovo. Groups referred to as the 'White Eagles', 'Martić's men', the 'Spare Ribs', Šešelj's unit, the Skorpions, the SOS, a unit headed by Milan Andžić, and a paramilitary unit of at least 200 Serb soldiers from Lušci Palanka in Sanski Most Municipality, headed by Mićo 'Kudra' Praštalo, all worked in cooperation and/or coordination with members of the VRS to commit crimes as charged in the Indictment. The Trial Chamber did not receive any evidence that indicates that Mladić directed, monitored, or authorized the VRS's cooperation and coordination with the paramilitary formations referred to above. Accordingly, the Trial Chamber will not consider this further.

9.3.6 Participating in procuring material and military assistance from the VJ

4420. The Trial Chamber notes that a substantial amount of evidence regarding the role of the VJ in the Overarching JCE has been reviewed in chapter 9.2.6. A number of references from this chapter and from chapter 9.5.4 has been included below. The Trial Chamber notes that it has addressed the submissions of the parties in relation to this subject in the aforementioned chapters.

4421. With regard to this alleged contribution, the Trial Chamber received evidence from **Đorđe Đukić**, the Assistant Commander for Logistics of the VRS Main Staff;[15754] **Dušan Kukobat**, a major who served in the VRS as of 18 August 1992;[15755] **Slavko Gengo,** the Commander of the 7th Infantry Battalion of the 1st Romanija Infantry Brigade from the end of January 1994 until May 1995,[15756] and **Ekrem Suljević**, a

[15754] P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), p. 7. *See also* the relevant evidence of Đorđe Đukić in chapter 9.5.4.
[15755] D757 (Dušan Kukobat, witness statement, 23 June 2014), paras 1-3, 6.
[15756] D473 (Slavko Gengo, witness statement, 10 May 2014), paras 3, 30; Slavko Gengo, T. 21613. Gengo's evidence is reviewed in chapter 9.2.6.

mechanical engineer employed in the Bosnian MUP as of November 1993;[15757] as well as documentary evidence.[15758]

Procuring of materiel from the VJ

4422. On 7 May 1992, Mladić recorded in his notebook that he had a meeting with SFRY Vice-President Branko Kostić.[15759] Kostić informed Mladić that the Serbs would be withdrawn from Bosnia-Herzegovina but that the materiel and technical equipment would be kept in the area.[15760] In an 11 June 1992 meeting with Mladić, VJ Commander Panić spoke, among others, about the 'huge demands for ammunition' and stated: 'We don't have that ammunition, we have to buy it. All that ammunition is produced in Bosnia-Herzegovina. […] Nobody wants to sell it to us'.[15761] Panić also stated 'Supplies can no longer be obtained as has been done so far. The Corps must go through the logistics of the VSR [sic] BiH.'[15762] Finally, Panić stated that the VJ was willing to help Mladić 'to our utmost' and that all requests must go to Mladić who would then determine how the materiel would be distributed.[15763] In a 13 June 1992 VRS Main Staff meeting attended by Mladić, Major General Đukić noted that many types of ammunition were at critical levels and that Pretis had begun producing ammunition.[15764] Đukić asked what kind of ammunition could be produced together with the FRY'.[15765] In a 13 June 1992 meeting with the Bosnian-Serb Presidency attended by among others Mladić, Krajišnik, and Koljević, Zvonimir Bajagić stated that seven tanks had been taken from the former JNA barracks in Lukavica, including two that were in order but then broke down.[15766] **Reynaud Theunens** testified that on 11 August 1992, Mladić

[15757] P889 (Ekrem Suljević, witness statement, 9 February 2010), p. 1, paras 2-3, 11; Ekrem Suljević, T. 8407-8408, 8410. Suljević's evidence is reviewed in chapter 9.2.6.
[15758] P4392, P4399, P4486, P4490, P4491, P4492, P4493, P4494, P4489, P4578, D473 are reviewed in chapter 9.2.6; P4959, P4961-P4970 are reviewed in chapter 9.3.2; P7668 is reviewed in chapter 9.3.3; P355, P5086, P4347, P892, P893, P1781, P889, P935 are reviewed in chapter 9.5.4; P354, P359, P3073, P4563, P4567 are also reviewed in chapter 9.5.4.
[15759] P352 (Mladić notebook, 14 February 1992 - 25 May 1992), p. 260.
[15760] P352 (Mladić notebook, 14 February 1992 - 25 May 1992), pp. 260-261.
[15761] P353 (Mladić notebook, 27 May - 31 July 1992), pp. 146-147.
[15762] P353 (Mladić notebook, 27 May - 31 July 1992), p. 147.
[15763] P353 (Mladić notebook, 27 May - 31 July 1992), pp. 147-149.
[15764] P353 (Mladić notebook, 27 May - 31 July 1992), pp. 155, 160-162.
[15765] P353 (Mladić notebook, 27 May - 31 July 1992), p. 162.
[15766] P353 (Mladić notebook, 27 May - 31 July 1992), pp. 155-156.

sent a request to Panić, asking the VJ to send the VRS assistance in weapons, ammunition, and communication equipment.[15767]

4423. On 8 November 1992, at a meeting with Mladić, Karadžić, Krajišnik and the VRS Corps Commanders, VJ Assistant Commander of the General Staff General Domazetović noted that the VJ had the same objectives and that as for the provision of supplies, that they were doing all they could to help, but that reserves were depleted.[15768] At that same meeting, Subotić expressed support for Mladić's idea to meet representatives of the FRY within a broader framework.[15769]

4424. **Đorđe Đukić** stated that from mid-1993 until February 1996, pursuant to Mladić's orders, he travelled to the VJ General Staff in Belgrade in order to secure materiel for the VRS, including clothes, footwear, food, mines, explosives, and ammunition.[15770] Mladić would sign an accompanying letter with a request for allocation of certain quantities of materiel.[15771] The witness would travel to Belgrade and meet with the Commander of VJ General Staff, Momčilo Perišić, who would approve requested materiel and equipment, but would usually deny requests for weapons and ammunition and he would reduce the quantities that Mladić requested.[15772] Transfer of weapons and ammunition was carried out secretly, in the area of Čajniče and Rudo, by civilian trucks, avoiding border crossings where there were UNPROFOR observers, and brought to reception points in the area of the Bosnian-Serb Republic. From these reception points, they were transported to bases in Banja Luka, Koran, Bileća, and Bijeljina. Once they arrived there, the witness would be informed by the VRS Main Staff.[15773]

4425. On 8 July 1993, Mladić, Karadžić, President Milošević, Jovica Stanišić, and General Panić met to discuss the war. Panić raised the need to differentiate the matters between the VRS and the VJ. He further mentioned that they would give small calibre ammunition to the VRS and transfer the production facilities for large calibre

[15767] P3029 (Expert Report of Reynaud Theunens, September 2012), Part II, pp. 223-224.
[15768] P356 (Mladić notebook, 5 October - 27 December 1992), pp. 141, 147-148.
[15769] P356 (Mladić notebook, 5 October - 27 December 1992), pp. 141, 149. For the affiliation of General Domazetović, *see* e.g. P5088 (Stenographic notes of the 7th Session of the Supreme Defence Council), p. 1.
[15770] P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), p. 3.
[15771] P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), p. 3.
[15772] P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), pp. 3-4.
[15773] P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), p. 4.

ammunition to FRY territory.[15774] Mladić suggested accepting the establishment of a sabotage detachment consisting of 1,000 professional soldiers.[15775] According to Stanišić, some commanders were able to jeopardize the system in Serbia and some acted as paramilitaries.[15776] Mladić noted that there were several weaknesses, such as that discipline was getting worse within the VRS and that the MUP had been dismantled.[15777] Stanišić suggested that the financing of the MUP should be taken over by Serbia as well and that, with the assistance of the police, this would help Mladić and General Novaković in achieving their goals.[15778]

4426. On 2 September 1993, Mladić requested the VJ General Staff to provide 50 rockets to the VRS for the purpose of their modification into surface-to-surface rockets and stated that once the modification had been carried out, the VRS would return half of the modified rockets to the VJ.[15779] On 16 September 1993, the Head of Office of the VJ General Staff requested the opinion of the sector for operations affairs on Mladić's request.[15780]

4427. On 15 October 1993, Mladić sent a proposal to the VJ General Staff, concerning a meeting between the VJ, the VRS, and the SVK.[15781] At this meeting, which was scheduled for 19 October 1993, a number of issues would be addressed relating to coordination, including a brief evaluation of the military situation, an exchange of information and alignment of positions between the armies, problems concerning coordination and cooperation, as well as problems with military industry, ammunition production, and repairs of equipment and materiel.[15782] The meeting would also involve discussions about the provision of assistance in keeping with the 'Izvor-6' plan.[15783]

4428. On 24 December 1993, Mladić requested assistance, in the form of specific equipment, from the VJ General Staff, and from Perišić personally.[15784] On 30 December 1993, Perišić responded that the VJ did not have the requested equipment

[15774] P358 (Mladić notebook, 2 April - 24 October 1993), p. 238.
[15775] P358 (Mladić notebook, 2 April - 24 October 1993), pp. 238-239.
[15776] P358 (Mladić notebook, 2 April - 24 October 1993), p. 242.
[15777] P358 (Mladić notebook, 2 April - 24 October 1993), p. 242.
[15778] P358 (Mladić notebook, 2 April - 24 October 1993), p. 243.
[15779] P4550 (Request from Mladić concerning the distribution of rockets addressed to the VJ General Staff, 2 September 1993), p. 2.
[15780] P4550 (Request from Mladić concerning the distribution of rockets addressed to the VJ General Staff, 2 September 1993), p. 1.
[15781] P5105 (Proposal of issues for joint meeting of the VRS and the SVK, 15 October 1993), pp. 1-2.
[15782] P5105 (Proposal of issues for joint meeting of the VRS and the SVK, 15 October 1993), p. 1.
[15783] P5105 (Proposal of issues for joint meeting of the VRS and the SVK, 15 October 1993), pp. 1-2.
[15784] P4268 (Request from Ratko Mladić to Momčilo Perišić, 24 December 1993), pp. 5-6.

available to allocate to the VRS but that the 1KK was in possession of at least some of the equipment and Perišić proposed that this be used.[15785]

4429. **Theunens** testified that on 26 January 1994, Mladić proposed that the VJ General Staff set up the production of a 'special chemical substance' in Serbia, to be used for 'anti-sabotage and anti-terrorist activities'.[15786] The VJ General Staff agreed in principle with this proposal and suggested that in order to speed up the process the VRS Main Staff participate in funding the project.[15787] On 30 January 1994, Mladić requested the VJ General Staff to approve the delivery of a large amount of ammunition, which according to Mladić was 'necessary for combat security and supplying of units engaged in combat operations', as part of the 'Izvor-8' plan.[15788]

4430. On 19 February 1994, Colonel Radomir Ećimović, on behalf of Pretis-Vogošća, informed Manojlo Milovanović about Mladić's order for the manufacture of two types of guns for operational support.[15789] The deployment of the guns was to be approved by Mladić personally.[15790]

4431. On 5 February 1995, Mladić recorded a meeting he had in Belgrade with a man named Lazar Kovačević, referred to as 'Lazo'.[15791] Mladić recorded that an Ilyushin-76 aircraft would be arriving a few days later, carrying a large shipment of weapons for both the VJ and the VRS.[15792] Mladić and Kovačević discussed the weapons that would be arriving and their prices, and he recorded he had discussed the purchase of rocket launchers, rockets, mortars, a tank, a grenade launcher, and long range rifles.[15793] On 19 March 1995, Mladić had a meeting in Belgrade with General Vladimir Georgijevich during which the arrival of weapons was discussed. [15794] Mladić recorded that 226

[15785] P4268 (Communication between Momčilo Perišić and Ratko Mladić, 30 December 1993), pp. 1-2.
[15786] P3029 (Expert Report of Reynaud Theunens, September 2012), Part II, p. 224.
[15787] P3029 (Expert Report of Reynaud Theunens, September 2012), Part II, pp. 224-225.
[15788] P3029 (Expert Report of Reynaud Theunens, September 2012), Part II, p. 225.
[15789] P3073 (Correspondence regarding VJ materiel, VRS materiel and materiel from *Pretis*, 23 January 1994 and 19 February 1994), pp. 2-3.
[15790] P3073 (Correspondence regarding VJ materiel, VRS materiel and materiel from *Pretis*, 23 January 1994 and 19 February 1994), pp. 2-3.
[15791] P345 (Mladić notebook, 27 January - 5 September 1995), p. 17.
[15792] P345 (Mladić notebook, 27 January - 5 September 1995), p. 17. The Trial Chamber understands that Mladić's notebook reference to 'IL-76' concerns an Ilyushin-76 aircraft, *see* e.g. P3029 (Expert Report of Reynaud Theunens, September 2012), Part V, p.252.
[15793] P345 (Mladić notebook, 27 January - 5 September 1995), pp. 17-18.
[15794] P345 (Mladić notebook, 27 January - 5 September 1995), pp. 62-64.

rockets and 57 launchers had arrived, of which the VRS would receive 42 rockets and 11 launchers.[15795]

4432. On 3 March 1995, Mladić recorded a meeting he had with the 'inner core' of the VRS Main Staff, during which General Đukić reported he had been in a meeting with Jovica Stanišić in Belgrade. Đukić reported that Stanišić had told him it would have been better for him not to have come, and that Milošević had said 'nothing more can cross over'. Đukić also reported that 'Prvi Partizan is ready to deliver to us on loan 40 million rounds under condition that we pay it by 1 August'.[15796]

4433. On 9 March 1995, Mladić recorded a meeting with President Slobodan Milošević during which a decision had been made for steel to be delivered via the VJ General Staff and that decisions had been made regarding fuel, detonators, and rocket engines as well as the commissioning of officers and non-commissioned officers from the Rajko Balać School.[15797] Mladić also recorded that the following had been decided at the meeting 'Acquisition of ammunition via General Staff of the VJ and transport from other countries with the knowledge of the GŠ VJ and President SM'.[15798]

4434. On 30 March 1995, Mladić recorded a meeting with 'the inner core' of the VRS Main Staff Command members, during which a briefing was given by the director of Orao, Major Prica.[15799] Prica explained that on 26 March 1995, Karadžić had called him as well as the directors of Pretis and Hadžići regarding the production of aircraft.[15800]

4435. On 6 April 1995, Mladić recorded a meeting he had in Belgrade with Jovica Stanišić, Momčilo Perišić, and General Gvero. Stanišić provided information on how 'we' transported various types of materiel – such as missiles, 'FAB', ammunition, and fuel – to Bihać, Pretis and to Martić. Mladić recorded Stanišić to have stated that the 'stuff planned for Pretis' was transported in 14 trailer-trucks and went through Colonel Brkić. Stanišić stated 'the crossing should take place in silence'. He also stated 'I sent 150 men from Slavonija through Pauk' and Mladić recorded him to have asked '/?Should/ we look for volunteers who would join you'. [15801]

[15795] P345 (Mladić notebook, 27 January - 5 September 1995), pp. 62-63.
[15796] P345 (Mladić notebook, 27 January - 5 September 1995), p. 49.
[15797] P345 (Mladić notebook, 27 January - 5 September 1995), p. 53.
[15798] P345 (Mladić notebook, 27 January - 5 September 1995), p. 53.
[15799] P345 (Mladić notebook, 27 January - 5 September 1995), p. 71.
[15800] P345 (Mladić notebook, 27 January - 5 September 1995), pp. 72-73.
[15801] P345 (Mladić notebook, 27 January - 5 September 1995), p. 80.

4436. According to the transcript of the 50th Session of the Bosnian-Serb Assembly held on 15 and 16 April 1995, Mladić reported to the Assembly that the total infantry ammunition that had been used by the VRS from the beginning of the war until that point amounted to 9,185 tonnes. Of this ammunition, 42.2 per cent was from materiel reserves 'inherited and pulled out of enclaves or found in the barracks of former Army', 47.2 per cent was provided by the VJ, 9.11 per cent was 'imported, i.e. bought', and only 1.49 per cent originated from the VRS's 'own' production.[15802]

4437. From March to October 1995, Mladić sent numerous requests to the VJ General Staff, asking for equipment, weapons and large quantities of ammunition of various calibers and types, including KMD and KMD-2 mines; flamethrowers; anti-tank and anti-personnel mines, and related engineering equipment; nitrogen tanks; *GRAD* rocket engines; FAB-275 and FAB-275/4 aerial bombs; KUB-M rocket batteries; automatic rifles and machine guns; *DVINA* rockets.[15803] Most of the requests were approved,[15804] while some were denied[15805]. On 30 April 1995, Mladić requested the VJ General Staff to facilitate the return to the HK of one 130 millimetre gun, sent for repair, as well as

[15802] P4583 (Transcript from 50th session of the Bosnian-Serb Republic Assembly, 16 April 1995), p. 51.
[15803] P4551 (VRS Main Staff request for motors addressed to the VJ General Staff, 27 June 1995); P4552 (VRS Main Staff request for ammunition addressed to the VJ General Staff, 14 June 1995); P4553 (VRS Main Staff request for ammunition addressed to the VJ General Staff, 3 August 1995), p. 3; P4554 (VRS Main Staff request for ammunition addressed to the VJ General Staff, 11 March 1995); P4555 (VRS Main Staff request for mines, explosives, and technical equipment addressed to the VJ General Staff, 26 May 1995); P4557 (VRS Main Staff request for ammunition addressed to the VJ General Staff, 27 March 1995); P4558 (VRS Main Staff request addressed to the VJ General Staff regarding the allocation of weapons, military equipment, and ammunition, 28 August 1995); P4560 (VRS Main Staff request addressed to the VJ General Staff regarding rocket batteries, 1 September 1995); P4561 (VRS Main Staff request for military equipment addressed to the VJ General Staff, 3 September 1995); P4562 (VRS Main Staff request for weapons and addressed to the VJ General Staff, 3 September 1995); P4563 (VRS Main Staff request regarding aerial bombs addressed to the VJ General Staff, 2 September 1995), p. 1; P4564 (VRS Main Staff request for aerial bombs addressed to the VJ General Staff, 7 October 1995), p. 1; P4565 (VRS Main Staff request for *Dvina* rockets addressed to the VJ General Staff, 7 October 1995); P4577 (Siniša Borović letter, 19 June 1995), pp. 1-2; P3029 (Expert Report of Reynaud Theunens, September 2012), Part II, pp.225- 230; P5100 (Correspondence between Mladić and the VJ regarding request for flame throwers, 18-19 May 1995), p. 2.
[15804] P4552 (VRS Main Staff request for ammunition addressed to the VJ General Staff, 14 June 1995), p. 4; P4553 (VRS Main Staff request for ammunition addressed to the VJ General Staff, 3 August 1995), p. 3; P4564 (VRS Main Staff request addressed to the VJ General Staff for aerial bombs, 7 October 1995), p. 2; P4566 (Letter from the VJ General Staff addressed to the VRS Main Staff approving a request for aerial bombs, 7 October 1995); P4567 (VJ General Staff order to supply rocket engines signed by Siniša Borović, 28 June 1995); P4577 (Siniša Borović letter, 19 June 1995), pp. 2-3; P3029 (Expert Report of Reynaud Theunens, September 2012), Part II, pp. 225-226, 228.
[15805] P3029 (Expert Report of Reynaud Theunens, September 2012), Part II, pp. 225-226; P5100 (Correspondence between Mladić and the VJ regarding request for flame throwers, 18-19 May 1995), p. 1.

the transportation of two additional guns in need of repair.[15806] On 16 June 1995, Mladić sent a proposal to the Commander of the VJ General Staff, stating that the Belgrade Technical Education Centre had loaned one H-152 Howitzer to the DK in 1992 without the necessary documentation.[15807] He thus asked for the relevant paperwork to be issued.[15808]

4438. On 24 December 1995, Mladić attended a meeting with the Collegium of the Commanders of the VRS Main Staff during which a conclusion was reached that a joint meeting should be held with the VJ General Staff to assess the military and political situation, to define a defence strategy, and to determine the character of a joint defence.[15809] On 25 December 1995, Mladić attended a meeting between VRS Generals and a delegation from the VJ General Staff during which, among others, the production of materiel was discussed.[15810] On 28 December 1995, Mladić attended a meeting with, among others, Perišić, Gvero, General Škrbić, President Zoran Lilić, and President Slobodan Milošević in Belgrade.[15811] At the meeting, Škrbić raised the issue of verification of VRS ranks by the VJ, discussed the possibility of combining VJ and VRS training grounds, and asked whether 'anyone thought of turning the VRS into a unit of the VJ'.[15812] Perišić proposed to 'fully support the VRS'.[15813]

Procuring of VRS personnel from the VJ

4439. Mladić recorded that he had a meeting on 30 April 1992 with JNA General Staff Commander Colonel General Adžić.[15814] Adžić told Mladić that VRS officers would receive payments from the FRY budget and would be partially funded by the Krajinas which were able to provide such funding.[15815]

4440. In a 12 June 1992 meeting held in Belgrade and attended by various VJ Generals and Mladić, General Panić stated that 130 officers had 'given their consent' and that the

[15806] P4556 (VRS Main Staff request concerning the repair of ammunition addressed to the VJ General Staff, 30 April 1995). *See also* P3029 (Expert Report of Reynaud Theunens, September 2012), Part II, pp. 225-226.
[15807] P5101 (Proposal by Mladić to the VJ on reissuing a Howitzer, 16 June 1995), p. 1.
[15808] P5101 (Proposal by Mladić to the VJ on reissuing a Howitzer, 16 June 1995), p. 1.
[15809] P364 (Mladić notebook, 25 August 1995 - 15 January 1996), pp. 189-190.
[15810] P364 (Mladić notebook, 25 August 1995 - 15 January 1996), pp. 214, 215.
[15811] P364 (Mladić notebook, 25 August 1995 - 15 January 1996), p. 217.
[15812] P364 (Mladić notebook, 25 August 1995 - 15 January 1996), p. 227.
[15813] P364 (Mladić notebook, 25 August 1995 - 15 January 1996), p. 231.
[15814] P352 (Mladić notebook, 14 February 1992 - 25 May 1992), p. 211.
[15815] P352 (Mladić notebook, 14 February 1992 - 25 May 1992), pp. 215, 221, 223.

VJ would organize their departure, and he instructed that the education of third-year cadets be sped up.[15816] On 13 July 1992, the Bosnian-Serb Presidency, at a session attended by Karadžić, Mladić, Plavšić, Koljević, Krajišnik, Đerić, and Gvero, Mladić submitted a proposal, which was accepted, that the use of artillery was to be controlled exclusively by the VRS on the basis of orders to be issued by the VRS Commander.[15817] Furthermore, a conclusion was reached that the VRS would submit a list of VJ officers residing in the FRY who would subsequently receive a personal invitation to place themselves at the disposal of the VRS.[15818]

4441. **Theunens** testified that on 11 August 1992, Mladić sent a request to Panić, asking the VJ to direct to the VRS as soon as possible all the officers born in Bosnia-Herzegovina who were carrying out various duties in the VJ, to provide the VRS with assistance in maintenance of technical and materiel equipment and the air force, to regulate treatment of wounded persons and to assist wounded persons after treatment, to connect the special purpose industry for war needs and to provide the VRS with necessary professional and other assistance, to direct conscripts and recruits, citizens of Bosnia-Herzegovina to competent Military Prosecutor's organs of the Bosnian-Serb Republic, and to continue working on solutions of the status of active military personnel and their families.[15819] On 12 August 1992, Mladić had a meeting with Commander of the VJ General Staff, and they discussed issues concerning personnel, ammunition and weaponry, food, clothes and medical aids.[15820] On the same day, Mladić had a conversation with officers from Bosnia-Herzegovina with ranks of major and colonel, and Dušan Kukobat was among the 66 officers in attendance.[15821] The next day, Mladić had a meeting with officers ranked captain 1st class and lower.[15822] **Dušan Kukobat** testified that following a meeting he had with Mladić and Tolimir in Belgrade, he left the position of the Brigade Chief of Staff on 18 August 1992 and went to Bosnia-Herzegovina, where he was appointed Chief of Staff of the Ključ Brigade.[15823] During

[15816] P353 (Mladić notebook, 27 May - 31 July 1992), pp. 152, 155.
[15817] P4263 (Minutes of Bosnian-Serb Presidency Session, 13 July 1992), p. 1.
[15818] P4263 (Minutes of Bosnian-Serb Presidency Session, 13 July 1992), p. 1.
[15819] P3029 (Expert Report of Reynaud Theunens, September 2012), Part II, pp. 223-224.
[15820] P354 (Mladić notebook, 1 September 1992 - 9 September 1992), pp. 51-52.
[15821] P354 (Mladić notebook, 1 September 1992 - 9 September 1992), p. 55; Dušan Kukobat, T. 28011-28012.
[15822] P354 (Mladić notebook, 1 September 1992 - 9 September 1992), p. 55; Dušan Kukobat, T. 28012.
[15823] D757 (Dušan Kukobat, witness statement, 23 June 2014), paras 3-4.

his service in the VRS, he continued to receive salary from the 30th Personnel Centre of the VJ.[15824]

4442. According to an undated list, a number of officers and non-commissioned officers were transferred from the VJ pursuant to Article 271 of the Law on Service in the Armed Forces.[15825] In response to requests for clarification from subordinate commands concerning VRS officers who had been dispatched to the VRS for a period of three months pursuant to Article 271, Mladić issued an instruction from the VRS Main Staff on 7 October 1992, ordering all such officers to remain in the VRS until further notice.[15826] All VRS officers who had left the VRS without permission were to be called to return to their respective units or face criminal prosecution for treason against the 'Serbian people of Republika Srpska'. Subordinate commands were to send the personal details of such officers to the Main Staff by 11 October 1992. The instruction noted that the Main Staff had sent invitations to all officers of 'Serbian ethnicity hailing from the former Bosnia and Herzegovina' and serving in the VJ to report for obligatory military service in the VRS under threat of prosecution for treason. The instruction also noted that service in the VRS was obligatory for the officers just as for all citizens of the Bosnian-Serb Republic, and that temporary assignments did not exist.[15827]

4443. On 12 October 1992, Mladić recorded a meeting of the VRS Main Organs during which Colonel Grubor stated that the question of enlisting officers from the VJ born in Bosnia-Herzegovina had been resolved with VJ General Domazetović and the call-up was to be sent to them as well.[15828] Grubor also noted that the VJ was ready to assist the VRS with training courses for officers and in drafting the training programme.[15829]

4444. On 12 November 1992, Minister of Defence Subotić told Mladić that the MoD had submitted a request to the VJ General Staff to send officers from the Bosnian-Serb Republic to the VRS.[15830] Subotić also told Mladić that Domazetović had informed him that there was only one way to appoint them on the basis of reinforcement formations,

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[15824] Dušan Kukobat, T. 28013.
[15825] P4973 (List of officers and non-commissioned officers, undated).
[15826] P2817 (VRS Main Staff Instruction re VRS officers, 7 October 1992), pp. 1-2.
[15827] P2817 (VRS Main Staff Instruction re VRS officers, 7 October 1992), p. 1.
[15828] P356 (Mladić notebook, 5 October - 27 December 1992), p. 21. For the affiliation of General Domazetović, *see* e.g. P5088 (Stenographic notes of the 7th Session of the Supreme Defence Council), p. 1.
[15829] P356 (Mladić notebook, 5 October - 27 December 1992), p. 22.
[15830] P356 (Mladić notebook, 5 October - 27 December 1992), pp. 164, 166.

and that in that case all promotions had to be based on the law of the VJ.[15831] The FRY wanted the VRS to send them orders and proposals for what they have done and for those that were promoted until that date.[15832]

4445. On 25 November 1992, at a VRS Main Staff briefing, Colonel Grubor informed Mladić that a reliable list of officers in the VJ had been established and that 26 officers had joined the HK, while 22 officers had joined the DK.[15833]

4446. On 22 April 1993, Mladić met with the Commander of the VJ General Staff to discuss sending Bosnian-Serb officers to the VRS.[15834] In a meeting of the Supreme Command of the Bosnian-Serb Republic held on 19 June 1993 in Pale, attended by, among others, Karadžić, Krajišnik, Koljević, Adžić, Mladić, Tolimir, and Gvero, a decision was adopted on the financing of 1,000 professional VRS soldiers by the VJ.[15835] Mladić noted that remuneration of VRS officers was to be arranged with Slobodan Milošević.[15836] At a meeting held on 19 October 1993 in Belgrade between VJ General Staff officers, including Perišić, and VRS Main Staff officers, including Mladić, Perišić suggested that the VJ send all officers and military conscripts born in Bosnia-Herzegovina to the Bosnian-Serb Republic, and whoever would refuse would be discharged from the VJ.[15837] He also mentioned that he did not want a single request without Mladić's signature and that they should cooperate wherever they could.[15838]

4447. On 21 October 1993, at a meeting in Belgrade with Zoran Lilić, Slobodan Milošević, Karadžić, Perišić, Mladić, and Novaković, the financing of the VRS was discussed and Mladić noted that the VJ would give what they had, but that the VRS still had to raise part of the funds.[15839] Milošević requested that all VJ officers and non-commissioned officers be contacted and that, by the end of the week, VJ officers were to be sent to the VRS and the SVK.[15840]

4448. On 9 November 1993, Mladić attended a meeting with President Milošević, Karadžić, Krajišnik, and Perišić where they discussed, *inter alia*: (i) requests for

[15831] P356 (Mladić notebook, 5 October - 27 December 1992), pp. 166-167.
[15832] P356 (Mladić notebook, 5 October - 27 December 1992), p. 167.
[15833] P356 (Mladić notebook, 5 October - 27 December 1992), pp. 203-205.
[15834] P358 (Mladić notebook, 2 April - 24 October 1993), p. 48.
[15835] P358 (Mladić notebook, 2 April - 24 October 1993), pp. 212, 216.
[15836] P358 (Mladić notebook, 2 April - 24 October 1993), p. 216.
[15837] P358 (Mladić notebook, 2 April - 24 October 1993), pp. 386, 389.
[15838] P358 (Mladić notebook, 2 April - 24 October 1993), p. 389.
[15839] P358 (Mladić notebook, 2 April - 24 October 1993), pp. 390-392.
[15840] P358 (Mladić notebook, 2 April - 24 October 1993), p. 392.

officers, non-commissioned officers and conscripts to return to the Bosnian-Serb Republic; (ii) the status of non-commissioned officers and officers promoted in the Bosnian-Serb Republic, as well as: (iii) the provision of fuel, ammunition, clothing, food, and overhaul material supplies.[15841]

4449. During the 15th Session of the FRY Supreme Defence Council held on 10 November 1993, Momčilo Perišić mentioned that 'Ratko is constantly asking for weapons'.[15842] The Trial Chamber refers to its more detailed review of the 15th Session in chapter 9.2.6 where it discussed that Mladić reported to Perišić on the promotion of the VRS officers who were on the payroll of the VJ.[15843]

4450. On 18 February 1994, Mladić met with Perišić and discussed the training of personnel and the verification of ranks.[15844]

4451. On 17 May 1994, Mladić requested the opinion of the Commander of the VJ General Staff on matters relating to the coordination between the VRS and VJ.[15845] He noted that, despite authorisation, competent officers in the VJ General Staff were not always prepared to deal effectively with problems highlighted by the VRS Main Staff through the 30th Personnel Centre.[15846] Instead, they repeatedly redirected requests from the VRS to the FRY Supreme Defence Council, the Commander of the VJ General Staff, or raised them in coordination meetings, as a result of which problems were not resolved or resolved with significant delays.[15847] Mladić highlighted problems of coordination, including, *inter alia*, issues relating to the organisational structure and manning table of the VRS; the obligation to terminate fixed-term contracts because the VJ had not approved their extension; and the refusal to verify commissions and promotions of participants in the school for non-commissioned officers of the VRS without justification, as well as their treatment in general.[15848]

[15841] P359 (Mladić notebook, 28 October 1993 - 15 January 1994), p. 30.
[15842] P7462 (Excerpt from Stenographic notes of the 15th session of the Supreme Defence Council, 10 November 1993), pp. 1, 4-5.
[15843] P7462 (Excerpt from Stenographic notes of the 15th session of the Supreme Defence Council, 10 November 1993), p. 10.
[15844] P360 (Mladić notebook, 9 January - 21 March 1994), p. 115.
[15845] P5096 (Question for coordination with the VJ General Staff, signed by Ratko Mladić, 17 May 1994), pp. 1-4.
[15846] P5096 (Question for coordination with the VJ General Staff, signed by Ratko Mladić, 17 May 1994), p. 1.
[15847] P5096 (Question for coordination with the VJ General Staff, signed by Ratko Mladić, 17 May 1994), p. 1.
[15848] P5096 (Question for coordination with the VJ General Staff, signed by Ratko Mladić, 17 May 1994), pp. 1-4.

4452. On 19 May 1994, a meeting was scheduled between the VJ, the VRS, and the SVK.[15849] The Commander of the VJ General Staff Momčilo Perišić asked the Commander of the VRS Main Staff to attend this meeting.[15850] Perišić stated that it was necessary that the Commander gave a speech that addressed conclusions from situation assessments, decisions for further action, and proposed solutions to existing problems.[15851] The three parties were also scheduled to discuss the possibilities for the VJ to assist the VRS and the SVK.[15852] On 24 May 1994, the acting Commander of the VJ General Staff, Blagoje Kovačević, ordered the sector for operations and staff affairs of the VJ to analyse all requests for assistance made by the VRS and the SVK, and to make proposals as to which requests could be met.[15853] Detailed explanations were to be provided if any of these requests could not be granted.[15854] The requests made were mainly appeals for assistance in the form of materiel, training, or military literature.[15855] For example, in April 1994, the VRS and the SVK were provided with surveillance equipment, and a month-long reconnaissance and sabotage course was organized in Banja Luka.[15856] A cryptographic analysis training of VRS members was also scheduled to take place in Bijeljina, and would be paid for by the VJ.[15857]

4453. **Theunens** testified that on 15 April 1995, Mladić asked Perišić to extend the temporary assignment of two instructors of the Pančevo VJ Security and Intelligence Training Centre at the Banja Luka Military School Centre.[15858] On 25 April 1995, Mladić requested Perišić to send two officers from the VJ 2nd Administration to the VRS.[15859]

[15849] P5097 (Notification on coordination meeting sent from VJ to VRS Main Staff and SVK, 12 May 1994-27 May 1994), p. 1.
[15850] P5097 (Notification on coordination meeting sent from VJ to VRS Main Staff and SVK, 12 May 1994-27 May 1994), p. 4.
[15851] P5097 (Notification on coordination meeting sent from VJ to VRS Main Staff and SVK, 12 May 1994-27 May 1994), pp. 4, 6.
[15852] P5097 (Notification on coordination meeting sent from VJ to VRS Main Staff and SVK, 12 May 1994-27 May 1994), p. 7.
[15853] P5097 (Notification on coordination meeting sent from VJ to VRS Main Staff and SVK, 12 May 1994-27 May 1994), pp. 8-9.
[15854] P5097 (Notification on coordination meeting sent from VJ to VRS Main Staff and SVK, 12 May 1994-27 May 1994), pp. 8-9.
[15855] P5097 (Notification on coordination meeting sent from VJ to VRS Main Staff and SVK, 12 May 1994-27 May 1994), pp. 10-14.
[15856] P5097 ((Notification on coordination meeting sent from VJ to VRS Main Staff and SVK, 12 May 1994-27 May 1994), p. 12.
[15857] P5097 ((Notification on coordination meeting sent from VJ to VRS Main Staff and SVK, 12 May 1994-27 May 1994), pp. 12-13.
[15858] P3029 (Expert Report of Reynaud Theunens, September 2012), Part II, p. 218.
[15859] P3029 (Expert Report of Reynaud Theunens, September 2012), Part II, p. 218.

The Trial Chamber's findings

4454. Based on the foregoing, the Trial Chamber finds that from May 1992 until at least 30 November 1995, Mladić was in direct contact with members of the political leadership in Serbia and members of the VJ General Staff to ensure the military needs of the VRS were met. To this end, Mladić frequently met with members of the VJ General Staff and attended meetings with Slobodon Milošević, Jovica Stanišić, and other high-ranking politicians in Serbia to discuss materiel and personnel support from the VJ to the VRS for the purpose of the ongoing war effort in Bosnia-Herzegovina. The Trial Chamber finds that from May 1992 to April 1995, almost 90 per cent of the ammunition which was used by the VRS had been provided by the VJ and by its predecessor, the JNA. Over half of this amount was provided by the VJ, whereas the rest was provided by the JNA.[15860]

4455. The Trial Chamber further finds that during the aforementioned meetings with the leadership in Serbia and the VJ General Staff, Mladić often discussed the needs of VRS personnel and he directly proposed promotions of individual VRS members. As discussed in chapter 9.2.6, a substantial number of VRS military personnel received their salary directly from the VJ through the 30th Personnel Centre in Serbia. This centre ensured that VRS soldiers would receive salaries and other benefits, and regulated their subsequent pensions and VJ membership following the conclusion of the war in Bosnia-Herzegovina in 1995. The Trial Chamber further recalls in this context its findings in chapter 9.2.6 that when a VJ soldier was promoted in the VRS, approval of that same promotion by the VJ was required so that rights and benefits associated to that new rank could be enjoyed upon return to the FRY. For promotions to the highest army ranks in the VRS, the FRY Supreme Defence Council's approval ('verification') was required.

4456. Lastly, the Trial Chamber finds that in order to ensure full control over the materiel coming from the VJ to the VRS, Mladić ordered in March 1993 that all requests for materiel were to be authorized by himself and were to be coordinated through the VRS Main Staff Logistics sector. In December 1993, the Commander of the VJ General Staff, Momčilo Perišić, issued a similar order to all related VJ organs,

whereby he added that only VRS requests which had been approved by Mladić would be considered by the VJ General Staff Logistics organ.

4457. In chapter 9.3.12, the Trial Chamber will consider whether Mladić's conduct in this respect, considered together with other acts or omissions, amounts to a significant contribution to the Overarching JCE.

9.3.7 Participating in the development of Bosnian-Serb governmental policies

4458. With regard to this alleged contribution, the Defence submitted that the Accused was excluded from political decision-making, that he did not have voting rights within the Bosnian-Serb Assembly, and that he only attended very few Assembly sessions.[15861] The Defence further submitted that the Accused was not a member of the Supreme Command and that he could attend its meetings only by invitation and in non-voting capacity.[15862] The Trial Chamber received evidence from **Patrick Treanor**, an intelligence analyst;[15863] **Nenad Kecmanović**, a member of the Bosnia-Herzegovina Presidency from 1 June until 23 August 1992;[15864] **Michael Rose**, the UNPROFOR Commander from 5 January 1994 to 23 January 1995;[15865] **Pyers Tucker**, a British Army officer, who served with UNPROFOR as military assistant to General Philippe Morillon from October 1992 to March 1993;[15866] **Anthony Banbury**, an UNPROFOR Civil Affairs Officer in Sarajevo between March 1994 and May 1995 and later the Assistant to the UN Special Representative of the Secretary-General in Bosnia-Herzegovina;[15867] **Husein Aly Abdel-Razek**, UNPROFOR Sector Sarajevo Commander from 21 August 1992 to 20 February 1993;[15868] **Rupert Smith**, UNPROFOR commander in Bosnia-Herzegovina between 23 January and December

[15860] On the subject of the transition of the JNA into the VRS and the VJ, and on the provision of JNA materiel to the VRS, the Trial Chamber further refers to its findings in chapters 3.2 and 3.1.1.
[15861] Defence Final Brief, paras 352, 355-356.
[15862] Defence Final Brief, para. 356.
[15863] P3001 (Patrick Treanor, *curriculum vitae*), p. 3. Patrick Treanor's evidence is reviewed in chapter 2.1.1.
[15864] D556 (Nenad Kecmanović, witness statement, 25 February 2014), para. 9; P6668 (Interview with Kecmanović published by Tanjug press agency, 25 August 1992). Nenad Kecmanović's evidence is reviewed in chapter 9.3.13.
[15865] P736 (Michael Rose, witness statement, 26 March 2009), paras 5, 195; Michael Rose, T. 6839.
[15866] P317 (Pyers Tucker, witness statement, 10 May 2010), paras 4, 6; Pyers Tucker, T. 3751.
[15867] P874 (Anthony Banbury, witness statement, 19 May 2009), para. 3.
[15868] Husein Aly Abdel-Razek, T. 3581; P293 (Husein Aly Abdel-Razek, witness statement, 14 July 1992), para. 2.

1995;[15869] **John Wilson**, the chief UNMO for UNPROFOR deployed to Sarajevo from 22 March to 24 June 1992;[15870] **Reynaud Theunens**, a military intelligence analyst;[15871] and **Robert Donia**, an expert on the history of Bosnia-Herzegovina;[15872] as well as documentary evidence.[15873]

4459. **Robert Donia** testified that Mladić was regularly invited to attend sessions of the Bosnian-Serb Assembly starting in May 1992, despite not being a delegate.[15874] He first spoke to the Assembly at the 16th Session on 12 May 1992 and attended and addressed at least seven sessions from then until May 1994.[15875] Mladić stopped attending the sessions as of May 1994, except appearing one last time to address the 50th Session in April 1995.[15876] While Mladić did not have a right to vote or to formally make a proposal at assembly sessions, he served as an 'influential voice' and was able to make suggestions, advocate policies, and engage in discussions about those policies.[15877]

4460. On 12 May 1992, at the 16th Session of Bosnian-Serb Assembly, after Karadžić announced the six strategic goals for the 'Serbian people', Mladić stated that he had 'mulled over for a long time and discussed within the most select circle of comrades […] the strategic goals that are of substance'.[15878] Mladić stated that, in order to define the goal, it would be useful to determine and define the territory of the Bosnian-Serb Republic.[15879] He noted that, from that moment on, there were two paths leading to the future, the first one being the path of war, and that, in his opinion, 'for any man born in the area of the Serbian Republic of Bosnia and Herzegovina or whose roots reach back to here, there is only the first path, the path I see as the path of honour, glory and

[15869] P785 (Rupert Smith, witness statement, 27 October 2009), paras 4, 6; Rupert Smith, T. 7287.
[15870] P320 (John Wilson, witness statement, 26 March 2009), paras 6-8, 25, 64, 93; John Wilson, T. 3919, 4020.
[15871] Reynaud Theunens, T.20230; P3093 (Reynaud Theunens, *curriculum vitae*, 15 October 2012), pp. 1-4. Reynaud Theunens's evidence is reviewed in chapter 3.1.3.
[15872] Robert Donia, T. 15492-15493; P1998 (Robert Donia, *curriculum vitae)*, p. 5.
[15873] P431 is also reviewed chapter 9.5.5; P2508 is also reviewed in chapter 9.3.13; P3042 and P2210 are reviewed in chapter 2.1.1; P3918 is reviewed in chapter 9.3.8; and P6670 is reviewed in chapter 9.3.13.
[15874] P2001 (Robert Donia, Report on the highlights of deliberations in the Bosnian-Serb Assembly, 18 February 2013), p. 4.
[15875] P2001 (Robert Donia, Report on the highlights of deliberations in the Bosnian-Serb Assembly, 18 February 2013), p. 4.
[15876] P2001(Robert Donia, Report on the highlights of deliberations in the Bosnian-Serb Assembly, 18 February 2013), p. 4.
[15877] Robert Donia, T. 15702-15703.
[15878] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), pp. 1, 9-10, 32. The Trial Chamber notes that the terms 'goals' and 'objectives' have been used interchangeably in this context.
[15879] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 32.

survival. However, I do not refer only to Serbs here'.[15880] He added that: 'People and peoples are not pawns nor are they keys in one's pocket that can be shifted from here to there. It is something easily said but difficult to achieve.'[15881] According to Mladić, the 'thing' that they were doing 'need[ed] to be guarded as [their] deepest secret'.[15882] Serb representatives in the media and at political talks and negotiations would have to present the goals in a way that would sound appealing to those who they wanted to win over and the 'Serbian people' would need to know how to read between the lines.[15883] Mladić also observed that 'we cannot cleanse nor can we have a sieve to sift so that only Serbs would stay […] and the rest leave. […] I do not know how Mr. Krajišnik and Mr. Karadžić would explain this to the world. People, that would be genocide. We have to call upon any man who has bowed his forehead to the ground to embrace these areas and the territory of the state we plan to make. He to [*sic*] has his place with us and next to us'.[15884] During the same assembly session, Mladić stated that: 'I would like to make one suggestion here that we adopt such a wisdom that we are against the war but that we will fight if attacked, and that we do not want a war against the Muslims as a people, or against the Croats as a people, but against those who steered and pitted these people against us […]. [W]e need to […] precisely define who our enemy is.'[15885] He further noted: '*Ustašas*, I know what kind of people *Ustašas* are. However, we must now see and assess […] who our allies and our enemies are, and which enemy would be easier to handle. On the basis of this we must make our move and eliminate them, either temporarily or permanently, so that they will not be in the trenches.' [15886] He further explained that 'if we had taken something in this war that was not ours, we need to keep hold of it so that in political negotiations we can get those things that were ours, and that we cannot get in any other way'.[15887]

4461. Mladić also noted that the enemy, a 'common enemy, regardless whether it is the Muslim hordes or Croatian hordes' had attacked 'with all its might from all directions'. He further said that '[w]hat is important now is either to throw both of them out employing political and other moves, or to organize ourselves and throw out one by

[15880] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 31-32, 34.
[15881] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 33.
[15882] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 34.
[15883] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 34.
[15884] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 35.
[15885] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 33.
[15886] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 33.
[15887] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 32.

force of arms, and we will be able to deal somehow with the other'. According to Mladić, the VRS was being created in 'times of war and blood, […] when the best sons of [their] nation fall victim'. The 'armed Serbian people' in the Bosnian-Serb Republic, who had responded to the call to put a stop, together with the members of the JNA, to the 'fascist and phantom *Ustaša* dragon', were the starting point for the creation of the army. The sacred duty of the people was to place themselves in the service of an army that would protect its people from being wiped out. Mladić emphasized that they were not to create a conquering army, since they did not need what was not theirs; they were creating an army which would 'defend, successfully the traces [their] fathers have left behind and protect [their] children from the conquering ambitions of Nazi mercenaries; which will bring freedom to its people, and enable it to live in peace and serenity and its environment, at its centuries-old hearths'. [15888] Their goal was to have a corridor to Serbia and a 'state of [their] own where [they] ha[d] left [their] mark, the bones of [their] fathers'.[15889] The Trial Chamber also recalls the evidence reviewed in chapter 9.5.5 that, during the same Assembly session, Mladić stated that Muslims in Sarajevo were under blockade and that 'there is nowhere they can go […] because the head of the dragon of fundamentalism lies beneath our hammer'.

4462. On 12 October 1992, Mladić recorded a meeting of the VRS main organs, at the end of which, Mladić noted 'define the border of Republika Srpska'.[15890] On 8 November 1992, at a meeting with Karadžić and the Corps Commanders, Mladić proposed a plan that was to be presented at a peace conference, stating that no concessions, demilitarisation, or ceding of parts of the territory should be offered in political negotiations.[15891] He further proposed an unconditional withdrawal of the Croatian armed forces from the territory of Bosnia-Herzegovina and the offering of peace negotiations to the Muslim people.[15892] On 29 November 1992, during negotiations at Sarajevo Airport with Mladić and Petković, a major in the Main Staff of the HVO, Morillon noted that, regarding withdrawal of the forces to the right bank of the river Neretva, Mladić proposed that the politicians should define the borders.[15893]

[15888] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 41.
[15889] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 39.
[15890] P356 (Mladić notebook, 5 October - 27 December 1992), p. 23.
[15891] P356 (Mladić notebook, 5 October - 27 December 1992), pp. 141, 149.
[15892] P356 (Mladić notebook, 5 October - 27 December 1992), pp. 141, 149-150.
[15893] P356 (Mladić notebook, 5 October - 27 December 1992), pp. 214, 218. The Trial Chamber notes that Petković was also referred to by Mladić as 'brigadier', P356 (Mladić notebook, 5 October - 27 December 1992), p. 214.

4463. The Trial Chamber refers to the evidence reviewed in chapter 9.3.8 with respect to the language used by Mladić during a meeting in the beginning of April 1993, attended by, *inter alios*, Mladić, Karadžić, Krajišnik, and representatives of state and political organs of the Bosnian-Serb Republic.

4464. According to Herbert Okun's meeting notes on 24 April 1993, at the International Conference on the Former Yugoslavia, David Owen and Herbert Okun met with Karadžić, Mladić, and Krajišnik.[15894] The notes state that around 9:40 a.m., Mladić gave a strategic analysis of the problems of the Croats, Serbs, and Muslims and he asked for all sides to sit down together to resolve the overall problem.[15895] Then around 11:20 a.m., the notes indicate that Mladić 'wants the entire west bank of Drina' and Owen and Okun said 'no way'.[15896] During an interview published on 25 June 1993, to answer the question why the Serbs did not accept the Vance-Owen plan, Mladić took Posavina as an example, stating that the Serbs had evidence that they paid taxes there for at least 450 years, therefore Posavina was a Serb land, the Serbs could not accept the plan that only gave them a corridor in that area.[15897]

4465. The Trial Chamber also refers to the evidence reviewed in chapter 9.3.13 that during the meeting of the Bosnian-Serb Assembly on 5 and 6 May 1993, in which the Assembly voted against the ratification of the Vance-Owen Plan, Mladić forcefully demonstrated his opposition to the plan.

4466. During the 34th Session of the Bosnian-Serb Assembly held from 27 August to 1 October 1993, Mladić said that the people and the VRS have carried out most of the strategic goals and tasks and created the Bosnian-Serb Republic. He stated that the 'war ends with the peace accord' and that 'we are in position to finish it properly […] the political solution is in our hands'. He added that the VRS will observe the political decision made that day.[15898] In this regard, Mladić commented on the constitutional agreement reached in Geneva and said that the VRS did not recognise a sovereign Bosnian-Serb Republic as stipulated in the agreement, and that, in case the agreement

[15894] P7742 (Meeting notes from the International Conference on the Former Yugoslavia, 24 April 1993), pp. 1-2.
[15895] P7742 (Meeting notes from the International Conference on the Former Yugoslavia, 24 April 1993), p. 3.
[15896] P7742 (Meeting notes from the International Conference on the Former Yugoslavia, 24 April 1993), p. 4.
[15897] P7719 (Press article with interview of Mladić, 25 June 1993), p. 8.
[15898] P2508 (Excerpts of the minutes of the 34th session of the Bosnian-Serb Assembly, 27-29 August, 9-10 September, 29-1 October 1993), p. 32.

was to be accepted, 'we should have to explain it very good to the people and the Army'.[15899] According to Mladić, he and the VRS Main Staff considered the constitutional agreement to be a 'triumph of the West and Croats'. Mladić stated that the abolishment of the VRS and the complete demilitarisation were unacceptable and that the peace had no alternative, but that the 'Republika Srpska and the interest[s] of [the] Serbian people have no alternative either'. Mladić said that 'when deciding on ourselves, we have to think about the destiny of Serbian people from Republika Srpska Krajina and wider. We cannot put the people of Republika Srpska Krajina as well as the part of our people in the jaws of Tuđman.'[15900] Mladić, who had participated with Karadžić in two or three rounds of negotiations, stated that 'military leadership cannot be paraleadership to the political leadership' and that he did not want to be above the political authorities.[15901] Regarding the exit to the sea, which the Trial Chamber understands to be the sixth strategic objective (see chapter 9.2.4), Mladić opined that 'it would be the biggest mistake if we do not impose our own will regarding these maps and if we do not exit to the sea'.[15902] He also advised Karadžić on how to solve the problems with Croats and Muslims in the valley of Neretva during peace negotiations.[15903] Mladić also engaged in discussion regarding borders and concessions and suggested to Karadžić that Posavina had to be Bosnian-Serb territory, that Croats and Muslims should not be given any corridor in peace negotiations, and stated that Alija Izetbegović had lost Brčko and that Bosnian-Serbs had their territory in Brčko.[15904] Mladić said that he was aware that his proposals to Karadžić were 'extremely radical', but that Karadžić knew 'to come even stronger'.[15905] Mladić also reproached Karadžić for not having requested 'what is ours in Zenica and Mostar', stated that '[p]eople would be thrilled with one link or passage to Zenica', and urged

[15899] P2508 (Excerpts of the minutes of the 34th session of the Bosnian-Serb Assembly, 27-29 August, 9-10 September, 29-1 October 1993), pp. 32-33.
[15900] P2508 (Excerpts of the minutes of the 34th session of the Bosnian-Serb Assembly, 27-29 August, 9-10 September, 29-1 October 1993), p. 33.
[15901] P2508 (Excerpts of the minutes of the 34th session of the Bosnian-Serb Assembly, 27-29 August, 9-10 September, 29-1 October 1993), p. 38.
[15902] P2508 (Excerpts of the minutes of the 34th session of the Bosnian-Serb Assembly, 27-29 August, 9-10 September, 29-1 October 1993), p. 41.
[15903] P2508 (Excerpts of the minutes of the 34th session of the Bosnian-Serb Assembly, 27-29 August, 9-10 September, 29-1 October 1993), p. 38.
[15904] P2508 (Excerpts of the minutes of the 34th session of the Bosnian-Serb Assembly, 27-29 August, 9-10 September, 29-1 October 1993), pp. 36, 40
[15905] P2508 (Excerpts of the minutes of the 34th session of the Bosnian-Serb Assembly, 27-29 August, 9-10 September, 29-1 October 1993), p. 40.

Karadžić to request a corridor to Tuzla and a corridor to Zagreb.[15906] Mladić further stated that 'we are playing around with them in political as well as in the military fields in such proportion that at the end the actual status must be recognised […] there is no solution to the crises except for the actual status'. He said that he did not want to impose on Karadžić what to vote for, but that he did not want either to 'divide people from the army, our unity, not from the victory – we are about to cut the ribbon – to suffer the catastrophe. And nobody should allow it.' Mladić suggested that they should 'cherish this child of ours' and that they 'did not come even close to the conclusion of the job'.[15907] He stated that 'we all have to stick to our tasks, in the trench as well as in the Assembly and at negotiations if we want to win the fight for our republic' and that 'with them we can get only a minimum if we request for the maximum […] Please, let us not go to sleep over what we have achieved'.[15908]

4467. On 26 December 1993, in preparation for the meeting in Salonica in Greece with the Chief of General Staff of the Greek Armed Forces, to be held on 29 December 1993, Mladić put in writing in his notebook two issues for further reference, these being the 'exchange of information at the level of intelligence services with the aim of preventing the expansion of Islam and preventing the influence in the international community and the adoption of unfavourable political decisions' and the reminder 'come up with more specific forms of cooperation and assistance'.[15909]

4468. The Trial Chamber also refers to the evidence reviewed in chapter 9.3.13 about Mladić's statement at the session of the Bosnian-Serb Assembly of 10 January 1994 that 'the enemy that we are facing' was getting stronger every day and that his concern was 'to have them vanish completely'.

4469. At the same session, Mladić also stated that the historical task of the Serbs had been to prevent the creation of such 'Greater Croatia', that the Serbs had to set preconditions to ensure that Tuđman's 'Croatia in Bosnia would collapse' and that they had to 'shatter Muslims' illusions'.[15910]

[15906] P2508 (Excerpts of the minutes of the 34th session of the Bosnian-Serb Assembly, 27-29 August, 9-10 September, 29-1 October 1993), p. 43.
[15907] P2508 (Excerpts of the minutes of the 34th session of the Bosnian-Serb Assembly, 27-29 August, 9-10 September, 29-1 October 1993), p. 41.
[15908] P2508 (Excerpts of the minutes of the 34th session of the Bosnian-Serb Assembly, 27-29 August, 9-10 September, 29-1 October 1993), pp. 41, 44.
[15909] P359 (Mladić notebook, 28 October 1993 - 15 January 1994), pp. 107, 110.
[15910] P3076 (Transcript from 37th session of the Bosnian-Serb Assembly, 10 January 1994), p. 20.

4470. On 15 July 1994, at a meeting with the Minister of Defence of the Bosnian-Serb Republic, Mladić stated that the VRS did not have the adequate political and financial support to accomplish the strategic goals as adopted by the Assembly.[15911] According to Mladić, the political structures had even prevented the VRS from carrying out certain operations aimed at realizing the strategic goals.[15912]

4471. At the 50th Session of the Bosnian-Serb Republic, held on 15 and 16 April 1995, Mladić stated that from the aspect of the defined and initial objectives of the Serbian people, the struggle started and was conducted on the basis of 'all-Serbian' interests and objectives.[15913] According to him, next to the protection of the Serbian people and territory, 'one of the basic defined goals was a struggle for the unity of the Serbian people and territory, so that the Drina should not be a border […]'.[15914] However, according to Mladić, the current political practice was incompatible with the pursuit of these objectives and it was 'extremely dangerous […] for the entire Serbian people and […] for the Serbian national corpus to be torn apart, except if we are prevented by extreme force to create a single state'.[15915] He saw 'political disunity in the pursuit of strategic aims and national interests' as a problem that negatively influenced the combat readiness of the VRS.[15916] Mladić suggested that it was time to overcome the differences and settle them after the 'main objectives of the protection of the Serbian people and the creation of a single Serbian state' had been achieved. He further suggested taking measures to affirm 'all-Serbian unity' and to define 'a clear and uniform national strategy', 'a single political-state-military concept with a unified perception of our reality'. Mladić stressed the importance of having a 'unified all-Serbian platform' that would be 'the defence of the people'.[15917] He said that the 'Serbian' people and their army had 'liberated' most of the 'historic, ethnic and Serbian territories', and he complained about the political practice of 'selling' or 'scarifying' those territories.[15918] In his view, 'it is impermissible that those calling for surrender of territories for the liberation of which the blood was spilled are not deprived of freedom'.[15919] He proposed that the signing of temporary agreements on the cessation of hostilities should be made

[15911] P361 (Mladić notebook, 31 March - 3 September 1994), pp. 207-209.
[15912] P361 (Mladić notebook, 31 March - 3 September 1994), pp. 209-210.
[15913] P4583 (Transcript from 50th session of the Bosnian-Serb Assembly, 16 April 1995), pp. 1, 14, 25.
[15914] P4583 (Transcript from 50th session of the Bosnian-Serb Assembly, 16 April 1995), p. 25.
[15915] P4583 (Transcript from 50th session of the Bosnian-Serb Assembly, 16 April 1995), p. 25.
[15916] P4583 (Transcript from 50th session of the Bosnian-Serb Assembly, 16 April 1995), p. 36.
[15917] P4583 (Transcript from 50th session of the Bosnian-Serb Assembly, 16 April 1995), p. 57.
[15918] P4583 (Transcript from 50th session of the Bosnian-Serb Assembly, 16 April 1995), p. 27.

conditional upon the signing of a peace agreement and the recognition of the actual situation.[15920] Minister of Defence Ninković noticed that Mladić's speech was political in nature and that the issues which Mladić discussed were to be judged by the deputies and other politicians.[15921] Karadžić said that he was not satisfied at all with Mladić's speech, that Mladić's speech was like a speech of a head of state, and that he 'entirely reject[ed]' Mladić's political views.[15922] Mladić later said that he was not interested in 'who will sit in which political armchair but who can unify the people and how we can save the people lest we should perish again in the common graves'.[15923]

4472. **Michael Rose** testified that overall, the military was in support of the civil power and they did not replace it, and Mladić responded to Karadžić, Koljević, and Krajišnik, at least on the surface. However, nothing had happened militarily without Mladić's knowledge or authorisation. Rose added that Mladić may have been able to override the political leadership, since ultimately the power in the Bosnian-Serb Republic emanated from the military, but that he never saw this occurring.[15924] **Husein Aly Abdel-Razek** testified that he believed that Mladić was one of the few people who could stop Karadžić's influence and who could refuse his proposals.[15925] The witness also observed that there was cooperation, consent, and harmony in terms of the relationship between the political command and the military command.[15926] The witness was under the impression that Mladić supported Karadžić's stance with regard to heavy weapons, as the latter could not make any military decisions that Mladić did not approve.[15927] **Anthony Banbury** testified that Koljević and Krajišnik could take decisions on minor matters, but for serious matters they would have to refer the decision to Karadžić or Mladić.[15928]

4473. **Rupert Smith** testified that the formulation of a Bosnian-Serb strategy was a corporate affair and that Karadžić and Mladić stood together.[15929] In the Bosnian-Serb

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[15919] P4583 (Transcript from 50th session of the Bosnian-Serb Assembly, 16 April 1995), p. 27.
[15920] P4583 (Transcript from 50th session of the Bosnian-Serb Assembly, 16 April 1995), p. 60.
[15921] P4583 (Transcript from 50th session of the Bosnian-Serb Assembly, 16 April 1995), p. 71.
[15922] P4583 (Transcript from 50th session of the Bosnian-Serb Assembly, 16 April 1995), pp. 96-97.
[15923] P4583 (Transcript from 50th session of the Bosnian-Serb Assembly, 16 April 1995), p. 249.
[15924] P736 (Michael Rose, witness statement, 26 March 2009), para. 212.
[15925] P293 (Husein Aly Abdel-Razek, witness statements), witness statement of 16 July 2002, para. 58, supplemental witness statement of 16 July, p. 3.
[15926] Husein Aly Abdel-Razek, T. 3601.
[15927] P293 (Husein Aly Abdel-Razek, witness statements), witness statement of 16 July 2002, para. 28; Husein Aly Abdel-Razek, T. 3601, 3657.
[15928] P874 (Anthony Banbury, witness statement, 19 May 2009), para. 213.
[15929] P785 (Rupert Smith, witness statement, 27 October 2009), para. 230.

Republic there was a close relationship between military and political structures and Mladić could not completely detach himself from politics.[15930] Smith stated that he was always examining the relationship between Karadžić and Mladić and that he never saw Mladić challenging Karadžić's political authority.[15931] **John Wilson** testified that, according to an analysis on combat readiness and activities of the VRS in 1992 signed by Karadžić, the VRS Main Staff was performing the function of the Staff of the VRS Supreme Command and at the same time the function of the superior command for operational and some joint tactical formations, which presupposed the agreement of the Supreme Command in relation to 'all tasks and objectives of the armed struggle'.[15932] According to Wilson, this meant that all military operations were conducted in accordance with political decisions and objectives, which was consistent with his discussions with Mladić, who was consistently telling Wilson that he, as a military commander, was subject to political control.[15933]

4474. **Pyers Tucker** testified that he attended a meeting between Mladić and Morillon on 27 October 1992 at the headquarters of the SRK.[15934] Morillon sought agreement to the deployment of CanBat 2 into the Banja Luka area, an area representing a big block of Bosnia-Serb-held territory.[15935] Mladić stated he did not have the authority to agree to it and promised to inform the Bosnian-Serb Government and to get back to the request at the next meeting.[15936] During another meeting with Mladić at Lukavica on 15 November 1992, Mladić then expressed his opposition to the deployment of CanBat 2.[15937] Contrary to the meeting of 27 October 1992, during which Mladić told Tucker that he would not have the authority to decide on the CanBat 2 issue, this time he stated that he alone was able to make and implement these decisions.[15938] During a meeting on 19 November 1992, Mladić continued to protest against the presence of the Croatian army in Bosnia and underlined the importance of a meeting with General Tus of the Croatian Armed Forces.[15939] While Mladić conditioned the deploy of CanBat 2 on the withdrawal of the Croatian forces, he this time again referred to the Bosnian-Serb

[15930] P785 (Rupert Smith, witness statement, 27 October 2009), paras 231, 233.
[15931] P785 (Rupert Smith, witness statement, 27 October 2009), paras 231-232.
[15932] P320 (John Wilson, witness statement, 26 March 2009), para. 136; P338 (Report on analysis of the combat readiness and activities of the VRS in 1992, 5 April 1993), p. 153.
[15933] P320 (John Wilson, witness statement, 26 March 2009), para. 136.
[15934] P317 (Pyers Tucker, witness statement, 10 May 2010), para. 25.
[15935] P317 (Pyers Tucker, witness statement, 10 May 2010), paras 26-27.
[15936] P317 (Pyers Tucker, witness statement, 10 May 2010), para. 28.
[15937] P317 (Pyers Tucker, witness statement, 10 May 2010), para. 57.
[15938] P317 (Pyers Tucker, witness statement, 10 May 2010), para. 59; Pyers Tucker, T. 3821.

Government as the decision-making authority and recommended a meeting with Radovan Karadžić in this regard and promised that he would use his influence on the parliament in Pale to get them to agree to its deployment.[15940] On 3 March 1993, Tucker accompanied Morillon to a meeting with Mladić at the Sarajevo Airport held at 1:30 p.m., during which the latter opposed a new cease-fire agreement over Bosnia and Herzegovina as previous agreements had failed.[15941] Tucker further testified to the relationship between Karadžić and Mladić and stated that tactical decision-making in distinction to strategy was in Mladić's reserve.[15942] According to Tucker, Mladić said that his final duty was towards the security of the Bosnian-Serb people, which led Morillon to the impression that he would take matters in his own hands if he believed that Serb safety was endangered and would not carry out certain political decisions.[15943] On a number of occasions, Mladić 'boasted socially' to Morillon that he, Mladić, was 'the Napoleon of the Balkans' and that 'he, and he alone' would decide on the issues related to the safety of the Serbs in Bosnia.[15944] In addition, Karadžić usually deferred to the Bosnian-Serb military leaders on any details with regard to the VRS.[15945] He acknowledged however that his assessment of Karadžić's real powers was limited at the time due to limited real intelligence available to them.[15946]

4475. The witness also testified that Mladić barely made any effort to conceal that nothing of military significance would happen in Bosnian-Serb held territory without his specific approval and that it was very apparent that Mladić made all the practical military decisions that mattered.[15947] Tucker testified that on 27 October 1992 in a meeting with Morillon, Mladić stated that the Bosnian-Serb Republic was a real entity and warned that no agreements would be adhered to unless the Bosnian-Serb Republic ratified them.[15948] He further warned Morillon that the Bosnian Serbs would not meet with the UN unless the UN representatives would address them as members of the formal organs of the Bosnian-Serb Republic.[15949] On 26 November 1992, Mladić discussed with the Croatian military authorities the signing of a cease-fire agreement

[15939] P317 (Pyers Tucker, witness statement, 10 May 2010), paras 58, 61.
[15940] P317 (Pyers Tucker, witness statement, 10 May 2010), para. 62.
[15941] P317 (Pyers Tucker, witness statement, 10 May 2010), para. 151.
[15942] P317 (Pyers Tucker, witness statement, 10 May 2010), para. 277.
[15943] P317 (Pyers Tucker, witness statement, 10 May 2010), para. 277.
[15944] P317 (Pyers Tucker, witness statement, 10 May 2010), para. 282.
[15945] P317 (Pyers Tucker, witness statement, 10 May 2010), paras 279-280.
[15946] P317 (Pyers Tucker, witness statement, 10 May 2010), para. 285.
[15947] P317 (Pyers Tucker, witness statement, 10 May 2010), para. 59.
[15948] P317 (Pyers Tucker, witness statement, 10 May 2010), para. 36.

and said that he would seek political advice and might sign the agreement the following day.[15950] According to Tucker, this was the tactic that he and his colleagues frequently saw Mladić use in order to achieve what he wanted.[15951] The following day, in a meeting with Morillon and Karadžić, Mladić signed the cease-fire agreement.[15952] At this meeting, Mladić, Karadžić, and Koljević took out a map that showed ethnic distribution of Bosnia-Herzegovina and used it in order to illustrate to Morillon that the Bosnian-Serbs had only 'taken control' of areas where the Serb population was the majority, and that they had not tried to take control over the areas where the Serbs were in the minority.[15953] They said that they had 'no wish to live with the Muslims', referring to them as 'Turks'.[15954]

4476. The Trial Chamber recalls the evidence reviewed in chapter 2.1.1 that Mladić was not a member of the Supreme Command, which was created on 30 November 1992, and that he could attend its meetings on invitation only. The Trial Chamber also recalls the evidence of Reynaud Theunens reviewed in chapter 3.1.3 who assessed, based on the minutes of meetings of the Bosnian-Serb Presidency and of the Supreme Command Staff, that Mladić attended sessions of the Supreme Command between 1992 and 1995 and briefed the Supreme Command and the Presidency on the military situation in Bosnia-Herzegovina.

4477. Based on the foregoing, the Trial Chamber finds that, while between 12 May 1992 and 16 April 1995, Mladić continuously emphasized that he did not have a tendency to get involved in political matters and on several occasions refused to make a decision without consulting the Bosnian-Serb political leadership, he actively participated in policy discussions during Bosnian-Serb Assembly sessions and meetings between 12 May 1992 and 16 April 1995 with members of the Bosnian-Serb government. Mladić also discussed these policies at several meetings with high-level political figures and representatives of the international community, and expressed his commitment to the strategic objectives. The Trial Chamber further finds that Mladić strongly opposed the Vance-Owen plan during a meeting of the Bosnian-Serb Assembly on 5 and 6 May 1993 and often suggested to Bosnian-Serb politicians what position

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[15949] P317 (Pyers Tucker, witness statement, 10 May 2010), para. 36.
[15950] P317 (Pyers Tucker, witness statement, 10 May 2010), para. 71.
[15951] P317 (Pyers Tucker, witness statement, 10 May 2010), para. 71.
[15952] P317 (Pyers Tucker, witness statement, 10 May 2010), para. 72.
[15953] P317 (Pyers Tucker, witness statement, 10 May 2010), para. 78.
[15954] P317 (Pyers Tucker, witness statement, 10 May 2010), para. 78.

they should take during peace negotiations in order to achieve the strategic objectives as initially defined. In this regard, Mladić insisted on several occasions that Karadžić and the political leadership should stick with their initially defined strategic goals and should not make any territorial concessions to ensure a united single Serbian state without Muslims or Croats.

4478. With regard to the Defence's argument that the Accused did not have voting rights within the Bosnian-Serb Assembly, attended only very few Assembly sessions, and was not a member of the Supreme Command of the VRS, the Trial Chamber notes that the Defence's submissions regarding the membership of Mladić in the Bosnian-Serb Assembly and the Supreme Command are supported by the evidence discussed in this chapter. However, as outlined above, the Accused nevertheless attended and actively participated in Assembly sessions during which policy issues were discussed, such as the definition of the six strategic objectives, peace negotiations, and territorial concessions, and also attended Supreme Command meetings. The Trial Chamber also notes that, during the Assembly sessions, Mladić addressed these issues in detail with the purpose of influencing the Bosnian-Serb political leadership in its decision-making. Accordingly, the Defence's submissions are not responsive in respect of this charge.

4479. In chapter 9.3.12, the Trial Chamber will consider whether Mladić's conduct in this respect, considered together with other acts or omissions, amounts to a significant contribution to the Overarching JCE.

9.3.8 Disseminating, encouraging and/or facilitating the dissemination of propaganda to Bosnian Serbs intended to engender in Bosnian Serbs fear and hatred of Bosnian Muslims and Bosnian Croats or to otherwise win support for and participation in achieving the objective of the joint criminal enterprise

4480. With regard to this alleged contribution, the Trial Chamber received evidence from **Milovan Milutinović**, Chief of the Press Centre and the Information Service at the 1KK between 1992 and 1994 and head of the VRS Main Staff Information Service and Centre for Information and Propaganda Activities between 1994 and 1996;[15955] **Miloš Šolaja**, Editor-in-chief within the 1KK Press Centre from 18 July 1992 until the end of

[15955] D862 (Milovan Milutinović, witness statement, 11 July 2014), paras 3, 5, 51, 54, 140; Milovan Milutinović, T. 30038.

the war;[15956] and **Savo Sokanović**, Head of the Sector for Morale, Religious, and Legal Affairs of the VRS Main Staff as of December 1992,[15957] as well as documentary evidence.[15958]

4481. In a VRS Main Staff report from September 1992, Mladić set out a number of tasks that had been 'placed before VRS members', including that information and propaganda should be carefully directed and controlled.[15959] Public announcements were to be made through the Main Staff Information Service or the Corps.[15960] The practice of unprepared individuals giving statements that had 'a very damaging effect' had to be stopped, and journalists termed 'sensation hunters' and 'thoughtless' VRS members whose public appearances caused damage were to be held accountable.[15961] According to a plan for moral and psychological activities and information work of the VRS, signed by Gvero and approved by Mladić, the Sector for Morale, Religious, and Legal Affairs of the VRS Main Staff was instructed to initiate steps for the Serbian Orthodox Church, along with all political, diplomatic, media and military institutions, to make a joint presentation of their common views on the historical and present position of the Serbs.[15962] Propaganda was to be disseminated by inspiring the best-known scientists, artists and intellectuals from all fields of expertise.[15963] The plan set out a number of measures aimed, amongst others, at ensuring that the VRS and 'the people' fully grasped the necessity of self-defence as an expression of their basic human rights, and the firm determination to prevent other peoples from 'creating and rounding up' their states at the expense of traditionally Serb territories.[15964] A firm conviction was to be developed among VRS members and the people that VRS operations were an expression of historical necessity through a number of measures, including drawing up a

[15956] D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 4.
[15957] Savo Sokanović, T.35678-35681.
[15958] P1975 and P1976 are reviewed in chapter 9.3.13.
[15959] P1966 (VRS Main Staff Report of Ratko Mladić, September 1992), pp. 1, 7, 9.
[15960] P1966 (VRS Main Staff Report of Ratko Mladić, September 1992), p. 9.
[15961] P1966 (VRS Main Staff Report of Ratko Mladić, September 1992), p. 9.
[15962] P4011 (Plan of VRS moral and psychological activities, undated), pp. 1, 5. *See also* P5081 (Plan of moral and psychological activities and informing of the VRS, signed by Milan Gvero, approved by Ratko Mladić, undated), p. 2.
[15963] P4011 (Plan of VRS moral and psychological activities, undated), pp. 2, 4. *See also* P5081 (Plan of moral and psychological activities and informing of the VRS, signed by Milan Gvero, approved by Ratko Mladić, undated), p. 2.
[15964] P4011 (Plan of VRS moral and psychological activities, undated), p. 1. *See also* P5081 (Plan of moral and psychological activities and informing of the VRS, signed by Milan Gvero, approved by Ratko Mladić, undated), p. 1.

report on the endangered position of the Serb people.[15965] The Sector was to spread misinformation in order to 'cover up our true intentions and forces', sidetrack attention to less important matters, and instigate conflict and dissent among the enemy ranks.[15966] Psychological propaganda was to be used to undermine the morale of the enemy and enhance the conflict between Croats and Muslims.[15967]

4482. In an interview with the VRS magazine 'Srpska Vojska' of 18 November 1992, Mladić offered his congratulations on the publication of the inaugural issue of the VRS magazine and wished the editorial board success.[15968] He expressed his hope that 'our people' would be objectively and truthfully informed about what is happening in the VRS and its results and that the magazine becomes one which is 'gladly read in every house, in every one of our homes'.[15969] He stated that the Serbs learned the lesson from 'those tragic events in 1941'.[15970] Mladić added that 'we could have been still more prepared if we had realised in time what kind of neighbours we had and with whom we were sharing the same house'.[15971] **Savo Sokanović** confirmed that Mladić's mention of the year of 1941 in the interview for magazine 'Srpska Vojska' is a reference to past crimes committed against the Serbs.[15972] In the same interview, Mladić also thanked the SDS for having 'woke[n] up' the Serbs and 'opened their eyes to these stormy events' and the VRS, which 'stood up in the defence of ancient homes and did not allow us to stand in line again waiting to be thrown into pits'. Mladić stated that 'our enemies have no chance of […] endangering the lives of the defenceless'. He explained that Croatian forces entered the territory of the 'former' Bosnia and Herzegovina 'in order to impose their bloody dance and fratricidal war'. Mladić then noted that the Muslims fell for that provocation and succumbed to promises of Franjo Tuđman and the HDZ and thought that they would easily 'clear the Serbian people out of the territory of Bosnia and

[15965] P4011 (Plan of VRS moral and psychological activities, undated), pp. 1-2. *See also* P5081 (Plan of moral and psychological activities and informing of the VRS, signed by Milan Gvero, approved by Ratko Mladić, undated), p. 2.
[15966] P4011 (Plan of VRS moral and psychological activities, undated), pp. 3, 5. *See also* P5081 (Plan of moral and psychological activities and informing of the VRS, signed by Milan Gvero, approved by Ratko Mladić, undated), p. 4.
[15967] P4011 (Plan of VRS moral and psychological activities, undated), p. 3. *See also* P5081 (Plan of moral and psychological activities and informing of the VRS, signed by Milan Gvero, approved by Ratko Mladić, undated), p. 3.
[15968] P7391 (Excerpts from VRS magazine 'Srpska Vojska', 18 November 1992), pp. 4, 8.
[15969] P7391 (Excerpts from VRS magazine 'Srpska Vojska', 18 November 1992), pp. 4, 8.
[15970] P7391 (Excerpts from VRS magazine 'Srpska Vojska', 18 November 1992), p. 4.
[15971] P7391 (Excerpts from VRS magazine 'Srpska Vojska', 18 November 1992), p. 4.
[15972] Savo Sokanović, T. 35747.

Herzegovina and spread out across it'.[15973] According to Mladić, the Serbs were defending 'its homes, its honour and its dignity', and they all had to be in trenches to defend what they achieved, because 'the enemy will not easily give up its attacks on our lives'.[15974]

4483. According to the magazine 'Srpska Vojska', during a meeting in the beginning of April 1993 attended by, *inter alios*, Mladić, Karadžić, Krajišnik, and representatives of state and political organs of the Bosnian-Serb Republic, Mladić stated that 'our people' fought fierce and victorious battles on Kupres and in the lower flow of the Bosna River in order to prevent 'the *Ustaša* jaws from closing over Central Bosnia'.[15975] He continued that '[i]t was then that strategic-operative conditions were created to prevent the greatest genocide and total annihilation of the Serbian people' west of the Drina River.[15976] According to Mladić, at the time of these operations many Serbs were not aware of the danger nor could understand the criminal designs of the '*Ustaša* coalition' which had been launched for the fragmentation of Yugoslavia.[15977] The 'high patriotic awareness' of the Serb people who heeded the call to join in the defence from the '*Ustaša* invasion' came as a result of the clearly defined goals of 'our struggle' at the Bosnian-Serb Assembly session held on 12 May 1992.[15978]

4484. During an interview published on 25 June 1993 in 'Nin', Mladić stated that the Serbs as a nation had never before been attacked in time and space as they were 'now'.[15979] The very essence of the Serb nation was attacked.[15980] For the Serbs, this was the war of national liberation, to be free for the first time since 'we' had been enslaved after the Kosovo battle.[15981] The Muslims had betrayed the Serb people and repressed them for 500 years.[15982] The Muslims were 'the worst scum – the Serb people who changed their religion, [which] means to betray one's own people, to betray

[15973] P7391 (Excerpts from VRS magazine 'Srpska Vojska', 18 November 1992), p. 4.
[15974] P7391 (Excerpts from VRS magazine 'Srpska Vojska', 18 November 1992), pp. 5, 7.
[15975] P3918 (Speech given by Mladić, summarized in magazine article entitled 'Yearly analysis of defence combat operations of the VRS', 21 April 1993), pp. 1-2.
[15976] P3918 (Speech given by Mladić, summarized in magazine article entitled 'Yearly analysis of defence combat operations of the VRS', 21 April 1993), p. 2.
[15977] P3918 (Speech given by Mladić, summarized in magazine article entitled 'Yearly analysis of defence combat operations of the VRS', 21 April 1993), p. 2.
[15978] P3918 (Speech given by Mladić, summarized in magazine article entitled 'Yearly analysis of defence combat operations of the VRS', 21 April 1993), p. 3.
[15979] P7719 (Press article from 'Nin' with interview of Mladić, 25 June 1993), p. 2. The Trial Chamber understands that 'Nin' was a Serbian magazine.
[15980] P7719 (Press article from 'Nin' with interview of Mladić, 25 June 1993), p. 2.
[15981] P7719 (Press article from 'Nin' with interview of Mladić, 25 June 1993), p. 3.
[15982] P7719 (Press article from 'Nin' with interview of Mladić, 25 June 1993), p. 4.

oneself'.[15983] The Serbs were conducting a just war on 'our' territory and defending 'ourselves'.[15984]

4485. In a speech delivered by Mladić in or around June 1993 regarding Directive No. 5 to an audience including Bishop Nikolaj, the President, generals, commanders, and ministers, Mladić stated the need to develop awareness of the necessity and just struggle of the Serb people through direct contact with people, combatants, and senior officers.[15985] There was also the need to develop patriotic feelings for the purpose of motivating people for combat, and cultivating conviction among combatants and people that their struggle was the military liberation of territories which belonged to them.[15986]

4486. The Trial Chamber recalls the evidence reviewed in chapter 9.3.13. According to this evidence, Mladić stated in an edition of 'Oslobođenje' dated 8 November 1994 that Serbs would 'return the territories that the Muslims took during World War II and as punishment, even more than that'. In a video clip dated 26 June 1995, Mladić stated that the Serb people organised their defence, protected the majority of Serb territories, and prevented 'the planned and prepared /inaudible/ genocide'.

4487. On 10 February 1995, Mladić signed a document that set out the responsibilities and recruitment of the Sector for Morale, Religious, and Legal Affairs of the VRS Main Staff, with the aim to improve the activities of this sector.[15987] Responsibilities of the sector included dissemination of information and propaganda activities geared towards the VRS and Serb people, as well as towards the enemy units and population.[15988] The sector was to report, several times a day, to the Main Staff or the Organ for Information and Propaganda Activities on the situation in the units.[15989] Agency news and other news was to be compiled on the basis of such reports, and presented to the public by way of radio, television, and the press.[15990] In addition, the sector was under an obligation to receive authorised reporters sent to the unit and prepare them to complete

[15983] P7719 (Press article from 'Nin' with interview of Mladić, 25 June 1993), p. 4.
[15984] P7719 (Press article from 'Nin' with interview of Mladić, 25 June 1993), p. 6.
[15985] P2913 (Partial Transcript of Mladić Giving a Speech Regarding Directive No. 5), p. 1.
[15986] P2913 (Partial Transcript of Mladić Giving a Speech Regarding Directive No. 5), pp. 1, 4.
[15987] P5082 (Responsibilities and Recruitment of the Sector for Morale, Religious, and Legal Affairs of the VRS Main Staff, 10 February 1995), p. 1.
[15988] P5082 (Responsibilities and Recruitment of the Sector for Morale, Religious, and Legal Affairs of the VRS Main Staff, 10 February 1995), p. 3.
[15989] P5082 (Responsibilities and Recruitment of the Sector for Morale, Religious, and Legal Affairs of the VRS Main Staff, 10 February 1995), p. 3.
[15990] P5082 (Responsibilities and Recruitment of the Sector for Morale, Religious, and Legal Affairs of the VRS Main Staff, 10 February 1995), p. 3.

their approved assignments, while taking into consideration the protection of confidential information and 'the achievement of the desired propaganda effects'. If possible, the sector was to publish its own magazines, bulletins, leaflets etc. The sector was also to compile reports for propaganda activities for VRS units and the population and ensure their presentation in order to strengthen combat morale among the people and soldiers.[15991] On 31 March 1995, the VRS Main Staff issued an urgent directive signed by Mladić, in which Corps commands were ordered to coordinate the dissemination of information to the public concerning 'combat actions in the operation and psychological and propaganda activities directed against the enemy through the Centre for Information and Propaganda Activities of the VRS Main Staff'.[15992]

4488. The Trial Chamber has received evidence on the implementation of the aforementioned orders issued by Mladić and the dissemination of propaganda to the public, and will review this below.

4489. On 18 November 1992, in 'Srpska Vojska', Major General Milan Gvero, Assistant Commander for Morale, Religious, and Legal Affairs of the VRS Main Staff, stated that this magazine was intended to be the magazine of the VRS and 'a pillar and source of moral encouragement for our soldiers and people'.[15993]

4490. On 8 February 1993, Gvero issued a report on the state of morale within the VRS during the month of January of 1993, in which he stated that the work of the Information and Psychological Propaganda Activities Centre had improved, and that they started with releasing 'better thought-out and more comprehensive statements to the public'.[15994] He added that three quality papers, 'Srpska Vojska', 'Krajiški Vojnik', and 'Nova Krila' were being published.[15995]

4491. **Miloš Šolaja** stated that it was the position of the 1KK Press Centre to avoid propaganda, and that the Centre made attempts to report on topics other than war and ethnic tensions.[15996] The VRS never ordered the Press Centre to describe an event in a manner that did not correspond to the truth, to write any inflammatory texts, or to produce propaganda that non-Serbs should not live together with Serbs in the Bosnian-

[15991] P5082 (Responsibilities and Recruitment of the Sector for Morale, Religious, and Legal Affairs of the VRS Main Staff, 10 February 1995), p. 4.
[15992] P1470 (Main Staff VRS Directive for further operations no. 7/1, 31 March 1995), pp. 1, 6.
[15993] P7391 (Excerpts from VRS magazine 'Srpska Vojska', 18 November 1992), pp. 1-3.
[15994] P5078 (Report on the state of morale in the VRS, 8 February 1993), pp. 1, 11.
[15995] P5078 (Report on the state of morale in the VRS, 8 February 1993), p. 11.
[15996] D924 (Miloš Šolaja, witness statement, 11 June 2014), paras 6, 23, 35.

Serb Republic.[15997] The witness was the editor-in-chief of the 'Soldier of Krajina', the bulletin of the 1KK, which published an article on 28 June 1992, 17 days before the witness arrived at the Press Centre, asserting that the Serb people must organise their defence to protect their ethnic identity.[15998]

4492. On 9 March 1993, Gvero issued instructions to all VRS Corps Commands, including Air Force and Anti-Aircraft Defence, on how to inform the local and international public about the activities of the VRS during the month of March 1993, in which he stated that 'it is absolutely necessary' that the public information on the VRS activities was unified and that 'it maximally facilitates desired information-propaganda effects'.[15999] Further, 'at the present moment, we assess as particular sensitive the information from Eastern Bosnia' all of which 'must be carefully monitored and borne in mind when informing the public'.[16000] All uncontrolled and unorganised movements of local and foreign journalists were to be prevented.[16001]

4493. In a 15 July 1993 publication of 'Srpska Vojska', Gvero wrote that the Serbs had been forced to defend themselves and fight for their existence against the 'vengeful, sinister, Asiatic, Turkish oppression,' and against threats that they would be killed 'by *Ustaša* knives and in *Ustaša* pits'.[16002] He said that the behaviour of Bosnian Muslims and Bosnian Croats was 'extreme, uncivilized, [and] often savage,' and that their hatred of Serbs was 'so strong that it [was] aimed at the extermination of Serbs by all methods and most often the most bestial ones'.[16003] He also described Alija as a 'wretched religious fanatic' and an 'Islamic fundamentalist' who represented 'the greatest evil for his religious followers'.[16004]

4494. A 19 November 1994, order from the Sector for Morale, Religious, and Legal Affairs of the VRS Main Staff addressed to the VRS Assistant Commanders for Sector for Morale, Religious, and Legal Affairs in all VRS Corps and other VRS units, instructed the commanders that in providing information to the public, they should point out that Muslim offensive operations were intensifying, and that the Muslims were

[15997] D924 (Miloš Šolaja, witness statement, 11 June 2014), paras 23-25; Miloš Šolaja, T. 32779, 32781.

[15998] D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 5; Miloš Šolaja, T. 32731-32733; P7190 ('Defending Krajina', 1KK Bulletin, 28 June 1992), p. 1.

[15999] P7392 (VRS media instructions, 9 March 1993), p. 2.
[16000] P7392 (VRS media instructions, 9 March 1993), p. 3.
[16001] P7392 (VRS media instructions, 9 March 1993), p. 3.
[16002] P6940 (Srpska Vojska article titled Silk cord for Alija, by Milan Gvero), pp. 1, 3.
[16003] P6940 (Srpska Vojska article titled Silk cord for Alija, by Milan Gvero), p. 2.

committed to war.[16005] In 'shaping information skilfully', the commanders were required to give 'well-supported arguments' that the enemy was on the decline due to widespread panic and disarray.[16006] Meanwhile, the commanders were instructed to point out the resolve and determination of the army and the people to create just and lasting peace. Public statements were to give general assessments of VRS combat successes, particularly cases demonstrating the courage, resolve, and heroism of the soldiers, including their respect for the international laws of war. Lastly, VRS offensives were to be 'masked maximally'; the commanders were instructed not to inform the public about VRS offensives, and when they were in an advanced stage, they should present them as 'a natural right to self-defence and a force response, in other words, a counter-offensive'.[16007]

4495. On 15 March 1995, Gvero issued instructions to all VRS Corps Commands on how to inform the local and international public about the activities of the VRS.[16008] In these instructions Gvero stated that, following Mladić's order of 27 December 1994, it was the duty of the Information and Propaganda Centre of the corps to, *inter alia*, prepare appropriate reports from the field for every radio and television programme on weekly basis.[16009] While doing so, it was to pay attention to the choice of subject and adhere 'to previously established positions on the need for the mobilizing effect of the reports'.[16010] The instructions also state that the units were forbidden from receiving journalists without the written approval of the Information and Propaganda Centre of the corps, which would specify the content of the report and the place of recording.[16011] The instructions further established a detailed set of duties of the units and press centres with regard to the procedure of journalists passing through the Bosnian-Serb Republic or staying therein for the purpose of reporting.[16012]

4496. **Milovan Milutinović** testified that Mladić requested that the public be informed objectively and truthfully about the situation in the territory and combat zone activities.[16013] Mladić did not tolerate 'lies and improvisations'.[16014]

[16004] P6940 (Srpska Vojska article titled Silk cord for Alija, by Milan Gvero), p. 4.
[16005] P6646 (Sector for Morale, Religious, and Legal Affairs directions on public information), p. 1.
[16006] P6646 (Sector for Morale, Religious, and Legal Affairs directions on public information), p. 1.
[16007] P6646 (Sector for Morale, Religious, and Legal Affairs directions on public information), p. 2.
[16008] D1053 (VRS media instructions, 9 March 1995), p. 1.
[16009] D1053 (VRS media instructions, 9 March 1995), p. 2.
[16010] D1053 (VRS media instructions, 9 March 1995), pp. 1-2.
[16011] D1053 (VRS media instructions, 9 March 1995), p. 2.
[16012] D1053 (VRS media instructions, 9 March 1995), p. 3.
[16013] D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 56.

4497. The Trial Chamber notes Milutinović's evidence above that Mladić requested that true and objective information was to be disseminated to the public. Further, the Trial Chamber recalls the documentary evidence considered above that Mladić, in an interview with the magazine 'Srpska Vojska', expressed his hope that the public would be informed objectively and truthfully about VRS combat activities and achievements. The Trial Chamber notes that this evidence is in contrast to other evidence received, including Mladić's orders to the Sector for Morale, Religious, and Legal Affairs of the VRS Main Staff to spread misinformation to the public in order to hide the 'true intentions and forces of the VRS', as well as to disseminate information which aimed at achieving the desired propaganda effects, in particular the mobilizing effects, and to strictly control the movements of journalists and the content of their reports. The evidence is also in contrast to examples of the implementation of Mladić's orders, such as Gvero's instructions in 1993 and 1995 that information was to be disseminated to the public in such a way that would enhance the mobilizing effect, or Sokanović's instructions that information for the public was to be 'skilfully shaped', VRS offensives to be 'masked maximally' and to be presented in media as defensive actions. Therefore, the Trial Chamber finds that in light of the vast amount of reliable evidence to the contrary, the evidence going to proof of Mladić's intent that the public be informed truthfully and objectively is unconvincing.

4498. Based on the foregoing, the Trial Chamber finds that between September 1992 and at least March 1995, Mladić introduced and maintained a controlled and centralised system of spreading propaganda related to Bosnian Croats and Bosnian Muslims. He ordered the VRS Main Staff, in particular the Sector for Morale, Religious, and Legal Affairs of the VRS Main Staff, to disseminate propaganda to Serbs. According to Mladić's orders, the propaganda was to be disseminated in such a way as to make Serbs aware that they were waging the war of national liberation and were defending themselves against Bosnian Croats and Bosnian Muslims, and therefore gain their support in relation to this. To this effect, he ordered the Sector for Morale, Religious, and Legal Affairs of the VRS Main Staff to prepare information to be released to the public in such a way that it would conceal the true intentions of the VRS and contribute to the achievement of the 'desired propaganda effects'. Based on the overall content of Mladić's orders which dealt with propaganda issues and which are discussed above, the

[16014] D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 56.

Trial Chamber finds that, by the 'desired propaganda effects', Mladić referred to the mobilizing effect of the propaganda on people of Serb ethnicity, which also encompassed the elements of engendering fear and hatred of Bosnian Muslims and Bosnian Croats. Mladić's orders were implemented on the ground by the relevant organs of the VRS Main Staff, such as the Sector for Morale, Religious, and Legal Affairs and the Centre for Information and Propaganda Activities.

4499. The Trial Chamber also finds that at meetings with the Bosnian-Serb political leadership, Mladić emphasized the importance of propaganda. The Trial Chamber further finds that in interviews with public magazines and other media, Mladić used derogatory language towards Bosnian Muslims and Bosnian Croats, such as 'the Muslims were the worst scum'; '[the Muslims wanted] to clear the Serbian people out of the territory of Bosnia and Herzegovina'; 'bloody dance and fratricidal war [of Croats]; '*Ustaša* jaws'. Mladić also claimed the historical territorial rights of the Serbs, and recalled the narratives about victimisation of Serbs in the past, including the narratives about genocide and crimes committed against Serbs by Bosnian Croats and Bosnian Muslims, such as 'tragic events of 1941'; '[the VRS] stood up in the defence of ancient homes'; '[the Serb people] waiting to be thrown into pits'; 'victorious battles on Kupres [..] prevented the greatest genocide and total annihilation of Serbian people'; 'the defence from *Ustaša* invasion'; 'the very essence of the Serb nation was attacked'; 'Muslims betrayed the Serb people and repressed them for 500 years'; 'this was the war of national liberation, to be free for the first time since we have been enslaved after the Kosovo battle'.

4500. In conclusion, the Trial Chamber finds that between September 1992 and at least March 1995, Mladić participated in establishing the machinery for the dissemination of propaganda, and used that machinery to control the information which was to be released to the public, in order to conceal the real intent of the VRS forces and to gain support for their actions. Mladić also used this machinery for the dissemination of anti-Muslim and anti-Croat propaganda, either through his subordinates, or personally, by using derogatory language and historical narratives in public media, in order to engender in Bosnian Serbs fear and hatred of Bosnian Muslims and Bosnian Croats and therefore convince Bosnian Serbs that the war was necessary and justified.

4501. In chapter 9.3.12, the Trial Chamber will consider whether Mladić's conduct in this respect, considered together with other acts or omissions, amounts to a significant contribution to the Overarching JCE.

9.3.9 Engaging in, supporting and/or facilitating efforts to deny or to provide misleading information about crimes against Bosnian Muslims and Bosnian Croats and about the role that Serb Forces had played in those crimes to representatives of the international community, non-governmental organizations, the media and the public, thereby facilitating the commission of crimes

4502. With regard to this alleged contribution, the Trial Chamber received evidence from **John Wilson**, the chief UNMO for UNPROFOR deployed to Sarajevo from 22 March to 24 June 1992;[16015] **Edward Vulliamy**, a journalist for the Guardian who covered events in Bosnia-Herzegovina in the period between 1992 and 1995;[16016] **Pyers Tucker**, a British Army officer, who served with UNPROFOR as military assistant to General Philippe Morillon from October 1992 to March 1993;[16017] **Anthony Banbury**, an UNPROFOR Civil Affairs Officer in Sarajevo between March 1994 and May 1995 and later the Assistant to the UN Special Representative of the Secretary-General in Bosnia-Herzegovina,[16018] as well as documentary evidence.[16019]

4503. On 10 June 1992, Mladić attended a meeting in Belgrade with representatives of the Bosnian-Serb people including Karadžic and Krajišnik during which they, *inter alia*, discussed the provision of misinformation regarding attacks on Sarajevo.[16020] **Anthony Banbury** testified that it was a widely held view among UNPROFOR officials dealing with Mladić that he very often misrepresented the truth to them.[16021]

4504. **John Wilson** testified that in December 1992 or January 1993, he spoke to Mladić in Geneva about a photograph of a malnourished man held at a Serb detention camp which was circulating in the media.[16022] Mladić responded that the photographer

[16015] P320 (John Wilson, witness statement, 26 March 2009), paras 6-8, 25, 64, 93; John Wilson, T. 3919, 4020.
[16016] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7899-7904, 7989-7990, 8035.
[16017] P317 (Pyers Tucker, witness statement, 10 May 2010), paras 4, 6; Pyers Tucker, T. 3751..
[16018] P874 (Anthony Banbury, witness statement, 19 May 2009), para. 3.
[16019] P2879 and P201 are reviewed in chapter 9.2.10; P431 is reviewed in chapter 9.3.7; P317 is reviewed in chapter 9.5.9.
[16020] P353 (Mladić notebook, 27 May - 31 July 1992), pp. 130, 142.
[16021] Anthony Banbury, T. 8350-8351.
[16022] P320 (John Wilson, witness statement, 26 March 2009), para. 104; John Wilson, T. 3999, 4002.

had picked a particularly skinny man and that the man's condition did not accurately represent the treatment of persons detained by the Serbs, who looked after their detainees and fed them properly.[16023] With regards to reports and television coverage of allegations concerning Omarska camp, **Edward Vulliamy** recalled that Mladić stated that the photographs from the camps were forgeries and montages, or else they were photographs showing Serbian prisoners in Muslim camps.[16024]

4505. In a 13 April 1993 meeting with representatives of the ICRC, Mladić stated that more than 5,000 'POWs' had been released from Manjača and Trnopolje camps.[16025] He stated that the ICRC's efforts in Manjača camp had been exploited by the media, and that in Trnopolje the foreign media had raised tensions and turned the international community against the 'Serbs'.[16026]

4506. **Pyers Tucker** testified that on 26 March 1993, a meeting, arranged through Milošević, took place between, *inter alia*, Morillon, Gvero and Mladić.[16027] During this meeting Mladić stated that the prisons at Foča, Batković and Kula were under his control and that in these prisons the treatment followed the Geneva Conventions.[16028] The detainees received three meals a day and were not made to dig trenches on the frontlines, 'as Bosnian-Serb prisoners were forced to do in Sarajevo by the Bosniaks and in Mostar by the Croats'.

4507. The Trial Chamber also refers to evidence in chapter 9.2.10 in relation to an order of Mladić of 3 August 1992, pursuant to which measures had to be immediately taken through the MUP and authorities to arrange for 'POW' camps in the various zones of responsibility and to prepare them for the visits of foreign journalists and members of the ICRC.

4508. The Trial Chamber moreover refers to evidence in chapter 9.2.10 that on 3 August 1992, Talić informed several commands that the VRS Main Staff Commander had provided his verbal approval for an ICRC team and reporters to visit the detention camps in Manjača, Trnopolje, Omarska and Prijedor in the next two days. Talić instructed that all measures be taken to make conditions in these camps satisfactory, through ensuring, *inter alia*, functional medical care for detainees, and records of deaths

[16023] P320 (John Wilson, witness statement, 26 March 2009), para. 104.
[16024] P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 8114-8115.
[16025] P358 (Mladić notebook, 2 April 1995 - 24 October 1993), pp. 20-21.
[16026] P358 (Mladić notebook, 2 April 1995 - 24 October 1993), p. 24.
[16027] P317 (Pyers Tucker, witness statement, 10 May 2010), paras 241, 243.

and findings on the cause of death. He further instructed that 'representatives of the detainees for contact with the camp authorities' be selected.

4509. In a meeting with the officers of the 1KK and the Air Force and Anti-Aircraft Defence of the VRS in Banja Luka on 27 May 1993, Bogojević reported that four or five days previously, the former Chief of the Prijedor SUP, Simo Drljača, had arrived.[16029] He had been sent by the Minister of the MUP, and came to discuss the Tomašica mine, where earlier they had buried around 5,000 Bosnian Muslims.[16030] Drljača went to Bogojević and others and wanted to get rid of the bodies 'by burning, grinding or some other way'. General Subotić, Arsić, and Mile Matijević from the Banja Luka SUP had also become involved in the matter. Mladić's advice was that 'they killed them, so they should get rid of them'. Mladić also told Bogojević that an investigation must be launched in connection with the case, and that the information should be retained well to prevent it getting into the hands of unauthorized people.[16031]

4510. Turning to its finding, the Trial Chamber first recalls its factual findings in chapters 4.1.2 *Schedule C.1.2*, 4.10.3 *Schedules C.15.2, C.15.3, C.15.4*, and legal findings in chapter 8 in relation to the unlawful detention and cruel or inhumane treatment of Bosnian Muslims and Bosnian Croats in detention facilities. It also recalls its findings in chapter 3.1.4 on the position of Mladić as well as his uncontested proposal as to how to deal with the international public, made at the 16th Session of the Bosnian-Serb Assembly on 12 May 1992, namely to mislead the public about the truth, as further set out in chapter 9.4.3.

4511. Based on the foregoing, the Trial Chamber finds that on 26 March 1993 in a meeting between, *inter alios*, Morillon, Gvero, and Mladić, the latter informed Morillon, a representative of the international community, that the treatment of detainees at Foča, Batković, and Kula was in accordance with the Geneva Conventions, with detainees being given three meals a day and not being forced to work at the front lines. In relation to the claim of detainees not being forced to worked at front lines, the Trial Chamber recalls its factual findings in chapters 4.2.5, 4.3.5 and legal findings in chapter and 8.9.2(e) where it, *inter alia*, found that generally, between July 1992 and 30 November 1995, detainees from Batković Camp had to perform manual labour on the

[16028] P317 (Pyers Tucker, witness statement, 10 May 2010), para. 248.
[16029] P358 (Mladić notebook: 2 April 1993 - 24 October 1993), pp. 151, 154.
[16030] P358 (Mladić notebook: 2 April 1993 - 24 October 1993), pp. 154-155.
[16031] P358 (Mladić notebook: 2 April 1993 - 24 October 1993), p. 155.

front lines, and detainees in Foča Municipality had to perform various tasks which included the digging of trenches. In relation to the claim that detainees received three meals a day, the Trial Chamber recalls its factual findings in chapters 4.2.2 *Schedule C.2.1*, 4.3.2 *Schedule C.6.1*, 7.10 *Schedule E.9.1* where it found that non-Serb detainees lost significant amounts of weight, with a number of them dying of malnutrition due to a shortage of food. In this regard the Trial Chamber, in view of Mladić's position at that time and, considering his assurance during the 26 March meeting that the detainees were under his control, finds that his statements were deliberately misleading.

4512. The Trial Chamber moreover finds that Mladić denied allegations by members of the media and international community that the photographs of malnourished men from detention facilities in Prijedor, including Omarska camp, reflected the true conditions in the facilities. The Trial Chamber recalls its factual findings in chapters 4.10.2 *Schedules C.15.2, C.15.3, C.15.4* and legal findings in chapter 8 where it, *inter alia*, found that camp guards frequently and severely beat detainees and that camp authorities supplied insufficient amounts of food to the detainees. On 3 August 1992, Mladić ordered that 'POW' camps be prepared for the visits of foreign journalists and members of the ICRC which facilitated Talić's follow-up action 'to make conditions in these camps satisfactory' before such visits. The Trial Chamber recalls its factual findings in chapters 4.1.2 *Schedule C.1.2*, 4.10.2 *Schedules C.15.2* and *C.15.4*, and 9.2.9 and legal findings in chapter 8 where it found, *inter alia* that pursuant to Mladić's order of 3 August 1992, standards at Omarska and Trnopolje were improved prior to visits by members of the media and international community, while detainees were hidden or otherwise made inaccessible for interviews by journalists or inspection by the ICRC at Manjača.. The Trial Chamber notes that this finding is also addressed in chapter 9.3.4. The Trial Chamber finds that, in both instances, Mladić's words and actions were deliberately misleading as they were made in an attempt to portray the camp conditions in a more favourable light than what was actually the case.

4513. In chapter 9.3.12, the Trial Chamber will consider whether Mladić's conduct in this respect, considered together with other acts or omissions, amounts to a significant contribution to the Overarching JCE.

9.3.10 Facilitating and/or encouraging the commission by members of the VRS, and other elements of Serb Forces under his effective control, of crimes that furthered the objective of the joint criminal enterprise by failing, while under a duty stemming from his position, to take adequate steps to prevent and/or investigate such crimes, and/or arrest and/or punish the perpetrators of such crimes

4514. With regard to this form of contribution, the Prosecution submitted that Mladić was aware of crimes committed in the implementation of the overarching JCE, but did not use his authority over the functioning VRS military justice system to punish his subordinates and prevent further crimes.[16032] The Prosecution further argued that Mladić's failure to prevent and punish such crimes and his rewarding of perpetrators created a culture of impunity which encouraged the commission of more crimes and furthered the common objective of the alleged JCE.[16033] According to the Prosecution, Mladić was trained in international laws of war and empowered and obliged to prevent and report crimes against humanity, war crimes, and genocide.[16034] The VRS military justice system gave Mladić the ability to punish his soldiers for these crimes, but he prioritized the punishment of crimes against Serbs, crimes against the state, and crimes against the armed forces.[16035] The Prosecution submitted that orders issued by Mladić referencing the Geneva Conventions or to not mistreat non-Serbs were meaningless and 'window-dressing' rather than genuine attempts to prevent or punish these crimes.[16036] The Prosecution further argued that Mladić's praise and promotion of subordinates whose units committed JCE crimes and his failure to punish them for such crimes provide further evidence of his contribution to the JCE.[16037]

4515. The Defence argued that Mladić espoused discipline and fairness in his commanding principles: he issued orders targeting individuals who were behaving irresponsibly and committing offences; threatened offenders with military discipline and investigations; and issued orders to his subordinates to protect the civilian population and behave with decency.[16038] According to the Defence, the Accused disseminated orders and instructions to prevent the commission of crimes and required his

[16032] Prosecution Final Brief, paras 478-486.
[16033] Prosecution Final Brief, paras 478-491.
[16034] Prosecution Final Brief, para. 112.
[16035] Prosecution Final Brief, paras 110, 120.
[16036] Prosecution Final Brief, para. 490.
[16037] Prosecution Final Brief, paras 478, 487.
[16038] Defence Final Brief, para. 795.

subordinates to abide by the laws and regulations of the Bosnian-Serb Republic, the VRS, the Geneva Conventions, customary laws of war, and all relevant international laws.[16039] From the outset of the conflict, the military judicial system was ineffective in administrating its judicial services and without a properly functioning military police unit the Accused was severely limited in his abilities to exert control over and punish the actions of his subordinates.[16040] The Defence also submitted that the Accused delegated the responsibilities for initiating arrests and investigations to his subordinate officers, and brigade commanders were expected to refer breaches of discipline to the military courts in their regions.[16041] Nevertheless, according to the Defence, where disobedience came to his attention, the Accused sought investigation into and punishment of perpetrators because he placed great importance on prohibiting the commission of crimes within the VRS.[16042] Additionally, the Accused did not praise and reward subordinates for the purpose of encouraging criminality.[16043]

4516. The Trial Chamber received evidence from **Dušan Kukobat**, a major who served in the VRS as of 18 August 1992;[16044] **Dragan Lalović**, a Serb member of the VRS;[16045] **Vlade Lučić**, a battalion commander in the SRK's 216th Mountain Brigade based at Grbavica, Sarajevo, between 18 May 1992 and the end of January 1993;[16046] **Vojin Ubiparip**, a member of the VRS 22nd Brigade since 25 August 1992;[16047] **Nikola Mijatović,** the Chief of Security of the Ilidža Brigade from the end of May or June 1993 until September 1994 and later the Chief of Staff of the Ilidža Brigade;[16048] **Dragomir Andan**, a Bosnian Serb who served as a MUP senior inspector in Bijeljina, Zvornik and Brčko from 1 June 1992 and then as an intelligence officer in the VRS Main Staff from September 1992;[16049] **Reynaud Theunens**, a military intelligence analyst;[16050] **Richard**

[16039] Defence Final Brief, para. 727.
[16040] Defence Final Brief, paras 678, 731-735.
[16041] Defence Final Brief, para. 728.
[16042] Defence Final Brief, paras 728-730, 795-796.
[16043] Defence Final Brief, paras 730, 803.
[16044] D757 (Dušan Kukobat, witness statement, 23 June 2014), paras 1-3, 6.
[16045] D498 (Dragan Lalović, witness statement, 26 May 2014) p. 1, paras 6-8, 18-19; Dragan Lalović, T. 21951.
[16046] D658 (Vlade Lučić, witness statement, 5 November 2012), paras 3-6, 8-9, 13.
[16047] D891 (Vojin Ubiparip, witness statement, 22 July 2014), paras 2-4; Vojin Ubiparip, T. 31182-31183.
[16048] D468 (Nikola Mijatović, witness statement, 10 May 2014), para. 11; Nikola Mijatović, T. 21445-21446; P6532 (Proofing note for Nikola Mijatović, 21 May 2014), para. 2f.
[16049] D512 (Dragomir Andan, witness statement, 6 June 2014), paras 5-7; Dragomir Andan, T. 22386-22388, 22396, 22437.
[16050] Reynaud Theunens, T.20230; P3093 (Reynaud Theunens, *curriculum vitae*, 15 October 2012), pp. 1-4.

Butler, an intelligence research specialist;[16051] **Ewan Brown**, a military analyst;[16052] **Manojlo Milovanović**, the Chief of Staff and Deputy Commander of the VRS Main Staff from 1992 to 1996;[16053] **Dragomir Keserović,** a VRS member between 17 June 1992 and 2004, who served from February 1995 as Desk Officer for the military police in the security administration of the VRS Main Staff;[16054] and **Witness RM-513**, a Bosnian Serb from Bijeljina,[16055] as well as documentary evidence.

Orders related to military discipline and to abidance with international law

4517. **Dragan Lalović** testified that during the war, in conversations with Mladić about the situation in his brigade, Mladić enquired about the situation on the ground and emphasized that the armed forces should treat the enemy in accordance with international conventions and laws applicable during war.[16056] According to the witness, Mladić further said that 'not a single hair may be touched on the heads of civilians on any side'.[16057] **Dušan Kukobat** testified that on one occasion among senior officers, Mladić emphasized that no crimes were to be committed against the enemy and that civilians and prisoners should be particularly protected.[16058] Mladić also mentioned observance of the Geneva Conventions.[16059] **Nikola Mijatović** testified that Mladić insisted on strict discipline at all times, which included abiding with the Geneva Conventions, observing the customs of war, and ensuring that whoever violated discipline be prosecuted.[16060] According to Mijatović, it was expressly prohibited to launch aerial bombs at civilian targets, and all civilians were to be protected and excluded from military activities.[16061] **Dragomir Andan** never heard Mladić issue any

[16051] Richard Butler, T. 16108; P2094 (Richard Butler, *curriculum vitae*, 10 June 2011).
[16052] P2863 (Ewan Brown, witness statement, 27 and 28 July 2009), p. 2; P2858 (Ewan Brown, *curriculum vitae*), p. 1.
[16053] Manojlo Milovanović, T. 16889; P2211 (Signed *curriculum vitae* of Manojlo Milovanović), 22 April 2010, pp. 1-2; P2212 (VRS Main Staff Structure - organisation chart, July 1995).
[16054] Dragomir Keserović, T. 12802, 12805-12807. Dragomir Keserović's evidence is reviewed in chapter 9.7.2.
[16055] P1054 (Witness RM-513, witness statement, 25 June 2011), p. 1, paras 2, 4-6. A portion of Witness RM-513's evidence is reviewed in chapter 9.2.10.
[16056] D498 (Dragan Lalović, witness statement, 26 May 2014), para. 20; Dragan Lalović, T. 21968-21971.
[16057] D498 (Dragan Lalović, witness statement, 26 May 2014), para. 20.
[16058] D757 (Dušan Kukobat, witness statement, 23 June 2014), para. 19.
[16059] D757 (Dušan Kukobat, witness statement, 23 June 2014), para. 19.
[16060] Nikola Mijatović, T. 21517, 21476-21477, 21577.
[16061] Nikola Mijatović, T. 21477.

order that would contravene the Geneva Conventions or the laws and customs of war, despite being close to him when certain combat operations were being carried out.[16062]

4518. On 6 June 1992, Mladić ordered 1KK, 2KK, SRK, and IBK to strictly prohibit the maltreatment of unarmed civilians and to treat prisoners pursuant to the Geneva Conventions.[16063] Pursuant to Mladić's order, on 9 June 1992 1KK Commander Momir Talić ordered various units regarding the defensive, security and offensive operations in the Corps' zone of command, strictly prohibiting any mistreatment of the unarmed civilian population, and that POWs be treated in accordance with the spirit of the Geneva Conventions.[16064]

4519. During a meeting of the Bosnian-Serb Presidency on 9 June 1992, attended by Mladić, Karadžić, Plavšić, Koljević, Krajišnik, Đerić, Gvero, and Tolimir, Mladić briefed the Presidency about the overall situation in the VRS.[16065] In addition, the strategic objective and map of 'Serbian BH' was to be published and sent to the EC and instructions for the VRS were to be drafted to abide by the Geneva Conventions in its treatment of POWs.[16066] In an order of the same day by 1KK Commander Momir Talić to various units regarding the defensive, security, and offensive operations in the corps' zone of command, Talić strictly prohibited any mistreatment of the unarmed civilian population, and ordered that POWs be treated in accordance with the spirit of the Geneva Conventions.[16067]

4520. In a 13 June 1992 VRS Main Staff meeting, General Major Kovačević reported on the passage and publication of a number of 'Basic acts', including the Law on Defence, Law on the Army of the Bosnian-Serb Republic, Order on Treatment of POWs, Instructions on Procedures Pursuant to the Geneva Conventions, and the Decision on Establishment of Military Courts and Military Prosecutor's Office.[16068] On 23 June 1992, Mladić issued a directive to the commands of the IBK, and the Birač and

[16062] D512 (Dragomir Andan, witness statement, 6 June 2014), para. 17.
[16063] P474 (Directive for further actions from Ratko Mladić, 6 June 1992), pp. 1, 5.
[16064] P2877 (1KK Command order regarding defensive and offensive combat operations, 9 June 1992), pp. 4, 15. *See also* evidence provided by Ewan Brown on 19 November 2013 at T. 19529-19531 in which he testified to a direct link between Talić's instructions in this order, and Exhibit P474, a directive from Mladić given to Talić and other commanders.
[16065] P3691 (Meeting minutes of Bosnian-Serb Presidency, 9 June 1992).
[16066] P3691 (Meeting minutes of Bosnian-Serb Presidency, 9 June 1992).
[16067] P2877 (1KK Command order regarding defensive and offensive combat operations, 9 June 1992), pp. 4, 15.
[16068] P353 (Mladić notebook, 27 May - 31 July 1992), pp. 155, 160-161.

Zvornik Brigades ordering that POWs and enemy civilians be treated according to international laws and the Geneva Conventions.[16069]

4521. On 17 August 1992, Mladić issued an order to his subordinate commanders to take measures to prevent desertion from the units and commands serving in the VRS.[16070] This included taking all legal measures against those who worked against the interests of the VRS and who wilfully left the units or avoided military duty.[16071]

4522. In a VRS Main Staff report dated September 1992, Mladić stated that plundering, burning, theft of military property, war profiteering, and other 'negative occurrences' had been prominent since the beginning of the war and the VRS had not been able to prevent these acts because of, i*nter alia*, the imperfect functioning of military and civilian justice branches.[16072] This was not only a failure to function by the two systems, but also the implementation of inadequate penal policies, i.e. people were being tried pursuant to peacetime proceedings and laws for acts committed in war.[16073] Mladić also acknowledged that various paramilitary formations involved in plundering, burning, and other criminal activities often hid behind certain individuals in the organs of the local authorities.[16074] Mladić set out a number of tasks that needed to be carried out by VRS members in the future including, ordering that work and discipline needed to be improved; that the failure to carry out tasks, vacillation, faint-heartedness, or cowardice must be taken seriously and criminally prosecuted; that any disobedience or behaviour which might diminish VRS results should be strictly sanctioned; that maximum help should be offered to UNPROFOR forces and to organs of the EU, ICRC, and foreign journalists with proper accreditation; and that persons inclined to robbing, war profiteering, and other criminal acts or negative behaviour should be prosecuted to the fullest extent of the law.[16075]

4523. On 6 October 1992, Mladić forwarded the 'Guidelines For Determining Criteria for Criminal Prosecution' to, *inter alia*, the 1KK Command, and stated that actions and incidents which undermine the frontline and combat readiness of military units, as well as actions which foment discontent among citizens, constituted criminal activities which

[16069] P3673 (VRS Main Staff Directive on the expansion of the corridor between Romanija and Semberija and liberation of the roads in the central watercourse of the Drina River, 23 June 1992), pp. 1, 6-7.
[16070] P3066 (Mladic orders to prevent desertion, 17 August 1992), pp. 1-2.
[16071] P3066 (Mladic orders to prevent desertion, 17 August 1992), pp. 1-2.
[16072] P1966 (VRS Main Staff Report of Ratko Mladić, September 1992), pp. 1, 6.
[16073] P1966 (VRS Main Staff Report of Ratko Mladić, September 1992), p. 6.
[16074] P1966 (VRS Main Staff Report of Ratko Mladić, September 1992), p. 7.

posed a serious threat to society.[16076] The guidelines, prepared by the military judicial organs attached to the VRS Main Staff, identified and explained appropriate responses to three types of criminal offence: the failure to respond to military call-ups and avoidance of military service; the willful abandonment of posts and desertion from the VRS; and criminal offences against humanity and international law.[16077] The guidelines stated that it was the responsibility of the corps officers to take uncompromising action and prevent such conduct, failure to do so would make them answerable for the criminal offences themselves. Commands had a duty to inform the Military Prosecutor's Office, responsible for taking appropriate action in keeping with the law and prosecution policy, of any possible criminal offences. It was noted that officers in units on the front line witnessed negative conduct of members of the armed forces, and frequently took part in such conduct themselves, while making no attempt to prevent such conduct.[16078] According to an order to the DK Command dated 12 July 1993, the DK also received the above-mentioned order by Mladić and the guidelines.[16079]

4524. On 28 November 1992, Mladić ordered the DK Command and the Rogatica Brigade to protect the Muslim population in the villages of Vrhbarje and Burati because they had expressed their loyalty to the Bosnian-Serb Republic.[16080] He issued this order after having received information that unknown people had 'disturbed' the Muslim population there.[16081]

4525. On 30 November 1992, Mladić issued an order to the commands of 1KK, SRK, IBK, DK, the Air Force and Anti-Aircraft Defence, and to the commanders of the 14th, 27th, 30th and 35th logistics bases, that every man and wartime unit was obliged to treat their assigned tasks with decency and discipline.[16082] The personal appearance of soldiers and officers had to comply with the regulations in force to leave a good impression with citizens, foreign observers, and newspaper reporters. Corps

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[16075] P1966 (VRS Main Staff Report of Ratko Mladić, September 1992), pp. 7-8.
[16076] P1094 (Order signed by Mladić regarding VRS Main Staff guidelines on criteria for criminal punishment, 6 October 1992).
[16077] P3352 (VRS Main Staff guidelines on criteria for criminal punishment, 6 October 1992), pp. 1-9.
[16078] P3352 (VRS Main Staff guidelines on criteria for criminal punishment, 6 October 1992), p. 8.
[16079] P1095 (Order by General Gvero to Command of the DK regarding Guidelines for Determining the Criteria for Criminal Prosecution, 12 July 1993), p. 2.
[16080] D1514 (Order by Ratko Mladić to protect Muslim population in S. Burati and Vrhbarje, 28 November 1992), pp. 1-2.
[16081] D1514 (Order by Ratko Mladić to protect Muslim population in S. Burati and Vrhbarje, 28 November 1992), p. 1.
[16082] P5054 (Order by Mladić dealing with discipline among members of the VRS, 30 November 1992), pp. 1-3.

commanders and other officers were ordered to ban the sale of liquor in the vicinity of combat. Foreigners, especially reporters and UNPROFOR members, were to be treated courteously. Corps commanders were to respond to serious violations of military code of conduct with disciplinary or criminal action. Units were to ensure the passage of UNPROFOR vehicles carrying humanitarian aid and treat UNPROFOR personnel with special care and courtesy when checking their documents and vehicles, in order to prevent the supply of weapons, ammunition and other combat equipment to Muslim-Croatian forces.[16083]

4526. **Vojin Ubiparip** testified that Mladić often came to visit the 22nd Brigade, and during these visits, Mladić constantly emphasised that it was necessary for the army to abide by the laws and the customs of war, and the Geneva Conventions.[16084] During a meeting with Mladić in May 1993, an aide-mémoire was 'being elaborated for all members of the VRS.'[16085] It included an annex that had to do with the Geneva Conventions and the Helsinki Agreements.[16086] Every soldier in the 22nd Brigade had a copy of the Geneva Conventions.[16087] At the Bosnian-Serb Assembly's 21st session held in Prijedor from 30 October to 1 November 1992, presided over by Momčilo Krajišnik and attended by, *inter alios*, Karadžić, Mladić submitted a military report stressing that militarily their position was favourable, but that more attention was to be paid to the quality of the army including equipment and discipline.[16088] Mladić stated that it was necessary to prevent all disrespectful acts of members of the army, police, and politicians.[16089]

4527. On 11 August 1994, Mladić pointed to a lack of discipline in the units which caused huge losses in manpower, territory and materiel; a fall of morale, and the loss of trust in senior officers.[16090] Pursuant to an order of the Armed Forces Supreme Command of 9 August 1994, Mladić therefore ordered, *inter alia*, that all corps, battalion, and brigade commands; the Air Force and Anti-Aircraft Defence; and the

[16083] P5054 (Order by Mladić dealing with discipline among members of the VRS, 30 November 1992), p. 2.
[16084] D891 (Vojin Ubiparip, witness statement, 22 July 2014), para. 23.
[16085] Vojin Ubiparip, T. 31188.
[16086] Vojin Ubiparip, T. 31188.
[16087] Vojin Ubiparip, T. 31229.
[16088] P4266 (Minutes of the 21st session of the Bosnian-Serb Assembly, 30 October - 1 November 1992), pp. 1, 7-8.
[16089] P4266 (Minutes of the 21st session of the Bosnian-Serb Assembly, 30 October - 1 November 1992), p. 8.

Military School Centre of the VRS, eliminate such occurrences and ensure combat and military discipline at all levels of command and control.[16091] Teams consisting of military prosecutors and judges were to be formed on the level of the corps commands, the VRS Main Staff, the Operation Group, the Air Force and Anti-Aircraft Defence, and the Light Infantry Division to ensure the necessary order and discipline in the VRS by taking prompt legal measures and by inspecting the directly subordinated commands, units and institutions.[16092] In cases of unjustified losses of manpower, weapons, or military equipment, Mladić ordered the commands in charge to form a commission to examine the causes and consequences; to identify the culprits; and to submit a detailed written report to him within three days after the situation had been encountered.[16093]

4528. On 13 March 1995, Mladić ordered various unit commands to prevent the bringing in and excessive consumption of alcohol on combat and firing positions, to inspect the troops before being transported, and to disarm and place them under control if necessary.[16094] He also ordered unit commands to ensure that mines, explosives, and ammunition be transported separately from the soldiers and that personal weapons were unloaded and secured. Further, before going on a march, unit commands were expected to issue an order to regulate the directions, speed, distance, and places to stop, excluding residential areas. Mladić further ordered unit commands to ensure a military police escort for large convoys, and to take strict legal measures against anyone violating this order.[16095]

Investigation and punishment of crimes

4529. **Manojlo Milovanović** testified that disciplinary measures and the initiation of disciplinary proceedings before a competent military court generally fell within the responsibility of the respective unit commander, and was prescribed by regulation.[16096]

[16090] P5059 (VRS Main Staff order on discipline in the commands, units and institutions, 11 August 1994), pp. 1-2, 6.
[16091] P5059 (VRS Main Staff order on discipline in the commands, units and institutions, 11 August 1994), pp. 2-3.
[16092] P5059 (VRS Main Staff order on discipline in the commands, units and institutions, 11 August 1994), pp. 2-3.
[16093] P5059 (VRS Main Staff order on discipline in the commands, units and institutions, 11 August 1994), p. 3.
[16094] P5064 (Order by Mladić to ensure military discipline in the VRS, 13 March 1995), p. 2.
[16095] P5064 (Order by Mladić to ensure military discipline in the VRS, 13 March 1995), p. 3.
[16096] Manojlo Milovanović, T. 16953-16954.

A commander's collegium eventually decided on the removal of individual commanders upon a proposal of the subordinate commands.[16097]

4530. **Witness RM-513** testified that there were disagreements between the military and civilian authorities in the Bosnian-Serb Republic over the control of the military justice system.[16098] According to the witness, in one particular instance, Mladić personally prevented the civilian authorities' attempt to transfer the case of Milovan Zugić to the civilian justice system.[16099] Zugić was accused of assisting the enemy by trading huge amounts of goods with the Croatian-Muslim Federation, but had close relationships with the top leadership of the Bosnian-Serb Republic.[16100] Krajišnik suggested that Zugić be released and the proceedings against him discontinued, and later requested that the military court be dissolved and the penal code changed so that the crime of assisting the enemy would no longer fall under the jurisdiction of the military justice system.[16101] In response, Mladić sent word that the Main Staff of the VRS was backing the military courts, that war profiteers should be punished through the legal system and that he would provide the military courts with any available support.[16102] According to the witness, this was the only case he was aware of that Mladić used his influence to ensure a military prosecution went through given that it was such a drastic example of war profiteering.[16103] He further testified that it was the view of the top military leaders that perpetrators of crimes should be put on trial as normal, but that the serving of prison sentences or detention should be postponed until the end of war operations and imminent threat of war, as every single man was needed at the front.[16104]

4531. According to **Reynaud Theunens**, Mladić had the authority to order investigations within the military justice system, but only used it selectively, focusing on acts which had a negative impact on the combat readiness of the VRS, such as desertions.[16105] Theunens testified that he had not seen any documents originating from Mladić or the VRS Main Staff regarding investigations of alleged violations of the laws

[16097] Manojlo Milovanović, T. 16954.
[16098] Witness RM-513, T. 9261.
[16099] Witness RM-513, T. 9262.
[16100] Witness RM-513, T. 9262.
[16101] Witness RM-513, T. 9262.
[16102] Witness RM-513, T. 9262-9263.
[16103] Witness RM-513, T. 9263.
[16104] Witness RM-513, T. 9326.
[16105] Reynaud Theunens, T. 20388-20390.

of war by VRS members or other units operating under the command of the Main Staff.[16106] Instead, the documents he had seen, not specifically originating from Mladić, but from the Bosnian-Serb Republic and the VRS in general, concerned investigations of alleged violations of the laws of war by the opponent's forces.[16107] Theunens' position was that the reports on the work of the military prosecutors' offices showed that all investigated cases referred to violations and breaches of military discipline and military justice that directly affected, or that were directly related to, combat activities and were therefore consistent with Mladić's priorities.[16108]

4532. **Richard Butler** testified that he had never come across any orders from Mladić attempting to interfere with the work of the military courts or the military prosecutors, but he had come across many orders from the VRS Main Staff complaining that they wanted to see a more robust military judiciary and prosecutor's office because of a backlog of offences that the courts were unable to deal with.[16109]

4533. On 8 June 1992, Mladić decided that a disciplinary investigation be carried out against Dragan Šuko, Battalion Commander in the 2nd Romanija Brigade, who was alleged to have committed the disciplinary violation of failing to take appropriate measures to safeguard the life and health of his battalion, the equipment, and means used to ensure combat readiness.[16110] During combat activities, Šuko's battalion was led into an ambush during which 36 were killed, 56 were seriously or lightly injured, 12 went missing, and a large amount of combat equipment was either destroyed or captured by the enemy.[16111] Mladić ordered that statements be taken from Milovanović, from SRK Commander Colonel Dragan Šipčić, Commander of the 2nd Romanija Brigade Lieutenant Colonel Veljko Bosanac, as well as from surviving witnesses of those who had been led into the ambush, and that various relevant orders and reports be obtained.[16112]

4534. The Trial Chamber recalls evidence it received in chapter 9.3.3 that on 18 August 1992, the 1KK Command conveyed to commanders of its subordinate units a

[16106] Reynaud Theunens, T. 20388.
[16107] Reynaud Theunens, T. 20388.
[16108] Reynaud Theunens, T. 20391-20392.
[16109] Richard Butler, T. 16816.
[16110] P3527 (VRS Main Staff decision of 8 June 1992, signed by Ratko Mladić), p. 1.
[16111] P3527 (VRS Main Staff decision of 8 June 1992, signed by Ratko Mladić), p. 1.
[16112] P3527 (VRS Main Staff decision of 8 June 1992, signed by Ratko Mladić), p. 2.

set of instructions which Mladić issued to prevent desertion and maintain the requisite levels of manpower and combat readiness in the VRS.

4535. On 26 March 1993, in a meeting between Mladić and UNPROFOR representatives, Morillon stated that both he and Mladić had been betrayed by local Serb commanders who had attacked Srebrenica, fired at and wounded UN personnel and civilians, and attempted to destroy UN helicopters. Morillon asked that Colonel Ilić be court-martialled. Mladić apologized for this and ordered the immediate arrest of Colonel Ilić. Minutes later, it was reported that the arrest was carried out and an investigation had been initiated.[16113]

4536. The Trial Chamber recalls evidence it received in chapter 9.2.8 that on 28 July 1992, Mladić ordered the disarmament, and integration into the VRS, of all paramilitary formations, groups and individuals in the territory of the Bosnian-Serb Republic. On 22 May 1993, Mladić strictly prohibited the organization of or activity along 'para-army', 'para-militia', or 'para-political' lines warning that all such groups would be arrested and eliminated, or physically liquidated in case of resistance.

4537. The Trial Chamber also recalls evidence it received in chapter 9.2.11 regarding a meeting held on 27 May 1993 between the officers of the 1KK, the Air Force and Anti-Aircraft Defence of the VRS in Banja Luka, and Colonel Bogojević, the head of command and control group and the security department of the 1KK. Bogojević informed Mladić that four or five days earlier he had spoken to Drljača, who had been sent by the Minister of the Interior to discuss the Tomašica mine where they had earlier buried around 5,000 Bosnian Muslims. Drljača wanted Bogojević to get rid of the bodies 'by burning, grinding, or some other way' but Mladić advised that 'they killed them, so they should get rid of them'. Mladić also told Bogojević that an investigation had to be launched in connection with the case, and this information should be well retained in order to prevent it form getting into the hands of unauthorized people.

4538. In an order to the Commanders of the 1st, 2nd, 3rd and 5th Light Infantry Brigades, dated 1 November 1994, Mladić ordered all officers responsible for the self-willing retreat from defence positions and for the suffering of territorial, human and material losses without combat to be criminally charged and prosecuted.[16114]

[16113] D1508 (UNPROFOR code cable, 26 March 1993), p. 2.
[16114] P3067 (Mladic order criminally charge and prosecute for treason, deserting and non-compliance, 1 November 1994), pp. 1-2.

4539. On 7 November 1994, Mladić ordered the Command of the VJ Guards Motorized Brigade, and informed various other VRS corps and units of the order, to institute criminal proceedings against Rajko Šarenac, Assistant Commander for Moral Guidance and Psychological Preparation, and Željko Stupar, Chief of the organ for Intelligence and Security Affairs, as well as against any other persons who were involved in the wilful abandonment of the Forward Command Post in the sector of Ostojići village in Trnovo Municipality.[16115] Mladić further ordered criminal proceedings to be instituted against all members of the VJ Guards Motorized Brigade who had deserted their units or had withdrawn outside of the brigade's zone of responsibility or their combat-firing positions and to bring them into custody.[16116] Similarly, criminal proceedings were to be instituted against all officers, regardless of their rank or position, who had enabled or assisted the deserters or admitted them into their own units without any authorisation from the Main Staff.[16117]

4540. On 8 February 1995, Mladić summarised all stands taken at the 16th session of the Commanders of the VRS Main Staff as follows: (1) superior officers should take decisions on suspension of wages for unjustified leave days of their subordinated professional servicemen who had deserted; (2) superior officers should start criminal and disciplinary procedures against all officers who had wilfully abandoned their unit; and, (3) any change of VRS units by soldiers without written approval of an officer in charge should be prevented.[16118] Any such change of unit was to be treated as wilful abandonment and criminal proceedings were to be initiated against the soldiers and the officers who accepted them into their units.[16119]

4541. In February and March 1995, the Security Administration of the Main Staff conducted an analysis of the situation of military police units in the VRS and sent its report to Mladić.[16120] According to **Dragomir Keserović**, the handwritten portions in the document were written by Mladić in which he issued orders to Zdravko Tolimir in

[16115] P5060 (VRS Main Staff order to institute proceedings against deserters of the Forward Command Post of the 1st Guards Motorised Brigade, 7 November 1994), pp. 1-2.
[16116] P5060 (VRS Main Staff order to institute proceedings against deserters of the Forward Command Post of the 1st Guards Motorised Brigade, 7 November 1994), p. 1.
[16117] P5060 (VRS Main Staff order to institute proceedings against deserters of the Forward Command Post of the 1st Guards Motorised Brigade, 7 November 1994), p. 1.
[16118] P5061 (VRS Main Staff report about the 16th session of the Commanders of the VRS Main Staff discussing the problem of desertion, 8 February 1995), pp. 1-2.
[16119] P5061 (VRS Main Staff report about the 16th session of the Commanders of the VRS Main Staff discussing the problem of desertion, 8 February 1995), p. 1.

relation to some of the matters raised in the analysis.[16121] Mladić ordered that every military police unit be assigned an educated and trained officer by 1 July 1995.[16122] The analysis found that although professional military control and guidance in most units was adhered to properly, some commanders bypassed security organs by assigning other tasks to military police units.[16123] Mladić added that commanders did not have the right to prevent security organs and military policemen from performing their duties.[16124] The analysis also found that the military police units did not have clearly defined areas of jurisdiction, and Mladić instructed Tolimir to define them more clearly.[16125]

4542. On 4 March 1995, Mladić ordered various VRS corps and units to institute criminal and disciplinary proceedings against commanders who broke a series of orders concerning the relocation of conscripts.[16126] He further ordered them to keep the conscripts who abandoned their units in military custody and to arrest, in cooperation with organs of the MUP, those without relocation documents or permits of movement.[16127]

4543. On 19 October 1995, Mladić ordered various VRS Corps and units to remove all paramilitary formations and individuals who refuse subordination in the VRS from the territory of the Bosnian-Serb Republic and to seize all military technical devices and equipment previously issued to these formations.[16128] He further ordered the launch of

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[16120] Dragomir Keserović, T. 12820-12822; P1578 (Analysis of the situation in Military Police units in the VRS signed by Ljubiša Beara addressed to inter alia Ratko Mladić, Zdravko Tolimir, 18 March 1995).
[16121] Dragomir Keserović, T. 12821, 12823-12825, 12832; P1578 (Analysis of the situation in Military Police units in the VRS signed by Ljubiša Beara addressed to *inter alios* Ratko Mladić and Zdravko Tolimir, 18 March 1995), pp. 3-4.
[16122] Dragomir Keserović, T. 12824-12825; P1578 (Analysis of the situation in Military Police units in the VRS signed by Ljubiša Beara addressed to *inter alios* Ratko Mladić and Zdravko Tolimir, 18 March 1995), pp. 2-3.
[16123] P1578 (Analysis of the situation in Military Police units in the VRS signed by Ljubiša Beara addressed to *inter alios* Ratko Mladić and Zdravko Tolimir, 18 March 1995), pp. 2-3.
[16124] Dragomir Keserović, T. 12824-12825; P1578 (Analysis of the situation in Military Police units in the VRS signed by Ljubiša Beara addressed to *inter alios* Ratko Mladić and Zdravko Tolimir, 18 March 1995), pp. 4-5.
[16125] P1578 (Analysis of the situation in Military Police units in the VRS signed by Ljubiša Beara addressed to *inter alios* Ratko Mladić and Zdravko Tolimir, 18 March 1995), pp. 4-5.
[16126] P5063 (Order from Mladić to various VRS Corps and units concerning units reinforcement, 4 March 1995), p. 1.
[16127] P5063 (Order from Mladić to various VRS Corps and units concerning units reinforcement, 4 March 1995) pp. 1-2.
[16128] P5065 (Order from Mladić to various VRS Corps and units concerning the discipline of paramilitary formations, 19 October 1995), p. 1.

investigations and initiation of proper proceedings for misdemeanours and criminal offences.[16129]

The Trial Chamber's findings

4544. The Trial Chamber recalls its findings in chapters 9.3.3 and 9.3.4 that as the commander of the VRS Main Staff, Mladić exercised effective command and control over the VRS and, in certain operations, other Serb Forces. Based on these findings, the Trial Chamber finds that the Accused was under a duty to take adequate steps to prevent, investigate, and/or punish crimes by members of the VRS and other Serb forces under his effective control.

4545. Based on the evidence reviewed in this chapter, the Trial Chamber finds that Mladić issued orders to comply with the laws and regulations of the Bosnian-Serb Republic, the VRS, the Geneva Conventions, customary laws of war, and other international laws. The Trial Chamber further finds that Mladić possessed the authority to order investigations within the military justice system. The Trial Chamber finds that on several occasions Mladić ordered investigations, and called for the punishment of members of the VRS under his effective control for breaches of military discipline, such as failure to respond to call-ups and desertion. The Trial Chamber also finds that Mladić took some measures in relation to investigations regarding alleged war crimes or crimes against humanity, for example on 26 March 1993, Mladić told UNPROFOR that he had ordered the arrest of Colonel Ilić, and an investigation into his conduct, after being informed by General Morillon of Ilić's alleged misconduct, and on 27 May 1993, Mladić told Bogojević that an investigation had to be launched in connection with the Tomašica mine case 9.2.11. In relation to whether these measures were adequate, the Trial Chamber recalls its findings in chapter 9.2.12 that despite the fact that proceedings before military courts continued throughout the war, the Trial Chamber did not receive any evidence of any Bosnian Serbs being prosecuted for war crimes between 12 May 1992 and 30 November 1995. To the contrary, the Trial Chamber found that: (i) the Bosnian-Serb military and civilian justice system failed on many occasions to investigate crimes committed by members of the VRS and other Serb forces; (ii) the military and civilian justice systems failed to arrest or punish the perpetrators of these

[16129] P5065 (Order from Mladić to various VRS Corps and units concerning the discipline of paramilitary

crimes; and (iii) on multiple occasions in which crimes had been committed against non-Serbs by VRS members or members of other Serb forces, criminal reports were not filed, investigations were not initiated by military prosecutors or investigative judges, suspects were not arrested or detained, and if arrested, perpetrators were unlawfully released from detention to return to their units.

4546. In light of the above, and the Trial Chamber's findings in chapter 9.3.13 that Mladić knew that the crimes of persecution, murder, extermination, deportation, and inhumane acts (forcible transfer) were committed against Bosnian Muslims and Bosnian Croats in the Municipalities, including in detention facilities, the Trial Chamber finds that Mladić should have ensured that crimes carried out by the VRS and subordinated forces were investigated, and perpetrators properly punished. The Trial Chamber did not receive evidence to conclude that Mladić ordered any substantial or meaningful investigations into war crimes and crimes against humanity, or whether Mladić followed up on the few investigations he may have ordered. However, based on the Trial Chamber's findings in chapter 9.3.9 that Mladić deliberately misled the international community and non-governmental organisations on the conditions of the Foča, Batković, Kula and Prijedor camps, and attempted to conceal the crimes committed therein by portraying the camps conditions in a more favourable light, the Trial Chamber finds that Mladić's actions in this regard are indicative of his overall stance towards investigating war crimes and crimes against humanity. The Trial Chamber therefore finds that Mladić did not take appropriate or further steps, to investigate or punish perpetrators of crimes.

4547. In chapter 9.3.12, the Trial Chamber will consider whether Mladić's conduct in this respect, considered together with other acts or omissions, amounts to a significant contribution to the Overarching JCE.

formations, 19 October 1995), p. 1.

9.3.11 Directing, implementing and/or authorizing the restriction of humanitarian aid to Bosnian-Muslim and/or Bosnian-Croat enclaves located in territory controlled by the VRS, the TO, the MUP, and Bosnian-Serb paramilitary forces and volunteer units and/or Bosnian-Serb Political and Governmental Organs in an effort to create unbearable living conditions for these inhabitants

4548. With regard to this alleged contribution, the Defence argued that the Accused made reasonable efforts to ensure humanitarian aid was delivered to Bosnian-Muslim civilians in Sarajevo.[16130] The Defence also argued that at least since August 1994 the VRS Main Staff had no authority to control the movement of humanitarian aid convoys and that the Accused did not prevent the movement of convoys that were scheduled and had proper paperwork.[16131] Finally, the Defence argued that food and goods were available to the Bosnian Muslims in Srebrenica through illicit means.[16132] In this chapter, the Trial Chamber considers the overall situation in Bosnia-Herzegovina, including Srebrenica, with respect to the restriction of humanitarian aid. The Trial Chamber received evidence from **Manojlo Milovanović,** the Chief of Staff and deputy commander of the VRS Main Staff from 1992 to 1996;[16133] **Miloš Škrba**, the Commander of the 2nd Infantry Company of the 2nd Infantry Battalion in the 1st Sarajevo Mechanised Brigade of the SRK;[16134] **Goran Šehovac**, a member of the 65th Protection Regiment in the anti-terrorist unit from mid-1992 until the end of 1992, a member of the military police of the Ilidža Brigade in 1993, and a member of the assault detachment of the Ilidža Brigade from early 1994 until the end of the war;[16135] **Nikola Mijatović,** the Chief of Security of the Ilidža Brigade from the end of May or June 1993 until September 1994 and later the Chief of Staff;[16136] **Milovan Lelek**, Assistant Chief of Staff for Training and Operations for the Rogatica Brigade from late May 1992 until 1994;[16137] **Michael Rose**, UNPROFOR Commander in Bosnia-Herzegovina from 5

[16130] Defence Final Trial Brief, para. 1817.
[16131] Defence Final Trial Brief, paras 2819, 2821.
[16132] Defence Final Trial Brief, para. 2841.
[16133] Manojlo Milovanović, T. 16889; P2211 (Signed *curriculum vitae* of Manojlo Milovanović), 22 April 2010, pp. 1-2; P2212 (VRS Main Staff Structure - organisation chart, July 1995).
[16134] D524 (Miloš Škrba, witness statement, 10 May 2014), paras 1, 6, 15; Miloš Škrba. 22797-22798, 22803-22804, 22822, 22902, 22887. Miloš Škrba's evidence is also reviewed in chapter 9.5.9.
[16135] D596 (Goran Šehovac, witness statement, 15 May 2014), p. 1, paras 3-5, 8; Goran Šehovac, T. 24698.
[16136] D468 (Nikola Mijatović, witness statement, 10 May 2014), para. 11; Nikola Mijatović, T. 21445-21446 P6532 (Proofing note for Nikola Mijatović, 21 May 2014), para. 2f.
[16137] D849 (Milovan Lelek, witness statement, 2 August 2014), paras 8, 14; Milovan Lelek, T. 29584.

January 1994 to 23 January 1995;[16138] **David Fraser**, a Military Assistant to the UNPROFOR Commander in Sector Sarajevo from 17 April 1994 to 26 May 1995;[16139] **Reynaud Theunens**, a military intelligence analyst;[16140]**Anthony Banbury**, an UNPROFOR Civil Affairs Officer in Sarajevo between March 1994 and May 1995 and later the Assistant to the UN Special Representative of the UNSG in Bosnia-Herzegovina;[16141] **Slavko Kralj,** Liaison Officer of the 1KK until approximately November 1994, when he was reassigned to the Main Staff as translator for the English language while working in the Department for Relations with Foreign Military Envoys;[16142] **Rupert Smith**, UNPROFOR Commander in Bosnia-Herzegovina between 23 January and December 1995;[16143] **Richard Butler,** an intelligence research specialist;[16144] **Pyers Tucker,** a British Army officer, who served with UNPROFOR as military assistant to General Philippe Morillon from October 1992 to March 1993;[16145] **Ljubomir Obradović**, Deputy Chief of Operations and Training of the VRS Main Staff from September 1994 onwards;[16146] **David Harland**, an UNPROFOR civil affairs officer assigned to Sarajevo as of May 1993;[16147] **Pieter Boering**, a DutchBat Major who served as liaison officer with the VRS and ABiH in Srebrenica from 3 January to July 1995;[16148] **Cornelis Nicolai**, the UNPROFOR Chief of Staff at the Bosnia-Herzegovina Command from 28 February to 2 September 1995;[16149] **Eelco Koster**, a Lieutenant with the 13th Infantry Battalion of Dutchbat III, stationed at the UN

[16138] P736 (Michael Rose, witness statement, 26 March 2009), paras 5, 195; Michael Rose, T. 6839. Michael Rose's evidence is also reviewed in chapters 9.4.2 and 9.5.3.
[16139] P576 (David Fraser, witness statement, 3 December 2012), paras 7, 11. David Fraser's evidence is also reviewed in chapter 9.5.9.
[16140] Reynaud Theunens, T. 20230; P3093 (Reynaud Theunens, curriculum vitae, 15 October 2012), pp. 1-4. Reynaud Theunens's evidence is also reviewed in chapter 9.5.9.
[16141] P874 (Anthony Banbury, witness statement, 19 May 2009), para. 3. Anthony Banbury's evidence is also reviewed in chapters 9.5.3 and 9.5.9.
[16142] D712 (Witness Statement of Slavko Kralj, 27-29 June 2013), para. 3. Slavko Kralj's evidence is also reviewed in chapter 9.5.9.
[16143] P785 (Rupert Smith, witness statement, 27 October 2009), paras 4, 6; Rupert Smith, T. 7287. Rupert Smith's evidence is also reviewed in chapter 9.5.9.
[16144] Richard Butler, T. 16108; P2094 (Richard Butler, *curriculum vitae*, 10 June 2011).
[16145] P317 (Pyers Tucker, witness statement, 10 May 2010), paras 4, 6; Pyers Tucker, T. 3751. Pyers Tucker evidence's is also reviewed in chapters 9.5.9 and 7.1.1.
[16146] P1783 (Ljubomir Obradović, *Tolimir* transcript, 29-31 March 2011), pp. 11929, 11931-11932; P1784 (VRS Main Staff structure, July 1995).
[16147] P1 (David Harland, witness statement, 4 September 2009), p. 1, para. 5; David Harland, T. 661. David Harland's evidence is also reviewed in chapters 9.3.3 and 7.4.
[16148] P1139 (Pieter Boering, *Popović et al.* transcript, 19, 21 and 22 September 2006), pp. 1867-1873; Pieter Boering, T. 10025.
[16149] P1165 (Cornelis Nicolai, witness statement, 18 November 1996), p. 1, paras 1-4, 67.

compound in Potočari in the Srebrenica enclave;[16150] **Robert Franken**, the Deputy Commanding Officer of DutchBat in Potočari from 15 January to late July 1995;[16151] **Leendert van Duijn**, a DutchBat platoon commander who was stationed in Potočari from January to July 1995;[16152] **Joseph Kingori**, a UNMO present in the Srebrenica enclave from March 1995 to around 20 July 1995;[16153] **Momir Nikolić**, the Assistant Commander for Intelligence and Security of the VRS Bratunac Brigade from November 1992 to at least October 1995;[16154] as well as documentary evidence.[16155]

4549. The Trial Chamber will first review evidence concerning Mladić's orders and actions throughout the Indictment period with regard to humanitarian convoys. It will then turn to evidence related to possible justification for any restrictions of access for humanitarian convoys.

Mladić's orders and actions with regard to humanitarian convoys

4550. The 1KK Command reported to the VRS Main Staff on 2 October 1992, that, following orders from the VRS Main Staff, any activity by UNPROFOR forces in the zone of responsibility of the 1KK Corps was to be prohibited until an agreement on movement was reached with UNPROFOR.[16156]

4551. The Trial Chamber recalls Exhibit P5054 reviewed in chapter 9.3.10 that on 30 November 1992, Mladić ordered the commands of the 1KK, 2KK, SRK, IBK, DK, Air Force and Anti-Aircraft Defence to ensure, after checking UNPROFOR documents and vehicles carrying humanitarian aid, their safe passage and to treat them with special courtesy in order to establish what the vehicles were carrying and to prevent the supply of weapons, ammunition, and other combat equipment to Muslim-Croatian forces. On the same day, Mladić ordered the Corps Commanders of the 1KK, 2KK, SRK, IBK, HK and DK to undertake measures to explain to the army members and citizens why the

[16150] P57 (Eelco Koster, witness statement, 26 September 1995), pp. 1-2; Eelco Koster, T. 1235; D25 (UN Peacekeeper Interview Questionnaire completed by Eelco Koster), p. 1.
[16151] P1417 (Robert Franken, witness statement, 15 January 2012), paras 3-4, 109. Robert Franken's evidence is also reviewed in chapter 7.
[16152] P1154 (Leendert van Duijn, *Popović et al.* transcript, 27 September 2006), pp. 2256-2258, 2261.
[16153] P34 (Joseph Kingori, witness statement, 8 January 2012), paras 3, 7.
[16154] Momir Nikolić, T. 12076. Momir Nikolić's evidence is also reviewed in chapter 7.
[16155] P5054 is also reviewed in chapter 9.3.10; P317 is also reviewed in chapters 9.5 and 7.1.1; D1508 is also reviewed in chapter 9.3.10; D726 is also reviewed in chapters 9.4.2 and 9.5.9; P1758 is also reviewed in chapter 9.4.2; P2245 is also reviewed in chapter 9.5.9; D712 is also reviewed in chapter 9.5.9; P736 is also reviewed in chapter 9.4.2; D462 is also reviewed in chapter 9.5.9.
[16156] P3716 (1KK Command regular combat report to Main Staff, 2 October 1992), pp. 1-2.

VRS and the Bosnian-Serb Republic were allowing UNPROFOR humanitarian convoys to pass.[16157] In the preamble to an order issued on 7 December 1992, Mladić noted that UNPROFOR forces were 'trying to incite conflicts' between the VRS and the Serb people by bringing in so-called 'humanitarian' aid to Muslim settlements through the 'Serbian territories' and were abusing the agreements on the obligation of warring parties.[16158] According to Mladić, at the same time, UNPROFOR demanded that the VRS allow the passage of 'humanitarian' convoys.[16159]

4552. According to a news broadcast from Radio Banja Luka on 9 December 1992, in a meeting with the head of the UNHCR, Mladić stated that securing the transport of humanitarian aid using the UNPROFOR convoys was under the authority of the Bosnian-Serb Assembly and that the VRS was going to do everything on its part to ensure that the aid reached its destination.[16160] **Miloš Škrba** testified that in the territory that his unit controlled, the instruction was to allow all vehicles carrying humanitarian aid to pass through and that did in fact happen.[16161] According to the witness, the military police manned the checkpoints and had the responsibility to check vehicles.[16162]

4553. According to a letter from the ECMM headquarters to Mladić, dated 2 March 1993, the ECMM expressed concern about the lack of progress being made in allowing regular humanitarian aid into the Muslim 'pockets' of Cerska and Srebrenica.[16163] In drawing Mladić's attention to specific provisions of the Geneva Conventions, the letter stated that by denying or delaying the UNHCR convoys access to these areas, and by forcing the civilian population out of their homes, he was violating international law.[16164]

4554. Mladić agreed to the resumption of humanitarian aid convoys starting on the morning of 27 March 1993.[16165] When Endall Wahlgren forwarded the meeting notes to Annan and Vance on 29 March 1993, Wahlgren noted that this agreement had failed, although a convoy and Morillon got through to Srebrenica.[16166]

[16157] D725 (Mladić's order to the Corps Commanders (1KK, 2KK, SRK, IBK, HK, and DK) on information on the passage of UNPROFOR convoys, 30 November 1992), p. 1.
[16158] P2189 (VRS Order, 7 December 1992), p. 1.
[16159] P2189 (VRS Order, 7 December 1992), p. 1.
[16160] P3668 (News broadcast of Radio Banja Luka, 9 December 1992), p. 2.
[16161] D524 (Miloš Škrba, witness statement, 10 May 2014), para. 10; Miloš Škrba, T. 22788, 22883.
[16162] Miloš Škrba, T. 22788, 22881, 22883.
[16163] P2532 (Letter from ECMM Headquarters to General Mladić, 2 March 1993).
[16164] P2532 (Letter from ECMM Headquarters to General Mladić, 2 March 1993)
[16165] D1508 (UNPROFOR code cable, 26 March 1993), p. 5.
[16166] D1508 (UNPROFOR code cable, 26 March 1993), pp. 1, 5.

4555. On 14 May 1993, Mladić ordered all the brigades, the Skelani Independent Battalion and the Višegrad Tactical Group, to: enable unhindered passage and protection of consignments, equipments, and personnel providing aid to the civilian population of the 'opposing side'; prohibit misuse for military purposes of food items, the harvest, water supply installations, drinking water reserves and dams in the water systems; observe in all respects the Geneva Conventions and other provisions of international laws of war; and ensure that all units and army personnel are acquainted with this order and comply with it.[16167] On 15 May 1993 and similarly on 16 May 1993, Mladić ordered the Commands of the corps, the Air Force and Anti-Aircraft Defence, to take measures to ensure that no convoys enter the Bosnian-Serb territory without written authorization. The VRS Main Staff had discovered that a number of convoys had been 'roaming' unchecked in Bosnian-Serb Republic territory because their authorizations were incomplete or had not reached the responsible military and civilian bodies. The Commands also had to inform the VRS Main Staff, through the duty operations officer, of any future convoys that might pass through their area of responsibility. Mladić added that the inspection of UNPROFOR and humanitarian aid convoys headed for 'Muslim territory' had to be in accordance with the orders of the VRS Main Staff.[16168] **Manojlo Milovanović** testified that Mladić had the final say on whether or not UNPROFOR humanitarian convoys were allowed to proceed at check-points.[16169]

4556. On 16 June 1993, Mladić sent an order to, *inter alia*, the Corps Commands stating that Commands at all levels were to ensure the delivery of humanitarian aid, grant freedom of movement to all international humanitarian organisations, and ensure the usage of water, gas, and electricity, as well as the restoration and maintenance of the facilities which enabled it.[16170] In a cable, dated 3 July 1993, from Mladić to UNPROFOR Command Kiseljak, Mladić stated that the VRS had done its best to enable UNHCR convoys to enter Goražde.[16171]

4557. **Michael Rose** testified that part of UNPROFOR's mission in Bosnia-Herzegovina was to facilitate the delivery of humanitarian aid to civilians.[16172] On 30

[16167] D726 (Mladić's order to all the brigades, the Skelani Independent Battalion and the Višegrad TG on the passage of humanitarian aid, 14 May 1993).
[16168] P1758 (VRS Main Staff Report, signed by Mladić concerning convoys and humanitarian aid, 15 May 1993); *See also* P2245 (Mladić telegram concerning convoys and humanitarian aid, 16 May 1993).
[16169] Manojlo Milovanović, T.17122
[16170] P5219 (Order by VRS Main Staff on the cessation of hostilities, 16 June 1993), para. 4.
[16171] D1498 (Cable from Mladić to UNPROFOR Command, 3 July 1993).
[16172] P736 (Michael Rose, witness statement, 26 March 2009), para. 20.

January 1994, Rose, accompanied by UN civil affairs representatives, met in Pale with the Bosnian-Serb leadership, including Karadžić, Mladić, Krajišnik, Koljević, Zametica, and Generals Gvero and Tolimir.[16173] At the meeting, Karadžić said that he 'instructed' his civilian and military authorities to ease the movement of UNPROFOR and UNHCR convoys.[16174] Furthermore, Karadžić had no general objection to the opening of the airfield at Tuzla, which would alleviate the difficulties and delays in delivering aid, provided that Serbs could be involved in controlling whether arms were smuggled to the Bosnians.[16175] Karadžić also said that 'the Muslims would kill Allah himself in order to discredit the Serbs', and that if the airfield was opened, they would surely shoot down an incoming aircraft and blame it on the Serbs.[16176] At the second meeting with the Bosnian Serbs on the same issues, Mladić surprised everybody by strongly rejecting the Tuzla airport agreement reached earlier with Karadžić.[16177] When Sergio Vieira de Mello, UN Head of Civil Affairs, noted that it would be regrettable if NATO was compelled to reopen the airport by force, Mladić went into a rage, shouting that he was not afraid of the Americans or 'their' NATO.[16178] A year later, the airport was still not opened and President Izetbegović ruled out the option of having Serb officers at the Tuzla airport.[16179] Rose further testified that Izetbegović was to say that he was prepared to see 10,000 Bosnians Muslims die of starvation rather than accept a single Serb on Bosnian-Muslim territory.[16180]

4558. On 10 April 1994 and similarly on 19 April 1994, Mladić ordered all Corps Commands, the Air Force and Anti Aircraft Defence, the VJ Guards Motorised Brigade, the Logistics Base, the Sarajevo Communications Centre of the VRS, and the VRS Main Staff to be fully combat ready in order to take measures for the defence of the

[16173] P736 (Michael Rose, witness statement, 26 March 2009), paras 15, 26; P735 (UNPROFOR fax from de Mello to Akashi, 30 January 1994), p. 1.
[16174] P735 (UNPROFOR fax from de Mello to Akashi, 30 January 1994), p. 1.
[16175] P736 (Michael Rose, witness statement, 26 March 2009), para. 28.
[16176] P736 (Michael Rose, witness statement, 26 March 2009), para. 28; P735 (UNPROFOR fax from de Mello to Akashi, 30 January 1994), pp. 2-3.
[16177] P736 (Michael Rose, witness statement, 26 March 2009), para. 32; P735 (UNPROFOR fax from de Mello to Akashi, 30 January 1994), p. 3.
[16178] P736 (Michael Rose, witness statement, 26 March 2009), paras 15, 32.
[16179] P736 (Michael Rose, witness statement, 26 March 2009), paras 28, 58; Michael Rose, T. 6867-6870, 6875; P761 (UNPROFOR fax from Akashi to Annan, 7 March 1994), pp. 1, 3.
[16180] P736 (Michael Rose, witness statement, 26 March 2009), para. 28; Michael Rose, T. 6867-6870, 6875.

Bosnian-Serb Republic against NATO Air Force attacks.[16181] Mladić ordered all the units to immediately block all UNPROFOR and humanitarian organisation convoys on the territory of the Bosnian-Serb Republic and to secure the convoys and the personnel at a safe location.[16182] The order of 10 April 1994, included instructions not to treat UNPROFOR and humanitarian organisations' personnel 'roughly'.[16183] The order further specified that the units were to attack only at the order of the Main Staff but could fire independently in case of self-defence.[16184]

4559. In a separate order**,** on 10 April 1994, Deputy Commander Milutin Skočajić of the DK informed all its units about the NATO air strikes in Goražde and ordered them to block, *inter alia*, all UNPROFOR convoys on the spot, disarm them, and place them at designated locations under the control of the DK units.[16185] He instructed the units to use force if the UNPROFOR personnel resisted.[16186] **David Fraser** testified that although Skočajić's order of 10 April 1994 did not refer to the instruction not to treat the personnel 'roughly', it was clearly a reaffirmation of Mladić's order issued the same day.[16187] All three orders were issued based on the decision taken by the Bosnian-Serb political and military leadership to retaliate, in an organised manner, against the UNPROFOR call for NATO close air support in the Goražde safe area.[16188]

4560. In the context of the NATO attacks, on 13 April 1994, Mladić ordered all subordinate VRS Corps, and the Air Force and Anti-Aircraft Defence units to treat UNPROFOR, UN observers, ICRC, UNHCR personnel, and foreigners uniformly by completely limiting their movement, accommodating them in appropriate premises outside of NATO potential targets, and having them secured by guards.[16189] Mladić

[16181] P587 (Order by Mladić), pp. 1-2; P3029 (Expert Report of Reynaud Theunens, September 2012), Part II, p. 314; P6930 (VRS Main Staff Order from Ratko Mladić, 19 April 1994); *See also* David Fraser, T. 5809, 5810.
[16182] P587 (Order by Mladić), pp. 1-2; P3029 (Expert Report of Reynaud Theunens, September 2012), Part II, p. 314; P6930 (VRS Main Staff Order from Ratko Mladić, 19 April 1994); *See also* David Fraser, T. 5809,5810
[16183] P6930 (VRS Main Staff Order from Ratko Mladić, 19 April 1994); *See also* David Fraser, T. 5809, 5810.
[16184] P587 (Order by Mladić), p. 3; *See also* David Fraser, T. 5855-5858.
[16185] P608 (Order by Deputy Commander Milutin Skočajić, 10 April 1994).
[16186] P608 (Order by Deputy Commander Milutin Skočajić, 10 April 1994).
[16187] David Fraser, T. 5929-5932, 5948-5949; *See also* P608 (Order by Deputy Commander Milutin Skočajić, 10 April 1994). .
[16188] P587 (VRS Main Staff Order from Ratko Mladić, 10 April 1994); P6930 (VRS Main Staff Order from Ratko Mladić, 19 April 1994); P608 (Order by Deputy Commander Milutin Skočajić, 10 April 1994)..
[16189] P514 (VRS Main Staff Order from Mladić regarding treatment of members of international organisations, 13 April 1994), pp. 1-2. *See also* P3029 (Expert Report of Reynaud Theunens, September

further ordered to treat them as POWs if they resisted.[16190] Mladić also ordered the blockage of all convoys from UNPROFOR and humanitarian aid organisations.[16191]

4561. On 14 April 1994, the VRS Main Staff reported, *inter alia*, on the lack of movement of UNPROFOR and humanitarian organisations across the Bosnian-Serb Republic and stated that the Supreme Command's decision on the restriction of movement was being implemented.[16192]

4562. **Anthony Banbury** testified that on 21 July 1994, during a meeting with UN officials Mladić expressed his discontent with detained Serbs in Goražde and Tarčin and stated that if they were not released by 1 August 1994, humanitarian aid and UNPROFOR supplies to the enclaves would be cut off.[16193] Mladić also insisted that the Serbs would continue to closely examine UNPROFOR convoys and asked for special equipment, which he claimed had previously been promised to him by Generals Briquemont and Morillon, to detect explosives in order to facilitate such checks.[16194]

4563. On 22 July 1994, Mladić issued orders to the DK, HK, and SRK, concerning the Muslim enclaves in Srebrenica, Žepa, and Goražde.[16195] He declared a previous order, implementing a ceasefire around Srebrenica, null and void.[16196] Furthermore, Mladić's orders introduced a number of restrictions concerning the enclaves.[16197] Muslims were to be prevented at any cost from leaving these areas along certain routes and communication between the enclaves was also prohibited.[16198] No equipment was to be allowed into Srebrenica, Žepa, or Goražde, apart from food and medication which had been approved by the VRS Main Staff.[16199] UNPROFOR movements to and from the

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2012), Part II, p. 317; P5224 (MUP order regarding treatment of members of international organisations, 17 April 1994).

[16190] P514 (VRS Main Staff Order from Mladić regarding treatment of members of international organisations, 13 April 1994), pp. 1-2. *See also* P3029 (Expert Report of Reynaud Theunens, September 2012), Part II, p. 317; P5224 (MUP order regarding treatment of members of international organisations, 17 April 1994).

[16191] P514 (VRS Main Staff Order from Mladić regarding treatment of members of international organisations, 13 April 1994), pp. 1-2.

[16192] P588 (VRS Main Staff Report, signed by Manojlo Milovanović, Chief of Staff, 14 April 1994), p. 3.

[16193] P874 (Anthony Banbury, witness statement, 19 May 2009), paras 41-42; P764 (UNPROFOR fax from Victor Andreev to Sergio Vieira de Mello, 22 July 1994), p. 2.

[16194] P764 (UNPROFOR fax from Victor Andreev to Sergio Vieira de Mello, 22 July 1994), p. 3. *See also* P736 (Michael Rose, witness statement, 26 March 2009), para. 125.

[16195] P5041 (Order from the VRS Main Staff re Srebrenica, Žepa, and Goražde, 22 July 1994), pp. 1, 5.

[16196] P5041 (Order from the VRS Main Staff re Srebrenica, Žepa, and Goražde, 22 July 1994), pp. 1, 5; *See also* D1648 (Order from the VRS Main Staff signed by Milovanović, 18 April 1993), p.1.

[16197] P5041 (Order from the VRS Main Staff re Srebrenica, Žepa, and Goražde, 22 July 1994), pp. 1-5.

[16198] P5041 (Order from the VRS Main Staff re Srebrenica, Žepa, and Goražde, 22 July 1994), p. 1.

[16199] P5041 (Order from the VRS Main Staff re Srebrenica, Žepa, and Goražde, 22 July 1994), p. 1.

enclaves were also prohibited unless authorized by the VRS Main Staff.[16200] Checkpoints were to be regulated and equipped with sufficient forces and means so that they could be secured in case of provocation or attack by UNPROFOR or other international humanitarian organisations being checked.[16201] The enclaves were to be completely surrounded by trenches, stone walls, or a wooden fence, so that it would be made impossible for Muslims to leave.[16202]

4564. **Rose** testified that by 25 July 1994, he had encountered problems with Mladić, who was refusing to allow the UN to fly out 35 patients from Goražde until 500 Serb civilian detainees held by the ABiH in Goražde were released.[16203]

4565. **Banbury** testified that the people living in the eastern enclaves of Bosnia-Herzegovina were dependent on humanitarian assistance in the autumn of 1994.[16204] It was the role and mandate of UNPROFOR to deliver this assistance, yet UNPROFOR had been consistently hindered to do so by the Bosnian-Serb leadership, including Karadžić and Mladić, who had failed to accord freedom of movement in the region.[16205]

4566. **David Harland** testified that in a message he drafted to Akashi on 19 October 1994 he stated that Mladić had given personal orders saying that no UNPROFOR fuel convoys would cross Serb held territory until UNPROFOR guaranteed that all Bosnian-Muslim forces had been cleared from the Mount Igman demilitarized zone or that 50 percent of each fuel convoy was given to his forces.[16206] Harland added that the normal means of transmission of Mladić's messages to UNPROFOR was through UNMOs who would receive this message from Milovanović.[16207]

4567. According to an UNPROFOR memorandum, on 23 September 1994, Mladić threatened to attack UNPROFOR 'with the same degree of warning' that was given to Mladić by UNPROFOR on 22 September 1994. The exact nature or targets of the threat were not specified. The attack was to take place if UNPROFOR did not respond to the VRS in a 'satisfactory manner' within 24 hours. VRS headquarters also announced that they would not approve any convoy movement or helicopters on Bosnian-Serb

[16200] P5041 (Order from the VRS Main Staff re Srebrenica, Žepa, and Goražde, 22 July 1994), p. 2.
[16201] P5041 (Order from the VRS Main Staff re. Srebrenica, Žepa and Goražde, 22 July 1994), p. 2.
[16202] P5041 (Order from the VRS Main Staff re. Srebrenica, Žepa and Goražde, 22 July 1994), p. 3.
[16203] P736 (Michael Rose, witness statement, 26 March 2009), para. 126.
[16204] Anthony Banbury, T. 8212.
[16205] Anthony Banbury, T. 8213-8214.
[16206] P1 (David Harland, witness statement, 4 September 2009), para. 144.
[16207] P1 (David Harland, witness statement, 4 September 2009), para. 144.

territory.[16208] Movement of UNPROFOR units near the confrontation line was thus limited essentially to the operational mission of the unit concerned.[16209]

4568. On 11 January 1995, Nikolić asked the DK Command to inform Mladić that the co-ordinator of MSF had made a public apology for the behaviour of one of its members who had been smuggling goods with Bosnian Muslims in Srebrenica and confirmed that the Serbs acted correctly by confiscating the vehicle and smuggled goods.[16210]

4569. On 2 March 1995, Mladić ordered all Corps Commands, and all other VRS units, and the Hospital of the VRS Main Staff to prevent occurrences of unauthorised crossing of the frontline by individuals, vehicles, and convoys of UNPROFOR, humanitarian and other organisations and foreign journalists.[16211] The military police was to control the movement and the entry or exit of foreign nationals, particularly members of UNPROFOR, international humanitarian organisations, and other organisations with the approval of the VRS Main Staff and the Coordinating Body for Cooperation with International Humanitarian Organisations.[16212] Detailed checks of vehicles were to be conducted at military police checkpoints to discover and prevent illegal export and trafficking of weapons and military equipment.[16213] Persons leaving the territory without the necessary permits or approvals were to be arrested and handed over to the closest military police unit or military facility. A register was to be kept of deserters, and of people whose movement was restricted or against whom other measures were to be taken. All corps commanders and independent unit commanders were responsible to Mladić for the realisation of this order.[16214]

4570. **Richard Butler** testified that around March 1995 the VRS Main Staff was directly responsible for approving UNPROFOR convoys and that other convoys related to humanitarian goods were dealt with by another coordinating body.[16215] **Rupert Smith** testified that Mladić approved the passage of convoys on 4 March 1995 and 6

[16208] P5228 (UNPROFOR memorandum from General Brinkman, 24 September 1994), p. 1.
[16209] P5228 (UNPROFOR memorandum from General Brinkman, 24 September 1994), pp. 1-2.
[16210] D365 (Document on protest to Dutch Battalion and military observers, 11 January 1995), p. 1.
[16211] P5229 (Order of the VRS Main Staff on regime and control of movement in the Bosnian-Serb Republic, 2 March 1995), p. 1.
[16212] P5229 (Order of the VRS Main Staff on regime and control of movement in Bosnian-Serb Republic, 2 March 1995), p. 2.
[16213] P5229 (Order of the VRS Main Staff on regime and control of movement in Bosnian-Serb Republic, 2 March 1995), p. 2.
[16214] P5229 (Order of the VRS Main Staff on regime and control of movement in Bosnian-Serb Republic, 2 March 1995), p. 3.
[16215] Richard Butler, T. 16727, 16730.

March 1995 confirming that restrictions and orders were controlled by him and his headquarters [16216] On 7 March 1995, during a meeting between Mladić and General Smith, Mladić reported that over the previous 24 hours he had cleared food and medicine convoys to travel to Srebrenica and Žepa.[16217]

4571. **Slavko Kralj** testified that after the establishment of the State Commission for Cooperation with the UN and International Humanitarian Organisations on 14 March 1995, the VRS was duty-bound to carry out its orders.[16218] Once the Commission notified the VRS Main Staff whether or not they had approved the passage of a convoy the Main Staff would then give their final approval and guarantee safe passage.[16219] Once a request for passage was submitted to the VRS Main Staff and reviewed it was annotated with decisions and questions by Mladić, Milovanović, or Tolimir.[16220] However, Mladić's notes were considered final orders.[16221] Kralj further testified that there were no restrictions imposed on humanitarian aid for the enclaves in 1995.[16222] UNPROFOR was warned about adhering to strict convoy passage policies on multiple occasions due to lack of compliance.[16223] However, many convoys frequently passed without authorisation because the units on the ground did not implement or were slow to implement and forward information to their subordinate units.[16224] Mladić ordered the VRS to take measures to ensure that no convoy could enter the Bosnian-Serb Republic without written authorisation.[16225] **Ljubomir Obradović** testified that he did not know how Mladić made decisions regarding which convoys should be allowed through and which ones should be denied passage, only that he received a document from Mladić with his initials and saying 'yes' or 'no'.[16226]

4572. According to an UNPROFOR report of March 1995, Mladić had threatened to cut off all delivery of aid to the enclaves if the sanctions imposed on the Bosnian Serbs

[16216] P785 (Rupert Smith, witness statement, 27 October 2009), para. 58.
[16217] P19 (Minutes of meeting between Rupert Smith and Mladić, 7 March 1995), para. 4.
[16218] P6856 (Witness Statement of Slavko Kralj, 25 January 2012), p. 1; Slavko Kralj, T. 27460; *See also* Manojlo Milovanović, T. 17088
[16219] D712 (Witness Statement of Slavko Kralj, 27-29 June 2013), para. 12.
[16220] P6856 (Witness Statement of Slavko Kralj, 25 January 2012), p. 1; Slavko Kralj, T. 27459
[16221] P6856 (Witness Statement of Slavko Kralj, 25 January 2012), p. 1; Slavko Kralj, T. 27460.
[16222] Slavko Kralj, T. 27448.
[16223] P6856 (Witness Statement of Slavko Kralj, 25 January 2012), p. 1; D712 (Witness Statement of Slavko Kralj, 27-29 June 2013), paras 6, 28; Slavko Kralj, T. 27461.
[16224] D712 (Witness Statement of Slavko Kralj, 27-29 June 2013), para. 8. *See also* P1758 (Report on movement of humanitarian assistance and convoys signed by Mladić, 15 May 1993).
[16225] P1758 (Report on movement of humanitarian assistance and convoys signed by Mladić, 15 May 1993. *See also* D712 (Witness Statement of Slavko Kralj, 27-29 June 2013), para. 8.
[16226] Ljubomir Obradović, T. 14601.

were not lifted, and if a greater percentage of the total aid delivered to Bosnia-Herzegovina was not given to the Serbs.[16227] At a later meeting between UN representatives and the Bosnian-Serb leadership, Mladić demanded absolute parity between the aid delivered to the enclaves and the aid delivered to the Bosnian Serbs.[16228] Several UNPROFOR reports from 1994 and 1995 registered issues with providing humanitarian aid and assistance to the enclaves due to obstacles raised by the VRS.[16229] **Smith** testified that humanitarian convoys were often denied access to Srebrenica by Mladić and the VRS.[16230]

4573. In a meeting held on 4 June 1995, General Janvier informed Mladić that the eastern enclaves were in urgent need of supplies of food and fuel and that such supplies would have to be delivered by helicopter if the movement of convoys would continue to be prevented.[16231] Mladić agreed to the provision of supplies to the enclaves transiting the territory of the FRY, under the condition that the latter would agree with the transit.[16232] According to a letter from Mladić to General Janvier dated 12 June 1995, Mladić approved the transport of the most urgent supplies to the enclaves of Srebrenica, Žepa, Goražde, and Sarajevo, in accordance with their earlier agreement on this issue reached on 4 June 1995.[16233] On 14 June 1995, in a daily report to the UNSC, the UN reported that UNHCR convoys which had requested clearance for passage to the enclaves had not received it, a convoy bound for Srebrenica had been cancelled, and another convoy that was supposed to go to Sarajevo had not left Zenica.[16234] During a meeting on 17 June 1995, General Janvier demanded that Mladić ensure the delivery of supplies of food and fuel to the UNPROFOR troops and population in the enclaves.[16235] Mladić agreed that a need existed to re-supply the enclaves with food and fuel, but insisted on checks around Zvornik, due to the existing black market and the problem of hidden ammunition deliveries.[16236]

[16227] P876 (Political assessment of Bosnia-Herzegovina for 5-11 March 1995, 11 March 1995), para. 8.
[16228] P880 (Political assessment of Bosnia-Herzegovina for 12-18 March 1995, 18 March 1995), para. 11.
[16229] P877 (Political assessment of Bosnia-Herzegovina for 21-27 August 1994, 28 August 1994), para. 25; P878 (Political assessment of Bosnia-Herzegovina for 26 February-4 March 1995, 4 March 1995), para. 15; P882 (Political assessment of Bosnia-Herzegovina for 26 March to 1 April, 1 April 1995), para. 16.
[16230] P785 (Rupert Smith, witness statement, 27 October 2009), paras 33, 35-36, 54, 57-58, 79; P1772 (Akashi letter to Karadžić, 4 March 1995), p. 2.
[16231] P2196 (Summary of a meeting between General Janvier and Mladić, 4 June 1995), p. 2.
[16232] P2196 (Summary of a meeting between General Janvier and Mladić, 4 June 1995), p. 6.
[16233] P2197 (Letter from Mladić to General Janvier, 12 June 1995).
[16234] P6860 (UN daily report cable from Akashi to Annan, 14 June 1995) para. 2.
[16235] P2198 (Summary of a meeting between General Janvier and Mladić, 17 June 1995), p. 3.
[16236] P2198 (Summary of a meeting between General Janvier and Mladić, 17 June 1995), p. 6.

4574. **Cornelis Nicolai** testified that the negotiations to re-supply the enclaves with food and fuel ran from the end of February to the beginning of July 1995 and that he liaised with Mladić if Milovanović was absent, in order to process all the requests.[16237] The fuel shortages were described to be in a desperate situation and permission was denied to refuel right up until July.[16238] On 26 June 1995, a letter written by Nicolai to Mladić explains how UNPROFOR troops were unable to carry out effective patrols due to lack of fuel.[16239] As a result of lack of fuel UNPROFOR was unable to fully investigate Mladić's report of several attacks that were carried out by the ABiH from the safe area of Srebrenica.[16240] A large convoy, which departed on 28 June, received permission to enter Srebrenica, Žepa, and Goražde carrying with it at least four weeks of supplies that the troops needed.[16241] Mladić made this convoy take a longer specific route that lasted four days and required it to pay some taxes to Serbia for crossing their borders.[16242] According to Nicolai, this decision was made by Mladić and President Milosević.[16243] At every VRS checkpoint the convoy was stopped and searched, with trucks being turned back at many points after being told that they had no permission to proceed.[16244] By the time the convoy reached the enclaves, only food supplies were left on the vehicles, other supplies such as fuel and spare parts never made it.[16245]

4575. On 29 June 1995, Mladić had a meeting with General Janvier in Zvornik.[16246] General Janvier indicated to Mladić that the arrival of humanitarian convoys in Sarajevo, which had previously been interrupted, was a favourable development.[16247] Nonetheless, Janvier stressed to Mladić that the situation in Sarajevo and the 'strangulation of the eastern enclaves' had to be alleviated, and that '[t]here are nearly 100,000 people in Sarajevo who need aid. They have one loaf each for two days'.[16248] Mladić and Janvier agreed that on Sunday at noon, one humanitarian aid convoy of

[16237] P1165 (Cornelis Nicolai, witness statement, 18 November 1996), para. 38; P1182 (Letter from General Nicolai to General Ratko Mladić, 26 June 1995).
[16238] P1165 (Cornelis Nicolai, witness statement, 18 November 1996), para. 38.
[16239] P1182 (UNPROFOR letter to Mladić, 26 June 1995) p. 1.
[16240] P1182 (UNPROFOR letter to Mladić, 26 June 1995) p. 1.
[16241] P1165 (Cornelis Nicolai, witness statement, 18 November 1996), para. 39.
[16242] P1165 (Cornelis Nicolai, witness statement, 18 November 1996), para. 39; P1166 (Signed agreement between General Smith and General Mladić, 19 July 1995), para. 4.
[16243] P1165 (Cornelis Nicolai, witness statement, 18 November 1996), para, 39; P1166 (Signed agreement between General Smith and General Mladić, 19 July 1995), para. 4.
[16244] P1165 (Cornelis Nicolai, witness statement, 18 November 1996), para. 39.
[16245] P1165 (Cornelis Nicolai, witness statement, 18 November 1996), para. 39.
[16246] P345 (Mladić notebook, 27 January - 5 September 1995), p. 196.
[16247] P345 (Mladić notebook, 27 January - 5 September 1995), p. 197.
[16248] P345 (Mladić notebook, 27 January - 5 September 1995), p. 197.

seven vehicles would be allowed to cross Kobiljača and go to Sarajevo, and that one humanitarian convoy of the same size would be allowed to cross the bridge in Zvornik for the Serb side.[16249]

4576. **Smith** testified that Mladić stated that his concerns about the intentions of the ABiH had led him to restrict the amount of food, medicine, and fuel to the enclaves.[16250] Smith was aware that arms had reached the ABiH through humanitarian aid convoys prior to his taking up the command in 1995 but not during his tenure.[16251] During his tenure, Smith did not find any evidence that the UN in Srebrenica was supplying fuel to ABiH.[16252]

Possible justification for restriction of access for humanitarian aid convoys

4577. The Trial Chamber will consider the following evidence with regard to the Defence submissions that problems with the delivery of humanitarian aid and supplies to the enclaves including Srebrenica arose out of UNPROFOR's inability to effectively prevent smuggling and due to the abuse of humanitarian aid convoys.

4578. **Pyers Tucker** testified that in order to contain the enclaves and exacerbate the conditions in them, the Bosnian Serbs deliberately placed obstructions in the way of almost all efforts to deliver humanitarian aid to the enclaves.[16253] According to Tucker, the Bosnian Serbs used an array of excuses such as protests against the Bosniaks or UN action, damaged roads and bridges, the presence of fighting or armed locals along the roads, mined or snow-covered roads, and other dangers they said were beyond their control.[16254] Although on a small number of occasions weapons were found in the convoys this was not a sufficient reason to prevent convoys from passing, thereby making people starve.[16255] UNPROFOR officially did not allow weapons on convoys and any suspicions thereof led to convoys being searched and firm protests being lodged with the offending side.[16256] Tucker was aware of two occasions in early 1993 where

[16249] P345 (Mladić notebook, 27 January - 5 September 1995), p. 203.
[16250] P785 (Rupert Smith, witness statement, 27 October 2009), para. 58.
[16251] Rupert Smith, T. 7528-7529.
[16252] Rupert Smith, T. 7530-7531.
[16253] P317 (Pyers Tucker, witness statement, 10 May 2010), paras 141, 143; Pyers Tucker, T. 3826.
[16254] P317 (Pyers Tucker, witness statement, 10 May 2010), paras 143.
[16255] Pyers Tucker, T. 3827-3828.
[16256] Pyers Tucker, T. 3827-3828; 3836.

weapons were transported in humanitarian aid convoys.[16257] The first involved some explosives hidden inside one or two oxygen bottles that were to be transported to a hospital in Sarajevo.[16258] The bottles were found by the Serbs when they halted a UNHCR convoy.[16259] The second was the result of a tip-off UNPROFOR received regarding a UNHCR convoy taking aid into a Bosnian Croat area.[16260] UNPROFOR immediately searched the convoy and found around 20 AK-47s and 2,000 rounds of ammunition.[16261] On 17 February 1993, the Bosnian Serbs informed the UNHCR that when checking each UNHCR convoy, they expected details of full timings, manifests of the load on each truck, names of drivers, and weapon serial numbers of the escorts and other details.[16262] The communication and coordination units of the UNHCR and UNPROFOR were unable to provide them with these details without paralysing many other activities.[16263]

4579. The VRS Main Staff received information that UNPROFOR and humanitarian organizations were gathering intelligence and taking part in reconnaissance activities using video cameras and still cameras to detect and record VRS firing positions, positions of anti-aircraft defence rocket units, positions of air surveillance and warning systems, command posts, communication centres, and other important facilities.[16264] The Main Staff was 'certain that ammunitions and other types of military hardware were also being smuggled in with the convoys', especially through Sarajevo airport.[16265] Based on this information, on 26 September 1993, Milovanović ordered the Corps Commands and Air Force and Anti-aircraft Defence to: (i) analyze intelligence and reconnaissance activities by the UNPROFOR and humanitarian organizations in their zone of responsibility; (ii) submit to the Main Staff a list of UNPROFOR forces and permanent representatives of organizations in their zone of responsibility; and (iii)

[16257] Pyers Tucker, T. 3827-3828.
[16258] Pyers Tucker, T. 3827-3828.
[16259] Pyers Tucker, T. 3829.
[16260] Pyers Tucker, T. 3828.
[16261] Pyers Tucker, T. 3828.
[16262] P317 (Pyers Tucker, witness statement, 10 May 2010), para. 136; *See also*, Pyers Tucker, T. 3825. .
[16263] P317 (Pyers Tucker, witness statement, 10 May 2010), para. 136; *See also*, Pyers Tucker, T. 3825.
[16264] D717 (Milovanović's order to the Corps Commands (1KK, 2KK, SRK, IBK, HK, and DK), and Air Force and Anti-Aircraft Defence, on UNPROFOR and humanitarian organisations' activities, 26 September 1993), pp. 1-2.
[16265] D717 (Milovanović's order to the Corps Commands (1KK, 2KK, SRK, IBK, HK, and DK), and Air Force and Anti-Aircraft Defence, on UNPROFOR and humanitarian organisations' activities, 26 September 1993), p. 2.

define the forces, means and methods of work by organs at all levels for effectively detecting and opposing intelligence and reconnaissance activities.[16266]

4580. On 30 September 1993, due to reports of fuel smuggling using double tanks, the VRS Main Staff ordered humanitarian aid organisations entering and exiting Muslim territory to have their fuel quantity checked.[16267] Milovanović protested the use of double tanks for smuggling fuel during the regular meetings held with the Chief of Staff of the UNPROFOR for Bosnia-Herzegovina.[16268]

4581. **Goran Šehovac** testified that in March or April 1993, all aid and all UNPROFOR vehicles moved freely through the territory of the municipality of 'eastern' Ilidža, where, save for routine checks, there were strict orders in place that no vehicle be bothered.[16269] At this time, the witness and others from his unit discovered 5.56 and 12.7 millimetre calibre ammunition concealed in an UNPROFOR vehicle that was transporting humanitarian aid.[16270] The witness also knew of other cases where humanitarian aid convoys were used to transport weapons and other equipment for the ABiH in Sarajevo, referring to a time when gunpowder was found in oxygen bottles intended for hospital use.[16271] **Nikola Mijatović** also testified that in late March or mid-April 1993, the 'Serbian Army' uncovered ammunition in UNPROFOR trucks that the French Battalion was transporting humanitarian aid in for Muslims in Hrasnica and Butmir.[16272] Members of the 'military police of Ilidža' discovered that the containers carrying flour had a double floor in which ammunition, bullets, and sniper ammunition were stored.[16273] This particular incidence was caught by TV cameras.[16274] According to the witness several such incidents occurred including two incidents that were caught on TV cameras.[16275]

[16266] D717 (Milovanović's order to the Corps Commands (1KK, 2KK, SRK, IBK, HK, and DK), and Air Force and Anti-Aircraft Defence, on UNPROFOR and humanitarian organisations' activities, 26 September 1993), pp. 2-3.
[16267] Manojlo Milovanović, T.17083.
[16268] Manojlo Milovanović, T.17084.
[16269] Goran Šehovac, T. 24690-24691.
[16270] D596 (Goran Šehovac, witness statement, 15 May 2014), para. 16; Goran Šehovac, T. 24689-24694.
[16271] D596 (Goran Šehovac, witness statement, 15 May 2014), para. 16.
[16272] Nikola Mijatović, T. 21470-21471, 21485-21486; P6532 (Proofing note for Nikola Mijatović, 21 May 2014), para. 7; D472 (Video extract and transcript– Ammunition found in UN truck).
[16273] Nikola Mijatović, T. 21485; D472 (Video extract and transcript– Ammunition found in UN truck).
[16274] Nikola Mijatović, T. 21485; D472 (Video extract and transcript– Ammunition found in UN truck).
[16275] Nikola Mijatović, T. 21464-21465; P6532 (Proofing note for Nikola Mijatović, 21 May 2014), para. 7.

4582. On 15 June 1993, Špiro Pereula of the Corps Command of the IKM reported to the VRS Main Staff that according to an intercepted conversation between Luna in Split and Veziata in Goražde on 1 June 1993, large quantities of iron, which Pereula considered to mean weapons and ammunition, were to be dropped at locations where humanitarian aid was to be dropped off on 15 June 1993 in Goražde, under Operation Parachute.[16276] Similarly, **Milovan Lelek** testified that in 1994 helicopters were often seen flying towards Žepa, which he later found out were part of Operation Parachute.[16277] Lelek believed that the helicopters were also supplying weapons, ammunition, and other military equipment through humanitarian aid.[16278]

4583. A report on the movement of humanitarian aid convoys in 1994 compiled by Slavko Novaković, detailed that UNPROFOR, UNHCR, ICRC, and other humanitarian organisation convoys were subjected to entry and exit checks at seven checkpoints.[16279] The entry of convoys, control, and security through the Bosnian-Serb Republic was conducted with the approval of the VRS Main Staff, and in accordance with the instructions of August 1993.[16280] A reserve captain from the DK Command monitored and reported the entry and movement of UNPROFOR and other humanitarian organisation convoys, and reported immediate problems on the passage of convoys to the VRS Main Staff in accordance with the orders and instructions of the VRS Main Staff.[16281] Requests for passage of convoys were submitted to the VRS Main Staff.[16282]

4584. In 1994, checks by the VRS Main Staff revealed various abuses by convoys, such as, items carried by UNPROFOR and humanitarian aid organisations which were not permitted, goods which did not constitute humanitarian aid being carried in humanitarian aid convoys, transport of goods greater in quantity than those permitted, and attempts at border crossings without the approval of the VRS Main Staff. In these instances, the convoys were turned back if they did not agree to a detailed inspection or if they refused to handover the goods temporarily at the control points. If they refused to return to their original point of departure, they were blocked until they handed over the goods in question, and the VRS Main Staff was made aware of the situation. Most cases

[16276] D1600 (Note from Špiro Pereula to the VRS Main Staff and Miletić, 15 June 1993).
[16277] D849 (Milovan Lelek, witness statement, 2 August 2014), para. 19.
[16278] D849 (Milovan Lelek, witness statement, 2 August 2014), para. 19.
[16279] D1615 (Report on movement by UNPROFOR, December 1994), pp. 1, 5.
[16280] D1615 (Report on movement by UNPROFOR, December 1994). p. 1.
[16281] D1615 (Report on movement by UNPROFOR, December 1994), p. 1.
[16282] D1615 (Report on movement by UNPROFOR, December 1994) p. 2.

of attempted smuggling of goods were in the convoys for Srebrenica, Žepa, and Goražde.[16283]

4585. **Lelek** testified that while he was in Rogatica, humanitarian aid convoys frequently passed through towards Žepa and Goražde.[16284] These convoys, organised and escorted by UNPROFOR, often contained items not listed on the notification for the transport of goods.[16285] In 1994 the witness was present when a convoy transporting bags of flour was found to contain ammunition, and another convoy was found to contain various types of technical equipment and sniper rifles.[16286]

4586. **Rose** testified that on 3 June 1994, during a meeting with Karadžić, he pointed out that UNPROFOR convoys had been subjected to unacceptably stringent searches in one instance, lavatory rolls that were not on the manifest had been used as an excuse to detain the convoy.[16287]

4587. On 7 July 1994, the UNPROFOR Office of Civil Affairs reported to Sergio Vieira de Mello, UN Head of Civil Affairs, that there were concerns about the deteriorating relations between UNPROFOR and the Bosnian Serb side.[16288] In the recent past, UNPROFOR forces had been fired upon by the Serbs, medical evacuation requests had been rejected, convoys had been blocked, equipment had been stolen, and UNPROFOR had been 'generally mistreated by the Serb side'.[16289] These issues were discussed during a meeting with VRS Generals Gvero and Tolimir on 6 July 1994.[16290] During the meeting Gvero stated that UNPROFOR's freedom of movement was restricted because of prior incidents where UNPROFOR had acted in a way that created suspicion, such as bringing arms and radio equipment into Goražde.[16291] He alleged that UNPROFOR helicopters brought arms and munitions to the ABiH in Bihać.[16292] Gvero further accused the UN of providing nitrate-based fertilizers to the Bosnian side, which they used to make explosives.[16293] He also alleged there were five trucks in each

[16283] D1615 (Report on movement by UNPROFOR, December 1994), p. 2.
[16284] D849 (Milovan Lelek, witness statement, 2 August 2014), para. 18.
[16285] D849 (Milovan Lelek, witness statement, 2 August 2014), paras 18-19.
[16286] D849 (Milovan Lelek, witness statement, 2 August 2014), para. 19; Milovan Lelek, T. 29568.
[16287] P736 (Michael Rose, witness statement, 26 March 2009), para. 112; P763 (UNPROFOR fax from Akashi to Annan, 4 June 1994).
[16288] D1590 (UNPROFOR report on meeting with Gvero and Tolimir, 7 July 1994), p. 1.
[16289] D1590 (UNPROFOR report on meeting with Gvero and Tolimir, 7 July 1994), p. 1.
[16290] D1590 (UNPROFOR report on meeting with Gvero and Tolimir, 7 July 1994), p. 1.
[16291] D1590 (UNPROFOR report on meeting with Gvero and Tolimir, 7 July 1994), p. 2.
[16292] D1590 (UNPROFOR report on meeting with Gvero and Tolimir, 7 July 1994), p. 2.
[16293] D1590 (UNPROFOR report on meeting with Gvero and Tolimir, 7 July 1994), p. 4.

UNHCR convoy filled with arms and munitions for which Bosnia-Herzegovina had paid 5,000 DM.[16294]

4588. **Rose** testified that at a 1 December 1994 meeting with Karadžić, Koljević, Krajišnik, Tolimir, and Zametica, the Bosnian Serbs agreed to the release of the Dutch and British convoys detained en route to Srebrenica and Goražde.[16295] At other December 1994 meetings with Koljević, Krajišnik, Tolimir, and Gvero, the Bosnian Serbs complained that they had found clear evidence that the UNHCR and others had been smuggling items through their convoys, and that there were discrepancies between the supplies carried by UNPROFOR convoys and the accompanying manifests, proving that the UNPROFOR assisted the Muslims.[16296] Rose testified that the 'endless bureaucracy and checks' made compliance by the UN impossible and therefore the Bosnian-Serb leadership effectively prevented the convoys' freedom of movement.[16297]

4589. By early 1995, fewer and fewer supply convoys were making it through to the Srebrenica enclave.[16298] The already meagre resources of the civilian population dwindled further, and even UN forces started running low on food, medicine, fuel, and ammunition.[16299] **Witness RM-323** stated that, in the beginning of 1995 there were increased food shortages as a result of a decrease in humanitarian aid.[16300] Civilians were getting injured either by ambush or by stepping on minefields, while collecting food, fuel, or wood.[16301]

4590. In January 1995, a new set of UNPROFOR troops entered Srebrenica.[16302] **Pieter Boering** testified that between January and July 1995 there were approximately 400 to 450 DutchBat soldiers serving in the Srebrenica enclave.[16303] Water was scarce because the provisional water system present in Srebrenica was often broken or malfunctioning

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[16294] D1590 (UNPROFOR report on meeting with Gvero and Tolimir, 7 July 1994), p. 4.
[16295] P736 (Michael Rose, witness statement, 26 March 2009), para. 179; P774 (UNPROFOR fax from Akashi to Annan, 2 December 1994).
[16296] P729 (Report from the Bosnia-Herzegovina headquarters command on a meeting in Pale, 12 December 1994), p. 1; *See also* Michael Rose, T. 6847.
[16297] P736 (Michael Rose, witness statement, 26 March 2009), para. 182; Michael Rose, T. 6845-6846; P729 (Report from the Bosnia-Herzegovina headquarters command on a meeting in Pale, 12 December 1994), p. 1.
[16298] Adjudicated Facts II, no. 1306.
[16299] Adjudicated Facts II, no. 1307.
[16300] P3524 (Witness RM-323, *Popović et al.*transcript, 15 November 2006), p. 3938.
[16301] P3524 (Witness RM-323, *Popović et al.*transcript, 15 November 2006), pp. 3940-3941.
[16302] Adjudicated Facts II, no. 1295.
[16303] P1139 (Pieter Boering, *Popović et al.* transcript, 19, 21 and 22 September 2006), p. 1872; Pieter Boering, T. 10025.

resulting in poor sanitation.[16304] People had scant access to medical care due to limited medical equipment.[16305] There was only one hospital in Srebrenica supported by MSF and a few local doctors' stations; therefore, people headed towards Tuzla, by bus, for additional medical treatment.[16306] Furthermore, the fuel and food supplies were limited for both DutchBat and the civilian population and electricity was almost non-existent; this scarcity became very pronounced for DutchBat troops beginning early May 1995.[16307]

4591. **Robert Franken** testified that humanitarian aid in Srebrenica was handled by UNHCR and MSF, who dealt with food and medical care respectively.[16308] Humanitarian aid coming into the enclave was subject to the same approval and inspection process by the VRS as the delivery of DutchBat supplies; therefore, UNHCR convoys had similar problems to those of DutchBat.[16309] **Nicolai** testified that Srebrenica depended on humanitarian aid for food, fuel, and medical supplies because the enclave contained more than its original population and there was an insufficient amount of food available to them.[16310] The shortage of food further deteriorated from February to July 1995.[16311] On 28 February 1995, he received a daily situational report indicating that there was only four days of supplies left in Srebrenica and that DutchBat's food and medical supplies were nearly exhausted.[16312] Fuel shortage was also a problem and obtaining permission for relief convoys was extremely difficult.[16313] Relief convoys needed VRS permission to reach their destination and these requests had to be submitted ahead of time.[16314] Some food convoys would get permission to enter Srebrenica by begging the VRS for permission.[16315] In the cases that permission was granted, the convoys would either be blocked *en route* or parts of it were allowed to

[16304] P1139 (Pieter Boering, *Popović et al.* transcript, 19, 21 and 22 September 2006), p. 1891.
[16305] P1139 (Pieter Boering, *Popović et al.* transcript, 19, 21 and 22 September 2006), pp. 1891-1893.
[16306] P1139 (Pieter Boering, *Popović et al.* transcript, 19, 21 and 22 September 2006), pp. 1891-1892.
[16307] P1139 (Pieter Boering, *Popović et al.* transcript, 19, 21 and 22 September 2006), pp. 1888, 1892-1894.
[16308] P1417 (Robert Franken, witness statement, 15 January 2012), paras 27-28.
[16309] P1417 (Robert Franken, witness statement, 15 January 2012), paras 27-28.
[16310] Cornelis Nicolai, T. 10570.
[16311] Cornelis Nicolai, T. 10570. *See also* P1165 (Cornelis Nicolai, witness statement, 18 November 1996), para. 39.
[16312] P1165 (Cornelis Nicolai, witness statement, 18 November 1996), para. 36; Cornelis Nicolai, T. 10568-10570.
[16313] P1165 (Cornelis Nicolai, witness statement, 18 November 1996), para. 36.
[16314] P1165 (Cornelis Nicolai, witness statement, 18 November 1996), para. 36; P1169 (Notes of telephone conversation between Nicolai and Gvero at 2:45 p.m., 12 July 1995), p. 1; Cornelis Nicolai, T. 10565.
[16315] P1165 (Cornelis Nicolai, witness statement, 18 November 1996), para. 38.

pass.[16316] Problems in trying to supply the enclaves were so bad that a more sophisticated plan was devised in consultation with NATO, but the plan was never put into effect.[16317] On 4 March 1995 , Mladić agreed to grant passage to a convoy after General Rupert Smith told him that he would use an air supply route or force if necessary to get supplies to Srebrenica.[16318] The relief convoy of 4 March 1995 was the first and last night convoy to enter Srebrenica.[16319] Nicolai further testified that based on the daily situational reports provided by troops in the enclaves, humanitarian aid organisations, including UNHCR and NGOs, had the same problems as UNPROFOR with regard to supplying the enclaves with fresh food because the food was often ruined by the time it reached its destination.[16320] **Franken** testified that the VRS restrictions on DutchBat supplies, in particular of diesel, resulted in DutchBat closing its medical station to civilians, conducting only foot patrols, and being unable to heat its compound or cook food because it had no other source of electricity.[16321]

4592. According to **Kralj**, an assessment was carried out when UNPROFOR and humanitarian aid convoys were found to be carrying forbidden goods.[16322] The entire convoy would be stopped if the forbidden goods were ammunition or something more serious.[16323] In order to allow the convoys to continue on their journey, goods that were not for military purposes were seized temporarily and returned upon the return of the convoy or sent back to their place of origin.[16324] In 1995, information that ABiH was receiving aid never formed a reason for restricting humanitarian aid.[16325] In 1995 several convoys would typically pass through the Bosnian-Serb Republic during the course of one day.[16326] For example, on 30 March 1995, there were 16 convoys travelling between Sarajevo and Kiseljak, 9 convoys travelling between Kiseljak and Srebrenica, and 11

[16316] Cornelis Nicolai, T. 10564-10565.
[16317] P1165 (Cornelis Nicolai, witness statement, 18 November 1996), para. 37.
[16318] P1165 (Cornelis Nicolai, witness statement, 18 November 1996), para. 36.
[16319] P1165 (Cornelis Nicolai, witness statement, 18 November 1996), para. 36.
[16320] P1165 (Cornelis Nicolai, witness statement, 18 November 1996), para. 39; Cornelis Nicolai, T. 10564, 10566-10577.
[16321] P1417 (Robert Franken, witness statement, 15 January 2012), para. 29; Robert Franken, T. 10721-10722.
[16322] Slavko Kralj, T. 27393-27394.
[16323] Slavko Kralj, T. 27394.
[16324] Slavko Kralj, T. 27394.
[16325] Slavko Kralj, T. 27448.
[16326] Slavko Kralj, T. 27422.

convoys travelling between Sarajevo and Žepa.[16327] An average convoy was made up of ten or more trucks.[16328]

4593. **Momir Nikolić** testified that from April to June 1995, restrictions were imposed on the materials, including fuel, DutchBat was allowed to receive.[16329] Based on their requests and the quantities of materials they received, Nikolić assessed that DutchBat was getting around 10 to 15 per cent of the supplies it needed.[16330] Representatives of the ICRC and UNHCR told Nikolić that the situation in Srebrenica was terrible as those in the enclave suffered from contagious diseases, lice, lacked hygiene items, and had insufficient food.[16331] According to the witness, humanitarian aid supplies into the enclaves were intended only for the civilian population not the military.[16332]

4594. The VRS Main Staff agreed to the delivery of humanitarian aid, specifically seeds, to be delivered to Rogatica on 18 April 1995.[16333] The VRS Main Staff, again through Miletić, denied the transport of UN military police from Sarajevo to Rogatica, the rotation of UNMOs in Žepa, and the transport of technical goods, food, and oil from Sarajevo to Žepa, all scheduled for 20 April 1995.[16334] The VRS Main Staff approved deliveries of UNHCR humanitarian aid, consisting primarily of food, to be transported to Žepa on 22 March, 12 April, 24 May, and 14 June 1995.[16335] A handwritten note on one report approving the UNHCR deliveries states that the transport of matches and motor oil to Žepa on 22 March 1995 had not been approved.[16336] On 20 June 1995, Akashi informed Annan and Gharekhan that the VRS limited a UNHCR convoy to Žepa to one container of food, one container of water, and ten cubic metres of a mixture of diesel and gas; although, two containers of food, one container of water, eleven cubic metres of diesel, and six cubic metres of gas had been requested.[16337]

[16327] Slavko Kralj, T. 27422.
[16328] Slavko Kralj, T. 27423.
[16329] Momir Nikolić, T. 11799 -11800.
[16330] Momir Nikolić, T. 11801.
[16331] Momir Nikolić, T. 11801-11802.
[16332] Momir Nikolić, T. 12074-12075.
[16333] P2151 (VRS Main Staff Report, 14 April 1995), pp. 1, 3-4.
[16334] P2152 (VRS Main Staff Report, 19 April 1995), pp. 1, 3-4.
[16335] P2153 (VRS Main Staff Report, 7 April 1995), pp. 1-2; P2154 (VRS Main Staff Report, 19 May 1995), pp. 1-2, 4; P2155 (VRS Main Staff Report, 12 June 1995), pp. 1-2; P2160 (VRS Main Staff Report), p. 1.
[16336] P2160 (VRS Main Staff Report), p. 2
[16337] P2199 (UNPROFOR Report, 20 June 1995), pp. 2-4.

4595. In April 1995, UNHCR humanitarian aid to the eastern enclaves was generally good; they were able to meet 82 per cent of their food target.[16338] However, following the May 1995 air strikes, UNHCR was forced to cancel some humanitarian aid convoys to Goražde for security reasons while others were cancelled by the Bosnian Serbs.[16339] **Joseph Kingori** testified that in the spring and summer of 1995, there was never enough food in Srebrenica, noting that UNHCR was unable to feed the people and also recalled issues with the supply of water, electricity, and fuel in the enclave.[16340] Some people tried to capitalise on the lack of food in Srebrenica by going outside of Srebrenica, buying food, and bringing it over to the enclave to sell at a higher price.[16341]

4596. On 4 June 1995, in a report to the UNPROFOR headquarters, Karremans reported that the food situation in Srebrenica was dire and that warehouses were going to be empty within days.[16342] He reported that the lack of electricity and medical aid was making living conditions difficult.[16343] He also asked the superior commands and UN to make a plea on behalf of Srebrenica and figure out a way to allow the Bosnian Serbs to implement better living conditions.[16344]

4597. On 8 June 1995, according to Banbury's notebook, the VRS stopped a UNHCR convoy going to Žepa and initial reports indicated that they found three boxes of ammunition on the convoy.[16345] On 13 June 1995, Karadžić ordered the VRS Main Staff to allow a commission composed of Miloš Djurić, Momčilo Mancić, and Dragiša Mihić to conduct a detailed investigation into the incident where ammunition was found in a UNHCR convoy headed to Žepa and Goražde.[16346] The commission was to submit a detailed report to the State Committee for the Liaison with the UN and the International Humanitarian Organisations.[16347]

4598. **Butler** testified that Directive 7, which was sent out in a memo by Milovanović on 17 March 1995,[16348] was part of a broader policy for inspecting convoys and

[16338] P6861 (Outgoing Code Cable Humanitarian Situation, 6 July 1995), para. 4.
[16339] P6861 (Outgoing Code Cable Humanitarian Situation, 6 July 1995), para. 4.
[16340] P34 (Joseph Kingori, witness statement, 8 January 2012), paras 33-42; Joseph Kingori, T. 1037-1038.
[16341] P34 (Joseph Kingori, witness statement, 8 January 2012), para. 35.
[16342] P7709 (Report from Karremans to HQ UNPROFOR, 4 June 1995), p. 2.
[16343] P7709 (Report from Karremans to HQ UNPROFOR, 4 June 1995), p. 2.
[16344] P7709 (Report from Karremans to HQ UNPROFOR, 4 June 1995), p. 3.
[16345] D1594 (Handwritten notes of Banbury, 17 May 1995-10 July 1995), p. 78.
[16346] D1602 (Order by Karadžić to the VRS Main Staff, 13 June 1995), pp. 1-2.
[16347] D1602 (Order by Karadžić to the VRS Main Staff, 13 June 1995), p. 1.
[16348] P1469 (Memo containing Directive 7, 17 March 1995), p.1.

designed to prevent weapons and other illicit goods from being transported by UN and humanitarian aid convoys.[16349] **Kralj** testified that Mladić would have been responsible for implementing Directive 7 if it was sent to him.[16350] Kralj and Đurđić, who dealt specifically with UNPROFOR and humanitarian organisations, were responsible for following through orders that were intended for implementing the directives which Mladić was responsible for.[16351] **Butler** testified that the restriction affected UNPROFOR and humanitarian aid organisations alike.[16352] For example, a 56 truck convoy scheduled for 19 June 1995 was reduced to 23 trucks; cutting the amount of food by 50 percent, the amount of fuel by 70 percent, and the refusal of two ambulances needed by UN troops.[16353] Butler testified that the VRS Main Staff prevented UNPROFOR forces from re-supplying because they wanted everyone going into the enclave to come back out again.[16354] Over time the ability of the UNPROFOR to sustain themselves and conduct peacekeeping operations became more difficult.[16355] Mladić would have been aware of the 19 June 1995 convoy reductions because the VRS Main Staff granted convoy clearances and because he had been involved with Janvier in setting up the convoy.[16356]

4599. In June 1995, UNHCR had sporadic access to Srebrenica and Žepa.[16357] The food convoys that were expected had not arrived, putting the elderly and weak in a difficult situation.[16358] By 6 July 1995, only one UNHCR humanitarian aid convoy had accessed the enclaves.[16359] An ABiH Combat Report dated 6 July 1995 reported the first deaths due to starvation in Srebrenica.[16360] According to a 6 July 1995 UNMO report, the Bosnia-Herzegovina government reported the death of 13 civilians in Srebrenica due to starvation but UNHCR was not in a position to confirm the report.[16361] The UNHCR office in Srebrenica assessed that while the food situation was precarious the population was not facing malnutrition.[16362]

[16349] Richard Butler, T. 16728.
[16350] Slavko Kralj, T. 27455.
[16351] Slavko Kralj, T. 27455.
[16352] Richard Butler, T.16157.
[16353] Richard Butler, T.16874.
[16354] Richard Butler, T.16874.
[16355] Richard Butler, T.16157-16158.
[16356] Richard Butler, T.16874-16875.
[16357] P6861 (Outgoing Code Cable Humanitarian Situation, 6 July 1995), para. 4.
[16358] P6862 (28th Infantry Divison Combat Report, 6 July 1995), p. 2.
[16359] P6861 (Outgoing Code Cable Humanitarian Situation, 6 July 1995), para. 4.
[16360] P6862 (28th Infantry Divison Combat Report, 6 July 1995), p. 2.
[16361] P6861 (Outgoing Code Cable Humanitarian Situation, 6 July 1995), para. 4.
[16362] P6861 (Outgoing Code Cable Humanitarian Situation, 6 July 1995), para. 4.

4600. According to an 8 July 1995 UNMO report, the constant refusal by the Bosnian-Serbs to allow convoys through to the enclaves was creating a serious shortage of food. With only one UNHCR convoy reaching the enclaves a week they were meeting less than 25 percent of the needs of the population. The report stated that even if they had received the three UNHCR convoys they requested a week before they would have barely met 65 percent of the population's needs. The report also mentions the lack of water, medical, fuel, and electricity supplies.[16363] On 11 July 1995, an UNMO report declared the food situation in Srebrenica as hopeless; although the battalion had some food left, it was impossible to give any to the refugees who were entering the enclave.[16364] Dutchbat was also unable to provide medical assistance to the wounded because they did not have any supplies.[16365]

The Trial Chamber's findings

4601. Based on the foregoing, the Trial Chamber finds that Mladić prevented the delivery of humanitarian aid and authorised deliberately obstructive inspections calculated to restrict humanitarian aid to the enclaves. From August 1993 the VRS Main Staff provided instructions to units on the passage of humanitarian aid convoys, including UNPROFOR and UNHCR convoys, into the Bosnian-Serb Republic. According to these instructions, humanitarian aid convoys could not pass without Main Staff authorisation and the VRS was responsible for the safe passage of the convoys. Requests for passage of humanitarian aid convoys were reviewed and assessed by Mladić, Manojlo Milovanović, or General Tolimir. Mladić had the final say on whether or not UNPROFOR or other humanitarian aid convoys were allowed to proceed through the Bosnian-Serb Republic. Mladić communicated his messages and decisions to the UN through Milovanović. Upon the creation of the State Committee for Liaison with the UN and the International Humanitarian Organisations on 14 March 1995, authorisations for passage were no longer issued by the VRS Main Staff, although Mladić, through the VRS Main Staff, retained ultimate discretion where passage related to security matters.

[16363] P42 (UNMO report, 8 July 1995), p. 2.
[16364] D22 (UNMO report, 11 July 1995), p. 4.
[16365] D22 (UNMO report, 11 July 1995), p. 4.

4602. The Trial Chamber finds that initially Mladić showed a willingness to allow humanitarian aid through the Bosnian-Serb Republic as demonstrated by his orders of 30 November 1992, 14 May 1993, and 16 June 1993, whereby he ordered VRS units to allow the unhindered passage and protection of consignments, equipment and personnel providing aid intended for the civilian population of the opposing side. Strict instructions, however, were given to prevent the passage of weapons, ammunition, and fuel.

4603. In early 1994 the situation regarding humanitarian aid began to change. On 30 January 1994, Mladić rejected the agreement the UNPROFOR had made with Karadžić regarding the reopening of Tuzla airport. Reopening the airport and starting an airlift operation would have alleviated the difficulties of providing food and other aid to northern Bosnia-Herzegovina.

4604. Mladić placed severe restrictions on humanitarian aid delivery from 10 April 1994 onwards in retaliation for NATO providing air support to UN safe areas. He ordered all VRS units to immediately block all UNPROFOR and humanitarian organisations' activities on the territory of the Bosnian-Serb Republic. On 13 April 1994, Mladić ordered all subordinate Corps and the Air Force and Anti-Aircraft Defence to treat all personnel of humanitarian organisations, including UNMOs and members of UNPROFOR, as POWs if they resisted isolation.

4605. The Trial Chamber finds that between July 1994 and July 1995, Mladić was increasingly obstructive and threatened to block the delivery of humanitarian assistance to the enclaves unless concessions were granted to him such as: the release of Bosnian-Serb prisoners; parity in delivery of humanitarian aid or fuel to Bosnian Serbs; the lifting of international sanctions; or the relocation of Bosnian-Muslim or NATO forces from strategic locations.

4606. Beginning in July 1994 there was a marked decrease in humanitarian aid delivered to Srebrenica because VRS restrictions allowed fewer convoys access to the enclave. On 22 July 1994, Mladić issued an order that prevented anything but food or medication from entering Srebrenica. This order also prevented Bosnian Muslims from moving between the enclaves, restricted communication with other enclaves, and restricted the movement of UNPROFOR and humanitarian aid organisations. UNHCR and other humanitarian organisations were unable to feed the people of Srebrenica due to shortage of food. The humanitarian situation was generally dire. On 6 July 1995, the

Bosnian-Herzegovina government reported the death of 13 civilians in Srebrenica due to starvation. By 8 July 1995 due to refusal of permission of entry to the enclaves UNHCR could only meet less than 25 percent of the needs of the population.

4607. The Trial Chamber finds that the VRS carried out stringent and obstructive fuel inspections upon the entry of humanitarian aid convoys into Bosnian-Serb territories for fear of the fuel being smuggled to ABiH. The consequent lack of fuel had a direct and severe impact on UNHCR and UNPROFOR's ability to deliver humanitarian aid or medical assistance to the enclaves until July 1995.

4608. The Trial Chamber finds that on some instances weapons and ammunition were found in UNPROFOR and humanitarian aid convoys. On one occasion explosives hidden inside oxygen bottles were to be transported to a hospital in Sarajevo and on another occasion, UNPROFOR found weapons and ammunition inside a UNHCR convoy. Between March and April 1993 two incidents were documented on TV cameras including an incident where ammunition was found in UNPROFOR trucks. The Bosnian Serbs complained on multiple occasions that they had found clear evidence that the UNHCR and UNPROFOR were smuggling illegal items and articles not declared. The Trial Chamber finds that despite the fact that aid convoys occasionally may have contained weapons, ammunition or explosives, contrary to the UN mandate for delivery of humanitarian aid, the convoys were already subjected to stringent checks and controls by the VRS. These checks and controls by the VRS were contrary to the agreements for the delivery of humanitarian aid but were tolerated by the UN as a courtesy. The blockading of delivery of humanitarian aid and deliberately obstructive inspections by the VRS was disproportionate and calculated to restrict humanitarian aid to the enclaves.

4609. In chapter 9.3.12, the Trial Chamber will consider whether Mladić's conduct in this respect, considered together with other acts or omissions, amounts to a significant contribution to the Overarching JCE. The Trial Chamber will address the relevant evidence in this chapter relating to the *mens rea* of the Accused in chapter 9.3.13.

9.3.12 Legal Findings

4610. The Trial Chamber recalls its findings in chapter 9.2.14 that from 1991 until 30 November 1995, there existed a JCE with the objective of permanently removing the

Bosnian Muslims and Bosnian Croats from Bosnian-Serb-claimed territory in Bosnia-Herzegovina through persecution, extermination, murder, inhumane acts (forcible transfer), and deportation. The Trial Chamber also found that the following people participated in the realization of the common criminal objective: Radovan Karadžić, Momčilo Krajišnik, Biljana Plavšić, Nikola Koljević, Bogdan Subotić, Momčilo Mandić, and Mićo Stanišić. The Trial Chamber also recalls its findings in chapter 4 that many of the charged crimes were committed by members of the VRS, which were under the operational command of one of the corps, and ultimately the VRS Main Staff. Many other crimes were committed by MUP members, either under the operational supervision of the VRS or under the supervision of the MUP.

4611. The Trial Chamber will briefly summarise Mladić's actions relevant for determining whether he significantly contributed to the Overarching JCE. In chapters 9.3.2-9.3.12, the Trial Chamber made findings about Mladić's acts and omissions during the existence of the Overarching JCE. The Trial Chamber found that Mladić: (i) between May 1992 and at least October 1995 issued orders regarding the establishment and organization of VRS organs and corps, including assignments and promotions; (ii) from May 1992 until 1995 held daily briefings and occasional meetings with VRS Main Staff officers and corps commanders, regularly visited and inspected VRS units, and issued orders and 'Operational Directives' to VRS units as well as other groups; (iii) tasked brigade commanders of the 1KK to cooperate with the MUP; (iv) from May 1992 to October 1995 was in direct contact with members of the leadership in Serbia and members of the VJ General Staff to ensure the military needs of the VRS were met; (v) addressed the Bosnian-Serb Assembly during several of its sessions on issues surrounding the development of policies of the Bosnian-Serb political leadership and often suggested to Bosnian-Serb politicians what position they should take during peace negotiations in order to achieve the strategic objectives as initially defined; (vi) between September 1992 and at least March 1995 introduced and maintained a controlled and centralised system of spreading propaganda related to Bosnian Croats and Bosnian Muslims; (vii) made deliberately misleading statements to members of the media and international community in relation to crimes committed on the ground; (vii) did not take appropriate or further steps, to investigate or punish perpetrators of crimes; and (viii) placed severe restrictions on the delivery of humanitarian aid from 10 April 1994

onwards by ordering all VRS units to immediately block all UNPROFOR and humanitarian organisations' activity on the territory of the Bosnian-Serb Republic.

4612. The Trial Chamber considered in particular Mladić's acts vis-à-vis the VRS, given that many of the principal perpetrators of crimes were VRS members. Mladić issued orders regarding the establishment and organization of the VRS and its organs. Mladić was closely involved in VRS activities, as evidenced by regular briefings, meetings, and inspections. Mladić commanded and controlled VRS units and issued orders to other groups. Mladić also addressed the Bosnian-Serb Assembly during several of its sessions on issues surrounding the development of policies of the Bosnian-Serb political leadership and often suggested to Bosnian-Serb politicians what position they should take during peace negotiations in order to achieve the strategic objectives as initially defined. Mladić further placed severe restrictions on humanitarian aid. Mladić's acts were so instrumental to the commission of the crimes that without them the crimes would not have been committed as they were. In light of this, the Trial Chamber finds that through his actions set out in the previous paragraph, the Accused significantly contributed to achieving the objective of permanently removing the Bosnian Muslims and Bosnian Croats from Bosnian Serb-claimed territory in Bosnia-Herzegovina through persecution, extermination, murder, inhumane acts (forcible transfer), and deportation.

9.3.13 Mens rea

4613. The Prosecution argued that the Accused's statements and conduct demonstrate his intention to commit all of the alleged crimes.[16366] The Defence submitted that the Accused (i) was primarily concerned with defending against a legitimate military threat, and made it clear that the fight was not against non-Serbs, but against those who sought war;[16367] (ii) did not intend for his actions to have discriminatory effects, but assisted in the legitimate movement of populations when this was imperative on account of the conflict or humanitarian considerations;[16368] (iii) did not know about the crimes or

[16366] Prosecution Final Brief, paras 216-239.
[16367] Defence Final Brief, para. 115.
[16368] Defence Final Brief, paras 116, 142-143.

intend for them to be committed;[16369] and (iv) demonstrated a consistent intent to negotiate peace.[16370]

4614. The Trial Chamber received evidence with regard to the Accused's alleged intent to achieve the common objective of the Overarching JCE from **Slavisa Sabljić**, a Serb journalist who was mobilized in the 2KK on 1 June 1992 and demobilized in March 1996;[16371] **Savo Strbač**, a Serb lawyer from Benkovac and Chief of Intelligence of the Benkovac TO in September 1991;[16372] **Miroslav Deronjić**, the President of the Bratunac Municipality Crisis Staff as of April 1992;[16373] **Husein Aly Abdel-Razek**, UNPROFOR Sector Sarajevo Commander from 21 August 1992 to 20 February 1993;[16374] **Nenad Kecmanović**, a member of the Bosnia-Herzegovina Presidency from 1 June until 23 August 1992;[16375] **Grujo Borić**, a JNA officer between 1990 and mid-1992, and Commander of the 2KK from July 1992 to December 1994;[16376] **Witness RM-802**, a VRS officer;[16377] **Aernout van Lynden**, a Sky News journalist covering the conflict in the former Yugoslavia from Sarajevo, Pale, and Central Bosnia from May 1992 until 1995;[16378] **Witness RM-048**, a Bosnian Muslim;[16379] **Maria Karall** and **Dora Sokola,** both Prosecution employees;[16380] **Šefik Hurko**, a Bosnian Muslim who was detained in Rasadnik camp from August 1992 through April 1994;[16381] **Predrag Radulović**, head of an intelligence team known as the Miloš group in the Banja Luka CSB from mid-1991 to 1994;[16382] **Neđo Vlaški**, a member of the SDB;[16383] **Dragan**

[16369] Defence Final Brief, paras 115-119, 131-135, 144, 807-817.
[16370] Defence Final Brief, paras 804-805.
[16371] D876 (Slaviša Sabljić, witness statement, 17 July 2014), p. 1, paras 2-3.
[16372] Savo Strbač, T. 41068-41072, 41107-41108, 41113-41114; P7637 (List of Benkovac TO staff members dated 24 September 1991), p. 2.
[16373] P3566 (Miroslav Deronjić, witness statement, 25 November 2003), para. 2. Deronjić's evidence is reviewed in chapter 9.2.2.
[16374] P293 (Husein Aly Abdel-Razek, witness statements), witness statement of 16 July 2002, p. 1, paras 2, 65, supplemental witness statement of 16 July 2002, p. 1; Husein Aly Abdel-Razek, T. 3578. Abdel-Razek's evidence is reviewed in chapter 9.2.5.
[16375] D556 (Nenad Kecmanović, witness statement, 25 February 2014), para. 9; P6668 (Interview with Kecmanović published by Tanjug press agency, 25 August 1992).
[16376] Grujo Borić, T. 34580-34581, 34586, 34599-34600, 34608.
[16377] P439 (Witness RM-802, witness statement, 25 April 2012), pp. 1-2, 33; P438 (Witness RM-802, pseudonym sheet).
[16378] P66 (Aernout van Lynden, witness statement, 16 March 2010), paras 5, 10-11, 17, 27, 38, 40-43; Aernout van Lynden, T. 1343. Van Lynden's evidence is reviewed in chapter 9.5.11.
[16379] P979 (Witness RM-048, witness statement, 8 June 1999), p. 1, para. 1; Witness RM-048, T. 8815.
[16380] **Maria Karall**: Maria Karall, T. 16591-16593. **Dora Sokola**: Dora Sokola, T. 18163-18165.
[16381] P164 (Šefik Hurko, witness statement, 1 September 2011), p. 1, paras 15, 21-22, 49; Šefik Hurko, T. 2220.
[16382] P3207 (Predrag Radulović, witness statement, 5 December 2009), p. 1, paras 4-5.
[16383] D735 (Neđo Vlaški, witness statement, 28 June and 23 July 2014), p. 1; D736 (Neđo Vlaški, information from witness proofing, 1 November 2014), p. 2.

Kijać, Chief of the Sarajevo National Security Service Sector from 6 April 1992 onwards and Undersecretary of the MUP-SNB from 6 August 1992 until September 1994, after which he was appointed Undersecretary and Chief of the RDB;[16384] **Witness RM-019**, a member of the VRS 11th Herzegovina Brigade from May 1992,[16385] and **Milovan Milutinović**, Chief of the Press Centre and the Information Service at the 1KK between 1992 and 1994 and head of the VRS Main Staff Information Service and Centre for Information and Propaganda Activities between 1994 and 1996;[16386] as well as documentary evidence. The Trial Chamber also reviewed evidence relevant to the Accused's alleged *mens rea* in chapters 3.1.4, 9.2.2, 9.2.5, 9.3.3, 9.3.7, and 9.5.11, and will recall this evidence when necessary.

4615. As set out in further detail below, the Trial Chamber recalls its finding in chapter 9.3.12 that Mladić's acts significantly contributed to the Overarching JCE. In particular, Mladić was closely involved in VRS activities, as evidenced by regular briefings, meetings, and inspections. Mladić commanded and controlled VRS units and issued orders to other groups. His acts were so instrumental to the commission of the crimes that without them the crimes would not have been committed as they were. The Trial Chamber will now consider whether, in carrying out these acts, Mladić intended to pursue the common objective of the Overarching JCE.

Mladić's knowledge, statements, and conduct prior to 12 May 1992

4616. The Trial Chamber received evidence relating to Mladić's knowledge, statements, and conduct prior to 12 May 1992. The Prosecution argued that Mladić was fully aware that he was taking over a criminal campaign and that he demonstrated through his statements and conduct, particularly his conduct in Croatia in 1991, that he shared the JCE members' criminal intent.[16387] The Prosecution submits that Mladić's *modus operandi* of seizing territory and forcibly removing civilians in Croatia during

[16384] D1292 (Dragan Kijać, witness statement, 30 November 2013), para. 4; Dragan Kijać, T. 40018-40020; P7576 (Decision by Mićo Stanišić to appoint Dragan Kijać as undersecretary of the SNB of the MUP, 6 August 1992), pp. 1-2.
[16385] P572 (Witness RM-019, witness statement, 3 September 2003), p. 1, paras 4, 6-8; Witness RM-019, T. 5701-5706.
[16386] D862 (Milovan Milutinović, witness statement, 11 July 2014), paras 3, 5, 51, 54, 140; Milovan Milutinović, T. 30038.
[16387] Prosecution Final Brief, paras 196-208.

the autumn of 1991 was the same as the one he employed between 1992 and 1995 as Commander of the VRS Main Staff.[16388]

4617. *Mladić's statements and conduct in Croatia, autumn 1991*. **Slavisa Sabljić** testified that on 26 August 1991, Mladić entered the Croatian village of Kijevo and attacked the town along with JNA forces, commanded by Slavko Lisica, over several days.[16389] The witness testified that Kijevo was shelled heavily during the attack and the town was almost completely demolished.[16390]

4618. **Savo Strbač** testified that sometime in September 1991, JNA forces commanded by Mladić launched an attack on the town of Sinj in Croatia, where the vast majority of the population was Croat.[16391] On 26 September 1991, during the take-over of the town, Mladić was recorded to have threatened an enemy soldier that if his demands were not met, he would cause destruction of a level the soldier had not yet seen before.[16392] Mladić added 'I do not wish for you to take this as a threat. I am a soldier, I execute my tasks. Had I been listened to – Kijevo would not have happened, nor would have Vrlika – had I been listened to, or Šibenik – had I been listened to.'[16393] When the soldier told Mladić that his orders would be followed through, Mladić responded '[I]n that case, you can count on having Sinj. Otherwise, you can tell the residents of Sinj and those who are deciding on their fate […] that they can just wait for me in a destroyed city'.[16394] During the take-over of Sinj, Mladić was also recorded to have stated that '…I'm not turning anything on, not the water or anything else at all, or the bridge or anything else at all, until this… I won't /open/ the bridge until we also do Dalmatia like this, everything, and I'm not turning your power on […].'[16395]

4619. On 7 October 1991, Mladić told JNA Lieutenant-Colonel Milosav, who was reporting from Šibenik, that the Šibenik authorities should accept the demands of the Serb forces and stop firing at the JNA.[16396] Mladić informed him that they had encircled Zadar from all sides and that they 'had them by the neck' as there was 'no way out of

[16388] Prosecution Final Brief, paras 206-208. *See also* T. 20807-20808, 41135.
[16389] Slavisa Sabljić, T. 30553.
[16390] Slavisa Sabljić, T. 30555.
[16391] Savo Strbač, T. 41120.
[16392] P7639 (Transcript of video of Mladić 26 September 1991), p. 1.
[16393] P7639 (Transcript of video of Mladić 26 September 1991), p. 1.
[16394] P7639 (Transcript of video of Mladić, 26 September 1991), pp. 1-2.
[16395] P7640 (Transcript of video of Mladić, 26 September 1991), p. 1.
[16396] P1959 (Audio recording of October 1991 from an audio cassette labelled on the cover '07.10.91 operations around Skradin, Sibe and Zadar', from 00:19:46 to 00:28:52).

Dalmatia'.[16397] Mladić stated that, if the authorities in Šibenik, Split, and Zadar did not do exactly as the Serb forces 'dictate[d]', they would continue with operations which would be the 'destruction of Zadar and then the destruction of the rest of the towns'.[16398] He told Milosav that 'we have taken control of the Peruća dam, some fifteen days ago, mined it with 1,783 kilograms of explosive. I am just waiting to pick up the fuse, if they do not let Šibenik and Zadar go, it will be a total flood for them.'[16399] Mladić stated that 'nothing will get out of Dalmatia except children under the age of ten if they carry on like this. […] All that is older than 10 and younger than 75 will come to harm in Šibenik and we will not leave a single house standing, unless they finish the job like it was done in Sinj.'[16400]

4620. *Mladić's knowledge and conduct from 5 May to 11 May 1992.* The Trial Chamber recalls its finding in chapter 9.2.4 that on 7 May 1992, Mladić and Krajišnik had a meeting regarding the six strategic objectives. The Trial Chamber further received evidence that, at the abovementioned meeting, Mladić recorded that the first objective was 'to separate from the Croats and the Muslims forever'.[16401] On 10 May 1992, Mladić made a note to set out at the 16th Session of the Bosnian-Serb Assembly that 'the Serbian people is one nation from Knin to Kovin, and Orthodoxy from Knin to Siberia'.[16402] Mladić noted he would set out two choices to the Assembly: 'fight and survive' or 'be passive, disorganized, not fight [and] disappear'.[16403]

4621. The Trial Chamber recalls the evidence of Miroslav Deronjić, reviewed in chapter 9.2.2, that Mladić attended a meeting in Pale on 10 or 11 May 1992, during which everyone applauded after hearing reports that the village of Glogova had been partially destroyed, that most of it was on fire, and that the Bosnian Muslims had been evacuated by force. A map depicting the ethnic structure of Bosnia-Herzegovina was hanging in the conference room; it was divided into two parts in different colours, the

[16397] P1959 (Audio recording of October 1991 from an audio cassette labelled on the cover '07.10.91 operations around Skradin, Sibe and Zadar', from 00:19:46 to 00:28:52), p. 5.
[16398] P1959 (Audio recording of October 1991 from an audio cassette labelled on the cover '07.10.91 operations around Skradin, Sibe and Zadar', from 00:19:46 to 00:28:52), p. 5. *See also* p. 3.
[16399] P1959 (Audio recording of October 1991 from an audio cassette labelled on the cover '07.10.91 operations around Skradin, Sibe and Zadar', from 00:19:46 to 00:28:52), p. 6.
[16400] P1959 (Audio recording of October 1991 from an audio cassette labelled on the cover '07.10.91 operations around Skradin, Sibe and Zadar', from 00:19:46 to 00:28:52), p. 8.
[16401] P352 (Mladić notebook, 14 February 1992 - 25 May 1992), p. 262.
[16402] P352 (Mladić notebook, 14 February 1992 - 25 May 1992), pp. 284-285. The Trial Chamber understands Mladić's reference in his notebook entry on 10 May 1992 to 'the government session' to refer to the 16th Assembly Session that was held two days later.
[16403] P352 (Mladić notebook, 14 February 1992 - 25 May 1992), p. 285.

Serb areas being blue. Following the applause on the destruction of Glogova, Ostojić said 'We can now also colour Bratunac blue'.

4622. On 11 May 1992, the Commander of the JNA 5th Corps reported to Mladić that Derventa had not been 'mopped up' yet, but that this would begin in 1-2 days.[16404] Branko Simić informed Mladić that 150 soldiers were 'clearing up' Mostar, and the Chief of the Trebinje security centre, Krsto Savić, referred to the organized looting of Mostar.[16405]

Mladić's knowledge, statements, and conduct from 12 May 1992 onwards

4623. The Trial Chamber recalls its finding in chapter 3.1.4 that on 12 May 1992, Mladić was appointed Commander of the VRS Main Staff and that he remained in this position until at least 8 November 1996.

4624. *Mladić's role in developing Bosnian-Serb governmental policies*. The Trial Chamber found in chapter 9.3.7 that, between 12 May 1992 and 16 April 1995, Mladić addressed the Bosnian-Serb Assembly during several of its sessions on issues relating to the development of policies of the Bosnian-Serb political leadership, and that at various meetings, he discussed these policies with high-level political figures and representatives of the international community and affirmed his commitment to the strategic objectives.

4625. The Trial Chamber recalls in particular the minutes of the 16th Session of the Bosnian-Serb Assembly on 12 May 1992, reviewed in chapter 9.3.7, according to which Mladić stated that the 'thing' that they were doing needed to be 'guarded as [their] deepest secret'. Serb representatives would have to present the objectives in a way that would sound appealing to those whom they wanted to win over and the 'Serbian people' would need to know how to read between the lines. Mladić also observed that 'we cannot cleanse nor can we have a sieve to sift so that only Serbs would stay, or that the Serbs would fall through and the rest leave. […] I do not know how Mr. Krajišnik and Mr. Karadžić would explain this to the world. People, that would be genocide'. However, he later said 'we must make our move and eliminate them, either temporarily or permanently, so that they will not be in the trenches.'

[16404] P352 (Mladić notebook, 14 February 1992 - 25 May 1992), p. 285.
[16405] P352 (Mladić notebook, 14 February 1992 - 25 May 1992), p. 295.

4626. The Trial Chamber recalls the evidence of Husein Aly Abdel-Razek, reviewed in chapter 9.2.5, that during a Christmas celebration in Pale on 7 January 1993, Karadžić stated that the Muslims would be transferred out of Serb territory as the Serbs and Muslims could not live together anymore. Mladić, Gvero, Krajišnik, and Plavšić all agreed. Krajišnik said that ethnic cleansing was necessary.

4627. During the 24th Session of the Bosnian-Serb Assembly, which took place on 8 January 1993 and was attended by the VRS Main Staff, including Mladić, the Bosnian-Serb Assembly adopted a unanimous conclusion that Muslims should be taken out of 'Serbism' forever, and that the Muslims, as a nation, were a 'sect' of Turkish provenance; a communist, artificial creation which the Serbs did not accept.[16406] During the same session, Vojo Kuprešanin, the President of the ARK Assembly, stated that the war in Bosnia-Herzegovina was necessary and that if Serbia did not go to war now, then the Albanians and Muslims were to entirely and legally overtake the power in Belgrade in the next three to five years. [16407]

4628. **Nenad Kecmanović** testified that when the Vance-Owen plan was discussed during the meeting of the Bosnian-Serb Assembly on 5 and 6 May 1993, Mladić forcefully demonstrated his opposition to the plan.[16408] Mladić presented a map depicting the situation in the field, which he claimed showed the results achieved by the Bosnian-Serb leadership and the VRS.[16409] He also presented another map to demonstrate how much territory the Serbs would have to give back under the Vance-Owen plan.[16410] The Bosnian-Serb Assembly subsequently voted against the ratification of the Vance-Owen plan.[16411]

4629. At the 37th Session of the Bosnian-Serb Assembly, on 10 January 1994, Mladić stated that '[t]he enemy that we are facing is getting stronger every day and that fact that the enemy in Žepa, Mostar, Goražde, Srebrenica, Orašje, Bihać, Kladuša, Tesanj, Zenica, or Sarajevo does not even think of surrendering, means that they are determined

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[16406] P6921 (Excerpts from transcript of the 24th session of the Bosnian-Serb Assembly, 8 January 1993), pp. 1-3, 96-97.
[16407] P6921 (Excerpts from transcript of the 24th session of the Bosnian-Serb Assembly, 8 January 1993), pp. 8, 10; Miloš Milinčić, T. 28382.
[16408] Nenad Kecmanović, T. 23945, 23948; P6670 (Video excerpt from BBC documentary 'Death of Yugoslavia').
[16409] Nenad Kecmanović, T. 23949; P6670 (Video excerpt from BBC documentary 'Death of Yugoslavia').
[16410] Nenad Kecmanović, T. 23949; P6670 (Video excerpt from BBC documentary 'Death of Yugoslavia').
[16411] Nenad Kecmanović, T. 23945-23946.

to fight until the last one of us lives [*sic*]. [...] They started the war at first, they are heading this war, but that is not my concern. My concern is not that they will create the state. My concern is to have them vanish completely'.[16412] Mladić also stated that this was a 'historical chance' to create an 'all-Serbian state' with as few enemies as possible, or 'those who could be our potential enemies, and raise [*sic*] against us again in a few years'.[16413] He said 'it is better that we fight the war now while they are on their knees, instead of letting them have rest for five years and the whole world supply them with weapons, materiel and brains. In case of that, we would be in their position of digging our way out through the hills or below the runway in order to survive.'[16414]

4630. *Mladić's knowledge of crimes in the Municipalities*. The Trial Chamber found in chapters 8.3.2, 8.4.2, 8.5.2, and 8.9.2 that the crimes of persecution, murder, extermination, deportation and inhumane acts (forcible transfer) were committed in the Municipalities.

4631. The Trial Chamber recalls its finding in chapter 9.3.3 that the VRS had a well-functioning communication system which allowed Mladić to effectively and quickly communicate with his subordinates. From May 1992 until 1995, Mladić had daily telephone communication with corps commanders, usually in the mornings and in the evenings. Mladić also held regular briefings and occasional evening meetings with VRS Main Staff officers and corps commanders. The Trial Chamber also recalls its finding that Mladić was kept informed of developments in the battlefield through daily written reports, which were submitted to the VRS Main Staff by corps commanders by no later than 8 p.m. Any emergencies or changes on the reports were communicated by telephone directly to Mladić or Milovanović. Mladić was very meticulous regarding the submission and content of these reports, and although he did not sign all the reports sent to the Supreme Command, he was kept up to date on the main issues by Milovanović. The Trial Chamber further found that between May 1992 and May 1995, Mladić regularly visited and inspected VRS units at the corps, brigade, and tactical level. In this respect, **Grujo Borić**, the commander of the 2KK, testified that Mladić 'would know what the situation was like on the front line of the 2KK' without Borić having to report to him.[16415] **Witness RM-802** testified that Mladić was a 'hands-on' commander who

[16412] P3076 (Transcript from 37th session of the Bosnian-Serb Assembly, 10 January 1994), p. 20.
[16413] P3076 (Transcript from 37th session of the Bosnian-Serb Assembly, 10 January 1994), p. 18.
[16414] P3076 (Transcript from 37th session of the Bosnian-Serb Assembly, 10 January 1994), p. 19.
[16415] Grujo Borić, T. 34596.

visited the front often.[16416] The Trial Chamber further received documentary evidence that the 1KK sent regular reports to the VRS Main Staff detailing, *inter alia*, 'cleansing' operations, detentions, and 'methods of exercising pressure' on Bosnian Muslims and Bosnian Croats, as well as 'organised expulsions' of the Bosnian-Muslim and Bosnian-Croat population.[16417] The Trial Chamber further recalls its finding in chapter 3.1.3 that during the war, the Main Staff organized regular daily, weekly, and monthly meetings to coordinate and keep itself apprised of the ongoing war effort.

4632. The Trial Chamber recalls the evidence of Aernout van Lynden, reviewed in chapter 9.5.11, that Sky News reports about ongoing events were translated and broadcast locally, and that Mladić, as well as Karadžić, told van Lynden that they watched Sky News and other international broadcasts.

4633. On 25 August 1992, the UNGA expressed grave concerns on the situation in Bosnia-Herzegovina, urging the UNSC to consider, on an urgent basis, taking further measures as provided for in Chapter VII of the Charter of the UN in order to put an end to the fighting and to restore the unity and territorial integrity of Bosnia-Herzegovina.[16418] The UNGA strongly condemned, *inter alia*, the practice of ethnic cleansing, and expressed grave concern about the continuing reports of widespread, massive and grave violations of human rights, including reports of mass forcible expulsions and deportation of civilians, imprisonment and abuse of civilians in detention centres and deliberate attacks on non-combatants, wanton devastation and destruction of property, arbitrary executions, forced disappearances, torture, rape and other cruel, inhumane and degrading treatment.[16419] On 20 December 1993, the UNGA reiterated its grave concerns about the continuing 'systematic violations of human rights' against the Muslim population, particularly in the areas of Bosnia-Herzegovina under Bosnian-Serb control.[16420] It further condemned the specific violations committed in connection with 'ethnic cleansing'. On 5 January 1994, the UNGA strongly

[16416] P439 (Witness RM-802, witness statement, 25 April 2012), para. 74.
[16417] See e.g. P246 (Report by 1KK Commander Talić to the VRS Main Staff, 1 June 1992), p. 1 (the capture of approximately 7,000 people 'so far'); P214 (Witness RM-051, *Stanišić and Župljanin* transcript, 21-22 January 2010), pp. 5278-5280; P217 (1KK regular combat report, signed for Momir Talić, 13 June 1992), p. 2 (the movement of approximately 900 detainees from Stara Gradiška to Manjača); P3731 (Report by 1KK Commander Talić to VRS Main Staff, 28 June 1992), p. 1 ('cleansing and liquidation of terrorist groups'); P5148 (1KK Command combat report, 2 August 1992), p. 1-2 (the increase in 'methods of exercising pressure' and the organized expulsion of the Bosnian-Muslim and Bosnian-Croat population from the area of the Bosnian Krajina and further afield).
[16418] P2044 (UNGA Resolution 46/242, 25 August 1992), pp. 1-3.
[16419] P2044 (UNGA Resolution 46/242, 25 August 1992), pp. 1-3.

condemned the 'abhorrent practice of rape and abuse' and the systematic use of this practice as an instrument of 'ethnic cleansing', in particular against Bosnian-Muslim women and children.[16421]

4634. On 11 September 1992, Mladić was present at a military-political consultation with military commanders, presidents of municipal assemblies, as well as presidents of various municipalities, during which Jovo Banjac, President of Ključ Municipality, reported that out of 17,000 Bosnian Muslims originally present in the municipality, only 5,000 remained, and of those, another 1,500 had left that day.[16422] On 17 September 1992 in a meeting held in Foča, Mladić was informed by Miroslav Stanić, Head of the Foča War Presidency, that before the war, 51 per cent of the population of Foča was Bosnian Muslim but that at the time of the meeting, Serbs represented 99 per cent of the population in Foča.[16423]

4635. The Trial Chamber recalls its finding in chapter 9.2.11 that on 27 May 1993, Bogojević reported to Mladić that the Bosnian-Serb Minister of Interior sent Drljača to discuss the mass grave at Tomašica with Subotić, Arsić, Matijević and himself. At this meeting, Drljača said that he wanted to get rid of the bodies buried at Tomašica by burning or grinding them. Mladić told Bogojević that those responsible for the killings should get rid of the bodies. Mladić further noted that an investigation had to be launched in connection with the case and that the information was to be retained well to prevent it getting into the hands of unauthorized people.

4636. The Trial Chamber recalls evidence reviewed in chapter 3.1.4, according to which on 27 November 1996, Mladić wanted the Bosnian-Serb President to provide written guarantees that no member of the VRS would incur disciplinary, criminal, or other responsibility for the execution of orders in line with Mladić's decisions and orders up until that date.

4637. *Mladić's knowledge of crimes in detention facilities*. The Trial Chamber found in chapters 8.3.2, 8.4.2, 8.5.2, and 8.9.2 that members of the VRS and other subordinated forces committed the crimes of murder and extermination as crimes against humanity, as well as murder, unlawful detention, cruel and inhumane treatment, and forced labour

[16420] P2046 (UNGA Resolution 48/153, 20 December 1993), pp. 1-2
[16421] P2045 (UNGA Resolution 48/143, 5 January 1994), pp. 1-3.
[16422] P355 (Mladić notebook, 10-30 September 1992), pp. 7, 26.
[16423] P355 (Mladić notebook, 10-30 September 1992), pp. 60, 66.

as underlying acts of persecution against Bosnian Muslims and Bosnian Croats in detention facilities.

4638. The Trial Chamber received evidence that regular reports were sent to the VRS Main Staff on the function of, and conditions at, detention camps, including reports of detainees being killed.[16424] The Trial Chamber also recalls its finding in chapter 9.3.4 that on 2 August 1992, Mladić, through Talić, ordered the command of the 43rd Motorized Brigade, the Manjača camp command, the Prijedor CSB, and the Security Organ of the 1KK Rear Command Post to allow an ICRC team and reporters to visit the detention camps in Manjača, Omarska, and Trnopolje within the following two days, and to take all measures to make conditions in those camps satisfactory, through ensuring, *inter alia*, functional medical care for detainees, records of deaths, and findings on the causes of death.

4639. In chapter 8.9.2, the Trial Chamber found that from early August 1992, Radovan Stanković held several groups of Bosnian-Muslim women and girls in 'Karaman's house', and ill-treated them, as further set out in chapter 4.3.2, *Schedule C.6.2*. The Trial Chamber further found that Dragoljub Kunarac took a Bosnian-Muslim woman from 'Karaman's house' and brought her to a Serb soldier's[16425] apartment in Foča, where the Serb soldier detained her and ill-treated her from August 1992 until July 1993, as further set out in chapter 4.3.2, *Schedule C.6.2*.

4640. **Witness RM-048** testified that at the end of September 1992, the Serb soldier in whose apartment she was held took her to a military celebration in Trnovače where Mladić approached them and asked the soldier whether the witness was his 'Herzegovinian woman', before turning to the witness directly and asking her whether she was 'faring better than in Alija's state'. This led the witness to think that he had more information about her, and that he was aware that she was being held in Foča along with the other girls.[16426] The witness testified that the Serb soldier told her that

[16424] P3708 (Combat report by 1KK Command, 9 July 1992), p. 1; P161 (Report from 1KK Command, 25 July 1992), p. 1; P161 (Report from 1KK Command, 25 July 1992), p. 2; P248 (1KK regular combat report, 26 July 1992), p. 1.
[16425] The Trial Chamber refers to the confidential annex in Appendix D for the identity of the 'Serb soldier'.
[16426] Witness RM-048, T. 8816-8819, 8837, 8846, 8848-8852.

this man was Mladić.[16427] According to the witness, there were no Muslim women or girls living freely in Foča at the time.[16428]

4641. On 14 January 1993, Mladić noted that a woman named Lejla Cengić was 'in Elez's prison in Miljevina'.[16429] According to **Witness RM-048**, 'Elez's prison in Miljevina' was a reference to 'Karaman's house'.[16430] The Trial Chamber understands this to be a reference to 'Karaman's house' in Foča (*see* chapter 4.3.2 *Schedule C.6.2*). The Trial Chamber further recalls its finding in chapter 9.3.4 that Elez's unit, the paramilitary Miljevina Battalion, was under Mladić's command and control from at least late June 1992.

4642. On 6 November 1993, in the context of a discussion on prisoner exchanges, Mladić noted that Efendić and Muratović were 'looking for two young women from Foča'.[16431] Mladić further noted that Dragan Đurović wanted to marry one of these girls.[16432]

4643. The Trial Chamber also considered the evidence of Maria Karall and Dora Sokola, which has been placed in the confidential annex in Appendix D.

4644. *Mladić's role in disseminating propaganda and providing misleading information.* The Trial Chamber recalls its finding in chapter 9.3.8 that between September 1992 until at least March 1995, Mladić introduced and maintained a controlled and centralised system of spreading propaganda related to Bosnian Croats and Bosnian Muslims. He ordered the VRS Main Staff, in particular the Sector for Morale, Religious, and Legal Affairs of the VRS Main Staff, to disseminate propaganda to Serbs. According to Mladić's orders, the propaganda was to be disseminated in such a way as to make Serbs aware that they were waging the war of national liberation and were defending themselves against Bosnian Croats and Bosnian Muslims, and therefore gain their support in relation to this. To this effect, he ordered the Sector for Morale, Religious, and Legal Affairs to prepare information to be released to the public in such a way that it would conceal the true intentions of the VRS and contribute to the achievement of the 'desired propaganda effects'. The Trial Chamber also recalls that at meetings with the Bosnian-Serb political leadership, Mladić emphasized the importance

[16427] Witness RM-048, T. 8817, 8848, 8853.
[16428] Witness RM-048, T. 8867-8869.
[16429] P357 (Mladić notebook, 2-28 January 1993), p. 67.
[16430] Witness RM-048, T. 8820-8822.
[16431] P359 (Mladić notebook, 28 October 1993 - 15 January 1994), p. 13.

of propaganda. The Trial Chamber further found that in interviews with public magazines and other media, Mladić used derogatory language towards Bosnian Muslims and Bosnian Croats, claimed the historical territorial rights of the Serbs, and recalled the narratives about victimisation of Serbs in the past, including the narratives about genocide and crimes committed against Serbs by Bosnian Croats and Bosnian Muslims.

4645. On 27 June 1992, Mladić congratulated all senior officers, non-commissioned officers, soldiers and employees of the VRS on Patron Saints Day – St. Vitus' Day – 'the great day of the Serbian people'.[16433] Mladić recounted the glorious Serbian history and moments such as those when the Serbian knights fought to protect the Serbian land and traditions and stated that invasion of 'fascism and darkness' by *Ustašas* and 'militant Islam' in Bosnia and Herzegovina forced the Serbian people to fall back into combat and defend their freedom.[16434] He wrote that the Serbian people created a strong and competent army which was able to protect its people and provide them with a sovereign and independent territory – a Serbian Republic of Bosnia and Herzegovina.[16435]

4646. The Trial Chamber also recalls its finding in chapter 9.3.9 that despite his knowledge of the conditions in detention facilities, Mladić denied allegations by the media and international community that the photographs of malnourished men from detention camps in Prijedor, including Omarska camp, reflected the true conditions in the facilities. On 3 August 1992, Mladić ordered that 'POW' camps be prepared for the visits of foreign journalists and members of the ICRC which facilitated Talić's follow-up action 'to make conditions in these camps satisfactory' before such visits. The Trial Chamber also found in chapter 4.1.2, *Schedule C.1.2*, chapter 4.10.2, *Schedule C.15.2* and *Schedule C.15.4*, chapter 9.2.9, and chapter 9.3.9 that pursuant to an order issued by Mladić on 3 August 1992, standards at Omarska and Trnopolje were improved prior to visits by members of the media and international community, while detainees at Manjača were hidden or otherwise made inaccessible for interviews with journalists or for inspection by the ICRC. In these instances, Mladić's words and actions were

[16432] P359 (Mladić notebook, 28 October 1993 - 15 January 1994), p. 13.
[16433] P5075 (Letter from Mladić with congratulations regarding St. Vitus' Day, 27 June 1992), p. 1.
[16434] P5075 (Letter from Mladić with congratulations regarding St. Vitus' Day, 27 June 1992), pp. 1-2.
[16435] P5075 (Letter from Mladić with congratulations regarding St. Vitus' Day, 27 June 1992), p. 2.

deliberately misleading as they were made in an attempt to portray the camp conditions in a more favourable light than what was actually the case.

4647. In a speech at the 'Commemorative Academy' for the anniversary of the establishment of the Bosnian-Serb Air Force and Anti-Aircraft Defence on 27 May 1993, Mladić stated that the war was one of 'national liberation' imposed on the Serbs, which they were waging 'in order to protect [their] people from a new genocide and defend the right to survive on [their] great-grandfathers' homelands.'[16436] Pressure from the UNSC was the result of a joint plan to break the unity of the Serbian people, and in this machinery, Mladić stated that the 'main levers' were the 'loyal offspring of the ghost from the past whose ancestry had taken part in the mass genocide against the Serbian population.'[16437] He said that the army was protecting the people from the '*Ustaša* monster'.[16438]

4648. According to an article in 'Oslobođenje' newspaper dated 8 November 1994, Mladić is reported to have stated that Serbs would 'return the territories that the Muslims took' during World War II, 'and as punishment, even more than that'.[16439]

4649. In a video clip dated 26 June 1995, Mladić stated: 'The Serbian people organised for defence and created their army, and together, they prevented the planned and prepared /inaudible/ genocide. It protected the majority of Serbian historical territories. It liberated most of the occupied areas through combat and created conditions for the Serbs to finally establish their united state'.[16440]

4650. During an Orthodox New Year's speech on 13 or 14 January 1996, Mladić used the terms '*Ustašas*' and '*balijas*' in referring to Bosnian Croats and Bosnian Muslims.[16441] He stated that 'our number one task must be to focus not on ourselves and our needs, but on the needs of the orphans left behind those heroes of ours, those who were roasted on the spit, or those that the *Ustašas* and *balijas* skinned alive in their torture chambers, finishing them off, or those Serbian saints who were decapitated at Mt. Ozren and Mt. Vlašić in 1992.'[16442] Mladić further expressed that they should do

[16436] P358 (Mladić notebook, 2 April 1993 - 24 October 1993), pp. 157-158.
[16437] P358 (Mladić notebook, 2 April 1993 - 24 October 1993), pp. 161-162.
[16438] P358 (Mladić notebook, 2 April 1993 - 24 October 1993), p. 159.
[16439] P1975 (Article from 'Oslobođenje' newspaper entitled 'The Muslims will lose everything', 8 November 1994), p. 1.
[16440] P1976 (Video clip of 26 June 1995 on VHS tape labelled '1/2 tape TV Pale, Karadžić, Koljević, Mladić- vojska ½ my tape'), p. 1.
[16441] P1981 (Speech by Mladić at a Serbian New Year's Eve Party, 14 January 1996), pp. 1, 5.
[16442] P1981 (Speech by Mladić at a Serbian New Year's Eve Party, 14 January 1996), p. 5.

everything 'to prevent a split in the Serbian nation' and that he hoped that they would once be in a unified Serbian state, which he stated is what he had fought for.[16443]

4651. *Mladić's statements and orders with regard to Bosnian Muslims and Bosnian Croats: Mladić's alleged order to commit ethnic cleansing and to kill Muslims and Croats*. The Trial Chamber has received evidence according to which, during a meeting held in Teslić sometime between July and September 1992, Mladić expressed the opinion that the SJB should commit ethnic cleansing, and allegedly instructed members of the VRS and the SDS to set on fire and kill Muslims and Croats wherever they could.[16444]

4652. This evidence stems from an undated official note by the Miloš Group, which provides information about a working meeting which took place between the political leadership of Teslić municipality, Mladić, and Colonel Slavko Lisica**,** the Commander of the Doboj Operational Group. According to the report, Mladić and Lisica stated that ethnic cleansing should be carried out in Teslić municipality 'as soon as and as efficiently as possible'.[16445] This declaration antagonized a large number of those present at the meeting and caused certain distrust among the management of the SJB. The report states that when asked to explain if his stance was also the official stand of the political leadership, such as Karadžić and the Assembly, Mladić 'allegedly replied that the Army should do their job and the politicians theirs' and that 'it was less important whether that was also' Karadžić's 'stand'. According to the report, '[i]n the opinion of General Mladić, Colonel Lisica and the President of the Teslić Municipal Assembly, ethnic cleansing should be carried out by members of the SJB'. This suggestion complicated the meeting and led to divergent opinions among those present, 'due to which the management of the SJB requested some suggestions and opinions of employees of the Banja Luka SNB concerning the performance of tasks issued to them'. The report further states that Mladić 'allegedly, advised some members of the Serbian Army and the SDS to set on fire and kill Muslims and Croats wherever they could, that they would not be held responsible in any way and that he could issue them with [*sic*] a written guarantee for that'. According to the report, the next day Colonel Dejan Bilanović and Major Vukašin Nedić 'insisted that the police should kill citizens of

[16443] P1981 (Speech by Mladić at a Serbian New Year's Eve Party, 14 January 1996), p. 5.
[16444] P6890 (Miloš Group Report, undated), p. 1.

Muslim and Croatian ethnicity wherever they could, in public places and houses', causing psychosis and fear among Muslims and Croats with the aim of forcing them to leave. The report stated that Croats and Muslims had expressed readiness to leave but that under these circumstances, it was impossible because they were not allowed to organise a convoy and pass through Bosnian-Serb Republic territory to go abroad. According to the report, the Miloš group was confronted more and more often with the issues of the different views on expelling Muslims and Croats from the territory of the Bosnian-Serb Republic to which they were unable to give any answers because 'the official political views differ from the opinions of the most responsible people' in the VRS. Finally the report explained that 'extremists among the Serbian people use[d] these opinions of the top military leadership as the basis and grounds for carrying out the most heinous crimes against the Croats and Muslims, even against those who have demonstrated their loyalty to the Serbian authorities, or who have been members of the Serbian Army' and that this has caused indignation among a large number of Serbs.[16446]

4653. With regard to exhibit P6890, **Predrag Radulović** stated that this was a Miloš group report from 1992.[16447] He believed that the meeting mentioned in the Miloš report between Mladić, the police and the political leadership of Teslić took place between July and September 1992 and that the report was sent at the time the meeting was held.[16448] Radulović stated that this report was submitted to both Kesić and Župljanin, and that the latter reacted by saying 'Let's stay out of it'.[16449] Radulović stated that the information contained in the report was also sent to Karadžić through Branko Ratić and that the Miloš group often did this to prompt Karadžić to call Župljanin or Kesić to ask them what they knew about the information; however, he explained that he did not know if Karadžić actually spoke to any of them about the information contained in the report.[16450] Radulović gave some background about this meeting and stated that it took place in the context of the planning of an attack on Tešanj from Teslić and Doboj, and that Mladić came to Teslić to agree on the plan for that attack with local authorities and

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[16445] P6890 (Miloš Group Report, undated), pp. 1-2; P3823 (Combat Report sent by the 1KK Command to the VRS Main Staff, 6 December 1992), p. 2; P5153 (Commendation of the TG-3 headed by Group Commander Lisica signed by Talić, Commander of the 1KK, 7 October 1992).
[16446] P6890 (Miloš Group Report, undated), p. 1.
[16447] P3207 (Predrag Radulović, witness statement, 5 December 2009), para. 133. The Trial Chamber notes that the ERN number stated in the beginning of paragraph 133 (ERN 0608-4543-0608-4544) corresponds to exhibit P6890 admitted in evidence in this case.
[16448] P3207 (Predrag Radulović, witness statement, 5 December 2009), para. 133.
[16449] P3207 (Predrag Radulović, witness statement, 5 December 2009), para. 135.
[16450] P3207 (Predrag Radulović, witness statement, 5 December 2009), para. 135.

reinforce the front lines.[16451] Further, he stated that he had received the information about Mladić and Lisica's mention of the ethnic cleansing to be carried out by members of the SJB, as mentioned in the report, from 'very reliable sources'.[16452]

4654. When commenting on exhibit P6890, **Neđo Vlaški** stated that it was an official note but the document was lacking all the formal indications that it had been assessed or found to fulfil the necessary criteria of literacy, content, and security information.[16453] He added that the document was not addressed to a particular recipient, and was not signed. According to the witness, it looked like a report 'that was commissioned because certain people felt the need to tailor the report to the reader'. These reports did not go through the legal reporting channels but were intended for structures outside the system. He also questioned the authenticity of the report because it was impossible to determine the date of the meeting mentioned therein. Finally, he testified that the Miloš group was operating outside of the SNB framework and was 'formed solely to destabilize and spread misinformation'.[16454] **Dragan Kijać** testified that exhibit P6890 did not contain the elements which such documents were supposed to contain, such as the date, the sources of the information, or an indication whether the information reported therein was verified or unverified.[16455] Kijać further testified that neither Mladić nor the president of the municipality were able to issue orders to the police because the chain of command in the police went up to the Minister of Interior and no one outside that chain of command could interfere regardless of their position, including the Commander of the Main Staff.[16456]

4655. *Documentary evidence relating to the alleged meeting in Teslić detailed in exhibit P6890*. On 29 October 1992, Mladić recorded in his notebook that he had a meeting with officers of the Doboj Operations Group, officers of the 1KK, and representatives of several municipalities including Doboj and Teslić.[16457] At the meeting, Lieutenant Colonel Bilanović reported on an 'incident' regarding 'replacement

[16451] P3207 (Predrag Radulović, witness statement, 5 December 2009), para. 133.
[16452] P3207 (Predrag Radulović, witness statement, 5 December 2009), para. 133.
[16453] D735 (Neđo Vlaški, witness statement, 28 June and 23 July 2014), para. 111. The Trial Chamber notes that the document presented to the witness during the taking of his statement bears Rule 65 *ter* number 26215 and corresponds to exhibit P6890 admitted in evidence in this case.
[16454] D735 (Neđo Vlaški, witness statement, 28 June and 23 July 2014), para. 111.
[16455] Dragan Kijać, T. 39993-39994, 39996.
[16456] Dragan Kijać, T. 39999.
[16457] P356 (Mladić notebook, 5 October - 27 December 1992), p. 89.

at the MUP', regarding statements made by the Chiefs of the Teslić SJB and the Doboj CSB.[16458]

4656. On 30 October 1992, the Operative Group Doboj reported to the 1KK Command that Mladić had visited the Teslić Brigade where he 'pointed out shortcomings, and set out specific tasks for the Brigade, its units and soldiers'.[16459] The Operative Group further reported that the civilian authorities were 'meddling in the units' command' and that this would likely improve after Mladić's visit to Teslić.[16460] On the same day, Mladić recorded that he had met with 'government organs and commanders at Teslić', who included the President of the Municipal Assembly Perišić, assemblymen, the Chief of the SJB and commanders and organs of the Command of the Teslić Brigade.[16461]

4657. On 30 October 1992, Radulović and other operatives of the SNB Banja Luka sent a report to the Chief of the CSB Banja Luka stating that Mladić had visited Teslić that day 'in order to solve problems between the political bodies in Teslić and Doboj'.[16462] Mladić gave 'full support to the political bodies in Teslić, especially to the Teslić SJB current management' and said he would support the deputies from the Teslić Municipal Assembly at the Bosnian-Serb Republic Assembly and would ask Karadžić to verify an earlier decision by the Teslić Municipal Assembly to be merged with the Banja Luka Region.[16463] However, the operatives also reported on the same day that the Doboj CSB sent a dispatch stating that the management of the Teslić SJB should be replaced.[16464] The operatives noted that the Doboj CSB was likely so adamant on this replacement 'to conceal numerous serious crimes committed by members of the active and reserve force of the Doboj CSB three to four months ago'.[16465]

4658. On 31 October 1992, Mladić attended the 21st Session of the Bosnian-Serb Assembly, which was held in Prijedor.[16466] While in Prijedor, Mladić had a meeting with deputies from Teslić and recorded that 'it is a fact that there was hesitation about

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[16458] P356 (Mladić notebook, 5 October - 27 December 1992), p. 89. The Trial Chamber notes that the diary records an obviously typographical error in the name of the Lieutenant Colonel, recorded as 'Bilalović'. *See also* P356 (Mladić notebook, 5 October - 27 December 1992), pp. 93-94.
[16459] P4233 (Regular combat report Doboj Operations Group to 1KK Command), pp. 1-3.
[16460] P4233 (Regular combat report Doboj Operations Group to 1KK Command), p. 2.
[16461] P356 (Mladić notebook, 5 October - 27 December 1992), p. 91.
[16462] P3222 (SNB report to CSB Banja Luka, 30 October 1992), p. 1
[16463] P3222 (SNB report to CSB Banja Luka, 30 October 1992), p. 1; P5239 (SNB report to CSB Banja Luka, 30 October 1992), p. 1.
[16464] P3222 (SNB report to CSB Banja Luka, 30 October 1992), p. 1.
[16465] P3222 (SNB report to CSB Banja Luka, 30 October 1992), p. 1.
[16466] P356 (Mladić notebook, 5 October - 27 December 1992), pp. 95-106; P4266 (Minutes of the 21st Session of the National Bosnian-Serb Assembly held on 30, 31 October and 1 November 1992), pp. 8-9.

beginning to liberate the territory, the army requested to start doing it, morale was declining.'[16467] Mladić noted that '[i]t was recommended that they should start liberating the municipality.'[16468]

4659. During the 34th Session of the Bosnian-Serb Assembly, held from 27 August to 1 October 1993, Mladić, referring to the area of Tešanj, said 'we cannot allow leaving the mosques with two minarets there'.[16469] He further stated that if the Bosnian-Serb Government were to refuse the agreement set out during the Geneva Conference on the former Yugoslavia, the army should organize itself for the continuation of 'a bloodier war' and have the means to do so. [16470] With respect to Cazin Krajina, Mladić stated that his goal was to throw Muslims from the area on Croats and let them quarrel with each other.[16471]

4660. *Defence arguments in relation to exhibit P6890.* The Defence made specific arguments regarding exhibit P6890, stating that it was 'fundamentally unreliable' and not an authentic document.[16472] The Defence submitted that: (i) exhibit P6890 does not correspond to the template of documents produced by the sector or state of national security; (ii) a heading, number, name, date and codename of the drafter, which are always included in Miloš group reports, are missing in this exhibit; (iii) the Miloš group is known to be a group formed to destabilise and spread misinformation; and (iv) there is no evidence to corroborate the content of the document and no mention of this meeting in Mladić's notebook, therefore rendering it impossible to date.[16473] The Defence further argued that as Predrag Radulović, who could have testified about the content of the report, was unavailable to testify, the document could not be used as the basis for a conviction.[16474]

4661. *The Trial Chamber's assessment of P6890.* The Trial Chamber recalls that the document now in evidence as exhibit P6890 was first presented for admission by the

[16467] P356 (Mladić notebook, 5 October - 27 December 1992), pp. 92-93.
[16468] P356 (Mladić notebook, 5 October - 27 December 1992), p. 93.
[16469] P2508 (Excerpts of the minutes of the 34th session of the Bosnian-Serb Assembly, 27-29 August, 9-10 September, 29-1 October 1993), p. 72.
[16470] P2508 (Excerpts of the minutes of the 34th session of the Bosnian-Serb Assembly, 27-29 August, 9-10 September, 29 September-1 October 1993), p. 67.
[16471] P2508 (Excerpts of the minutes of the 34th session of the Bosnian-Serb Assembly, 27-29 August, 9-10 September, 29 September-1 October 1993), p. 70.
[16472] Defence Final Brief, para. 106.
[16473] Defence Final Brief, paras 106-107.
[16474] Defence Final Brief, paras 106, 816. *See also* Defence Final Brief, para. 817, where the Defence submitted arguments with regard to the status of 'intercept evidence' admitted pursuant to Rule 92 *quater* of the Rules of Procedure and Evidence.

Prosecution through Radulović's statement pursuant to Rule 92 *quater* of the Rules. The Trial Chamber denied admission of the document, considering that it constituted hearsay evidence which would be unduly prejudicial to the Accused without the benefit of cross-examination. The Trial Chamber therefore ordered the redaction of paragraph 133 of Radulović's statement in relation to this exhibit.[16475] However, the Defence subsequently included exhibit P6890 on the list of associated exhibits for witness Neđo Vlaški, and Vlaški commented on it in his statement.[16476] Thus, following Vlaški's testimony, the document was admitted into evidence together with the relevant paragraph of Predrag Radulović's statement.[16477]

4662. With regard to the Defence's arguments concerning the authenticity of the document, the Trial Chamber received evidence from Vlaški and Kijać about the absence of a number, a date, and other indications that the report was genuine. The Trial Chamber notes that it admitted into evidence a number of Miloš Group reports (P3210; P3211; P3212; P3213; P4235; P4237; P4239; P4240; P4241: P4242; P4243; P4244; P4245) which all have a similar template to exhibit P6890 and include the name 'Miloš' at the end of the text. However, unlike exhibit P6890, these other reports contain a date and a number. Furthermore, exhibit P6890 is titled 'Official Note', whereas the other Miloš group reports have no title.

4663. The Trial Chamber notes that although Radulović stated that the report was genuine and that he received his information from 'very reliable sources', he did not provide any further details as to the identity of these sources or their basis of knowledge. He was not available to testify to further shed light on the hearsay evidence contained in the document. The Trial Chamber also notes that there were no other witnesses who could be cross-examined on the content of exhibit P6890, as neither Vlaški nor Kijać had knowledge about the substance of the report.

4664. With respect to the Defence's argument that exhibit P6890 is uncorroborated, particularly as it is not mentioned in Mladić's notebook, the Trial Chamber notes that three sources, including Mladić's notebook, state that Mladić visited Teslić on 30 October 1992. The Trial Chamber further notes that the individuals mentioned in P6890 are the same persons as those whom Mladić recorded meeting on 30 October 1992. In

[16475] The Trial Chamber issued two decisions: one on 20 December 2013 and one on 26 February 2014.
[16476] D735 (Neđo Vlaški, witness statement, 28 June and 23 July 2014), para. 111.
[16477] *See* T. 27833-27834.

addition, Mladić recorded in his notebook that he discussed the conflict in Teslić with military and political representatives in Teslić on 29 October 1992, and that he discussed the conflict with deputies from the Teslić Municipal Assembly in Prijedor on 31 October 1992.[16478] Mladić also noted on 31 October 1992 that there was hesitation by the Teslić SJB to 'liberate the territory' and that 'the army requested to start doing it', which corresponds to the hesitation expressed by the 'management of the SJB' as expressed in exhibit P6890. However, although the abovementioned evidence indicates that on 30 October 1992, Mladić attended a meeting in Teslić with the individuals listed in exhibit P6890, it does not corroborate the content of the document with regard to the statements allegedly made by Mladić at the meeting. In particular, there is no evidence to corroborate the assertion that Mladić and Lisica encouraged the SJB to carry out ethnic cleansing in Teslić Municipality 'as soon as and as efficiently as possible' or that Mladić 'allegedly, advised some members of the Serbian Army and the SDS to set on fire and kill Muslims and Croats wherever they could, that they would not be held responsible in any way and that he could issue them with a written guarantee for that'.

4665. Thus, in light of the highly inculpatory nature of the alleged statements described in the report, the lack of corroborating evidence, and the impossibility of cross-examination with regard to the document's content, the Trial Chamber considers that exhibit P6890 is not reliable. As such, the Trial Chamber finds that it cannot rely on exhibit P6890 alone to establish the words spoken by Mladić, and will therefore not further consider the uncorroborated hearsay evidence contained in this document in its assessment of the Accused's state of mind.

4666. *Mladić's other statements and orders with regard to Bosnian Muslims and Bosnian Croats.* In chapter 9.3.2, the Trial Chamber found that on 9 June and 16 July 1992, Mladić ordered all the VRS Corps to immediately send Bosnian-Muslim and Bosnian-Croat officers on leave, and instructed that only Muslim and Croat officers who had proven themselves in combat and were willing to sign an oath declaring their acceptance of Bosnian-Serb Republic citizenship could remain in the VRS.

4667. The Trial Chamber received evidence that Mladić used discriminatory terms to refer to Bosnian Muslims and Bosnian Croats in orders and directives, as well as in private conversations. At a meeting held on 10 October 1992, Mladić referred to Bosnian Muslims as 'Turks', and the Croat armed forces as '*Ustaša'* who 'want[ed] to

[16478] P356 (Mladić notebook, 5 October - 27 December 1992), pp. 85-91.

introduce Germany in the East'.[16479] Mladić stated that the '[Bosnian-Serb] [p]eople's blood compels us to avenge them' and that '[t]he border was written in human blood, and marked with human heads'.[16480]

4668. In a report of the VRS Main Staff in September 1992, Mladić described the Croat forces as '*Ustaša* forces' and '*Ustaša* units'.[16481] He described the goals of 'those who were breaking up Yugoslavia' as being to 'defeat and destroy the Serbian people in the former Bosnia-Herzegovina and make them citizens of a lower order'.[16482] Mladić described the goals of the Bosnian-Serb leadership as 'the struggle to preserve Serbdom and create a state of our own in our ancestral land', as the attacks of '*Ustaša* formations' threatened Bosnian Serbs with 'extinction'.[16483]

4669. In a recorded telephone conversation between Mladić and several VRS privates, Mladić referred to the enemy as '*Ustašas*' and 'Turks'.[16484] Mladić instructed his men, 'off you go to the truck and against the *Ustašas*! That's where you should show your strength!'[16485] He continued by telling them to 'carry out your task' and to 'hit the Turks while there are still some left!', to which a VRS soldier then said 'As soon as we see them'.[16486] Mladić responded 'No, no, you go so that they see you, mate. You go to them and then sneak up to them and shoot them down.' [16487] During the conversation, Mladić also told a VRS soldier 'if you are who you say you are […] you killed or captured fewer *Ustašas* than I did, and had a much easier time of it than I did.'[16488]

4670. The Trial Chamber also received evidence on Mladić's threats to attack Bosnian-Muslim and Bosnian-Croat civilians. In an intercepted conversation on 23 May 1992, Mladić told Fikret Abdić that he was 'here for peace', but threatened reprisal attacks if his demands were not met and stated that he would 'order the shelling of entire Bihać […] and it will burn too'.[16489] Mladić warned Abdić that '[t]he whole of Bosnia will burn if I start to 'speak''.[16490] Mladić then threatened that the Bosnian leadership, which

[16479] P1967 (Minutes of meeting held at SRK Command, 10 November 1992), p. 24.
[16480] P1967 (Minutes of meeting held at SRK Command, 10 November 1992), p. 26.
[16481] P1966 (VRS Main Staff Report of Ratko Mladić, 1 September 1992). *See e.g.*, pp. 3, 5.
[16482] P1966 (VRS Main Staff Report of Ratko Mladić, 1 September 1992), p. 2.
[16483] P1966 (VRS Main Staff Report of Ratko Mladić, 1 September 1992), p. 3.
[16484] P1971 (Clip of VHS video tape marked Mladić no. 2, from 02:34:32 to 02:38:17), pp. 1-6.
[16485] P1971 (Clip of VHS video tape marked Mladić no. 2, from 02:34:32 to 02:38:17), p. 5.
[16486] P1971 (Clip of VHS video tape marked Mladić no. 2, from 02:34:32 to 02:38:17), p. 5.
[16487] P1971 (Clip of VHS video tape marked Mladić no. 2, from 02:34:32 to 02:38:17), p. 6.
[16488] P1971 (Clip of VHS video tape marked Mladić no. 2, from 02:34:32 to 02:38:17), p. 4.
[16489] P2750 (Intercepted conversation between Mladić and Fikret Abdić, 23 May 1992), pp. 3-6.
[16490] P2750 (Intercepted conversation between Mladić and Fikret Abdić, 23 May 1992), p. 5

included Abdić, caused 'all of this' and stated that if his demands to Abdić were not met, he would 'not leave Sarajevo alone as long as anyone's breathing in it'.[16491]

4671. According to an intercept dated 5 August 1992, Mladić had warned the UNPROFOR Commander General Nambiar that he would use heavy artillery weapons if the HVO and Bosnia-Herzegovina TO forces did not cease combat activities in Central Bosnia.[16492] Mladić stated that he would most likely aim the heavy artillery weapons at densely populated areas.[16493]

4672. **Witness RM-019** testified that in late July or early August 1993, he saw Mladić at Mount Igman.[16494] On this occasion, the witness heard somebody from the opposing forces on the radio address Mladić by name.[16495] Then, the voice of somebody screaming for help was heard on the radio and another voice stated 'This is one of your *Chetniks'*.[16496] The witness had the impression that somebody was torturing a Serb soldier.[16497] Mladić cursed and replied 'Don't forget that I have Žepa and Srebrenica which are full of people' and then cut off the line.[16498]

4673. On 26 July 1995, at the UN Checkpoint in Bokšanica, Mladić boarded several buses of Muslim refugees, including women and children, to tell them that they would be transported to Kladanj.[16499] Mladić warned people in at least two of these buses that those of military age should not go to the front again as there would be 'no more forgiveness'. Mladić told both groups that he was giving them their lives as a gift. He told one elderly passenger that he could have lived there and no one would have touched them if only his people had not touched Serb lives.[16500]

4674. On 27 July 1995, Mladić had a meeting with General Smith at Bokšanica Mountain. Mladić recorded in his notebook that an agreement was reached with representatives of the Muslim population on the surrender of weapons and able-bodied

[16491] P2750 (Intercepted conversation between Mladić and Fikret Abdić, 23 May 1992), p. 5.
[16492] P2244 (Intercept, 5 August 1992), p. 1.
[16493] P2244 (Intercept, 5 August 1992), p. 1.
[16494] Witness RM-019, T. 5696, 5720, 5726-5727.
[16495] Witness RM-019, T. 5697, 5721, 5723-5724.
[16496] Witness RM-019, T. 5697, 5720-5721.
[16497] Witness RM-019, T. 5697.
[16498] Witness RM-019, T. 5697, 5721.
[16499] P1147 (Updated Srebrenica Trial video with Transcript), pp. 110, 113-114.
[16500] P1147 (Updated Srebrenica Trial video with Transcript), p. 114.

men aged 18-55 to the VRS. Mladić then wrote 'Žepa is free – it will never be Turkish again' and initialled his notebook on this page.[16501]

4675. In a recorded conversation dated 15 November 1995 between Mladić and Karadžić, Mladić said 'So, we went slowly to capture these valleys and clean up that Turkish rubble'. Mladić added that he was afraid 'the guys from down there' would allow the refugees – whom he described as 'Turks' and Croats – to return, stating this was why they 'should see what we need to do and how to do it'. In another recorded conversation between Mladić and Karadžić on the same day, Mladić stated that he had earlier said to Professor Koljević, 'fuck the Turks in Žepa, in Srebrenica, in Goražde.'[16502]

4676. *Mladić's role in peace negotiations.* On 30 August 1992, Mladić informed UNPROFOR Command of the VRS's willingness to exchange all war prisoners and disband all detention camps on a reciprocal basis as a gesture of goodwill for peace.[16503]

4677. The Trial Chamber recalls its review of an order by Mladić to observe the ceasefire agreement, reviewed in chapter 9.3.3, and notes that on 16 May 1993, Mladić ordered all Corps Commands, along with the Air Force and Anti-Aircraft Defence, to ensure strict observance of the agreement on ceasefire and cessation of hostilities signed on 8 May 1993 between Mladić and the ABiH Commander, General Sefer Halilović. Mladić further ordered them to prevent any unauthorized firing, and to respond to enemy fire only if absolutely necessary.

4678. According to an UNPROFOR code cable, during a meeting between the US Secretary of Defence and UNPROFOR representatives on 22 July 1994, General Rose mentioned that Mladić seemed to recognize the need for peace but required time to convince the army and the people.[16504] He also mentioned that Slobodan Milošević retained some influence over Mladić.[16505]

4679. During an intercepted conversation from 1994, Mladić and Karadžić discussed attacks on Bihać. Mladić stated that '[w]e fired two Maverick rockets on Bihać today,'

[16501] P345 (Mladić notebook, 27 January - 5 September 1995), p. 239.
[16502] P1979 (Clip of 15 November 1995 from Dictaphone cassette 7 of 7 labelled 'Complete cassettes of conversations from 09.11.96 to 30.11.96', from 01:26:11 to 01:27:15), p. 1.
[16503] D1504 (Cable to UNPROFOR Command, 30 August 1992).
[16504] D1509 (UNPROFOR code cable on UNPROFOR discussion with US Secretary of Defence, 22 July 1994), pp. 1, 3.
[16505] D1509 (UNPROFOR code cable on UNPROFOR discussion with US Secretary of Defence, 22 July 1994), p. 3.

and confirmed that these rockets were air-to-surface missiles.[16506] Mladić further stated that 'we fired on barracks. The effects are fantastic.'[16507] Later on, Mladić said 'I ordered full mobility of all systems in the event that they charge at us, we'll knock down everybody indiscriminately. We'll retaliate against all UNPROFOR targets in the territory of Republika Srpska and within range'.[16508] During the same conversation, Mladic and Karadžić also discussed attacks on Izetbegović and the company securing him. Mladić stated '[w]e set the Presidency on fire' to which Karadžić responded 'I'll get […] the information. There are many, they say /unintelligible/ civilians there, many more than five. They say five.'[16509]

4680. A statement was issued by the VRS Main Staff on 27 November 1994 seeking the opinion of Karadžić on an announcement made by Mladić in support of a preliminary cessation of hostilities agreement.[16510]

4681. On 13 February 1995, Mladić sent a protest to the UNPROFOR Command concerning a Muslim offensive in the direction of Ripač, Skočaj, and Medudražje, south of Bihać, which he stated undermined the peace process.[16511]

4682. Mladić, accompanied by Generals Tolimir and Đukić, met with the UNPROFOR Force Commander De la Presle and General Janvier in Jahorina on 24 February 1995.[16512] At this meeting, Mladić insisted that peace was his goal and that the international community was being misled in its opinion of the Serbs.[16513]

4683. On 13 March 1995, UNPROFOR, Karadžić, Mladić, Krajišnik, and Koljević held a meeting at the Sarajevo airport to discuss various aspects of the implementation of the Cessation of Hostilities Agreement.[16514] As it became evident that the difficulties with the implementation were essentially political, the Bosnian-Serb leadership agreed

[16506] P1972 (Four conversations from a 1994 audio recording from Dictaphone cassette labelled 'Mica-Kola'), p. 16.
[16507] P1972 (Four conversations from a 1994 audio recording from Dictaphone cassette labelled 'Mica-Kola'), p. 16.
[16508] P1972 (Four conversations from a 1994 audio recording from Dictaphone cassette labelled 'Mica-Kola'), p. 16.
[16509] P1972 (Clip of 1994 audio recording from Dictaphone cassette labelled 'Mica-Kola'), p. 17.
[16510] D1505 (Main Staff Statement to Karadžić for his opinion, 27 November 1994).
[16511] D1501 (Protest from Mladić to UNPROFOR Command, 13 February 1995).
[16512] D1506 (Internal UNPROFOR memorandum, 26 February 1995), p. 1.
[16513] D1506 (Internal UNPROFOR memorandum, 26 February 1995), p. 2.
[16514] P2050 (Cable code from UNPROFOR to Annan on meetings with Bosnian-Serb officials, 14 March 1995), para. 1.

to convene another meeting at the Sarajevo airport on 15 March 1995 to address these problems with political representatives of both sides.[16515]

4684. **Milovan Milutinović** testified that after the war, under Mladić's direct leadership, information and propaganda activities were aimed at the strict implementation of the Military Annex to the Dayton Peace Agreement.[16516] According to the witness, Mladić made an exceptional contribution to the Annex's implementation.[16517]

The Trial Chamber's findings

4685. Based on the foregoing, in particular (i) the Accused's position as Commander of the VRS Main Staff; (ii) the VRS Main Staff's receipt of detailed reports; (iii) the Accused's personal receipt of regular updates, including meetings and phone calls; (iv) the Accused's involvement in the units' activities; and (v) the fact that the commission of crimes was widely acknowledged, reported on by international media outlets, and commented on by the UN, the Trial Chamber finds that the Accused knew that the crimes of persecution, murder, extermination, deportation, and inhumane acts (forcible transfer) were committed against Bosnian Muslims and Bosnian Croats in the Municipalities, including in detention facilities. The Accused significantly contributed to the Overarching JCE, as further detailed in chapter 9.3.12, with awareness of all of these crimes.

4686. The Trial Chamber further finds that the Accused's statements and conduct, in particular (i) his repeated use of derogatory terms such as 'Turks', '*balijas*', and '*Ustašas'* to refer to Bosnian Muslims and Bosnian Croats; (ii) his recalling of historical crimes that were allegedly committed against Bosnian Serbs and his references to the threat of 'genocide' against the Bosnian Serbs; (iii) his statements indicating an intention not to respect the laws of war in Croatia in 1991, and his later references to repeating the destruction inflicted during this conflict; and (iv) his expressions of commitment to an ethnically homogenous Bosnian-Serb Republic, even in territories that previously had a large percentage of non-Serb inhabitants; all demonstrate an intent

[16515] P2050 (Cable code from UNPROFOR to Annan on meetings with Bosnian-Serb officials, 14 March 1995), para. 1.
[16516] D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 68.
[16517] D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 68.

for the abovementioned crimes to be committed against Bosnian Muslims and Bosnian Croats on discriminatory grounds.

4687. The Trial Chamber received evidence that the Accused gave orders to the VRS and other subordinated forces to respect the Geneva Conventions. The Trial Chamber further received evidence, both in this chapter and in chapter 9.3.9, that the Accused appeared on various occasions to pursue peaceful solutions to the conflict, and made statements to UNPROFOR members indicating his desire to further the peace process. However, these actions and statements, sometimes providing misinformation, are inconsistent with the Accused's other conduct and are directly contradicted by his other contemporaneous statements. Considering this, and in light of what happened on the ground, the Trial Chamber finds that the Accused's orders to respect the Geneva Conventions, his statements to UNPROFOR personnel, and his involvement in peace negotiations were not indicative of his true state of mind.

4688. Based on all of the foregoing, the Trial Chamber finds that the Accused intended to permanently remove Bosnian Muslims and Bosnian Croats from Bosnian Serb-claimed territory through the commission of the crimes of deportation, inhumane acts (forcible transfer), murder, extermination, and persecution. The Trial Chamber is satisfied that the Accused shared the intent to achieve the common objective of the Overarching JCE through the commission of these crimes, and finds that the Accused held this intent by 12 May 1992 at the latest.

9.4 Second joint criminal enterprise (Sarajevo)

9.4.1 Overview of the charges

4689. The Indictment states that between 12 May 1992 and November 1995, the Accused participated in a JCE to establish and carry out a campaign of sniping and shelling against the civilian population of Sarajevo, the primary purpose of which was to spread terror among the civilian population. The objective of this JCE involved the commission of the crimes of terror, unlawful attacks on civilians, and murder. This JCE existed between April 1992 and November 1995.[16518] The Accused shared the intent for the commission of each of the crimes with other members of the JCE.[16519]

4690. According to the Indictment, the named members of this JCE included, besides the Accused, Radovan Karadžić, Momčilo Krajišnik, Biljana Plavšić, Nikola Koljević, Stanislav Galić, Dragomir Milošević, and Vojislav Šešelj.[16520]

4691. Other members included members of the Bosnian-Serb leadership; republic-level members of Bosnian-Serb political and governmental organs; regional, municipal, and local-level members of Bosnian-Serb political and governmental organs with responsibility in or for the Sarajevo area; commanders, assistant commanders, senior officers, and chiefs of JNA, VRS, TO, and MUP units whose areas of responsibility included the Sarajevo area; and leaders of Serbian and Bosnian-Serb paramilitary forces and volunteer units operating in or with responsibility over the Sarajevo area. Alternatively, some or all of these individuals were not members but were used by members of the JCE to carry out crimes committed in furtherance of its objective.[16521]

4692. Members of the JCE implemented their objective by personally committing crimes and/or through and by using others to carry out crimes committed in furtherance of this objective.[16522] Those used to carry out the crimes were until about 20 May 1992, members of the JNA operating in or with responsibility over the Sarajevo area; members of the VRS, in particular the SRK; and members of other elements of the Serb Forces operating in or with responsibility over the Sarajevo area.[16523]

[16518] Indictment, para. 14.
[16519] Indictment, para. 15.
[16520] Indictment, para. 15.
[16521] Indictment, para. 16.
[16522] Indictment, para. 17.

9.4.2 Existence of and membership in the joint criminal enterprise

4693. The Defence submitted that there was no campaign of sniping and shelling civilians and that the SRK's firing was always of a defensive and proportional nature.[16524] Secondly, it submitted that the Bosnian-Serb leadership made efforts to protect the civilian population, for example by prohibiting forces from firing at civilians, ensuring freedom of movement, and supplying water, electricity, and humanitarian aid.[16525] Thirdly, the Defence submitted that it was the ABiH, not the SRK, which spread terror in Sarajevo in order to receive international attention and assistance.[16526] Lastly, the Defence submitted that the city of Sarajevo itself was a valid military target and can therefore not be seen as an 'undefended city' pursuant to Article 3 (c) of the Statute.[16527] With regard to this submission, the Prosecution responded that it never alleged that Sarajevo was an 'undefended city'.[16528] The Defence replied that the Indictment's references to Article 3 of the Statute in the Sarajevo counts must be understood to refer to Article 3 (c).[16529]

4694. The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to the existence of the JCE.[16530] Moreover, it received evidence from **Michael Rose**, the UNPROFOR Commander from 5 January 1994 to 23 January 1995;[16531] **David Fraser**, a Military Assistant to the UNPROFOR Commander in Sector Sarajevo from 17 April 1994 to 26 May 1995;[16532] as well as documentary evidence, and finds that this evidence is consistent with the Adjudicated Facts.[16533] The Trial Chamber further received evidence from **Witness RM-055**, an UNPROFOR soldier stationed in Sarajevo between 12 May and 28 September 1995;[16534] **Francis Thomas**, the UN Senior Military Observer in Sarajevo between 15 October 1993 and 14 July 1994;[16535]

[16523] Indictment, para. 17.
[16524] Defence Final Brief, paras 1736-1737, 1740, 1745-1763, 1771-1790, 2270-2274, 2778, 2290, 2294, 2314-2319, 2380-2381, 2449. In this regard, the Defence argued that the SRK's firing into Sarajevo had the legitimate aim of definitively ending attacks by the ABiH, *see* Defence Final Brief, para. 1785.
[16525] Defence Final Brief, paras 1741, 1761-1763, 1791-1795, 1800-1840, 2101-2102.
[16526] Defence Final Brief, paras 1849-1871.
[16527] T. 44767.
[16528] T. 44768, 44860-44861.
[16529] T. 44888.
[16530] Some of these Adjudicated Facts are set out in chapter 5.1.1.
[16531] P736 (Michael Rose, witness statement, 26 March 2009), paras 5, 195; Michael Rose, T. 6839.
[16532] P576 (David Fraser, witness statement, 3 December 2012), paras 7, 11.
[16533] **Michael Rose**: P736 (Michael Rose, witness statement, 26 March 2009), para. 200. **David Fraser**: P576 (David Fraser, witness statement, 3 December 2012), paras 80, 82. **Documentary evidence**: P645 (Message to Radovan Karadžić, 2 June 1993).
[16534] P749 (Witness RM-055, witness statement, undated), p. 3.
[16535] P503 (Francis Thomas, witness statement, 15 May 2009), paras 1, 13, 82.

Witness RM-163, an UNPROFOR soldier stationed in Sarajevo in 1993/1994 and a member of the RRF in 1995;[16536] **Milorad Šehovac**, the Chief of Staff of the 1st Posavina Brigade in Brčko between 23 May and 15 August 1992 and the Commander of the SRK 2nd Sarajevo Light Infantry Brigade between 18 August 1992 and mid-September 1995;[16537] **Richard Mole**, the UN Senior Military Observer in Sarajevo from 16 September 1992 to 26 December 1992;[16538] **David Harland**, an UNPROFOR civil affairs officer assigned to Sarajevo as of May 1993;[16539] **Witness RM-115**, a Bosnian Muslim from Sarajevo;[16540] **Witness RM-147**, a member of the VRS from June 1992 onwards;[16541] **Nikola Mijatović,** the Chief of Security of the Ilidža Brigade from the end of May or June 1993 until September 1994 and later its Chief of Staff;[16542] **Predrag Trapara**, Commander of the 5th Company of the 2nd Infantry Battalion of the 1st Sarajevo Mechanised Brigade as of 1992 for the duration of the conflict;[16543] **Slobodan Tuševljak**, the Commander of the 1st platoon of the 4th Infantry Company of the 2nd Infantry Battalion in the 1st Sarajevo Mechanised Brigade;[16544] **Dragan Lalović**, a member of the VRS;[16545] **Ratomir Maksimović**, who served in the SRK Command from 1 April 1993 to 1 September 1994 and from 30 April 1995 to 31 March 1996;[16546] **Mihajlo Vujasin**, Company Commander and Chief of Engineers at the Rajlovac Airforce Base in Sarajevo;[16547] **Witness RM-511**, a member of the SRK;[16548] **Mile Sladoje**, a member of the 1st Battalion of the Ilidža Brigade as of April 1992;[16549] **Vlade Lučić**, a battalion commander in the SRK's 216th Mountain Brigade based at

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[16536] P628 (Witness RM-163, witness statement, undated), paras 4, 6-7, 9-10.
[16537] D559 (Milorad Šehovac, witness statement, 13 May 2014), p. 1, paras 1-2; Milorad Šehovac, T. 24055.
[16538] P421 (Richard Mole, witness statement, 7 May 2010), paras 3-4; Richard Mole, T. 4302.
[16539] P1 (David Harland, witness statement, 4 September 2009), p. 1, para. 5; David Harland, T. 661.
[16540] P102 (Witness RM-115, witness statement 4 November 2008), p. 1, para. 1.
[16541] P107 (Witness RM-147, witness statement, 3 June 2012), p. 1, paras 3-4, 12.
[16542] D468 (Nikola Mijatović, witness statement, 10 May 2014), para. 11; Nikola Mijatović, T. 21445-21446; P6532 (Proofing note for Nikola Mijatović, 21 May 2014), para. 2f.
[16543] D459 (Predrag Trapara, witness statement, 10 May 2014), p. 1, para. 1; Predrag Trapara, T. 21121, 21141-21142.
[16544] D539 (Slobodan Tuševljak, witness statement, 10 May 2014), p. 1, para. 2; D540 (Slobodan Tuševljak, witness statement, 5 November 2012), paras 13, 17; Slobodan Tuševljak, T. 23384-23386, 23389-23390; P6621 (Order on appointments in the 4th Company of the 3rd Battalion), p. 1.
[16545] D498 (Dragan Lalović, witness statement, 26 May 2014) p. 1, paras 6-8, 18-19; Dragan Lalović, T. 21951. Dragan Lalović's evidence is reviewed in chapter 9.3.10.
[16546] D686 (Ratomir Maksimović, witness statement, 15 December 2012), paras 4-5; Ratomir Maksimović, T. 26741, 26800.
[16547] D641 (Mihajlo Vujasin, witness statement, 16 December 2012), para. 1.
[16548] Witness RM-511, T. 4983, 4993, 4996, 5056; P500 (Pseudonym sheet). Witness RM-511's evidence is also reviewed in chapter 9.5.11.
[16549] D453 (Mile Sladoje, witness statement, 10 May 2014), para. 5.

Grbavica, Sarajevo, between 18 May 1992 and the end of January 1993;[16550] **Stojan Džino**, a member of the Rajlovac Brigade as of May 1992 and the Assistant Commander of the 4th Battalion of the 3rd Sarajevo Brigade from early 1994;[16551] **Stevan Veljović**, Assistant Chief of Staff for Operations and Training of the 1st Romanija Brigade from 19 May 1992 until December 1994 and Commander of the 4th Sarajevo Light Infantry Brigade as of early August 1995 until February 1996;[16552] **Milenko Inđić**, a VRS liaison officer for cooperation with international organisations and institutions;[16553] **Vladimir Radojčić**, the commander of the VRS Ilidža Brigade from January 1993 until the end of the war;[16554] **Husein Abdel-Razek**, UNPROFOR Sector Sarajevo Commander from 21 August 1992 to 20 February 1993;[16555] **Milan Babić**, the former President of the RSK;[16556] and **Dušan Škrba**, commander of the mixed artillery battalion of the 1st Sarajevo Mechanised Brigade as of 27 May 1992;[16557] as well as documentary evidence.

4695. The Trial Chamber will first set out evidence and Adjudicated Facts which suggest that there was a JCE to establish and carry out a campaign of sniping and shelling against the civilian population of Sarajevo, the primary purpose of which was to spread terror among the civilian population. In this respect, the Trial Chamber first recalls its factual findings on the alleged crimes committed during the Indictment period and on the general conditions in Sarajevo, as set out in chapter 5. The Trial Chamber also recalls its legal findings regarding the crimes in Sarajevo, as set out in chapter 8, and its general findings on the SRK, as set out in chapter 3.1.2. The Trial Chamber will consider the evidence and Adjudicated Facts related to the existence and membership of the JCE in light of these findings.

[16550] D658 (Vlade Lučić, witness statement, 5 November 2012), paras 3-6, 8-9, 13.
[16551] D643 (Stojan Džino, witness statement, 4 November 2012), paras 3-4; Stojan Džino, T. 25700.
[16552] D532 (Stevan Veljović, witness statement, 19 October 2012), para. 28; D533 (Stevan Veljović, witness statement, 10 May 2014), para. 13; P6610 (Stevan Veljović, *Dragomir Milošević* transcript, 30 May 2007), pp. 5834-5835.
[16553] D614 (Milenko Inđić, witness statement, 31 July 2014), paras 1-2.
[16554] D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 1.
[16555] P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, p. 1, paras 2, 65, supplemental witness statement of 16 July 2002, p. 1; Husein Abdel-Razek, T. 3578.
[16556] P4166 (Milan Babić, *Krajišnik* transcript, 2-7 June 2004), pp. 3325-3326.
[16557] D463 (Dušan Škrba, witness statement, 11 May 2014), para. 7.

Adjudicated Facts and evidence supporting a conclusion that a JCE existed

4696. From 2 or 3 May 1992 and for several weeks onwards, Baščaršija, the centre of old Sarajevo, was set alight; the national and university libraries, the railway station, the post office, many key buildings, and apartment buildings in town were heavily shelled and destroyed.[16558] The above mentioned buildings were scattered all over town, so one could not identify a particular part of town being targeted, except for the buildings themselves, which were symbols of the town and were essential for its functioning, like the post office, the railway stations, the Zetra sports hall, and similar such facilities.[16559] Orders from the Bosnian-Serb chain of command were relayed down the chain of command of the Bosnian-Serb troops positioned around the city of Sarajevo and its surroundings to target civilians or the civilian population of Sarajevo.[16560]

4697. Sarajevo was discussed extensively at the 16th session of the Bosnian-Serb Assembly on 12 May 1992. Karadžić noted that Sarajevo had developed at the expense of Serb areas and was built, for the most part, on 'Serbian' land and with 'Serbian' money. For these reasons, the Serbs would not agree to its exclusion from their state unit in Bosnia-Herzegovina. Furthermore, Karadžić noted that the Serbs did not want war in Sarajevo; they wanted the 'Serbian' police to control the 'Serbian' part of the town and the Muslims the Muslim part, and to make a partition of both Sarajevo and the whole of Bosnia-Herzegovina 'without any fighting'. According to Karadžić, the war in Sarajevo had been imposed on the Serbs by criminals.[16561] Karadžić further stated that the Serbs held all municipalities around Sarajevo and were holding their enemies in 'complete encirclement', so that they could not receive military assistance, either in manpower or in weapons.[16562] Trifko Radić noted that the Serbs had cut off and mined the railway line and the motorway so that no one could get into Sarajevo; they would do their best to prevent the enemy from ever getting to Sarajevo from the direction of Zenica.[16563] He also stated that '[their] enemies [...] can pass only dead' through Ilijaš.[16564] Dragan Kalinić noted that 'what Radio and Television did for Alija Izetbegović and Stjepan Kljujić is equivalent to what two divisions can do' and

[16558] Adjudicated Facts III, no. 1713.
[16559] Adjudicated Facts III, no. 1714.
[16560] Adjudicated Facts III, no. 1813.
[16561] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 8.
[16562] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), pp. 1, 8.
[16563] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 16.
[16564] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 15.

therefore proposed that if the TV building and the antennae would not remain on Bosnian-Serb territory, they were to be destroyed. He added that if the Military Hospital were to fall into the hands of the enemy, he would be in favour of the destruction of the Koševo Hospital, so that the enemy would have nowhere to go for medical help.[16565]

4698. The Trial Chamber also considered other documentary evidence (P431, D2022, D2045, D2081, D66, and D2039), which is reviewed in chapters 9.2.4, 9.2.5, 9.5.5 and 9.5.11.

4699. Besides the extensive evidence reviewed in chapter 5, the Trial Chamber received further witness testimonies and documentary evidence about the situation in Sarajevo during the war and statements and actions by Bosnian-Serb political and military leaders. On 14 May 1992, Plavšić told an unidentified female, Radmila, that the shelling was a 'horror' and asked 'do they really have to shell civilian targets?'.[16566] In response, Radmila said 'I cannot tell you anything, I was told not to disclose any information over the phone'.[16567] When Plavšić again questioned whether civilian targets needed to be shelled, Radmila responded 'What is being done, had to be done, that is all I can tell you'.[16568] Earlier in the conversation, Radmila told Plavšić that the reason for the shelling was 'probably' that 'they must retaliate'.[16569]

4700. **Witness RM-115** heard a broadcast on the radio news on 28 May 1992, in which Mladić stated 'Fire at Velešići and at Pofalići. There aren't many Serbian inhabitants there…'.[16570] On 28 May 1992, Mladić ordered Mirko Vukašinović to direct artillery fire at the Velešići and Pofalići neighbourhoods of Sarajevo as 'there is not much Serb population there'.[16571] In particular, he ordered targeting around Dobrovoljačka, Humska, and Đure Đakovića streets and to apply artillery reconnaissance 'so that they

[16565] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 19.
[16566] P2733 (Intercepted conversation between Plavšić and 'Radmila', 14 May 1992), pp. 1-2.
[16567] P2733 (Intercepted conversation between Plavšić and 'Radmila', 14 May 1992), p. 2.
[16568] P2733 (Intercepted conversation between Plavšić and 'Radmila', 14 May 1992), p. 2. Based on the content of the intercept, as well as exhibit P2766, the Trial Chamber is satisfied that 'Radmila' was affiliated with the Bosnian-Serb leadership.
[16569] P2733 (Intercepted conversation between Plavšić and 'Radmila', 14 May 1992), p. 1.
[16570] P102 (Witness RM-115, witness statement 4 November 2008), para. 4; P105 (Recording and partial transcript of media broadcast of intercepted conversations during bombardment of Sarajevo by VRS forces 28-29 May 1992), pp. 1, 7; Witness RM-115, T. 1659. *See also* P111 (Intercepted telephone conversation of 28 May 1992). The Trial Chamber understands this to be the recording broadcast on the radio. *See also* P330 (Intercepts of Mladić and his subordinates concerning shelling in Sarajevo), pp. 3-4. *See also* P107 (Witness RM-147, witness statement, 3 June 2012), para. 76.
[16571] P111 (Intercepted telephone conversation of 28 May 1992). The Trial Chamber understands this to be the recording broadcast on the radio. *See also* P105 (Recording and partial transcript of media

cannot sleep, that we roll out their minds/as written: drive them crazy/'.[16572] **Witness RM-511** testified that Mladić ordered the shelling of Velešići and Pofalići, two neighbourhoods in Sarajevo, and that the civilians in these neighbourhoods be harassed throughout the night so they could not rest.[16573] On the night of the recording, **Witness RM-147** heard shells exploding all over town, sometimes simultaneously in different areas. Some shells were fired from VRS positions above Grbavica.[16574] There were a lot of snipers in Grbavica and sniping went on constantly.[16575] Members of platoons guarding sniper positions received orders, which they followed, not to leave their positions at any time and to shoot at anything that moved without distinction.[16576] According to the witness, the snipers on Ozrenska Street stated that they targeted civilians and soldiers alike at the transversal roads that were running roughly from the north to the south across the width of the city and which could clearly be seen from their positions.[16577] The snipers also said that they targeted persons at intersections despite there being containers or barriers which were set up for protection.[16578]

4701. On 28 June 1992, General MacKenzie called Nikola Koljević, who promptly started the conversation by saying that he had 'checked the shelling' and had been informed by Mladić that several shells had been fired at Lukavica but that no shelling had been fired by the VRS.[16579] MacKenzie then asked Koljević whether the tanks would leave Sarajevo airport, since they were part of the agreement on the concentration of heavy weapons which was to take place the following day at 2 p.m. Koljević responded that he had to check whether the tanks would indeed leave, but assumed that they would leave at the same time as 'the soldiers'.[16580]

4702. **Richard Mole** recalled one occasion when he asked a VRS local commander about his firing into the city and received the answer that he was only 'warming the

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broadcast of intercepted conversations during bombardment of Sarajevo by VRS forces 28-29 May 1992), pp. 6-7; P330 (Intercepts of Mladić and his subordinates concerning shelling in Sarajevo), pp. 3-4.

[16572] P111 (Intercepted telephone conversation of 28 May 1992). *See also* P105 (Recording and partial transcript of media broadcast of intercepted conversations during bombardment of Sarajevo by VRS forces 28-29 May 1992), pp. 6-7; P330 (Intercepts of Mladić and his subordinates concerning shelling in Sarajevo), pp. 3-4.

[16573] Witness RM-511, T. 5049-5054.

[16574] P107 (Witness RM-147, witness statement, 3 June 2012), para. 77.

[16575] P107 (Witness RM-147, witness statement, 3 June 2012), para. 41.

[16576] P107 (Witness RM-147, witness statement, 3 June 2012), paras 41, 62; Witness RM-147, T. 1739.

[16577] P107 (Witness RM-147, witness statement, 3 June 2012), para. 46; Witness RM-147, T. 1688, 1697-1698.

[16578] P107 (Witness RM-147, witness statement, 3 June 2012), paras 46, 49, 51, Appendix E; P110 (Photograph); P121 (Map marked by witness); P122 (Map marked by witness).

[16579] P2771 (Intercept of Koljević and MacKenzie, 28 June 1992), p. 1.

barrels'.[16581] However, shortly after these shots, the firing stopped.[16582] On another occasion, after three rounds were fired into the city, Mole received the answer that the three rounds were 'one for each finger of the Serb salute'.[16583] According to Mole, the firing hit civilian areas and was random.[16584]

4703. According to a VRS Main Staff document of 31 May 1993 concerning the situation in the SRK area of responsibility, activities of 'sabotage-terrorists groups' should be used in order to achieve:

> a constant negative effect on the morale of the Muslim forces and population, that they have a sense of fear and constant insecurity from the activities of our forces. Through tactical acts and our propaganda activity, it is necessary to develop in them a feeling that their fate depends on the [VRS].[16585]

4704. **David Harland** testified that Karadžić told him on one occasion that it would not be politically useful to try to force Sarajevo to surrender. Karadžić told Harland '[y]ou know, we could destroy the [Butmir] tunnel, but we're going to let the Muslims breathe'.[16586] At a meeting between Karadžić, Krajišnik, and UNPROFOR held on 15 October 1993, Karadžić stated that the Serb shelling of civilian areas in Sarajevo was the action of 'rogue individuals' and that he would take further action to curb it if the Muslim side would do the same.[16587] He also stated that he had given orders for shelling and sniping to stop.[16588] According to Harland, during negotiations the Serbs did not even really hide that sniping of civilians in downtown Sarajevo was one of the means by which they sought to assert pressure on the Bosnian government.[16589] In the spring of 1995, following a failed attempt by the ABiH to break the siege, Serb military interlocutors indicated to UNPROFOR that they were going to increase their sniping and shelling as a punishment for this attempt.[16590]

[16580] P2771 (Intercept of Koljević and MacKenzie, 28 June 1992), p. 2.
[16581] P421 (Richard Mole, witness statement, 7 May 2010), paras 80, 82.
[16582] P421 (Richard Mole, witness statement, 7 May 2010), para. 80.
[16583] P421 (Richard Mole, witness statement, 7 May 2010), paras 80, 82.
[16584] P421 (Richard Mole, witness statement, 7 May 2010), para. 82.
[16585] P4517 (Conclusions from the assessment of the situation in the SRK area, 31 May 1993), p. 9.
[16586] P1 (David Harland, witness statement, 4 September 2009), para. 41.
[16587] P1 (David Harland, witness statement, 4 September 2009), paras 60-61; David Harland, T. 682-683.
[16588] P1 (David Harland, witness statement, 4 September 2009), para. 61; P7 (UNPROFOR cable on meeting with Karadžić, 15 October 1993), p. 1.
[16589] David Harland, T. 698, 706-707.
[16590] David Harland, T. 706-707.

4705. When **Rose** visited the Sarajevo suburb of Dobrinja on 21 February 1994, he asked one of the VRS soldiers whether he had ever opened fire at children.[16591] The soldier said that although he had not seen any children, he would certainly shoot them, as they would grow up to be Muslims and it was better to 'kill them now'.[16592] **David Fraser** testified that by the time he arrived in Sarajevo in April 1994, the city had already been under siege for about two years.[16593] Based on the reports received and his personal observations, Fraser was of the opinion that although Sarajevo could not have been taken without significant casualties, the objective of the VRS was not to take over the city, but to keep the pressure on.[16594] Trams were the favourite target of the Bosnian-Serb snipers because of the psychological impact these attacks had on the civilian population in the city.[16595] On several occasions, General Rose spoke to Mladić about the sniping, and although Mladić denied having targeted civilians, the situation would improve after such meetings.[16596] **Mole** testified that Galić told him several times that Sarajevo would be shelled if a certain event did not materialise according to the Serbs' wishes.[16597] According to an UNPROFOR report dated 25 September 1994, a UN liaison officer in Lukavica was told that the VRS did not consider Sarajevo to be the most problematic area, but used it as a means of asserting pressure due to the presence of the media.[16598]

4706. A video recorded on 15 August 1994 reflects the following conversation:

> Mladić: On this road, but I fucked them. I led them there, made a /?mask/, and then we cleaned up the barricades here with chain saws, this all had been blocked. And then we brought tanks here. And kicked the hell out of the Turks.
>
> Lešić: Kicked the hell out of them?
>
> Mladić: And whenever I come by Sarajevo, I kill someone in passing. That's why the traffic for Sarajevo was disrupted. /*unintelligible*/ snipers. I go, kick the hell out of the Turks, who gives a fuck for them! /*laughter*/ Somehow I and my have to ... I don't know whether you kill that kind over there in Canada and America, you ought to kill these

[16591] P736 (Michael Rose, witness statement, 26 March 2009), paras 51-52.
[16592] P736 (Michael Rose, witness statement, 26 March 2009), para. 52.
[16593] P576 (David Fraser, witness statement, 3 December 2012), para. 27.
[16594] P576 (David Fraser, witness statement, 3 December 2012), para. 40.
[16595] P576 (David Fraser, witness statement, 3 December 2012), para. 66; David Fraser, T. 5870-5871.
[16596] P576 (David Fraser, witness statement, 3 December 2012), paras 83, 141.
[16597] P421 (Richard Mole, witness statement, 7 May 2010), paras 92, 94, 96; Richard Mole, T. 4324.
[16598] P629 (UNPROFOR message, 25 September 1994), p. 2.

> Ustaša there, and those who support them and ours as well who collaborate with them.[16599]

Mladić further stated:

> Here is the village of Plane, it used to be Turkish. Now we will go towards it. You film this freely, you know. Let our Serbs see what we have done to them, how we took care of the Turks. In Podrinje we thrashed the Turks. If the Americans and English, the Ukrainians and Canadians in Srebrenica, in the meantime it's the Dutch, would not protect them, they would have disappeared from this area long ago. […] See what a village they got. Look there /*destroyed houses come up on the screen*/. Should I slow down a bit so you can film them? […] Film it. Look what a house this Turk motherfucker had! This is a Turkish house. […] This was a Turkish house. The one over there was Turkish and that one, all of them.[16600]

4707. At a meeting with General Smith, Mladić commented on the frequent sniping incidents in Sarajevo in early March 1995 and stated that the increase in sniping was a response to Serb casualties suffered in military offences launched by the Bosnian government.[16601] In an intercept of a telephone conversation between Mladić and Tolimir, Mladić indicated that if any harm should come to VRS soldiers, then Sarajevo would be 'gone'.[16602] In a directive of the VRS Main Staff dated 22 July 1992, Mladić indicated that the use of artillery was strictly banned save in cases of self-defence.[16603] The witness confirmed that this was the actual position of Mladić and the VRS Main Staff.[16604] In an intercepted telephone conversation between Mladić and Gutović on 28 March 1995, Mladić told Gutović, '[w]henever you see a Turk, take aim at him, and send him off to the al-akhira'.[16605]

[16599] P1974 (Video clip of 15 August 1994 on VHS tape labelled '1/2 tape TV Pale, Karadžickosi, Koljevic, Mladic- vojska ½ my tape', from 00:49:26 to 01:00:05), p. 1.
[16600] P1974 (Video clip of 15 August 1994 on VHS tape labelled '1/2 tape TV Pale, Karadžickosi, Koljevic, Mladic- vojska ½ my tape', from 00:49:26 to 01:00:05), p. 2.
[16601] P876 (Political assessment of Bosnia-Herzegovina for 5-11 March 1995, 11 March 1995), para. 9. *See also* Rupert Smith, T. 7297; P787 (Notes re Smith-Mladić meeting in Jahorina, 6 March 1995), p. 3.
[16602] Witness RM-511, T. 5043-5045; P1596 (Comment chart of Witness RM-511 on intercepts he reviewed), p. 3; P1601 (Intercepted telephone conversation among General Mladić, Colonel Zdravko Tolimir, and Jerko Doko, and the audio thereof), p. 2.
[16603] Witness RM-511, T. 5126-5127; D99 (VRS Main Staff Directive No. 02/5-72 entitled 'Future Activities of the Army of the BiH Republic of Sprska' and type-signed by Ratko Mladić, 22 July 1992), p. 2.
[16604] Witness RM-511, T. 5126-5127; D99 (VRS Main Staff Directive No. 02/5-72 dated 22 July 1992, entitled 'Future Activities of the Army of the BiH Republic of Sprska' and type-signed by Ratko Mladić), p. 2.
[16605] P1596 (Comment chart of Witness RM-511 on intercepts he reviewed), p. 7; P1609 (Intercepted telephone conversation between Gutović and Mladić, 22 May 1992), p. 3.

4708. According to an UNMO report of 15 March 1995, UNMOs met with Captain Mile, the commander of the 3rd Battalion of the 1st Romanija Brigade, who expressed anger at ABiH activity and said that the ceasefire agreement would not be respected within his area of responsibility if this continued.[16606] Captain Mile was overheard telling his subordinate commander to go back to his position and inform his troops to fire on anything that moved – soldiers or civilians.[16607] According to information from soldiers on the confrontation line, the ceasefire agreement no longer existed in their area of responsibility, and they would no longer only shoot at armed soldiers but also at anybody who moved, including women and children.[16608] The soldiers also threatened to fire at UNPROFOR in that area 'if this is what it takes to stop the sniping activity'.[16609]

4709. **Witness RM-055** testified that when UNPROFOR protested the SRK shelling of UNPROFOR positions, civilian goods, and people in the city of Sarajevo on 18 May 1995, Inđić said 'we will not stop until we have retaken the *debelo brdo* elevation'.[16610] According to an order by Dragomir Milošević to several units of the SRK dated 21 July 1995, the subordinated units were to attack or show-attack Sarajevo on 22 July 1995 as a reaction to difficulties other units in Mount Treskavica and on the Trnovo axis had encountered and in order to 'reduce pressure, tie down forces, and trick the enemy'.[16611] **Rose** testified that the Serbs explained that as they did not have the same level of infantry available as the ABiH, shelling was their method of responding to attacks by the ABiH.[16612]

4710. Between September 1992 and August 1994, the objective the SRK pursued was to make every inhabitant of Sarajevo feel that nobody was sheltered from the shooting.[16613] The shooting was not aimed at military objectives but rather to increase the helplessness of the population.[16614] The attacks on civilians had no discernible

[16606] P7809 (UNMO patrol report Sarajevo, 15 March 1995), pp. 1-2.
[16607] P7809 (UNMO patrol report Sarajevo, 15 March 1995), p. 2.
[16608] P7810 (UNMO patrol report Sarajevo, 16 March 1995). *See also* P503 (Francis Thomas, witness statement, 15 May 2009), para. 120 (p. 41).
[16609] P7810 (UNMO patrol report Sarajevo, 16 March 1995). *See also* P503 (Francis Thomas, witness statement, 15 May 2009), para. 120 (p. 41). The Trial Chamber understands 'sniping activity' to refer to sniping from the ABiH-side.
[16610] P749 (Witness RM-055, witness statement, undated), p. 8.
[16611] P6513 (Order by Dragomir Milošević to attack Sarajevo, 21 July 1995).
[16612] P736 (Michael Rose, witness statement, 26 March 2009), paras 200-201.
[16613] Adjudicated Facts III, no. 2053.
[16614] Adjudicated Facts III, no. 2054.

significance in military terms.[16615] Not only was Stanislav Galić (the SRK commander from 10 September 1992 until 10 August 1994, as found in chapter 3.1.2) informed personally about both sniping and shelling activity attributed to SRK forces against civilians in Sarajevo, but his subordinates were conversant with such activity.[16616]

4711. Dragomir Milošević (SRK commander from 10 August 1994 until November 1995, as found in chapter 3.1.2) was in command and control of his troops, who carried out this campaign of sniping and shelling.[16617] The campaign of sniping and shelling civilians in Sarajevo was already in place when Milošević took over the SRK Command from Galić.[16618] There was a pattern of shelling and sniping contemplated and implemented by Milošević during his tenure as Commander of the SRK.[16619] Milošević received protest letters from UNPROFOR about crimes committed by SRK troops.[16620] The monthly reports of the military prosecutor's office for Sarajevo did not contain any information about criminal proceedings against SRK members on war crimes.[16621] Disciplinary proceedings against SRK soldiers were conducted and disciplinary measures taken in matters other than violations of international humanitarian law.[16622] The shelling that involved modified air bombs and mortars fired by the SRK in Sarajevo from 10 August 1994 through 21 November 1995 could only occur pursuant to Dragomir Milošević's orders.[16623]

4712. **Husein Abdel-Razek** testified that he met Plavšić approximately five or six times during his time in Sarajevo, where she would represent Karadžić.[16624] He regularly dealt with Serb military commanders, but at all meetings, senior Bosnian-Serb political figures, such as Plavšić, Karadžić, Koljević, or Krajišnik, were present and the Serb military commanders would defer to them.[16625] Because Plavšić was always present, the witness felt he could not freely talk with the military commanders.[16626] At his first meeting with Plavšić and the Serb leadership at the Lukavica Barracks, the witness met Tomislav Šipčić, Galić's predecessor. He met Galić at his second meeting

[16615] Adjudicated Facts III, no. 2056.
[16616] Adjudicated Facts III, nos 1809-1810.
[16617] Adjudicated Facts III, no. 1866.
[16618] Adjudicated Facts III, no. 1868.
[16619] Adjudicated Facts III, no. 1869.
[16620] Adjudicated Facts III, nos 1855-1856.
[16621] Adjudicated Facts III, no. 1857.
[16622] Adjudicated Facts III, no. 1859.
[16623] Adjudicated Facts III, no. 1841.
[16624] P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, para. 22.
[16625] P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, paras 24, 26.

with the Bosnian-Serb leadership.[16627] The witness met Galić approximately every ten to 15 days in order to solve problems, usually at the Lukavica Barracks.[16628] According to the witness, Galić was aware of everything within his area of responsibility, controlled everything on the ground level in the Sarajevo sector, and was much respected and feared by his men.[16629] The witness repeatedly met with the civilian and military Bosnian-Serb leadership, including Mladić, Galić, Karadžić, and Plavšić, to discuss ceasefire violations; the continuous sniping and at times indiscriminate shelling of Sarajevo; the targeting of civilians, hospitals, funerals, trams, waterlines, and the market place; the shelling of the UN headquarters and other UN facilities; challenges concerning humanitarian matters such as the provision of fuel, the lack of freedom of movement, and the existence of checkpoints and blockades, including the blockades of UN and humanitarian convoys; and the assassination of Hskija Turajlić.[16630] Other UN officials also raised these issues in meetings with Karadžić, Koljević, and Galić.[16631] At meetings with the witness, Galić, Plavšić, and other Serb leaders would deny responsibility for shelling and sniping incidents and they often claimed that it was the Bosnian side who wanted to get sympathy from the world.[16632] They would also justify Serb shelling as retaliation for alleged Bosnian acts.[16633] The witness recalled that at such meetings many promises were made, but that the situation on the ground never changed.[16634] Later on, after meeting with the witness, Galić acknowledged that shelling had come from the Serb side and that it was in retaliation. Galić denied targeting civilians, but admitted to shelling and shooting civilians at the airfield.[16635] When the witness discussed the issue of Serbs targeting UN soldiers, Galić had first denied this, but then admitted that it happened.[16636]

[16626] P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, para. 40.
[16627] P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, para. 71.
[16628] P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, para. 72.
[16629] P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, paras 38, 119.
[16630] P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, paras 38, 73, 75, 79, 82-84, 86-87, 93, 100, 108, 110-112, 116-117, 121, 140; Husein Abdel-Razek, T. 3592-3593, 3595-3596, 3658-3659.
[16631] P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, paras 106, 113.
[16632] P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, pp. 13, 15, paras 86, 100, 103-105, 127.
[16633] P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, paras 100, 103-105, 127, 138.
[16634] Hussein Abdel-Razek, T. 3593-3595.
[16635] P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, para. 103.
[16636] P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, paras 103-104, 117, supplemental witness statement of 16 July 2002, p. 5.

4713. **Milan Babić** stated that Šešelj's concept of Greater Serbia – a homogenous Serbia – was his political platform.[16637] While similar to that advocated for by Milošević, the witness testified that Šešelj's notion was not quite the same and more specific.[16638] Šešelj had identified the borders of greater Serbia and wanted to remove non-Serbs from its borders.[16639] The witness concluded based on his words, deeds, and conduct that Šešelj had a hostile attitude towards the non-Serb population.[16640]

Evidence suggesting that there was no JCE

4714. The Trial Chamber also received evidence suggesting that there was no objective to attack civilians in Sarajevo. This evidence consists primarily of orders and instructions from the Bosnian-Serb military leadership and evidence by VRS officers and soldiers active in Sarajevo during the war.

4715. **Vladimir Radojčić** testified that when conducting combat operations, the Ilidža Brigade did not view its actions as part of a systematic or widespread attack on civilians; it was not the objective of the Ilidža Brigade to open fire on civilians, to make their living conditions more difficult, or to prevent them from leaving or entering Sarajevo. According to the witness, it was the Muslim authorities who did not permit civilians to leave and who controlled the living conditions.[16641] The witness never received oral or written orders from his superior command to attack public transport vehicles, such as trams or busses, in the Muslim-controlled part of Sarajevo. Accordingly, he never issued oral or written orders for these sorts of attacks.[16642] Orders from the superior command specified that fire could be opened only on identified military targets. According to the witness, fire was not even returned until permission was received from superior command.[16643] The witness personally issued oral and written orders stating that firing on civilians was forbidden, which he confirmed was in line with the position of the SRK and the VRS Main Staff.[16644]

[16637] P4166 (Milan Babić, *Krajišnik* transcript, 2-7 June 2004), pp. 3393-3394.
[16638] P4166 (Milan Babić, *Krajišnik* transcript, 2-7 June 2004), p. 3393.
[16639] P4166 (Milan Babić, *Krajišnik* transcript, 2-7 June 2004), pp. 3393-3394.
[16640] P4166 (Milan Babić, *Krajišnik* transcript, 2-7 June 2004), p. 3394.
[16641] D535 (Vladimir Radojčić, witness statement, 11 May 2014), paras 10, 25, 50.
[16642] D535 (Vladimir Radojčić, witness statement, 11 May 2014), paras 26-27.
[16643] D535 (Vladimir Radojčić, witness statement, 11 May 2014), paras 28-29.
[16644] D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 30. *See also* D463 (Dušan Škrba, witness statement, 11 May 2014), para. 20; D453 (Mile Sladoje, witness statement, 10 May 2014), paras 15, 18, 20; Mile Sladoje, T. 21100, 21103-21104.

4716. The SRK and Ilidža Brigade executed primarily defensive actions; they only went on the offensive in the Corps's area of responsibility in the initial stages of the war in order to improve tactical positions.[16645] The SRK and VRS Main Staff strategy in Sarajevo was twofold: (i) to utilise 'decisive defence' to preserve 'Serbian' settlements by preventing the ABiH from capturing settlements with a Serb majority such as Vogošća, Ilijaš, Hadžići, Lukavica, and Ilidža; and (ii) to block the main force of the ABiH 1st Corps in the city and to prevent them from manoeuvring and being used on other fronts.[16646] Blocking the main force of the ABiH created a military advantage for the Serb side because if the ABiH 1st Corps was able to break out of the city it would have had a major effect on the other fronts.[16647]

4717. The Ilidža brigade command took precautionary measures in order to (i) avoid opening fire at civilian buildings located in the ABiH 1st Corps zone of responsibility; and (ii) reduce collateral civilian causalities by not opening fire on targets if it knew that this would cause needless civilian causalities.[16648] For example, in 1995 the brigade abandoned its intention to capture Butmir because it had information that there were large numbers of civilians in the vicinity and artillery fire would have caused heavy casualties. The operation was suspended on the orders of Mladić. The main and only task of that operation was to push the 104th Brigade back from Butmir across Željeznica River into Hrasnica.[16649] The ABiH command posts were located in civilian buildings.[16650] The brigade would often warn the UN that the ABiH was using civilian buildings for military operations. The witness did not receive any information in return from the UN and did not notice that the reports had any effect.[16651]

4718. On 12 June 1993, SRK Deputy Commander Colonel Dragan Marčetić issued a warning to all commands of the SRK brigades and the Rear Command Post on the continued opening of fire on Sarajevo using large calibre weapons, by battalion commanders in particular, despite several standing orders and warnings from the SRK

[16645] D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 9. *See also* D559 (Milorad Šehovac, witness statement, 13 May 2014), para. 6; D560 (Corrections to witness statement, 10 July 2014), para. 3; D463 (Dušan Škrba, witness statement, 11 May 2014), para. 9; D453 (Mile Sladoje, witness statement, 10 May 2014), paras 15, 18, 20; Mile Sladoje, T. 21100, 21103-21104; D532 (Stevan Veljović, witness statement, 19 October 2012), paras 15, 22, 24; D534 (Regular combat report, 13 September 1992).
[16646] D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 7.
[16647] D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 8.
[16648] D535 (Vladimir Radojčić, witness statement, 11 May 2014), paras 23, 34.
[16649] D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 35.
[16650] D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 31.

Commander to the contrary. Marčetić noted the common desire 'to liquidate as many of the *poturica* as possible' was not worth the cost of the political consequences generated by isolated sniping and shelling on Sarajevo, which had minimal effects.[16652] Furthermore, Marčetić warned that conserving ammunition represented 'task number one' as the sources of provisions were drying up and ammunition could not be obtained.[16653] Fire was to be opened only on clearly visible objectives and only in cases of extreme necessity and when ordered and approved by authorized officers. Commanders were further instructed to hold insubordinate or negligent officers accountable for their actions and to submit reports enabling the initiation of criminal proceedings against them.[16654]

4719. The Ilidža Brigade received brochures from the superior command explaining the provisions of international humanitarian law, which were distributed to subordinate units. The witness's predecessors had already distributed instructions on adherence to the Geneva Conventions before the witness took over the brigade command.[16655] **Nikola Mijatović** testified that the Ilidža Brigade was constantly warned by the VRS commander and from the SRK command to adhere to the Geneva Conventions.[16656]

4720. **Milorad Šehovac** testified that the ultimate objective of the Serb authorities regarding Sarajevo was to hold on to a part of the city.[16657] As far as the witness knew, efforts were made to enable the flow of electricity, gas, and water to civilians in Sarajevo and according to him the position of higher commands was to provide normal living conditions for all Serbs, Muslims, and Croats in the territory.[16658] The Serb side, moreover, did not deny civilians freedom of movement to and from the city.[16659] According to the witness, his unit avoided opening fire on civilian facilities in Sarajevo and did not fire on civilians, which was ensured through OPs.[16660] There was never any intention of creating psychological effects on civilians nor was there a Serb policy of

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[16651] D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 33.
[16652] P4424 (SRK Command order, signed by Dragan Marčetić, 12 June 1993), p. 1.
[16653] P4424 (SRK Command order, signed by Dragan Marčetić, 12 June 1993), p. 1. *See also* P6617 (SRK command order, 19 April 1995), p. 2.
[16654] P4424 (SRK Command order, signed by Dragan Marčetić, 12 June 1993), p. 1.
[16655] D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 15.
[16656] Nikola Mijatović, T. 21477, 21517. *See also* D532 (Stevan Veljović, witness statement, 19 October 2012), paras 15, 20.
[16657] D559 (Milorad Šehovac, witness statement, 13 May 2014), para. 8.
[16658] D559 (Milorad Šehovac, witness statement, 13 May 2014), paras 41-42.
[16659] D559 (Milorad Šehovac, witness statement, 13 May 2014), para. 42.
[16660] D559 (Milorad Šehovac, witness statement, 13 May 2014), paras 7, 22-26, 28, 68; Milorad Šehovac, T. 24033, 24036, 24106.

persecution.[16661] The witness took active measures to reduce collateral civilian casualties through direct reconnaissance during combat operations and when firing on military targets.[16662] He also issued verbal and written orders to his subordinates, ordering them to use extreme caution in choosing their targets and to carefully choose sniping positions to avoid negative repercussions on civilians, especially children.[16663] According to the witness, the superior commands or civilian authorities had ordered his brigade that, if Muslim civilians were to come under fire in Sarajevo, an investigation was to be carried out and the perpetrators were to be punished, however there were no such cases.[16664] According to the witness, Mladić never ordered him to issue orders that were viewed as either criminal or illegal.[16665]

4721. **Vlade Lučić** testified that he never received any orders from either higher command or civilian authorities to carry out attacks on civilians in the Muslim part of Sarajevo.[16666] The witness did receive orders that the humanitarian aid convoys were not to be hindered in any way.[16667] According to the witness, the Supreme Command and civilian authorities both permitted and enabled the free movement of civilians towards and out of the city.[16668]

4722. **Ratomir Maksimović** testified that brigade commanders were ordered not to open fire on civilian features, as the SRK had no intention to cause civilian casualties or to terrorize civilians, which would have been detrimental to the SRK.[16669] The SRK neither received nor issued orders to attack civilians or means of public transport.[16670] Combat operations and fire were 'directed selectively and only against military targets'.[16671] The 'higher commands or civilian authorities' issued orders to respond to fire by targeting the positions from which the fire came.[16672] When the SRK Command learned that an exchange of fire caused civilian casualties, it 'reacted energetically by

[16661] D559 (Milorad Šehovac, witness statement, 13 May 2014), paras 24, 49; Milorad Šehovac, T. 24097.
[16662] D559 (Milorad Šehovac, witness statement, 13 May 2014), para. 28.
[16663] D559 (Milorad Šehovac, witness statement, 13 May 2014), paras 28, 65; Milorad Šehovac, T. 24044.
[16664] D559 (Milorad Šehovac, witness statement, 13 May 2014), para. 29.
[16665] Milorad Šehovac, T. 24106.
[16666] D658 (Vlade Lučić, witness statement, 5 November 2012), para. 18. *See also* D643 (Stojan Džino, witness statement, 4 November 2012) paras 49-51; D459 (Predrag Trapara, witness statement, 10 May 2014), paras 13, 15.
[16667] Vlade Lučić, T. 26274.
[16668] D658 (Vlade Lučić, witness statement, 5 November 2012), para. 28.
[16669] D686 (Ratomir Maksimović, witness statement, 15 December 2012), paras 21-23.
[16670] D686 (Ratomir Maksimović, witness statement, 15 December 2012), paras 27-28.
[16671] D686 (Ratomir Maksimović, witness statement, 15 December 2012), para. 50.
[16672] D686 (Ratomir Maksimović, witness statement, 15 December 2012), para. 29.

saying that civilian casualties had to be avoided at any cost'.[16673] Whenever the SRK Command found out about possible civilian casualties, it suspended fire.[16674]

4723. The Trial Chamber also received evidence in the form of orders and statements by the Bosnian-Serb political and military leadership. For example, on 14 May 1993, Mladić ordered unhindered passage for personnel providing aid intended for the civilian population 'of the opposing side', and the observance in all respects of the Geneva Conventions and other provisions of international law of war.[16675]

4724. In a cable addressed to Akashi, Vieira de Mello reported on a 3 January 1994 meeting with Karadžić during which he discussed the issue of disproportionate retaliation to small levels of firing from the area controlled by the ABiH in Sarajevo.[16676] Karadžić acknowledged that Serb retaliation was 'inappropriate' and counter-productive and informed that he would discuss the matter with Galić.[16677]

4725. In an order to VRS troops of 6 November 1994, Mladić stated that he had been informed that the leadership of the local Serb authorities in Sarajevo had met with the SRK Commander and had adopted a decision to blockade UNPROFOR, capture heavy weapons under UNPROFOR control, and use these weapons to fire at civilian targets in the city of Sarajevo.[16678] He went on to say that such decisions could have far-reaching negative effects on the Serb people and that these combat operations were being planned without his knowledge. Mladić then issued an order (a) forbidding the seizure of heavy weapons under UNPROFOR control without his specific order and approval; (b) forbidding the planning and carrying out of any offensive combat operations without the approval of the VRS Main Staff or the implementation of operations planned without the agreement and approval of the VRS Main Staff; and (c) forbidding firing from large calibre weapons at civilian targets in Sarajevo without his approval.[16679]

4726. In a public letter to Janvier dated 4 September 1995, Mladić asked why Janvier had not informed the public about the role of the Muslim side in staging the Markale II

[16673] D686 (Ratomir Maksimović, witness statement, 15 December 2012), para. 26.
[16674] D686 (Ratomir Maksimović, witness statement, 15 December 2012), para. 33.
[16675] D726 (Mladić's order to all the brigades, the Skelani Independent Battalion and the Višegrad Tactical Group on the passage of humanitarian aid, 14 May 1993).
[16676] P7534 (Cable from Vieira de Mello to Akashi concerning a meeting with Radovan Karadžić, 4 January 1994), p. 3.
[16677] P7534 (Cable from Vieira de Mello to Akashi concerning a meeting with Radovan Karadžić, 4 January 1994), p. 3.
[16678] P812 (Mladić order, 6 November 1994), p. 1; P813 (Implementation order of Mladić order, 7 November 1994).

incident.[16680] Mladić assured Janvier that the city of Sarajevo was under no threat from the VRS and gave firm guarantees that the VRS would only carry out combat operations in self-defence.[16681]

4727. According to **Witness RM-163**, VRS representatives occasionally justified firing on Sarajevo by saying that their forces had been attacked elsewhere.[16682] On one occasion, the VRS announced that shelling of the inner city was a consequence of the ABiH breaking through the lines surrounding the city.[16683]

4728. **Milenko Inđić** testified that a large number of convoys with food and medicines, organised by humanitarian organisations and NGOs, entered Sarajevo *via* Serb-controlled territory without any problems.[16684] The witness testified in more general terms that there was a VRS order to approve the passage of humanitarian convoys.[16685]

4729. On 8 September 1992, Karadžić, as the President of the Bosnian-Serb Presidency, sent a telegram to the presidents of all municipalities in the Bosnian-Serb Republic reminding them that they were personally responsible for what happened within their municipalities.[16686] According to the telegram, civilians should not be kept in prisons and collection centres against their will, and must be able to reach the territory they wished to go to safely when seeking refuge from war operations.[16687] The same applied to sick enemy soldiers who upon release would not rejoin the enemy forces and for whom there was no conclusive evidence that they had committed crimes.[16688] Karadžić also informed the presidents that it was their duty to inform the Bosnian-Serb Presidency about the existence of prisons and collection centres in their

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[16679] P812 (Mladić order, 6 November 1994), p. 2.
[16680] D150 (Mladić letter to Janvier, 4 September 1995), p. 2.
[16681] D150 (Mladić letter to Janvier, 4 September 1995), p. 4.
[16682] Witness RM-163, T. 6255-6256, 6277.
[16683] P628 (Witness RM-163, witness statement, undated), para. 33.
[16684] D614 (Milenko Inđić, witness statement, 31 July 2014), para. 15.
[16685] Milenko Inđić, T. 25203.
[16686] D2081 (Telegram from Radovan Karadžić to presidents of all municipalities in the Bosnian-Serb Republic, 8 September 1992).
[16687] D2081 (Telegram from Radovan Karadžić to presidents of all municipalities in the Bosnian-Serb Republic, 8 September 1992).
[16688] D2081 (Telegram from Radovan Karadžić to presidents of all municipalities in the Bosnian-Serb Republic, 8 September 1992).

territories.[16689] Further, prison guards were obliged to accommodate the ICRC and the UNHCR.[16690]

4730. On 11 March 1993, Karadžić, in order to maintain a ceasefire, issued a directive to the VRS headquarters wherein he set out several instructions.[16691] The VRS were to enable the undisturbed passage and protection of mail, equipment, and personnel who rendered assistance to the civilian population of the opposing side.[16692] Any misuse, for military purposes, of food supplies, crops, plumbing, and drinking water reservoirs, and water dams was prohibited.[16693]

4731. According to **Slobodan Tuševljak**, on one occasion in Vrace in late May 1992, Mladić emphasised that civilians could not be targeted at any cost.[16694] In addition, superior commands instructed soldiers merely to open fire on defensive grounds and only towards the enemy forces.[16695] Tuševljak's platoon was careful not to target any civilian objects in the zone where the units of the ABiH and the VRS units were fighting against each other.[16696]

4732. **Mihajlo Vujasin** testified that, after the JNA withdrew to the FRY, Mladić organised a meeting in Lukavica in which he ordered the representatives of all brigades to abide by the laws of war in their interaction with civilians and UN members.[16697]

9.4.3 The Trial Chamber's findings

4733. The Trial Chamber considers that the Defence's arguments in relation to the existence of the JCE are unmeritorious. Specifically, in relation to the Defence's argument about Sarajevo as an 'undefended city', the Trial Chamber considers that the Defence's submission is based on the assumption that the Indictment's mentioning of Article 3 of the Statute must be understood as a reference to Article 3 (c). However, the Indictment does not refer to Article 3 (c), the list of violations of the laws or customs of

[16689] D2081 (Telegram from Radovan Karadžić to presidents of all municipalities in the Bosnian-Serb Republic, 8 September 1992).
[16690] D2081 (Telegram from Radovan Karadžić to presidents of all municipalities in the Bosnian-Serb Republic, 8 September 1992).
[16691] D2039 (Karadžić order regarding VRS actions during ceasefire, 11 March 1993).
[16692] D2039 (Karadžić order regarding VRS actions during ceasefire, 11 March 1993).
[16693] D2039 (Karadžić order regarding VRS actions during ceasefire, 11 March 1993).
[16694] D539 (Slobodan Tuševljak, witness statement, 5 November 2012), para. 28.
[16695] D539 (Slobodan Tuševljak, witness statement, 5 November 2012), paras 20-21.
[16696] D539 (Slobodan Tuševljak, witness statement, 5 November 2012), para. 19.

war in Article 3 of the Statute is explicitly non-exhaustive, and the language used in the Indictment in respect of Counts 9 and 10 mirrors that of Article 51 of Additional Protocol I to the Geneva Conventions, and not that of Article 59 of the protocol which refers to non-defended localities.

4734. Exhibit D726 indicates that on 14 May 1993 Mladić ordered observance in all respects of the Geneva Conventions and other provisions of international law. Similar orders were given by Karadžić in June and July 1992 and in March 1993. The Trial Chamber recalls that Adjudicated Facts numbers 2053, 2054, 2056, 1813, 1866, 1868, and 1869 state that civilians were to be specifically targeted. While Mladić and Karadžić's orders do not necessarily contradict these Adjudicated Facts, the underlying premise of ordering observance with the law is so diametrically opposed to the Adjudicated Facts that the Trial Chamber considers that in this specific situation this evidence contradicts the Adjudicated Facts. Further, there are no indications that would negatively affect the reliability of exhibits D726, D2022, D2039, D2045, or D2081 when looking at the documents alone. Under these circumstances, the Trial Chamber finds that these exhibits are sufficiently reliable to rebut the above-mentioned Adjudicated Facts and will accordingly make its determinations on the basis of the evidence before it.

4735. The Trial Chamber notes that the evidence before it in relation to the existence of the JCE points in different directions. On the one hand, the Trial Chamber received evidence indicating that civilians were fired at for strategic reasons or indiscriminately. Other evidence indicates that Bosnian-Serb officials, in communications with internationals as well as with their own forces, emphasised that civilians had nothing to fear and were not to be targeted.

4736. With regard to evidence of Bosnian-Serb officials' statements to international organizations, for example Karadžić's assurances that shelling and sniping would stop[16698] or Mladić's assurances that the city of Sarajevo was under no threat from the VRS[16699], the Trial Chamber considered this evidence in light of Mladić's uncontested proposal of dealing with the international public at the 16th Session of the Bosnian-Serb Assembly on 12 May 1992, namely to mislead the public about the truth and guard what

[16697] D641 (Mihajlo Vujasin, witness statement, 16 December 2012), para. 21; Mihajlo Vujasin, T. 25581-25584.
[16698] *See* P7 and P7534.
[16699] *See* D150.

they were doing as their deepest secret.[16700] Accordingly, the Trial Chamber considers that the statements of Bosnian-Serb officials to international organizations cannot serve as a reliable basis for determining their true state of mind.

4737. Some of the evidence received may indicate that the leadership was genuinely concerned with the well-being of civilians. For example, on 6 November 1994 Mladić prohibited the firing at civilian targets without his approval.[16701] On 13 July 1992, Mladić ordered that firing upon Sarajevo was only to take place in self-defence. Shooting without an order would be considered a crime and be prosecuted.[16702] On 12 June 1993, Marčetić ordered that fire was to be opened only in cases of extreme necessity and only if approved by authorized officers.[16703] In all of these instances though, the language of the orders demonstrates that Mladić's and Marčetić's motivation for the orders did not lie with the well-being of the civilian population but with insubordination or wasting of ammunition. Accordingly, the Trial Chamber finds that these orders do not assist in determining the true state of mind of the Bosnian-Serb leadership vis-à-vis the question of whether terror should be spread among the civilian population through a campaign of sniping and shelling.

4738. The Trial Chamber received evidence from witnesses that there were standing orders not to target civilians in Sarajevo. The Trial Chamber notes that these witnesses were members of the SRK, each of whom had a personal interest with regard to the question of whether the SRK was involved in a sniping and shelling campaign against civilians in Sarajevo. Accordingly, the Trial Chamber treated their evidence with caution.

4739. The evidence pointing towards the existence of the JCE came from a wide range of different sources: from international witnesses, but also insider witnesses (Witness RM-147, Mile Sladoje, and Witness RM-511), and documentary evidence (exhibits P6513, P876, P431, and P4517), as further detailed above. More importantly, the Trial Chamber considered its findings in relation to the general conditions in Sarajevo in chapter 5.1.1, its factual and legal findings in relation to the Sarajevo crimes of terror, unlawful attacks, and murder in chapters 5 and 8, and its findings in relation to the structure and command and control of the SRK in chapter 3.1.2. Although there were a

[16700] *See* P431 as further set out in chapters 9.2.4 and 9.5.5.
[16701] *See* P812. *See also* P7552 set out in chapter 5.3.11 in relation to the incident of 27 May 1992.
[16702] *See* D66.
[16703] *See* P4424.

few orders not to target civilians,[16704] in light of the totality of the evidence and its previous findings, the Trial Chamber is convinced that such orders did not demonstrate a genuine concern for the rule of law and accordingly a reliable factor for determining the true state of mind of the Bosnian-Serb leadership. The Trial Chamber also observes that such orders not to target civilians were not adhered to and the leadership did not take measures to enforce such orders. Rather, the Trial Chamber finds that such orders provided mere lip-service in order to support assertions made to the international community and/or to keep up the appearance of a leadership obeying the law. This is also supported by Mladić's statement at the 16th Session of the Bosnian-Serb Assembly on 12 May 1992 that 'Serbian people' would need to know how to read between the lines.[16705]

4740. Based on the foregoing, including the Trial Chamber's findings regarding crimes and their perpetrators in Sarajevo, the Trial Chamber finds that between 12 May 1992 and November 1995, there existed a JCE with the primary purpose of spreading terror among the civilian population through a campaign of sniping and shelling. In this respect, the Trial Chamber considered that the policy of the Bosnian-Serb leadership with regard to Sarajevo was outlined at the 16th Session of the Bosnian-Serb Assembly on 12 May 1992. About two days later, as detailed in chapter 5.3.11, the SRK commenced its heavy shelling on Sarajevo, which together with regular and frequent sniping (as set out in detail in chapter 5), continued throughout the Indictment period. The objective of the JCE involved the commission of the crimes of terror, unlawful attacks against civilians, and murder. The infliction of terror among the civilian population was used to gain strategic military advantages and done out of ethnical vengeance. The Trial Chamber finds that for purposes of establishing a plurality of persons, the following participated in the realization of the common criminal objective: members of the Bosnian-Serb military and political leadership, including Karadžić, Galić, Dragomir Milošević, Krajišnik, Plavšić, and Koljević.[16706] In coming to this finding, the Trial Chamber considered the evidence of witnesses with regard to the Bosnian-Serb military and political leadership's frequent communications and uniform positions, expressed at joint meetings with internationals; evidence that the leadership

[16704] *See* D726, D2022, D2039, D2045, or D2081.
[16705] *See* P431 as further set out in chapter 9.2.4.
[16706] The evidence received by the Trial Chamber did not show that Vojislav Šešelj participated in the realization of the common criminal objective.

was informed of crimes on the ground and that the campaign of sniping and shelling continued, largely unabated, over almost four years; as well as its findings on the composition and organisation of political and military institutions, set out in chapter 3. The Trial Chamber will further determine whether Mladić was a member of this JCE in chapter 9.5. SRK units, subordinate to at least Galić, Dragomir Milošević, and Karadžić, committed the crimes in Sarajevo in furtherance of the JCE.

9.5 Ratko Mladić's alleged contribution to the second joint criminal enterprise (Sarajevo)

9.5.1 Introduction

4741. According to the Indictment, between 12 May 1992 and November 1995, the Accused participated in a JCE to establish and carry out a campaign of sniping and shelling against the civilian population of Sarajevo, the primary purpose of which was to spread terror among the civilian population.[16707] The Accused is alleged to have significantly contributed to this JCE in one or more of the ways specified in paragraphs 13 and 18 of the Indictment.[16708] The Trial Chamber will deal with the alleged contributions in turn, focusing on those on which it has received evidence and which the parties have addressed in their final briefs and closing arguments. In chapter 9.5.10, it will consider whether the Accused's alleged contribution was significant to the Sarajevo JCE. It will then turn to the *mens rea* of the Accused in chapter 9.5.11.

9.5.2 Participating in the establishment, organisation, and/or maintenance of the VRS

4742. With regard to this alleged contribution, the Trial Chamber recalls its findings in chapter 9.3.2 that from 18 May until 31 May 1992, Mladić sent several requests to the Serbian SSNO Personnel Administration regarding the assignment of named officers to specific VRS corps and brigades, with the purpose of reinforcing units. He also appointed high-ranking officers to the command of, *inter alia,* the Ilidža Light Infantry Brigade of the SRK. The Trial Chamber also recalls its finding that on 4 June 1992, Mladić established the area of responsibility of the SRK. From 18 June 1992 until at least October 1994, Mladić ordered and approved the promotions of a number of VRS officers. He also filled in a questionnaire for the promotion of Galić to the rank of Major General. Mladić graded the performances of high-ranking VRS officers including Dragomir Milošević. In chapter 9.5.10, the Trial Chamber will consider whether Mladić's conduct in this respect, considered together with other acts or omissions, amounts to a significant contribution to the Sarajevo JCE.

[16707] Indictment, para. 14.
[16708] Indictment, paras 13, 18.

9.5.3 Commanding and controlling the VRS

4743. With regard to this alleged contribution, the Defence submitted that Mladić was the single commander presiding over the VRS and that, according to the concept of 'singularity of command', he also formally had control over the SRK.[16709] However, according to the Defence, Mladić was not able to issue orders to any person outside of the VRS and the chain of command in relation to the SRK did not always work effectively.[16710] In particular, the Defence submitted that many orders issued by Mladić were not followed, and officers and soldiers engaged in activities without the consent or knowledge of their superiors.[16711] The Defence argued that Mladić was not always or fully informed of the situation on the ground in Sarajevo in a timely manner; orders from lower level commands were issued without Mladić's knowledge at times; and civilian authorities, including Krajišnik and Karadžić, frequently interfered in SRK matters and sought to control SRK actions.[16712]

4744. The Trial Chamber received evidence from **Manojlo Milovanović**, the Chief of Staff and Deputy Commander of the VRS Main Staff from 1992 to 1996;[16713] **John Wilson**, the chief UNMO for UNPROFOR deployed to Sarajevo from 22 March to 24 June 1992;[16714] **Husein Aly Abdel-Razek**, UNPROFOR Sector Sarajevo Commander from 21 August 1992 to 20 February 1993;[16715] **David Harland**, an UNPROFOR Civil Affairs Officer assigned to Sarajevo as of May 1993;[16716] **Witness RM-163**, an UNPROFOR soldier stationed in Sarajevo in 1993 and 1994 and member of the RRF in;[16717] **Michael Rose**, the UNPROFOR Commander from 5 January 1994 to 23 January

[16709] Defence Final Brief, paras 2447-2448.
[16710] Defence Final Brief, paras 2443, 2447, 2450-2451.
[16711] Defence Final Brief, para. 2450.
[16712] Defence Final Brief, paras 2450-2454. The Defence further argued that the orders issued by Mladić were considered a reflection of his 'personal standpoint' and as such, Mladić's actions and orders were not 'understood to be in furtherance of a campaign of systematic and widespread shelling against the civilian population of Sarajevo'; however the Trial Chamber notes that the Defence does not provide any evidentiary support for it and thus, the Trial Chamber will not consider it further. *See* Defence Final Brief, para. 2440.
[16713] Manojlo Milovanović, T. 16889; P2211 (Signed *Curriculum Vitae* of Manojlo Milovanović), 22 April 2010, pp. 1-2; P2212 (VRS Main Staff Structure - organisation chart, July 1995). Manojlo Milovanović's evidence is also reviewed in chapter 5.1.2.
[16714] P320 (John Wilson, witness statement, 26 March 2009), paras 6-8, 25, 64, 93; John Wilson, T. 3919, 4020. The evidence of John Wilson is also reviewed in chapters 5.1.1 and 5.3.1.
[16715] P293 (Husein Aly Abdel-Razek, witness statements), witness statement of 16 July 2002, p. 1, paras 2, 65, supplemental witness statement of 16 July 2002, p. 1; Husein Aly Abdel-Razek, T. 3578. The evidence of Husein Aly Abdel-Razek is reviewed in chapters 9.3.7 and 9.3.3.
[16716] P1 (David Harland, witness statement, 4 September 2009), p. 1, para. 5; David Harland, T. 661.
[16717] P628 (Witness RM-163, witness statement, undated), paras 4, 6-7, 9-10.

1995;[16718] **Witness RM-511**, a member of the SRK;[16719] **Witness RM-120**, an UNPROFOR soldier stationed in Sarajevo in 1994 and 1995;[16720] **David Fraser**, a military assistant to the UNPROFOR Commander in Sector Sarajevo from 17 April 1994 to 26 May 1995;[16721] **Anthony Banbury**, an UNPROFOR Civil Affairs Officer in Sarajevo between March 1994 and May 1995 and later the assistant to the UN Special Representative of the Secretary-General in Bosnia-Herzegovina;[16722] **Richard Gray**, the Senior Military Observer for UNPROFOR in Sector Sarajevo from 11 June 1992 to 20 September 1992, based in the city since 10 April 1992;[16723] **Mihajlo Vujasin**, Company Commander and Chief of Engineers at the Rajlovac Airforce Base in Sarajevo;[16724] **Milorad Šehovac**, the Chief of Staff of the 1st Posavina Brigade in Brčko between 23 May and 15 August 1992 and the Commander of the SRK 2nd Sarajevo Light Infantry Brigade between 18 August 1992 and mid-September 1995;[16725] **Đorđe Đukić**, the Assistant for Logistics of the VRS Main Staff;[16726] and **Witness RM-183**, a former VRS officer;[16727] as well as documentary evidence.[16728]

Events between 12 -27 May 1992

4745. **Manojlo Milovanović** testified that Mladić was physically present in Sarajevo at Lukavica from about mid-May 1992 to mid- or end of June 1992 while working on establishing the SRK.[16729] The Trial Chamber recalls the evidence of **John Wilson** reviewed in chapter 5.1.1 that on 14 May 1992 heavy fighting broke out throughout Sarajevo, including in the Dobrinja area where the witness resided. On 20 May 1992, Wilson and two other UNMOs met with Mladić and Colonel Čađo, the JNA liaison

[16718] P736 (Michael Rose, witness statement, 26 March 2009), paras 5, 195; Michael Rose, T. 6839. The evidence of Michael Rose is also reviewed in chapter 9.3.3.
[16719] Witness RM-511, T. 4983, 4993, 4996, 5056; P500 (Pseudonym sheet). Witness RM-511's evidence is also reviewed in chapter 9.5.11.
[16720] P807 (Witness RM-120, witness statement, undated), p. 3.
[16721] P576 (David Fraser, witness statement, 3 December 2012), paras 7, 11.
[16722] P874 (Anthony Banbury, witness statement, 19 May 2009), para. 3.
[16723] D1413 (Richard Gray, witness statement, 22 April 2012), paras 2, 4-5; D1423 (Certification of UN medal for service with UNPROFOR – Richard Gray).
[16724] D641 (Mihajlo Vujasin, witness statement, 16 December 2012), para. 1. Mihajlo Vujasin's evidence is reviewed in chapter 9.4.2.
[16725] D559 (Milorad Šehovac, witness statement, 13 May 2014), p. 1, paras 1-2; Milorad Šehovac, T. 24055.
[16726] P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), p. 7. The evidence of Đorđe Đukić is reviewed in chapters 5.1.2.
[16727] P3307 (Witness RM-183, witness statement, 28 to 30 July 2004), p. 5.
[16728] The relevant evidence of P7552 is reviewed in chapter 5.3.11. The relevant evidence of P5035 is reviewed in chapter 9.3.3.

officer to UNPROFOR, at the Lukavica barracks.[16730] They discussed the evacuation of JNA personnel from the three barracks in Sarajevo.[16731] These were the Viktor Bubanj, Jusuf Džonlić, and Maršal Tito barracks.[16732] ABiH forces had surrounded the barracks, placed barricades around them, and in some cases were denying them electricity and water.[16733] The families of JNA members were present in the barracks as well.[16734] Mladić stated that if a peaceful solution could not be found, he would use other means and threatened to destroy half of Sarajevo with his artillery.[16735] At this time, the humanitarian organizations wanted to evacuate a group of around 2,000 women and children, known as the 'children's embassy convoy', from near Ilidža.[16736] According to the witness, the Serb forcesprevented these persons from leaving and used them as a bargaining tool in negotiations with the Presidency.[16737] The witness believed the convoy was being held on Mladić's authority, as he made it clear on a number of occasions that he controlled everything.[16738] On 21 May 1992, pursuant to an agreement with Mladić, the children's embassy convoy was escorted to a safe haven outside Ilidža in return for a delivery of food to the Viktor Bubanj barracks.[16739]

4746. The Trial Chamber received further evidence relating to the evacuation of JNA personnel from the barracks in Sarajevo and Mladić's orders and involvement thereon. On 21 May 1992, in a phone conversation with Captain Tomčić, a member of one of the units located inside one of the barracks, Mladić ordered the units to shoot if they were attacked and instructed him to fire incendiary munitions to burn down the buildings in which 'they'[16740] were hiding.[16741] Mladić said he was waiting to begin negotiations and

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[16729] Manojlo Milovanović, T. 17005.
[16730] P320 (John Wilson, witness statement, 26 March 2009), para. 71; John Wilson, T. 3940, 3956; P321 (Series of UNPROFOR reports on the situation in Sarajevo, 21 May 1992), pp. 4, 7.
[16731] P320 (John Wilson, witness statement, 26 March 2009), para. 71; John Wilson, T. 3940; P321 (Series of UNPROFOR reports on the situation in Sarajevo, 21 May 1992), pp. 4, 7-8.
[16732] John Wilson, T. 3938.
[16733] John Wilson, T. 3939, 4005-4006, 4012-4013.
[16734] John Wilson, T. 4006.
[16735] P320 (John Wilson, witness statement, 26 March 2009), para. 71; John Wilson, T. 3942; P321 (Series of UNPROFOR reports on the situation in Sarajevo, 21 May 1992), pp. 4, 7-8.
[16736] John Wilson, T. 3941; P321 (Series of UNPROFOR reports on the situation in Sarajevo, 21 May 1992), pp. 7-8; P322 (Report on the situation in Sarajevo, Adnan Abdelrazek, 22 May 1992), p. 1.
[16737] John Wilson, T. 3941; P321 (Series of UNPROFOR reports on the situation in Sarajevo, 21 May 1992), pp. 7-8; P322 (Report on the situation in Sarajevo, Adnan Abdelrazek, 22 May 1992), p. 1.
[16738] John Wilson, T. 3945, 4046.
[16739] John Wilson, T. 3942-3942, 3944-3945, 3948, 4047; P322 (Report on the situation in Sarajevo, Adnan Abdelrazek, 22 May 1992), p. 2.
[16740] The Trial Chamber understands 'they' in this context refers to ABiH units.
[16741] P323 (Intercepted telephone conversation between Mladić and Tomčić, 21 May 1992), pp. 1-2.

that he would resolve it in a peaceful way if 'they'[16742] wished.[16743] Mladić then instructed Tomčić to tell his men that Sarajevo was blocked and there was nothing they could do.[16744] Mladić asked if Tomčić had enough snipers with silencers, which he confirmed, and then Mladić advised Tomčić to 'take them down' immediately without letting them get close.[16745] Mladić further instructed him that as soon as he saw a vehicle that did not belong to UNPROFOR, or any other unannounced vehicle, he should take it out immediately.[16746]

4747. On 24 May 1992, in intercepted telephone conversations with Neđo Bošković and Jerko Doko, Defence Minister of the Bosnia-Herzegovina government, Mladić discussed further negotiations about the evacuation of the JNA personnel.[16747] Bošković told Mladić that he had spoken with Izetbegović twice and that Delimustafić had 'messed up the plan' but that the Presidency had made another decision which enabled them to move and that they were just waiting for the moment.[16748] Mladić then spoke to Doko, who was waiting for a call from Izetbegović.[16749] Doko told Mladić that he did not need to provide air support for the convoy.[16750] Mladić said he only cared about the personnel and the equipment and asked him to make sure there would not be any problems.[16751] Mladić told Doko that if he was to make trouble, it would be better to leave the military in the barracks so that he could 'unblock' it on his own, but Doko insisted that there would not be any problems and there would be no need to resolve things by arms.[16752] Mladić emphasized he wanted his men to be evacuated safely and reminded him that he had not ordered a single bullet to be fired at Sarajevo yet, but that

[16742] The Trial Chamber understands 'they' in this context refers to representatives from the Bosnia-Herzegovina Presidency.
[16743] P323 (Intercepted telephone conversation between Mladić and Tomčić, 21 May 1992), p. 2.
[16744] P323 (Intercepted telephone conversation between Mladić and Tomčić, 21 May 1992), p. 2.
[16745] P323 (Intercepted telephone conversation between Mladić and Tomčić, 21 May 1992), p. 3.
[16746] P323 (Intercepted telephone conversation between Mladić and Tomčić, 21 May 1992), p. 4.
[16747] P324 (Intercepted telephone conversation between Gagović, Bošković, Mladić, and Doko, 24 May 1992).
[16748] P324 (Intercepted telephone conversation between Gagović, Bošković, Mladić, and Doko, 24 May 1992), p. 2.
[16749] P324 (Intercepted telephone conversation between Gagović, Bošković, Mladić, and Doko, 24 May 1992), pp. 3-4.
[16750] P324 (Intercepted telephone conversation between Gagović, Bošković, Mladić, and Doko, 24 May 1992), p. 3.
[16751] P324 (Intercepted telephone conversation between Gagović, Bošković, Mladić, and Doko, 24 May 1992), p. 3.
[16752] P324 (Intercepted telephone conversation between Gagović, Bošković, Mladić, and Doko, 24 May 1992), p. 5.

Sarajevo was within the range of his artillery.[16753] Mladić also stated that he 'made fire around Sarajevo cease' and emphasized that he had more artillery pieces around Sarajevo now than there were soldiers there when he arrived.[16754] Mladić said that he would only talk after his barracks, soldiers, arms, and vehicles were evacuated safely.[16755] Doko promised a peaceful evacuation for the convoy, but that he was waiting to speak to Izetbegović.[16756] Mladić responded that he would hold him responsible.[16757]

4748. **Wilson** testified that on 24 May 1992, in the presence of UNMOs, the Viktor Bubanj barracks were evacuated.[16758] There was relative calm in Sarajevo that day but not a total ceasefire.[16759] In an intercepted telephone conversation between Mladić and General Tolimir on that day, Mladić indicated that if any harm should come to VRS soldiers, then Sarajevo would be destroyed.[16760] In another telephone conversation with Doko on 24 May 1992, Mladić threatened that if Doko brought his men into the barracks, he would shell the barracks, as well as the Presidency.[16761]

4749. Also on 24 May 1992, in an intercepted phone conversation, a man told Obrad Popadić, a battalion commander in the Ilidža Brigade at the time, that all their men and equipment of the Victor Bubanj Barracks were successfully relocated, without a single bullet being fired.[16762] The man also confirmed that in accordance with the plan, they were to deal with 'these other barracks'.[16763] Mladić instructed Popadić to inform his people that the men and equipment in the Victor Bubanj barracks had been relocated with no casualties or fire, that they had to keep the situation calm, and that he had to

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[16753] P324 (Intercepted telephone conversation between Gagović, Bošković, Mladić, and Doko, 24 May 1992), pp. 6-7.
[16754] P324 (Intercepted telephone conversation between Gagović, Bošković, Mladić, and Doko, 24 May 1992), pp. 6-7.
[16755] P324 (Intercepted telephone conversation between Gagović, Bošković, Mladić, and Doko, 24 May 1992), p. 7.
[16756] P324 (Intercepted telephone conversation between Gagović, Bošković, Mladić, and Doko, 24 May 1992), pp. 7-8.
[16757] P324 (Intercepted telephone conversation between Gagović, Bošković, Mladić, and Doko, 24 May 1992), p. 8.
[16758] John Wilson, T. 3953, 3955-3956.
[16759] John Wilson, T. 3954.
[16760] Witness RM-511, T. 5043-5045; P1596 (Comment chart of Witness RM-511 on intercepts he reviewed), p. 3; P1601 (Intercepted telephone conversation among General Mladić, Colonel Zdravko Tolimir, and Jerko Doko, and the audio thereof), p. 2.
[16761] P1601 (Intercepted telephone conversation among General Mladić, Colonel Zdravko Tolimir, and Jerko Doko, and the audio thereof), pp. 3-4.
[16762] D75 (Intercepted telephone conversation between Obrad Popadić, an unidentified man, and Mladić, 24 May 1992), p. 1.

prohibit additional shooting.[16764] Mladić emphasized that people who were relocated should be given credit and were not allowed to do things their own way.[16765] Finally, Mladić emphasized that he was in charge of giving orders to open fire and that not everything around them should be destroyed and that Popadić should make sure that 'no man's small children suffer'.[16766]

4750. On 25 May 1992, Mladić instructed a man to report to him if 'they'[16767] started shooting at him.[16768] Mladić said that 'if a single bullet' was fired at him, or at the Jusuf Džonlić or Maršal Tito barracks, or if a single soldier was wounded either at the front or in the barracks, Mladić would retaliate against the town.[16769] Mladić told the man to make sure his soldiers were aware that Sarajevo was 'going to shake' and that more shells would fall on it per second than in the entire war so far.[16770] Mladić emphasized that he had the means to cross the Miljacka River where he wanted and that he had blocked Sarajevo from four corners so the city was trapped and there was no way out.[16771] Mladić then stated that it was not his intention to destroy the town or kill innocent people.[16772] He further stated that '[t]hey should pull out the civilians and if they want to fight, we'll fight', but that it would be better to fight in the mountains than the town.[16773]

4751. **Wilson** testified that on 25 May 1992, he and others met Mladić and Plavšić to discuss the evacuation of JNA personnel from the Sarajevo barracks.[16774] Mladić stated

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[16763] D75 (Intercepted telephone conversation between Obrad Popadić, an unidentified man, and Mladić, 24 May 1992), pp. 1-2.
[16764] D75 (Intercepted telephone conversation between Obrad Popadić, an unidentified man, and Mladić, 24 May 1992), p. 3.
[16765] D75 (Intercepted telephone conversation between Obrad Popadić, an unidentified man, and Mladić, 24 May 1992), p. 3.
[16766] D75 (Intercepted telephone conversation between Obrad Popadić, an unidentified man, and Mladić, 24 May 1992), p. 5.
[16767] The Trial Chamber understands 'they' to refer to ABiH units, based on the context of the conversation.
[16768] P327 (Intercepted telephone conversation between Mladić and an unidentified man, 25 May 1992), p. 1.
[16769] P327 (Intercepted telephone conversation between Mladić and an unidentified man, 25 May 1992), p. 1.
[16770] P327 (Intercepted telephone conversation between Mladić and an unidentified man, 25 May 1992), p. 1.
[16771] P327 (Intercepted telephone conversation between Mladić and an unidentified man, 25 May 1992), p. 2.
[16772] P327 (Intercepted telephone conversation between Mladić and an unidentified man, 25 May 1992), p. 3.
[16773] P327 (Intercepted telephone conversation between Mladić and an unidentified man, 25 May 1992), p. 3.
[16774] P320 (John Wilson, witness statement, 26 March 2009), paras 72-73; John Wilson, T. 3956, 4038; P326 (UNPROFOR record of discussion with Plavšić and Mladić, 25 May 1992), p. 1.

that the evacuation had to be completed in three days, or strong action would be taken against Sarajevo.[16775] The witness interpreted Mladić's words as a threat to engage the city of Sarajevo with heavy artillery fire.[16776] Mladić further stated that an international military intervention would be a catastrophe for Sarajevo, as the city would be levelled if a military option was pursued.[16777] The witness understood this to mean that Mladić would use artillery fire to level the city.[16778] Mladić added, pointing at Wilson's badge, that the UN badge would become the badge of death.[16779] At this meeting, Mladić also stated that he was subordinate to the political leadership of the Bosnian-Serb Republic.[16780] According to the witness, Mladić told him on several occasions that, as a military commander, he was subject to political control.[16781]

4752. On 27 May 1992, Mladić ordered the SRK, the 1KK, the 2KK, the IBK, the HK, the Air Force, and the Anti-Aircraft Defence to have all units ready to open fire after the Green Berets attacked the FRY Army during the evacuation of the Jusuf Džonlić barracks.[16782] Mladić specifically instructed that the units be brought to full combat readiness and to be 'ready to immediately open fire' on the enemy's infrastructure, units, and individuals and to 'open fire independently immediately after an operation, or after uncovering the enemy's intentions to attack'.[16783] He also banned negotiations with the enemy and stated that he would 'personally establish the conditions for any negotiations'.[16784]

4753. **Wilson** testified that on 27 May 1992, from around 6 to 8 p.m., JNA personnel from the Jusuf Džonlić barracks were evacuated.[16785] A convoy of around 150 trucks left the barracks led by Colonel Čađo.[16786] General Bošković, the chief JNA negotiator

[16775] P320 (John Wilson, witness statement, 26 March 2009), paras 72-73; John Wilson, T. 3958, 4039; P326 (UNPROFOR record of discussion with Plavšić and Mladić, 25 May 1992), p. 1.
[16776] P320 (John Wilson, witness statement, 26 March 2009), paras 72-73; John Wilson, T. 3964, 4039.
[16777] John Wilson, T. 3959; P326 (UNPROFOR record of discussion with Plavšić and Mladić, 25 May 1992), p. 1.
[16778] John Wilson, T. 3959.
[16779] John Wilson, T. 3959.
[16780] P320 (John Wilson, witness statement, 26 March 2009), paras 74, 127; John Wilson, T. 4014; P326 (UNPROFOR record of discussion with Plavšić and Mladić, 25 May 1992), p. 2.
[16781] P320 (John Wilson, witness statement, 26 March 2009), paras 134, 136.
[16782] P4359 (VRS Order from Ratko Mladić, 27 May 1992), pp. 1-3.
[16783] P4359 (VRS Order from Ratko Mladić, 27 May 1992), p. 2.
[16784] P4359 (VRS Order from Ratko Mladić, 27 May 1992), p. 2.
[16785] John Wilson, T. 3965-3966; P328 (UNPROFOR report on JNA withdrawal from Jusuf Džonlić barracks, 29 May 1992), pp. 2-5.
[16786] John Wilson, T. 3966; P328 (UNPROFOR report on JNA withdrawal from Jusuf Džonlić barracks, 29 May 1992), pp. 3, 5.

during the evacuations, rode in the last vehicle of the convoy.[16787] Čađo decided to alter the pre-approved route, so as to avoid a possible ambush, and encountered a group of militia-men.[16788] Firing started and one soldier was killed and a number were wounded.[16789] Some vehicles made it out of Sarajevo to Lukavica.[16790] The JNA lost about 30 vehicles, and approximately 30 soldiers were killed the next day.[16791] At a meeting of 28 May 1992, Bošković told the witness that the convoy had been attacked by the Serbian TO and TO.[16792] The witness assessed that during the May 1992 barracks negotiations, Mladić was subordinate to JNA General Panić.[16793] The witness based this assessment on the military courtesies exchanged between the generals, Panić's ability to overturn Mladić's firmly held opinion against the handover of weapons, and because Mladić must have been reporting to Panić because the JNA was still engaged in the Bosnian territory and Mladić was in charge of all forces there.[16794]

Shelling incident of 27 May 1992

4754. The Trial Chamber recalls its finding in chapter 5.3.11 regarding the firing of a shell by a member of the SRK on 27 May 1992. The Trial Chamber further recalls its review of the intercepted phone conversation between Colonel Čađo and Miroslav Gagović on 27 May 1992, admitted into evidence as exhibit P7552, in chapter 5.3.11.

Events on 28-30 May 1992

4755. The Trial Chamber recalls the evidence of Witness RM-511 reviewed in chapter 9.5.11 regarding further details about the lead-up to the attack on Sarajevo of 28-29 May 1992. **Witness RM-511** testified that Mladić personally visited the VRS artillery positions around Sarajevo prior to the attack on the city on 28 May 1992.[16795] The

[16787] John Wilson, T. 3966-3967; P328 (UNPROFOR report on JNA withdrawal from Jusuf Džonlić barracks, 29 May 1992), p. 5.
[16788] John Wilson, T. 3966; P328 (UNPROFOR report on JNA withdrawal from Jusuf Džonlić barracks, 29 May 1992), pp. 2-3, 5.
[16789] John Wilson, T. 3966.
[16790] John Wilson, T. 3966.
[16791] John Wilson, T. 3966; P328 (UNPROFOR report on JNA withdrawal from Jusuf Džonlić barracks, 29 May 1992), pp. 3-4.
[16792] John Wilson, T. 3967; P328 (UNPROFOR report on JNA withdrawal from Jusuf Džonlić barracks, 29 May 1992), p. 3.
[16793] P320 (John Wilson, witness statement, 26 March 2009), para. 131.
[16794] P320 (John Wilson, witness statement, 26 March 2009), para. 131.
[16795] Witness RM-511, T. 4994.

witness testified that Šipčić considered that the Baščaršija area of Sarajevo, a marketplace in the old town, did not contain any military targets, and that on this basis, Šipčić refused to implement Mladić's order to shell that part of the city.[16796] Following Šipčić's refusal to follow the order, Mladić assumed full control of the SRK at the end of May 1992.[16797]

4756. In an intercepted phone conversation on 28 May 1992 Mladić ordered Colonel Vukašinović to '[s]hell Velešići and Baščaršija again from both sides and the Presidency' and to '[f]ire three volleys each everywhere'.[16798]

4757. The Trial Chamber recalls its review of Wilson's evidence on the shelling incident of Sarajevo on 28 May 1992 and meetings he attended with Mladić thereafter on 30 May in chapter 5.3.1.

4758. The Trial Chamber recalls its finding in chapter 5.3.1 that Mladić personally directed the SRK artillery, mortar, and rocket attack on Sarajevo that commenced at 5 p.m. on 28 May 1992 and continued until early the next morning; that Mladić selected targets such as the Presidency, the town hall, police headquarters, and the children's embassy convoy and that Mladić directed the fire away from Serb-populated areas. On 30 May 1992, the UNSG reported that it appeared that Mladić ordered the heavy shelling of Sarajevo in the night of 28 and 29 May 1992.[16799] On 30 May 1992, Mladić agreed to a halt of the shelling of Sarajevo.[16800]

June to November 1992, including Operation Bosna-92

4759. **Wilson** testified that from 2 to 5 June 1992, he and Cedric Thornberry, the UN Chief Civil Affairs Officer, negotiated the demilitarization of Sarajevo and the re-opening of the airport separately with representatives of the Serbs, including Karadžić, Plavšić, Mladić, and later Momčilo Krajišnik, and the Bosnian Muslims, including

[16796] Witness RM-511, T. 5045-5049, 5051-5054; P1596 (Comment chart of Witness RM-511 on intercepts he reviewed), p. 5; P1604 (Intercepted telephone conversation between Ratko Mladić and Colonel Mirko Vukasinović, 28 May 1992 and the audio thereof), pp. 2-3.
[16797] Witness RM-511, T. 5048.
[16798] P105 (Recording and partial transcript of media broadcast of intercepted conversations during bombardment of Sarajevo by VRS forces 28-29 May 1992), p. 6. *See also* P330 (Intercepts of Mladić and his subordinates concerning shelling in Sarajevo), pp. 1-2.
[16799] P2052 (Report of Secretary-General to Security Council, 30 May 1992), p. 3.
[16800] P2052 (Report of Secretary-General to Security Council, 30 May 1992), p. 3.

Ganić and the ABiH commander.[16801] Bosnian-Serb forces controlled the airport and the area around it.[16802] Based on his observations, including of the airport negotiations, the witness opined that Mladić had a comfortable relationship with the Bosnian-Serb civilian leadership and that, while Mladić was a strong personality capable of independent action, he was under the control of the Bosnian-Serb political leadership, including Karadžić.[16803]

4760. On 6 June 1992, Mladić issued Directive No. 1, stating *inter alia* that the VRS 'received the task to use offensive actions with restricted aim in order to improve operationally-tactical position in the wide area of Sarajevo' and ordered the SRK to 'mop up or cleanse parts of Sarajevo' and further to 'mop up or cleanse Mojmilo, Dobrinja, Butmir and Sokolović Kolonija of remaining groups […] [and] de-block the Sarajevo-Trnovo and Pale-Zlatište communication'.[16804] **Witness RM-511** testified that the VRS command structure worked effectively insofar as the SRK was concerned, at least up to 8 June 1992.[16805]

4761. On 9 June 1992, Mladić informed the Bosnian-Serb Government and the 'MNO'[16806] that they needed to conserve resources and reserves to create a main source of supply for the army.[16807] On 10 June 1992, Mladić ordered the 1KK, 2KK, IBK, HK, Air Force, and Anti-Aircraft Defence *inter alia* that ammunition quantities be specified in the planning of combat operations, fire be opened only at defined targets, and that only small amounts of difficult-to-obtain ammunition be used.[16808] He also forbade shooting at features which had not definitely been pinpointed as locations from which fire originated or where the enemy was staying.[16809] On 13 July 1992, Mladić ordered the 1KK, 2KK, SRK, IBK, HK, Command of the Air Force and Anti-Aircraft Defence, as well as the 14th, 27th, 30th, and 35th Logistics Bases to conserve ammunition.[16810] The consumption of ammunition for combat operations was to be regulated, each

[16801] P320 (John Wilson, witness statement, 26 March 2009), paras 15, 84-87; John Wilson, T. 3989, 3997, 4019-4020; P336 (UNPROFOR report on airport meetings in Sarajevo, 3 June 1992), pp. 3-4; P337 (UNPROFOR report on Sarajevo airport talks, 4 June 1992).
[16802] John Wilson, T. 4021.
[16803] P320 (John Wilson, witness statement, 26 March 2009), paras 132-134.
[16804] P474 (Directive for further actions from Ratko Mladić, 6 June 1992), paras 2, 5.
[16805] Witness RM-511, T. 5026-5027.
[16806] The Trial Chamber notes that in the translation of this exhibit, it is noted that 'MNO' likely refers to 'Ministry of National Defence'.
[16807] P4361 (VRS Report from Ratko Mladić, 9 June 1992), pp. 1-2.
[16808] P4360 (VRS Order from Ratko Mladić, 10 June 1992), pp. 1-2.
[16809] P4360 (VRS Order from Ratko Mladić, 10 June 1992), pp. 1-2.
[16810] P4358 (VRS Order from Ratko Mladić, 13 July 1992), pp. 1-2.

soldier was to receive a specified number of bullets, and ammunition quantities were to be reported in regular combat reports.[16811]

4762. In August 1992, Mladić issued Directive No. 3, under the code name 'Bosna - 92', in which he ordered the SRK to keep the positions reached in Sarajevo and to 'tighten the siege of Sarajevo'.[16812] One of the operation's objectives was to 'prevent the breaking of the blockade of Sarajevo and the penetration of '*Ustaša*' forces from Croatia and Central Bosnia towards the corridors in Posavina, Eastern Bosnia and Herzegovina'.[16813] On 17 August 1992, Mladić congratulated the Commander, Major General Živomir Ninković, as well as all members of the Air Force and Anti-Aircraft Defence for their efforts concerning Operation *Bosna-92*. On 23 August 1992, Mladić issued an order instructing the 1KK, the 2KK, the SRK, the HK, along with other units, to carry out 'protection of combat activities' in accordance with Operation *Bosna-92*.[16814]

4763. **Richard Gray** stated that he had meetings in Pale around 18 August 1992 with Karadžić and Mladić to negotiate a weapons collection agreement after Major-General MacKenzie left Bosnia. During these meetings, Karadžić spoke but deferred to Mladić concerning matters of military practicality and realities.[16815]

4764. In September 1992, a report on the state of the morale in the SRK noted that a visit by Mladić had an 'exceptionally favourable' effect on the morale of the corps' units and fighters.[16816] On 1 September 1992, Mladić congratulated the SRK Command, specifically the Ilijaš and Vojkovići Brigades, on their 'heroic conduct and high combat morale'.[16817] He also noted that heavy fighting was still to come until the Muslim-Croat offensive was broken.[16818] On 27 September 1992, Mladić recorded that he held talks with General Morillon in Pale.[16819] General Morillon asked Mladić to lift the blockade on Sarajevo and noted the use of heavy weaponry against civilians there.[16820]

[16811] P4358 (VRS Order from Ratko Mladić, 13 July 1992), p. 1.
[16812] P1963 (VRS Main Staff Directive 3, type-signed by Ratko Mladić, 3 August 1992), p. 5.
[16813] P1963 (VRS Main Staff Directive 3, type-signed by Ratko Mladić, 3 August 1992), p. 3.
[16814] P4480 (VRS Main Staff order signed by Mladić, 23 August 1992).
[16815] D1413 (Richard Gray, witness statement, 22 April 2012), paras 30-32, 34.
[16816] P7399 (Attachments to SRK Command minutes, 15 November 1992), pp. 6-7.
[16817] P4354 (VRS Commendation from Ratko Mladić, 1 September 1992), pp. 1-2.
[16818] P4354 (VRS Commendation from Ratko Mladić, 1 September 1992), p. 2.
[16819] P344 (Mladić notebook, 14 September 1992 - 27 September 1992), p. 25.
[16820] P344 (Mladić notebook, 14 September 1992 - 27 September 1992), pp. 28-29.

4765. On 19 November 1992, Mladić issued Directive No. 4, in which he ordered the SRK to keep Sarajevo under full blockade, tighten the circle around the city and cut off and isolate parts of the city and the surrounding settlements.[16821]

Operation Lukavac-93

4766. On 25 June 1993, Mladić issued Directive No. 5, under the code name 'Lukavac – 93', in which he ordered *inter alia* that the SRK 'prevent the lifting of the siege of Sarajevo, create conditions for taking control of it' and link Herzegovina with the territory of the Bosnian-Serb Republic.[16822] On 26 June 1993, Galić issued an order to implement the *Lukavac 93* operations stating that its aim was to create conditions for the takeover of Sarajevo and to 'prevent the attempt to lift the blockade of Sarajevo by firing on the sectors of the Stari Grad municipality', as well as other sectors of Sarajevo.[16823]

4767. The Trial Chamber recalls its review in chapter 9.3.3 of the directive dated 7 July 1993 admitted as exhibit P5035 in which Mladić ordered the 2nd Romanija Motorised Brigade, and the Zvornik and 1st Birač light infantry brigades, to support the SRK with the *Lukavac-93* Operation.

4768. In an intercepted phone conversation on 31 July 1993, Čelik advised Mladić to cut something off from Bjelašnica and told Mladić they would follow him. Mladić asked if 'the heavy stuff' had arrived but Čelik said that there was a lack of almost everything, including 'the heavy stuff'. Mladić also asked whether Čelik had any problems. Čelik replied that they had problems with ammunition for the heavy weapons and Mladić told them to take it easy.[16824]

Operation Pancir-2

4769. On 11 November 1993, Radovan Karadžić issued Directive No. 6, in which he ordered the VRS to create objective conditions for the achievement of strategic goals

[16821] P1968 (VRS Main Staff Directive 4, type-signed by Ratko Mladić, 19 November 1992), p. 5.
[16822] P2006 (VRS Main Staff operational directive entitled 'Directive for further action, VRS, operative number 5', 25 June 1993), pp. 1-5.
[16823] P6549 (Order from Stanislav Galić concerning the logistics of the Lukavac Operation, 26 June 1993), pp. 3, 7.
[16824] P330 (Intercepts of Mladić and his subordinates concerning shelling in Sarajevo), p. 6.

during offensive operations, including the liberation of Sarajevo, defining the borders of Bosnian-Serb Republic in the Una river basin and on the Neretva river and gaining access to the sea in the Neum, as well as expanding the borders of Bosnian-Serb Republic in its north eastern part and establishing firmer ties with Serbia.[16825] He also ordered the VRS to bring Croatians and Muslims military and political leadership into a situation to sign a truce unconditionally.[16826] Combat actions and operations were to be supported by the Air Force and the Air Defence exclusively by decision of the Supreme Commander and the Commander of the VRS Main Staff.[16827] Moreover, Karadžić ordered the SRK to use the main body of forces to prevent the breaking of the blockade of Sarajevo and to group its forces when it was convenient to improve the operative position in Sarajevo in accordance with the approved decision.[16828] The VRS Main Staff and corps commands were to work out plans of camouflaging for the purpose of misinforming and deceiving the aggressor concerning the activities and intentions of the VRS.[16829] The Command Post of the Supreme Commander was to be in the Pale area and that of the VRS Main Staff in Han Pijesak. The Forward Command Post of the VRS Main Staff was to be located at the command post of the corps where the planned operation was to be conducted. Karadžić further ordered the VRS to organise communications according to the existing work plans and to submit daily reports, reports about the readiness for offensive operations, interim reports when necessary in the event of surprise enemy activities, and summary reports every three days during active combat operations. The decisions of corps commanders were to be submitted to the Commander of the VRS Main Staff for approval seven days before a planned operation.[16830]

4770. On 14 December 1993, pursuant to a supplement to Directive No. 6, Mladić ordered the SRK to commence the planning of Operation *Pancir-2* and prevent an ABiH breakthrough towards Sarajevo from the direction of central Bosnia and Goražde.[16831] One part of the forces was to engage in active combat on a smaller scale

[16825] P4383 (Directive No. 6 from the Supreme Command of the VRS, 11 November 1993), p. 6.
[16826] P4383 (Directive No. 6 from the Supreme Command of the VRS, 11 November 1993), p. 7.
[16827] P4383 (Directive No. 6 from the Supreme Command of the VRS, 11 November 1993), p. 7.
[16828] P4383 (Directive No. 6 from the Supreme Command of the VRS, 11 November 1993), p. 10.
[16829] P4383 (Directive No. 6 from the Supreme Command of the VRS, 11 November 1993), p. 13.
[16830] P4383 (Directive No. 6 from the Supreme Command of the VRS, 11 November 1993), p. 15.
[16831] P4422 (VRS Main Staff order to the SRK Command, signed by Ratko Mladić, 14 December 1993), pp. 1-2.

in the areas of Mt. Trebević, Mojmilo, Vojkovići, and Ilidža.[16832] Another part of the forces was to carry out an attack along the Vogošća-Žuč-Pofalići and Lukavica-Hrasnica axes in order to: break up Muslim forces and inflict as many losses as possible; take control over the Žuč, Orlić, and Hum facilities, as well as Mojmilo, if possible, to allow the uninterrupted work of the *Famos*, *Orao*, and *Pretis f*actories; cut off Muslim communication from Sarajevo to Mt. Igman and central Bosnia; and 'provide conditions for the division of Sarajevo into two (2) parts'.[16833] Mladić informed the SRK that, in order to achieve these objectives, it would receive a number of reinforcements, including from the 1KK, the MUP special forces, and from the VJ.[16834] These forces would be re-subordinated to the SRK Command.[16835] Mladić directed the SRK to be ready to begin the operation on 19 December 1993.[16836]

4771. On 14 January 1994, in a meeting with Karadžić and the SRK commanders, Mladić stated that 'Sarajevo is strategic goal no. 1 and it can be resolved militarily, not politically' and that the goal must be pursued through Operation *Pancir-2*.[16837]

Other orders: 1994-1995

4772. On 9 July 1994, Mladić ordered the 1KK, 2KK, IBK, SRK, HK, DK, and the 89th Rocket Brigade to increase combat readiness.[16838] Specifically, they were to analyse the combat readiness in the corps and 89th Rocket Brigade artillery-rocket units between 20 July and 5 August 1994.[16839] A briefing was to be prepared on the state of combat readiness and preparation of corps artillery organs with the command organs and artillery unit commanders.[16840] **Milorad Šehovac** testified that Mladić frequently

[16832] P4422 (VRS Main Staff order to the SRK Command, signed by Ratko Mladić, 14 December 1993), p. 1.
[16833] P4422 (VRS Main Staff order to the SRK Command, signed by Ratko Mladić, 14 December 1993), p. 1.
[16834] P4422 (VRS Main Staff order to the SRK Command, signed by Ratko Mladić, 14 December 1993), p. 2.
[16835] P4422 (VRS Main Staff order to the SRK Command, signed by Ratko Mladić, 14 December 1993), p. 2.
[16836] P4422 (VRS Main Staff order to the SRK Command, signed by Ratko Mladić, 14 December 1993), p. 1.
[16837] P359 (Mladić notebook, 28 October 1993 - 15 January 1994), pp. 133, 144.
[16838] P4353 (VRS Main Staff Order from Ratko Mladić, 9 July 1994), pp. 1-4.
[16839] P4353 (VRS Main Staff Order from Ratko Mladić, 9 July 1994), p. 1.
[16840] P4353 (VRS Main Staff Order from Ratko Mladić, 9 July 1994), pp. 1-2.

attended meetings in Jahorina where he was briefed on issues concerning the combat-readiness of the SRK.[16841]

4773. In a 4 December 1994 order to the commands of the SRK, the HK, the DK, the Tactical Group Trnovo-Umčani, and the 1st Guards Motorized Brigade, Mladić provided instructions on the continued implementation of Operation *Krivaja-94*, including 'completely liberat[ing]' the Sarajevo-Trnovo-Rogoj road communications.[16842]

4774. On 30 August 1995, Mladić sent a telegram to Momčilo Perišić, Commander of the VJ General Staff, subsequently relayed to Slobodan Milošević, indicating that the VRS was prepared to stop its military action in the sector of Sarajevo if NATO aircraft and the RRF artillery were to put an end to their action against the VRS, except in the event of a direct Bosnian-Muslim or other attack on the Bosnian-Serb positions.[16843]

4775. In a 4 September 1995 meeting in Pale, Mladić informed SRK commanders that Milošević, Koljević, and Krajišnik had attributed responsibility to him and had stated that the VRS must pull artillery out of Sarajevo, which Mladić described as 'absurd'.[16844] Mladić prohibited any 'moving away'.[16845]

4776. On 14 September 1995, Mladić ordered the cessation of all hostilities in safe areas pursuant to the Sarajevo ceasefire agreement reached the same day.[16846] The order prohibited opening any kind of fire on Sarajevo, Tuzla, Bihać, and Goražde as safe areas.[16847] Corps commanders were ordered to inform the VRS Main Staff of any operations by ABiH units in Bosnian-Serb Republic territory or any activity by NATO.[16848] Mladić further prohibited any offensive operations by units deployed around the safe areas, unless in self-defence.[16849] The SRK Command was ordered to cease hostilities and withdraw heavy weapons from the TEZ.[16850]

[16841] Milorad Šehovac, T. 24082-24083.
[16842] P5198 (Order from Mladić addressed *inter alia* to various VRS corps on the continuation of Operation Krivaja-94, 4 December 1994), pp. 1-3.
[16843] P4559 (Communication from Momčilo Perišić to Slobodan Milošević forwarding a telegram from Mladić, 30 August 1995).
[16844] P364 (Mladić notebook, 25 August 1995 - 15 January 1996), pp. 11, 17.
[16845] P364 (Mladić notebook, 25 August 1995 - 15 January 1996), pp. 17-18.
[16846] P4373 (VRS Main Staff order, 14 September 1995), p. 1.
[16847] P4373 (VRS Main Staff order, 14 September 1995), p. 3.
[16848] P4373 (VRS Main Staff order, 14 September 1995), p. 3.
[16849] P4373 (VRS Main Staff order, 14 September 1995), pp. 3-4.
[16850] P4373 (VRS Main Staff order, 14 September 1995), p. 4.

Modified air bombs

4777. The Trial Chamber recalls the evidence from **Đorđe Đukić** reviewed in chapter 5.1.2 on the production, distribution, and use of modified air bombs by the SRK and VRS and Mladić's role in ordering their construction and use in Sarajevo.

4778. **Manojlo Milovanović** testified that on 6 January 1994, he had a conversation with Momčilo Perišić, the Commander of the VJ General Staff, who told him that Mladić and he discussed 'the aerial bombs that we could use'.[16851] The witness further testified that Ivan Đokić**,** an officer in command of the air force and anti-aircraft defence of the VJ and an expert for rocket anti-aircraft assets, helped Colonel Rajko Balac, chief of artillery of the Main Staff, in developing the prototype of a modified air bomb called *Skalamerija*, a term referring to 'an item that was put together in a makeshift way'.[16852]

4779. According to a VRS Main Staff order to the commands of the IBK, the 2KK, and the 35th Logistics Base, dated 17 December 1994 and signed by Mladić, on 18 December 1994, the IBK Command was to send one *Skalamerija* launcher, fitted to launch 275-kilogram aerial bombs, and its most experienced crew taught and trained to launch such bombs to the 2KK IKM in Petrovac.[16853] Upon arrival, the commander of the launcher crew was to be informed by the 2KK Commander of a specific task.[16854] The fuel necessary for transporting the launcher and the crew were to be provided by the 35th Logistics Base.[16855] On the same day, the 35th Logistics Base Command was to send eight 275-kilogram aerial bombs to the 2KK IKM in Petrovac.[16856] The VRS Main Staff Operations and Training Administration was to provide a jeep for the transportation of Colonel Ivan Đokić and his team of five men from Bijeljina to the 2KK command post.[16857] The 2KK was to work out issues regarding its engagement with Đokić and his team.[16858] All other matters regarding the engagement of the team and use of the aerial bombs were to be coordinated between the 2KK Commander and

[16851] Manojlo Milovanović, T. 17015-17016.
[16852] Manojlo Milovanović, T. 17016-17017, T.17103. *See also* P2221 (VRS Main Staff request for an expert assistance team addressed to the VJ General Staff, 31 May 1995), p. 1.
[16853] P4350 (VRS Main Staff order and IBK Command order, 17 December 1994), pp. 1, 3.
[16854] P4350 (VRS Main Staff order and IBK Command order, 17 December 1994), p. 1.
[16855] P4350 (VRS Main Staff order and IBK Command order, 17 December 1994), p. 1.
[16856] P4350 (VRS Main Staff order and IBK Command order, 17 December 1994), p. 2.
[16857] P4350 (VRS Main Staff order and IBK Command order, 17 December 1994), p. 2.
[16858] P4350 (VRS Main Staff order and IBK Command order, 17 December 1994), p. 2.

General Milovanović.[16859] According to another order also dated 17 December 1994, from the IBK Command to the Majevica Tactical Group Command, signed by Major General Novica Simić, on 18 December 1994 the tactical group was to send its *Skalamerija* launcher, fitted to launch 275-kilogram aerial bombs, and a four-man crew trained for launching, to the 2KK.[16860] The fuel for the transport of the launcher was to be provided by the 35th Logistics Base.[16861] All questions regarding the use and firing of the *Skalamerija* launcher were to be coordinated with Colonel Ivan Đokic.[16862]

4780. On 31 May 1995, Mladić requested the Commander of the General Staff of the VJ to send an expert assistance team to 'resolve problems with the rockets and modified anti-aircraft defence equipment'.[16863] **Witness RM-183** stated that following the orders of the VRS Main Staff, approximately 300 modified air bombs were transported from *Pretis* to Koran and stored there.[16864] The air bombs were primarily distributed to the SRK but some were taken to the DK and HK and the Bijeljina Logistics Base.[16865] The 27th Logistics Base was the exclusive supplier of ammunition to the SRK and also distributed large amounts of ammunition to the DK and to the 2KK at one time.[16866] All the ammunition *Pretis* produced came to the 27th Logistics Base and the Koran warehouse then redistributed the ammunition to other bases and warehouses, following the orders of the VRS Main Staff.[16867]

4781. The Trial Chamber recalls its review of evidence from Husein Aly Abdel-Razek in chapter 9.3.7 that his impression was that Mladić supported Karadžić's stance with regard to heavy weapons, as the latter could not make any military decisions that Mladić did not approve.

General evidence on role of Mladić as Commander of the VRS Main Staff

4782. **John Wilson** testified that Mladić demonstrated an ability to effectively control Serb military forces in Bosnia-Herzegovina on many occasions, including by arranging

[16859] P4350 (VRS Main Staff order and IBK Command order, 17 December 1994), p. 2.
[16860] P4350 (VRS Main Staff order and IBK Command order, 17 December 1994), pp. 5-6.
[16861] P4350 (VRS Main Staff order and IBK Command order, 17 December 1994), p. 5.
[16862] P4350 (VRS Main Staff order and IBK Command order, 17 December 1994), p. 6.
[16863] P2221 (VRS Main Staff request for an expert assistance team addressed to the VJ General Staff, 31 May 1995), p. 1.
[16864] P3307 (Witness RM-183, witness statement, 28 to 30 July 2004), p. 15.
[16865] P3307 (Witness RM-183, witness statement, 28 to 30 July 2004), p. 15.
[16866] P3307 (Witness RM-183, witness statement, 28 to 30 July 2004), p. 15.
[16867] P3307 (Witness RM-183, witness statement, 28 to 30 July 2004), p. 15.

the opening of confrontation line crossing points, implementing temporary cease-fires, and by directly commanding operations such as the Drina Valley offensive.[16868] According to the witness, Mladić had sophisticated communication systems at his disposal which the VRS had taken over from the JNA and he demonstrated an ability to effectively and quickly communicate with his forces, for instance during negotiations when he would locate the position of convoys within minutes.[16869] **Witness RM-120** testified that judging from various meetings, Mladić was the one with the real power.[16870] The witness testified that his observations at various meetings with Dragomir Milošević and Inđić led him to believe that Inđić was Mladić's representative, keeping an eye on Milošević, and he had thus more 'power to design' than Dragomir Milošević, who simply executed orders.[16871] According to the witness, Milošević retained limited freedom to choose the means for executing the orders.[16872] On one occasion, on 8 April 1995, Milošević signed an agreement in Inđić's absence and Inđić subsequently stated that the agreement had no value.[16873] From the witness's understanding, Inđić said to Milošević that Mladić was furious.[16874] **Anthony Banbury** testified that based on his observations, Mladić was the leader of the VRS 'who made the decisions and gave the orders and his orders were followed'.[16875] **David Harland** testified that he frequently saw Mladić in the company of Gvero, Tolimir, Inđić, Milovanović, and junior officers.[16876] All deferred to Mladić and treated him with great respect.[16877] When Mladić ordered something, it happened.[16878]

4783. **Witness RM-511** testified that Mladić did not allow any of the soldiers under his command to do as they pleased.[16879] He recalled that early on, Mladić had brought to the attention of the corps commanders the shortage of senior officers capable of

[16868] P320 (John Wilson, witness statement, 26 March 2009), para. 127; John Wilson, T. 4048.
[16869] P320 (John Wilson, witness statement, 26 March 2009), para. 130.
[16870] P807 (Witness RM-120, witness statement, undated), p. 11; Witness RM-120, T. 7597.
[16871] P807 (Witness RM-120, witness statement, undated), pp. 11-13, 15-16, 24, 26, 77; Witness RM-120, T. 7597, 7622, 7625; P815 (UNPROFOR report, 21 March 1995). P. 2; P816 (UNPROFOR fax re Žepa, 20 July 1995).
[16872] P807 (Witness RM-120, witness statement, undated), pp. 18, 21, 24; Witness RM-120, T. 7600, 7604.
[16873] Witness RM-120, T. 7627, 7668-7669; P818 (Agreement between UNPROFOR and SRK, 8 April 1995).
[16874] Witness RM-120, T. 7799.
[16875] Anthony Banbury, T. 8224-8225.
[16876] P1 (David Harland, witness statement, 4 September 2009), para. 258; David Harland, T. 724.
[16877] David Harland, T. 724.
[16878] David Harland, T. 724-725, 808.
[16879] Witness RM-511, T. 5142-5143.

commanding certain units.[16880] Neither the JNA nor the VRS followed any targeting protocol which required prior determination of the substantial likelihood of serious injury to civilians; reliance was placed solely on the artillery officers' assessment of the situation and discretion.[16881]

4784. **Witness RM-163** testified that each time UNPROFOR asked for something from the SRK commanders, it got the impression that they had to consult with Mladić.[16882] Based on this observation, the witness concluded that the corps commanders had very limited room for manoeuvre and could not take the initiative to launch offensives, such as fire artillery, and could only counter-attack when attacked.[16883] Mladić was the direct superior of the SRK commanders.[16884] According to the witness, during 1993 and 1994 the VRS mostly kept their advantages and did not launch offensives to gain territory around Sarajevo.[16885] The witness further testified that the commander of the SRK was 'Mladić's eyes' in Sarajevo.[16886] Based on the observation that Mladić was frequently present in Sarajevo, the witness reached the conclusion that Mladić monitored the situation in Sarajevo closely.[16887] UNPROFOR representatives participated in several meetings at the Lukavica barracks with the SRK commander and Mladić, where Mladić led the debates and the corps commander could not make suggestions of any kind.[16888]

4785. **David Fraser** testified that the SRK commanders enjoyed some latitude, but ultimately received orders from Mladić, who was, alongside Milovanović, the executioner of Karadžić's political strategy.[16889] For example, in June 1994, Manojlo Milovanović informed the SRK Command that all the requests for the use of aerial bombs addressed to the VRS Main Staff needed a prior approval of the corps commander or chief of staff.[16890] This confirmed the witness's belief that the Corps Commander was generally in control of the shelling and sniping, but was operating under the direction of the VRS Main Staff.[16891] In November 1994, General Gobillard

[16880] Witness RM-511, T. 5032-5033.
[16881] Witness RM-511, T. 5036.
[16882] P628 (Witness RM-163, witness statement, undated), para. 44; Witness RM-163, T. 6101.
[16883] P628 (Witness RM-163, witness statement, undated), paras 44-45; Witness RM-163, T. 6101.
[16884] P628 (Witness RM-163, witness statement, undated), para. 47.
[16885] Witness RM-163, T. 6258.
[16886] P628 (Witness RM-163, witness statement, undated), para. 32.
[16887] Witness RM-163, T. 6101, 6106.
[16888] Witness RM-163, T. 6102.
[16889] P576 (David Fraser, witness statement, 3 December 2012), paras 36-37.
[16890] P576 (David Fraser, witness statement, 3 December 2012), para. 134; P589 (VRS Main Staff Order to the SRK Command, signed by Manojlo Milovanović, 12 June 1994).
[16891] P576 (David Fraser, witness statement, 3 December 2012), para. 134.

asked Dragomir Milošević for his opinion about the proposal to renegotiate the agreement on the TEZ.[16892] From the vague answer given by Milošević, the witness and other UNPROFOR members concluded that Milošević did not have authority to discuss any such details; instead, he referred to Mladić.[16893] According to the witness, General Milošević served at Mladić's pleasure and although he did have effective control of the SRK, it could be inferred from his actions that he merely adhered to the orders issued to him by Mladić.[16894]

4786. **Fraser** reviewed an April 1995 communication between Mladić and the SRK Command and concluded that there was a timely and accurate transmission of information between Mladić and the corps.[16895] Mladić was the 'top dog' and the witness never saw anyone challenge him.[16896] It transpired from various UNPROFOR meetings and the interactions between Mladić and his subordinates that Mladić had effective command and control over Galić and Milošević.[16897] Having observed Mladić and General Galić interact, the witness came to the conclusion that they worked well together.[16898] According to the witness, the operational chain of command between Mladić and his Corps Commander covered combat operations and movement of troops.[16899] Apart from that, extensive use of liaison officers embedded in the corps or the brigade was made, who reported directly back to Mladić, such as Indić, who also provided UNPROFOR with information about the intentions of the headquarter in Pale.[16900]

4787. **Đorđe Đukić** stated that Karadžić and Krajišnik interfered in military matters, including using some units and approving the use of live ammunition, particularly in the SRK zone of responsibility.[16901] Karadžić and Krajišnik often called Dragomir Milošević to come see them and they 'planned some operations in Sarajevo'.[16902] The witness stated that some actions in the zone of the SRK were undertaken without the

[16892] David Fraser, T. 5890-5891, 5941-5942.
[16893] David Fraser, T. 5941-5942.
[16894] P576 (David Fraser, witness statement, 3 December 2012), para. 35; David Fraser, T. 5777-5778, 5820.
[16895] David Fraser, T. 5784-5789; P580 (Report to the SRK Command from Colonel Tadija Manojlović, Head of Artillery, 26 April 1995); P581 (Urgent Request from Mladić to the SRK Command, 26 April 1995).
[16896] P576 (David Fraser, witness statement, 3 December 2012), para. 146.
[16897] P576 (David Fraser, witness statement, 3 December 2012), para. 146; David Fraser, T.5777-5778.
[16898] P576 (David Fraser, witness statement, 3 December 2012), para. 33.
[16899] David Fraser, T. 5789-5790.
[16900] David Fraser, T. 5789-5791.
[16901] P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), p. 7.

knowledge and approval of the Main Staff, such as individual shellings of the city or intensified artillery fire during planned operations by the Main Staff and SRK.[16903]

4788. According to **Michael Rose**, the senior military level on both sides of the conflict had the ability to control the shelling and sniping.[16904] The halting of the shelling and sniping after a ceasefire had been arranged, proved to the witness that on both sides there was a total and absolute control of the 'military machine'.[16905]

The Trial Chamber's findings

4789. The Trial Chamber recalls its finding in chapter 3.1.4, namely that from 12 May 1992 until at least 8 November 1996, Mladić was Commander of the VRS Main Staff. The Trial Chamber further recalls its findings in chapter 3.1.3 and in chapter 3.1.2 on the functions and conduct of the VRS Main Staff and its commander, including the issuance of its 'Operational Directives', and in respect of command and control and the reporting chain within the SRK.

4790. The Trial Chamber recalls its findings on the general conditions and incidents in Sarajevo in chapter 5 with respect to the start of the conflict in Sarajevo in early May 1992 and the shelling and sniping incidents that occurred in Sarajevo throughout the conflict until November 1995.

4791. Based on the foregoing, the Trial Chamber finds that Mladić issued orders to the SRK with regard to operations in Sarajevo, including at least on 28 and 29 May 1992, Operation *Lukavac-93* in July to early August 1993, and Operation *Pancir-2* in December 1993 to January 1994. In this regard, the Trial Chamber finds that Mladić formulated the plans for and issued Directives Nos 1, 3, 4, and 5, which were implemented by the SRK in Sarajevo. Furthermore, immediately following Mladić's appointment as Commander of the VRS Main Staff, the sniping and shelling campaign in Sarajevo intensified, as demonstrated by the shelling on 14 May and later on 28 and 29 May 1992. The Trial Chamber further finds that Mladić monitored the operations he ordered in Sarajevo as they were implemented by the SRK. Mladić's subordinates also showed him complete respect and compliance.

[16902] P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), p. 7.
[16903] P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), p. 8.
[16904] P736 (Michael Rose, witness statement, 26 March 2009), para. 205; Michael Rose, T. 6850.
[16905] P736 (Michael Rose, witness statement, 26 March 2009), para. 205; Michael Rose, T. 6850-6852.

4792. The Trial Chamber finds that Mladić ordered the production of modified air bombs and he personally oversaw the program of its development which started in 1993. Following production in 1994, the VRS Main Staff invited commanders to state how many modified air bombs and launchers they required for use in combat operations. Upon approval of these requests by the VRS Main Staff, modified air bombs were subsequently issued. The Trial Chamber finds that the evidence of Đukić is reliable in this respect, based on his insight as the VRS Main Staff Assistant Commander for Logistics and his close knowledge of this issue. Accordingly, the Trial Chamber finds that the use of any single modified air bomb in combat operations required Mladić's personal approval. Further down the command chain, any shelling involving modified air bombs and mortars fired by the SRK in Sarajevo could only occur pursuant to Dragomir Milošević's orders. VRS and SRK Corps commanders were carefully instructed not to directly mention their use of modified air bombs in combat operations, and would give their reports to Mladić using phrases such as 'Boss, what we had agreed on has been used'.

4793. The Trial Chamber rejects the Defence's arguments that Mladić was not always, or fully, informed of the situation on the ground, that orders from lower level commands were issued without his knowledge, and that Krajišnik and Karadžić frequently interfered in SRK matters and sought to control SRK actions. The Trial Chamber does not rely on Đukić's evidence that some actions in the SRK zone were undertaken without the knowledge and approval of the Main Staff as it considers that Đukić as VRS Main Staff Assistant Commander for Logistics would not be kept informed about the knowledge or approval by all members of the Main Staff of actions carried out on the ground. Moreover, as found above, Mladić issued orders to the SRK, which were implemented in Sarajevo, and he monitored the implementation of those orders, as demonstrated by the above-mentioned operations.

4794. In chapter 9.5.10, the Trial Chamber will consider whether Mladić's conduct in this respect, considered together with other acts or omissions, amounts to a significant contribution to the Sarajevo JCE.

9.5.4 Participating in procuring material and military assistance from the VJ

4795. With respect to the Accused's alleged participation in procurement of material and military assistance from the VJ, the Trial Chamber received evidence from **Reynaud Theunens**, a military intelligence analyst,[16906] **Slavko Gengo,** the Commander of the 7th Infantry Battalion of the VRS 1st Romanija Infantry Brigade from the end of January 1994 until May 1995,[16907] **Manojlo Milovanović**, the Chief of Staff and deputy commander of the VRS Main Staff from 1992 to 1996,[16908] **Đorđe Đukić**, the Assistant Commander for Logistics of the VRS Main Staff,[16909] and **Ekrem Suljević**, a mechanical engineer employed in the Bosnian MUP as of November 1993,[16910] as well as documentary evidence.[16911]

Procuring of materiel from the VJ

4796. The Trial Chamber has received extensive documentary evidence detailing the Accused's involvement in procuring weapons and ammunition from the VJ. Some of this evidence is set out in chapters 5.1.2, 9.2.6, 9.3.6; other evidence is discussed below.

4797. In 1992, Mladić was in direct contact with the Commander of the VJ General Staff, General Života Panić, and between 1992 and 1995, with General Momčilo Perišić, who replaced General Života Panić as the Commander of the VJ General Staff; they discussed the military needs of the SRK, including requests by Mladić for weapons and ammunition, sniper rifles, mortar shells, aerial bombs and rocket launchers.[16912]

[16906] Reynaud Theunens, T.20230; P3093 (Reynaud Theunens, *curriculum vitae*, 15 October 2012), pp. 1-4.

[16907] D473 (Slavko Gengo, witness statement, 10 May 2014), paras 3, 30; Slavko Gengo, T. 21613. Slavko Gengo's evidence is also reviewed in chapter 9.2.6.

[16908] Manojlo Milovanović, T. 16889; P2211 (Signed Curriculum Vitae of Manojlo Milovanović), 22 April 2010, pp. 1-2; P2212 (VRS Main Staff Structure - organisation chart, July 1995). Manojlo Milovanović's evidence is also reviewed in chapter 9.5.3.

[16909] P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), p. 7. Đorđe Đukić's evidence is reviewed in chapter 5.2.1.

[16910] P889 (Ekrem Suljević, witness statement, 9 February 2010), p. 1, paras 2-3, 11; Ekrem Suljević, T. 8407-8408, 8410. Ekrem Suljević's evidence is reviewed in chapter 9.2.6.

[16911] P352, P353, P358, P3073, and P4550 are reviewed in chapter 9.3.6; P359 is also reviewed in chapter 5.1.2; P362 is reviewed in chapter 5.1.2; P900, P935, P3029, P4392, P4400, P4407, P4486, P4489, P4490, P4491, P4492, P4493, P4494, P4578, P5209, and P5210 are reviewed in chapter 9.2.6; P4383 is reviewed in chapter 9.5.3; P4422 is reviewed in chapter 9.5.3; P4551, P4567, and P4578 are also reviewed in chapter 9.2.6; P4583 is also reviewed in chapter 9.3.6.

[16912] P355 (Mladić notebook, 10-30 September 1992), pp. 115-118; P3073 (Correspondence regarding VJ materiel, VRS materiel and materiel from *Pretis*, 23 January 1994 and 19 February 1994), p.1; P4551 (VRS Main Staff request for *Grad* motors addressed to the VJ General Staff, 27 June 1995); P4552 (VRS Main Staff request for ammunition addressed to the VJ General Staff, 14 June 1995); P4557 (VRS Main

4798. Between 1993 and 1995, Mladić issued orders to the VRS and SRK Corps Commanders as well as to all SRK units directly that requests for equipment and materiel from the VJ were to be forwarded by subordinate VRS units to the VRS Main Staff Logistics Sector; if verified and approved by this sector, the requests were to be submitted to Mladić for his approval and signature.[16913] This centralised system for requesting VJ material support was established following an agreement between Mladić and Momčilo Perišić; both men stressed in their orders to subordinate units that requests which had not gone through the aforementioned procedure would be not considered.[16914] The Trial Chamber received evidence that, indeed, the SRK requested and received materiel from the VJ using the aforementioned system.[16915]

4799. The Trial Chamber refers to its review of the evidence in chapter 9.2.6 that between 1993 and 1995, the MoD of the Bosnian-Serb Republic was involved in purchasing weapons and ammunition for the VRS from a factory called *Krušik*, based in Valjevo, Serbia. These included silencers for sniper rifles for the SRK, mortar shells, sniper rifle bullets, and hand-held rocket launchers. Purchases by the MoD were made following information by the VRS Main Staff that the MoD could proceed accordingly. The materiel in question was then dispatched from *Krušik*-Valjevo to the Bosnian-Serb Republic in various ways, as further discussed in chapter 9.2.6.

4800. The Trial Chamber received a significant amount of evidence regarding Mladić's role between 1993 and 1995 in obtaining the necessary approval by the VJ General Staff

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Staff request for ammunition addressed to the VJ General Staff, 27 March 1995); P345 (Mladić notebook, 27 January - 5 September 1995), p. 80; P4282 (VRS Main Staff decision, 3 August 1995); P4550 (Request from Mladić concerning the distribution of rockets addressed to the VJ General Staff, 2 September 1993); P4563 (VRS Main Staff request regarding aerial bombs addressed to the VJ General Staff, 2 September 1995). *See also* the following evidence reviewed in chapter 5.1.2: P359 (Mladić notebook, 28 October 1993 - 15 January 1994), p. 108; P362 (Mladić notebook, 4 September 1994 - 28 January 1995), pp. 81, 100-101.

[16913] P5086 (Order on material support from the FRY, signed by Ratko Mladić, 6 March 1993), pp. 1-2; P4397 (Mladić order regarding material requests from the VJ, 24 October 1993); P1781 (Order by Mladić on obtaining material assistance from the FRY, 19 July 1995), pp. 1-2.

[16914] P5086 (Order on material support from the FRY, signed by Ratko Mladić, 6 March 1993), p. 1; P4397 (Mladić order regarding material requests from the VJ, 24 October 1993). See also the following evidence reviewed in chapter 9.2.6: P4578 (VJ General Staff order on implementation of requests and coordination between VJ, VRS and SVK Main Staffs, 27 December 1993).

[16915] P893 (SRK request addressed to VRS Main Staff, 10 July 1995); P892 (Order issued by SRK Commander, 29 July 1995). See also the following evidence reviewed in chapter 9.2.6: P4392 (VRS Main Staff order, 10 December 1993), p. 2; D473 (Slavko Gengo, witness statement, 10 May 2014), paras 3, 30; Slavko Gengo, T. 21613, T.21679-21681; P4399 (Krsmanović material status report request to SRK, 26 June 1994), p. 1; P4400 (Marjanović material status report request, 9 December 1994), p. 1; P4407 (Letter to VRS Main Staff asking it to request ammunition from VJ), p. 1; P900 (Request for VJ General Staff approval to send air bombs to SRK units, 15 July 1995). See also the following evidence reviewed

for the VJ to produce and deliver weapons and ammunition to the logistic bases to be used by the SRK. For example, correspondence from January 1994 indicates that, following a request from Mladić to Momčilo Perišić, the VJ General Staff allowed *Krušik*-Valjevo to deliver mortar shells to the MoD of the Bosnian-Serb Republic, which were to be used by the VRS.[16916] On 10 May 1994, *Pretis*-Vogošća factory requested Mladić to urge Momčilo Perišić to send Mladić's letter requesting rocket engines to the FRY Assistant Defence Minister for approval.[16917] This approval would subsequently be relayed to *Krušik*-Valjevo, for the needs of *Pretis*-Vogošća.[16918] In this respect, the Trial Chamber recalls that *Pretis*-Vogošća produced and assembled modified air bombs and rocket launchers used by the SRK between August 1994 and November 1995, as further set out in chapter 5.1.2. The Trial Chamber also received evidence that on 2 September 1995, Mladić requested the approval of the Commander of the VJ General Staff, which was necessary for *Krušik* –Valjevo to complete a sale of aerial bombs to the MoD of the Bosnian-Serb Republic.[16919]

4801. The Trial Chamber also received evidence of Mladić's efforts to ensure that materiel for the SRK could be delivered to Bosnia-Herzegovina through meetings with high ranking FRY officials. On 6 April 1995, Mladić recorded a meeting he had in Belgrade with Jovica Stanišić, Momčilo Perišić, and General Gvero.[16920] At this meeting, Stanišić stated that 'we' transported various types of materiel, including 'FAB' for the needs of *Pretis*, and that 'the crossing should take place in silence'.[16921]

4802. The Trial Chamber recalls the evidence reviewed in chapter 9.5.3 regarding assistance provided by the VJ to the VRS Main Staff in developing the prototype of a modified air bomb referred to as *Skalamerija*, Mladić's role in overseeing the development of modified air bombs, and the Trial Chamber's findings on their accuracy

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in chapter 9.3.6: P353 (Mladić notebook, 27 May - 31 July 1992), pp. 155, 160-162; P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), pp. 3-4.

[16916] P3073 (Correspondence regarding VJ materiel, VRS materiel and materiel from *Pretis*, 23 January 1994 and 19 February 1994), p.1.

[16917] P4347 (Request from Pretis Holding to Mladić, 10 May 1994).

[16918] P4347 (Request from Pretis Holding to Mladić, 10 May 1994). *See also* the evidence reviewed in chapter 9.2.6 indicating that on 8 August 1994 *Pretis*-Vogošća and *Krušik*-Valjevo concluded a contract by which *Krušik*-Valjevo was to supply *Pretis*-Vogošća with military equipment, including primary charges for 120 millimetre mortars, detonators, and ammunition; the prices for the weapons and ammunition and the quality clearance would be determined by the responsible administration of the 'SMO VJ' and the SNO**,** respectively.

[16919] P4563 (VRS Main Staff request regarding aerial bombs addressed to the VJ General Staff, 2 September 1995), p. 1

[16920] P345 (Mladić notebook, 27 January - 5 September 1995), p. 80.

[16921] P345 (Mladić notebook, 27 January - 5 September 1995), p. 80.

discussed in chapter 5.1.2. In this light, the Trial Chamber refers to the evidence reviewed in chapter 9.5.3 that on 31 May 1995, Mladić requested Momčilo Perišić to provide expert assistance to the VRS Main Staff to resolve 'problems' they had encountered with rockets and modified anti-aircraft defence equipment used for launching modified air bombs.

4803. Lastly, the Trial Chamber received evidence that at a session of the Bosnian-Serb Assembly held on 15 and 16 April 1995, Mladić stated that 'I got with my own means and paid for 2,500 shells from *Krušik*. You can verify this in *Krušik* […]'.[16922]

Procuring of VRS personnel from the VJ

4804. On 27 December 1993, Mladić recorded a meeting in Belgrade with the Commander of the VJ General Staff Momčilo Perišić, in which the latter informed Mladić that the Supreme Defence Council adopted a decision for 'everyone' to go back to the Bosnian-Serb Republic and the RSK, as well as that the offensive on Sarajevo should be kept 'universal'.[16923] Approximately 19,000 conscripts and 3,500 recruits would be transferred to Han Pijesak and should be deployed from there to war units.[16924] Perišić was told that he and Mladić should make an assessment of Sarajevo, as the politicians would come to a decision in this regard.[16925]

4805. With regard to the procurement of VRS personnel from the VJ, the Trial Chamber refers to the entries from Mladić's notebooks, reviewed in chapter 9.3.6.

Subordination of VJ unit to the SRK in November 1993- January1994

4806. **Reynaud Theunens** testified that VJ forces joined the SRK in combined combat operations in wider area of Vogošća, including mount Žuč in Sarajevo, supporting the implementation of Directive 6 in 'Operation *Pancir* 2'.[16926]

4807. **Manojlo Milovanović** testified that on 6 January 1994, he had a conversation with Perišić, in which Milovanović told Perišić that Mladić was in a position to decide

[16922] P4583 (Transcript from 50th session of the Bosnian-Serb Republic Assembly, 16 April 1995), p. 273.
[16923] P359 (Mladić notebook, 28 October 1993 - 15 January 1994), p. 108.
[16924] P359 (Mladić notebook, 28 October 1993 - 15 January 1994), p. 108.
[16925] P359 (Mladić notebook, 28 October 1993 - 15 January 1994), p. 108.
[16926] P3029 (Expert Report of Reynaud Theunens, September 2012), Part II, pp. 108, 232.

whether a VJ unit, which had been brought by General Mrkšić to the zone of the SRK, was to be further deployed there.[16927]

The Trial Chamber's findings

4808. The Trial Chamber recalls its factual findings in chapters 5.1.2, 5.3, 9.2.6, 9.3.6, 9.5.3 and legal findings on murder, terror, and unlawful attacks in chapters 8.3.2, 8.6.2, and 8.7.2 in relation to the sniping and shelling of civilians by the SRK. The Trial Chamber finds that between 1992 and 1995, Mladić ensured that the SRK received military equipment from the VJ, including weapons, ammunition, and army personnel. To this end, Mladić was in direct contact with commanders of the VJ General Staff, Života Panić and Momčilo Perišić, to ensure that the military needs of the VRS and the SRK were met. In order to ensure full control over the material coming from the VJ to the SRK, Mladić ordered in March 1993 that all requests for material were to be authorized by himself and were to be coordinated through the VRS Main Staff Logistics sector. In December 1993, Perišić issued a similar order to all related VJ organs, whereby he added that only VRS requests which had been approved by Mladić would be considered by the VJ General Staff Logistics organ.

4809. The Trial Chamber recalls its finding in chapter 9.2.6 that a factory Krušik-Valjevo, located in Serbia, produced material for the VJ and the SRK, and that approval by the VJ General Staff was required for material to be provided from Krušik-Valjevo factory to the SRK. The Trial Chamber recalls its findings discussed in chapters 5 and 8 where it concluded that members of the SRK shelled civilian targets in Sarajevo. The Trial Chamber further recalls its finding in chapter 9.2.6 that throughout the war, a factory called *Pretis*-Vogošća factory produced and assembled weapons for the needs of the SRK (and the VRS). This company, which was based in Vogošća (in the Bosnian-Serb Republic), produced weapons and ammunition and assembled modified air bombs for the needs of the SRK.

4810. The Trial Chamber finds that Pretis-Vogošća factory was in direct communication with Mladić and could request Mladić to contact the VJ General Staff regarding military equipment for the needs of the SRK. Following approval of such requests by the VJ General Staff, the material would be sent to Pretis-Vogošća factory,

[16927] Manojlo Milovanović, T. 17015-17016.

which would be delivered to the VRS, in particular to the SRK, via the Krušik-Valjevo factory.

4811. The Trial Chamber recalls its findings in chapter 9.5.3 regarding Mladić's personal involvement in the development of modified air bombs. In addition to the findings, the Trial Chamber finds that Mladić obtained assistance from the VJ in the development and procurement of these weapons.

4812. The Trial Chamber finds that in December 1993 and January 1994, in order to prevent the breaking of the blockade of Sarajevo, Mladić re-subordinated at least one VJ unit, called 'Guards Motorized Brigade', and placed it under the control of the SRK around the area of Vogošća.

4813. In conclusion, the Trial Chamber finds that Mladić procured military assistance from the VJ, which included weapons, ammunition, and army personnel, for the needs of the SRK. It further finds that at least some of the materiel procured through the VJ was used by members of the SRK in incidents of sniping and shelling against the civilian population of Sarajevo.

4814. In chapter 9.5.10, the Trial Chamber will consider whether Mladić's conduct in this respect, considered together with other acts or omissions, amounts to a significant contribution to the Sarajevo JCE.

9.5.5 Participating in the development of Bosnian-Serb governmental policies

4815. With regard to this alleged contribution, the Trial Chamber received evidence from **Robert Donia**, an expert on the history of Bosnia-Herzegovina;[16928] **John Wilson**, the chief UNMO for UNPROFOR deployed to Sarajevo from 22 March to 24 June 1992;[16929] **Milenko Inđić**, a VRS liaison officer for cooperation with international

[16928] Robert Donia, T. 15492-15493; P1998 (Robert Donia, *curriculum vitae)*, p. 5. Robert Donia's evidence is reviewed in chapter 9.3.7.
[16929] P320 (John Wilson, witness statement, 26 March 2009), paras 6-8, 25, 64, 93; John Wilson, T. 3919, 4020.

organisations and institutions;[16930] **Witness RM-511**, a member of the SRK,[16931] as well as documentary evidence.[16932]

4816. On 12 May 1992, at the 16th Session of the Bosnian-Serb Assembly, Mladić said that: 'Fear, might, prays to no God, and God cares not for might. But that does not mean that Muslims have to be expelled or drowned […] both Serbs and Muslims, all must take care of one another […] [b]ut there are ways in which we can neutralise them. Since these Muslims somewhere there above Kalinovik are encircled.'[16933] He further added: 'Just as this Military Hospital was under blockade, so the Muslims too are under a blockade. There is nowhere they can go. One of the reasons is because the head of the dragon of fundamentalism lies beneath our hammer'.[16934] Furthermore, Mladić stated that: 'One cannot take Sarajevo by spitting at it from a mortar or a howitzer. You cannot win the negotiations that way either.'[16935] According to Mladić, the Muslims were in a more difficult position than the 'sealed-off Military Hospital, which is not a combat institution, in Sarajevo […]'.[16936] He further noted that: '[T]hey will neither benefit from this Military hospital nor from the Koševo hospital, nor from Sarajevo unless they accept peace. We can now offer them peace, so that we can talk in peace. If there is going to be a war, Bosnia will be of no use to anyone, and Sarajevo even less. I refer to what is not on the front. We should not spit at Sarajevo with two mortars.'[16937] Mladić also added that '[i]f we want to make the Muslims surrender, 300 guns must be densely planted around Sarajevo'.[16938] He further stated: 'And Sarajevo, I don't need any applause, mate. I am not doing it for that or for recognition, I am just doing it to avenge the bones of my dead comrades. Because when I think of them I cannot speak.'[16939]

4817. Later on, Mladić added that: 'when we start fighting over Sarajevo, we must not say before the international public […] we are going to shut down your water and power supply […] [a]nd we have to put a ring around the dragon's head of Sarajevo this very

[16930] D614 (Milenko Inđić, witness statement, 31 July 2014), paras 1-2. Milenko Inđić's evidence is reviewed in chapter 9.5.11.
[16931] Witness RM-511, T. 4983, 4993, 4996, 5056; P500 (Pseudonym sheet).Witness RM-511's evidence is reviewed in chapter 9.5.11.
[16932] P356 is reviewed in chapter 9.3.7; P359 is reviewed in chapter 9.5.3; P2508 is also reviewed in chapter 9.3.7; P3076 is also reviewed in chapter 9.3.7; and P4583 is also reviewed in chapter 9.3.7.
[16933] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), pp. 1, 35.
[16934] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 35.
[16935] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 35.
[16936] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), pp. 33-34.
[16937] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 38.
[16938] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 36.
[16939] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), p. 36.

moment, and only those whom we let out should be allowed out […] We should not say: we will destroy Sarajevo, we need Sarajevo. We are not going to say that we are going to destroy the power supply pylons or turn off the water supply, no, because that would get America out of its seat, but […] one day there is no water at all in Sarajevo. What is it, we do not know, damage, we should fix it, no, we will fix it, slowly. [...] Therefore, we have to wisely tell the world, it was they who were shooting, hit the transmission line and the power went off, they were shooting at the water supply facilities, there was a power cut at such and such a place, we are doing our best repairing this, that is what diplomacy is'.[16940]

4818. **Wilson** testified that on 25 May 1992, he and others met met Mladić and Plavšić to discuss the evacuation of JNA personnel from the Sarajevo barracks.[16941] Mladić stated that the evacuation had to be completed in three days, or strong action would be taken against Sarajevo.[16942] The witness interpreted Mladić's words as a threat to engage the city of Sarajevo with heavy artillery fire.[16943] Mladić further stated that an international military intervention would be a catastrophe for Sarajevo, and that the city would be levelled.[16944] The witness understood this to mean that Mladić would use artillery fire to level the city.[16945] Mladić added, pointing at Wilson's badge, that the UN badge would become the badge of death.[16946] At this meeting, Mladić also stated that he was subordinate to the political leadership of the Bosnian-Serb Republic.[16947] According to the witness, Mladić told him on several occasions that, as a military commander, he was subject to political control.[16948]

4819. At the 34th Session of the Bosnian-Serb Assembly held from 27 August to 1 October 1993, Karadžić presented documents which formed a 'peace package of the Geneva conference on the former Yugoslavia', and which included a 'Constitutional

[16940] P431 (Minutes of the 16th session of the Bosnian-Serb Assembly, 12 May 1992), pp. 38-39.
[16941] P320 (John Wilson, witness statement, 26 March 2009), paras 72-73; John Wilson, T. 3956, 4038; P326 (UNPROFOR record of discussion with Plavšić and Mladić, 25 May 1992), p. 1.
[16942] P320 (John Wilson, witness statement, 26 March 2009), paras 72-73; John Wilson, T. 3958, 4039; P326 (UNPROFOR record of discussion with Plavšić and Mladić, 25 May 1992), p. 1.
[16943] P320 (John Wilson, witness statement, 26 March 2009), paras 72-73; John Wilson, T. 3964, 4039.
[16944] John Wilson, T. 3959; P326 (UNPROFOR record of discussion with Plavšić and Mladić, 25 May 1992), p. 1.
[16945] John Wilson, T. 3959.
[16946] John Wilson, T. 3959.
[16947] P320 (John Wilson, witness statement, 26 March 2009), paras 74, 127; John Wilson, T. 4014; P326 (UNPROFOR record of discussion with Plavšić and Mladić, 25 May 1992), p. 2.
[16948] P320 (John Wilson, witness statement, 26 March 2009), paras 134, 136.

Agreement on the Alliance of the BiH Republics'.[16949] With regard to a part of the agreement which concerned Sarajevo and the fifth strategic goal, Karadžić stated that it would allow Bosnian Serbs to keep everything what was theirs in Sarajevo for at least a period of two years.[16950] Karadžić believed that this agreement could be accepted immediately and that there was no need to discuss it further.[16951] Mladić opposed the agreement and stated that the international community 'put a key into our lock' regarding Sarajevo with such agreement.[16952] Mladić stated that Operation *Lukavac-93* achieved its goal to create the Bosnian-Serb Republic.[16953] He added that the Bosnian Serbs should make 'Olymp' out of mountain Bjelašnica.[16954]

4820. At the 37th Session of the Bosnian-Serb Assembly of 10 January 1994, Mladić stated that '[a]n operation around Sarajevo and Olovo is going on today, so we will see what we could do (do not publish what I am saying right now)'.[16955] He also stated the following: 'It is better that we fight the war now when they are on their knees, instead of letting them have rest for five years and the whole world supply them with weapons, materiel and brains. In case of that, we would be in their position digging our way out through the hills or below the runway in order to survive.'[16956]

4821. At the 50th Session of the Bosnian-Serb Assembly, held on 15 and 16 April 1995, Mladić reminded the Assembly that the Bosnian Serbs were holding 74% of the territory and that they therefore had the most favourable negotiating position.[16957] He said that the task of Serbian diplomacy and Serbian politics is to verify the result of the war and that 'I as a general for as long as I last, I will agree to nothing other than the factual situation'.[16958] He further stated that 'the tragedy is that the troops were withdrawn from Bjelašnica without asking me' and that 'I request the force which

[16949] P2508 (Excerpts of the minutes of the 34th session of the Bosnian-Serb Assembly, 27-29 August, 9-10 September, 29-1 October 1993), p. 9.
[16950] P2508 (Excerpts of the minutes of the 34th session of the Bosnian-Serb Assembly, 27-29 August, 9-10 September, 29-1 October 1993), p. 15.
[16951] P2508 (Excerpts of the minutes of the 34th session of the Bosnian-Serb Assembly, 27-29 August, 9-10 September, 29-1 October 1993), pp. 10-11.
[16952] P2508 (Excerpts of the minutes of the 34th session of the Bosnian-Serb Assembly, 27-29 August, 9-10 September, 29-1 October 1993), p. 40.
[16953] P2508 (Excerpts of the minutes of the 34th session of the Bosnian-Serb Assembly, 27-29 August, 9-10 September, 29-1 October 1993), p. 33.
[16954] P2508 (Excerpts of the minutes of the 34th session of the Bosnian-Serb Assembly, 27-29 August, 9-10 September, 29-1 October 1993), p. 44.
[16955] P3076 (Transcript from 37th session of the Bosnian-Serb Assembly, 10 January 1994), p. 20.
[16956] P3076 (Transcript from 37th session of the Bosnian-Serb Assembly, 10 January 1994), p. 19.
[16957] P4583 (Transcript from 50th session of the Bosnian-Serb Assembly, 16 April 1995), p. 243.
[16958] P4583 (Transcript from 50th session of the Bosnian-Serb Assembly, 16 April 1995), p. 243.

carried this out, be it international or local, to drive the Turks away from Vlašić'.[16959] He referred to Bjelašnica as 'Serbian Olymp'.[16960]

4822. The Trial Chamber notes that Inđić's testimony regarding Mladić being in favour of demilitarisation, political negotiations, and peaceful solution of situation in Sarajevo, which is reviewed in chapter 9.5.11, is contradictory to Mladić's own statements at the 16th Session of the Bosnian-Serb Assembly on 12 May 1992, the 34th Session of the Bosnian-Serb Assembly held from 27 August to 1 October 1993, the 37th Session of the Bosnian-Serb Assembly on 10 January 1994, the 50th Session of the Bosnian-Serb Assembly on 15 and 16 April 1995, and Mladić's diary entries of 8 November 1992 and 14 January 1994, which are reviewed in this chapter and also in chapters 9.3.7 and 9.5.3. Mladić's statements demonstrate that he favoured military implementation of Bosnian-Serb government's policy for Sarajevo over political negotiations. The Trial Chamber also recalls Mladić's statement at the 16th Session of the Bosnian-Serb Assembly on 12 May 1992 that the Serbs should not disclose their plans regarding Sarajevo before the international public, and further notes that the UNPROFOR was present at the meeting with Mladić and Inđić when Mladić expressed his position on Sarajevo. Given that the witness's testimony contradicts Mladić's own statements, and considering that Mladić declared that the Serbs should not reveal their intentions in relation to Sarajevo before the international public, the Trial Chamber will not further consider Inđić's testimony in this regard.

4823. Based on the foregoing, the Trial Chamber finds that the Accused addressed the Bosnian-Serb Assembly during its 16th Session on 12 May 1992 in relation to political proposals regarding the Bosnian-Serb government's policy for Sarajevo, including matters of international diplomacy. He further participated in policy discussions in other Assembly sessions and meetings between May 1992 and April 1995 with high level members of the Bosnian-Serb government regarding Sarajevo, proposing, *inter alia*, a massive bombardment of Sarajevo with explicit disregard for the safety of civilians, and stating that Sarajevo should be resolved militarily, not politically.

4824. In chapter 9.5.10, the Trial Chamber will consider whether Mladić's conduct in this respect, considered together with other acts or omissions, amounts to a significant contribution to the Sarajevo JCE.

[16959] P4583 (Transcript from 50th session of the Bosnian-Serb Assembly, 16 April 1995), p. 243
[16960] P4583 (Transcript from 50th session of the Bosnian-Serb Assembly, 16 April 1995), p. 250.

9.5.6 Disseminating, encouraging and/or facilitating the dissemination of propaganda to Bosnian Serbs intended to engender in Bosnian Serbs fear and hatred of Bosnian Muslims and Bosnian Croats or to otherwise win support for and participation in achieving the objective of the joint criminal enterprise

4825. With regard to this alleged contribution, the Trial Chamber received evidence from **Savo Sokanović**, Head of the Sector for Morale, Religious, and Legal Affairs of the VRS Main Staff as of December 1992,[16961] and documentary evidence, which it examined in chapter 9.3.8.[16962] Given that the aforementioned evidence is reviewed in other chapters, the Trial Chamber will immediately turn to its findings.

4826. The Trial Chamber recalls its finding that between September 1992 and June 1995, the Accused participated in establishing the machinery through which propaganda could be disseminated, and used this machinery for the dissemination of anti-Muslim and anti-Croat propaganda, as further set out in chapter 9.3.8. The Trial Chamber has carefully reviewed the evidence and has found that in some instances these acts of propaganda were not limited to particular municipalities or regions, but rather were addressed to people of Serb ethnicity in Bosnia-Herzegovina in order to engender fear of and hatred for Bosnian Muslims and Bosnian Croats. The Trial Chamber finds that this, combined with the nature of propaganda, demonstrates that the Accused intended this propaganda to reach Bosnian Serbs in all municipalities, including Sarajevo.

4827. In chapter 9.5.10 the Trial Chamber will consider whether Mladić's conduct in this respect, considered together with other acts or omissions, amounts to a significant contribution to the Sarajevo JCE.

[16961] Savo Sokanović, T.35678-35681.
[16962] P1966 (VRS Main Staff Report of Ratko Mladić, September 1992); P5082 (Responsibilities and Recruitment of the organ for Moral Guidance, Religious and Legal Affairs, 10 February 1995); P7391 (Excerpts from VRS magazine 'Srpska Vojska', 18 November 1992); P7719 (Press article with interview of Mladić, 25 June 1993).

9.5.7 Engaging in, supporting and/or facilitating efforts to deny or to provide misleading information about crimes against Bosnian Muslims and Bosnian Croats and about the role that Serb Forces had played in those crimes to representatives of the international community, non-governmental organizations, the media and the public, thereby facilitating the commission of crimes[16963]

4828. In relation to this alleged contribution the Trial Chamber received evidence from **John Wilson**, the Chief UNMO for UNPROFOR deployed to Sarajevo from 22 March to 24 June 1992;[16964] **Rupert Smith**, UNPROFOR Commander in Bosnia-Herzegovina between 23 January and December 1995;[16965] and **Milovan Milutinović**, Chief of the Press Centre and the Information Service at the 1KK between 1992 and 1994 and head of the VRS Main Staff Information Service and Centre for Information and Propaganda Activities between 1994 and 1996;[16966] as well as documentary evidence.[16967] Given that the aforementioned evidence is reviewed in other chapters, the Trial Chamber will immediately turn to its findings.

4829. The Trial Chamber recalls its factual and legal findings in chapters 5.2.6, 5.3.1, 5.3.10, 5.3.11, 8.3, 8.6, and 8.7 in relation to the following incidents of sniping and shelling of civilians in Sarajevo by the VRS/SRK: Scheduled Incident F.11 – the wounding of Alma Ćutuna while she was travelling on a tram on Zmaja od Bosne Street in Sarajevo on 8 October 1994; Scheduled Incident G.1 – the firing of artillery, rockets and mortars against the city of Sarajevo from 28 May 1992 until early the next morning, damaging buildings and causing injury to Witness RM-115 and Fadila Tarčin; Scheduled Incident G.18 – the shelling of a street in the vicinity of the Markale Market in Sarajevo on 28 August 1995 by the SRK, whereby 43 people were killed and 88 were injured; and an alleged unscheduled incident of shelling of Sarajevo which took place on 27 May 1992, as set out in further detail in chapter 5.3.11. It also recalls its findings in chapters 3.1.1 and 3.1.4 on the structure of the VRS/SRK and Mladić's position. The Trial Chamber also recalls its consideration of Mladić's uncontested proposal as to how

[16963] The Trial Chamber notes that the objective of the JCE in relation to Sarajevo is alleged to have been carried out against the 'civilian population' of Sarajevo.
[16964] P320 (John Wilson, witness statement, 26 March 2009), paras 6-8, 25, 64, 93; John Wilson, T. 3919, 4020. John Wilson's evidence is reviewed in chapters 5.3.1 and 5.3.11.
[16965] P785 (Rupert Smith, witness statement, 27 October 2009), paras 4, 6; Rupert Smith, T. 7287. Rupert Smith's evidence is reviewed in chapter 5.3.10.
[16966] D862 (Milovan Milutinović, witness statement, 11 July 2014), paras 3, 5, 51, 54, 140; Milovan Milutinović, T. 30038. Milovan Milutinović's evidence is reviewed in chapter 5.3.10.
[16967] Exhibit P16 is reviewed in chapter 5.2.6.

to deal with the international public, made at the 16th Session of the Bosnian-Serb Assembly on 12 May 1992, namely to mislead the public about the truth, as further set out in chapter 9.5.5.

4830. Based on the foregoing, in relation to the incidents that occurred on 27 May 1992, 8 October 1994, and 28 August 1995, the Trial Chamber finds that the Accused denied involvement of any Serb forces and claimed that the shooting and shelling had come from the Bosnian-Muslim[16968] side when confronted by UNPROFOR. In light of the Accused's position, and his words at the 16th Session of the Bosnian-Serb Assembly in relation to how to deal with the international public, namely to mislead them, the Trial Chamber finds that the Accused either knew that his statements were inaccurate, or that he had insufficient information at the time, yet still blamed the Bosnian Muslims. In either event, his words in relation to these incidents were deliberately misleading.

4831. In relation to scheduled incident G.1, which was alleged to have taken place on 28 and 29 May 1992, the Trial Chamber recalls its findings in chapters 5.3.1, 8.3, 8.6 and 8.7 that the attack against, *inter alia*, a hospital bearing a Red Cross emblem and a predominantly Muslim residential area, was personally directed by the Accused and was a wilful act of violence directed against civilians not taking part in hostilities. When meeting with UNPROFOR the Accused stated that while he was responsible for the attack, the shelling was only in response to provocations and had the sole purpose of defending the Serb people and neighbourhoods of Sarajevo from the ABiH.[16969] The Trial Chamber finds that the Accused acknowledged responsibility for the attack and did not deny the crimes. However, in light of his words at the 16th Session of the Bosnian-Serb Assembly, as well as the fact that the attack was carried out against a hospital bearing a Red Cross emblem in predominantly Muslim residential area, and directed against civilians not taking part in active hostilities, the Trial Chamber finds that the Accused's statement to UNPROFOR to be deliberately misleading.[16970]

[16968] The evidence refers to 'the Presidency', 'Bosnian side', 'Muslim' or 'the other side'. The Trial Chamber understands that all of these refer to the Bosnian Muslims.

[16969] The evidence refers to 'Presidency forces' and the Trial Chamber understands that this refers to the ABiH.

[16970] *See also* on chapter 9.4.2: P111 (Intercepted telephone conversation of 28 May 1992). The Trial Chamber understands this to be the recording broadcast on the radio; P105 (Recording and partial transcript of media broadcast of intercepted conversations during bombardment of Sarajevo by VRS forces 28-29 May 1992), pp. 6-7; P330 (Intercepts of Mladić and his subordinates concerning shelling in Sarajevo), pp. 3-4.

4832. In chapter 9.5.10, the Trial Chamber will consider whether Mladić's conduct in this respect, considered together with other acts or omissions, amounts to a significant contribution to the Sarajevo JCE.

9.5.8 Facilitating and/or encouraging the commission by members of the VRS, and other elements of Serb Forces under his effective control, of crimes that furthered the objective of the joint criminal enterprise by failing, while under a duty stemming from his position, to take adequate steps to prevent and/or investigate such crimes, and/or arrest and/or punish the perpetrators of such crimes

4833. With respect to this form of contribution, the Defence argued that Mladić responded to problems when he was made aware of them and did everything within his ability to start investigations and ensure criminal sanctions, or, where appropriate, to report crimes to the competent authorities, 'as he did not condone illegal or immoral actions'.[16971] In particular, the Defence pointed to Mladić's request for a joint investigation team after the Markale 2 incident, and his implementation of an immediate investigation after the bread-line attack on 27 May 1992, as evidence of Mladić starting investigations.[16972] The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to this alleged contribution. The Trial Chamber also received evidence from **Dragan Lalović**, a Serb member of the VRS;[16973] **John Wilson**, the chief UNMO for UNPROFOR deployed to Sarajevo from 22 March to 24 June 1992;[16974] **Slobodan Tuševljak**, the Commander of the 1st platoon of the 4th Infantry Company of the 2nd Infantry Battalion in the 1st Sarajevo Mechanised Brigade;[16975] **Rupert Smith**, UNPROFOR Commander in Bosnia-Herzegovina between 23 January and December 1995;[16976] and **Milorad Šehovac**, the Chief of Staff of the 1st Posavina Brigade in Brčko between 23 May and 15 August 1992 and Commander of the SRK 2nd Sarajevo

[16971] Defence Final Brief, paras 2417-2418.
[16972] Defence Final Brief, para. 2418.
[16973] D498 (Dragan Lalović, witness statement, 26 May 2014) p. 1, paras 6-8, 18-19; Dragan Lalović, T. 21951. Dragan Lalović's evidence is reviewed in chapter 9.3.10.
[16974] P320 (John Wilson, witness statement, 26 March 2009), paras 6-8, 25, 64, 93; John Wilson, T. 3919, 4020. John Wilson's evidence is reviewed in chapter 5.3.11.
[16975] D539 (Slobodan Tuševljak, witness statement, 10 May 2014), p. 1, para. 2; D540 (Slobodan Tuševljak, witness statement, 5 November 2012), paras 13, 17; Slobodan Tuševljak, T. 23384-23386, 23389-23390; P6621 (Order on appointments in the 4th Company of the 3rd Battalion), p. 1. Slobodan Tuševljak's evidence is reviewed in chapter 9.4.2.
[16976] P785 (Rupert Smith, witness statement, 27 October 2009), paras 4, 6; Rupert Smith, T. 7287. Rupert Smith's evidence is reviewed in chapter 5.3.10.

Light Infantry Brigade between 18 August 1992 and mid-September 1995;[16977] as well as documentary evidence.[16978]

4834. Most of this evidence has been reviewed in other chapters. The relevant Adjudicated Facts set out that the monthly reports of the military prosecutor's office for Sarajevo did not contain any information about criminal proceedings against SRK members for war crimes.[16979] Disciplinary proceedings against SRK soldiers were conducted and disciplinary measures taken in matters other than violations of international humanitarian law.[16980]

4835. On 14 September 1995, Mladić informed, among others, the 1KK, 2KK, the SRK, the DK, and the 65th Protection Regiment that an agreement had been reached that same day between the President of the Bosnian-Serb Republic and Richard Holbrooke to cease hostilities in the Sarajevo zone and to cease bombardment of targets in the Bosnian-Serb Republic by NATO aircrafts.[16981] Mladić ordered the aforementioned units that it would be prohibited for them to open artillery or any other kind of fire on the towns of Tuzla, Bihać, Sarajevo, and Goražde, which Mladić stated had the status of safe areas. Mladić then repeated this order and added that '[t]here must be no artillery fire on the towns of Tuzla, Bihać, Goražde and Sarajevo without an explicit order from me'. The framework agreement on the cessation of hostilities within the Sarajevo exclusion zone and the withdrawal of heavy weapons from the zone was to be compiled by Generals Tolimir and Dragomir Milošević and was to be sent for inspection and authorization to Mladić personally. Lastly, Mladić stated that corps commanders would be personally responsible to Mladić for failure to adhere to the measures contained in the order.[16982]

4836. The Trial Chamber recalls its findings in chapters 5 and 8 where it found that members of the SRK were responsible for incidents of sniping and shelling in Sarajevo. It further recalls its findings in chapter 3 where it found that Mladić was the commander

[16977] D559 (Milorad Šehovac, witness statement, 13 May 2014), p. 1, paras 1-2; Milorad Šehovac, T. 24055. Milorad Šehovac's evidence is reviewed in chapter 9.4.2.
[16978] P7552 is reviewed in chapter 5.3.11; D66 is reviewed in chapter 9.5.11; P5054 is reviewed in chapter 9.3.10; P812 is reviewed in chapter 9.4.2; P876 is reviewed in chapter 9.4.2; P5064 is reviewed in chapter 9.3.10; P5065 is reviewed in chapter 9.3.10.
[16979] Adjudicated Facts III, no. 1857.
[16980] Adjudicated Facts III, no. 1859.
[16981] P4300 (Order by Mladić to the commanders of the SRK and various VRS corps and units regarding a cease-fire, 14 September 1995), pp. 1-2.
[16982] P4300 (Order by Mladić to the commanders of the SRK and various VRS corps and units regarding a cease-fire, 14 September 1995), p. 2.

of the VRS Main Staff and that the subordinate corps included the SRK. The Trial Chamber therefore finds that Mladić had a duty to take adequate steps to address crimes committed by SRK members. The Trial Chamber recalls its findings in chapter 3.1.2 that SRK personnel generally were under normal military command and control, that the SRK had a strong reporting chain, and that the SRK command reported to its superior, Mladić. In addition, the Trial Chamber recalls its findings in chapter 5.3.1 about Mladić's involvement in one particular shelling incident. Finally, the Trial Chamber recalls its findings in chapter 9.5.7 about information on sniping and shelling that Mladić received from UNPROFOR. Based on these findings, the Trial Chamber finds that Mladić was aware of the incidents of sniping and shelling committed by the SRK in Sarajevo.

4837. The Trial Chamber further recalls its findings in 9.3.10 that although the Accused issued orders with respect to the prevention and punishment of some crimes, he failed to take adequate steps to prevent crimes in furtherance of the Overarching JCE, or to adequately investigate or punish members of the VRS, which includes members of the SRK, for such crimes.

4838. With regard to Mladic's role in the prevention or punishment of SRK crimes in particular, the Trial Chamber finds that monthly reports of the Military Prosecutor's Office for Sarajevo did not contain any information about criminal proceedings against SRK members for war crimes. The Trial Chamber further finds that disciplinary proceedings against SRK soldiers were conducted and disciplinary measures taken in matters other than violations of international humanitarian law. The Trial Chamber also recalls the evidence reviewed in chapter 5.3.10 with regard to Mladic's request to Smith for a joint investigation into the incident. The Trial Chamber finds that although Mladić requested the establishment of a joint commission to investigate the incident, he did not take any serious steps to independently investigate the involvement of members of the SRK. Considering all of the above, the Trial Chamber finds that there were no meaningful investigations into allegations of war crimes committed by the members of the SRK. In this respect, the Trial Chamber also recalls its findings in chapter 9.5.7 that on several occasions Mladić deliberately misled members of the international community about crimes committed by members of the SRK.

4839. Based on the foregoing, the Trial Chamber finds that the Accused failed to take adequate steps to prevent, investigate, or punish members of the SRK for crimes in furtherance of the alleged Sarajevo JCE.

4840. In chapter 9.5.10, the Trial Chamber will consider whether Mladić's conduct in this respect, considered together with other acts or omissions, amounts to a significant contribution to the Sarajevo JCE.

9.5.9 Directing, implementing and/or authorizing the restriction of humanitarian aid to Bosnian-Muslim and/or Bosnian-Croat enclaves located in territory controlled by the VRS, the TO, the MUP, and Bosnian-Serb paramilitary forces and volunteer units and/or Bosnian-Serb Political and Governmental Organs in an effort to create unbearable living conditions for these inhabitants[16983]

4841. With regard to this alleged contribution, the Defence submitted that Mladić made all reasonable efforts to ensure the safety and protection of the people of Sarajevo by: directing that Sarajevo airport be used by UNPROFOR for humanitarian purposes although knowing the disadvantage it would cause the SRK; and issued orders enabling the unobstructed transit of humanitarian aid convoys and did not issue or support any orders that obstructed the passage of humanitarian aid through SRK-held territory.[16984] Humanitarian aid convoys were merely required to register and be searched before travel to ensure that the SRK units were aware of the convoys' passage and to prevent misuse of the humanitarian convoys by the ABiH.[16985] If convoys were delayed it was due to a lack of escorts, combat activity, individuals acting illegally by trafficking or appropriating goods, and international or UNPROFOR personnel opposing inspection.[16986] The Trial Chamber received evidence from **Michael Rose**, the UNPROFOR Commander from 5 January 1994 to 23 January 1995;[16987] **David Fraser**, a Military Assistant to the UNPROFOR Commander in Sector Sarajevo from 17 April 1994 to 26 May 1995;[16988] **Reynaud Theunens**, a military intelligence analyst;[16989]

[16983] The Trial Chamber, having considered Indictment paras 8, 13(k), and 18, understands the scope of this section to cover only Bosnian Muslims in Sarajevo.
[16984] Defence Final Brief, paras 1800, 1802, 1804, 1817.
[16985] Defence Final Brief, para. 1818.
[16986] Defence Final Brief, paras 1820-1823.
[16987] P736 (Michael Rose, witness statement, 26 March 2009), paras 5, 195; Michael Rose, T. 6839. Michael Rose's evidence is also reviewed in chapter 9.3.11.
[16988] P576 (David Fraser, witness statement, 3 December 2012), paras 7, 11. David Fraser's evidence is also reviewed in chapter 9.3.11.

Witness RM-163, an UNPROFOR soldier stationed in Sarajevo in 1993 and 1994 and a member of the RRF in 1995;[16990] **David Harland**, an UNPROFOR civil affairs officer assigned to Sarajevo as of May 1993;[16991] **Mile Sladoje**, a member of the 1st Battalion of the Ilidža Brigade as of April 1992;[16992] **John Wilson**, the chief UNMO for UNPROFOR deployed to Sarajevo from 22 March to 24 June 1992;[16993] **Rupert Smith,** UNPROFOR commander in Bosnia-Herzegovina between 23 January and December 1995;[16994] **Anthony Banbury**, an UNPROFOR Civil Affairs Officer in Sarajevo between March 1994 and May 1995 and later the Assistant to the Special Representative of the UNSG in Bosnia-Herzegovina;[16995] **Milorad Šehovac**, the Chief of Staff of the 1st Posavina Brigade in Brčko between 23 May and 15 August 1992 and the Commander of the SRK 2nd Sarajevo Light Infantry Brigade between 18 August 1992 and mid-September 1995;[16996] **Svetozar Guzina**, the commander of the Ilidža Brigade's 5th Battalion from June 1992 to 1993 and the commander of 1st Battalion from 1993 until the end of the war;[16997] **Husein Aly Abdel-Razek**, UNPROFOR Sector Sarajevo Commander from 21 August 1992 to 20 February 1993;[16998] **Jeremy Bowen**, the BBC's foreign correspondent in the territory of the former Yugoslavia between July 1992 and 1995;[16999] **Vlade Lučić**, a battalion commander of the 2nd Mountain Battallion in the SRK's 216th Mountain Brigade based at Grbavica, Sarajevo, between 18 May 1992 and the end of January 1993,[17000] **Neđo Vlaški**, the chief of the SDB Administration for security of persons and buildings from at least 1991;[17001] **Richard Gray**, the Senior Military Observer for UNPROFOR in Sector Sarajevo from 11 June

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[16989] Reynaud Theunens, T. 20230; P3093 (Reynaud Theunens, *curriculum vitae*, 15 October 2012), pp. 1-4. Reynaud Theunens's evidence is also reviewed in chapters 9.3.11.
[16990] P628 (Witness RM-163, witness statement, undated), paras 4, 6-7, 9-10.
[16991] P1 (David Harland, witness statement, 4 September 2009), p. 1, para. 5; David Harland, T. 661.
[16992] D453 (Mile Sladoje, witness statement, 10 May 2014), para. 5.
[16993] P320 (John Wilson, witness statement, 26 March 2009), paras 6-8, 25, 64, 93; John Wilson, T. 3919, 4020.
[16994] P785 (Rupert Smith, witness statement, 27 October 2009), paras 4, 6; Rupert Smith, T. 7287.
[16995] P874 (Anthony Banbury, witness statement, 19 May 2009), para. 3.
[16996] D559 (Milorad Šehovac, witness statement, 13 May 2014), p. 1, paras 1-2; Milorad Šehovac, T. 24055.
[16997] D514 (Svetozar Guzina, witness statement, 15 May 2014), p. 1, paras 1, 36-37; Svetozar Guzina, T. 22467, 22527-22528, 22552.
[16998] P293 (Husein Aly Abdel-Razek, witness statements), witness statement of 16 July 2002, p. 1, paras 2, 65, supplemental witness statement of 16 July 2002, p. 1; Husein Aly Abdel-Razek, T. 3578. Husein Aly Abdel-Razek's evidence is also reviewed in chapter 5.1.1.
[16999] P2515 (Jeremy Bowen, witness statement, 10 August 2009), pp. 1-2, paras 3, 5; Jeremy Bowen, T. 18027.
[17000] D658 (Vlade Lučić, witness statement, 5 November 2012), paras 3-6, 8-9, 13.
[17001] D735 (Neđo Vlaški, witness statement, 8 August 2014), para. 2 .

1992 to 20 September 1992, based in the city since 10 April 1992;[17002] **Vladimir Radojčić**, the commander of the VRS Ilidža Brigade from January 1993 until the end of the war;[17003] **Velimir Dunjić**, Commander of the Igman Brigade of the SRK from August 1992 until January 1993;[17004] **Miloš Škrba**, the Commander of the 2nd Infantry Company of the 2nd Infantry Battalion in the 1st Sarajevo Mechanised Brigade of the SRK;[17005] **Predrag Trapara**, Commander of the 5th Company of the 2nd Infantry Battalion of the 1st Sarajevo Mechanised Brigade as of 1992 for the duration of the conflict;[17006] **Pyers Tucker**, UNPROFOR military assistant from October 1992 to March 1993;[17007] and **Slavko Kralj**, liaison officer of the 1KK from 1992 until November 1994 and then worked for the Department for Relations with Foreign Military Envoys in the VRS Main Staff;[17008] as well as documentary evidence.[17009]

[17002] D1413 (Richard Gray, witness statement, 22 April 2012), paras 2, 4-5; D1423 (Certification of UN medal for service with UNPROFOR – Richard Gray).

[17003] D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 1. Vladimir Radojčić's evidence is also reviewed in chapter 5.1.1.

[17004] Velimir Dunjić: T. 24883.

[17005] D524 (Miloš Škrba, witness statement, 10 May 2014), paras 1, 6, 15; Miloš Škrba. 22797-22798, 22803-22804, 22822, 22902, 22887. Miloš Škrba evidence is also reviewed in chapter 9.3.11.

[17006] D459 (Predrag Trapara, witness statement, 10 May 2014), p. 1, para. 1; Predrag Trapara, T. 21121, 21141-21142.

[17007] P317 (Pyers Tucker, witness statement, 10 May 2010), paras 4, 6; Pyers Tucker, T. 3751. Pyers Tucker's evidence is also reviewed in chapters 9.3.11.

[17008] D712 (Slavko Kralj, witness statement, June 2013), para. 3; Slavko Kralj, T. 27437.

[17009] D725 (Mladić's order to the Corps Commanders (1KK, 2KK, SRK, IBK, HK, DK) on information on the passage UNPROFOR convoys, 30 November 1992) is reviewed in chapter 9.3.11; D726 (Mladić's order to all the brigades, the Skelani Independent Battalion and the Višegrad Tactical Group on the passage of humanitarian aid, 14 May 1993) is reviewed in chapter 9.3.11; D717 (Milovanović's order to the Corps Commands (1KK, 2KK, SRK, IBK, HK, and DK), and Air Force and Anti-Aircraft Defence, on UNPROFOR and humanitarian organisations' activities, 26 September 1993) is reviewed in chapter 9.3.11. P1758 (VRS Main Staff Report, signed by Mladić concerning convoys and humanitarian aid, 15 May 1993) is also reviewed in chapter 9.3.11; P2245 (Mladić telegram concerning convoys and humanitarian aid, 16 May 1993) is also reviewed in chapter 9.3.11; D1531 (VRS instructions on the unhindered movement of humanitarian aid, 6 September 1993) is also reviewed in chapter 9.3.11; D713 (Main Staff's order regarding the movement of humanitarian aid convoy through Bosnian-Serb Republic, 1 August 1993); D2032 (Milovanović order about movement of UNPROFOR and humanitarian aid groups, 10 August 1993); P735 (UNPROFOR fax from de Mello to Akashi, 30 January 1994) is also reviewed in chapter 9.3.11; P761 (UNPROFOR fax from Akashi to Annan, 7 March 1994) is also reviewed in chapter 9.3.11; P587 (VRS Main Staff Order by Ratko Mladić, 10 April 1994) is also reviewed in chapter 9.3.11; P608 (Order by Deputy Commander Milutin Skočajić, 10 April 1994) is also reviewed in chapter 9.3.11; D462 (Combat report by Manojlo Milovanović, 11 April 1994); P6930 (VRS Main Staff Order from Ratko Mladić, 19 April 1994) is also reviewed in chapter 9.3.11; P514 (VRS Main Staff Order from Mladić regarding treatment of members of international organisations, 13 April 1994) is also reviewed in chapter 9.3.11; P588 (VRS Main Staff Report, signed by Manojlo Milovanović, Chief of Staff, 14 April 1994) is also reviewed in chapter 9.3.11; P5228 (UNPROFOR memorandum from General Brinkman, 24 September 1994) is also reviewed in chapter 9.3.11; P763 (UNPROFOR fax from Akashi to Annan, 4 June 1994) is also reviewed in chapter 9.3.11; P764 (UNPROFOR fax from Victor Andreev to Sergio Vieira de Mello, 22 July 1994) is also reviewed in chapter 9.3.11; P774 (UNPROFOR fax from Akashi to Annan, 2 December 1994) is also reviewed in chapter 9.3.11; P729 (Report from the Bosnia-Herzegovina headquarters command on a meeting in Pale, 12 December 1994) is also reviewed in chapter 9.3.11; P5229 (Order of the VRS Main Staff on regime and control of movement in Bosnian-Serb

4842. **John Wilson** testified that on 1 June 1992, French Protection Company personnel and military observers accompanied a humanitarian effort to deliver food to Dobrinja. The delivery had been agreed to by Serbs and Muslims in Sarajevo. Near Nedarići, two buses containing food and unarmed civilian personnel, who were volunteers from Sarajevo, were subjected to heavy machine gun-fire. The driver of the first bus was killed and a passenger seriously wounded. Most of the civilian volunteers were killed in this attack. When the French commander placed his APC between the buses and one of the machine-gun position, sustained machine-gun fire was directed against the window of the APC. UNPROFOR later tried to revisit the area, in order to recover the wounded and the dead, but soldiers with anti-tank rockets prevented them from doing so.[17010] At a meeting of 3 June 1992, Serb representatives admitted that Serb forces had ambushed the humanitarian convoy at Dobrinja, but only because the Serb military had been confused.[17011]

4843. **Richard Gray** stated that the UNPROFOR Commander in Sector Sarajevo concluded an agreement with the Bosnian Serbs on the opening of the Sarajevo airport.[17012] He further stated that the Bosnian Serbs had agreed to let the UN take over the airport to allow access for humanitarian aid.[17013] **Vladimir Radojčić** testified that he heard Sarajevo airport was handed over to the UN in June 1992 so that humanitarian aid could be distributed to both Bosnian-Muslim and Bosnian-Serb civilians in Sarajevo on both sides of the demarcation line.[17014] He had clear orders from higher commands that every humanitarian aid convoy approved by higher civilian and military authorities

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Republic, 2 March 1995 is also reviewed in chapter 9.3.11; P880 (Political assessment of Bosnia-Herzegovina for 12-18 March 1995, 18 March 1995) is also reviewed in chapter 9.3.11; P2196 (Summary of a meeting between General Janvier and Mladić, 4 June 1995) is also reviewed in chapter 9.3.11; P2197 (Letter from Mladić to General Janvier, 12 June 1995) is also reviewed in chapter 9.3.11; P2198 (Summary of a meeting between General Janvier and Mladić, 17 June 1995) is also reviewed in chapter 9.3.11; P6620 (Fax message from David Harland of UNPROFOR, 8 July 1995) is also reviewed in chapter 9.3.11; P1758 (Report on movement of humanitarian assistance and convoys signed by Mladić, 15 May 1993) is also reviewed in chapter 9.3.11; P7405 (UNPROFOR Weekly Situation Report 8-15 May 1995) is also reviewed in chapter 9.3.11.

[17010] P320 (John Wilson, witness statement, 26 March 2009), para. 70.

[17011] P320 (John Wilson, witness statement, 26 March 2009), para. 70; P336 (UNPROFOR report on airport meetings in Sarajevo, 3 June 1992), p. 3.

[17012] D1413 (Richard Gray, witness statement, 22 April 2012), para. 6. The Trial Chamber notes that the witness does not specify which period he is referring to but that he was the Senior Military Observer for UNPROFOR in Sector Sarajevo from 11 June 1992 to 20 September 1992 and based in the city since 10 April 1992.

[17013] D1413 (Richard Gray, witness statement, 22 April 2012), para. 6. *See also* evidence of Milorad Šehovac who testified that, in June 1992, Sarajevo airport was handed over to the UN for humanitarian use. D559 (Milorad Šehovac, witness statement, 13 May 2014), para. 8; D560 (Corrections to witness statement, 10 July 2014), para. 8.

[17014] D535 (Vladimir Radojčić, witness statement, 11 May 2014), paras 12, 46.

should be allowed to pass.[17015] Instances of stopped convoys were due to the absence of approval from the higher command because of irregularities in these convoys.[17016] The Ilidža Brigade provided security for humanitarian convoys and the witness saw convoys being used by the 1st Corp of the ABiH for military purposes, which was one of the reasons for the denial of the humanitarian convoys' passage by the superior commands. The Ilidža Brigade received information from members of the international forces and intelligence that the bulk of humanitarian aid was going to ABiH military warehouses instead of being delivered to civilians. The Assistant for Security of the Ilidža Brigade, Nikola Mijatović, found ammunition on the floor of a UNPROFOR French vehicle intended for the ABiH.[17017] **Milorad Šehovac** testified that he had information that the Ilidža Brigade enabled the passage of humanitarian convoys for civilians in Sarajevo.[17018]

4844. According to an official note of the Ilidža War Department of the MUP, dated 29 September 1992, Velimir Dunjić refused, on that day, to let UNHCR convoys with Bosnian-Muslim drivers to pass on the basis that UNHCR staff was carrying letters to Bosnian Muslims.[17019] The note stated that Dunjić made an ultimatum to UNPROFOR officers and UNHCR officials to provide him with a guarantee that future convoys would not include any Muslim drivers and not carry any compromising material, letters or food to Bosnian Muslims in Sarajevo.[17020] According to the note, Dunjić also warned them that he would confiscate the whole convoy and all trucks if any of the aforementioned conditions were not met.[17021] The note stated that the Command of the VRS had promised the MUP not to let any more convoys through Serbian territory unless the above conditions were met and asked the MUP for further instructions.[17022] Dunjić denied banning the passage of food destined for Muslims but that he did prohibit compromising material such as weapons and ammunition which were materials that his unit had found in convoys on two occasions.[17023]

[17015] D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 46.
[17016] D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 46.
[17017] D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 47.
[17018] D559 (Milorad Šehovac, witness statement, 13 May 2014), para. 38.
[17019] P6702 (Order from Ildža War Department of the MUP, 29 September 1992), p. 1.
[17020] P6702 (Order from Ildža War Department of the MUP, 29 September 1992), p. 1; Velimir Dunjić: T. 24900.
[17021] P6702 (Order from Ildža War Department of the MUP, 29 September 1992), p. 1.
[17022] P6702 (Order from Ildža War Department of the MUP, 29 September 1992), p. 2.
[17023] Velimir Dunjić: T. 24900.

4845. **Husein Aly Abdel-Razek** testified that UNPROFOR and UNHCR convoys were stopped, checked, and blockaded all the time by both sides, but mostly by the Serbs.[17024] He recalled having a conversation with Plavšić who expressed concern about UN drivers who were Muslims as they were likely to report information to 'Bosnians'.[17025] The witness recalled having raised a complaint to Galić after being stopped by the Serbs during his attempt to get to the airport.[17026] Galić responded by saying that he had no intention to personally stop the witness, but had some information about some Muslims attempting to enter the airport road under the UN's protection.[17027] The witness maintained that the French battalion did not violate their mandate at the airport and were very strict about being impartial.[17028] On 8 October 1992, Adnan Abdel-Razek wrote to his subordinate in the UNPROFOR Civil Affairs Department, Cedric Thornberry that he called Mr. Ahtisaari and reported that the general mood of the people in Sarajevo had reached its lowest level since April 1992, due to the lack of water and electricity, and the continuous shelling of civilians.[17029] Adnan went on to note that the month-long suspension of humanitarian flights and small amount of food coming in through UNHCR land convoys had a critical effect on the food situation. Starvation had not yet been detected, but signs of malnutrition were becoming evident, particularly in children. It was also recalled that Serb officials such as Plavšić and Galić had admitted almost explicitly that they cut off Sarajevo's water supply in retaliation for the disconnection of telephone connections to Pale and of the water supply to Ilijaš, a small village near Sarajevo.[17030]

4846. According to an official note of the Ilidža War Department of the MUP, dated 29 October 1992, a convoy of a humanitarian organization named 'The Serious Road Trip' was stopped at the checkpoint named the 'Mostar Intersection'. The inspectors confiscated medical equipment and medical material including food, medicine and

[17024] P293 (Husein Aly Abdel-Razek, witness statements), witness statement of 16 July 2002, p. 9, paras 43-44. The Trial Chamber observes that the precise timeframe is unclear but that the witness was UNPROFOR Sector Sarajevo Commander from 21 August 1992 to 20 February 1993.
[17025] P293 (Husein Aly Abdel-Razek, witness statements), witness statement of 16 July 2002, p. 9, para. 43.
[17026] P293 (Husein Aly Abdel-Razek, witness statements), witness statement of 16 July 2002, p. 9, para. 44.
[17027] P293 (Husein Aly Abdel-Razek, witness statements), witness statement of 16 July 2002, p. 9, para. 44.
[17028] P293 (Husein Aly Abdel-Razek, witness statements), witness statement of 16 July 2002, p. 9, paras 44-45.
[17029] P303 (Note for Mr. Thornberry signed by Adnan Abdel-Razek, 8 October 1992), p. 1; Husein Aly Abdel-Razek, T. 3604-3605.
[17030] P303 (Note for Mr. Thornberry signed by Adnan Abdel-Razek, 8 October 1992), p. 1.

clothing intended for a hospital in Sarajevo, as the equipment and materials were not listed in documents. This equipment, however, was later given to the Žica Hospital in Blažuj which the note stated was vital for 'our hospital'.[17031] In addition, two packages which were addressed to Muslims were confiscated as they were without certification from the Serb SJB.[17032]

4847. **Velimir Dunjić** testified that on 17 November 1992, at an advisory meeting on the military and political situation, Mladić tasked his subordinates to behave professionally and in a fair way towards UNPROFOR members, not to permit the passage of weapons and ammunition in the area of responsibility of the units, and to allow humanitarian aid to pass through without any problems.[17033] Based upon the conclusions and tasks from the advisory meeting on 29 November 1992, Dunjić ordered unit commanders to: (a) be aware of their attitudes and behaviour towards UNPROFOR members; (b) make sure that the members of each unit were acting politely towards UNPROFOR members; (c) take immediate disciplinary measures for any violations of good conduct including launching criminal proceedings; and (d) report any case of misbehaviour by UNPROFOR members towards any members of the unit.[17034] According to the witness, it was a well-known fact that Muslim units would launch attacks two or three days after the passage of humanitarian aid convoys through the zone of responsibility of the Igman Brigade.[17035] On two occasions, ammunition had been found in the false bottom of a truck at check-points.[17036] Gunpowder had also been found in medical oxygen tanks.[17037] These events were recorded by video footage and reported live by Bosnian-Serb Republic television. As a result, the UN received written instructions about the security checks which would be in force during the passage of humanitarian aid convoys. The witness stated that nevertheless all convoys were let through.[17038]

4848. **Predrag Trapara** testified that humanitarian aid destined for the Muslim-held part of Sarajevo passed through his unit's area of responsibility along Bjelopolska

[17031] P6770 (Official Note of the Ilidža War Department, 20 October 1992), p. 1.
[17032] P6770 (Official Note of the Ilidža War Department, 20 October 1992), pp. 1-2.
[17033] D607 (Order from the Military Post Command regarding attitude and behavior towards the UNPROFOR, 29 November 1992); Velimir Dunjić, T. 24983, 24900.
[17034] D607 (Order from the Military Post Command regarding attitude and behavior towards the UNPROFOR, 29 November 1992).
[17035] D598 (Velimir Dunjić, witness statement, 12 November 2012), para. 14.
[17036] D598 (Velimir Dunjić, witness statement, 12 November 2012), para. 14.
[17037] D598 (Velimir Dunjić, witness statement, 12 November 2012), para. 14; Velimir Dunjić: T. 24900.
[17038] D598 (Velimir Dunjić, witness statement, 12 November 2012), para. 14.

Road.[17039] His unit received orders from the battalion command to let the convoys through, and always allowed convoys to travel through.[17040] The witness testified that there were instances when UNPROFOR abused the humanitarian aid convoys by using them to supply the Muslims with weapons.[17041] The witness was present in late 1992 at the Lukavica intersection when the Corps' military police found seven rifles in a humanitarian aid shipment headed for the Muslim-held part of Sarajevo.[17042] Once the rifles were removed, the convoy proceeded on its way after a detailed inspection.[17043]

4849. In January 1993, Vladimir Radojčić reported to the SRK Command that UNPROFOR convoys were passing through without problems, except for the convoy for Butmir which was sent back due to a shelling incident in the sector of the Health Centre at the moment when the convoy arrived.[17044]

4850. According to a decision dated 7 May 1993, addressed to the VRS Main Staff, and signed by Karadžić, deliveries of humanitarian aid to 'the other side's territories' were to be unhindered, and full and effective checks on humanitarian aid were to be carried out correctly with as few delays as possible.[17045] The decision was issued in the context of a cease-fire and the implementation of UNSC resolution 824.[17046] On 15 May 1993, Stanislav Galić, SRK Commander, ordered all SRK units to ensure the undisturbed passage of humanitarian aid and staff providing assistance to the population of the opposing side and to respect the Geneva Conventions and other international law regulations.[17047] The order was issued on the basis of a directive from the Bosnian-Serb Presidency and a VRS Main Staff order, both dated 14 May 1993.[17048]

4851. **Svetozar Guzina** testified that in accordance with orders from the Supreme Command, the VRS Main Staff, and Corps Commands all SRK units were to allow the

[17039] D459 (Predrag Trapara, witness statement, 10 May 2014), paras 21-22.
[17040] D459 (Predrag Trapara, witness statement, 10 May 2014), paras 21-22; Predrag Trapara, T. 21128, 21131-21132, 21138, 21195.
[17041] D459 (Predrag Trapara, witness statement, 10 May 2014), paras 21-22.
[17042] D459 (Predrag Trapara, witness statement, 10 May 2014), paras 21-22; Predrag Trapara, T. 21195.
[17043] Predrag Trapara, T. 21195.
[17044] D815 (A daily report sent to the SRK Command, January 1994). *See also* D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 118.
[17045] D460 (Decision by Karadžić addressed to the VRS Main Staff, 7 May 1993).
[17046] D460 (Decision by Karadžić addressed to the VRS Main Staff, 7 May 1993).
[17047] D1981 (SRK order on undisturbed passing of humanitarian aid, 15 May 1993); D1989 (SRK order on undisturbed passing of humanitarian aid, 15 May 1993), pp. 1-2.
[17048] D1981 (SRK order on undisturbed passage of humanitarian aid, 15 May 1993); D1989 (SRK order on undisturbed passage of humanitarian aid, 15 May 1993), p. 1.

passage of humanitarian convoys into Sarajevo.[17049] During routine checks of these convoys, Guzina's battalion found that UNPROFOR members were supplying Muslims with prohibited and undeclared goods, specifically weapons, flak jackets, and the like.[17050] Guzina emphasized that they allowed the convoys arriving in Sarajevo via Nedžarići to pass without any problems.[17051]

4852. **Miloš Škrba** testified that in the territory which his unit controlled, the instruction was to allow all vehicles carrying humanitarian aid to pass through and that did in fact happen.[17052] According to the witness, the military police manned the checkpoints and had the responsibility to check vehicles.[17053] **Vlade Lučić** testified that the general stance of the VRS superior commands was not to prevent but to make possible the delivery of humanitarian aid to the civilians in Sarajevo, including those staying in the Bosnian-Muslim-held territory.[17054] Between 18 May 1992 and the end of January 1993, the witness's units ensured free and safe passage for humanitarian convoys through the territory under their control.[17055] He did not have direct knowledge concerning the misuse of humanitarian convoys by the 1st Corp of the ABiH to obtain weapons, but testified that this may have been the case because of the intensification of the ABiH's operations and their new weaponry.[17056]

4853. On 16 June 1993, Dragan Marčetić, Deputy Commander of the SRK ordered the commanders of brigades, regiments, and independent battalion commands to ensure the delivery of humanitarian aid and free movement of international humanitarian organizations although 'applying usual control measurements'.[17057] They were also at the same time required to provide water, gas, and electricity.[17058]

4854. According to a report, dated 3 November 1993, sent by the Pale MUP and SNB to the Bosnian-Serb President, the Prime Minister, and the President of the Bosnian-Serb Assembly, following the hand over of the Sarajevo Airport to UNPROFOR, there were reasonable grounds to suspect that humanitarian flights were used to: supply

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[17049] D514 (Svetozar Guzina, witness statement, 15 May 2014), para. 44; Svetozar Guzina, T. 22484-22485.
[17050] D514 (Svetozar Guzina, witness statement, 15 May 2014), paras 44, 46; Svetozar Guzina, T.22485.
[17051] D514 (Svetozar Guzina, witness statement, 15 May 2014), para. 46; Svetozar Guzina, T.22485.
[17052] D524 (Miloš Škrba, witness statement, 10 May 2014), para. 10; Miloš Škrba, T. 22788, 22883.
[17053] Miloš Škrba, T. 22788, 22881, 22883.
[17054] D658 (Vlade Lučić, witness statement, 5 November 2012), para. 26.
[17055] D658 (Vlade Lučić, witness statement, 5 November 2012), para. 26; Vlade Lučić, T. 26274.
[17056] D658 (Vlade Lučić, witness statement, 5 November 2012), para. 26.
[17057] D807 (Order signed by Dragan Marčetić to the SRK command, 16 June 1993), pp. 1-2.
[17058] D807 (Order signed by Dragan Marčetić to the SRK command, 16 June 1993), pp. 1-2.

weapons and military equipment to the Muslims, transport persons of interest, and consignments were dropped by parachute to enemy positions. Tunnels dug underneath the airport were used to transfer men or whole units of the ABiH from or to Sarajevo. These activities went unhindered as the work of the VRS representatives at the airport was almost completely blocked. The report considered that the Muslims employed at the airport in institutions such as UNHCR, UNPROFOR, and the ICRC by far outnumbered the Serbs and that the Serbs faced poor treatment by comparison.[17059] **Neđo Vlaški** testified that when the war began and the Serbs had already formed defence lines around Sarajevo, the Serbs turned over the Sarajevo airport to UNPROFOR in order to prevent the conflict from escalating and to resolve the humanitarian crisis.[17060] By referring to the report dated 3 November 1993, Neđo stated that advantage was then taken of the decision to hand over the airport as it was then used to supply weapons to the Muslims.[17061]

4855. On 13 March 1994, SRK Deputy Commander Dragomir Milošević sent a letter to all units, wherein he set out an order, of the same date, from the Bosnian-Serb President,that the VRS will do its utmost to refrain from retaliating to the provocations of the ABiH during the days of *Bairam*, on 13 and 14 March 1994, and to only be active to the level required for defence from serious attacks.[17062] The order also mentioned that the VRS would do everything in its power to ensure that convoys that have reached its lines, including in the direction of Maglaj, reach their destination safely.[17063] VRS units also had to inform the convoy escort about all the dangers of attacks or provocations that the opposing side could blame on the Serbs.[17064]

4856. On 17 March 1994, Hasan Muratović, a Minister of Bosnia-Herzegovina, and Momćilo Krajišnik, President of the Bosnian-Serb Assembly, in the presence of Sergio de Mello, the UNPROFOR Head of Civil Affairs, signed the Agreement on the Freedom of Movement in the Sarajevo Area.[17065] The agreement called for the opening of three routes in the Sarajevo area for civilian traffic and humanitarian goods.[17066] The

[17059] D744 (Report of MUP-SNB regarding security problem in Sarajevo airport, 3 November 1993).
[17060] D735 (Neđo Vlaški, witness statement, 8 August 2014), para. 109.
[17061] D735 (Neđo Vlaški, witness statement, 8 August 2014), para. 109.
[17062] D2023 (President's order to VRS on Bairam, 13 March 1994), pp. 1-2.
[17063] D2023 (President's order to VRS on Bairam, 13 March 1994), p. 1.
[17064] D2023 (Dragan Milošović Bairam order, 13 March 1994), p. 1.
[17065] P7687 (UNPROFOR Message sent to the UNPROFOR Civil Affairs in Sarajevo, 15 March 1995), pp. 1, 2.
[17066] P7687 (UNPROFOR Message sent to the UNPROFOR Civil Affairs in Sarajevo, 15 March 1995), p. 2.

three routes were: airport routes between Lukavica-Iliđza (Bosnian-Serb side) and Butmir-Dobrinja (Bosnian-Muslim side); Sarajevo-Vogošća-Visoko; and Bratsvo bridge.[17067]

4857. **Radojčić** testified that on 9 April 1994, he reported that a convoy carrying humanitarian aid contained ammunition for 'Browing' and medical supplies, neither of which was on the list of transported goods.[17068] On 12 May 1994, the witness reported that while conducting a routine check of a UN personnel carrier, the border police found seven cases of mortar shells and there was no documentation indicating who the intended recipients of the shells were.[17069] The provision of water, gas and electricity in Sarajevo was exclusively within the jurisdiction of the civilian authorities.[17070] The Ilidža Brigade had information that the Muslim authorities deliberately cut off their own water, gas, and electricity supplies during periods when foreign delegations were visiting in order to present themselves as victims.[17071]

4858. **David Fraser** testified that the mandate of UNPROFOR in Sarajevo consisted of ensuring the freedom of movement for humanitarian aid.[17072] After his arrival in Sarajevo on 17 April 1994, Fraser was briefed about the VRS controlling the humanitarian aid flow and the freedom of movement of UNPROFOR and UNMOs.[17073] UNPROFOR had a belief, which was later confirmed, that Mladić and the VRS Main Staff controlled and manipulated the flow of humanitarian aid in Bosnian-Serb held territory for political purposes.[17074] This was one of the means by which the VRS maintained control over the city.[17075] Fraser testified that Mladić would run them down to the last day of food, water, fuel and then show who was in control by allowing a convoy in. Around Christmas 1994, UNPROFOR went 20 days without re-supply. It was clear from Fraser's conversation with General Milošević that he did not control

[17067] P7687 (UNPROFOR Message sent to the UNPROFOR Civil Affairs in Sarajevo, 15 March 1995), p. 2.
[17068] D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 127; D820 (Daily report signed by Vladimir Radojčić, 9 April 1994), p. 1.
[17069] D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 95; D828 (Report from the 1st Ilidža Brigade, 12 May 1994), p. 1.
[17070] D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 49.
[17071] D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 49.
[17072] P576 (David Fraser, witness statement, 3 December 2012), para. 14.
[17073] P576 (David Fraser, witness statement, 3 December 2012), paras 39, 42, 149; David Fraser, T. 5805, 5926-5927.
[17074] P576 (David Fraser, witness statement, 3 December 2012), paras 136-138; David Fraser, T. 5809-5810.
[17075] P576 (David Fraser, witness statement, 3 December 2012), para. 136.

freedom of movement but took directions from Pale.[17076] Fraser confirmed that the VRS maps accurately reflected information about the location of the UN personnel and the number and ethnicity of the troops at each location, as well as the location of weapons available to them.[17077] According to the witness, this explained how Mladić was able to predict when UNPROFOR would run out of food, fuel, and ammunition.[17078]

4859. Fraser also testified that from 17 April 1994 freedom of movement for the UN and humanitarian convoys into the enclaves and Sarajevo was severely restricted and that Mladić's headquarters were controlling the operations and the control of movement of the UN.[17079] Fraser drew his conclusions on the basis that restrictions were imposed throughout enclaves in Serb-controlled territory and the geographical dispersion and similarities of the restrictions.[17080] Many excuses were made why there was a restriction of humanitarian aid but that ultimately it impacted non-combatants.[17081] Fraser did not recall ever hearing about any weapons being found in an aid convoy other than when the French battalion were moving ammunition around for their own use.[17082]

4860. According to a daily report of the Ilidža Brigade to the SRK Command dated 18 April 1994, the VRS were not in contact with UNPROFOR 'troops' other than that announced UNPROFOR vehicles transporting food under VRS escort were allowed to move towards their destination.[17083]

4861. **Ratomir Maksimović** testified that the SRK Command was not opposed to the supply of humanitarian aid to civilians in Sarajevo.[17084] The attitude of the 'superior commands' was that such aid should be supplied across 'Serbian' territory in 'the city controlled by the Muslim authorities'.[17085] Because it had information that humanitarian convoys were being misused to transport combat material for the ABiH 1st Corps and that UNPROFOR itself transported military material in humanitarian convoys, the SRK Command occasionally 'checked' humanitarian convoys.[17086] At morning briefings, the

[17076] P576 (David Fraser, witness statement, 3 December 2012), para. 137.
[17077] P576 (David Fraser, witness statement, 3 December 2012), para. 49; P3 (Sarajevo map book), pp. 52, 57.
[17078] P576 (David Fraser, witness statement, 3 December 2012), para. 49.
[17079] David Fraser, T. 5808.
[17080] David Fraser, T. 5808.
[17081] David Fraser, T. 5927.
[17082] David Fraser, T. 5839, 5927.
[17083] D1784 (Daily report of the Ilidža Brigade to the SRK Command, 18 April 1994), pp. 1-2.
[17084] D686 (Ratomir Maksimović, witness statement, 15 December 2012), para. 44.
[17085] D686 (Ratomir Maksimović, witness statement, 15 December 2012), para. 44.
[17086] D686 (Ratomir Maksimović, witness statement, 15 December 2012), paras 44-45.

witness was informed of an incident in which weapons were discovered in a humanitarian aid convoy.[17087] The SRK Command had information that humanitarian aid was sold on the black market controlled by Muslim authorities and that humanitarian aid often did not reach Serb civilians.[17088]

4862. **Witness RM-163** testified that both warring parties, but particularly the VRS, attempted to have the Sarajevo airport closed by shooting at aircraft.[17089] As a result, the airport was often closed, which stopped the arrival of humanitarian aid.[17090] UNPROFOR representatives participated in meetings with political leaders of the Bosnian Serbs, including Karadžić, Krajišnik, and Koljević, which usually took place at the Lukavica barracks or the Sarajevo airport, where the UNPROFOR representatives raised issues concerning the freedom of movement for humanitarian food supplies and called for a cessation to action against the civilian population.[17091] Mladić was also present at most of these meetings.[17092]

4863. On 23 July 1994, Manojlo Milovanović, upon order from the President of the Bosnian-Serb Republic, ordered the SRK Command to carry out all necessary preparations, including anticipating the forces and means required, for the closure of the 'Blue Road' which goes across Sarajevo Airport in order to prevent the transit of Muslims to and from Sarajevo, and to prevent UNPROFOR and other humanitarian organisations from getting across the airport on their way towards and from Igman and Lukavica.[17093]

4864. On 26 July 1994, Karadžić informed de Mello and Victor Andreev, UNPROFOR Civil Affairs Coordinator for Bosnia-Herzegovina, about the cancellation of any further implementation of the 17 March agreement across Sarajevo airport due to: (a) smuggling of arms by the Muslims; (b) continuous sniper activities by the Muslims; (c) Muslims' refusal to implement the agreement on exchange of prisoners; and (d) non-

[17087] D686 (Ratomir Maksimović, witness statement, 15 December 2012), para. 45.
[17088] D686 (Ratomir Maksimović, witness statement, 15 December 2012), para. 46.
[17089] Witness RM-163, T. 6107.
[17090] Witness RM-163, T. 6107.
[17091] P628 (Witness RM-163, witness statement, undated), para. 30; P636 (UNPROFOR message, 24 July 1994).
[17092] P628 (Witness RM-163, witness statement, undated), paras 30-31.
[17093] P4634 (VRS Main Staff document, 23 July 1994), p. 1.

respect of the agreement on cessation of hostilities.[17094] On 27 July 1994, the roads across the airport were closed.[17095]

4865. **Fraser** testified that on 23 September 1994, he witnessed a telephone conversation between General Brinkman and Mladić, where Mladić made it clear that he controlled the situation in Sarajevo.[17096] Mladić was incensed about the NATO strikes inflicted on the VRS the day before, demanded an apology, and threatened to stop all the convoys from entering Sarajevo.[17097] On 27 September 1994, Akashi sent a briefing report to Kofi Annan, stating that UNPROFOR took seriously the threat delivered by the VRS Liaison Officer on behalf of Mladić on 25 September 1994 in which he could no longer 'guarantee' the safety of aircraft approaching the Sarajevo airport. The threat was accompanied by a display of SAM-7 missiles and anti-aircraft weapons. Although such provocative actions were stopped shortly thereafter, the threat was not rescinded and no aircraft landed in Sarajevo until at least two days later. Akashi also reported a considerably reduced desire on the part of the VRS to cooperate with UNPROFOR, which led into new restrictions being imposed on freedom of movement both within and around Sarajevo and denial of clearances to re-supply convoys.[17098]

4866. According to an UNPROFOR weekly situation report, dated 10 December 1994, the Serbs had blockaded and restricted the movement of humanitarian supplies to Sarajevo, and threatened to shoot at UN vehicles if they were to use an alternate route to the city.[17099]

4867. On 31 December 1994, Bosnia-Herzegovina, represented by Izetbegovic and the ABiH Commander Rasim Delic, and the Bosnian-Serb Republic, represented by Karadžić and Mladić, signed the Agreement on Complete Cessation of Hostilities, which called for the parties to implement the 17 March Agreement.[17100] On 12 January

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[17094] P7687 (UNPROFOR Message sent to the UNPROFOR Civil Affairs in Sarajevo, 15 March 1995), p. 2.
[17095] P7687 (UNPROFOR Message sent to the UNPROFOR Civil Affairs in Sarajevo, 15 March 1995), p. 2.
[17096] P576 (David Fraser, witness statement, 3 December 2012), para. 142; David Fraser, T. 5774-5776. *See also* P5228 (UNPROFOR memorandum from General Brinkman, 24 September 1994) which is reviewed in chapter 9.3.11.
[17097] P576 (David Fraser, witness statement, 3 December 2012), para. 142; David Fraser, T. 5774-5776; P579 (Message from General Brinkman, 24 September 1994), p. 1.
[17098] P6555 (Letter from Akashi at UNPROFOR, Zagreb to Annan at the UN, New York, 27 September 1994), p. 2.
[17099] P775 (UNPROFOR weekly report on Sarajevo and other areas, 10 December 1994), p. 5.
[17100] P7687 (UNPROFOR Message sent to the UNPROFOR Civil Affairs in Sarajevo, 15 March 1995), p. 3.

1995, the Bosnian Serbs affirmed their previous consent to open the three routes for civilians and humanitarian goods but called upon UNHCR to provide clarifications on the terms 'international humanitarian organization' and 'humanitarian goods'.[17101] On 14 January 1995, the VRS liaison officer informed UNPROFOR, who opened the airport routes, that they 'could not guarantee' the safety of anyone who attempted to cross as the two sides reached a deadlock in defining these terms.[17102] On 15 January 1995, as a proposal initiating the implementation of the 17 March Agreement, Karadžić stated that only official international humanitarian organizations constituted on the basis of international treaties or acts and other organisations suggested by UNPROFOR were authorized to use the airport routes.[17103] With regard to the definition of 'humanitarian goods', the Bosnian-Serb government fully accepted the interpretation of the International Conference on Former Yugoslavia relating to humanitarian aid allowed to cross over the Drina River.[17104] The Bosnian-Muslim government, however, rejected the Bosnian-Serb proposal by insisting on full implementation of the 17 March Agreement, which resulted in the routes remaining closed.[17105] After three high level meetings chaired by UNPROFOR, on 23 January 1995, both sides signed a protocol to the 31 December 1994 Agreement calling for, among others, the implementation of the 17 March Agreement.[17106]

4868. **Mile Sladoje** testified that on the intersection of Kasindolska Street, Sarajevo, approximately 200 metres from the airport the 1st Battalion of the Ilidza Brigade stopped an UNPROFOR convoy at the end of 1994.[17107] The intelligence service of the brigade had informed the witness that the convoy was transporting weapons and flak

[17101] P7687 (UNPROFOR Message sent to the UNPROFOR Civil Affairs in Sarajevo, 15 March 1995), p. 3.
[17102] P7687 (UNPROFOR Message sent to the UNPROFOR Civil Affairs in Sarajevo, 15 March 1995), p. 4.
[17103] P7687 (UNPROFOR Message sent to the UNPROFOR Civil Affairs in Sarajevo, 15 March 1995), p. 4. The official international humanitarian organizations were listed as UNHCR, UNESCO, UNICEF, WHO, WFP, FAO, ICRC and the Office of the Special Coordinator for Sarajevo.
[17104] P7687 (UNPROFOR Message sent to the UNPROFOR Civil Affairs in Sarajevo, 15 March 1995), p. 4.
[17105] P7687 (UNPROFOR Message sent to the UNPROFOR Civil Affairs in Sarajevo, 15 March 1995), p. 4.
[17106] P7687 (UNPROFOR Message sent to the UNPROFOR Civil Affairs in Sarajevo, 15 March 1995), pp. 4-5.
[17107] D453 (Mile Sladoje, witness statement, 10 May 2014), para. 27; Mile Sladoje, T. 21075-21077; P6508 (Map with position of mortars and tank of the 1st Battalion of the Ilidža Brigade additionally marked by Mile Sladoje).

jackets for the ABiH, and the brigade found about 126 flak jackets and confiscated them.[17108]

4869. On 1 February 1995, the airport routes between Lukavica-Iliđza (Bosnian-Serb side) and Butmir-Dobrinja (Bosnian-Muslim side) were opened for official international humanitarian organizations.[17109] The Sarajevo-Visoko road was opened briefly from 10 February 1995 until 24 February 1995 when the Bosnian Serbs insisted on being provided with 20 litres of fuel per day for police escorts on that 'Blue Route' but was refused by UNPROFOR.[17110]

4870. On 4 March 1995, an empty convoy arranged by the Office of the Special Coordinator for Sarajevo was refused access to the airport routes by a VRS inspector.[17111] **Rupert Smith** testified that in a meeting with Mladić on 5 March 1995 in Jahorina, Mladić threatened a complete blockade of all enclaves including Sarajevo if international sanctions against the Bosnian Serbs were not lifted.[17112] He cited a list of major shortages and outlined the humanitarian consequences of continued sanctions.[17113] According to Smith, Mladić had the ability to act upon his threats as his forces controlled the routes into the enclaves, and every convoy and truck had to go through Bosnian-Serb checkpoints.[17114] Additionally, administrative controls were put in place whereby UN convoys were searched and required to submit a list of all items in the vehicles before the convoys were given clearance.[17115]

4871. On 7 March 1995, the VRS inspectors for the airport routes refused a UNHCR convoy made up of empty trucks, stating that only trucks with UNHCR or other official organisations' license plates were allowed to pass.[17116] On 11 March 1995, Karadžić

[17108] D453 (Mile Sladoje, witness statement, 10 May 2014), para. 27; Mile Sladoje, T. 21077-21078.
[17109] P7687 (UNPROFOR Message sent to the UNPROFOR Civil Affairs in Sarajevo, 15 March 1995), pp. 2, 5-6. The official international humanitarian organizations were listed as UNHCR, UNESCO, UNICEF, WHO, WFP, FAO, ICRC and the Office of the Special Coordinator for Sarajevo.
[17110] P7687 (UNPROFOR Message sent to the UNPROFOR Civil Affairs in Sarajevo, 15 March 1995), p. 6.
[17111] P7687 (UNPROFOR Message sent to the UNPROFOR Civil Affairs in Sarajevo, 15 March 1995), pp. 6-7.
[17112] P785 (Rupert Smith, witness statement, 22 October 2009), paras 37, 39; Rupert Smith, T. 7298.
[17113] P785 (Rupert Smith, witness statement, 22 October 2009), para. 39
[17114] Rupert Smith, T. 7298.
[17115] Rupert Smith, T. 7298.
[17116] P7687 (UNPROFOR Message sent to the UNPROFOR Civil Affairs in Sarajevo, 15 March 1995), p. 7.

announced the closure of the 'Blue Routes' following sniper incidents in Grbavica where two Serb girls were killed, and implemented the closure the next day.[17117]

4872. According to a VRS Main Staff combat report, dated 11 March 1995, addressed to, *inter alios*, the Bosnian-Serb President and signed by Manojlo Milovanović, two girls, one born in 1986 and the other in 1984, were killed by enemy sniper fire in Grbavica.[17118] As a result, the movement of humanitarian organisations and convoys was prohibited until further notice.[17119] **Trapara** testified that he did not receive an order to stop humanitarian aid convoys following the death of the two girls.[17120]

4873. **Smith** testified that on 13 March 1995 he accompanied Akashi and the UNPROFOR Commander to Pale where he met with Karadžić, Koljević, Kraijšnik, and Mladić. The meeting was marred by the shooting of the two Serb girls within the Serb held areas of Sarajevo by 'Bosnian snipers' which had triggered an increase in activity by the Serbs. This resulted in the Serbs closing the 'Blue Routes' across Sarajevo Airport in retaliation. When questioned about the closure Karadžić announced that they would be closed for one month for every Serb that was killed in the Sarajevo area.[17121] On 13 March 1995, Mladić recorded this meeting.[17122] Akashi expressed his condolences for the murder of two little girls in Grbavica.[17123] He raised the issue of the 31 December 1994 agreement, which UNPROFOR wished to renew but stated that the implementation of the agreement had deteriorated so much that its sustainability was put in doubt.[17124] Akashi emphasised the need to have obligations in the agreement respected until the investigation of the murder of the two girls was completed.[17125] Abu Zaid of the UNHCR and Akashi also raised the issue of convoy movement in the checkpoint in Kasindolska and the difficulty that the military imposed in approving the convoys.[17126]

[17117] P7687 (UNPROFOR Message sent to the UNPROFOR Civil Affairs in Sarajevo, 15 March 1995), p. 7.
[17118] D461 (Combat report by Manojlo Milovanović, 11 March 1995), pp. 1-3. *See also* Predrag Trapara, T. 21132-21133.
[17119] D461 (Combat report by Manojlo Milovanović, 11 March 1995), pp. 1-3. *See also* Predrag Trapara, T. 21132-21133.
[17120] Predrag Trapara, T. 21138-21139.
[17121] P785 (Rupert Smith, witness statement, 22 October 2009), para. 64.
[17122] P345 (Mladić notebook, 27 January - 5 September 1995), pp. 60-62.
[17123] P345 (Mladić notebook, 27 January - 5 September 1995), p. 61.
[17124] P345 (Mladić notebook, 27 January - 5 September 1995), p. 62.
[17125] P345 (Mladić notebook, 27 January - 5 September 1995), p. 61.
[17126] P345 (Mladić notebook, 27 January - 5 September 1995), p. 61.

4874. **Anthony Banbury** testified that on 18 March 1995, he sent a weekly report covering the period between 12 and 18 March 1995 stating that the 'Blue Routes' across Sarajevo airport were closed on 12 March 1995 following the deaths of two girls by sniper fire in the Serb held area of Grbavica in Sarajevo.[17127] The Bosnian Serbs pledged to keep the Blue Routes closed for 30 days for every Serb killed by sniping.[17128] Banbury recalled that the Blue Routes did not open from this point onwards until the end of the war.[17129] On 12 March 1995, Dragomir Milošević sent a regular combat report to the Main Staff stating that the order to close the 'Blue Roads' had been delivered to the units and implemented.[17130] Movements were limited in the area of responsibility of the SRK, except for emergency cases and the transportation of the sick.[17131]

4875. **Harland** testified that the incident in which two Serb girls were shot and killed by a 'Bosnian sniper' in Grbavica resulted in the Serbs closing the 'Blue Routes', confirmed by a VRS report. Furthermore, there was increased restriction of freedom of movement for UNPROFOR convoys through all Bosnian Serb held territories. As a result stock levels in enclaves, particularly Srebrenica, became critical. Humanitarian convoys were affected, as was UNPROFOR troop rotation and re-supply.[17132] On 8 April 1995, the Serbs closed Sarajevo altogether, including for humanitarian relief coming by air, when they halted the Sarajevo airlift alleging that the UN was violating the 1992 airport agreement.[17133] Negotiations on 19 April 1995 between Krajisnik, Momčilo Mandić, and Maksim Stanišić with Harland and Aguilar in Pale were unfruitful and Krajisnik stated that resumption of the airlift was in the hands of Koljević 'who is in charge of humanitarian aid'.[17134] There was never a resumption of the airlift until the end of the war.[17135]

[17127] P874 (Anthony Banbury, witness statement, 19 May 2009), paras 99-100; Anthony Banbury, T. 8327.
[17128] P874 (Anthony Banbury, witness statement, 19 May 2009), para. 100; Anthony Banbury, T. 8328.
[17129] P874 (Anthony Banbury, witness statement, 19 May 2009), para. 100.
[17130] P7707 (Regular Combat Report of the SRK, 12 March 1995), pp. 1-3.
[17131] P7707 (Regular Combat Report of the SRK, 12 March 1995), p. 2.
[17132] P1 (David Harland, witness statement, 4 September 2009), para. 171.
[17133] P1 (David Harland, witness statement, 4 September 2009), para. 173. The Trial Chamber notes that the reference to '8 April 1992' in the evidence appears to be a typographical error and finds that the reference clearly relates to 1995.
[17134] P1 (David Harland, witness statement, 4 September 2009), para. 173.
[17135] P1 (David Harland, witness statement, 4 September 2009), para. 173.

4876. On 29 June 1995, Mladić had a meeting with General Janvier in Zvornik.[17136] Janvier told Mladić that the arrival of humanitarian convoys in Sarajevo, which had previously been interrupted, was a favourable development.[17137] Nonetheless, Janvier stressed to Mladić that the situation in Sarajevo and the 'strangulation of the eastern enclaves' had to be alleviated, and that '[t]here are nearly 100,000 people in Sarajevo who need aid. They have one loaf each for two days'.[17138] Mladić and Janvier agreed that on 30 June 1995 at noon, one humanitarian aid convoy of seven vehicles would be allowed to cross Kobiljača and go to Sarajevo, and that one humanitarian convoy of the same size would be allowed to cross the bridge in Zvornik for the Serb side.[17139]

4877. According to an UNPROFOR report, in July 1995 the 'Serbs' again refused to allow UNHCR to bring humanitarian aid to Sarajevo through Serb-controlled territory.[17140] The 'Serbs' demanded 50 per cent of all aid, whereas UNHCR insisted on a distribution according to need, which would result in 77 per cent going to the Muslim-controlled part of Sarajevo.[17141] According to an UNPROFOR memo relating to a meeting between Smith and Mladić on 25 July 1995, Mladić promised to restore Sarajevo's utilities 'if the Muslims stop their offensives'.[17142]

4878. **Jeremy Bowen** testified that the Bosnian Serbs controlled the roads into and out of Sarajevo.[17143] He witnessed aid convoys being held up many times, which was another way of putting pressure on the civilian population and a source of frustration for UNPROFOR soldiers.[17144]

4879. On 6 September 1993, Manojlo Milovanović, the Chief of Staff of the Main Staff, instructed subordinate Corps Commands to: (a) allow the movement of humanitarian convoys and teams exclusively during the day; (b) where trips cannot be completed in one day, organise accommodation and list the name of places where the convoys and teams spend the night; and (c) not allow the convoys and teams enter the Bosnian-Serb Republic if it is impossible to reach the destination before nightfall. Milovanović also informed that UNPROFOR Command and the humanitarian

[17136] P345 (Mladić notebook, 27 January - 5 September 1995), p. 196.
[17137] P345 (Mladić notebook, 27 January - 5 September 1995), p. 197.
[17138] P345 (Mladić notebook, 27 January - 5 September 1995), p. 197.
[17139] P345 (Mladić notebook, 27 January - 5 September 1995), p. 203.
[17140] P1089 (UNPROFOR weekly sitrep, 2 July 1995), p. 5.
[17141] P1089 (UNPROFOR weekly sitrep, 2 July 1995), p. 5.
[17142] P1778 (Report on Smith-Mladić meeting, 26 July 1995).
[17143] P2515 (Jeremy Bowen, witness statement, 10 August 2009), para. 23.
[17144] P2515 (Jeremy Bowen, witness statement, 10 August 2009), para. 23.

organizations were to adapt the organisation of movement along the approved roads. This was done to prevent any disruption and ensure safe movement to the humanitarian aid convoys.[17145]

4880. **Slavko Kralj** testified that on 17 September 1993, Milutin Skočajić, Chief of Staff of the Command of the DK, reported to Colonel Magazin that on 15 September 1993 a 'French convoy' to Sarajevo arrived in Karakaj carrying, in addition to the items approved by the VRS Main Staff, televisions, video, still cameras, films, car radios, and Walkmans in one of the trucks.[17146] As the leader of the convoy did not allow that truck to be inspected, that truck and another truck carrying communications equipment were sent back while the rest of the convoy was allowed to proceed to Sarajevo after the inspection was completed.[17147]

4881. On 1 August 1993, Manojlo Milanović, the Chief of Staff of the Main Staff, sent an order to the Corps Commands regarding the movement of humanitarian aid convoys following the 30 July 1993 Agreement between the commander of the conflicting parties and a decision issued by the Bosnian-Serb Republic government.[17148] He ordered that the representatives of humanitarian organizations should give timely notification of their convoys to obtain authorisation from the MoD of the Bosnian-Serb Republic.[17149] Therefore, only convoys with pre-approved routes to their destination or the line of demarcation, list of escorting personnel, motor vehicles, and technical equipment, as well as a declaration of type and quantity of freight, were allowed to pass.[17150] The convoy escort should be made up of one motor vehicle and a total of four men.[17151] The MoD would send information about authorized convoys to the local MUP and the Main Staff.[17152] Upon the entry of these convoys to the territory of the Bosnian-Serb Republic, the inspection of which includes checking of documentation, identity

[17145] D1531 (VRS instructions on the unhindered movement of humanitarian aid, 6 September 1993), p. 1.
[17146] D716 (Report from Milutin Skočajić, Chief of Staff of the DK to Colonel Magazin at the VRS Main Staff on a convoy for Sarajevo, 17 September 1993).
[17147] D716 (Report from Milutin Skočajić, Chief of Staff of the DK to Colonel Magazin at the VRS Main Staff on a convoy for Sarajevo, 17 September 1993).
[17148] D713 (Main Staff's order regarding the movement of humanitarian aid convoy through Bosnian-Serb Republic, 1 August 1993), pp. 1, 5.
[17149] D713 (Main Staff's order regarding the movement of humanitarian aid convoy through Bosnian-Serb Republic, 1 August 1993), pp. 1-2.
[17150] D713 (Main Staff's order regarding the movement of humanitarian aid convoy through Bosnian-Serb Republic, 1 August 1993), pp. 1-2.
[17151] D713 (Main Staff's order regarding the movement of humanitarian aid convoy through Bosnian-Serb Republic, 1 August 1993), p. 4.
[17152] D713 (Main Staff's order regarding the movement of humanitarian aid convoy through Bosnian-Serb Republic, 1 August 1993), p. 2.

documents of convoy personnel, the content of humanitarian aid with or without taking it off the lorries or opening every type of passage, the quantity of fuel in the vehicles' tanks, and luggage, was to be conducted once only.[17153] Members of the inspection team and the location of the inspection was to be jointly chosen by the MUP and the responsible military command.[17154] The inspection was to be well organised, take as little time as possible, and be conducted by people who had prior appropriate training and who behave and talk in a civilised way.[17155] Any non-humanitarian aid materials without authorisation found during the inspection was to be seized, stored, kept, recorded, and later returned to the humanitarian organisations by the MoD.[17156] UN forces were to be allowed to escort convoys at the request of UNPROFOR, in which case the Main Staff should inform in timely manner its subordinate commands and the MoD.[17157] Finally, the responsible units should ensure the presence of civilian and military police to ensure safe passage of the convoys through the territory of Bosnian-Serb Republic and to prevent it from being held up at checkpoints.[17158]

4882. On 10 August 1993, pursuant to an order by the Bosnian-Serb Prime Minister and the VRS Main Staff, Milovanović ordered all Corps Commands to ensure the reception, envisioned inspection, and unhindered and safe movement of UNPROFOR teams and humanitarian convoys through the Bosnian-Serb Republic, on approved roads and at approved times. All facets of civilian authority were to be informed that the VRS Main Staff was responsible for the safe and unhindered movement of UNPROFOR and humanitarian aid convoys because the VRS commander was the one negotiating and signing agreements with them and the other parties to the conflict. Local organs of civilian authority were required to inform civilians of the position of the Bosnian-Serb President, Prime Minister, and the VRS Main Staff Commander that the approved movement of UNPROFOR teams and humanitarian aid convoys should not be prevented or blocked. If a road was blocked, civilian authorities had to be instructed to

[17153] D713 (Main Staff's order regarding the movement of humanitarian aid convoy through Bosnian-Serb Republic, 1 August 1993), pp. 2-3.
[17154] D713 (Main Staff's order regarding the movement of humanitarian aid convoy through Bosnian-Serb Republic, 1 August 1993), pp. 2-3.
[17155] D713 (Main Staff's order regarding the movement of humanitarian aid convoy through Bosnian-Serb Republic, 1 August 1993), p. 3.
[17156] D713 (Main Staff's order regarding the movement of humanitarian aid convoy through Bosnian-Serb Republic, 1 August 1993), p. 4.
[17157] D713 (Main Staff's order regarding the movement of humanitarian aid convoy through Bosnian-Serb Republic, 1 August 1993), p. 4.
[17158] D713 (Main Staff's order regarding the movement of humanitarian aid convoy through Bosnian-Serb Republic, 1 August 1993), pp. 4-5.

prevent such road blocks, and open it up again. Furthermore, brigade commanders in their respective zones of responsibility, organs for civilian affairs in the corps command, and if needed, corps commanders, were to be directly engaged. Corps commands had to keep daily records of the movement of UNPROFOR teams and humanitarian aid convoys, in order to monitor implementation and to take urgent and effective measures to resolve any problems that may arise. Commanders also had to become familiar with quality of the personnel at all checkpoints and remove those who could have provoked an incident, were profiteers, or failed to respect orders from superiors.[17159] The corps commands and the VRS Main Staff were to organize regular inspections of the movement of UNPROFOR teams and humanitarian aid convoys in order to understand the situation and take urgent and necessary measures to eliminate any shortcomings. Milovanović also ordered them to help the civilian authorities in ensuring the supply of gas and electricity to the Sarajevo area, to the extent that the supply depended on military organization. Corps commanders and the organs of the VRS Main Staff were directly responsible to Milovanović for the execution of these tasks.[17160]

4883. According to a VRS Main Staff combat report addressed to, *inter alios*, the Bosnian-Serb President and the VRS Main Staff Commander, dated 11 April 1994, and signed by the VRS Chief of Staff, Manojlo Milovanović, the restriction of movement for UNPROFOR teams and convoys and humanitarian organisations following an order from the VRS Main Staff was still in force.[17161]

4884. According to a letter dated 30 July 1995, authored by Mladić and addressed to General Smith of UNPROFOR Command in Sarajevo and UNHCR Office in Pale, allegations that the Bosnian-Serb Republic had raised a blockade and returned a convoy headed towards the Muslim part of Sarajevo were rebuked.[17162] Mladić ordered an urgent investigation into the situation and reported that on 29 July 1993 UNHCR directed two humanitarian aid convoys from Metkovici.[17163] One convoy, NOR STAR 1, went to the Muslim part of the city, while the other convoy, NOR STAR 2, went to

[17159] D2032 (Milovanović order about movement of UNPROFOR and humanitarian aid groups, 10 August 1993), p. 1.
[17160] D2032 (Milovanović order about movement of UNPROFOR and humanitarian aid groups, 10 August 1993), p. 2.
[17161] D462 (Combat report by Manojlo Milovanović, 11 April 1994), pp. 1, 5-6.
[17162] D1616 (Letter from Mladić to UNPROFOR Command Sarajevo and UNHCR Office Pale, 30 July 1995) pp. 1-2.
[17163] D1616 (Letter from Mladić to UNPROFOR Command Sarajevo and UNHCR Office Pale, 30 July 1995) p. 1.

Rajlovac.[17164] According to Mladić, the Muslim side had prevented the convoy movement on the route which had been used for three years.[17165] The convoy heading towards Sarajevo was stopped at the Muslim checkpoint after its safe passage through the Bosnian-Serb Republic. The road was mined and was not cleared after two-hours of waiting. While the convoy was waiting for Muslim clearance to pass into the city UNHCR personnel were engaged by small-arms fire from Muslim positions. Due to this, Mark Cutts, Head of UNHCR Office, Sarajevo, decided that the personnel should turn back.[17166] Mladić stated that his side would take all necessary measures to ensure the full safety of the convoys moving through the Bosnian-Serb Republic and would put in place measures for shortening and speeding up the procedure for getting clearance.[17167]

4885. **Kralj** testified that Mladić reviewed each item in detail and would ask for Colonel Djurdjić's suggestions on issues in order to make a proper decision.[17168] Occasionally, Mladić had an insight into what went in and out of the Bosnian-Serb Republic.[17169] Kralj testified that they received instructions from the Main Staff of the VRS on orders for the passage of individual humanitarian aid and UNPROFOR convoys.[17170] Convoys could generally not pass through corps' zones of responsibility without the authorisation of the Main Staff of the VRS.[17171] Mladić would occasionally meet with UNPROFOR representatives in relation to the movement of convoys.[17172] Some UNHCR convoys were allowed into the eastern enclaves of Goražde, Žepa and Srebrenica while UNPROFOR supplies were denied which created critical conditions for the troops. [17173]

[17164] D1616 (Letter from Mladić to UNPROFOR Command Sarajevo and UNHCR Office Pale, 30 July 1995) p. 1.
[17165] D1616 (Letter from Mladić to UNPROFOR Command Sarajevo and UNHCR Office Pale, 30 July 1995) pp. 1-2.
[17166] D1616 (Letter from Mladić to UNPROFOR Command Sarajevo and UNHCR Office Pale, 30 July 1995) p. 1.
[17167] D1616 (Letter from Mladić to UNPROFOR Command Sarajevo and UNHCR Office Pale, 30 July 1995) p. 2.
[17168] P6856 (Witness Statement of Slavko Kralj, 25 January 2012), p.1; Slavko Kralj, T.27461.
[17169] Slavko Kralj, T.27475.
[17170] D712 (Witness Statement of Slavko Kralj, 27-29 June 2013), para. 5.
[17171] D712 (Witness Statement of Slavko Kralj, 27-29 June 2013), para. 6.
[17172] D712 (Witness Statement of Slavko Kralj, 27-29 June 2013), para. 27.
[17173] P7405 (UNPROFOR Weekly Situation Report 8-15 May 1995), para. 10

The Trial Chamber's findings

4886. The Trial Chamber recalls its findings in chapter 9.3.11 regarding orders, instructions, and approvals provided by Mladić to the VRS about authorisation and passage of humanitarian aid, including UNPROFOR convoys, into the Bosnian-Serb Republic. Such aid would not be allowed to pass without VRS Main Staff written authorisation and the VRS was responsible for safe passage. Mladić had the final say on whether humanitarian aid, including that provided by UNPROFOR, was allowed to proceed into Sarajevo through check-points. The Trial Chamber recalls its findings in chapter 9.3.11 that Mladić, via the VRS Main Staff, retained ultimate discretion for aid passage where it related to security matters. Mladić often communicated his messages and decisions to the UN through Milovanović.

4887. Mladić frequently ordered the restriction of humanitarian aid to Sarajevo either through imposing very difficult administrative controls on convoys through the VRS, in particular from 8 October 1992 onwards, or through ordering more direct obstructions from 1994 onwards.

4888. The UNHCR and UNPROFOR frequently reported restrictions on the passage of humanitarian aid, in particular from 8 October 1992, as a result of increasingly bureaucratic and obtrusive checks which paralysed many aid activities. These included restrictions on access to Sarajevo airport, restrictions on electricity and water supply, and restrictions on medical supplies. The restrictions, however, were interspersed, at least until April 1994, by official orders, directives, and actions either from the Bosnian-Serb Presidency or the VRS Main Staff which allowed the unhindered passage of humanitarian aid convoys.

4889. The Trial Chamber recalls its findings in chapter 9.3.11 regarding the severe restrictions placed by Mladić on humanitarian organisations' activity on the territory of the Bosnian-Serb Republic from 10 April 1994 onwards. The passage of humanitarian aid in Sarajevo was subject to severe restrictions due to military or political considerations, as throughout June and July 1994 when the 'Blue Route's came under greater obstruction. Mladić provided different reasons for restrictions including the lack of explosives-detection equipment provided by the UN, Bosnian-Muslim use of the Sarajevo airport route, and the detention of Bosnian Serbs by the ABiH in Gorazde. On 23 September 1994, Mladić in a telephone conversation with General Brinkman

threatened to attack UNPROFOR 'with the same degree of warning' that was given to Mladić by NATO when carrying out an airstrike against the VRS the day before and threatened to stop all convoys from entering Sarajevo. Following NATO airstrikes, there was a considerably reduced desire on the part of the VRS to cooperate with UNPROFOR, which led to new restrictions being imposed on freedom of movement in and around Sarajevo and denial of clearances to re-supply convoys. On 25 September 1994, the VRS Liaison Officer on behalf of Mladić stated he could no longer 'guarantee' the safety of aircraft approaching Sarajevo airport and the threat was accompanied by a display of SAM-7 missiles and anti-aircraft weapons. In December 1994, humanitarian aid was blockaded and the UN was threatened with being shot at if they had attempted to use alternative routes into Sarajevo; UNPROFOR went for 20 days without any re-supply. The Trial Chamber also found in chapter 9.3.11 that between July 1994 and July 1995, Mladić was increasingly obstructive and, threatened a complete blockade of all enclaves, including Sarajevo, if international sanctions against the Bosnian Serbs were not lifted. On 11 March 1995, Milovanović issued instructions closing the Blue Routes following sniper incidents in Grbavica where two Serb girls were killed. Karadžić also announced the closure of the Blue Routes stating that they would be closed for one month for every Serb who was killed in the Sarajevo area. The Blue Routes did not open from this point onwards until the end of the war and neither did the Sarajevo airlift. Both measures, together with restrictions on utilities, had a severe impact on the population of Sarajevo. The Trial Chamber also recalls from the aforementioned chapter that between March and July 1995, Mladić was very obstructive with regard to the delivery of humanitarian assistance to Sarajevo unless there was absolute parity with deliveries to the Bosnian Serbs.

4890. The Trial Chamber recalls its finding from chapter 9.3.6 with regard to the smuggling of weapons and ammunition allegedly by the ABiH or other Bosnian-Muslim forces. Witnesses Dunjić, Trapara, Maksimović, Sladoje, Guzina stated that the SRK found weapons, ammunition, explosives, or flak jackets in humanitarian aid convoys. The Trial Chamber finds that despite the fact that aid convoys occasionally may have contained weapons, ammunition or explosives, contrary to the UN mandate for delivery of humanitarian aid, the convoys were already subject to stringent checks and controls by the VRS. These checks and controls by the VRS were contrary to the agreements for the delivery of humanitarian aid but were tolerated by the UN as a

courtesy. Therefore, the measures utilised by the VRS which went further, and included the blockading of delivery of humanitarian aid and deliberately obstructive inspections, were disproportionate and calculated to restrict humanitarian aid to Sarajevo.

4891. In chapter 9.5.10, the Trial Chamber will consider whether Mladić's conduct in this respect, considered together with other acts or omissions, amounts to a significant contribution to the Sarajevo JCE.

9.5.10 Legal findings

4892. The Trial Chamber recalls its findings in chapter 9.4.3 that between 12 May 1992 and November 1995, there existed a joint criminal enterprise with the primary purpose of spreading terror among the civilian population of Sarajevo through a campaign of sniping and shelling. The objective of the JCE involved the commission of the crimes of terror, unlawful attacks against civilians, and murder. The Trial Chamber also found that for purposes of establishing a plurality of persons, the following participated in the realization of the common criminal objective: members of the Bosnian-Serb military and political leadership, including Karadžić, Galić, Dragomir Milošević, Krajišnik, Plavšić, and Koljević. The Trial Chamber also recalls its findings in chapter 5 that all principal perpetrators of the crimes in Sarajevo were members of the SRK.

4893. In chapters 9.5.2-9.5.10, the Trial Chamber made findings about Mladić's acts and omissions during the existence of the Sarajevo JCE. The Trial Chamber found that Mladić: (i) worked on establishing the SRK in May 1992; (ii) made personnel decisions in the SRK; (iii) commanded SRK units from 1992 to 1995 in various operations; (iv) ordered the production and use of modified air bombs; (v) procured military assistance from the VJ for the SRK; (vi) participated in policy discussions between 1992 and 1995 with members of the Bosnian-Serb government; (vii) participated in the dissemination of anti-Muslim and anti-Croat propaganda between September 1992 and June 1995; (viii) provided misleading information about crimes to representatives of the international community; (ix) failed to investigate crimes and/or punish members of the SRK who committed crimes; and (x) frequently ordered the restriction of humanitarian aid to Sarajevo. The Trial Chamber considered in particular Mladić's acts vis-à-vis the SRK, given that all perpetrators of the Sarajevo crimes were SRK members. Mladić's

acts were instrumental to the commission of these crimes. In light of this, the Trial Chamber finds that through his acts set out in this paragraph, the Accused significantly contributed to achieving the objective of spreading terror among the civilian population of Sarajevo through a campaign of sniping and shelling by way of committing the crimes of terror, unlawful attacks against civilians, and murder.

9.5.11 Mens rea

4894. According to the Indictment, the Accused and the other members of the JCE, the objective of which was to establish and carry out a campaign of sniping and shelling against the civilian population of Sarajevo, shared the intent for the commission of the crimes of terror, unlawful attacks on civilians, and murder.[17174] The Defence submitted that the Accused (i) did not intend to establish or carry out any campaign of sniping or shelling against the civilian population of Sarajevo, (ii) strictly implemented an absolute ban on the targeting of civilians, (iii) ensured that SRK personnel were made aware of their obligations under international law, (iv) made all efforts to reduce the risk to the civilian population of Sarajevo, and (v) made constant efforts to ensure the wellbeing and safety of civilians in Sarajevo.[17175]

4895. As set out in further detail below, the Trial Chamber recalls its findings in chapter 9.5.10 regarding the significant contribution of the Accused to the common objective of the Sarajevo JCE. The Trial Chamber further received evidence with regard to the Accused's alleged intent to achieve the common objective of the Sarajevo JCE from **Rupert Smith**, UNPROFOR commander in Bosnia-Herzegovina between 23 January and December 1995;[17176] **David Fraser**, a Military Assistant to the UNPROFOR Commander in Sector Sarajevo from 17 April 1994 to 26 May 1995;[17177] **Michael Rose**, the UNPROFOR Commander from 5 January 1994 to 23 January 1995;[17178] **Witness RM-163**, an UNPROFOR soldier stationed in Sarajevo from 1993 to 1994 and a member of the RRF in 1995;[17179] **Husein Aly Abdel-Razek**, UNPROFOR Sector Sarajevo Commander from 21 August 1992 to 20 February

[17174] Indictment, paras 14-15.
[17175] Defence Final Brief, paras 2434-2441.
[17176] P785 (Rupert Smith, witness statement, 27 October 2009), paras 4, 6; Rupert Smith, T. 7287.
[17177] P576 (David Fraser, witness statement, 3 December 2012), paras 7, 11.
[17178] P736 (Michael Rose, witness statement, 26 March 2009), paras 5, 195; Michael Rose, T. 6839.
[17179] P628 (Witness RM-163, witness statement, undated), paras 4, 6-7, 9-10.

1993;[17180] **Savo Simić**, an artillery officer in the SRK throughout the conflict;[17181] **Witness RM-511**, a member of the SRK;[17182] and **Milenko Inđić**, a VRS liaison officer for cooperation with international organisations and institutions,[17183] as well as documentary evidence.[17184]

4896. On 30 April 1992, Mladić recorded that he had a meeting with JNA Colonel General Adžić, who informed him of the 'great damage' caused by the bombardment of the old part of Sarajevo.[17185] On 9 May 1992, Mladić recorded that he had a meeting with General Kukanjac, who informed him that the 'Serbian' leadership had been shelling Sarajevo for months with mortars and artillery.[17186] **Milenko Inđić** testified that at one of a series of meetings organized by UNPROFOR, Mladić suggested on several occasions that the agreement with regard to the demilitarized zones in Bosnia-Herzegovina should include Sarajevo, 'so that we finish the war and give politicians an opportunity to resolve the further fate of Bosnia-Herzegovina', a suggestion that was not accepted by the Muslim side.[17187]

4897. The Trial Chamber recalls its review of the minutes of the 16th session of the Bosnian-Serb Assembly on 12 May 1992, admitted into evidence as exhibit P431, in chapter 9.5.5, noting that Mladić stated that '[o]ne cannot take Sarajevo by spitting at it from a mortar or a howitzer' and that, with respect to Sarajevo, 'I don't need any applause, mate. I am not doing it for that or for recognition, I am just doing it to avenge the bones of my dead comrades'. Mladić further stated that, when the fighting over Sarajevo began, the Serbs should not say 'before the international public' that they would destroy Sarajevo or that they would shut down the water and power supply 'because that would get America out of its seat'; rather, they should 'wisely tell the world' that it was 'they' who were cutting the power and water supplies and that the Serbs were doing their best to repair the damage.

[17180] P293 (Husein Aly Abdel-Razek, witness statements), witness statement of 16 July 2002, p. 1, paras 2, 65, supplemental witness statement of 16 July 2002, p. 1; Husein Aly Abdel-Razek, T. 3578.
[17181] D1062 (Savo Simić, witness statement, 4 November 2012), paras 1 and 3; Savo Simić, T. 35932, 35935, 35944, 35949-35850.
[17182] Witness RM-511, T. 4983, 4993, 4996, 5056; P500 (Pseudonym sheet).
[17183] D614 (Milenko Inđić, witness statement, 31 July 2014), paras 1-2.
[17184] The relevant evidence of P16 is reviewed in chapter 5.2.6. The relevant evidence of P876 is reviewed in chapter 9.4.2. The relevant evidence of P431 is reviewed in chapter 9.5.5. The relevant evidence of P1974 is reviewed in chapter 9.4.2.
[17185] P352 (Mladić notebook, 14 February 1992 - 25 May 1992), pp. 211, 224.
[17186] P352 (Mladić notebook, 14 February 1992 - 25 May 1992), pp. 268, 273.
[17187] D614 (Milenko Inđić, witness statement, 31 July 2014), paras 21-23.

4898. **Witness RM-511** testified that at a meeting attended by, *inter alios*, Karadžić, Krajišnik, and SRK Commander Tomislav Šipčić in May 1992, Mladić proposed that the VRS undertake a massive bombardment of Sarajevo.[17188] Mladić also mentioned at the meeting that he did not care where the bombs landed, after having been asked whether civilian areas would also be bombed.[17189] Mladić further indicated that all the military targets in the area of Sarajevo were part of the plan for combat, and that all the artillery of the VRS deployed in the area would be used.[17190] Šipčić expressed his disagreement and offered his resignation rather than be involved in the execution of the plan, and Mladić responded: 'Very well. Leave that to me. I'll do it on my own.'[17191]

4899. The Trial Chamber reviewed transcripts of several phone intercepts concerning the evacuations of barracks in Sarajevo, in which Mladić made statements relevant for the determination of his mental state. On 19 May 1992, in a telephone conversation with a person called Janković concerning threats from ABiH general Jovo Divjak in relation to evacuations of barracks, Mladić stated: 'If Jovo Divjak wants to destroy Sarajevo, then he should bring cisterns in as happened in Mostar! […] But in that case, he would sentence first himself and then entire Sarajevo to death. If he wants to do this in a peaceful manner, you do it peacefully. If they want to wage war, then let him say so, so we can start fighting'.[17192] On the same day, in a telephone conversation with JNA General Miloš Baroš concerning the evacuation of the Maršal Tito barracks, Mladić stated: 'Finally, comrade General, you are in a far better position than entire Sarajevo and them! You can stay as long as 150 days in those fortresses. There. So there's no need to hurry. None of our barracks is in danger. None of the barracks lacks food, Sarajevo lacks food! And don't pressure me, you presume your men… Take care of the morale. I don't care whether I'm going to evacuate you today, in five months, or in two years. If they want to play blockade, let them take as much as they can. We can take more than them. We learned to take more. You have more food, you have ammunition, you have water, you have everything you need. Anything they deprive you of, we will

[17188] Witness RM-511, T. 4989, 4993, 5051-5053.
[17189] Witness RM-511, T. 5051-5052.
[17190] Witness RM-511, T. 4990, 4995-4996.
[17191] Witness RM-511, T. 4990-4991, 4993-4994, 5052.
[17192] P4636 (Conversation between Janković and Mladić, 19 May 1992), pp. 1-2.

deprive Sarajevo of! If a bullet is fired at you, you will see what will be fired at Sarajevo'.[17193]

4900. The day after, on 20 May 1992, in another telephone conversation with Miloš Baroš concerning ABiH attacks on JNA barracks, Mladić stated: 'Your task, comrade general, is to organise a circle defence. Anything that is moving, like a vehicle or a cistern, no matter what sign it bears, shall be destroyed! You shall attack everything within the range of the heaviest weapons. Don't allow them to repeat Mostar. […] Organise observation on a circular basis and burn anything coming towards you, no matter if it's a car, a cistern, a truck, a caterpillar, a vehicle for the transportation of bread, a carriage, or a cistern! […] Don't allow them make us look bad as they did in Mostar. In case they try something report immediately, and shoot right away. You have full authorisation'.[17194] In the same conversation but speaking to a person called Potpara, Mladić stated: 'Anything on wheels coming towards the barracks you shall fire at directly no matter who it is except UNPROFOR vehicles! […] No cisterns, no carriages, no bread vehicles, no regular cars within the range of your weapons'.[17195]

4901. In an intercepted telephone conversation with a person surnamed Trandafilović on 23 May 1992, General Neđeljko Bošković said that in a session of the Bosnia-Herzegovina Parliament, he had signed an agreement to pull out soldiers, military academy students, and military hardware, and to allow one-third of the weapons to remain with the Serbs and to return two-thirds of the weapons to the Muslims and the Croats.[17196] Bošković indicated that Mladić wanted to have him arrested as a result of this agreement.[17197]

4902. The Trial Chamber recalls its finding in chapter 5.3.1 that Mladić personally directed the SRK artillery, mortar, and rocket attack on Sarajevo that commenced at 5 p.m. on 28 May 1992 and continued until early the next morning; that Mladić selected targets such as the Presidency, the town hall, police headquarters, and the children's embassy; and that Mladić directed the fire away from Serb-populated areas.

[17193] P4637 (Conversation between Baroš and Mladić, 19 May 1992), pp. 1-2. *See also* Miloslav Gagović, T. 25341-25342; P2728 (Conversation between Ratko Mladić, Miloš Baroš and Miloslav Gagović, 11 May 1992), p. 1.
[17194] P4638 (Conversation between Baroš/Potpara and Mladić, 20 May 1992), pp. 1-2.
[17195] P4638 (Conversation between Baroš/Potpara and Mladić, 20 May 1992), p. 3.
[17196] P1600 (Intercepted telephone conversation between General Nedeljko Bošković and Trandafilović, 23 May 1992), p. 3; P1596 (Comment chart of Witness RM-511 on intercepts he reviewed), p. 3.
[17197] P1600 (Intercepted telephone conversation between General Nedeljko Bošković and Trandafilović, 23 May 1992), p. 4; P1596 (Comment chart of Witness RM-511 on intercepts he reviewed), p. 3.

4903. In an intercepted telephone conversation with Potpara on 29 May 1992, Mladić was advised of return fire directed towards a museum and a hospital.[17198] Mladić advised Potpara to target the railway station.[17199] In another intercepted telephone conversation between Mladić and Potpara on the same date, Mladić inquired whether Velešići had been shelled and whether strong detonations could be heard in Sarajevo, and Potpara responded in the affirmative to both questions.[17200] In the same conversation, Mladić ordered Potpara to fire at the station if necessary.[17201] In an intercepted telephone conversation between Mladić and Fikret Abdić also on 29 May 1992, Mladić claimed that he had never bombed Sarajevo and that he had only returned fire when the ABiH attacked his soldiers.[17202]

4904. Mladić issued an order on 13 July 1992 to the SRK Commander forbidding the SRK to fire upon Sarajevo, and allowing only the use of infantry weapons in self-defence. Exceptionally, weapons of greater calibre could be used against enemy artillery positions. Artillery, tank and mortar fire could be carried out only with prior approval from the VRS Main Staff. The order warned that shooting without authorization would be considered a crime and violations would be prosecuted.[17203] **Husein Aly Abdel-Razek** testified that Galić told him that he had issued orders along the lines of Mladić's order of 13 July 1992.[17204] **Witness RM-511** testified that, on 15 or 17 July 1992, Šipčić issued an order to the SRK prohibiting the use of artillery and other weapons against Sarajevo.[17205] According to this order, which was complied with, light weapons were to be used only in situations of self-defence whereas artillery pieces, tanks, and mortars could be used only with the prior approval of the VRS Main Staff.[17206] The witness further testified that Šipčić never received an order from the VRS Main Staff to target buildings and structures of cultural, religious, or other significance in Bosnia-

[17198] P1607 (Intercepted telephone conversation between Ratko Mladić and Potpara, 29 May 1992), p. 1; P1596 (Comment chart of Witness RM-511 on intercepts he reviewed), p. 6.
[17199] P1607 (Intercepted telephone conversation between Ratko Mladić and Potpara, 29 May 1992), p. 1; P1596 (Comment chart of Witness RM-511 on intercepts he reviewed), p. 6.
[17200] P1606 (Intercepted telephone conversation between Ratko Mladić and Potpara, 29 May 1992), p. 1; P1596 (Comment chart of Witness RM-511 on intercepts he reviewed), p. 6. The Trial Chamber understands the reference to 'Velušići' in P1606 to be a misspelling of 'Velešići', and has therefore used the latter.
[17201] P1606 (Intercepted telephone conversation between Ratko Mladić and Potpara, 29 May 1992); P1596 (Comment chart of Witness RM-511 on intercepts he reviewed), p. 6.
[17202] P1605 (Intercepted telephone conversation between Ratko Mladić and Fikret Abdić, 29 May 1992), pp. 7-9; P1596 (Comment chart of Witness RM-511 on intercepts he reviewed), pp. 5-6.
[17203] D66 (Order by Mladić to the SRK Commander, 13 July 1992), para. 2.
[17204] Husein Aly Abdel-Razek, T. 3664-3665.
[17205] Witness RM-511, T. 5123-5125.

Herzegovina.[17207] In a VRS Main Staff directive dated 22 July 1992, Mladić indicated that the use of artillery was strictly banned save in cases of self-defence.[17208] The witness confirmed that this was the actual position of Mladić and the VRS Main Staff.[17209]

4905. According to an UNPROFOR code cable dated 15 September 1992, UNPROFOR Lieutenant-General Satish Nambiar admonished Mladić for the indiscriminate shelling of civilian targets in Sarajevo, Bihać, and Cazin on 14 September 1992, putting into serious doubt Mladić's 'bona fides' in placing heavy weapons under UNPROFOR supervision.[17210] Mladić was requested to issue instructions for the placement of all heavy weapons under UNPROFOR control.[17211] Nambiar requested Mladić to ensure that under no circumstances were non-military targets to be engaged.[17212]

4906. On 26 October 1992, a meeting to implement the agreements reached at the Geneva conference was held at the Sarajevo airport with representatives from UNPROFOR, including UNPROFOR Commander General Morillon; the HVO, including Tihomir Blaškić, Commander of the Central Bosnia Operations Zone; the ABiH, including Enver Hadžihasanović, Chief of Staff of the Sarajevo Corps; and the VRS, including General Milan Gvero.[17213] The main subject of discussion at this meeting was the demilitarization of the Sarajevo airport and its reopening for humanitarian purposes.[17214] **Abdel-Razek**, who attended the meeting, testified that it was the first of a series of meetings referred to as the joint military committee

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[17206] Witness RM-511, T. 5123-5125, 5139-5140.
[17207] Witness RM-511, T. 5131; D100 (Video of an attack on city hall and library in August 1992).
[17208] Witness RM-511, T. 5126-5127; D99 (VRS Main Staff Directive No. 02/5-72 entitled 'Future Activities of the Army of the BiH Republic of Sprska' and type-signed by Ratko Mladić, 22 July 1992), p. 2.
[17209] Witness RM-511, T. 5126-5127; D99 (VRS Main Staff Directive No. 02/5-72 dated 22 July 1992, entitled 'Future Activities of the Army of the BiH Republic of Sprska' and type-signed by Ratko Mladić), p. 2.
[17210] P296 (Outgoing UNPROFOR code cable, 15 September 1992), pp. 1-2; P316 (Outgoing UNPROFOR code cable, 15 September 1992), pp. 1-2. *See also* Husein Aly Abdel-Razek, T. 3606-3607.
[17211] P296 (Outgoing UNPROFOR code cable, 15 September 1992), p. 2; P316 (Outgoing UNPROFOR code cable, 15 September 1992), p. 2
[17212] P296 (Outgoing UNPROFOR code cable, 15 September 1992), p. 2; P316 (Outgoing UNPROFOR code cable, 15 September 1992), p. 2
[17213] D74 (Transcript of meeting of the HVO, ABiH, VRS, and UNPROFOR, 26 October 1992), p. 1; Husein Aly Abdel-Razek, T. 3645-3646.
[17214] D74 (Transcript of meeting of the HVO, ABiH, VRS, and UNPROFOR, 26 October 1992), pp. 3-9, 12-14. *See also* Husein Aly Abdel-Razek, T. 3645, 3648-3649.

meetings.[17215] The meetings were attended by high-ranking commanders, including Mladić.[17216]

4907. On 11 November 1992, Mladić issued an order to the various VRS corps implementing the ceasefire signed on 10 November 1992 by VRS representatives following an order from Karadžić.[17217] Mladić's order was to take effect at midnight on 11 November 1992.[17218] The order specified that a total ceasefire was to be secured in the VRS corps' zones of responsibility through the line of command and control, and with HVO and Muslim armed forces on the entire front, but noted that the ceasefire did not apply to the regular Croatian army, as it did not sign the agreement.[17219] The order provided that in the event of a violation of the ceasefire, the VRS was to return fire only upon the approval of the corps commander and, exceptionally, upon the approval of the brigade commander in the event of a sudden threat to soldiers' lives or property.[17220] The VRS Main Staff Commander had authority over the Corps Artillery Group and Corps Missile Group, the corps commander had authority over the Brigade Artillery Group, and the battalion commanders had authority over 14.5-millimetre infantry fire.[17221] The order specified that the corps commanders and the commander of the Bosnian-Serb Air Force and Air Defence would be personally answerable to Mladić for the order's consistent implementation.[17222] **Abdel-Razek** testified that Galić told him that he had issued a similar order to his subordinates, but that the situation did not prevail for a long time and that sniping and shelling continued for a long period of time in Sarajevo.[17223]

4908. At a 12 May 1993 mixed military working group meeting held at the Sarajevo airport and attended by UNPROFOR, Bosnian-Muslim, Serb, and Croat representatives, high-ranking VRS officers proposed an agreement, signed by Mladić, on the

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[17215] P293 (Husein Aly Abdel-Razek, witness statements), witness statement of 16 July 2002, para. 99; Husein Aly Abdel-Razek, T. 3645-3646. The Trial Chamber understands the 'joint military working committee', the 'joint military working group', and the 'mixed military working group' to refer to the same set of meetings held at Sarajevo airport in 1992 and 1993, and has therefore used the terms interchangeably.
[17216] P293 (Husein Aly Abdel-Razek, witness statements), witness statement of 16 July 2002, para. 99.
[17217] D65 (Order of Mladić to secure cease-fire, 11 November 1992).
[17218] D65 (Order of Mladić to secure cease-fire, 11 November 1992), p. 2.
[17219] D65 (Order of Mladić to secure cease-fire, 11 November 1992), p. 1.
[17220] D65 (Order of Mladić to secure cease-fire, 11 November 1992), p. 2.
[17221] D65 (Order of Mladić to secure cease-fire, 11 November 1992), p. 2.
[17222] D65 (Order of Mladić to secure cease-fire, 11 November 1992), p. 2. Exhibit D65 refers to the corps commanders and the commander of the 'V i PVO', which the Trial Chamber understands to refer to the Bosnian-Serb Air Force and Anti-Aircraft Defence.
[17223] Husein Aly Abdel-Razek, T. 3659-3660.

demilitarization of Sarajevo.[17224] The Serb proposal was not accepted by the Bosnian-Muslim and HVO delegations, as it was not in accordance with the 'attitude' of UNSC Resolution 824.[17225] In turn, the Bosnian-Muslim and HVO delegations stated that they would submit a joint proposal on the implementation of the Resolution for Sarajevo as a safe area.[17226]

4909. **Michael Rose** testified that in response to a mortar attack on 4 February 1994 in Dobrinja, he called the VRS and wrote a letter of protest to Mladić and Karadžić, to which no response was ever received.[17227]

4910. On 14 June 1994, Manojlo Milovanović, chief of staff of the VRS Main Staff sent a letter to the UNPROFOR Command in Sarajevo, to General Rose personally, as well as to the SRK Command, protesting about breaches of an agreement on ceasefire and interruption of engineering works reached on 9 February 1994.[17228] According to the letter, Muslim forces had intensified their engineering work along the conflict line, especially in the sectors of Hrasnica, Mojmilo, Dobrinj, Grbavica (Jewish cemetery), Zlatište and Rajlovac in violation of the agreement.[17229] The letter accused UNPROFOR of failing to address these breaches and for general partiality and support of the Muslim forces and was sent 'as a caution before we abrogate the agreement of 9 February 1994'.[17230]

4911. On 30 July 1994, Mladić sent a protest letter to the UNPROFOR Command in Sarajevo in relation to the latter's claims that the VRS was responsible for an incident on Mount Igman.[17231] According to an agreement between the UNPROFOR Commander and the VRS, UNPROFOR was in charge of the most strategic positions on

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[17224] D1516 (UNPROFOR report on the 19th Mixed Military Working Group Meeting, 12 May 1993), pp. 1, 4, 12.
[17225] D1516 (UNPROFOR report on the 19th Mixed Military Working Group Meeting, 12 May 1993), pp. 1-2.
[17226] D1516 (UNPROFOR report on the 19th Mixed Military Working Group Meeting, 12 May 1993), pp. 1-2.
[17227] P736 (Michael Rose, witness statement, 26 March 2009), para. 35. The Trial Chamber understands this to refer to Schedule G.7, which is addressed in chapter 5.3.5.
[17228] D1573 (Letter of protest sent by Milovanović, chief of staff of the VRS Main Staff to UNPRFOR Sarajevo Command regarding breach of ceasefire agreement and UNPROFOR bias against Serbs, 14 July 1993), p. 1.
[17229] D1573 (Letter of protest sent by Milovanović, chief of staff of the VRS Main Staff to UNPRFOR Sarajevo Command regarding breach of ceasefire agreement and UNPROFOR bias against Serbs, 14 July 1993), p. 1.
[17230] D1573 (Letter of protest sent by Milovanović, chief of staff of the VRS Main Staff to UNPRFOR Sarajevo Command regarding breach of ceasefire agreement and UNPROFOR bias against Serbs, 14 July 1993), pp. 1-2.
[17231] D1745 (Letter of protest from Mladić to the UNPROFOR Command, 30 July 1994), pp. 1-2.

Mounts Igman and Bjelašnica, and Muslim forces were not permitted to be deployed on those mountains.[17232] Mladić stated that the VRS had warned UNPROFOR several times that the agreement was breached and added that it was clear that Muslims were provoking incidents in order to involve UNPROFOR forces in the conflict.[17233] He stated that he had no intention of making the UNPROFOR peacekeeping mission more difficult.[17234]

4912. The Trial Chamber recalls its review in chapter 9.4.2 of a video recorded on 15 August 1994, admitted into evidence as exhibit P1974, in which Mladić stated: 'And whenever I come by Sarajevo, I kill someone in passing. That's why the traffic for Sarajevo was disrupted. /*unintelligible*/ snipers. I go, kick the hell out of the Turks, who gives a fuck for them!'

4913. On 9 October 1994, General Michael Rose sent a letter of protest to Karadžić and Mladić about the sniping incident that had occurred the day before.[17235] **David Fraser** testified that this incident involved a tram.[17236] In his letter, Rose stated that this incident was in direct violation of the anti-sniping agreement of 14 August 1994.[17237] He called on the addressees to condemn such acts and to take appropriate measures to identify the perpetrators and to ensure that there is no recurrence of these acts.[17238] According to **Fraser**, this incident was also discussed with Mladić during a meeting of UNPROFOR representatives with the Bosnian Serbs at a ski resort in Jahorina.[17239] The Trial Chamber recalls the evidence admitted as exhibit P16 and reviewed in chapter 5.2.6 that, in a 10 October 1994 meeting with UNPROFOR representatives, Mladić denied that Serbs were involved in the 8 October 1994 sniping of the Sarajevo tramway, claiming that the Bosnian Muslims were responsible and had duped UNPROFOR.

4914. The Trial Chamber recalls an UNPROFOR situation report, admitted into evidence as exhibit P876 and reviewed in chapter 9.4.2, which describes, *inter alia*,

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[17232] D1745 (Letter of protest from Mladić to the UNPROFOR Command, 30 July 1994), p. 1.
[17233] D1745 (Letter of protest from Mladić to the UNPROFOR Command, 30 July 1994), p. 1.
[17234] D1745 (Letter of protest from Mladić to the UNPROFOR Command, 30 July 1994), p. 1.
[17235] P576 (David Fraser, witness statement, 3 December 2012), para. 143; P590 (UNPROFOR Letter of protest sent to Radovan Karadžić and Ratko Mladić, signed by General Michael Rose, 9 October 1994). The Trial Chamber understands this to refer to Schedule F.11, which is addressed in chapter 5.2.6.
[17236] P576 (David Fraser, witness statement, 3 December 2012), para. 143.
[17237] P590 (UNPROFOR Letter of protest sent to Radovan Karadžić and Ratko Mladić, signed by General Michael Rose, 9 October 1994).
[17238] P590 (UNPROFOR Letter of protest sent to Radovan Karadžić and Ratko Mladić, signed by General Michael Rose, 9 October 1994).
[17239] P576 (David Fraser, witness statement, 3 December 2012), paras 141, 144.

sniping incidents between 5 and 11 March 1995 in which UNPROFOR anti-sniping teams were targeted and civilians were killed or injured. The Trial Chamber notes that, in a meeting with General Smith, Mladić stated that the increase in sniping incidents in Sarajevo in early March 1995 was a response to Serb casualties of Bosnian military offensives.

4915. On 5 September 1995, the IBK forwarded a telegram from Mladić to UNPROFOR Command in Zagreb and to General Janvier, personally.[17240] In this telegram, Mladić complained about the bias of the international community and questioned, *inter alia*, why the public had not been told the 'real truth' about the incident at Markale-II and why neutral ballistic experts and a mixed commission of experts were not appointed to determine the circumstances of this incident.[17241] Mladić said that the Muslim side and intelligence service experts of a foreign power had played a part in staging Markale-II, and accused the UN of protecting Muslim soldiers in Sarajevo and Goražde.[17242] Mladić asked that ultimatums and bombings be replaced with talks and called for a meeting of the commanders of the different sides of the conflict in order to sign a complete, lasting, and unconditional cessation of hostilities.[17243] He declared that, pending such a meeting, there would be a unilateral ceasefire in Sarajevo and that the VRS would not engage in any operations except in legitimate self-defence.[17244]

4916. On 6 September 1995, Mladić ordered the SRK Command to 'stop supplying water, electricity and gas to the Muslim part of Sarajevo' until the attacks from the NATO air force and the RRF stopped.[17245] The Trial Chamber recalls its finding in chapter 5.1.1 that the living conditions for the inhabitants of Sarajevo were extremely difficult as a result of living in constant fear and the lack of basic necessities, such as food, water, gas, and electricity, which forced them to go outside and be exposed to sniping and shelling. Hospitals, clinics, and ambulances were also targeted by snipers

[17240] D1575 (Telegram from Mladić addressed to UNPROFOR Command in Zagreb and to General Janvier, dated 4 September 1995 forwarded by the IBK Command, 5 September 1995), pp. 1, 5.
[17241] D1575 (Telegram from Mladić addressed to UNPROFOR Command in Zagreb and to General Janvier, dated 4 September 1995 forwarded by the IBK Command, 5 September 1995), pp. 1-2.
[17242] D1575 (Telegram from Mladić addressed to UNPROFOR Command in Zagreb and to General Janvier, dated 4 September 1995 forwarded by the IBK Command, 5 September 1995), pp. 2-3.
[17243] D1575 (Telegram from Mladić addressed to UNPROFOR Command in Zagreb and to General Janvier, dated 4 September 1995 forwarded by the IBK Command, 5 September 1995), p. 5.
[17244] D1575 (Telegram from Mladić addressed to UNPROFOR Command in Zagreb and to General Janvier, dated 4 September 1995 forwarded by the IBK Command, 5 September 1995), p. 5.

and shelled. As of mid-June 1992, telephone lines were cut. In October 1992, electricity was shut down, while there was no natural gas supply to Sarajevo as of 26 August 1994. In September 1995, the supply of water, electricity, and gas to the Bosnian-Muslim part of Sarajevo was halted.

4917. The Trial Chamber recalls its findings in chapter 9.5.2-9.5.10 including that Mladić established the SRK and organised the corps through personnel decisions, that he commanded and controlled the SRK, was often personally involved in the SRK's operations, that during the siege, he procured military assistance from the VJ, and ordered the production and use of modified air bombs on Sarajevo. Following the commission of crimes, Mladić failed to investigate and punish the perpetrators. He also made deliberately misleading statements (i) in stating that the 28 May 1992 shelling of Sarajevo, which he ordered, was in response to provocations from the opposing party and (ii) in claiming that Bosnian Muslims rather than Serb forces were responsible for sniping and shelling incidents on 27 May 1992, 8 October 1994, and 28 August 1995. In particular, the Trial Chamber recalls its finding in chapter 9.5.3 that (i) the campaign in Sarajevo intensified immediately following Mladić's appointment as Commander of the VRS Main Staff, as demonstrated by the shelling on 14 May 1992 and later on 28 and 19 May 1992; (ii) Mladić issued orders to the SRK with regard to operations in Sarajevo between at least 28 May 1992 and January 1994; (iii) Mladić formulated the plans for and issued Directives 1, 3, 4, and 5, which were implemented by the SRK; (iv) Mladić monitored the operations he ordered in Sarajevo as they were implemented by the SRK; (v) Mladić ordered the production of modified air bombs and personally oversaw their development from 1993; and (vi) VRS and SRK Corps commanders reported to Mladić on the use of modified air bombs.

4918. The Trial Chamber also recalls its findings in chapters 9.5.5 that in meetings between May 1992 and April 1995, Mladić participated in policy discussions with high-level members of the Bosnian-Serb government and proposed a massive bombardment of Sarajevo with explicit disregard for the safety of civilians, stating that Sarajevo should be resolved militarily rather than politically.

4919. The Trial Chamber further recalls the evidence reviewed in chapter 9.4.2 and its subsequent finding in chapter 9.4.3 that, while Mladić made statements assuring

[17245] P7406 (Mladić order to the SRK, 6 September 1995), p. 1. The Trial Chamber understands the 'ART Rapid Reaction Forces' and 'ATR Rapid Reaction Forces' referred to in P7406 to be the RRF.

international organizations that Sarajevo was under no threat from the VRS, such statements are not a reliable basis for determining the true state of mind of the Bosnian-Serb leadership, particularly in light of Mladić's proposal to mislead the public. The Trial Chamber further recalls its finding that while Mladić prohibited firing at civilian targets without his approval and ordered that firing upon Sarajevo was only to take place in self-defence, such orders do not assist in determining the true state of mind of the Bosnian-Serb leadership, given that the language of the orders demonstrates that Mladić was more concerned with insubordination than with the welfare of the civilian population. The Trial Chamber finally recalls its finding that while Mladić ordered observance in all respects of the Geneva Conventions and other provisions of international law, such orders not to target civilians are not a reliable factor for determining the true state of mind of the Bosnian-Serb leadership, given that such orders were not adhered to and the leadership did not take measures to enforce such orders.

4920. The Trial Chamber notes that certain statements, such as the Accused's proposal to include Sarajevo in the agreement with regard to the demilitarized zones 'so that we finish the war', suggest that the Accused had peaceful intentions. However, the Trial Chamber does not consider such statements to be an accurate reflection of the Accused's mental state, as they directly contradict his other contemporaneous statements, and are inconsistent with his conduct. In light of the above, and considering the Trial Chamber's findings in chapter 9.4.3 regarding the unreliability of the Accused's orders prohibiting firing at civilian targets in Sarajevo as a means of determining his true state of mind, the Trial Chamber rejects the Defence submissions regarding the Accused's mental state.

4921. Based on all of the foregoing, in particular: (i) the Accused personally directing the 28 May 1992 shelling of Sarajevo, selecting targets, and directing fire away from Serb-populated areas; (ii) the Accused formulating and issuing directives and commanding the SRK; (iii) the Accused proposing in the spring of 1995 that Sarajevo be bombarded with explicit disregard for the safety of civilians; and (iv) the Accused ordering the SRK Command to cut utilities supplying Sarajevo on 6 September 1995, thereby forcing the inhabitants of Sarajevo to go outside and be exposed to sniping and shelling, the Trial Chamber finds that the Accused intended to establish and carry out a campaign of sniping and shelling against the civilian population of Sarajevo. The Trial

Chamber further finds that the Accused intended this campaign to spread terror among the civilian population of Sarajevo and that the Accused intended to perpetrate the crimes of terror, unlawful attacks on civilians, and murder. Lastly, the Trial Chamber finds that the Accused held this intention throughout the Indictment period.

9.6 Third joint criminal enterprise (Srebrenica)

9.6.1 Overview of the charges

4922. The Indictment states that between the days immediately preceding 11 July 1995 and 1 November 1995, the Accused participated in a JCE to eliminate the Bosnian Muslims in Srebrenica by killing the men and boys of Srebrenica and forcibly removing the women, young children, and some elderly men from Srebrenica.[17246] The objective amounted to or included the commission of the crimes of genocide (under Count 2), persecution, extermination, murder, deportation, and inhumane acts (forcible transfer).[17247] The Accused shared the intent for the commission of each of these crimes with other members of the JCE.[17248]

4923. According to the Indictment, the members of the JCE included, besides the Accused, Radovan Karadžić and:

> republic-level members of Bosnian-Serb Political and Governmental Organs [as defined in the Indictment]; regional, municipal, and local level members of Bosnian-Serb Political and Governmental Organs [as defined in the Indictment] with responsibility in or for the Srebrenica, Vlasenica, Bratunac, and/or Zvornik areas; and commanders, assistant commanders, senior officers, and chiefs of VRS and MUP operating in or with responsibility over territory within the DK area of responsibility and/or Trnovo municipality; and members of a Serbian MUP unit called the Scorpions.[17249]

Alternatively, some or all of these individuals were not members but were used by members of the JCE to carry out crimes committed in furtherance of its objective.[17250]

4924. Members of the JCE implemented their objective by personally committing crimes or through and by using others to carry out crimes committed in furtherance of the objective.[17251] Those used to carry out the crimes were members of the VRS and MUP operating in or with responsibility over territory within the DK area of responsibility and/or Trnovo Municipality and a Serbian MUP unit called the Scorpions.[17252]

[17246] Indictment, paras 7, 19.
[17247] Indictment, paras 7, 19.
[17248] Indictment, para. 20.
[17249] Indictment, paras 20-21.
[17250] Indictment, para. 21.
[17251] Indictment, para. 22.
[17252] Indictment, para. 22.

4925. The Trial Chamber recalls its detailed findings in chapter 7 and will consider them when determining the existence and scope of a Srebrenica JCE in chapter 9.6.4 below. In addition, in chapters 9.6.2 and 9.6.3 it will consider relevant contemporaneous statements and meetings as well as alleged attempts to conceal and cover up crimes committed in Srebrenica, before turning to its legal findings on the existence, scope, and membership of a Srebrenica JCE in chapter 9.6.4.

9.6.2 Contemporaneous statements and meetings

4926. In relation to contemporaneous statements and meetings relevant for determining whether the Srebrenica JCE existed, the Prosecution argued that between the evening of 11 July and the morning of 12 July 1995, Mladić and his officers decided to separate and murder the Bosnian-Muslim men and boys in Potočari.[17253] On 12 July, Mladić, Krstić, and the DK brigade commanders met at the Bratunac Brigade headquarters, where the murder operation was discussed.[17254] The Prosecution further argued that the opening of a corridor for the column on 16 July was not a humanitarian gesture but done out of military necessity.[17255] The Defence argued that: (i) Momir Nikolić's evidence lacks credibility and is generally unreliable, and more specifically, if there was a plan to murder Srebrenica's Muslim males, his conduct during and after the take-over of Srebrenica is illogical;[17256] (ii) the intercept evidence is of dubious authenticity and cannot be relied upon;[17257] and (iii) the Bratunac Brigade headquarters meeting took place on 11 July, and not on 12 July, and nothing illegal was discussed.[17258]

4927. The Trial Chamber received documentary evidence[17259] as well as evidence from the following witnesses in relation to statements and meetings around the time of the take-over of the Srebrenica enclave: **Milovan Milutinović**, Chief of the Press Centre and the Information Service at the 1KK between 1992 and 1994 and head of the VRS Main Staff Information Service and Centre for Information and Propaganda Activities between 1994 and 1996;[17260] **Witness RM-322**, an officer in the VRS Zvornik Brigade

[17253] Prosecution Final Brief, paras 1174-1175; T. 44553, 44556.
[17254] Prosecution Final Brief, paras 1213-1226; T. 44556.
[17255] Prosecution Final Brief, paras 1308-1312.
[17256] Defence Final Brief, paras 2523-2575; T. 44610.
[17257] Defence Final Brief, paras 2576-2677.
[17258] Defence Final Brief, paras 2888-2894; T. 44793-44794.
[17259] P1235 is reviewed in chapter 7.1.5. P1515 is reviewed in chapter 7.1.5.
[17260] D862 (Milovan Milutinović, witness statement, 11 July 2014), paras 3, 5, 51, 54, 140; Milovan Milutinović, T. 30038.

in 1995;[17261] **Miroslav Deronjić**, the President of the Bratunac Municipality Crisis Staff as of April 1992;[17262] **Ljubomir Bojanović**, a member of the Zvornik Brigade in 1995;[17263] **Ljubomir Mitrović**, the president of the Exchange Commission in the IBK as of 12 April 1994;[17264] **Milenko Todorović**, Assistant Commander of the Intelligence and Security Organ of the IBK as of 16 November 1993;[17265] **Mirko Trivić**, Commander of the 2nd Romanija Motorised Brigade from August 1994;[17266] **Witness RM-284**, a Bosnian Serb;[17267] **Bruce Bursik**, an investigator with the Prosecution as of 1 September 1999;[17268] **Milenko Jevđević**, Commander of the Signals Battalion of the DK from November 1992;[17269] **Miodrag Dragutinović**, Assistant Chief of Staff for Operations and Training in the Zvornik Brigade and Operations Officer in the Zvornik Brigade's Tactical Group 1;[17270] **Svetozar Andrić**, Commander of the VRS Birač Brigade in Šekovići from 19 May 1992 to 6 August 1995, then Chief of Staff of the DK until March 1996;[17271] **Momir Nikolić,** the Assistant Commander for Intelligence and Security of the Bratunac Brigade from November 1992 to at least October 1995;[17272] and **Petar Škrbić**, the Assistant Commander for Organisation, Mobilisation, and Personnel affairs of the VRS Main Staff in July 1995.[17273] Evidence and findings in relation to the Hotel Fontana meetings are set out in chapter 7.1.4 above.

Precursors to the attack on Srebrenica

4928. On 31 March 1995, Mladić recorded a meeting he had in Pale with the Bosnian-Serb Republic leadership, including Karadžić, Koljević, Finance Minister Pejić, Tomo

[17261] Witness RM-322, T. 11621-11622, 11626-11627, 11667-11668; P1492 (Pseudonym sheet for Witness RM-322).
[17262] P3566 (Miroslav Deronjić, witness statement, 25 November 2003), para. 2.
[17263] P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), pp. 11673, 11676.
[17264] P3507 (Ljubomir Mitrović, *Tolimir* transcript, 6-7 June 2011), pp. 15144, 15152, 15156-15160.
[17265] Milenko Todorović, T. 19835, 19837.
[17266] P1463 (Mirko Trivić, *Popović et al.* transcript, 18, 21 May 2007), p. 11795.
[17267] P1460 (Witness RM-284, *Popović et al.* transcript, 31 August 2007), pp. 14582-14583; Witness RM-284, T. 11120, 11139.
[17268] Bruce Bursik, T. 38860.
[17269] Milenko Jevđević, T. 31843, 31846-31847, 31856.
[17270] Miodrag Dragutinović, T. 32224; P7156 (Miodrag Dragutinović, witness statement, 29 July 2014), para. 3; D914 (Order to establish the tactical group 1 of the Zvornik Brigade, signed on 2 July 1995 by Pandurević), p. 1.
[17271] D1033 (Svetozar Andrić, witness statement, 16 July 2013), para. 1; Svetozar Andrić, T. 34737; D1034 (Order of hand-over of duties as Commander of the 1st Birač Infantry Brigade from Andrić to Colonel Ljubomir Vlačić, 6 August 1995).
[17272] Momir Nikolić, T. 11768-11771, 11776-11777; D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), paras 1, 13-14.
[17273] Petar Škrbić, T. 13981.

Kovač, and Krajišnik, regarding the supply for the VRS.[17274] Mladić recorded Kovač to have stated 'we have to install order in the army, the MUP and the banks'.[17275] Mladić then recorded Kovač to have discussed '[t]he holy trinity of the municipality (municipal government, army [Brigade command], Chief of Police Station)'.[17276] Krajišnik stated that '[a]s an orchestra, we are slightly out of tune. […] This is the first meeting. The needs were outlined. Everything has to be put on the table, we have to be united'.[17277] Karadžić ordered a working version of the war budget to be made by 7 April 1995'.[17278]

4929. On 15 and 16 April 1995, Mladić recorded in his notebook that he held an exposé at the 50th Session of the Bosnian-Serb Assembly in Sanski Most; the assembly was attended by Karadžić, Minister of Defence Milan Ninković, Tomo Kovač, VRS generals and high-ranking officers, Municipal SDS Presidents and Executives, high-ranking SDS officials, and high-ranking MUP officials.[17279] One of the deputies at the assembly, Kerović, lamented the discord between the state, the political leadership, and the VRS Main Staff.[17280] During the session, many Assembly members were dissatisfied with Mladić's exposé. They expressed strong discontent with the army, the battles it lost over the last six months, and the manner in which it was functioning. Among others, Đurić lamented corruption in the ranks of the VRS and stated that he had requested Mladić's replacement twice and commented that Gvero and Tolimir 'cannot stay' in the VRS Main Staff.[17281]

4930. Around 14 June 1995, the VRS cancelled the UNHCR aid convoy to Srebrenica due to the latter's refusal to submit to the demand made by the VRS that it should be allocated 50 per cent of the aid.[17282]

4931. **Miroslav Deronjić** stated that he was appointed to the position of civilian commissioner for Srebrenica on 11 July 1995.[17283] His main task in this respect was the

[17274] P345 (Mladić notebook, 27 January - 5 September 1995), p. 73.
[17275] P345 (Mladić notebook, 27 January - 5 September 1995), p. 75.
[17276] P345 (Mladić notebook, 27 January - 5 September 1995), p. 75.
[17277] P345 (Mladić notebook, 27 January - 5 September 1995), p. 76.
[17278] P345 (Mladić notebook, 27 January - 5 September 1995), p. 77.
[17279] P345 (Mladić notebook, 27 January - 5 September 1995), pp. 91-113. *See also* P4583 (Transcript from 50th Session of the Bosnian-Serb Republic Assembly, 16 April 1995).
[17280] P345 (Mladić notebook, 27 January - 5 September 1995), p. 93. *See also* P4583 (Transcript from 50th Session of the Bosnian-Serb Republic Assembly, 16 April 1995).
[17281] P345 (Mladić notebook, 27 January - 5 September 1995), pp. 102-103. *See also* P4583 (Transcript from 50th Session of the Bosnian-Serb Republic Assembly, 16 April 1995).
[17282] P2806 (Daily report to the UNSC, 14 June 1995).

treatment of the civilians of Srebrenica Municipality, *i.e.* to 'ensure that all civilian and military organs treat all citizens who participated in combat against the Army of Republika Srpska as prisoners of war, and ensure that the civilian population can freely choose where they will live or move to'.[17284] Decisions taken by the civilian commissioner were binding for all civilian authority organs in Srebrenica Municipality.[17285] According to Deronjić, he was not in a position to give orders to the military.[17286] In the evening of 11 July, Deronjić had a telephone conversation with Karadžić inquiring what exactly was meant with regard to the parts of his appointment relating to POWs.[17287] Karadžić replied that this matter would fall under the authority of Mladić and that he would give him orders about that.[17288] **Petar Škrbić** testified that on 11 July 1995 the VRS Main Staff was aware of the need for 50 buses for evacuating non-Serbs.[17289]

Meeting at Bratunac Brigade headquarters

4932. **Witness RM-284** testified that on 12 July 1995 Krstić met with the commanders of the DK at the Bratunac Brigade command post from 8 or 9 p.m. until between 11 p.m. and midnight.[17290] Mladić was present for the entire meeting.[17291]

4933. **Bruce Bursik** testified that during interviews he conducted with Momir Nikolić on 28 and 29 April and 1 May 2003 at the UNDU, Nikolić disclosed that he had seen Mladić and other commanders attend a meeting on the night of 11 July 1995 at the

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[17283] P3567 (Miroslav Deronjić, *Blagojević and Jokić* transcript, 19-22 January 2004), p. 6137; P3568 (Three copies of Directive 01-1340/95, Decision on appointment of Miroslav Deronjić, 11 July 1995), p. 1.
[17284] P3567 (Miroslav Deronjić, *Blagojević and Jokić* transcript, 19-22 January 2004), pp. 6163-6164; P3568 (Three copies of Directive 01-1340/95, Decision on appointment of Miroslav Deronjić, 11 July 1995), p. 1.
[17285] P3567 (Miroslav Deronjić, *Blagojević and Jokić* transcript, 19-22 January 2004), pp. 6158-6160, 6163-6164; P3568 (Three copies of Directive 01-1340/95, Decision on appointment of Miroslav Deronjić, 11 July 1995), p. 1.
[17286] P3567 (Miroslav Deronjić, *Blagojević and Jokić* transcript, 19-22 January 2004), pp. 6163-6164, 6342.
[17287] P3567 (Miroslav Deronjić, *Blagojević and Jokić* transcript, 19-22 January 2004), pp. 6403-6404, 6408-6409.
[17288] P3567 (Miroslav Deronjić, *Blagojević and Jokić* transcript, 19-22 January 2004), p. 6403.
[17289] Petar Škrbić, T. 14024-14025, 14029.
[17290] P1460 (Witness RM-284, *Popović et al.* transcript, 31 August 2007), pp. 14594-14595; Witness RM-284, T. 11130-11131.
[17291] Witness RM-284, T. 11131.

Bratunac Brigade command.[17292] Nikolić found out from Blagojević that in the meeting they analysed the attack on Srebrenica.[17293]

4934. According to **Svetozar Andrić**, on the evening of 11 July 1995, Mladić, Pandurević, Krstić, Blagojević, and he himself attended a meeting at the Bratunac Brigade headquarters.[17294] The only decision taken at this meeting was to continue operations towards Žepa; there was no mention of any liquidations or relocation of the local population.[17295] On 12 July, the witness's unit received the task to march to Mount Viogor, where it was inspected by Mladić and Krstić, and where Mladić tasked the unit to go towards Žepa.[17296] **Miodrag Dragutinović** testified that he travelled from Zeleni Jadar to Srebrenica with Commander Pandurević, who told him that on the evening of 11 July 1995, he had had a debriefing at the command of the Bratunac Brigade.[17297] Pandurević told the witness that the debriefing was called by Krstić and that it was about previous combat activities and the future task regarding the deployment of units in the Žepa sector.[17298] According to the witness, 'the presence of General Mladić [at this meeting] was obvious'.[17299]

4935. Dragutinović testified that on the evening of 12 July 1995, both groups stayed in Viogor, where, at around 5 or 6 p.m., General Krstić instructed them to start marching towards the enclave of Žepa the following morning.[17300] In the morning of 13 July 1995, at around 10 a.m., Mladić also visited the groups in Viogor and ordered the unit commanders to gather their units and start marching in the direction of the Žepa sector.[17301]

[17292] D1228 (Information Report, 23 June 2003), p. 1; P7542 (Addendum to information report); Bruce Bursik, T. 38908-38909.
[17293] Bruce Bursik, T. 38859; D1228 (Information Report, 23 June 2003), pp. 1-2.
[17294] D1033 (Svetozar Andrić, witness statement, 16 July 2013), para. 19.
[17295] D1033 (Svetozar Andrić, witness statement, 16 July 2013), para. 19.
[17296] D1033 (Svetozar Andrić, witness statement, 16 July 2013), para. 20.
[17297] Miodrag Dragutinović, T. 32240.
[17298] Miodrag Dragutinović, T. 32242, 32258.
[17299] Miodrag Dragutinović, T. 32260.
[17300] Miodrag Dragutinović, T. 32244; P7156 (Miodrag Dragutinović, witness statement, 29 July 2014), paras 15, 17.
[17301] Miodrag Dragutinović, T. 32243; P7156 (Miodrag Dragutinović, witness statement, 29 July 2014), paras 18-19.
[17301] Miodrag Dragutinović, T. 32245-32246.

4936. **Mirko Trivić** testified that on 12 July 1995 Mladić arrived at the Bratunac Brigade headquarters at 10 p.m. and ordered General Krstić to prepare a decision to go to Žepa.[17302]

4937. **Milenko Jevđević** testified that he participated in the meeting at the Bratunac Brigade headquarters on 11 July 1995 between 10 and 11 p.m. and that the meeting was headed by Mladić, and the participants included Živanović, Krstić, Pandurević, Furtula, and all the brigade commanders of the DK who had taken part in operation '*Krivaja* 95'.[17303] The witness based his conviction that the meeting was on 11 July, as opposed to 12 July, on his memory that Zvonko Bajagić, a very religious person, appeared at the end of the meeting carrying a platter with fish.[17304] On Saint Peter's day, which is on 12 July, according to Christian Orthodox customs, meat is traditionally served.[17305] This is not the case, however, if Saint Peter's day falls on a Wednesday or Friday.[17306] The witness acknowledged that 12 July 1995 fell on a Wednesday.[17307] During the meeting, an analysis of the combat actions of the day was presented, and Mladić stated that on the following day, all units that participated in the '*Krivaja 95*' operation were to regroup and set towards Žepa, in order to execute the operation '*Stupanica 95*'.[17308] The witness was ordered to set up a command post at Krivace between Srebrenica and Žepa.[17309] According to the witness, he arrived in the area of Žepa on 12 July, where he found that parts of the 5th Light Infantry Brigade were already present.[17310] The other units were relocated from Srebrenica during the night of 13 and 14 July and the operation itself started in the morning of 14 July.[17311]

12 and 13 July 1995

4938. Prior to the third Hotel Fontana meeting in the morning of 12 July 1995, **Momir Nikolić** briefly spoke with Lieutenant Colonels Popović and Kosorić in front of the

[17302] Mirko Trivić, T. 11272-11273; P1467 (Personal diary of Mirko Trivić), pp. 25, 28.
[17303] Milenko Jevđević, T. 31972-31973, 31995, 31998, 32001, 32151-32152, 32059-32060.
[17304] Milenko Jevđević, T. 32151-32152, 32182.
[17305] Milenko Jevđević, T. 32151-32152, 32177-32179, 32181-32182, 32198.
[17306] Milenko Jevđević, T. 32151-32152, 32177-32179, 32181-32182, 32198.
[17307] Milenko Jevđević, T. 32198.
[17308] Milenko Jevđević, T. 31973-31974, 31996, 31998-31999.
[17309] Milenko Jevđević, T. 31974, 32001-32002.
[17310] Milenko Jevđević, T. 32061.
[17311] Milenko Jevđević, T. 31975, 32002.

hotel.[17312] Popović told the witness that all the women and children would be transferred from the territory to territory under the control of the Muslim forces, *i.e.* Kladanj or Tuzla.[17313] The witness asked what would happen to the able-bodied men, to which Popović responded that all the 'balijas' should be killed.[17314] The witness told Popović that there were vacant facilities in Bratunac where the separated able-bodied men from Potočari could be temporarily held, including the Vuk Karadžić primary school, the hangar, and the sports gym.[17315] The witness, Kosorić, and Popović then discussed possible execution sites, including the Sase mine and the brick factory (known as *Ciglana*).[17316]

4939. **Bursik** testified about his interview with Nikolić in May 2003. According to the interview, when Nikolić spoke with Kosorić and Popović outside Hotel Fontana on the morning of 12 July 1995 about the killings, they discussed the killings in such a manner that it sounded like the motive for the killings was an act of revenge.[17317] On 12 July 1995, after the first convoy left Potočari and three to four hours after first hearing of the killing operation, Nikolić returned to the Bratunac Brigade headquarters and compiled a report about separations and mentioned that all the men would be killed. On the same day, Nikolić told Colonel Janković about the killing operation; Janković told him that all those separated would be transported to Bratunac facilities and it was at that stage when Nikolić realized that Janković already had knowledge of the killing operation. Nikolić then asked Janković why the people were going to be detained in Bratunac and not transported to Kladanj, to which Janković replied that it was an order and that he should not comment on it. Nikolić stated that he never mentioned the killings in his written report, but only in his verbal report. Nikolić disclosed to Bursik that he never told anyone at the time who his source was, *i.e.* Popović and Kosorić. Nikolić stated that he had never received a direct order to kill the separated men, but that he was just told what their fate would be.[17318] On the evening of 12 July 1995 and the morning of the

[17312] Momir Nikolić, T. 11820, 11827; D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), para. 4.
[17313] Momir Nikolić, T. 11820; D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), para. 4.
[17314] Momir Nikolić, T. 11820; D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), para. 4.
[17315] Momir Nikolić, T. 11821-11822; D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), para. 4.
[17316] Momir Nikolić, T. 11821-11823, 11827; D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), para. 4.
[17317] D1228 (Information Report, 23 June 2003), p. 2; P7542 (Addendum to information report).
[17318] D1228 (Information Report, 23 June 2003), p. 3.

following day, Nikolić discussed the killing of captured Muslims with Blagojević.[17319] According to Nikolić, Blagojević knew about 'everything' and gave him authorisation to continue.[17320] The Trial Chamber also considered the testimony and statement of Nikolić in relation to these matters, as further set out in chapter 7.1.5.

4940. **Deronjić** testified that Ljubiša Beara, who was very drunk, came into his office in the evening of 13 July 1995 and told him that he was about to kill all detainees in Bratunac and that he would do so based on 'orders from the top'.[17321] Deronjić argued with Beara, saying that he had orders of a different kind which originated from Karadžić and that he would not allow those killings to be committed in Bratunac.[17322] The detainees were not killed in Bratunac that night and instead they were taken to Zvornik on 14 July.[17323] On that day, Deronjić went to see Karadžić and conveyed Beara's intentions of the previous night and got the impression that Karadžić would do something about it.[17324]

4941. **Milenko Todorović** stated that in the evening of 11 July or morning of 12 July, he received orders from General Tolimir to prepare Batković camp for the impending arrival of between 1,000 and 1,200 POWs from Srebrenica.[17325] According to the witness, these detainees would have been traded for the release of captured members of the VRS, but they never arrived and after a few days Tolimir conveyed that the order was given up on.[17326] Tolimir did not tell him the reason for the change in plans, but he later heard that there had been mass executions near Pilica.[17327] **Ljubomir Mitrović**

[17319] D1228 (Information Report, 23 June 2003), p. 8.
[17320] D1228 (Information Report, 23 June 2003), p. 8.
[17321] P3567 (Miroslav Deronjić, *Blagojević and Jokić* transcript, 19-22 January 2004), pp. 6226, 6274, 6445-6447, 6449, 6452.
[17322] P3567 (Miroslav Deronjić, *Blagojević and Jokić* transcript, 19-22 January 2004), pp. 6226, 6274, 6278.
[17323] P3567 (Miroslav Deronjić, *Blagojević and Jokić* transcript, 19-22 January 2004), pp. 6226, 6274, 6278-6279, 6445, 6450.
[17324] P3567 (Miroslav Deronjić, *Blagojević and Jokić* transcript, 19-22 January 2004), pp. 6226-6227.
[17325] P2914 (Milenko Todorović, Interview, 2 February 2010), pp. 2-4, 6; P2915 (Milenko Todorović, *Tolimir* transcript, 18-20 April 2011), pp. 12933-12934, 12936-12939; Milenko Todorović, T. 19814-19817, 19820-19821, 19852-19856, 19858. *See also* P3507 (Ljubomir Mitrović, *Tolimir* transcript, 6-7 June 2011), pp. 15144, 15154-15156, 15174, 15179, 15183.
[17326] P2914 (Milenko Todorović, Interview, 2 February 2010), pp. 2, 7-10, 15; P2915 (Milenko Todorović, *Tolimir* transcript, 18-20 April 2011), pp. 12941-12944, 12993, 13122; Milenko Todorović, T. 19814, 19818, 19822-19823, 19858-19859. *See also* P3507 (Ljubomir Mitrović, *Tolimir* transcript, 6-7 June 2011), pp. 15174-15175, 15183-15184.
[17327] P2914 (Milenko Todorović, Interview, 2 February 2010), p. 10. *See also* P3507 (Ljubomir Mitrović, *Tolimir* transcript, 6-7 June 2011), pp. 15175, 15184.

stated that later, he heard from Todorović that 20 wounded men from Srebrenica had arrived.[17328]

Opening of a corridor

4942. **Witness RM-322** testified that during a meeting on 15 July 1995, Vasić of the MUP suggested that in order to avoid casualties and minimise threats to security, a corridor should be opened to let the Muslim column through.[17329] When the VRS Main Staff was contacted in this respect, Miletić did not approve and instead said that the column should be destroyed using all military hardware possible as had been previously ordered, and complained about the telephone call being made on an insecure line before hanging up.[17330] Vasić then called a MUP advisor in Pale on speakerphone and asked permission to let the column pass, but the advisor told him to alert the air force and 'kill them all'.[17331] When Krstić was contacted and informed of the situation and that Zvornik was about to fall, Krstić said that there should not be any worry, that Pandurević and 'Legenda', whom the witness knew referred to Captain Jolović of the Drina Wolves, and his men were on their way to Zvornik.[17332] The witness also informed Pandurević about the location and size of the column and Pandurević asked why the column had not been stopped using the military hardware as ordered.[17333] When the witness suggested that a corridor be opened for the column to pass as discussed, Pandurević was against the proposal, stating that no one had the right to trade Serb land and that things would be done the way he ordered them to be done.[17334]

4943. After the call with Krstić had concluded, Vasić said that the situation in Bratunac had become dangerous because of the problems associated with guarding large numbers of Muslim detainees and the lack of space to accommodate them which had led to incidents in which detainees who had to spend the night on buses became agitated and began rocking the buses. Borovčanin said that he was not happy that civilian police were being used to provide security on the buses and he did not want the police to provide security for the detainees when they reached Zvornik. Borovčanin further said

[17328] P3507 (Ljubomir Mitrović, *Tolimir* transcript, 6-7 June 2011), pp. 15175, 15179.
[17329] P1494 (Witness RM-322, statement of facts, 20 May 2003), p. 3.
[17330] P1494 (Witness RM-322, statement of facts, 20 May 2003), p. 3.
[17331] P1494 (Witness RM-322, statement of facts, 20 May 2003), p. 4.
[17332] P1494 (Witness RM-322, statement of facts, 20 May 2003), p. 4.
[17333] P1494 (Witness RM-322, statement of facts, 20 May 2003), p. 5.
[17334] P1494 (Witness RM-322, statement of facts, 20 May 2003), p. 5; Witness RM-322, T. 11649-11650.

that after battles with the column he had not expected such a large number of people to have passed through the lines in the Konjević Polje area, and that large numbers of detainees trying to cross the lines on the Konjević Polje road had been captured by the special police.[17335]

4944. **Ljubomir Bojanović** stated that in the afternoon of 15 July 1995, he saw Pandurević and the chief of staff talking at the IKM for 30 to 45 minutes.[17336] After the conversation, Pandurević asked the witness to come to the command post and dictated the content of an interim combat report to him which Pandurević then signed and sent to the DK Command at 7:25 p.m.[17337] According to the witness, the report stated that the large number of detainees distributed throughout schools in the brigade's area of responsibility constituted an additional burden for the brigade and that if no one else would take over responsibility for them, the command would be forced to release the detainees.[17338]

4945. According to an intercept of a conversation between Beara and Krstić on 15 July 1995 at 10 a.m., Beara stated that 'Furtula didn't carry out the boss's order' and that he needed 15 or 30 men and Boban Inđić for the day, 'just like it was ordered'.[17339] Krstić suggested to him to take men from Nastić or Blagojević, and added: 'Check with Blagojević. Take his Red Berets'.[17340] Beara replied that they had taken off and that only four remained.[17341] Krstić then suggested that Beara take men from the MUP.[17342] Beara said that he had talked to them and 'they won't do anything' and that there was no other solution than to take 15 to 30 men with Inđić.[17343] He added: '[t]here are still 3,500 "parcels" that I have to distribute and I have no solution'.[17344] Krstić responded that he would see what he could do.[17345]

[17335] P1494 (Witness RM-322, statement of facts, 20 May 2003), p. 4.
[17336] P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), pp. 11723-11724. The Trial Chamber understands the reference to 'chief of staff' as a reference to the Zvornik Brigade's chief of staff Dragan Obrenović.
[17337] P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), pp. 11724-11725, 11728.
[17338] P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), p. 11727.
[17339] P2126 (Intercept of conversation between Beara and Krstić, 15 July 1995). *See also* P1322 (Intercept of conversation).
[17340] P2126 (Intercept of conversation between Beara and Krstić, 15 July 1995). *See also* P1322 (Intercept of conversation).
[17341] P2126 (Intercept of conversation between Beara and Krstić, 15 July 1995). *See also* P1322 (Intercept of conversation).
[17342] P2126 (Intercept of conversation between Beara and Krstić, 15 July 1995).
[17343] P2126 (Intercept of conversation between Beara and Krstić, 15 July 1995).
[17344] P2126 (Intercept of conversation between Beara and Krstić, 15 July 1995).
[17345] P2126 (Intercept of conversation between Beara and Krstić, 15 July 1995).

4946. **Witness RM-322** testified that sometime before 6 p.m. on 15 July 1995, shelling in Zvornik was reported and 'the enemy' blocked the Zvornik Brigade's escape route.[17346] The Bosnian-Serb forces endured heavy fighting and eventually withdrew from the area sometime between 1 and 2 p.m. on 16 July 1995, having lost 30 to 40 men.[17347] Subsequently, Pandurević changed his mind and the corridor was finally opened around 2 p.m. on 16 July to allow the column to pass through to Muslim territory, and then closed between 5 and 6 p.m. the same day.[17348] In his interim combat report to the Command of the DK, Pandurević explained that the opening of the corridor was necessary to allow about 5,000 Muslim civilians to pass through, and that although it was likely that there were some soldiers among those who had passed, they were unarmed.[17349] According to **Witness RM-322**, in his report Pandurević tried to justify his decision to open the corridor against all the orders received in this respect.[17350] Many Muslims from the 28th Division had died in and around the VRS trenches before the corridor was opened.[17351] The VRS collected some of the bodies of these Muslims and buried them in a mass grave at Parlog, near Krizevici.[17352]

4947. At approximately noon on 17 July 1995, the witness was asked by Pandurević to brief officers from the Main Staff led by Colonel Trkulja, about the opening of the corridor.[17353] The officers, including Colonels Sladojević and Stanković, were surprised about the losses suffered by the VRS and the witness gained the impression that the commander of the Brigade had come under scrutiny for opening up the corridor and that the officers thought that the VRS had not put up any resistance against the 28th Division.[17354]

4948. **Witness RM-322** stated that following an incident on 18 July 1995, when a Bosnian Serb solider was shot when taking detainees into custody, Pandurević issued an order that to avoid risk, people should be shot rather than captured and that some

[17346] P1494 (Witness RM-322, statement of facts, 20 May 2003), p. 6; Witness RM-322, T. 11896.
[17347] P1494 (Witness RM-322, statement of facts, 20 May 2003), p. 6; Witness RM-322, T. 11897.
[17348] P1494 (Witness RM-322, statement of facts, 20 May 2003), p. 7; Witness RM-322, T. 11650, 11656, 11896-11897.
[17349] P1513 (Interim combat report from the Zvornik Brigade addressed to the DK Command, 16 July 1995, signed by Commander Vinko Pandurević).
[17350] Witness RM-322, T. 11926.
[17351] Witness RM-322, T. 11656-11657, 11898-11899.
[17352] Witness RM-322, T. 11658.
[17353] P1494 (Witness RM-322, statement of facts, 20 May 2003), p. 7; Witness RM-322, T. 11625, 11654-11655, 11928-11929; P1498 (Extracts from the Zvornik Brigade duty officer logbook, 11-18 July and 16-17 September 1995), p. 4.
[17354] P1494 (Witness RM-322, statement of facts, 20 May 2003), p. 7; Witness RM-322, T. 11625.

brigade units did not take detainees after this order was issued. Pandurević modified the order a few days later around 21 July stating over the radio that detainees were to be processed according to the standard procedures and, from around this time, detainees were again taken into custody. The witness testified that by 18 July 1995, news of the executions of the detainees was widespread and everyone was talking about it.[17355]

4949. **Milovan Milutinović** testified that in July 1995, Mladić spoke to UNPROFOR Commander General Rupert Smith on Bokšanica Hill, in the presence of the witness, about the safe area of Žepa.[17356] According to the witness, Smith commended Mladić on the army's fair treatment of the Srebrenica population, and Mladić promised Smith that the population and Muslim soldiers in Žepa would be treated fairly.[17357]

4950. According to an intercepted conversation between Mladić and Miloš Kostić on 17 July 1995 in relation to Žepa, Mladić stated that 'their' goal was not to target the civilian population or the UN forces, but the Muslim fundamentalist gangs and terrorists.[17358]

Other statements

4951. **Witness RM-322** testified that sometime in August 1995, when General Krstić was visiting Zvornik, one of the soldiers listened to a radio broadcast from Tuzla about the story of a survivor of one of the executions. Krstić ordered that the enemy radio should not be listened to. When the witness enquired why the killings had taken place, Krstić cut him short and said that they would not speak about the matter any more.[17359]

The Trial Chamber's findings

4952. The Trial Chamber received contradictory evidence about the date of a meeting held at the Bratunac Brigade headquarters. Trivić and Witness RM-284 gave evidence that the meeting took place in the evening of 12 July 1995. Andrić, Dragutinović, and Jevđević testified that the meeting took place in the evening of 11 July. Bursik also testified that Nikolić told him that the meeting took place on 11 July.

[17355] P1494 (Witness RM-322, statement of facts, 20 May 2003), p. 7.
[17356] D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 93.
[17357] D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 93.
[17358] P7397 (Intercepted communication between General Mladić and Miloš Kostić, 17 July 1995), p. 1.
[17359] P1494 (Witness RM-322, statement of facts, 20 May 2003), p. 8.

4953. The Trial Chamber considered the positions of the witnesses and their bases of knowledge for claiming when the meeting took place. The Trial Chamber refers to the confidential annex in Appendix D for more specific reasoning in this respect. The Trial Chamber noted inconsistencies between the evidence of the witnesses claiming the meeting took place on 11 July. Some witnesses claimed that the meeting solely concerned the upcoming advance on Žepa, others claimed it also analysed the attack on Srebrenica. Further, the evidence of Andrić and Dragutinović contained internal inconsistencies making it unreliable in this respect. Bursik based his evidence on an interview with Nikolić. A meeting at the Bratunac Brigade headquarters on 11 July is not mentioned in Nikolić's evidence. In relation to Jevđević's evidence, the Trial Chamber considers that his basis for claiming that the meeting took place on 11 July (at the meeting fish was served and on 12 July, a religious holiday, it is traditional to serve meat) was undermined by his own admission that meat would not be served on 12 July 1995 because it was a Wednesday. In any event, all witnesses testified that Mladić was present at this meeting. In this respect, the Trial Chamber recalls its finding that in the evening of 11 July 1995 Mladić was present at two meetings at Hotel Fontana (*see* chapter 7.1.4). Under these circumstances, the Trial Chamber will not rely on the evidence of Bursik, Andrić, Dragutinović, and Jevđević in relation to the date of the meeting at the Bratunac Brigade headquarters.

4954. With regard to the Defence's submission that Nikolić's evidence is generally unreliable, the Trial Chamber refers to its general discussion of the reliability of this witness's evidence, which is set out in Appendix B. With regard to the Defence's specific argument that Nikolić's behaviour following 12 July 1995 is illogical if there was a plan to murder Bosnian Muslims, his behaviour does not negate the existence of a plan to kill. Nikolić told Bursik that he never mentioned the killings in his written reports, but only in his verbal reports, which indicates that written reports may not contain the whole truth. In addition, if Nikolić indeed made efforts to evacuate wounded Bosnian-Muslim soldiers and spare Bosnian-Muslim UNPROFOR staff, this may affect whether he was a member of any JCE, not necessarily whether such a JCE existed. Accordingly, the Trial Chamber disagrees with the Defence's contention that Nikolić's behaviour is illogical if there was a plan to murder and rejects this specific Defence submission.

4955. With regard to the Defence's submissions on the reliability of intercept evidence, the Trial Chamber refers to its approach to this category of evidence set out in Appendix B.

4956. Based on the foregoing, the Trial Chamber finds that in the morning of 12 July 1995, prior to the third Hotel Fontana meeting, Popović, Kosorić, and Nikolić spoke in front of the hotel and Popović told Nikolić that all the women and children would be transferred to Kladanj or Tuzla. With regard to the able-bodied men, Popović said that all the 'balijas' should be killed. They then discussed temporary detention facilities and possible execution sites. Later, Nikolić told Janković about the killing operation and realised that Janković already knew. Janković said that all of this was ordered and that Nikolić should not comment on it. On the evening of 12 July, Nikolić discussed the killing operation with Blagojević, who also already knew and authorised him to continue. Also on the evening of 12 July, Mladić met a number of DK commanders, including Krstić, Pandurević, Blagojević, Živanović, Furtula, Jevđević, and Andrić, for a meeting at the Bratunac Brigade headquarters. Following the fall of Srebrenica, Tolimir ordered Todorović to prepare Batković camp for the arrival of over 1,000 detainees. Shortly thereafter, this order was cancelled by Tolimir without giving a reason. In relation to the column of Muslims trying to break through the lines of the Bosnian Serbs, Miletić said on 15 July that no corridor should be opened and that the column should be destroyed. A MUP adviser in Pale who was also consulted stated that the people in the column should be killed by the air force.

4957. With regard to the role of the MUP, the Defence argued that as of 12 or 13 July 1995: (i) operation *Krivaja 95* was considered completed; (ii) the combat engagement of MUP forces in the context of this operation was finished; (iii) the MUP forces were operating under their own command at that time, under Borovčanin; and (iv) from 13 July 1995 onwards, the actions of the MUP were conducted under the MUP command and not pursuant to any re-subordination to the VRS.[17360] Having considered, *inter alia*, the involvement of MUP forces in the Srebrenica operation and in Potočari, as well as their role in operations against the column and in the commission of crimes (*see* chapters 7.1.6; 7.2, *Schedule E.1.1*; 7.4, *Schedule E.3.1*; 7.5, *Schedule E.4.1*; 7.14, *Schedule E.15*; 7.17; and 8) from at least 12 until 17 July 1995; the direct orders Borovčanin and his forces received from Mladić and from VRS officers, including

[17360] Defence Final Brief, para. 2977.

Blagojević, from 11 July until at least 17 July 1995 about their deployment and military actions to block the column; and the reporting of MUP activities to the Bratunac Brigade, the Trial Chamber finds that from 11 July 1995 until at least 17 July 1995 the MUP forces deployed in the sector of Srebrenica and under Borovčanin's command were under the command of the VRS. The Trial Chamber thus dismisses the Defence's arguments that the MUP forces were operating under their own command in Srebrenica as of 12 or 13 July 1995.

4958. The Trial Chamber will further consider these findings in chapter 9.6.4 when determining whether the Srebrenica JCE existed. The Trial Chamber will also further address Mladić's role in the alleged Srebrenica JCE in chapter 9.7.

9.6.3 Attempts to cover up and the non-investigation of crimes

4959. The Prosecution argued that members of the alleged Srebrenica JCE, including members of the VRS, attempted to conceal and cover up crimes committed in Srebrenica between the days immediately preceding 11 July 1995 and continuing until 1 November 1995.[17361] The Trial Chamber considered the evidence concerning the reburial operations in Srebrenica and other municipalities in chapter 7.18. In the present chapter, the Trial Chamber will first consider evidence in relation to attempts to conceal the commission of some of the crimes charged in the Indictment committed in Srebrenica. It will then turn to evidence on whether the there were investigations and punishments of the perpetrators of crimes in Srebrenica, which the Trial Chamber has found to have been committed within the geographic and temporal scope of the Indictment. The Trial Chamber received evidence from **Witness RM-513**, a Bosnian Serb from Bijeljina;[17362] **Witness RM-269**, a member of the Drina Wolves from 1993 and a Military Police officer in the Zvornik Brigade in June and July 1995;[17363] **Ljubomir Bojanović**, a member of the Zvornik Brigade in 1995;[17364] **Witness RM-294**, a Bosnian Muslim from Srebrenica Municipality;[17365] **Predrag Drinić**, a VRS chief military prosecutor from 1992 to 2000;[17366] and **Miroslav Deronjić**, the President

[17361] Prosecution Final Brief, paras 1392-1397; Indictment, para. 19.
[17362] P1054 (Witness RM-513, witness statement, 25 June 2011), p. 1, paras 2, 4-6.
[17363] P1561 (Witness RM-269, *Popović et al.* transcript, 29 January 2007), pp. 6437-6438.
[17364] P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), pp. 11673, 11676.
[17365] Witness RM-294, T. 9838, 9840; P1136 (Pseudonym sheet for Witness RM-294, 16 April 2013).
[17366] P3351 (Predrag Drinić, *Blagojević and Jokić* transcript, 15 June 2004), pp. 10843-10844.

of the Bratunac Municipality Crisis Staff as of April 1992;[17367] as well as documentary evidence.

Concealment of crimes

4960. The Trial Chamber recalls its findings in chapter 7.7, *Scheduled Incidents E.6.1 and E.6.2* and chapter 8.3.2 that on 14 July 1995, members of the Zvornik Brigade shot and killed Bosnian-Muslim men previously detained at Grbavci School in Orahovac. **Richard Butler** testified that erased entries on a personnel roster for the Zvornik Brigade Military Police Company listed Miomir Jasikovac (the Military Police Company's Commander), Nada Stojanović, Goran Bogdanović, Čedo Jović, Dragoje Ivanović, Predrag Ristić, Željko Stevanović, Milomir Simić, Stanoje Birčaković, and Slađan Jokić as present in Orahovac on 14 July 1995.[17368] The entries indicating that personnel had been in Orahovac were erased and replaced with entries indicating that this personnel had been in the terrain instead.[17369] **Witness RM-269** testified that the record of attendance for members of the Zvornik Brigade was maintained by Stevo Kostić.[17370] In the record's entry for 14 July 1995 the letter 'T' indicating 'Terrain' was noted next to the witness's name.[17371] The witness also testified that the letter 'O', which appears faintly underneath the entry 'T', would stand for 'Orahovac' where the witness was actually deployed on that day.[17372] According to the witness, the entry 'O' would be the correct one.[17373] The letter 'T' was also recorded under the entry concerning his attendance for 15 July 1995, and the inscription 'R' was faintly visible underneath.[17374] He testified that the entry 'R' was consistent with his deployment in Ročević on that day and was, in his view, the correct entry.[17375] In addition, the entry for 14 July 1995 concerning Nada Stojanović, who was also in Orahovac according to the witness, stated 'T' while the inscription 'O' was still visible underneath.[17376] During the

[17367] P3566 (Miroslav Deronjić, witness statement, 25 November 2003), para. 2.
[17368] P2203 (Richard Butler, Military Narrative on Operation *Krivaja 95* in Srebrenica, 1 November 2002), paras 7.7, 7.17. The Trial Chamber has also considered exhibit P1565 in relation to the correct spelling of names.
[17369] P2203 (Richard Butler, Military Narrative on Operation *Krivaja 95* in Srebrenica, 1 November 2002), para. 7.16.
[17370] Witness RM-269, T. 12727-12728.
[17371] Witness RM-269, T. 12710-12712; P1565 (Zvornik Brigade attendance roster, July 1995), pp. 5, 8.
[17372] Witness RM-269, T. 12710-12712.
[17373] Witness RM-269, T. 12712.
[17374] Witness. RM-269, T. 12712; P1565 (Zvornik Brigade attendance roster, July 1995), pp. 5, 8.
[17375] Witness RM-269, T. 12712-12713.
[17376] Witness RM-269, T. 12713; P1565 (Zvornik Brigade attendance roster, July 1995), pp. 3, 8.

testimony of Witness RM-269, the Trial Chamber also noted that on a personnel roster of the Zvornik Brigade an inscription which appeared to be an 'O' (which would stand for 'Orahovac') had been rubbed out of the legend.[17377] The parties did not dispute this observation.[17378]

4961. **Ljubomir Bojanović** stated that on 14 to 15 July 1995, Dragan Jokić was the duty operations officer of the Zvornik Brigade.[17379] According to a daily combat report drafted on 14 July 1995 and signed by the Chief of Staff Major Dragan Obrenović, the situation in the area of responsibility of the 1st Zvornik Infantry Brigade was 'stable and under control' and there were no unexpected events.[17380] According to the witness, a mass execution of detainees in the Zvornik Brigade's area of responsibility would have qualified as an extraordinary event that would have been reflected in a daily combat report and notified to the superior command.[17381]

4962. The Trial Chamber recalls its findings in chapters 7.1.5, 8.3.2, and 8.5.2 that on 12 and 13 July 1995, the VRS, and more particularly the DK, transferred about 25,000 Bosnian Muslims, mostly women, children, and elderly, in buses and trucks outside the enclave of Srebrenica to the territory under ABiH control. The Trial Chamber further recalls the evidence of **Witness RM-294** and **Miroslav Deronjić** reviewed in chapter 7.1.5 that a document signed by the DutchBat Deputy Commander Major Franken, Miroslav Deronjić, and Nesib Mandžić on 17 July 1995 about the evacuation in Potočari did not reflect the reality with regard to options the population would have had, as no one was given a choice to either remain or be evacuated.

Investigation and punishment of the perpetrators

4963. The Trial Chamber recalls its findings in chapter 9.2.12 on the general functioning of the Bosnian-Serb military and civilian justice systems. The Trial Chamber further recalls its findings in chapters 7.2-7.15 and 8.3.2 with regard to the killings of Bosnian Muslims in Srebrenica Municipality between the days immediately preceding 11 July and continuing until 1 November 1995. **Witness RM-513** testified

[17377] Witness RM-269, T. 12715-12716; P1565 (Zvornik Brigade attendance roster, July 1995), p. 8.
[17378] T. 12716.
[17379] P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), p. 11705.
[17380] P3572 (Zvornik Brigade Daily Combat Report, 14 July 1995), paras 3-4; P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), pp. 11705-11706.
[17381] P3570 (Ljubomir Bojanović, *Blagojević and Jokić* transcript, 8-9 July 2004), pp. 11706-11707.

that in July 1995, the DK came under the jurisdiction of the Bijeljina Military Court, but that there were no investigations or prosecutions with regard to the killings of Muslims in Srebrenica or the Zvornik area by members of the DK, even though information of mass killings was discussed by VRS officers and reached Bijeljina almost immediately in the days following the fall of Srebrenica.[17382] **Predrag Drinić** stated that he attended a meeting on 25 or 26 March 1996 in the office of Dragomir Vasić, the chief of the Zvornik SJB, to discuss an order from Radovan Karadžić of 23 March 1996 requesting the VRS and MUP to immediately form a mixed expert commission to investigate the alleged discovery of two decomposed bodies in the Pilica area in Zvornik Municipality.[17383] Milorad Trbić attended the meeting on behalf of the Zvornik Brigade.[17384] Following the meeting, the witness wrote a letter to the Department of Intelligence and Security Affairs of the VRS Main Staff, in which he proposed the initiation of an investigation and to which he never received an answer.[17385] A follow-up order from Radovan Karadžić of 1 April 1996 ordered a detailed investigation into the locations of victims of the armed conflict in and around Srebrenica, including their identification as well as any relevant information surrounding their deaths.[17386] While the witness is listed as recipient on the order, he stated that he had never received it.[17387] According to the witness, no investigations were conducted by any Bosnian-Serb military or civilian authority regarding crimes committed in Srebrenica in 1995.[17388]

The Trial Chamber's findings

4964. As mentioned above, the Trial Chamber considered the evidence concerning the reburial operations in Srebrenica and other municipalities in chapter 7.18, and it refers to its findings in that chapter.

[17382] P1054 (Witness RM-513, witness statement, 25 June 2011), paras 82-83; Witness RM-513, T. 9267-9268.
[17383] P3351 (Predrag Drinić, *Blagojević and Jokić* transcript, 15 June 2004), pp. 10879-10880; P3353 (Notice from VRS military prosecutor on the establishment of a commission for the exhumation of bodies in Pilica), pp. 3, 6, 8.
[17384] P3353 (Notice from VRS military prosecutor on the establishment of a commission for the exhumation of bodies in Pilica), p. 3.
[17385] P3351 (Predrag Drinić, *Blagojević and Jokić* transcript, 15 June 2004), pp. 10883-10884; P3353 (Notice from VRS military prosecutor on the establishment of a commission for the exhumation of bodies in Pilica), pp. 3, 5.
[17386] P3351 (Predrag Drinić, *Blagojević and Jokić* transcript, 15 June 2004), p. 10880; P3354 (Order from Radovan Karadžić with regard to investigation in Srebrenica, 1 April 1996).
[17387] P3351 (Predrag Drinić, *Blagojević and Jokić* transcript, 15 June 2004), pp. 10885-10886, 10889, 10894-10895.

4965. The Trial Chamber recalls its findings in chapter 9.7.4 that on 13 July 1995, Mladić gave an order which called for the prevention of entry of local and foreign journalists into the zones of combat operations in Srebrenica and Žepa, as well as a ban on giving any information to the media about operations in Srebrenica, particularly on POWs, evacuated civilians and escapees, and that Mladić's action was to keep the media from knowing what was happening in Srebrenica. The Trial Chamber further recalls its finding that Mladić was deliberately misleading a representative of the international community, the public and the media when on 11 July 1995, he said that the civilians were free to stay or go, adding that if people gathered in Potočari decided to leave they would be taken to Kladanj or anywhere they liked; and when on 19 July 1995, Mladić said to Smith that the population present in Potočari was evacuated at its own request.

4966. With respect to the alleged concealment of killings of Bosnian-Muslim men previously detained at Grbavci School in Orahovac, the Trial Chamber finds that a member or members of the Zvornik Brigade made efforts to conceal these killings by falsifying entries and the legend of the record of attendance of the Zvornik Brigade in a way to suggest that personnel of the Zvornik Brigade was not in Orahovac, the place/scene of the killings, but in the terrain instead.

4967. With regard to the alleged concealment of crimes during transportation out of Potočari, the Trial Chamber finds that a declaration signed by, *inter alios*, Miroslav Deronjić, on 17 July 1995 did not reflect the reality with regard to options the population would have had, as no one was given a choice to either remain or be evacuated.

4968. With respect to the investigation and punishment of the perpetrators of the killings of Bosnian Muslims in Srebrenica between the days immediately preceding 11 July and continuing until 1 November 1995, the Trial Chamber finds that since July 1995 there were no investigations or prosecutions with regard to the killings of Bosnian Muslims in Srebrenica or the Zvornik area by members of the DK, although VRS officers were aware of such killings. The Trial Chamber further finds that on 23 March 1996, Radovan Karadžić ordered the VRS and MUP to immediately form a mixed commission to investigate the alleged discovery of two decomposed bodies in the Pilica area, however the proposal of such investigation by Drinić was never addressed. In

[17388] P3351 (Predrag Drinić, *Blagojević and Jokić* transcript, 15 June 2004), pp. 10879, 10892-10893.

addition, although on 1 April 1996 Radovan Karadžić ordered a detailed investigation into the locations and deaths of victims of the armed conflict in and around Srebrenica, no investigations were conducted by any Bosnian-Serb military or civilian authority in relation to these crimes.

4969. The Trial Chamber will further consider these findings in chapter 9.6.4 when determining whether the Srebrenica JCE existed. The Trial Chamber will also further address Mladić's role in the concealment and non-punishment of crimes in Srebrenica chapter 9.7.

9.6.4 Conclusion

4970. The Prosecution argued that from about 11 July 1995, the Accused and others shared a common criminal objective to eliminate the Bosnian Muslims in Srebrenica.[17389] This objective encompassed the crimes of forcible transfer, genocide, extermination, murder, and persecutions (through cruel or inhumane treatment, killings, and forcible transfer or deportation).[17390] This JCE was implemented through (i) the forcible removal of women, children, and elderly from Srebrenica on 12 and 13 July 1995; (ii) the murder of the able-bodied Muslim men and boys separated in Potočari or captured from the column fleeing Srebrenica; (iii) cruel and inhumane treatment; (iv) terrorising the population; and (v) other persecutions.[17391] The Prosecution relied on the following as proof of the existence of the alleged Srebrenica JCE:

- Mladić's statement at the Hotel Fontana meetings on 11 July 1995 with regard to his knowledge of the situation in Potočari;
- The mobilisation of buses on Mladić's order on the evening of 11 July 1995;
- Popović and Kosorić telling Nikolić of the plan to murder the able-bodied men on the morning of 12 July 1995;
- Mladić's announcement at the third Hotel Fontana meeting on 12 July 1995 that Bosnian-Muslim men in Potočari were to be separated and screened for war criminals;

[17389] Prosecution Final Brief, paras 1612-1615.
[17390] Prosecution Final Brief, para. 1612. *See also* Indictment, paras 58-59.
[17391] Prosecution Final Brief, para. 1613.

- Separating the men and boys in Potočari, not performing any screening, and subjecting them to serious physical violence;
- Forcibly transferring women, children, and elderly from Potočari;
- Executing thousands of Srebrenica men and boys from 13-26 July 1995;
- Blocking and capturing thousands of Muslim men fleeing in the column; and
- Reburying the executed victims.[17392]

4971. The Prosecution argued that at least Mladić, Karadžić, Krstić, Borovčanin, Tolimir, and Popović were members of the Srebrenica JCE.[17393]

4972. The Defence argued that the Prosecution's evidence is insufficient to establish that the Srebrenica JCE existed, *inter alia* submitting that there is no evidence of a meeting where crimes were discussed.[17394]

4973. The Trial Chamber recalls its findings in relation to (i) the take-over of the Srebrenica enclave (chapter 7.1); (ii) the crimes committed in the aftermath of the take-over, including murder, extermination, inhumane acts (forcible transfer), persecution, and genocide (chapters 7.2-7.17, 8.3-8.5, and 8.9-8.10); and the various statements, acts, and meetings of Bosnian-Serb individuals around the time of the take-over of the enclave (chapters 9.6.2 and 9.6.3), and sets out a summary of the findings from these chapters below.

4974. In relation to precursors to the alleged Srebrenica JCE, the Trial Chamber found that a 24 November 1992 DK order, which followed the issuance of Directive No. 4, called for inflicting the highest possible losses on the enemy, forcing the Bosnian-Muslim population to abandon the areas of Cerska, Žepa, Srebrenica, and Goražde. The VRS placed restrictions on humanitarian aid convoys, with few convoys making it into the Srebrenica enclave by early 1995. In Directive No. 7 of March 1995, Karadžić stated that the DK was to carry out the 'complete physical separation of Srebrenica and Žepa […] as soon as possible, preventing even communication between individuals in the two enclaves', and 'by planned and well-thought-out combat operations create an unbearable situation of total insecurity with no hope of further survival or life for the inhabitants of Srebrenica and Žepa'.

[17392] Prosecution Final Brief, paras 1614-1615.
[17393] Prosecution Final Brief, para. 1615.

4975. In relation to the attack on Srebrenica, the VRS intended to make the enclave disappear, to empty it, and to make it Serb territory, and the decision to forcibly remove the Bosnian-Muslim population from Srebrenica came as a result of the fall of the enclave. General Krstić was to command the operation and the DK was the military formation tasked with its planning and carrying out. He was fully apprised of the VRS territorial goals in the Srebrenica enclave, which included cleansing the area of the Bosnian-Muslim population.

4976. The VRS attack on the Srebrenica enclave began on 6 July 1995. On 10 July 1995, pursuant to an order from the VRS Supreme Commander, the Bosnian-Serb MUP ordered various MUP units to participate in the Srebrenica operation. Srebrenica remained under fire until the enclave fell under the complete control of the VRS on 11 July 1995. During the attack on the enclave, the VRS embarked upon a campaign of burning Bosnian-Muslim houses and religious buildings in the enclave.

4977. By the end of 11 July 1995, Bosnian Muslims from the municipality, mainly women, children, elderly men, and injured, were gathered in Potočari. By 12 July 1995, 25,000 to 30,000 civilians had gathered in Potočari, five percent of whom were able-bodied men. On 11 and 12 July 1995, three meetings were held at Hotel Fontana in Bratunac. The first meeting was attended by VRS members and UNPROFOR members. In the following two meetings, there were also one or more 'representatives' of the Bosnian Muslims in Potočari present. At the meetings, the fate of those who had gathered in Potočari was discussed. Mladić said that neither UNPROFOR nor the civilian Muslim population were the objective of the VRS and that the population was free to go or stay. He offered to provide buses for their transport, if others provided the fuel. When Mandžić proposed that international organizations should be involved in the evacuation process, Mladić told him that his people were to either live or vanish and that their fate was in Mandžić's hands. Mladić demanded the surrender of all armed Bosnian-Muslim men and weapons and stated that 'you can either survive or disappear'. Shortly after the fall of Srebrenica, Tolimir ordered Todorović to prepare Batković camp for the arrival of over 1,000 detainees. Some time later, it was communicated to Todorović that the plan in relation to the detainees had been given up.

4978. In the morning of 12 July 1995, prior to the third Hotel Fontana meeting, Popović, Kosorić, and Nikolić spoke in front of the hotel and Popović told Nikolić that

[17394] Defence Final Brief, paras 2886-2894; T. 44791-44793.

all the women and children would be transferred to Kladanj or Tuzla. With regard to the able-bodied men, Popović said that all the 'balijas' should be killed. They then discussed temporary detention facilities and possible execution sites. Later, Nikolić told Janković about the killing operation and realised that Janković already knew. Janković said that all of this was ordered and that Nikolić should not comment on it. On the evening of 12 July and morning of 13 July, Nikolić discussed the killing operation with Blagojević, who also already knew of it and ordered him to carry on.

4979. On 12 July 1995, VRS officers, including Krstić and Mladić, Miroslav Deronjić, DutchBat officers, and 'representatives' of the Bosnian-Muslim population agreed that the evacuation of the Bosnian-Muslim civilians to Kladanj Municipality would be organised by the VRS and MUP forces and take place under the supervision and escort of UNPROFOR.

4980. On the evening of 12 July, Mladić had a meeting with a number of DK commanders, including Krstić, Pandurević, Blagojević, Živanović, Furtula, Jevđević, and Andrić, at the Bratunac Brigade headquarters.

4981. On 12 July 1995, in response to a request from the DK, the Bosnian-Serb MoD sent three orders to its local secretariats directing them to procure buses and to send them to Bratunac. On the same day, dozens of buses and trucks arrived in Potočari. As the Bosnian Muslims later began boarding the buses in Potočari, Bosnian-Serb soldiers and MUP units systematically separated out men of military age who were trying to get onboard. Beginning on the afternoon of 12 July and continuing throughout 13 July 1995, males detained in the White House, numbering approximately 1,000, were placed on separate buses from the women and the majority of children and elderly and were taken out of the Potočari DutchBat compound to detention sites in Bratunac in execution of VRS orders. The separations were frequently aggressive and caused fear among the families. On 12 and 13 July 1995, the VRS and MUP transported by trucks and buses around 25,000 Bosnian Muslims, mostly women, children, and elderly, out of Potočari. On 17 July 1995, a VRS-pre-formulated declaration was signed by the DutchBat Deputy Commander Major Franken, Miroslav Deronjić, and Nesib Mandžić stating that the transportation of the Bosnian Muslims out of Potočari had been performed in a proper and humanitarian way in accordance with international law. UNPROFOR's Franken added a clause stating that the transportation was carried out in accordance with the law only 'as far as convoys actually escorted by UN forces [were]

concerned'. Only the first convoy of buses was escorted by UNPROFOR. The declaration did not reflect the reality with regard to options the population would have had, as no one was given a choice to either remain or be evacuated.

4982. On 12 July 1995, Mladić gave an order which called for the prevention of entry of local and foreign journalists into the zones of combat operations in Srebrenica and Žepa, as well as a ban on giving any information to the media about operations in Srebrenica, particularly on POWs, evacuated civilians, and escapees. Mladić's action was to keep the media from knowing what was happening in Srebrenica.

4983. In the days following the 11 and 12 July meetings at Hotel Fontana, VRS units, including DK units not engaged in the Žepa campaign, were assigned to block a column of people trying to escape through the woods towards Tuzla. Several thousand Bosnian-Muslim men from the column who were captured on 13 July 1995 were collected in or near the Sandići meadow and on the Nova Kasaba football field. The head of the column finally managed to break through to Bosnian-Muslim-held territory on 16 July 1995. Miletić had said on 15 July that no corridor should be opened and that the column should be destroyed. A MUP adviser in Pale who was also consulted stated that the people in the column should be killed by the air force.

4984. Between 12 July and mid-August 1995, thousands of Bosnian-Muslim male detainees from Potočari and the column were transported to various places and executed near or around Srebrenica. The perpetrators were members of the VRS DK, the 10th Sabotage Detachment, the MUP, and, at times, paramilitaries. Paramilitaries were the sole perpetrators in only one incident, namely Scheduled Incident E.13.1, where they worked in coordination with VRS units. The MUP units active in the area were operationally subordinate to the VRS. Several perpetrators beat the Bosnian-Muslim men and boys prior to their execution.

4985. From July 1995 onwards, there were no investigations or prosecutions with regard to the killings of Bosnian Muslims in Srebrenica or the Zvornik area by members of the DK.

4986. During several weeks in September and early October 1995, members of the VRS and MUP including members of the VRS Main Staff; the DK; the Bratunac Brigade, including members of its military police; and members of the Zvornik Brigade, engaged in what was intended to be a covert operation to exhume human remains from

several primary mass graves, and then rebury those remains in remote secondary graves in the Zvornik and Bratunac municipalities in an effort to hide them.

4987. Based on all of these findings, the Trial Chamber finds that there existed a JCE with the primary purpose of eliminating the Bosnian Muslims in Srebrenica by killing the men and boys of Srebrenica and forcibly removing the women, young children, and some elderly men from Srebrenica. In the days immediately preceding 11 July 1995, the objective of the Srebrenica JCE involved the commission of the crimes of persecution and inhumane acts (forcible transfer). In this respect, the Trial Chamber specifically considered its findings that the VRS intended to empty the enclave, as well as its findings that the crimes of persecution and inhumane acts (forcible transfer) were committed following the attack. The crimes of genocide, extermination, and murder became part of the means to achieve the objective by the early morning of 12 July 1995, prior to the first crime being committed. In this respect, the Trial Chamber specifically considered its findings that Nikolić, Kosorić, and Popović discussed the killings on the morning of 12 July 1995, as well as its findings that Tolimir first ordered that Batković camp be prepared for a large number of detainees and thereafter conveyed that this plan had been given up. The JCE existed until at least October 1995, when reburials in the Zvornik and Bratunac municipalities took place.

4988. The Trial Chamber finds that for purposes of establishing a plurality of persons, the following participated in the realization of the common criminal objective and shared intent in this respect: Radovan Karadžić, Radislav Krstić, Vujadin Popović, Zdravko Tolimir, Ljubomir Borovčanin, Svetozar Kosorić, Radivoje Miletić, Radoslav Janković, Ljubiša Beara, Milenko Živanović, Vinko Pandurević, and Vidoje Blagojević. The Trial Chamber will further determine whether Mladić was a member of this JCE in chapter 9.7.

4989. The charged crimes, except for Scheduled Incident E.13.1 and the ill-treatment of the Trnovo victims prior to them being killed, were committed by VRS or MUP units, all under the operational command of the DK or the Main Staff at the time. As such, JCE members used these units to commit the Srebrenica crimes in furtherance of the JCE. With regard to Scheduled Incident E.13.1 and the ill-treatment of the Trnovo victims prior to them being killed, there is insufficient evidence to suggest that members of the Skorpions unit were members of the Srebrenica JCE. Further, the Trial Chamber found that members of the Skorpions unit committed the killings set out in Scheduled

Incident E.13.1 in coordination with VRS units. There is insufficient evidence to suggest that the Skorpions unit was subordinated to the VRS or that JCE members had other ways to use them as tools. Accordingly, the Trial Chamber will not further consider these crimes as part of its discussion on Mladić's responsibility under the first JCE form.

9.7 Ratko Mladić's alleged contribution to the third joint criminal enterprise (Srebrenica)

9.7.1 Introduction

4990. According to the Indictment, between the days immediately preceding 11 July 1995 and 1 November 1995, the Accused participated in a JCE to eliminate the Bosnian Muslims in Srebrenica by killing the men and boys of Srebrenica and forcibly removing the women, young children, and some elderly men from Srebrenica.[17395] The Accused is alleged to have significantly contributed to this JCE in one or more of the ways specified in paragraphs 13 and 23 of the Indictment.[17396] The Trial Chamber will deal with the alleged contributions in turn, focusing on those on which it has received evidence and which the parties have addressed in their final briefs and closing arguments. In chapter 9.7.6, it will address whether the Accused's alleged contribution was significant to the Srebrenica JCE. It will then turn to the *mens rea* of the Accused in chapter 9.7.7.

9.7.2 Commanding and controlling the VRS

4991. In relation to Mladić's alleged contribution through commanding and controlling the VRS, the Defence submitted that Mladić did not order the departure of the Bosnian Muslims from Srebrenica, but that the 'Civilian/Military leadership of Srebrenica' had made this decision on 11 July 1995 before Mladić arrived in Potočari.[17397] Subsequent operations in Srebrenica and Žepa were carried out by the DK independently, with significant autonomy, and without coordination from the VRS Main Staff.[17398] Contrary to Directive no. 7, which required operations in Srebrenica to be carried out by the DK in coordination with the SRK, the DK acted on its own.[17399] Thus, Operation *Krivaja-95* was not a VRS Main Staff operation, but rather a DK operation and the DK, not Mladić, had operative command.[17400] Moreover, according to the Defence, Mladić was in Belgrade and not in the *Krivaja-95* theatre of operation in July 1995 and therefore did

[17395] Indictment, para. 5.
[17396] Indictment, paras 13, 23.
[17397] Defence Final Brief, para. 2853.
[17398] Defence Final Brief, paras 2860, 2862, 2874-2877.
[17399] Defence Final Brief, para. 2862.
[17400] Defence Final Brief, paras 2873, 2875-2877.

not have effective control over the units and individuals in Srebrenica.[17401] As he was in Belgrade without any means of secure communication, he also did not have command over the VRS Main Staff during that period.[17402] The Defence further argued that the evidence of the intercepted conversations during that time is unreliable, specifically to the extent to which the evidence identifies Mladić as one of the participants in these conversations.[17403]

4992. The Trial Chamber received evidence from **Ljubomir Obradović**, Deputy Chief of Operations and Training of the VRS Main Staff from September 1994 onwards;[17404] **Mitar Kovač**;[17405] **Mile Janjić**, a member of the Bratunac Brigade military police platoon in July 1995;[17406] **Momir Nikolić**, the Assistant Commander for Intelligence and Security of the Bratunac Brigade from November 1992 to at least October 1995;[17407] **Cornelis Nicolai**, the UNPROFOR Chief of Staff at the Bosnia-Herzegovina Command;[17408] **Witness RM-284**, a Bosnian Serb;[17409] **Zoran Kovačević**, a company commander in the Bratunac Brigade as of April 1992;[17410] **Tihomir Stevanović**, desk officer for cryptographic protection in the communications department of the Main Staff of the VRS;[17411] **Mladen Blagojević**, a Serb member of the Military Police Platoon with the Bratunac Brigade;[17412] **Witness RM-265**, a member of the Bratunac Brigade;[17413] **Milenko Todorović**, Assistant Commander of the Intelligence and Security Organ of the IBK as of 16 November 1993;[17414] **Ljubodrag Gajić**, a member of the MUP 1st Company of the Jahorina Training Centre;[17415] **Petar Škrbić**, the Assistant Commander

[17401] Defence Final Brief, para. 2878.
[17402] Defence Final Brief, para. 2878.
[17403] Defence Final Brief, paras 2588-2594, 2660-2665.
[17404] P1783 (Ljubomir Obradović, *Tolimir* transcript, 29-31 March 2011), pp. 11929, 11931-11932; P1784 (VRS Main Staff structure, July 1995).
[17405] Mitar Kovač, T. 41295.
[17406] P1445 (Mile Janjić, *Blagojević and Jokić* transcript, 24-25 May 2004), p. 9756.
[17407] Momir Nikolić, T. 11768-11771, 11776-11777; D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), paras 1, 13-14.
[17408] P1165 (Cornelis Nicolai, witness statement, 18 November 1996), paras 3-5; Cornelis Nicolai, T. 10563; P1176 (UNPROFOR Directive 2/95 signed by Lieutenant-General Rupert Smith, 29 May 1995), p. 4.
[17409] P1460 (Witness RM-284, *Popović et al.* transcript, 31 August 2007), pp. 14582-14583; Witness RM-284, T. 11120, 11139.
[17410] D594 (Zoran Kovačević, witness statement, 6 June 2014), paras 2, 4-5, 7.
[17411] Tihomir Stevanović, T. 35202.
[17412] D922 (Mladen Blagojević, witness statement, 6 June 2014), p.1, para. 3; P7186 (Mladen Blagojević, US Department of Homeland Security, Report of Investigation), pp. 2, 4.
[17413] P2540 (Witness RM-265, *Popović et al.* transcript, 8-9 November 2006), pp. 3793, 3796, 3800; P2541 (Witness RM-265, *Tolimir* transcript, 15 March 2011), pp. 11274, 11282. The evidence of Witness RM-265 is reviewed in chapter 7.1.5.
[17414] Milenko Todorović, T. 19835, 19837.
[17415] Ljubodrag Gajić, T. 40268-40269, 40311.

for Organisation, Mobilisation, and Personnel affairs of the VRS Main Staff in July 1995;[17416] **Miroslav Deronjić**, the President of the Bratunac Municipality Crisis Staff as of April 1992;[17417] **Mićo Gavrić**, Chief of Artillery in the Bratunac Brigade from 14 November 1992 until the end of the war;[17418] **Milovan Milutinović**, Chief of the Press Centre and the Information Service at the 1KK between 1992 and 1994 and head of the VRS Main Staff Information Service and Centre for Information and Propaganda Activities between 1994 and 1996;[17419] **Velo Pajić**, Commander of the 2nd Battalion of the 67th Communication Regiment for frequency-carrying devices from 18 May 1992 until 1 July 2002;[17420] **Manojlo Milovanović**, the Chief of Staff and Deputy Commander of the VRS Main Staff from 1992 to 1996;[17421] **Mlađen Kenjić**, Mladić's driver from 18 May 1992 until around 2002;[17422] **Dragomir Keserović**, a desk officer for the military police in the security administration of the Main Staff of the VRS from February 1995, and commander of an armoured brigade in the 1KK;[17423] **Joseph Kingori**, a UNMO present in the Srebrenica enclave from March 1995 to around 20 July1995;[17424] **Eelco Koster**, a member of DutchBat;[17425] **Bojan Subotić**, commander of a police platoon in the military police battalion of the 65th Motorised Protection Regiment in July 1995;[17426] **Mirko Trivić**, Commander of the 2nd Romanija Motorised Brigade from August 1994;[17427] **Robert Franken**, the Deputy Commanding Officer of DutchBat in Potočari from 15 January to late July 1995;[17428] **Paul Groenewegen**, a member of DutchBat stationed in Potočari from January until July 1995;[17429] **Rupert Smith,** UNPROFOR Commander in Bosnia-Herzegovina between 23 January and December 1995;[17430] **Witness RM-255**, a Bosnian Muslim from Srebrenica

[17416] Petar Škrbić, T. 13981.
[17417] P3566 (Miroslav Deronjić, witness statement, 25 November 2003), para. 2. The evidence of Miroslav Deronjić is reviewed in chapter 9.6.2.
[17418] Mićo Gavrić, T. 13899.
[17419] D862 (Milovan Milutinović, witness statement, 11 July 2014), paras 3, 5, 51, 54, 140; Milovan Milutinović, T. 30038.
[17420] Velo Pajić, T. 35819-35820, 35824.
[17421] Manojlo Milovanović, T. 16889; P2211 (Signed *Curriculum Vitae* of Manojlo Milovanović, 22 April 2010), pp. 1-2; P2212 (VRS Main Staff Structure - organisation chart, July 1995).
[17422] D1218 (Mlađen Kenjić, witness statement, 3 August 2014), paras 2-5.
[17423] Dragomir Keserović, T. 12802, 12805-12807.
[17424] P34 (Joseph Kingori, witness statement, 8 January 2012), paras 3, 7.
[17425] P57 (Eelco Koster, witness statement, 26 September 1995), pp. 1-2; Eelco Koster, T. 1235; D25 (UN Peacekeeper Interview Questionnaire completed by Eelco Koster), p. 1. The evidence of Eelco Koster is reviewed in chapter 7.1.3.
[17426] D926 (Bojan Subotić, witness statement, 15 June 2014), paras 2, 4.
[17427] P1463 (Mirko Trivić, *Popović et al.* transcript, 18, 21 May 2007), p. 11795.
[17428] P1417 (Robert Franken, witness statement, 15 January 2012), paras 3-4, 109.
[17429] P1157 (Paul Groenewegen, witness statement, 11 November 2011), paras 3-4, 6.
[17430] P785 (Rupert Smith, witness statement, 27 October 2009), paras 4, 6; Rupert Smith, T. 7287.

Municipality;[17431] **Ramiz Husić**, a Muslim from Brezovica who moved to Srebrenica in 1993 and who was 18 years old in July 1995;[17432] **Witness RM-297**, a Bosnian Muslim from Zvornik;[17433] **Biljana Stojković**, a Serb journalist from Belgrade;[17434] **Žarko Stojković**, a Serb from Belgrade;[17435] **Radovan Popović**, a Serb journalist and photographer from Croatia;[17436] **Bosiljka Mladić**, the wife of Ratko Mladić;[17437] **Witness RM-316**, a Bosnian Muslim from Brnjik Municipality;[17438] **Witness RM-322**, an officer in the VRS Zvornik Brigade in 1995;[17439] **Milomir Savčić,** the Chief of Staff of the 65th Motorised Protection Regiment of the VRS Main Staff as of 6 or 7 June 1992;[17440] **Witness RM-256**, a Bosnian Muslim from Srebrenica and member of the ABiH;[17441] **Leendert van Duijn**, a DutchBat platoon commander who was stationed in Potočari from January to July 1995;[17442] **Saliha Osmanović** a Bosnian Muslim from Srebrenica Municipality;[17443] **Pero Andrić**, a Serb member of the military police platoon of the Bratunac Brigade from 1994 until July 1995;[17444] **Dušan Mićić**, commander of a PJP unit in Bratunac;[17445] **Neđo Jovičić**, a member of the Special Police Brigade and driver for Deputy Commander of the brigade Ljubomir Borovčanin during 1995;[17446] **Pieter Boering**, a DutchBat Major who served as liaison officer with

[17431] P55 (Witness RM-255, witness statement, 25 May 1996), pp. 1-2. The evidence of Witness RM-255 is reviewed in chapter 7.1.3.
[17432] P3376 (Ramiz Husić, witness statement, 9 June 1999), pp. 1-2.
[17433] P1443 (Witness RM-297, witness statement, 14 August 2013), pp. 1-2; P1442 (Pseudonym Sheet for Witness RM-297). The evidence of Witness RM-297 is reviewed in chapter 7.1.6
[17434] D1202 (Biljana Stojković, witness statement, 12 July 2014), p. 1, paras 1, 3.
[17435] D1203 (Žarko Stojković, witness statement, 12 July 2014), p. 1, para. 3.
[17436] D1238 (Radovan Popović, witness statement, 12 July 2014), p. 1, paras 1-2.
[17437] D1185 (Bosiljka Mladić, witness statement, 17 July 2014), paras 1-2.
[17438] P1654 (Witness RM-316, *Tolimir* transcript, 27 May 2010), pp. 2046-2047; Witness RM-316, T. 13593-13594; P1653 (Pseudonym sheet for Witness RM-316). The evidence of Witness RM-316 is reviewed in chapter 9.7.7.
[17439] Witness RM-322, T. 11621-11622, 11626-11627, 11667-11668; P1492 (Pseudonym sheet for Witness RM-322). The evidence of Witness RM-322 is reviewed in chapters 7.15 and 7.18.
[17440] D968 (Milomir Savčić, witness statement, 21 July 2013), paras 1, 2, 4, 24; Milomir Savčić, T. 33638, 33653.
[17441] P1592 (Witness RM-256, witness statement, 16 January 1996), p. 1, paras 1-2; Witness RM-256, T. 13187.
[17442] P1154 (Leendert van Duijn, *Popović et al.* transcript, 27 September 2006), pp. 2256-2258, 2261. The evidence of Leendert van Duijn is reviewed in chapter 7.1.3.
[17443] P1461 (Saliha Osmanović, witness statement, 18 June 2000), p. 1, para. 1; Saliha Osmanović, T. 11177-11178. The evidence of Saliha Osmanović is reviewed in chapter 7.1.3.
[17444] Pero Andrić, T. 34096-34097, 34130-34131; P7295 (Bosnia-Herzegovina Prosecutor's Office record of interview, 29 June 2006), p. 1; P7297 (List of conscripts within the Bratunac Brigade, July 1995), p. 2. The evidence of Pero Andrić is reviewed in chapter 7.1.3.
[17445] D977 (Dušan Mićić, witness statement, 24 March 2013), paras 2, 14-16; Dušan Mićić, T. 33758. The evidence of Dušan Mićić is reviewed in chapter 7.1.3.
[17446] D976 (Neđo Jovičić, witness statement, 3 August 2014), para. 2. The evidence of Neđo Jovičić is reviewed in chapter 7.1.3.

the VRS and ABiH in Srebrenica from 3 January to July 1995;[17447] **Milivoje Simić**, Commander of the Doboj Garrison and Commander of Task Force Doboj until 1994;[17448] and **Richard Butler**, an intelligence research specialist;[17449] as well as documentary evidence.

General command structure relevant for Srebrenica operations

4993. The Trial Chamber recalls the evidence of Ljubomir Obradović in relation to the chain of command within the VRS Main Staff in chapter 9.3.3. **Ljubomir Obradović** further testified that despite Milovanović's presence at an IKM on the western front in Jasenica in July 1995, he was able to have regular contact with Mladić at the Main Staff headquarters in Crna Rijeka because the IKM had the same communication means available as at the Main Staff headquarters, although somewhat less developed.[17450] Similarly, the IKMs received combat reports from the Main Staff.[17451]

4994. **Mitar Kovač** testified that the DK commanded the *Krivaja-95* operation based on Directive 7 and Directive 7/1.[17452] Mladić's presence on the ground during the *Krivaja-95* operation was natural because the Commander of the Main Staff was supposed to be in the key area where the combat is going on; this was typical of Mladić throughout the war.[17453] According to the witness, Mladić's physical presence in a place did not mean that he commanded an operation, because that would go against the regulations and powers involved in the command over the VRS.[17454] When the Commander of the VRS Main Staff was not the operative commander and outside the combat zone in a neighbouring state without technical systems and the support enabling command, he was not commanding.[17455] Thus, the Commander was effectively not commanding in such a case and his duties were discharged by someone who was present on the ground. There was no obligation for the Commander to be constantly

[17447] P1139 (Pieter Boering, *Popović et al*. transcript, 19, 21, and 22 September 2006), pp. 1867-1873; Pieter Boering, T. 10025. The evidence of Pieter Boering is reviewed in chapter 7.1.3.
[17448] D921 (Milivoje Simić, witness statement, 24 July 2014), paras 6, 20; Milivoje Simić, T. 32527. The evidence of Milivoje Simić is reviewed in chapter 9.7.4.
[17449] Richard Butler, T. 16108.
[17450] P1783 (Ljubomir Obradović, *Tolimir* transcript, 29-31 March 2011), pp. 11986-11987; Ljubomir Obradović, T. 14612, 14619.
[17451] Ljubomir Obradović, T. 14612, 14620.
[17452] Mitar Kovač, T. 41392.
[17453] Mitar Kovač, T. 41392-41393.
[17454] Mitar Kovač, T. 41393.
[17455] Mitar Kovač, T. 41393

present. The Chief of Staff, Milovanović, was the second in command and dealing with problems in the western part of the theatre of war in Krajina.[17456] The witness believed that General Gvero signed documents while Mladić was absent, as it was possible for a member of the command, the oldest officer in an area, to represent the VRS Main Staff.[17457] A formal hand-over was not necessary as it was not a hand-over of duties but rather standing in for a certain period of absence for a superior and thus could be regulated verbally.[17458] The army would be informed through a signed document, in which the logo, memorandum and signature would denote that a different person signed for the given person, which the witness considered to be demonstrated by the document General Gvero signed on 13/14 July.[17459]

Events in early July 1995

4995. The Trial Chamber recalls the evidence of Momir Nikolić in chapter 7.1.5 that General Krstić was in command of all units taking part in the *Krivaja-95* operation until Mladić arrived and took over command of all units engaged in the combat operations, which were completed on 11 July 1995. The Trial Chamber further recalls the evidence of Witness RM-284 in chapter 7.1.3 that on 9 and 10 July 1995, Mladić was almost always at the Bratunac Brigade's IKM and that he was receiving information from Krstić and Živanović on how the attack on Srebrenica was progressing. The Trial Chamber also recalls the evidence of **Momir Nikolić** in chapter 7.1.3 that a few days after the start of combat on 6 July 1995, Mladić visited the Bratunac Brigade and in the days before 11 July, the witness saw a number of VRS Main Staff officers at the Bratunac Brigade headquarters in Bratunac, including Mladić, Janković, and many DK Command officers, including General Krstić, Lieutenant Colonel Popović, Lieutenant Colonel Kosorić, and Vinko Pandurević. According to a daily combat report of 10 July 1995, signed by Vidoje Blagojević and sent to the DK Command, Mladić, Živanović, Krstić, and the commanders of the Corps brigades, who were participating in offensive activities, were all present in the area of responsibility of the Bratunac Brigade on that

[17456] Mitar Kovač, T. 41393.
[17457] Mitar Kovač, T. 41394.
[17458] Mitar Kovač, T. 41394.
[17459] Mitar Kovač, T. 41394. In this context, the Trial Chamber also considered P2119 (VRS Main Staff Order to the Commands of the DK, 13 July 1995).

day.[17460] **Cornelis Nicolai** testified that at 7:20 p.m. on 10 July 1995, he called the VRS headquarters but was unable to reach any senior officers.[17461] He left a message for Mladić informing him of UNPROFOR's request for 'Close Air Support' due to the continuing attack on Srebrenica.[17462] According to the personal diary of Mirko Trivić, Mladić was personally in command of the DK IKM in Pribićevac on 10 July 1995 as of 3:30 p.m.[17463]

Events on 11 July 1995

4996. With regard to the events on 11 July 1995, the Trial Chamber recalls the evidence of Witness RM-284 in chapter 7.1.3 that Mladić entered Srebrenica around 11 a.m. or noon and stated 'Here we are, on 11 July 1995, in Serb Srebrenica. On the eve of yet another great Serb holiday, we give this town to the Serb people as a gift. Finally, after the [R]ebellion against the Dahis, the time has come to take revenge on the Turks in this region.' Soldiers from the 10th Sabotage Detachment were present at a checkpoint during the VRS victory walk through Srebrenica. **Witness RM-265** stated that on 11 July 1995, the military police secured the Spat-Pribićevac road for the passage of Mladić.[17464] Mladić took the road in both directions that day.[17465]

4997. In a VRS Main Staff order of 11 July 1995, Mladić instructed the commands of the DK, 65th Motorised Protection regiment, and 67th Communications Regiment to prevent the withdrawn Bosnian-Muslim forces from returning to Srebrenica; the DK Command was to have the soldiers at the northwestern part of the front ready for combat.[17466] Mladić further wrote that the unit commanders were responsible to him for carrying out the order.[17467] In relation to this order, **Tihomir Stevanović** testified that the handwriting 's.r.' stands for 'svojeručno' which means 'signature in his own hand'.[17468] It does not mean that the person indicated actually signed the document.[17469]

[17460] P2107 (1st Bratunac Light Infantry Brigade daily combat report, 10 July 1995), para. 2.
[17461] P1165 (Cornelis Nicolai, witness statement, 18 November 1996), para. 52; P1174 (Notes of a message left by General Nicolai with the VRS switchboard operator, 10 July 1995, 7:20 p.m.).
[17462] P1165 (Cornelis Nicolai, witness statement, 18 November 1996), paras 34, 52; P1174 (Notes of a message left by General Nicolai with the VRS switchboard operator, 10 July 1995, 7:20 p.m.).
[17463] P1467 (Excerpts from personal diary of Mirko Trivić, 5-16 July 1995), p. 17.
[17464] P2540 (Witness RM-265, *Popović et al.* transcript, 8-9 November 2006), pp. 3853-3854.
[17465] P2540 (Witness RM-265, *Popović et al.* transcript, 8-9 November 2006), p. 3854.
[17466] P2109 (VRS Main Staff order from Mladić, 11 July 1995), p. 1. *See also* P7372 (Order from General Mladić, 11 July 1995).
[17467] P2109 (VRS Main Staff order from Mladić, 11 July 1995), p. 2.
[17468] Tihomir Stevanović, T. 35249-35250, 35264.

The witness clarified that when the operative staff sent a telegram with the handwriting 's.r.', it did not have to ask Mladić's permission to send such a telegram but was duty-bound to inform their commander about the activities that were carried out in his absence.[17470]

4998. **Nicolai** testified that Colonel Karremans commenced negotiations with Mladić in the evening of 11 July 1995, and Nicolai was advised for the first time that Mladić was actually in Srebrenica.[17471]

4999. The Trial Chamber recalls the testimony of Petar Škrbić reviewed in chapter 7.1.5 that late at night on 11 July 1995, he received a request by someone from the operation centre located at Crna Rijeka to organise the mobilisation of buses. The witness knew that the request came from Mladić.

Events on 12 July 1995

5000. **Mićo Gavrić** testified that at 7:10 a.m. on 12 July 1995 he attended a meeting at the operations centre of the Bratunac Brigade, during which Mladić ordered Lieutenant-Colonel Furtula to sweep the terrain near the school in Sućeska in the Srebrenica area.[17472] All the commanders and officers carrying out combat assignment in Srebrenica were present.[17473] Mladić left the operations centre at around 8 a.m.[17474] In this respect, the Trial Chamber also recalls the evidence of Momir Nikolić reviewed in chapter 7.1.5 that in the morning of 12 July 1995, Mladić, Krstić, and senior officers from the police and the army met at the Bratunac Brigade Command and that Mladić and Krstić assigned tasks to all participants at the meeting. The Trial Chamber further recalls the evidence of Witness RM-284 in chapter 7.1.5 that on 12 July 1995, he over Mladić asking Krstić how everything was going, to which Krstić replied that he believed everything was going according to plan but that he was 'going to check'.

[17469] Tihomir Stevanović, T. 35250, 35264.
[17470] Tihomir Stevanović, T. 35264.
[17471] P1165 (Cornelis Nicolai, witness statement, 18 November 1996), para. 59.
[17472] Mićo Gavrić, T. 13920-13922, 13965. The Trial Chamber understands 'Lieutenant-Colonel Furtula' to refer to Radomir Furtula, Commander of the 5th Light Infantry Brigade. *See* Milenko Jevdjević, T. 32060-32061; P7138 (Regular combat report from 5th Podrinje Light Infantry brigade to the DK Command, 13 July 1995).
[17473] Mićo Gavrić, T. 13965.
[17474] Mićo Gavrić, T. 13921-13922.

5001. Following up on Mladić's order to Furtula, according to an intercepted conversation between Beara and Živanović on 15 July 1995 at 9:54 a.m., Colonel Beara told General Živanović that he informed 'the commander' that Furtula had not sent Lukić's intervention platoon, Beara confirmed that Lukić was with him.[17475] The platoon was made up of 60 men, Beara asked for half of the platoon to be dispatched, Živanović then told Beara to stay on the line and ask for Zlatar at extension 385.[17476] According to **Butler**, the phone extension 385 was reserved for the commander of the DK.[17477]

5002. The Trial Chamber further recalls the evidence of an intercepted conversation on 15 July 1995 at 10 a.m. between Beara and Krstić admitted as exhibit P2126 and reviewed in chapter 9.6.2, Beara told Krstić that 'Furtula didn't carry out the boss's order' and Krstić said 'Fuck it, now I'll be the one to blame'. Beara added, '[t]here are still 3,500 "parcels" that I have to distribute and I have no solution'.

5003. **Joseph Kingori** testified that later in the day of 12 July, he began negotiating with Mladić, telling him that the UN would prepare for evacuation and provide buses for the displaced people to leave, but Mladić denied any help in the 'evacuation process' from the UN and stated that he himself would organise buses to pick up the Muslims from Srebrenica and take them to their brothers in Tuzla.[17478] Shortly thereafter, buses started arriving outside the DutchBat compound, and the displaced people were forced to board them by being pushed in.[17479] Following the third Hotel Fontana meeting on 12 July, an UNMO report stated that Mladić ordered the evacuation of the displaced people to proceed.[17480] The Trial Chamber recalls the evidence of Mile Janjić, Eelco Koster, Neđo Jovičić, Paul Groenewegen, Milovan Milutinović, Saliha Osmanović, and Ljubodrag Gajić reviewed in chapter 7.1.3 that on 12 July 1995, Mladić addressed the Bosnian-Muslim refugees in Potočari and reassured them that they would be transported to Bosnia-Herzegovina. According to Gajić's evidence in the same chapter, Mladić

[17475] P1320 (Intercept of Beara and Živanović, 15 July 1995), p. 1; P1321 (Intercept of Beara and Živanović), p. 1.
[17476] P1320 (Intercept of Beara and Živanović, 15 July 1995), pp. 1-2; P1321 (Intercept of Beara and Živanović), p. 1. According to Butler, Zlatar was the phone extension reserved for the commander of the DK.
[17477] Richard Butler, T. 16359.
[17478] P34 (Joseph Kingori, witness statement, 8 January 2012), paras 167-168; Joseph Kingori, T. 1049; D15 (Debrief of UNMOs from the Srebrenica Enclave, 24 July 1995), para. 27.
[17479] P34 (Joseph Kingori, witness statement, 8 January 2012), paras 170, 172.
[17480] P50 (Situation Report from UNMOs in Srebrenica, forwarded by UNPROFOR HQ Sector Northeast, 12 July 1995), pp. 1, 5.

mentioned that he had issued an order to provide a convoy for the transportation of the population in the area.

5004. The Trial Chamber recalls the evidence of Robert Franken in chapter 7.1.5 that the transportation of Bosnian Muslims out of Potočari to Kladanj was not a decision made by the Muslim delegation but rather ordered by Mladić. The Trial Chamber further recalls the intercepted conversation between Mladić and an unidentified individual, admitted as exhibit P1235 and reviewed in the same chapter that on 12 July 1995, Mladić inquired about the departure of buses and stated that they all surrendered and should be evacuated including those who do not want to leave, and told the unidentified individual that a road towards Kladanj would be opened for the evacuation.

5005. The Trial Chamber also recalls the evidence of Robert Franken in chapter 7.1.5 that as the transportation was being carried out, he had information gained from a debriefing, that at one of the meetings with DutchBat members**,** Mladić said he wanted to interrogate men aged 16 to 60 as they were potential soldiers, in order to check if they were war criminals. Mladić told Karremans that Colonel Aćamović was to be responsible for the transportation of the population out of Potočari.

5006. The Trial Chamber further recalls the evidence of Momir Nikolić in chapter 7.1.5 that Mladić, Ljubiša Borovčanin, and a number of officers from the brigades which were engaged in the attack on the enclave were present in Potočari when the evacuation began. The Trial Chamber also recalls the evidence of Rave and Mile Janjić in the same chapter that Mladić was present when the separation of men was taking place and that when asked about the procedure of directing women and children to the buses while bringing the men away, members of the Special Police stated that they were acting on Mladić's orders. According to Janjić, due to Mladić's presence in Potočari on 12 July 1995, the level of discipline was very high.

Events on 13 July 1995

5007. **Mladen Blagojević** testified that on 13 July 1995, Mladić, escorted by a military police detachment, visited Potočari, Sućeska, Bratunac, Srebrenica, and in particular the Bratunac Brigade Command, Sandići, Konjević Polje, Nova Kasaba, Vlasenica, and

Han Pijesak.[17481] In the sector of Sućeska village, Mladić visited a Drina Wolves unit, commanded by a man called Legenda, and congratulated the soldiers on a successfully conducted operation.[17482] While passing through Konjević Polje in the afternoon, Mladić shouted at civilian police manning the checkpoint that they were not doing anything and that soldiers were dying for them.[17483] The Trial Chamber recalls the evidence of Momir Nikolić in chapter 7.1.5 that Mladić, Vasić, Popović, and Krstić met at the Bratunac Brigade headquarters and Mladić informed Vasić that part of the MUP forces was delegated the task of organising the evacuation of approximately 15,000 civilians from Srebrenica to Kladanj by bus. Following this meeting, Blagojević tasked Nikolić with continuing the Potočari operation to transport Muslim women and children to Kladanj and separate and detain able-bodied Muslim men.

5008. According to an intercepted conversation between Mladić and Beara on 13 July 1995 at 11:05 p.m., Mladić asked him if everything was going as planned.[17484] Mladić told him to take care of rations and to solve it so that there would not be a lack of food.[17485] He said that they would see how to get supplies and he would order something immediately at Krle's place to be sent to Beara.[17486] Mladić asked him if 'it' was over at Zoran Malinić's and told him 'it' would come.[17487] He told Beara to keep working, to find a way to not have the men hungry and check if 'they' had any there.[17488] He told Beara he would issue an order right away.[17489]

5009. The Trial Chamber recalls the evidence of Evert Rave in chapter 7.1.5 that Mladić asked him to tell the Bosnia-Herzegovina authorities to surrender and further told him that the Srebrenica males were brought to a camp in Bijeljina. The Trial Chamber further recalls the evidence of Paul Groenewegen and Eelco Koster in chapter 7.1.5 that Mladić was in Potočari on 13 July 1995. The Trial Chamber also recalls its

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[17481] D922 (Mladen Blagojević, witness statement, 6 June 2014), paras 5-12; P7186 (Mladen Blagojević, US Department of Homeland Security, Report of Investigation), pp. 18-20.
[17482] D922 (Mladen Blagojević, witness statement, 6 June 2014), para. 6; Mladen Blagojević, T. 32604; P7186 (Mladen Blagojević, US Department of Homeland Security, Report of Investigation), p. 20.
[17483] D922 (Mladen Blagojević, witness statement, 6 June 2014), paras 9-10; Mladen Blagojević, T. 32605, 32669-32670, 32673-32674.
[17484] P1297 (Intercept of Mladić and Beara, 13 July 1995 at 11:05 p.m.). The Trial Chamber understands that 'Ljubo' to refer to Colonel Ljubiša Beara, the Chief of Security Administrations, Sector for Intelligence and Security Affairs, VRS Main Staff.). *See also* P1322 (Intercept of Beara and Krstić), p.1.; P1320 (Intercept of Beara and Živanović, 15 July 1995), p. 1; P1321 (Intercept of Beara and Živanović), p. 1.
[17485] P1297 (Intercept of Mladić and Beara, 13 July 1995 at 11:05 p.m.).
[17486] P1297 (Intercept of Mladić and Beara, 13 July 1995 at 11:05 p.m.).
[17487] P1297 (Intercept of Mladić and Beara, 13 July 1995 at 11:05 p.m.).
[17488] P1297 (Intercept of Mladić and Beara, 13 July 1995 at 11:05 p.m.).

review of video footage admitted as exhibit P1147, in the same chapter, according to which while being in Potočari, Mladić said that Bosnian-Serb authority had been established in Srebrenica and the entire enclave was under the control of the VRS and everyone who wanted to leave had been evacuated safely.

5010. With regard to Mladić's visit of Nova Kasaba football field on 13 July 1995, the Trial Chamber recalls the evidence of Bojan Subotić, reviewed in chapter 7.14.1 *Schedule E.15.1*, that Mladić ordered Zoran Malinić and Subotić to secure the transfer of detainees to the Vuk Karadžić Elementary School in Bratunac.

5011. The Trial Chamber reviewed the evidence of Dragomir Keserović in chapter 7.1.6 that Mladić instructed Zoran Malinić to stop the registration and told the detainees that they would be transferred to Tuzla.

5012. The Trial Chamber recalls the evidence of Witness RM-346 in chapter 7.1.6 that Mladić gave a speech while a camera was filming him and the detainee, and Mladić told the detainees that they would all be exchanged and go to Bratunac. He said that he would organise groups to collect the wounded in the woods and bury the dead, and ordered the soldiers to make a list of all the captured people. At that moment, one of the detainees got up and the Serb soldiers beat him with their rifle butts, following which one of the soldiers shot the detainee dead while Mladić was present. The soldier told the detainees that if they misbehaved, they would be killed. Mladić did not respond in any way and left towards Konjević Polje when the list of captured people was completed.

5013. With regard to Mladić's presence at Sandići Meadow on 13 July 1995, the Trial Chamber recalls the evidence of Ramiz Husić, Witness RM-256, Witness RM-297, and Mladen Blagojević in chapter 7.5 *Schedule E.4.1* that Mladić addressed the detainees at the meadow, telling them that the governments were negotiating and that they would be exchanged the next day.

5014. Finally, the Trial Chamber recalls the VRS Main Staff order of 13 July 1995 admitted as exhibit P2120 and reviewed in chapter 7.1.6 which was sent to the DK, the 65th Motorised Protection Regiment, and other units. Therein Mladić ordered a ban on the giving of information to the media and that entry of all uninvited individuals to the combat operations zone in the general sector of Srebrenica and Žepa be prevented.

[17489] P1297 (Intercept of Mladić and Beara, 13 July 1995 at 11:05 p.m.).

Mladić's presence in Belgrade between 13 and 17 July 1995

5015. According to the Agreed Facts, Mladić was at the VRS Main Staff's Command Post in Crna Rijeka on the evening of 13 July 1995.[17490] He left Bosnia-Herzegovina on 14 July 1995 to travel to Belgrade.[17491] He began his travel at approximately noon.[17492] He first left from the Main Staff in Crna Rijeka by helicopter and attempted to travel by helicopter for approximately 45 minutes.[17493] Bad weather impeded their travel and the helicopter landed on a plateau near Pogledi in the Crna Rijeka area.[17494] After landing, a mechanic stayed with the helicopter while Mladić and the pilot waited for a passing car.[17495] After a half hour they stopped a car.[17496] At that point the pilot returned to the helicopter and Mladić returned to Crna Rijeka in the private car, driven by the vehicle's owner.[17497] When Mladić arrived at Crna Rijeka he changed cars and left for Belgrade at approximately 2 p.m.[17498] The car was driven by one of Mladić's drivers, Mlađen Kenjić.[17499] They travelled along the following route: Crna Rijeka–Zvornik (by Karakaj) -Loznica-Šabac-Beograd and they crossed the Drina on the Loznica Bridge.[17500] **Mlađen Kenjić** testified that he drove Mladić to Serbia in a civilian vehicle, which was not equipped with any communications equipment.[17501]

5016. On the evening of 14 July, Mladić attended a meeting at Dobanovci, Serbia, commencing at approximately 9 p.m., with President Slobodan Milošević, Carl Bildt and General Bertrand de Sauville de La Presle.[17502] During this meeting, President Milošević explained the situation around Srebrenica and the acceptance was discussed with regard to access to POWs by the ICRC, approval of UNHCR convoys with supplies for the population, exclusive control for UN police in Srebrenica and Žepa and that everyone may return to their places, if they wanted to.[17503] Mladić summarized what Bildt had said at the meeting: 'Srebrenica – to free the boys – young men who

[17490] Agreed Facts II, no. 1.
[17491] Agreed Facts II, no. 2.
[17492] Agreed Facts II, no. 2.
[17493] Agreed Facts II, no. 3.
[17494] Agreed Facts II, no. 3.
[17495] Agreed Facts II, no. 4.
[17496] Agreed Facts II, no. 4.
[17497] Agreed Facts II, no. 4.
[17498] Agreed Facts II, no. 5. *See also* D1218 (Mlađen Kenjić, witness statement, 3 August 2014), paras 11-12; Mlađen Kenjić, T. 38637.
[17499] Agreed Facts II, no. 5.
[17500] Agreed Facts II, no. 6.
[17501] D1218 (Mlađen Kenjić, witness statement, 3 August 2014), para. 11, Mlađen Kenjić, T. 38636-38637, 38661-38662.
[17502] P363 (Mladić notebook, 14 July - 18 September 1995), p. 2. *See also* Agreed Facts II, no. 7.

were taken to Bratunac.'[17504] Bildt indicated he wanted the liberation of Dutch soldiers, and Mladić recorded 'To free at least 48 or 86 Dutch soldiers who are with us.'[17505]

5017. On the night between 14 and 15 July 1995, Mladić was in Belgrade, where he spent the night at his family home.[17506] During the morning of 15 July, Mladić visited the gravesite of his daughter at the Topcider Cemetery at 6th Pionirska Street, Belgrade.[17507] From approximately noon until approximately 10 p.m. on 15 July he attended a meeting at Dobanovci with international negotiators including: Carl Bildt; Yasushi Akashi; Thorvald Stoltenberg; General Bertrand de Sauville de La Presle; and General Rupert Smith.[17508] **Rupert Smith** testified that he and Mladić then met separately from the others and Smith confronted Mladić with rumours about atrocities in Srebrenica.[17509] General Mladić remained in the Belgrade area the entire day.[17510]

5018. Again, the night between 15 and 16 July 1995, Mladić was in Belgrade, where he spent the night at his family home.[17511] During the first part of 16 July 1995, Mladić and other guests were present for the wedding festivities of Biljana Djurdjević and Žarko Stojković, which commenced at Narodnog Fronta no. 4, Belgrade at approximately 9:30 a.m.[17512] Later, Mladić and other guests attended the wedding ceremony at the Serbian Orthodox Church at Admiral Geprata Street, Belgrade, which commenced at approximately noon.[17513] After the church ceremony the wedding celebrations moved to the Dva Ribara restaurant on Narodnog Fronta Street and the reception lasted until approximately 8 or 9 p.m.[17514] Mladić left before the end of the reception.[17515]

[17503] P363 (Mladić notebook, 14 July - 18 September 1995), p. 2.
[17504] P363 (Mladić notebook, 14 July - 18 September 1995), p. 2.
[17505] P363 (Mladić notebook, 14 July - 18 September 1995), p. 3.
[17506] Agreed Facts II, no. 8.
[17507] Agreed Facts II, no. 10.
[17508] Agreed Facts II, no. 9. *See also* P785 (Rupert Smith, witness statement, 27 October 2009), para. 157; Rupert Smith, T. 7339.
[17509] Rupert Smith, T. 7340, 7342-7343.
[17510] Agreed Facts II, no. 11.
[17511] Agreed Facts II, no. 12.
[17512] Agreed Facts II, no. 13. *See also* D1218 (Mlađen Kenjić, witness statement, 3 August 2014), paras 12-13, Mladen Kenjić T. 38654-38655; D1202 (Biljana Stojković, witness statement, 12 July 2014), paras 3-4, 6-9; Biljana Stojković T. 38059, 38061-38062; D1203 (Žarko Stojković, witness statement, 12 July 2014), paras 3-5; Žarko Stojković, T. 38073; D1238 (Radovan Popović, witness statement, 12 July 2014), paras 3-6; Radovan Popović, T. 38979.
[17513] Agreed Facts II, no. 14. *See also* D1202 (Biljana Stojković, witness statement, 12 July 2014), para. 7; Biljana Stojković, T. 38060; D1203 (Žarko Stojković, witness statement, 12 July 2014), paras 5-6; Žarko Stojković, T. 38087, 38103; D1238 (Radovan Popović, witness statement, 12 July 2014), para. 5.
[17514] Agreed Facts II, no. 15. *See also* D1202 (Biljana Stojković, witness statement, 12 July 2014), paras 7-8; Biljana Stojković, T. 38060; D1203 (Žarko Stojković, witness statement, 12 July 2014), paras 5-6; Žarko Stojković, T. 38087, 38103.
[17515] Agreed Facts II, no. 15.

5019. **Žarko Stojković** testified that during the wedding lunch, around 80 wedding guests were present.[17516] Mladić was seated at the head table along with the witness.[17517] At no time did the witness notice Mladić leave the table, whether it was to dance, to go outside, or to go to the bathroom.[17518] According to the witness, Mladić did not use any communication equipment or a telephone from 10 a.m. onwards or during his entire stay.[17519] The witness first stipulated that Mladić did not smoke but later testified that he could not be sure to how many cigarettes Mladić did smoke.[17520] The Trial Chamber received a photograph which depicts Mladić with a cigarette in his left hand.[17521] **Biljana Stojković** testified that she did not recall seeing Mladić's security detail when the wedding party walked from the apartment to the Church, nor from the Church to the restaurant, and she did not notice the security detail at the restaurant.[17522] According to the witness, Mladić never left the restaurant or the dining room between 2 p.m. and 5:30 p.m., not even to use the toilet, and only stood when he gave the toast.[17523] **Radovan Popović** testified that Mladić did not leave his field of vision, testifying that neither he, nor Mladić, went to the restroom while in the restaurant.[17524] **Žarko Stojković** testified that around 5:30 or 5:45 p.m., Mladić and his wife left the wedding and the witness escorted them to a car parked in front of the restaurant.[17525] The witness did not notice any communication equipment in the car.[17526] **Biljana Stojković** testified that she did not see Mladić in possession of or using a communication device and noted that he was fully focused on the wedding and the celebrations attached to it.[17527] The original wedding tapes were left at the witness's mother's house which was burgled on several

[17516] Žarko Stojković, T. 38097.
[17517] Žarko Stojković, T. 38097; P7511 (Photograph showing Ratko Mladić and the Stojković wedding party at a social gathering with a visible wristwatch and time).
[17518] Žarko Stojković, T. 38090, 38093, 38095, 38098.
[17519] Žarko Stojković, T. 38073, 38100-38101, 38104.
[17520] Žarko Stojković, T. 38091.
[17521] P7511 (Photograph showing Ratko Mladić and the Stojković wedding party at a social gathering with cigarette in his left hand).
[17522] D1202 (Biljana Stojković, witness statement, 12 July 2014), paras 8-9.
[17523] Biljana Stojković, T. 38061-38063, 38065-38066.
[17524] D1238 (Radovan Popović, witness statement, 12 July 2014), para. 5; Radovan Popović, T. 38983-38984.
[17525] D1203 (Žarko Stojković, witness statement, 12 July 2014), paras 6-7; Žarko Stojković, T. 38073, 38101. *See also* D1202 (Biljana Stojković, witness statement, 12 July 2014), para. 9; Biljana Stojković, T. 38058-38059; D1238 (Radovan Popović, witness statement, 12 July 2014), para. 6; Radovan Popović, T. 38979, 38987-38993.
[17526] Žarko Stojković, T. 38074.
[17527] Biljana Stojković, T. 38058, 38066.

occasions in the summer of 2007, after which the tapes could not be found.[17528] No copies were made.[17529]

5020. During the second part of the day, Mladić was present at the Military Medical Academy (VMA) in Belgrade.[17530] He travelled back to Bosnia-Herzegovina and was present at the Main Staff Headquarters in Crna Rijeka no later than 17 July 1995.[17531]

5021. **Bosiljka Mladić** testified that Mladić was in Belgrade with her from late evening of 14 July 1995 until the morning of 17 July 1995.[17532] During this period, her husband had no communications equipment on him.[17533] On 16 July, she was present when her husband had a telephone conversation during a meeting at the Military Medical Academy.[17534] Years later, she asked her husband whether he had issued any orders regarding the Srebrenica crimes.[17535] He looked at her sharply and answered 'are you doubting me?'[17536]

Communication and orders by Mladić on 14 July 1995

5022. According to an order from the VRS Main Staff to the Commander of the DK and for the information of the Bratunac Brigade dated 14 July 1995, signed by Mladić, approximately 50 DutchBat members who had spent the last days in Bratunac were to be enabled to leave Bratunac by noon on 15 July 1995 and travel to Ljubovija on buses provided by the FRY.[17537] Colonel Savo Božanović and an appropriate team were to take part in the implementation of the task on behalf of the VRS Main Staff.[17538] According to an order from the VRS Main Staff to the Command of the SRK and DK also dated 14 July 1995 and signed by Mladić, General Rupert Smith's team was to be

[17528] D1202 (Biljana Stojković, witness statement, 12 July 2014), para. 12. *See also* D1203 (Žarko Stojković, witness statement, 12 July 2014), paras 8-9; Žarko Stojković 38071-38072.
[17529] D1202 (Biljana Stojković, witness statement, 12 July 2014), para. 12. *See also* D1203 (Žarko Stojković, witness statement, 12 July 2014), para. 8; D1238 (Radovan Popović, witness statement, 12 July 2014), para. 7.
[17530] Agreed Facts II, no. 16. *See also* D1218 (Mlađen Kenjić, witness statement, 3 August 2014), paras 12-13, Mladen Kenjić T. 38654-38655.
[17531] Agreed Facts II, no. 17. *See also* D1218 (Mlađen Kenjić, witness statement, 3 August 2014), para. 13.
[17532] D1185 (Bosiljka Mladić, witness statement, 17 July 2014), paras 2, 8; Bosiljka Mladić, T. 37680-37682, 37707.
[17533] Bosiljka Mladić, T. 37681.
[17534] D1185 (Bosiljka Mladić, witness statement, 17 July 2014), paras 4-7; Bosiljka Mladić, T. 37702-37703.
[17535] Bosiljka Mladić, T. 37689-37690.
[17536] Bosiljka Mladić, T. 37690.
[17537] P2123 (VRS Main Staff order with regard to transport of DutchBat members, 14 July 1995), p. 1.

enabled to travel on 15 July 1995 from 7 a.m. to Belgrade.[17539] The SRK Commander was to ensure a police escort and appropriate escort members on the route.[17540]

5023. According to an intercepted conversation between Mladić and a man on 14 July 1995 at 8:05 a.m., the man told Mladić he was just 'here' with a narrow circle of friends and that now something would depend on Mladić. He asked if Mladić was going to be 'there' those days and Mladić replied that he would be there after Sunday, but that if the man wanted to see him, he would be 'there' until 3 p.m. that day, after which he would go to the field, where he would be busy for two or three days, and then he would come back. Mladić also told him that Pepo was in the field.[17541]

5024. The Trial Chamber recalls an order, admitted as P2122, from Mladić reviewed in chapter 9.3.3 that on 14 July 1995, Mladić informed, *inter alios*, the Supreme Commander, the VJ General Staff, the SVK Main Staff, and various VRS Corps, including the 1KK and IBK, that due to failure of power supply to the Veliki Žep Stationary Communications Centre, the VRS Main Staff communications centre would operate only from 8 p.m. until 8 a.m. the next day. Mladić instructed that any information the commands had for the VRS Main Staff should be prepared and exchanged during those operating hours.

Communication and orders by Mladić on 15 and 16 July 1995

5025. According to an order from the VRS Main Staff to the IBK Command and the VRS Main Staff IKM dated 15 July 1995 and signed by Mladić, the IBK was to send an officer to the IKM, where he was to report to Lieutenant General Manojlo Milovanović no later than 6 p.m. on 20 July 1995.[17542]

5026. **Witness RM-316** testified that an operator could use various ways to identify Mladić in an intercepted phone conversation.[17543] First, he could identify him through voice recognition as Mladić's voice was recognisable and operators could not mistake

[17538] P2123 (VRS Main Staff order with regard to transport of DutchBat members, 14 July 1995), p. 1.
[17539] P2124 (VRS Main Staff order with regard to the passage of UNPROFOR Commander Rupert Smith, 14 July 1995), p. 1.
[17540] P2124 (VRS Main Staff order with regard to the passage of UNPROFOR Commander Rupert Smith, 14 July 1995), p. 1.
[17541] P1298 (Intercept of Mladić and a man, 14 July 1995 at 8:05 a.m.).
[17542] P2125 (VRS Main Staff order to maintain duty service for the IKM-2 communications system, 15 July 1995).

it.[17544] Second, sometimes an operator heard a reference to Mladić at the start of the conversation before he could start the recording.[17545] In such situations, the operator would indicate in the intercept transcript that Mladić was a participant in the conversation.[17546] In relation to phone calls from Mladić's office, Witness RM-316 testified that it was possible that instead of Mladić, the other person was in his office and Mladić himself was somewhere else.[17547]

5027. According to a conversation intercepted on channel 13 between Mladić and a person called 'Dule' at 8:30 a.m., dated 16 July 1995, Mladić and 'Dule' agreed they would see each other that night.[17548] The call was made from the telephone in Mladić's office.[17549] The intercept is unclear as to whether Mladić was in his office, or 'Dule'.[17550]

5028. The Trial Chamber recalls the evidence of an intercepted conversation on channel 13 between Mladić and a VRS Main Staff duty officer admitted into evidence as exhibit P1655 and reviewed in chapter 9.7.7 that on 16 July 1995 at 4:15 p.m., Mladić was informed that 'Pandurević had arranged passage for Muslims over to that territory'. During that conversation, the duty officer informed Mladić that he had asked to be urgently connected to Pandurević. The Trial Chamber also recalls the evidence of Witness RM-316 in the same chapter that Mladić would not have been inserted into the record of the intercept unless the operators had clearly identified him and that channel 13 was Mladić's line.

5029. In relation to the intercepted conversation at 4:15 p.m. between Mladić and a VRS Main Staff duty officer, **Velo Pajić** testified that if Mladić was calling from Belgrade, it was impossible to be intercepted at the Pale radio relay route.[17551] Mladić had only a PTT number in Belgrade, and if he was calling from there, it would use the Veliki Žep-Cer-Avala route which was entirely protected.[17552] The unprotected route

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[17543] P1654 (Witness RM-316, *Tolimir* transcript, 27 May 2010), pp. 2075-2079; Witness RM-316, T. 13696-13697; P1672 (Table of concordance).
[17544] P1654 (Witness RM-316, *Tolimir* transcript, 27 May 2010), pp. 2062-2063, 2077; Witness RM-316, T. 13620-13621.
[17545] P1654 (Witness RM-316, *Tolimir* transcript, 27 May 2010), p. 2077.
[17546] P1654 (Witness RM-316, *Tolimir* transcript, 27 May 2010), p. 2077.
[17547] Witness RM-316, T. 13625, 13629, 13669.
[17548] Witness RM-316, T. 13617-13618; P1656 (Intercept no. 648, 16 July 1995).
[17549] Witness RM-316, T. 13667-13669.
[17550] Witness RM-316, T. 13667-13669; P1656 (Intercept no. 648, 16 July 1995).
[17551] Velo Pajić, T. 35890-35891.
[17552] Velo Pajić, T. 35891, 35894.

from Cer to Veliki Žep was never used.[17553] If Mladić was in Belgrade, and if the interceptor was only hearing Crna Rijeka, the interceptor would have to be on the territory of Serbia.[17554] On 16 July 1995, while monitoring the Pale radio relay, the SDB recorded a conversation between Mladić and Mane.[17555] Pajić testified that if someone called Mladić directly at a civilian number in Belgrade instead of his civilian Belgrade number located in his office, the call would bypass the radio relay system in the Bosnian-Serb Republic, and could not be intercepted.[17556]

5030. According to an intercepted conversation on 16 July 1995 at 4:43 p.m., a person told another person that 'the boss' wanted Popović or Drago Nikolić to go to Vinko.[17557] The other person asked where they had checked about the 'thing' regarding those wounded and whether they had been transferred, to which the first person responded with 'the vehicles there in the zone'.[17558]

5031. The Trial Chamber recalls the evidence of Witness RM-322 in chapter 9.6.2 that on 16 July 1995, Pandurević had opened the corridor between 1 and 2 p.m. and closed it between 5 and 6 p.m. on the same day.

5032. The Trial Chamber recalls the evidence of the intercepted conversation on 16 July 1995 between Mladić and Mane at 10:30 p.m. admitted as exhibit P1657 and reviewed in chapter 9.7.7 that Mane told Mladić that the 'road is open' and that everything is going as it should. Mladić then told Mane to continue and asked him if there was 'any chance to make him happy with a new one' and that everything was under control and positive on his end. The Trial Chamber also recalls the evidence of Witness RM-316 in chapter 9.7.7 of an intercepted conversation between Mladić and a person called Kostić, during which Mladić said 'the best would be to give up on Muslims completely, and on Croats as well' and that it was finished and that there were only smaller groups left. Mladić told Kostić to do his job and not to worry because they were waiting for him to come to Srebrenica and Žepa.

[17553] Velo Pajić, T. 35895.
[17554] Velo Pajić, T. 35909-35910.
[17555] P1658 (Intercepted communication of 16 July 1995), p.1
[17556] Velo Pajić, T. 35897-35898.
[17557] P1339 (Intercept of two unidentified persons), p. 1. *See also* P1340 (Intercept of two unidentified persons, 16 July 1995), p. 1.
[17558] P1339 (Intercept of two unidentified persons), p. 1. *See also* P1340 (Intercept of two unidentified persons, 16 July 1995), p. 1.

Events around 17 July 1995

5033. On 17 July 1995, Mladić ordered the Bratunac Brigade, the 1st Milići Light Infantry Brigade, the 67th military police battalion, the 65th Motorised Protection Regiment, and MUP forces present in the Bratunac-Milići-Drinjača area to comb the Bratunac-Drinjača-Milići-Bešići area to find and destroy Muslim groups.[17559] He appointed Colonel Keserović as commander of the forces and set a deadline to 19 July 1995.[17560] **Dragomir Keserović** testified that in the late afternoon or early evening of 16 or 17 July 1995, he arrived at the VRS Main Staff headquarters in Crna Rijeka.[17561] General Miletić, Colonel Sladojević, Ljubo Obradović and Tolimir were present.[17562] At around 8 or 9 p.m., Mladić, who then had also arrived, told the witness that an operation aiming to block the 28th Division of the ABiH, coordinated by Blagojević, Commander of the Bratunac Brigade, was underway in the area of responsibility of the DK, more particularly around Konjević Polje in the Drinjača valley.[17563] Mladić tasked the witness to take over the command of the units involved in this operation, and informed him that General Miletić would issue an order containing additional details.[17564] The units were also tasked to sweep the terrain to find parts or complete units left in the area, initiate combat against them, if necessary, capture or disarm their members.[17565] The witness told Mladić that he considered his assignment militarily unacceptable as he was not a commander of any unit participating in the operation, had no staff or communication centre, had no information about the units' capabilities necessary to carry out an assessment of the terrain and of the units, and was asked to exercise his command function from a command post lacking the capacity and ability to execute command over joint units.[17566] Mladić answered that Miletić would explain the details and left.[17567] According to Keserović, Mladić eventually agreed not to assign command of these units

[17559] P1579 (Order from Ratko Mladić concerning the integration of operations to crush lagging Muslim forces addressed to DK, 17 July 1995).
[17560] P1579 (Order from Ratko Mladić concerning the integration of operations to crush lagging Muslim forces addressed to DK, 17 July 1995).
[17561] Dragomir Keserović, T. 12836-12837, 12840, 12860-12862, 12921-12923; P1579 (Order from Ratko Mladić concerning the integration of operations to crush lagging Muslim forces addressed to DK, 17 July 1995); P1580 (ICRC Communication to the press on the evacuation of wounded persons from Bratunac and Potočari, 18 July 1995); P1581 (Intercept from 2nd Corps Command of a communication between Badem addressed to Mičić, dated 17 July 1995), pp. 1-2; P1583 (Situation report in the Srebrenica region from Dragan Kijać about humanitarian aid and evacuation of POWs, 18 July 1995), p. 1.
[17562] Dragomir Keserović, T. 12840, 12858.
[17563] Dragomir Keserović, T. 12840-12841, 12843, 12858.
[17564] Dragomir Keserović, T. 12840-12843.
[17565] Dragomir Keserović, T. 12843-12844.
[17566] Dragomir Keserović, T. 12846, 12851-12853.

to him but ordered him to go to the area to meet Blagojević, to gather information about the operation, and report to him.[17568] Furthermore, Keserović testified that he heard Mladić say that three officers from the Main Staff, Sladojević, from the operations administration, Trkulja, chief of armoured units, and Stanković, from the analysis department of the intelligence administration, were expected to go to the AOR of the Zvornik Brigade to assess the situation and provide assistance to the commander, if needed.[17569] The witness later found out that instructions concerning this operation were laid out in General Mladić's 18 July 1995 order.[17570] **Ljubomir Obradović** testified that on 17 July 1995, when he was at the VRS Main Staff, Miletić told him that pursuant to Mladić's order, he had sent Neđeljko Trkulja and some senior officers for an assignment in the Zvornik Brigade area of responsibility 'because of some unclear situation'.[17571]

5034. On 17 July 1995, General Mladić ordered Colonel Trkulja, Stanković and Sladojević to the 1st Zvornik Infantry Brigade to assist the MUP and VRS forces to plan and coordinate the combing of the areas of Kamenica, Cerska, and Udrič to block, crush and destroy Muslim forces.[17572]

Events in late July 1995

5035. **Smith** testified that during a meeting with Mladić on 19 July 1995, Mladić specifically pointed out that Srebrenica was 'finished in a correct way'.[17573] He stated that the population that moved to Potočari was evacuated at its own request and with the full cooperation and help of UNPROFOR.[17574] He reported that on 11 July 1995 he had met with the commanding officer of DutchBat and three civilian 'representatives' of the local population to organise the evacuation.[17575]

[17567] Dragomir Keserović, T. 12846, 12851-12853.
[17568] Dragomir Keserović, T. 12848, 12852-12853, 12896, 12898, 12901-12902, 12931-12933.
[17569] Dragomir Keserović, T. 12847-12848, 12859.
[17570] Dragomir Keserović, T. 12847, 12873-12874, 12918-12919, 12921-12922; P1579 (Order from Ratko Mladić concerning the integration of operations to crush lagging Muslim forces addressed to DK, 17 July 1995) p. 1.
[17571] Ljubomir Obradović, T. 14535-14537.
[17572] P1579 (Order from Ratko Mladić concerning the integration of operations to crush lagging Muslim forces addressed to DK, 17 July 1995).
[17573] P785 (Rupert Smith, witness statement, 27 October 2009), paras 165, 168; P795 (Report on Smith-Mladić meeting, 19 July 1995), pp. 1, 3.
[17574] P785 (Rupert Smith, witness statement, 27 October 2009), para. 168; P795 (Report on Smith-Mladić meeting, 19 July 1995), p. 3.
[17575] P785 (Rupert Smith, witness statement, 27 October 2009), para. 168; P795 (Report on Smith-Mladić meeting, 19 July 1995), p. 3.

5036. According to an intercept dated 20 July 1995, a conversation took place between two unidentified men ((X) and (Y)) on channel 13 at 12:05 p.m.[17576] During this conversation 'the boss' was busy with 'the thing down there' which was finished. When told that it should have been finished 'at 2', the (Y) responded 'no, no, the gathering is in progress'. (Y) further informed (X) that during another gathering at '10' they discussed the wounded.[17577]

5037. **Milomir Savčić** testified that he met up with Mladić several times between 14 and 25 July 1995 in the area of Žepa. He met Mladić once in Brezova Ravanin and later Mladić only observed and monitored how the witness was commanding his troops. Mladić also met General Smith. According to the witness, the activities were governed by the rules of military police and Mladić never ordered him to run counter to the laws of warfare.[17578]

5038. According to footage of General Milenko Živanović's retirement celebration on 20 July 1995, Mladić gave a speech where he commended Živanović, alongside his successor General Krstić and their subordinate commanders, for the successful liberation of Srebrenica and Žepa for the Serbian people.[17579] Mladić explained that he had just arrived from the area of Srebrenica and Žepa and that Srebrenica was 'finished'.[17580] He said that the members of UNPROFOR would be evacuated from Srebrenica the next day and that he would 'put an end to everything'.[17581] He added that he would 'put an end' to Žepa today.[17582]

5039. The Trial Chamber recalls the evidence from Witness RM-322 reviewed in chapter 7.15 that when asked about the ten detainees previously held at the Standard Baracks on or about 23 July 1995, Pandurević said that Popović, acting as courier, had passed on an order from Mladić to Dragan Nikolić to execute these detainees.

5040. **Richard Butler** testified that within the DK, Srebrenica and Žepa were normally seen as part of the same larger security issue.[17583] By 24 July 1995, local Muslim leaders had signed a document for the cessation of combat at Žepa, and by the next day, they

[17576] P1669 (Intercept no. 760, 20 July 1995).
[17577] P1669 (Intercept no. 760, 20 July 1995), p. 1.
[17578] Milomir Savčić, T. 33650.
[17579] P1147 (Updated Srebrenica Trial video with Transcript), p. 99.
[17580] P1147 (Updated Srebrenica Trial video with Transcript), p. 99.
[17581] P1147 (Updated Srebrenica Trial video with Transcript), p. 99.
[17582] P1147 (Updated Srebrenica Trial video with Transcript), p. 99.
[17583] P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para 4.2.

had begun talking with senior UNPROFOR officials about the potential surrender of Muslim forces in Žepa.[17584] By 25 July 1995, the VRS agreed to allow UNPROFOR to manage the evacuation of the wounded and had itself begun to remove civilians from Žepa.[17585] By 29 July 1995, almost all of the civilians had been removed from the enclave. During this time, Mladić acted as Commander of the Main Staff with the various staff branches, departments, and Corps Commands under his control.[17586] In July 1995, the VRS Main Staff issued orders pertaining to preventing the escape of Srebrenica Muslims.[17587] An order signed by Mladić directed a number of road closures.[17588] Another instructed the DK and subordinate brigades to ensure the most likely escape routes to be blocked.[17589]

Events after July 1995

5041. The Trial Chamber recalls its review of Directive no. 8 in chapter 7.1.2 and admitted as exhibit P5048, that on 3 August 1995, Mladić issued a directive to the commands of the 1KK and 2KK, and for the information of VRS Main Staff and the SVK, instructing VRS forces to prevent further advances of the enemy along all axes, then to re-group and move into counter-attack along the Livno axis. According to this directive, Mladić was to be personally in charge of the entire operation *Vaganj*-95, which was to be executed in the spirit of Directive no. 7 and Directive no. 7/1.

5042. The Trial Chamber also recalls the evidence of Witness RM-322 and Butler**,** as well as documentary evidence, reviewed in chapter 7.18 that on 14 September 1995, according to an authorization addressed to the DK and the Logistics Sector of the VRS Main Staff, Mladić approved that five tonnes of diesel fuel be delivered to Milorad Trbić for carrying out engineering works.

5043. The Trial Chamber recalls its review of exhibit P4317 in chapter 7.1.2 that, on 11 October 1995, Mladić sent an order to *inter alia* the Corps Commands and the MUP to carry out combat security 'as per Directive no. 7'.

[17584] P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 4.15.
[17585] P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 4.16
[17586] P2208 (Diagram of Main Staff VRS Structure, July 1995), p. 1.
[17587] P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 4.8.
[17588] P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 4.8.
[17589] P2210 (Richard Butler, VRS Main Staff Command Responsibility Report, 9 June 2006), para. 4.9.

5044. According to an intercepted conversation between Mladić and Tolimir on 18 November 1995 at 3:18 p.m., Tolimir asked Mladić whether he had seen a certain document and Mladić said that what 'their side' had offered, both in the first and second document, was a catastrophe, 'worse than a capitulation and occupation' and that Tolimir could tell them that they can adopt it but it would not get through the Assembly as the people would not accept it and their word is final.[17590]

5045. According to footage of a New Years celebration on 13 January 1996, Mladić addressed General Manojlo Milovanović, General Milan Gvero, General Đorde Đukic, and General Stevan Tomić.[17591] Mladić credited the success of the Bosnian-Serb people to the VRS Main Staff.[17592] Mladić stated that the most important decisions were made by the inner core of the Main Staff which included, in addition to himself, General Milovanović, Đukić, Gvero and Tolimir.[17593] Other generals who had often participated in the decision-making were Jovo Marić, Tomić, Grubor at the time, and Škrbić.[17594] Important decisions which could be made later were taken by the Commander's expanded collegiums attended by Corps commanders.[17595] Mladić said he and his associates often consulted many people within and outside the army.[17596] The most complex decisions were made by Mladić and the Chief of Staff with one of Mladić's assistants, following consultations, while the most difficult ones, when lives were to be put at risk, were often made by Mladić alone.[17597] Mladić thanked General Milovanović, his 'right-hand man', for successfully standing in for him in difficult times, as well as the other generals.[17598]

The Trial Chamber's findings

5046. At the outset, the Trial Chamber refers to Appendix B *Evidentiary matters* where it addresses the general argument by the Defence in relation to the reliability of intercepts. With regard to the Defence's specific arguments regarding the reliability of intercepted conversations and the identification of Mladić as a participant in these

[17590] P4219 (Intercept of Mladić and Tolimir, 18 November 1995 at 3:18 p.m.).
[17591] P1147 (Updated Srebrenica Trial video with Transcript), p. 123.
[17592] P1147 (Updated Srebrenica Trial video with Transcript), p. 123.
[17593] P1147 (Updated Srebrenica Trial video with Transcript), p. 123.
[17594] P1147 (Updated Srebrenica Trial video with Transcript), p. 123.
[17595] P1147 (Updated Srebrenica Trial video with Transcript), p. 123.
[17596] P1147 (Updated Srebrenica Trial video with Transcript), p. 124.
[17597] P1147 (Updated Srebrenica Trial video with Transcript), p. 124.
[17598] P1147 (Updated Srebrenica Trial video with Transcript), p. 124.

conversations during Mladić's travel to Belgrade from 14 to 17 July 1995, the Trial Chamber considered the evidence of Velo Pajić and Witness RM-316. With regard to intercepted phone calls made from Mladić's office during his travels to Belgrade from 14 to 17 July 1995, the Trial Chamber notes that it is possible that the person Mladić was talking to was in Mladić's office using his phone, while Mladić could have been somewhere else. Moreover, in relation to Pajić's evidence that it was impossible to intercept the phone conversations at the Pale radio relay route from a civilian number in Belgrade, the Trial Chamber notes that the witness was not able to account for all situations in which the conversations could have been intercepted. In this regard, the Trial Chamber has not received any evidence indicating that these intercepts are forgeries. The Trial Chamber also considered the testimony of Witness RM-316 and is satisfied that Mladić would not have been identified unless the operators were certain that it was Mladić speaking in the intercept. Therefore, the Trial Chamber dismisses the Defence's argument that Mladić was not sufficiently identified in the intercepted conversations and lacked communication while he was in Belgrade.

5047. The Trial Chamber recalls its finding in chapter 3.1.4 that from 12 May 1992 until at least 8 November 1996, Mladić was the Commander of the VRS Main Staff. The Trial Chamber also recalls its finding in chapter 9.3.3 on Mladić's role with respect to commanding and controlling the VRS.

5048. With respect to the implementation of Directives nos 7 and 7/1, the Trial Chamber recalls its finding in chapter 7.1.2 that on 31 March 1995, in Directive no. 7/1, Mladić decided to conduct operation *Sadejstvo 95* with the VRS main forces, including the 1KK, IBK, and DK. Based on the foregoing, the Trial Chamber finds that Mladić issued orders to VRS forces to implement Directives nos 7 and 7/1.

5049. The Trial Chamber finds that between at least 11 July and 11 October 1995, Mladić issued several orders to VRS forces, including the DK, concerning the operation in and around Srebrenica. The Trial Chamber further finds that from 10 July 1992 to 17 July 1995**,** Mladić received reports from VRS units, including the DK, which were present in and around Srebrenica. In addition, the Trial Chamber understands the reference to 'the boss' in exhibits P2126, P1339, and P669 to refer to Mladić.

5050. The Trial Chamber is not convinced by the Defence argument that Mladić had no control over the operations in Srebrenica and that the DK acted without Mladić's orders. In this regard, the Trial Chamber notes that Directive no. 7/1 included the DK amongst

its addressees. In addition, the Trial Chamber finds that in the days before 11 July 1995, Mladić was in the area of responsibility of the Bratunac Brigade and at the Bratunac Brigade headquarters and IKM. During these days and on 12 July, Janković and many DK Command officers, including Krstić, Popović, Lieutenant Kosorić, and Vinko Pandurević, were also at the Bratunac Brigade headquarters. On 10 July 1995, Živanović, Krstić, and the commanders of the Corps brigades, who participated in offensive activities, were all in the area of responsibility of the Bratunac Brigade. On 9 and 10 July 1995, Mladić received information from Krstić and Živanović on how the attack on Srebrenica was progressing and on 10 July, he was personally in command of the DK IKM. Moreover, between 11 July and 14 September 1995, Mladić issued several orders to the DK. The Trial Chamber considered its findings in chapter 3.1.3 on the functions and conduct of the VRS Main Staff and its commander, including the issuance of its 'Operational Directives'. It further recalls its findings on the DK in chapter 3.1.1 in respect of command and control and the reporting chain within the DK.

5051. The Trial Chamber recalls its findings in chapter 9.3.2 that on 13 July 1995, pursuant to a recommendation of Mladić, Karadžić promoted Krstić to replace Živanović as Commander of the Drina Corps.[17599]

5052. The Trial Chamber further recalls its finding in chapter 7.1.5 on the transportation of Bosnian Muslims of Srebrenica out of Potočari and the separation of Bosnian-Muslim men from Bosnian-Muslim women and children and elderly from 12 to 14 July 1995. The Trial Chamber finds that in the evening of 11 July 1995, Mladić ordered Škrbić to mobilise buses and by 12 July, he ordered the transportation of Bosnian Muslims out of Potočari under the responsibility of Aćamović. The Trial Chamber further finds that Mladić was present while the separation of men was taking place and that the separations were carried out by VRS soldiers under his command. In relation to Mladić's command and control of the VRS regarding detainees in and around Srebrenica, the Trial Chamber finds that on 13 July 1995, Mladić visited Sućeska, Bratunac, Srebrenica, and in particular Sandići, Konjević Polje, Nova Kasaba, Vlasenica and Han Pijesak. Mladić addressed Bosnian Muslims at Nova Kasaba football field and assured the Bosnian-Muslim soldiers there that they would be fed, housed, and taken to Bratunac to be exchanged. Mladić then ordered Zoran Malinić and Bojan

[17599] The Trial Chamber notes that this action could also fall under the heading of paragraph 13 (a) in the Indictment.

Subotić to secure the transfer of detainees to the Vuk Karadžić Elementary School in Bratunac. Later that day, Mladić addressed the detainees at Sandići Meadow, telling them that the governments were negotiating and that they would be exchanged the next day.

5053. The Defence argued that Mladić travelled to Belgrade in July 1995 and was therefore unable to exercise command and control over VRS forces. The Trial Chamber finds that Mladić was in Srebrenica from 10 until 14 July 1995, before he travelled to Belgrade. The Trial Chamber further finds that irrespective of whether Mladić was in Srebrenica or in Belgrade in July 1995, he was still commander of the VRS Main Staff giving instructions and issuing orders. Throughout July 1995, including during his travel to Belgrade, Mladić: (i) was in contact with the VRS Main Staff and maintained command and control; (ii) gave orders to the VRS units which were implemented; (iii) took measures to ensure the implementation of his orders including when he was not physically present on the ground; and (iv) communicated over the phone with his Chief of Staff, Milovanović, on a regular basis.

5054. In chapter 9.7.6, the Trial Chamber will consider whether Mladić's conduct in this respect, considered together with other acts or omissions, amounts to a significant contribution to the Srebrenica JCE.

9.7.3 Commanding and controlling elements of the Serb Forces integrated into, or subordinated to, the VRS

5055. With regard to this alleged contribution, the Prosecution argued that Mladić, together with Karadžić, commanded the forces implementing the Srebrenica JCE's objective. These forces were exclusively the armed forces of the Bosnian-Serb Republic, acting within the normal chain of command of the VRS and included subordinated forces of the MUP. The Prosecution further argued that there is no credible evidence that paramilitaries, mercenaries, volunteer forces or 'groups of avengers' acting outside the chain of command, played any role in carrying out the Srebrenica JCE.[17600] The MUP forces involved in the July 1995 Srebrenica operation, comprising of elements of the Special Police Brigade including the 2nd Šekovići Detachment, two companies from the MUP's Jahorina Training Centre, and PJP units, were

[17600] Prosecution Final Brief, para. 1060 (i).

resubordinated to the VRS and under Krstić's and Mladić's direct command.[17601] The Defence submitted that the MUP forces were not resubordinated to either the VRS or the Accused but were operating under their own command, *i.e.* under Borovčanin.[17602] The Defence further argued that the limited interaction between Mladić and MUP personnel regarding civilians in Potočari is best demonstrated by the brief exchange between Mladić and Borovčanin on 12 July 1995 which did not allow for any instructions for the forcible removal of civilians or other crimes.[17603] According to the Defence, it was the duty of the MUP to deal with the Srebrenica civilians' well-being.[17604]

5056. The Trial Chamber received evidence from **Witness RM-333**, a member of the joint MUP forces of the RSK, Serbia, and Bosnian-Serb Republic in 1995;[17605] **Neđo Jovičić**, a member of the Special Police Brigade and driver for Deputy Commander of the brigade Ljubomir Borovčanin during 1995;[17606] **Mile Janjić**, a member of the Bratunac Brigade military police platoon in July 1995;[17607] **Ljubodrag Gajić**, a member of the MUP 1st Company of the Jahorina Training Centre;[17608] **Dušan Mićić**, a military policeman of the TO from early May 1992 until March 1993 and later commander of a PJP unit in Bratunac;[17609] **Momir Nikolić**, the Assistant Commander for Intelligence and Security of the Bratunac Brigade from November 1992 to at least October 1995;[17610] **Miroslav Deronjić**, the President of the Bratunac Municipality Crisis Staff as of April 1992;[17611] **Witness RM-297**, a Bosnian Muslim from Zvornik;[17612] **Witness RM-256**, a Bosnian Muslim from Srebrenica and member of the

[17601] Prosecution Final Brief, para. 1090.
[17602] Defence Final Brief, paras 2977, 3035.
[17603] Defence Final Brief, paras 2932, 3067.
[17604] Defence Final Brief, paras 2927, 2932-2933.
[17605] Witness RM-333, T. 6759, 6792-6793; P724 (Report on the combat engagement of police forces in Srebrenica 95 signed by Ljubiša Borovčanin) p. 1; D129 (MUP order signed by Tomislav Kovač, 10 July 1995), p. 1. Witness RM-333's evidence is reviewed in chapter 7.1.3.
[17606] D976 (Neđo Jovičić, witness statement, 3 August 2014), para. 2.
[17607] P1445 (Mile Janjić, *Blagojević and Jokić* transcript, 24-25 May 2004), p. 9756. Mile Janjić's evidence is reviewed in chapter 7.1.5.
[17608] Ljubodrag Gajić, T. 40268-40269, 40311. Ljubodrag Gajić's evidence is reviewed in chapter 7.1.3.
[17609] D977 (Dušan Mićić, witness statement, 24 March 2013), paras 2, 14-16; Dušan Mićić, T. 33758. Dušan Mićić's evidence is reviewed in chapter 7.1.3.
[17610] Momir Nikolić, T. 11768-11771, 11776-11777; D301 (Momir Nikolić, statement of facts and acceptance of responsibility, 6 May 2003), paras 1, 13-14.
[17611] P3566 (Miroslav Deronjić, witness statement, 25 November 2003), para. 2. Miroslav Deronjić's evidence is reviewed in chapter 7.1.5.
[17612] P1443 (Witness RM-297, witness statement, 14 August 2013), pp. 1-2; P1442 (Pseudonym Sheet for Witness RM-297). Witness RM-297's evidence is reviewed in chapter 7.5 *Schedule E.4.1.*

ABiH in 1995;[17613] **Pero Andrić**, a Serb member of the Military Police Platoon of the Bratunac Brigade from 1994 until July 1995;[17614] **Mladen Blagojević**, a Serb member of the Military Police Platoon with the Bratunac Brigade in July 1995;[17615] and **Bojan Subotić**, commander of a platoon in the military police battalion of the 65th Motorised Protection Regiment in July 1995,[17616] as well as documentary evidence.

5057. The Trial Chamber refers to its finding in chapter 7.13 *Schedule E.13.1* that the Skorpions were the sole perpetrators of the killings in Scheduled Incident E.13.1 and its finding in chapter 9.6.4 that they were not tools in the Srebrenica JCE and will therefore not further consider this unit in the present chapter.

5058. The Trial Chamber recalls its finding in chapter 9.6.2, that from 11 July 1995 until at least 17 July 1995 the MUP forces deployed in the sector of Srebrenica and under Borovčanin's command were under the command of the VRS.

5059. The Trial Chamber recalls its finding in chapter 7.1.3 that on 10 July 1995 pursuant to an order from the Supreme Commander, the MUP ordered various of its units, including a company from the Jahorina MUP Training Centre, the 2nd Special Police Detachment from Šekovići, the 1st Company of the Zvornik Special Police Unit of the Zvornik CSB, and one company of joint forces of the RSK MUP, Serbian MUP, and of the Bosnian-Serb MUP, to form a combined unit of MUP forces, commanded by Ljubiša Borovčanin, to participate in the Srebrenica operation. The Trial Chamber further recalls evidence reviewed in chapter 7.1.3 that Borovčanin was to contact General Krstić upon arrival; however when he arrived in Bratunac around noon on 11 July 1995, he contacted Mladić, who, according to Borovčanin's report, personally commanded the operation. Mladić ordered him to go to Potočari and Milačevići with all available manpower and equipment and to launch an attack in the early morning hours of 12 July 1995. The Trial Chamber also recalls the evidence of Mile Janjić reviewed in chapter 7.1.5 that in Potočari on 12 July 1995, he asked members of the police units why they were directing the women and children towards the buses, while bringing the

[17613] P1592 (Witness RM-256, witness statement, 16 January 1996), p. 1, paras 1-2; Witness RM-256, T. 13187. Witness RM-256's evidence is reviewed in chapter 7.5 *Schedule E.4.1*.
[17614] Pero Andrić, T. 34096-34097, 34130-34131; P7295 (Bosnia-Herzegovina Prosecutor's Office record of interview, 29 June 2006), p. 1; P7297 (List of conscripts within the Bratunac Brigade, July 1995), p. 2. Pero Andrić's evidence is reviewed in chapter 7.5 Schedule E.4.1.
[17615] D922 (Mladen Blagojević, witness statement, 6 June 2014), p.1, para. 3; P7186 (Mladen Blagojević, US Department of Homeland Security, Report of Investigation), pp. 2, 4. Mladen Blagojević's evidence is reviewed in chapter 7.5 *Schedule E.4.**1*** and in chapter 7.14.1 *Schedule E.15.1*.

men towards the yard of the White House and they responded that they were acting on Mladić's order. **Neđo Jovičić** testified that on 12 July 1995, on the way from Bratunac to Potočari, he and Borovčanin saw Mladić on the side of the road and that when they got out of the vehicle Mladić started cursing at Borovčanin and Jovičić, and called them 'Kovač's thieves'.[17617] The witness heard Mladić ordering that one part of Borovčanin's men go to Potočari, to provide security for the transport of the civilians towards Kladanj and Tuzla which was about to start, while the other part should go to Zvornik as Mladić had information that a large group of Muslim soldiers was moving towards the town.[17618]

5060. The Trial Chamber further recalls its findings in chapters 7.1.5 and 7.17 that in Potočari: (i) some soldiers, as well as one member of the Jahorina Detachment of the Special Police Brigade, hit and abused the Bosnian Muslims as they boarded the buses and called them names; (ii) pursuant to Borovčanin's order, members of the MUP Special Police Brigade, including members of the Jahorina Detachment, assisted in the boarding process; (iii) members of the MUP Special Police units brought the males towards the White House; (iv) DK officers were seen in the vicinity of the White House during the time the separated males were detained there and a member of the civilian police was seen counting the buses. In addition, the Trial Chamber recalls its findings in chapters 7.17 and 8.9.2 that members of the civilian police, including members of the Bratunac SJB, and a company of the PJP, were present in Potočari and assisted in the boarding process.

5061. With regard to Mladić's visit to Potočari on 12 July 1995, the Trial Chamber also reviewed the evidence of Ljubodrag Gajić in chapter 7.1.3 that Mladić mentioned that he had issued an order to the civilian authorities in Bratunac to provide a convoy for the transportation of the population in the area. In the same chapter, the Trial Chamber reviewed evidence of Dušan Mićić, that he saw Borovčanin in the vicinity of Mladić on that day.[17619]

5062. The Trial Chamber further reviewed evidence of Momir Nikolić in chapter 7.1.5 about a meeting held in Potočari on 12 July 1995 attended by Dragomir Vasić, Chief of

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[17616] D926 (Bojan Subotić, witness statement, 15 June 2014), paras 2, 4. Bojan Subotić's evidence is reviewed in chapter 7.14.1 *Schedule E.15.1*.
[17617] D976 (Neđo Jovičić, witness statement, 3 August 2014), paras 15, 17-18.
[17618] D976 (Neđo Jovičić, witness statement, 3 August 2014), paras 19-20.
[17619] D977 (Dušan Mićić, witness statement, 24 March 2013), para. 23.

the Zvornik Public Security Centre, who reported that at 8 a.m. Mladić and Krstić, and other senior officers from the police and the army had met at the Bratunac Brigade Command and assigned tasks to all participants at the meeting.[17620] The Trial Chamber recalls evidence of Miroslav Deronjić reviewed in chapter 7.1.5, that on 12 July 1992, Deronjić asked Vasić to contact Mladić and to tell him that the separations going on in Potočari should stop.[17621] Vasić later confirmed to Deronjić that he conveyed the message to Mladić.[17622]

5063. The Trial Chamber also recalls evidence of Momir Nikolić reviewed in chapter 7.1.5 about a meeting at 9:30 a.m. on 13 July 1995, during which Mladić informed Vasić that part of the MUP forces was tasked with organising the evacuation of approximately 15,000 civilians from Srebrenica to Kladanj by bus. Nikolić further testified that when the evacuation began, he observed that Mladić, brigade officers, Borovčanin, and MUP units under Borovčanin's command were present in Potočari. According to Nikolić, General Krstić was in command of all units taking part in the *Krivaja* operation until Mladić arrived and took over command of all units engaged in the combat operations, which were completed on 11 July 1995. Vasić reported that during the meeting with Mladić they were informed that the VRS was continuing operations towards Žepa and 'leaving all other work to the MUP' including the 'killing of about 8,000 Muslim soldiers whom [they] blocked in the woods near Konjević Polje'.[17623] This job was reported to be done solely by MUP units.[17624]

5064. The Trial Chamber recalls evidence reviewed in chapter 7.5 *Schedule E.4.1* relating to the presence of Mladić in Sandići Meadow on 13 July 1995 as well as its findings in that chapter, that members of the 1st Company of the Jahorina Police Training Centre shot and killed 10 to 15 Bosnian-Muslim men later that day.

5065. The Trial Chamber further recalls evidence by Bojan Subotić reviewed in chapter 7.14.1 *Schedule E.15.1* relating to Mladić's presence at the Nova Kasaba football field on 13 July 1995 and his orders to the military police to escort the detainees

[17620] P1509 (Report of the Zvornik Public Security Centre by Dragomir Vasić on meeting in Bratunac, 12 July 1995); *See also* Momir Nikolić, T. 11814-11815.
[17621] P3567 (Miroslav Deronjić, *Blagojević and Jokić* transcript, 19-22 January 2004), pp. 6273, 6412.
[17622] P3567 (Miroslav Deronjić, *Blagojević and Jokić* transcript, 19-22 January 2004), pp. 6274, 6412.
[17623] P2118 (Zvornik CJB Report, 13 July 1995). *See also*, Richard Butler, T. 16286-16288. During Richard Butler's testimony, the Defence raised that the term 'killing' in the English translation of this exhibit was not accurate. The Trial Chamber suggested that the Defence submit a request for verification of the translation if it so wished. The Trial Chamber notes that no such request was made and that therefore the translation of exhibit P2118 in ecourt still contains the term 'killing'.

to Vuk Karadžić Elementary School in Bratunac, and to hand them over to the civilian police. In the same chapter, the Trial Chamber found that from 12 to 14 July 1995, members of the VRS Bratunac Brigade Military Police Platoon, members of the special police, members of the MUP, members of the Drina Wolves and paramilitary formations held several thousand Bosnian-Muslim civilians and soldiers in and around Vuk Karadžić Elementary School, and on buses parked outside the school and killed more than 50 Bosnian-Muslim men inside and outside the school in the surrounding area.

The Trial Chamber's findings

5066. The Trial Chamber recalls its finding in chapter 9.7.2 about the Accused's command and control of VRS forces in Srebrenica operation. Further, the Trial Chamber recalls its finding in chapter 7.1.3 that Ljubiša Borovčanin was the Commander of a MUP unit composed of a company from the MUP Training Centre in Jahorina, the 2nd Special Police Detachment from Šekovići, the 1st Company of the Zvornik Special Police Unit of the Zvornik CSB, one company of joint forces of the RSK MUP, Serbian MUP, and Bosnian Serb MUP from 10 July 1995. The Trial Chamber finds that on 11 July 1995, the Accused was contacted by Borovčanin and that he ordered him to launch an attack in the early morning of 12 July 1995.

5067. At 8 a.m. on 12 July 1995, a meeting was attended by Mladić and Krstić at the Bratunac Command Centre. That same day, on the road from Bratunac to Potočari, Mladić cursed at Neđo Jovičić and Borovčanin and called them 'Kovač's thieves'. He then ordered that part of Borovčanin's unit provide security for the transport of the civilians towards Kladanj and Tuzla, while the other part should go to Zvornik since Mladić had information that a large group of Muslim soldiers was moving towards the town. On 12 July 1995, Mladić visited Potočari and Dragomir Vasić, Chief of the Zvornik Public Security Centre, informed him about the ongoing separations there.

5068. The Trial Chamber further finds that on 13 July 1995 at 9:30 a.m., a meeting was held at the Bratunac Command Centre with Vasić, Popović, Krstic, and Mladić. Mladić informed Vasić that part of the MUP forces was delegated the task of organising the evacuation of approximately 15,000 civilians from Srebrenica to Kladanj. During that

[17624] P2118 (Zvornik CJB Report, 13 July 1995).

meeting with Mladić, Vasić was informed that the VRS was leaving the MUP with the task of '[k]illing of about 8,000 Muslim soldiers whom we blocked in the woods near Konjević Polje' and that this job was 'being done solely by MUP units'.

5069. Further, the Trial Chamber finds that Mladić visited Sandići Meadow on 13 July 1995 before the members of the 1st Company of the Jahorina Police Training Centre shot and killed 10 to 15 unarmed Muslim men. The Trial Chamber also finds that on 13 July 1995, Mladić visited Nova Kasaba football stadium and ordered the military police to escort the men from the column who had surrendered to Vuk Karadžić Elementary School in Bratunac and to hand them over to the MUP and that between 12 and 14 July 1995 members of the military police, MUP, Drina Wolves and paramilitary formations, killed more than 50 Bosnian-Muslim men inside and around the school.

5070. In chapter 9.7.6, the Trial Chamber will consider whether Mladić's conduct in this respect, considered together with other acts or omissions, amounts to a significant contribution to the Srebrenica JCE.

9.7.4 Engaging in, supporting and/or facilitating efforts to deny or to provide misleading information about crimes against Bosnian Muslims and about the role that Serb Forces played in those crimes to representatives of the international community, non-governmental organisations, the media and the public, thereby facilitating the commission of crimes

5071. With regard to this alleged contribution, the Trial Chamber received evidence from **Neđo Jovičić**, a member of the Special Police Brigade and the driver for Deputy Commander of the brigade Ljubomir Borovčanin during 1995;[17625] **Eelco Koster**, a member of DutchBat;[17626] **Milovan Milutinović**, Chief of the Press Centre and the Information Service at the 1KK between 1992 and 1994 and head of the VRS Main Staff Information Service and Centre for Information and Propaganda Activities between 1994 and 1996;[17627] **Paul Groenewegen**, a member of DutchBat;[17628] **Rupert**

[17625] D976 (Neđo Jovičić, witness statement, 3 August 2014), para. 2. Neđo Jovičić's evidence is reviewed in chapter 7.1.3.
[17626] P57 (Eelco Koster, witness statement, 26 September 1995), pp. 1-2; Eelco Koster, T. 1235; D25 (UN Peacekeeper Interview Questionnaire completed by Eelco Koster), p. 1. Eelco Koster's evidence is reviewed in chapter 7.1.3.
[17627] D862 (Milovan Milutinović, witness statement, 11 July 2014), paras 3, 5, 51, 54, 140; Milovan Milutinović, T. 30038.

Smith, UNPROFOR Commander in Bosnia-Herzegovina between 23 January and December 1995;[17629] **Joseph Kingori**, an UNMO present in the Srebrenica enclave from March 1995 to around 20 July 1995;[17630] **Milivoje Simić**, Commander of the Doboj Garrison and Commander of Task Force Doboj until 1994;[17631] **Saliha Osmanović and Witness RM-255**, Bosnian-Muslims from Srebrenica Municipality;[17632] **Ljubodrag Gajić**, a member of the MUP 1st Company of the Jahorina Training Centre;[17633] **Mile Janjić**, a member of the Bratunac Brigade military police platoon in July 1995;[17634] **Pero Andrić**, a Serb member of the military police platoon of the Bratunac Brigade from 1994 until July 1995;[17635] and **Dušan Mićić**, a military policeman of the TO from early May 1992 until March 1993 and later commander of a PJP unit in Bratunac;[17636] as well as documentary evidence.[17637]

5072. The Trial Chamber recalls the VRS Main Staff order of 13 July 1995 admitted as exhibit P2120 and reviewed in chapter 7.1.6, according to which Mladić ordered a ban on the giving of information to the media and that entry of all uninvited individuals, especially entry by local and foreign journalists that were not VRS Main Staff Press Centre journalists, to the combat operations zone in the general sector of Srebrenica and Žepa be prevented.

5073. The Trial Chamber also recalls the evidence of, *inter alios*, Mile Janjić, Eelco Koster, Neđo Jovičić, Paul Groenewegen, Milovan Milutinović, Saliha Osmanović and Ljubodrag Gajić in chapter 7.1.3 that Mladić and officers of the VRS Main Staff were present in Potočari on 12 July 1995. Mladić told Koster that he wanted to evacuate the 'refugees'. While walking among the people in Potočari, Mladić stroked the heads of

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[17628] P1157 (Paul Groenewegen, witness statement, 11 November 2011), paras 3-4, 6. Paul Groenewegen's evidence is reviewed in chapter 7.1.5.
[17629] P785 (Rupert Smith, witness statement, 27 October 2009), paras 4, 6; Rupert Smith, T. 7287. Rupert Smith's evidence is also reviewed in chapter 9.7.2.
[17630] P34 (Joseph Kingori, witness statement, 8 January 2012), paras 3, 7. Joseph Kingori's evidence is reviewed in chapter 7.1.3.
[17631] D921 (Milivoje Simić, witness statement, 24 July 2014), paras 6, 20; Milivoje Simić, T. 32527.
[17632] P1461 (Saliha Osmanović, witness statement, 18 June 2000), p. 1, para. 1; Saliha Osmanović, T. 11177-11178. P55 (Witness RM-255, witness statement, 25 May 1996), pp. 1-2. Saliha Osmanović's and Witness RM-255's evidence are reviewed in chapter 7.1.3.
[17633] Ljubodrag Gajić, T. 40268-40269, 40311. Ljubodrag Gajić's evidence is reviewed in chapter 7.1.3.
[17634] P1445 (Mile Janjić, *Blagojević and Jokić* transcript, 24-25 May 2004), p. 9756. Mile Janjić's evidence is reviewed in chapter 7.1.3.
[17635] Pero Andrić, T. 34096-34097, 34130-34131; P7295 (Bosnia-Herzegovina Prosecutor's Office record of interview, 29 June 2006), p. 1; P7297 (List of conscripts within the Bratunac Brigade, July 1995), p. 2. Pero Andrić's evidence is reviewed in chapter 7.1.3.
[17636] D977 (Dušan Mićić, witness statement, 24 March 2013), paras 2, 14-16; Dušan Mićić, T. 33758. Dušan Mićić's evidence is reviewed in chapter 7.1.3.
[17637] P2120 is reviewed in chapter 7.1.6.

some children present in the crowd. When Koster received orders to protest against Mladić's wish to evacuate the people, Mladić became annoyed and irritated and told Koster that 'he could not give a shit about the UN and that he would do as he wanted and that he was now going to evacuate'. He further stated that '[i]f you oppose me, you will be in trouble'. When Mladić addressed the crowd, he told them that buses would arrive soon and bring them to Kladanj or wherever they wanted to be taken and that they were safe. Mladić further stated that the men had to wait longer and be patient. A journalist asked Mladić what would happen to the several hundred Muslim civilians located in the newly liberated Srebrenica. Mladić responded that 'representatives of the population' had asked him for assistance to enable the 'civilians' who wanted to leave Srebrenica to go to territory controlled by the Muslims and Croats. Mladić said that transportation had been arranged for them along with food, water and medicine and that the 'civilians' and UNPROFOR were never the VRS's targets. Women, children and the elderly would be the first to be evacuated on that day without any kind of force, along with anyone else who wanted to leave.

5074. The Trial Chamber further recalls its finding in chapter 7.1.3 in relation to the filmed food distribution by Serb women and soldiers to Bosnian Muslims in Potočari. While distributing, some of the soldiers said 'here you are, filthy swine'. Policemen and VRS soldiers also took part in the distribution. Some soldiers handed out chocolate and cigarettes when a cameraman was filming and took them back when the filming stopped. In addition, the Trial Chamber received evidence of, *inter alios*, Witness RM-255, Koster, Osmanović, Milutinović, Pero Andrić, Dušan Mićić, Neđo Jovičić, Mile Janjić and Joseph Kingori in relation to Mladić's participation during the food distribution in Potočari which is also summarized in chapter 7.1.3. Several witnesses testified that they saw Mladić participate in the distribution of food and cigarettes to the people. Milutinović testified that Mladić had bought candy in a store on his way to Potočari and asked the vendor to invoice the VRS Main Staff. According to Milutinović, Mladić did not hand out the sweets because of the video being made, but because 'he was a man like that'. Milutinović further testified that Mladić ordered him to sell the footage to foreign agencies, with funds to be paid to the VRS Main Staff Financial Service. Koster testified that when the cameraman stopped filming, they stopped distributing these things to the 'refugees'. Joseph Kingori testified that on several occasions he witnessed VRS soldiers, and at times Mladić himself, handing out

candy and drinks to the displaced people in front of UNMOs or TV cameras, only to take it back when the observers left or the cameras were switched off. Jovičić testified that he observed that a few army officers started taking the juice and chocolate and Mladić reprimanded those officers by cursing and pushing someone, and ordered the witness and others to assist with the distribution. Janjić saw Mladić shouting at the members of the Logistics Battalion. The witness was later told by members of the Logistics Battalion that Mladić had ordered that all the food was to be distributed to the people who were leaving and not to the military policemen or the members of the Special Police.

5075. The Trial Chamber moreover recalls its findings from chapter 7.1.4 where it found that Mladić stated several times in the presence of, *inter alios*, Karremans and Boering, that the civilian population were not the target of the VRS and were free to go or stay. Similarly, the Trial Chamber refers to the evidence of Rupert Smith reviewed in chapter 9.7.2 who testified that on 19 July 1995, Mladić pointed out that Srebrenica was 'finished in a correct way' and that the population was evacuated at its own request.

5076. **Rupert Smith** testified that during a meeting with Mladić on 22 August 1995, Mladić stated 'I am a war criminal but you have to talk to me as I am the only one who can allow you to leave Goražde'.[17638] With respect to Srebrenica, Mladić stated that the allegations of atrocities had been contrived to divert attention from the cleansing of the Krajinas by the Croats.[17639]

5077. According to an internal UNPROFOR fax of 20 July 1995, Mladić indicated to General Gobilliard that he wanted to immediately hold a meeting to discuss the possibility of an exchange of all the prisoners held by the Bosnians Muslims and Bosnian Serbs. No final agreement was reached at the meeting as the Bosnian Muslims were not satisfied that the Bosnian Serbs had accounted for all the prisoners taken in the assault on the Srebrenica enclave. The Bosnian Serbs agreed that they would try to produce a fuller reckoning of the Srebrenica prisoners.[17640]

5078. **Milivoje Simić** testified that Mladić visited the corps command in Doboj in early August 1995 to meet with General Talić, Milan Martić, and the witness.[17641] According

[17638] P785 (Rupert Smith, witness statement, 27 October 2009), paras 189, 191.
[17639] P785 (Rupert Smith, witness statement, 27 October 2009), para. 195.
[17640] P816 (UNPROFOR fax re Žepa, 20 July 1995).
[17641] D921 (Milivoje Simić, witness statement, 24 July 2014), para. 28; Milivoje Simić, T. 32529, 32574-32575, 32577, 32581.

to the witness, Mladić said: 'People, something happened that should not have happened, something I could not even imagine. About 2,000 Muslims were killed during the night. Somebody did it without my knowledge and approval. It is terrible, it should not have happened [...]'.[17642] According to the witness, the further conversation revealed that Mladić was talking about the events following the fall of Srebrenica.[17643] Mladić stated that those killed had been in the custody of the VRS and Bosnian-Serb MUP.[17644]

5079. During a CNN interview on 13 August 1995, when asked where the Muslims from Srebrenica who disappeared while fighting the Serbs were, Mladić responded that most had gotten through to Muslim territory and that a small part of the group had surrendered and were under their control and had been registered, or would be registered by the ICRC.[17645] Mladić also denied that any executions took place, and responded to allegations of mass graves by stating that only those who were killed in battle were, for hygienic reasons, put 'in the proper place' until their remains could be exchanged.[17646]

The Trial Chamber's findings

5080. Turning to its findings, the Trial Chamber first recalls its factual and legal findings in chapters 7 and 8 in relation to the killing of the men and boys of Srebrenica and the forcible removal of the women, young children and some elderly from Srebrenica. It also recalls its finding in chapter 3.1.3 on the position of Mladić, as well as its findings in relation to his presence on the ground in Potočari and involvement in the Hotel Fontana meetings 7.1.4, 7.1.3 and 7.1.5. In addition, the Trial Chamber recalls its finding on Mladić's proposal to mislead the international public about the truth, made at the 16th Session of the Bosnian-Serb Assembly on 12 May 1992, as further set out in chapter 9.4.3. The Trial Chamber moreover recalls its finding in chapter 7.18 in relation to reburials.

[17642] D921 (Milivoje Simić, witness statement, 24 July 2014), para. 28; Milivoje Simić, T. 32577-32578, 32583, 32585, 32597.
[17643] D921 (Milivoje Simić, witness statement, 24 July 2014), para. 28; Milivoje Simić, T. 32579-32580, 32585-32589.
[17644] Milivoje Simić, T. 32588.
[17645] P1147 (Srebrenica Trial Video), p. 119.
[17646] P1147 (Srebrenica Trial Video), p. 119.

5081. Based on the foregoing, the Trial Chamber finds that Mladić gave an order on 13 July 1995, which called for the prevention of the entry of local and foreign journalists into the zones of combat operations in Srebrenica and Žepa, as well as a ban on giving any information to the media about operations in Srebrenica, particularly on POWs, evacuated civilians and escapees. The Trial Chamber finds that Mladić's action was to keep the media and international community from knowing what was happening in Srebrenica.

5082. The Trial Chamber further finds that on 11 July 1995, Mladić, while in the presence of Karremans and Boering, said that the civilians were free to stay or go and repeated this statement to a journalist as well as to the people gathered in Potočari on 12 July 1995 adding that if they decided to leave they would be taken to Kladanj or anywhere they liked. Similarly, on 19 July 1995 Mladić said to Smith that the population present in Potočari was evacuated at its own request. In light of its earlier findings, the Trial Chamber finds that Mladić was deliberately misleading representatives of the international community, the public, and the media on these occasions.

5083. The Trial Chamber moreover finds that on 12 and 13 July 1995, Mladić was present in Potočari during the filmed distribution of food and water by members of the VRS, where he personally at times handed out food. He also ordered Milutinović to sell the footage of the distribution to foreign agencies.[17647] In this regard, the Trial Chamber recalls its finding from chapter 7.1.3 The Fall of Srebrenica that some of the soldiers only handed out chocolate and cigarettes when a cameraman was filming, only to take the food back when the filming stopped. In light of its earlier findings, the Trial Chamber finds that Mladić's order regarding the selling of the videotape of the distribution of food and water to foreign agencies was meant to deliberately mislead the international community.

5084. On 13 July 1995, Mladić told Evert Rave that the men and boys who were separated were taken to Bijeljina. On 19 July and 22 August 1995, Mladić denied allegations by the Commander of UNPROFOR in relation to alleged atrocities committed after the fall of Srebrenica, stating that there were rumours being spread to

[17647] The Trial Chamber also notes the evidence received from Janjić, Milutinović, and Jovičić in relation to Mladić's actions during the food distribution in Potočari and finds that it is without impact on its finding whether Mladić's order of selling the videotape to foreign agencies misled the international community.

divert attention from crimes Croats in the Krajina were committing. In a CNN interview on 13 August 1995, Mladić stated that the majority of the men from Srebrenica had escaped to Muslim territory and denied that executions had taken place. In light of its earlier findings, the Trial Chamber finds that Mladić's words and actions during these occasions were deliberately misleading as they did not reflect the reality of the fate of many Bosnian Muslims of Srebrenica of which Mladić was aware.

5085. In chapter 9.7.6, the Trial Chamber will consider whether Mladić's conduct in this respect, considered together with other acts or omissions, amounts to a significant contribution to the Srebrenica JCE.

9.7.5 Facilitating and/or encouraging the commission by members of the VRS, and other elements of Serb Forces under his effective control, of crimes that furthered the objective of the joint criminal enterprise by failing, while under a duty stemming from his position, to take adequate steps to prevent and/or investigate such crimes, and/or arrest and/or punish the perpetrators of such crimes[17648]

5086. The Prosecution argued that the Accused's physical presence in Srebrenica facilitated logistical support, neutralized potential obstacles, and reassured and emboldened his troops that orders to commit crimes came from the top.[17649] The Defence argued that (i) with regard to events in Kravica, the MUP authorities retained all disciplinary responsibility for alleged crimes committed by its personnel while performing their police functions, the Accused was only required to report disciplinary infractions to the MUP, and because there is evidence that the MUP Commander was aware of the alleged crimes, the Accused was discharged of his duty to report them; (ii) the Accused's material ability to investigate and/or punish perpetrators of crimes in Srebrenica was negated by events in Žepa and Drvar, as well as by the fact that the military police had the ability to provide misleading information to the Accused to cover their alleged acts; (iii) due to conflicts with Karadžić and civilian authorities, the Accused lacked the authority and support to effectively investigate and/or punish VRS perpetrators of crimes in Srebrenica.[17650]

[17648] The Trial Chamber considers that this alleged contribution encompasses the one set out in para. 13 (i) of the Indictment.
[17649] Prosecution Final Brief, paras 1640-1642.
[17650] Defence Final Brief, paras 3273-3292.

5087. The Trial Chamber received evidence from **Paul Groenewegen**, a member of DutchBat stationed in Potočari from January until July 1995;[17651] **Milan Milutinović**, Chief of the Press Centre and the Information Service at the 1KK between 1992 and 1994 and head of the VRS Main Staff Information Service and Centre for Information and Propaganda Activities between 1994 and 1996;[17652] **Robert Franken**, the Deputy Commanding Officer of DutchBat in Potočari from 15 January to late July 1995;[17653] **Mile Janjić**, a member of the Bratunac Brigade military police platoon in July 1995;[17654] **Witness RM-297**, a Bosnian Muslim from Zvornik;[17655] **Witness RM-256**, a Bosnian Muslim from Srebrenica and member of the ABiH in 1995;[17656] **Mladen Blagojević**, a Serb member of the Military Police Platoon with the Bratunac Light Infantry Brigade in July 1995;[17657] as well as documentary evidence.[17658]

5088. The Trial Chamber recalls evidence it received from Robert Franken, reviewed in chapter 7.1.4, that he believed Mladić's statements during the first Hotel Fontana meeting that, *inter alios*, DutchBat and the Bosnian Muslims could go away, stay or die were implicit threats. Additionally, in an entry on 15 July 1995, under the heading 'General SMITH', Mladić recorded that Smith informed him: 'Treatment of the population in Srebrenica and Žepa – there are rumours about atrocities, massacres and rape'.[17659] General Smith told him 'It would be good if you would allow the UNHCR and ICR/International Red Cross/ as soon as possible'.[17660]

5089. The Trial Chamber recalls evidence it reviewed in chapter 7.1.3 that on 12 July 1995, Mladić addressed the Bosnian Muslims gathered at the UN compound in Potočari, telling them that anyone who wanted to be transported would be, starting with

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[17651] P1157 (Paul Groenewegen, witness statement, 11 November 2011), paras 3-4, 6. Groenewegen's evidence is reviewed in chapter 7.1.3.
[17652] D862 (Milovan Milutinović, witness statement, 11 July 2014), paras 3, 5, 51, 54, 140; Milovan Milutinović, T. 30038.
[17653] P1417 (Robert Franken, witness statement, 15 January 2012), paras 3-4, 109. Franken's evidence is reviewed in chapter 7.1.4.
[17654] P1445 (Mile Janjić, *Blagojević and Jokić* transcript, 24-25 May 2004), p. 9756. Janjić's evidence is reviewed in chapter 7.1.6.
[17655] P1443 (Witness RM-297, witness statement, 14 August 2013), pp. 1-2; P1442 (Pseudonym Sheet for Witness RM-297). Witness RM-297's evidence is reviewed in chapter 7.5 *Schedule E.4.1.*
[17656] P1592 (Witness RM-256, witness statement, 16 January 1996), p. 1, paras 1-2; Witness RM-256, T. 13187. Witness RM-256's evidence is reviewed in chapter 7.5 *Schedule E.4.1*..
[17657] D922 (Mladen Blagojević, witness statement, 6 June 2014), p.1, para. 3; P7186 (Mladen Blagojević, US Department of Homeland Security, Report of Investigation), pp. 2, 4. Blagojević's evidence is reviewed in chapter 7.5 *Schedule E.4.1.*
[17658] P1147 is reviewed in chapter 7.1.3.
[17659] P363 (Mladić notebook, 14 July - 18 September 1995), pp. 4-5.
[17660] P363 (Mladić notebook, 14 July - 18 September 1995), pp. 5-6.

the women, children, and elderly. He said that they would not be harmed, and that food, water, and medicine had been arranged for them.

5090. The Trial Chamber further recalls that it reviewed evidence in chapter 7.5 *Schedule E.4.1* that on 13 July 1995, Mladić told detainees gathered at Sandići Meadow that they would not be mistreated or provoked, and that they would be exchanged the following day. He also told them that their families were being evacuated and that they would be given food and brought to a cooler place.

The Trial Chamber's findings

5091. In relation to the Defence argument with regard to Kravica that the Accused only had a duty to report crimes allegedly committed by MUP personnel and that the MUP Commander was in any event aware of such crimes, the Trial Chamber recalls that the MUP units were subordinated to the VRS during the Srebrenica operation. Under these circumstances, merely reporting the crimes to the MUP Commander would not satisfy the Accused's duties as commander. Therefore the Trial Chamber rejects this argument. With regard to the Defence argument that the Accused lacked the material ability to investigate and/or punish the perpetrators of crimes in Srebrenica because of other events preoccupying the Accused and the military police's ability to provide misleading information, the Trial Chamber dismisses these arguments as irrelevant. First, even if the Accused was not in a position to immediately take steps to investigate and/or punish crimes, he was under a duty to do so soon thereafter. Second, the Defence has failed to identify any evidence demonstrating misreporting by the military police. In relation to the Defence contention that the Accused lacked the authority to investigate and/or punish the perpetrators of crimes in Srebrenica because of conflicts with Karadžić and the civilian authorities, the Trial Chamber recalls its finding in chapter 9.3.10 that Mladić did possess the authority to order investigations within the military justice system, and therefore finds the Defence's arguments to the contrary to be unpersuasive.

5092. The Trial Chamber first recalls its findings in chapters 7 and 8, in which it found that killings, ill treatment, and deportation and forcible transfer were committed in Srebrenica by (i) members of the VRS, including the Zvornik and Bratunac Brigades of the DK, and (ii) members of the MUP, including the 1st Company of the Jahorina police Training Center, and the Special Police Brigade, including the 2nd Šehovići

Detachment, a MUP company of the Zvornik PJP, and a mixed company of the Janja MUP . In relation to the Accused's presence in Srebrenica and Potočari, the Trial Chamber recalls its finding in chapter 7.1.3 on the fall of Srebrenica on 11 July 1995. The Trial Chamber also recalls its finding in chapters 9.6.2, 9.7.2, and 9.7.3 that during and after the fall of Srebrenica the Accused was in command of the VRS and other elements of Serb forces under his effective control, including MUP forces deployed in the sector of Srebrenica and under Borovčanin's command. Based on these findings, the Trial Chamber finds that the Accused was under a duty to take adequate steps to investigate and/or punish crimes committed in Srebrenica by members of the VRS and other Serb forces under his effective control, including the MUP.

5093. The Trial Chamber takes note of its findings in chapter 7.1.4 that during the Hotel Fontana meetings, the Accused made statements to the effect that the civilian population was not the target of VRS operations and that he would facilitate their transportation out of Potočari. However, the Trial Chamber also recalls that it found in chapter 3.1.2 that in 1995, the DK maintained an effective command and control structure with a strong reporting chain and that there was a fully functioning communication system in place. The Trial Chamber further refers to its finding in chapter 9.6.3, in which it found that VRS officers were aware of killings of Bosnian Muslims in Srebrenica and the Zvornik area, but that there were no investigations or prosecutions with regard to killings committed in July 1995. In light of these findings, the Trial Chamber finds that the Accused was aware of crimes committed in Srebrenica in July 1995 by members of the VRS and the MUP.

5094. The Trial Chamber did not receive evidence to conclude that Mladić ordered any substantial or meaningful investigations into war crimes or crimes against humanity. However, based on the Trial Chamber's findings in chapter 9.7.4 that Mladić engaged in words and actions that were deliberately misleading, the Trial Chamber finds that Mladić's actions in this regard are indicative of his overall stance towards investigating war crimes and crimes against humanity. Based on the foregoing, the Trial Chamber therefore finds that Mladić failed to take adequate steps to investigate crimes and/or punish members of the VRS and other elements of Serb forces, including the MUP, under his effective control who committed crimes in Srebrenica.

5095. In chapter 9.7.6, the Trial Chamber will consider whether Mladić's conduct in this respect, considered together with other acts or omissions, amounts to a significant contribution to the Srebrenica JCE.

9.7.6 Legal findings

5096. The Trial Chamber recalls its findings in chapter 9.6.4 that between the days immediately preceding 11 July 1995 and at least October 1995, there existed a JCE with the primary purpose of eliminating the Bosnian Muslims in Srebrenica by killing the men and boys of Srebrenica and forcibly removing the women, young children, and some elderly men from Srebrenica. In the days immediately preceding 11 July 1995, the objective of the Srebrenica JCE involved the commission of the crimes of persecution and inhumane acts (forcible transfer). The crimes of genocide, extermination, and murder became part of the means to achieve the objective by the early morning of 12 July 1995, prior to the first crime being committed. The Trial Chamber also found that there was a plurality of persons, with the following participating in the realization of the common criminal objective: Radovan Karadžić, Radislav Krstić, Vujadin Popović, Zdravko Tolimir, Ljubomir Borovčanin, Svetozar Kosorić, Radivoje Miletić, Radoslav Janković, Ljubiša Beara, Milenko Živanović, Vinko Pandurević, and Vidoje Blagojević. The Trial Chamber also recalls its findings in chapters 7 and 9.6.4 that physical perpetrators of the crimes forming part of the Srebrenica JCE were VRS or MUP members, all under the operational command of the DK or the Main Staff at the time.

5097. In chapters 9.7.2-9.7.5 , the Trial Chamber made findings about Mladić's acts and omissions during the existence of the Srebrenica JCE. The Trial Chamber found that Mladić: (i) recommended the promotion of Krstić to replace Živanović as Commander of the DK; (ii) between at least 11 July and 11 October 1995, issued several orders to VRS forces, including the DK, concerning the operation in and around Srebrenica; (iii) on 11 and 12 July 1995, gave orders to MUP commander Borovčanin and his units; (iv) in July and August 1995 provided misleading information about the crimes by: informing UNPROFOR that the separated boys and men had been taken to Bijeljina; denying UNPROFOR allegations of atrocities committed after the fall of Srebrenica, stating that these were rumours being spread to divert attention from crimes Croats in the Krajina were committing; and stating in a CNN interview that the majority of the men from Srebrenica had escaped to Muslim territory, denying that executions

had taken place; and (v) failed to take adequate steps to investigate crimes and/or punish members of the VRS and other elements of the Serb Forces under his effective control who committed such crimes.

5098. In considering whether these actions can be deemed significant contributions to the Srebrenica JCE, the Trial Chamber considered in particular Mladić's acts vis-à-vis the VRS and subordinated MUP units, given that all of the principal perpetrators of the crimes forming part of the Srebrenica JCE were VRS or MUP members. Mladić commanded and controlled VRS and MUP units during the Srebrenica operation and its aftermath. Mladić failed to take adequate steps to investigate crimes and/or punish members of the VRS and other elements of the Serb Forces under his effective control who committed such crimes. Mladić's acts were so instrumental to the commission of the crimes that without them the crimes would not have been committed as they were. In light of this, the Trial Chamber finds that through his actions set out in the previous paragraph, the Accused significantly contributed to achieving the objective of eliminating the Bosnian Muslims in Srebrenica by killing the men and boys of Srebrenica and forcibly removing the women, young children, and some elderly men from Srebrenica by way of committing the crimes of persecution, inhumane acts (forcible transfer), genocide, extermination, and murder.

9.7.7 Mens rea

5099. According to the Indictment, the Accused and other members of the Srebrenica JCE, the objective of which was to eliminate the Bosnian Muslims in Srebrenica by killing the men and boys of Srebrenica and forcibly removing the women, young children and some elderly men from Srebrenica Municipality, shared the intent for the commission of the crimes charged.[17661] The Defence argued that (i) the Accused's words and deeds towards Bosnian Muslims in Potočari, Sandići Meadow, and Nova Kasaba disprove any allegations of criminal intent;[17662] (ii) the Accused's personal actions and character do not support allegations of an intent to destroy the Bosnian Muslims in Srebrenica, nor the *dolus specialis* for genocide;[17663] and (iii) the evidence of Momir Nikolić is dubious and unreliable, particularly with regard to the alleged hand

[17661] Indictment, paras 19-20.
[17662] Defence Final Brief, paras 2921, 2924-2926, 2928; T. 44785-44790.
[17663] Defence Final Brief, paras 2895-2905, 2928, 2952-2955; T. 44795-44798, 44804-44805.

gesture made by the Accused during an encounter with the witness at Konjević Polje on 13 July 1995.[17664] In addition to the evidence underlying the Trial Chamber's findings in previous chapters,[17665] the Trial Chamber received evidence from **Witness RM-316**, a Bosnian Muslim from Brnjik Municipality,[17666] and **Leendert van Duijn**, a DutchBat platoon commander from January to July 1995,[17667] as well as documentary evidence.

5100. The Trial Chamber recalls its finding in chapter 3.1.4 that on 12 May 1992, Mladić was appointed Commander of the VRS Main Staff. He remained in this position until at least 8 November 1996. In chapter 7.1.1, the Trial Chamber found that on 19 November 1992, Mladić issued Directive no. 4, in which he ordered the DK to inflict the heaviest possible losses on the ABiH and force them to leave the Birač, Žepa, and Goražde areas with the Muslim population.

5101. On 9 April 1993, at a meeting with UNPROFOR Commander Wahlgren, Deputy Chief of Mission and Director of Civil Affairs of UNPROFOR Thornberry, UNPROFOR Commander Morillon, and General Gvero, Mladić stated that he was ready to allow the UN to enter Srebrenica with as many empty trucks as it would like, in order to remove the Bosnian Muslims.[17668] He also stated that he was ready to open a corridor for the Muslim civilian population to go to Tuzla and that he guaranteed their safety.[17669] He emphasized that the Muslim civilians were not the object of Serb activities.[17670]

5102. On 25 June 1993, during a press interview for NIN magazine and in response to a question about the position of Serbs in Muslim or Croat-controlled towns, Mladić said that in some towns, HVO units had saved many Serbs from the 'Turkish cauldron'.[17671] Mladić stated that if the Muslims did not fulfil the ceasefire agreement for Srebrenica and Žepa 'nobody [would] be able to help them'.[17672] He added that the Muslims should worry about how they would feed their people in a VRS-encircled Srebrenica and Žepa as winter arrived and no one could provide them with food.[17673] He went on to say that

[17664] Defence Final Brief, paras 2523-2575; T. 44798-44799.
[17665] *See* chapters 7.1.3, 7.1.4, 7.1.5, 7.1.6, 9.7.2, 9.7.3, 9.7.4, and 9.7.5.
[17666] P1654 (Witness RM-316, *Tolimir* transcript, 27 May 2010) pp. 2046-2047; Witness RM-316, T. 13593-13594; P1653 (Pseudonym sheet for Witness RM-316).
[17667] P1154 (Leendert van Duijn, *Popović et al.* transcript, 27 September 2006), pp. 2256-2258, 2261.
[17668] D1597 (Summary of a meeting of Mladić and UNPROFOR, 11 April 1993), pp. 2, 6.
[17669] D1597 (Summary of a meeting of Mladić and UNPROFOR, 11 April 1993), p. 6.
[17670] D1597 (Summary of a meeting of Mladić and UNPROFOR, 11 April 1993), p. 6.
[17671] P7719 (Press article with interview of Mladić, 25 June 1993), p. 7.
[17672] P7719 (Press article with interview of Mladić, 25 June 1993), pp. 4, 5.
[17673] P7719 (Press article with interview of Mladić, 25 June 1993), p. 5.

while he was convinced that the majority of UNPROFOR members had been impartial, in Srebrenica, 'everything was done for the protection of the Muslim population, but in turn, not a single Serb was evacuated from Tuzla, despite the loud promises'.[17674] Mladić also stated that the Serbs did not need to 'exchange territories' in which Serbs were a majority, and that 'if the Croats or the Turks want to exchange territories, we can only let them have a part of what was ours'.[17675]

5103. During the 34th session of the Bosnian-Serb Assembly held from 27 August to 1 October 1993, Mladić noted that they did not allow any connection of the enclaves in Eastern Bosnia.[17676] He stated 'my aim was, and I am sure that if we establish Republika Srpska they could not wait to get out of the enclaves. However, if they don't want to, we have to provide the conditions so that they could feel glad when we offer it to them'.[17677] During the same session, Mladić said that the army had to 'make some moves to tighten the rope in Srebrenica'.[17678]

5104. According to an interview published on 11 February 1994, Mladić remarked that until the war, Srebrenica was a large 'Islamic and Turkish stronghold' which had been built on Serb soil, and although they had been the majority population there, the heritage did not belong to the 'Turks'. He further remarked that 'If the international community had not meddled, they would have paid the price for everything they had done up to then to the Serb people […] The Turks from Srebrenica committed the worst crimes against the Serb people at the time of the suppression of the rebellion against the Turkish governors'. He also stated that Muslims from Srebrenica, Žepa, and Goražde burnt down over 100 Serb villages in June and July 1992, and that Serbs were therefore forced to 'stop their savagery by a complex and militarily efficient operation, and to adequately punish them for what they had done in the past and for what they were doing now'.[17679] Mladić stated that the Drina was a synonym of domination over the Serbs,

[17674] P7719 (Press article with interview of Mladić, 25 June 1993), p. 6.
[17675] P7719 (Press article with interview of Mladić, 25 June 1993), p. 8.
[17676] P2508 (Excerpts of the minutes of the 34th session of the Bosnian-Serb Assembly, 27-29 August, 9-10 September, 29-1 October 1993), p. 70.
[17677] P2508 (Excerpts of the minutes of the 34th session of the Bosnian-Serb Assembly, 27-29 August, 9-10 September, 29-1 October 1993), p. 70.
[17678] P2508 (Excerpts of the minutes of the 34th session of the Bosnian-Serb Assembly, 27-29 August, 9-10 September, 29-1 October 1993), p. 73.
[17679] P1973 (Article in newspaper 'Nin' entitled 'Being on the offensive is my destiny', 11 February 1994), p. 4.

dating from the time of the powerful Turkish empire, when five-year old and seven-year old Serb boys were taken across this river and turned into 'Turkish warriors'.[17680]

5105. On 15 August 1994, Mladić told Milan Lešić, a representative of the Canada-based Humanitarian Organization 'Republika Srpska', that he did not know whether they killed that 'kind' over there in Canada and America, but that they ought to kill the '*Ustaša*' there, as well as those who support and collaborate with them: Macedonians, Slovenes, and Muslims.[17681] Mladić demanded that Lešić film the area around them; 'Let our Serbs see what we have done to them, how we took care of the Turks'.[17682] Mladić also said that if the Dutch had not been there to protect them, 'they would have disappeared from this area a long time ago'.[17683]

5106. The Trial Chamber recalls evidence in exhibit P1147, reviewed in chapter 7.1.3, that upon arriving in Srebrenica on 11 July 1995, Mladić said: 'Here we are, on 11 July 1995, in Serb Srebrenica. On the eve of yet great Serb holiday, we give this town to the Serb people as a gift. Finally, after the [R]ebellion against the Dahis, the time has come to take revenge on the Turks in this region'.

5107. The Trial Chamber recalls its findings in chapter 8 that the crimes of murder, extermination, persecution, inhumane acts (forcible transfer), and genocide, were committed in Srebrenica in July 1995.

5108. The Trial Chamber further recalls its finding in chapter 9.6.4 that there existed a JCE with the primary purpose of eliminating the Bosnian Muslims in Srebrenica by killing the men and boys of Srebrenica and forcibly removing the women, young children, and some elderly men from Srebrenica. In the days immediately preceding 11 July 1995, the objective of the Srebrenica JCE involved the commission of the crimes of persecution, and inhumane acts (forcible transfer); the crimes of genocide, extermination, and murder became part of the means to achieve the objective by the early morning of 12 July 1995, prior to the first crime being committed. The JCE existed until at least October 1995, when reburials in the Zvornik and Bratunac municipalities took place. The Trial Chamber further recalls that the charged crimes, except for Scheduled Incident E.13.1 and the ill-treatment of the Trnovo victims prior to

[17680] P1973 (Article in newspaper 'Nin' entitled 'Being on the offensive is my destiny', 11 February 1994), p. 5.
[17681] P1147 (Updated Srebrenica Trial video with Transcript), p. 116.
[17682] P1147 (Updated Srebrenica Trial video with Transcript), p. 117.
[17683] P1147 (Updated Srebrenica Trial video with Transcript), p. 117.

them being killed, were committed by VRS or MUP units, all under the operational command of the DK or the VRS Main Staff at the time. As such, JCE members used these units to commit the Srebrenica crimes in furtherance of the JCE.

5109. In chapter 9.7.2, the Trial Chamber found that between at least 11 July and 11 October 1995, Mladić issued several orders to VRS forces, including the DK, concerning the operation in and around Srebrenica, and that from 10 July 1992 to 17 July 1995, he received reports from VRS units, including the DK, present in and around Srebrenica. In relation to Mladić's command and control over the VRS, the Trial Chamber further recalls that in the days before 11 July 1995, Mladić was in the area of responsibility of the Bratunac Brigade and at the Bratunac Brigade headquarters and IKM. During these days and on 12 July 1995, Janković and many DK Command officers, including Krstić, Popović, Lieutenant Kosorić, and Vinko Pandurević, were also at the Bratunac Brigade headquarters. On 10 July 1995, Živanović, Krstić, and the commanders of the Corps brigades were all in the area of responsibility of the Bratunac Brigade. On 9 and 10 July 1995, Mladić received information from Krstić and Živanović on how the attack on Srebrenica was progressing. On 10 July, he was personally in command of the DK IKM. Between 11 July and 14 September 1995, Mladić issued several orders to the DK. In the evening of 11 July 1995, Mladić ordered Škrbić to mobilise buses and by 12 July, he ordered the transportation of Bosnian Muslims out of Potočari under the responsibility of Aćamović. Mladić was present while the separation of men was taking place and that the separations were carried out by VRS soldiers under his command. On 13 July 1995, Mladić addressed Bosnian Muslims at Nova Kasaba football field and assured the Bosnian-Muslim soldiers there that they would be fed, housed, and taken to Bratunac to be exchanged. Mladić then ordered Zoran Malinić and Bojan Subotić to secure the transfer of detainees to the Vuk Karadžić Elementary School in Bratunac.

5110. The Trial Chamber recalls its findings in chapter 7.1.4 that on 11 and 12 July 1995, three meetings were held at Hotel Fontana in Bratunac between the VRS, DutchBat officers, and 'representatives' of the Bosnian Muslims (during the second and third meetings) in Potočari to discuss the fate of those who had gathered in Potočari. The first meeting took place at approximately 8 p.m. on 11 July and was attended by, *inter alios*, Mladić, Živanović, Janković, Nikolić, Krstić, Kosorić, some other VRS members, as well as DutchBat representatives. During this meeting unarmed DutchBat

soldiers were being detained by the VRS in an adjacent room. Mladić led the first meeting in an intimidating atmosphere, using threatening language. On the same evening at approximately 10 or 11 p.m., the second meeting took place. It was attended by the same participants, in addition to Ljubisav Simić, the Mayor of Bratunac, and Nesib Mandžić, who had been asked by Karremans and Boering to act as a representative for the Bosnian-Muslim population gathered in Potočari. During the second meeting, the evacuation of the civilian population from Potočari was again discussed and Mladić reiterated that they were not the target of the VRS and were free to go or stay. He offered to provide buses for their transport, if others provided the fuel. When Mandžić proposed that international organizations should be involved in the evacuation process, Mladić told him that 'his people' were to either live or vanish and that their fate was in Mandžić's hands. The following morning, on 12 July 1995, a third meeting took place at around 10 a.m. attended by Mladić, several VRS officers, including Krstić, as well as Miroslav Deronjić, two DutchBat officers Karremans and Boering as well as three Bosnian Muslims who were told to act as representatives of the civilian population in Potočari, Nesib Mandžić, Ibro Nuhanović and Ćamila Omanović. Mladić repeated his demand for the surrender of all armed Bosnian-Muslim men and weapons, and stated that 'you can either survive or disappear'. Mladić also stated that the civilians could stay or go where they wished and that he would let everyone go regardless of the fact that some of them may have been involved in crimes. The screening of men aged between 16 and 60 was also discussed. The Trial Chamber also recalls the evidence of Witness RM-294, reviewed in chapter 7.1.4, that on 11 July 1995, during the second Hotel Fontana meeting, Mladić was informed about the extremely poor humanitarian situation in Potočari where 25,000 or 30,000 people had gathered.

5111. The Trial Chamber recalls evidence from Robert Franken, reviewed in chapter 7.1.5 and chapter 9.7.2 regarding Mladić's involvement in the transportation of Bosnian Muslims towards Kladanj on 12 July 1995.

5112. During a conversation between Mladić and a VRS Main Staff duty officer, intercepted on 16 July 1995 at 4.15 p.m. on channel 13 (Mladić's telephone line), Mladić was informed that 'Pandurević had arranged passage for Muslims over to that

territory'.[17684] The duty officer received this information on the phone from the 'President', who in turn had been informed by 'Karišik'. The duty officer informed Mladić that he had asked to be urgently connected to Pandurević. The duty officer said that he had requested a telegram from Pandurević with the information he had just received from the President and instructed Pandurević 'not to do anything without authorisation until he receives our answer'. He also informed Mladić that equipment was captured at four UN checkpoints in Žepa, which was then confiscated.[17685] **Witness RM-316** testified that even though this intercept only reflects the duty officer's side of the conversation, and the introduction note states that Mladić was inaudible, Mladić would not have been inserted unless the operators had clearly identified him.[17686] The Main Staff duty officer was the person who used that telephone on that channel to speak to Mladić; Mladić himself could have been anywhere.[17687]

5113. According to an intercepted conversation that took place at 10:30 p.m. on 16 July 1995 between Mladić and someone called 'Mane', during which Mane told Mladić that 'the road is open' and confirmed that all was good and going as it should.[17688] Mladić told Mane to continue, and asked him if there was 'any chance to make me happy with a new one tomorrow', to which Mane responded 'yes'.[17689] Mladić said 'everything is under control on this end and very positive'.[17690] Witness RM-316 testified that Mladić was in his office during this conversation.[17691]

5114. According to another intercepted conversation that took place on channel 13 on 16 July 1995, at 10:50 p.m., between Mladić and a person called 'Kostić', who was inaudible, Mladić said that 'the best would be to give up on Muslims completely, and on Croats as well', 'that's finished bro, there are only some smaller groups left', and 'of

[17684] Witness RM-316, T. 13624-13625; P1655 (Intercept no. 664, 16 July 1995). *See also* P1338 (Intercept of a Main Staff Duty Officer and Mladić, 16 July 1995), p. 1. The Trial Chamber notes that exhibits P1655 and P1338 are duplicates and has thus referred only to P1655 in further references to the same document.
[17685] P1655 (intercept no. 664, 16 July 1995).
[17686] Witness RM-316, T. 13606-13608, 13639, 13655-13657; P1655 (Intercept no. 664, 16 July 1995).
[17687] Witness RM-316, T. 13625-13629.
[17688] Witness RM-316, T. 13618-13619; P1657 (Intercept no. 671 and no. 672, 16 July 1995), p. 1. The Trial Chamber understands the reference to 'Mane' to be a reference to Manojlo Milovanović. *See* P4221 (Intercept of Mladić and Milovanović, 16 July 1995 at 10:30 p.m.).
[17689] P1657 (Intercept no. 671 and no. 672, 16 July 1995), p. 1.
[17690] P1657 (Intercept no. 671 and no. 672, 16 July 1995), p. 1.
[17691] Witness RM-316, T. 13674-13675, 13676-13677; P1657 (Intercept no. 671 and no. 672, 16 July 1995), p. 1.

course, we'll deal with those terrorists'.[17692] Further, Mladić told Kostić to do his job and not to worry, and that they were waiting for Kostić to come to Srebrenica and Žepa.[17693] Based on the document and the fact that only Mladić was audible, **Witness RM-316** concluded that Mladić was in his office when the call was made.[17694]

5115. The Trial Chamber further recalls its findings in chapter 9.7.3 that on 11 July 1995, Mladić ordered Ljubiša Borovčanin to launch an attack in the early morning of 12 July 1995. At 8 a.m. on 12 July 1995, Mladić and Krstić attended a meeting at the Bratunac Command Centre. Later that day, Mladić visited Potočari. Dragomir Vasić, Chief of the Zvornik Public Security Centre, informed him about the ongoing separations there. At 9:30 a.m. on 13 July 1995, during another meeting at the Bratunac Command Centre with Vasić, Popović, and Krstic, Mladić informed Vasić that part of the MUP forces was delegated the task of organising the evacuation of approximately 15,000 civilians from Srebrenica to Kladanj. During that meeting with Mladić, Vasić was informed that the VRS was leaving the MUP with the task of '[k]illing of about 8,000 Muslim soldiers whom we blocked in the woods near Konjević Polje' and that this job was 'being done solely by MUP units'.

5116. The Trial Chamber further recalls from chapter 9.7.3 that on 13 July 1995, Mladić visited (i) Sandići Meadow before the members of the 1st Company of the Jahorina Police Training Centre shot and killed 10 to 15 unarmed Muslim men; and (ii) Nova Kasaba football stadium, where he ordered the military police to escort the men from the column who had surrendered to Vuk Karadžić Elementary School in Bratunac and to hand them over to the MUP. Between 12 and 14 July 1995 members of the military police, MUP, Drina Wolves and paramilitary formations, killed more than 50 Bosnian-Muslim men inside and around the school.

5117. The Trial Chamber recalls its findings in chapter 9.7.4 that Mladić's words and actions between 11 July and 22 August 1995, in particular his repeated statements that the civilians in Potočari were free to stay or go, his presence in Potočari on 12 and 13 July 1995, where he encouraged the filmed distribution of food and water by members of the VRS, his orders to have Milutinović sell the footage of the distribution to foreign

[17692] Witness RM-316, T. 13619; P1657 (Intercept no. 671 and no. 672, 16 July 1995), pp. 1-2. *See also* P1658 (Intercept nos. 671 and 672, 16 July 1995), pp. 1-2. The Trial Chamber notes that exhibits P1657 and P1658 are duplicates and has thus referred only to P1657 in further references to the same document.
[17693] P1657 (Intercept no. 671 and no. 672, 16 July 1995), p. 2.

agencies, and his denial that executions had occurred, did not reflect the reality of the fate of many Bosnian Muslims of Srebrenica and were meant to deliberately mislead representatives of the international community, the public, and the media. The Trial Chamber further found that Mladić's order of 13 July 1995, calling for the prevention of entry of local and foreign journalists into the zones of combat operations in Srebrenica and Žepa, as well as the ban on giving any information to the media about operations in Srebrenica, particularly on POWs, evacuated civilians, and escapees, was intended to keep the media from knowing what was happening in Srebrenica.

5118. The Trial Chamber recalls the evidence of Eelco Koster, reviewed in chapter 7.1.3 that, on 12 July 1995, Mladić became annoyed and irritated when the witness protested against Mladić's wish to 'evacuate the refugees'. Mladić told Koster that he 'could not give a shit about the UN and that he would do as he wanted, and that he was now going to evacuate'. Mladić also said '[i]f you oppose me, you will be in trouble'.

5119. The Trial Chamber recalls its review of Momir Nikolić and Bruce Bursik's evidence in chapter 7.1.6. Nikolić testified that in the afternoon of 13 July 1995, he met Mladić at the crossroads in Konjević Polje. Nikolić reported to Mladić that the road was secure. There were detainees visibly present at Konjević Polje that afternoon, at the time when Mladić was present. Mladić exited his vehicle, approached a group of detainees, and addressed them, stating that everything would be all right, that they should not worry and would soon be taken wherever they pleased. Returning to the vehicle, the witness asked Mladić what would really happen to the detainees. Mladić responded by smiling and making a sweeping gesture with his right hand from left to right approximately at the middle of his body. Mladić then laughed and entered the vehicle, which left for Vlasenica.

5120. In 2003, Nikolić described to Bruce Bursik, an investigator for the Prosecution, his encounter with Mladić in Konjević Polje on 13 July 1995, during which Mladić turned and gestured with his hand with a flat wave which was understood by Nikolić to mean that the prisoners were to be killed. Nikolić was in Konjević Polje as he had the duty of checking if the road Mladić was to pass through was operative, passable and secure. Bursik testified that with regard to the killings on 12 and 13 July 1995, Nikolić

[17694] Witness RM-316, T. 13676-13677, 13678-13679; P1657 (Intercept no. 671 and no. 672, 16 July 1995), p. 2.

stated that he never gave the orders for the killings, but knew that soldiers were carrying out 'unauthorised killings' of men.

5121. In the supplementary statement of 16 April 2009, Nikolić corrected 12 out of 15 paragraphs from his original statement of facts and acceptance of responsibility. On 28 and 29 April and 1 May 2003 at the UNDU, Bursik conducted interviews with Nikolić, after having agreed with a counsel from the Prosecution not to record the conversations.

5122. The Trial Chamber recalls the evidence of Mladen Blagojević and Mile Petrović, members of the Bratunac Brigade military police platoon, reviewed in chapter 7.1.6 on their presence in Konjević Polje on 13 July 1995 and the hand gesture made by Mladić as described in Nikolić's evidence.

5123. The Trial Chamber recalls its finding in chapter 9.7.5 that Mladić failed to take adequate steps to investigate crimes and/or punish members of the VRS and other elements of Serb forces, including the MUP, under his effective control who committed crimes in Srebrenica.

5124. In the following paragraphs, the Trial Chamber will present, and in some cases recall from other chapters, evidence of remarks about Muslims made by Mladić as well as general statements from Mladić about the events in Srebrenica.

5125. **Leendert van Duijn** testified that on 12 July 1995, while the transportation of Bosnian Muslims out of Potočari was still ongoing, he had a conversation with Mladić.[17695] Mladić, commenting on the dark skin-colour of one of the DutchBat officers, told the witness that multi-ethnic societies were a problem for the Netherlands and that in ten years time he would be in the Netherlands, with his soldiers to protect the Dutch from Muslims and other races.[17696] Later that day, in an effort to reunite a Bosnian-Muslim woman who had been separated from her children that were aboard one of the last trucks of the convoy ready to depart, van Duijn asked his Bosnian-Muslim interpreter to go over to Mladić to explain why van Duijn was crossing into an area where DutchBat soldiers were not supposed to go.[17697] His interpreter hesitated.[17698] Van Duijn told his interpreter that he was going anyway and picked up

[17695] P1154 (Leendert van Duijn, *Popović et al.* transcript, 27 September 2006), pp. 2292-2293.
[17696] P1154 (Leendert van Duijn, *Popović et al.* transcript, 27 September 2006), pp. 2292-2293; Leendert van Duijn, T. 10316-10317.
[17697] Leendert van Duijn, T. 10317-10319.
[17698] Leendert van Duijn, T. 10319.

the woman and ran towards the truck with her children in it.[17699] When he turned around, van Duijn saw that his interpreter was speaking to Mladić.[17700] When van Duijn joined them, Mladić took issue with van Duijn's interpreter speaking to him in van Duijn's absence.[17701] Mladić warned van Duijn, through the use of van Duijn's interpreter, that if it were to happen again, *i.e.* if his interpreter would address him again directly, he would personally shoot the interpreter.[17702] During this second interaction, Mladić had also made a comment to van Duijn's interpreter suggesting that Muslims only think of reproducing.[17703] According to van Duijn, his interpreter was so scared that he was shivering; the interpreter did not let go of van Duijn until he was escorted back and handed over to a colleague at the UN compound.[17704]

5126. The Trial Chamber recalls the evidence of Witness RM-297, reviewed in chapter 7.1.6, who testified that when the enclave finally fell on 11 July 1995, everyone decided to flee because Karadžić and Mladić had said that they would take revenge on the people of Srebrenica. The witness testified that Mladić called Srebrenica '"Srebrenica Srpska", Serbian Srebrenica, and he promised to take revenge on the Turks and the janissaries'.

The Trial Chamber's findings

5127. With regard to the Defence's general arguments on the reliability of Momir Nikolić, the Trial Chamber refers to its discussion in chapter Appendix B. The Trial Chamber received evidence from Nikolić concerning an encounter with Mladić in Konjević Polje on 13 July 1995 and an alleged hand-gesture made by Mladić. The Trial Chamber further reviewed the evidence of Mladen Blagojević and Mile Petrović denying any encounter between Nikolić and Mladić on 13 July 1995 at the Konjević Polje intersection. The Trial Chamber notes that Blagojević's evidence on this event is

[17699] Leendert van Duijn, T. 10319.
[17700] Leendert van Duijn, T. 10319.
[17701] P1154 (Leendert van Duijn, *Popović et al.* transcript, 27 September 2006), p. 2295; Leendert van Duijn, T. 10319-10320.
[17702] P1154 (Leendert van Duijn, *Popović et al.* transcript, 27 September 2006), p. 2295; Leendert van Duijn, T. 10319-10320.
[17703] P1154 (Leendert van Duijn, *Popović et al.* transcript, 27 September 2006), p. 2294; Leendert van Duijn. T. 10320.
[17704] P1154 (Leendert van Duijn, *Popović et al.* transcript, 27 September 2006), p. 2295; Leendert van Duijn, T. 10319-10320, 10402.

internally inconsistent and will not consider it further in this regard.[17705] The Trial Chamber notes that Petrović's evidence contradicts Nikolić's evidence in so far as it suggests that Nikolić did not meet Mladić in Konjević Polje on the afternoon of 13 July 1995. Under these circumstances and in the absence of corroboration on this potentially important event, the Trial Chamber finds that it is unable to establish beyond reasonable doubt that the encounter between Nikolić and Mladić took place and that Mladić made the alleged hand gesture. The Trial Chamber will therefore not further consider Nikolić and Petrović's evidence in this regard.

5128. In determining whether Mladić shared the intent to achieve the common objective of the Srebrenica JCE, the Trial Chamber considered, Mladić's statements and conduct throughout the take-over of the Srebrenica enclave, including his command and control over VRS and MUP units operating in and around Srebrenica in July 1995, his role in the Hotel Fontana meetings on 11 and 12 July 1995 during which the transportation of Bosnian Muslims out of Srebrenica Municipality was discussed, his presence at a meeting at the Bratunac Command Centre on 13 July 1995 with VRS and MUP officers during which the task of killing about 8,000 Muslim males near Konjević Polje was discussed,[17706] his presence during the gathering of Bosnian Muslims in Potočari on 12 and 13 July 1995 and during the separation of Bosnian-Muslim men, his denial of the crimes committed in Srebrenica, as well as the measures he took to provide misleading information and to prevent the media from knowing what was happening in Srebrenica. The Trial Chamber also considered his statements that the Bosnian Muslims should be evacuated including those who did not want to leave and his request to open a road towards Kladanj for the evacuation. The Trial Chamber further considered that from at least 1994 and throughout July 1995, Mladić made numerous statements expressing the need to take revenge on the Bosnian Muslims from Srebrenica, adding that they would have 'disappeared a long time ago' had it not been for the involvement

[17705] The Trial Chamber notes that in an interview with the US Department of Homeland Security in 2005, in evidence as exhibit P7186, Blagojević stated that on 13 July 1995, he saw Momir Nikolić in an UNPROFOR vehicle near Konjević Polje. In his witness statement, in evidence as exhibit D922, Blagojević testified that he did not see Nikolić in Konjević Polje on 13 July 1995 and that Nikolić did not meet Mladić at the intersection. *See* P7186 (Mladen Blagojević, US Department of Homeland Security, Report of Investigation), p. 11; D922 (Mladen Blagojević, witness statement, 6 June 2014), paras 11-12; Mladen Blagojević, T. 32613-32615.

[17706] The Trial Chamber refers to the submissions of the Parties with regard to P2118 as set out in chapter 9.7.3. In the absence of a request for a revised translation, the Trial Chamber will rely on the language in the document itself, namely the word 'killing'. Even if the word 'killing' were to be replaced by the word 'liquidating' as suggested by the Defence (Defence Final Brief, para. 2977), this would not alter the Trial Chamber's interpretation of the document.

of the international community. He further stated on several occasions during the Hotel Fontana meetings that the Bosnian Muslims from Srebrenica could 'live or vanish' and 'survive or disappear'. Based on the foregoing, the Trial Chamber finds that Mladić intended to eliminate the Bosnian Muslims in Srebrenica by killing the men and boys of Srebrenica and forcibly removing the women, young children, and some elderly men from Srebrenica, through the commission, as set out in chapter 8, of the crimes of persecution, inhumane acts (forcible transfer), murder, and extermination.

5129. With regard to the crime of genocide in particular, the Trial Chamber recalls its findings in chapter 8 that at least 3,720 Bosnian-Muslim males were killed and thousands of Bosnian Muslims in Srebrenica were subjected to serious bodily or mental harm, which contributed to the destruction of the targeted group as a result of actions of members of the VRS, military police, civilian police, special police, Drina Wolves, and paramilitary formations. With regard to whether the targeted part of the protected group constituted a substantial part of the protected group, the Trial Chamber recalls its finding in chapter 8 that the Bosnian Muslims in Srebrenica constituted a substantial part of the Bosnian-Muslim population in Bosnia-Herzegovina. Finally, the Trial Chamber recalls its finding that the physical perpetrators committed the prohibited acts with the intent to destroy the Bosnian Muslims in Srebrenica, as a substantial part of the protected group of Bosnian Muslims in Bosnia-Herzegovina, which constituted the crime of genocide.

5130. With regard to Mladić's intent to commit genocide, the Trial Chamber considered in particular, his command and control over VRS and MUP units operating in and around Srebrenica from at least 11 July to 11 October 1995, his orders to separate the Bosnian-Muslim men from the women, children and elderly in Potočari from 12 July 1995, as well as his statements and speeches between 11 July and August 1995, in which he articulated that it was time to take revenge, and threatened that the Bosnian Muslims of Srebrenica could either 'live or vanish', 'survive or disappear', that only the people who could secure the surrender of weapons would save the Bosnian Muslims from 'destruction'. The Trial Chamber further considered Mladić's presence at Nova Kasaba football field and Sandići Meadow on 13 July 1995, where several thousand Bosnian-Muslim males were detained, and his misleading assurances that they would be taken to Bratunac to be exchanged, as well as his presence at a meeting on 13 July 1995, with MUP and VRS officers during which the VRS tasked the MUP with the killing of

about 8,000 Muslim males near Konjević Polje. Finally, the Trial Chamber recalls its findings on the murder, extermination, and persecution of Bosnian Muslims in Srebrenica, in chapters 7.2 – 7.16 and 8. Based on the foregoing and the Trial Chamber's finding that the Bosnian Muslims in Srebrenica constituted a substantial part of the Bosnian-Muslim population in Bosnia-Herzegovina, the Trial Chamber finds that the only reasonable inference is that Mladić had the specific intent to commit genocide. Under these circumstances, the Trial Chamber finds that Mladić intended to eliminate the Bosnian Muslims in Srebrenica by killing the men and boys of Srebrenica and forcibly removing the women, young children, and some elderly men from Srebrenica, through the commission, as set out in chapter 8.10.2, of the crime of genocide.

5131. Based on the above, the Trial Chamber is satisfied that Mladić shared the intent to achieve the common objective of the Srebrenica JCE through the crimes charged in counts 2 to 6 and 8 and rejects the Defence's argument that his personal actions and behaviour did not support criminal intent.

9.8 Fourth joint criminal enterprise (Hostages)

9.8.1 Overview of the charges

5132. According to the Indictment, during May and June 1995, the Accused participated in a JCE to take UN personnel hostage in order to compel NATO to abstain from conducting air strikes against Bosnian-Serb military targets. This objective involved the commission of the crime of hostage-taking.[17707] The Accused shared the intent for the commission of this crime with each of the other members of the alleged JCE.[17708] According to the Indictment, these members included, besides the Accused:

> Radovan Karadžić, members of the Bosnian-Serb Political and Governmental Organs; and commanders, assistant commanders, senior officers, and chiefs of the VRS and MUP.[17709]

Alternatively, some or all of the unnamed individuals were not members of the alleged JCE but were used by members of the alleged JCE to carry out crimes committed in furtherance of its objective.[17710]

5133. Members of the alleged JCE implemented their objective by personally committing crimes or through and by using members of the VRS and MUP to carry out crimes committed in furtherance of the objective.[17711]

5134. The Prosecution submitted that during the relevant period, the Accused issued orders to VRS subordinates to detain UN personnel, use them as human shields, and film them at potential NATO targets for broadcast.[17712] It further submitted that the Accused admitted being involved in the decision to detain UN personnel at potential NATO targets, repeatedly threatened them with death in the event of further air strikes, and participated in the interrogation of hostages who were suspected of assisting NATO.[17713] It also submitted that the Accused negotiated the release of hostages on the condition that air strikes would not take place again and implemented Karadžić's orders to stagger the release of the hostages.[17714]

[17707] Indictment, para. 24.
[17708] Indictment, para. 25.
[17709] Indictment, paras 25-26.
[17710] Indictment, para. 26.
[17711] Indictment, para. 27.
[17712] Prosecution Final Brief, paras 1684-1686, 1688-1689, 1691.
[17713] Prosecution Final Brief, paras 1684-1686, 1688, 1691.
[17714] Prosecution Final Brief, paras 1684-1689, 1691.

5135. The Defence submitted that there is no reliable evidence proving a plan or an agreement involving the Accused and establishing his intent to detain UN personnel to deter NATO air strikes.[17715]

9.8.2 Common objective

5136. The Trial Chamber considered the evidence on the crime of hostage-taking in chapter 6. The Trial Chamber recalls its findings in that chapter that between 25 May and 24 June 1995, VRS soldiers and officers, including members of the military police, and police officers wearing violet uniforms arrested and detained between 260 and 400 UNMOs and UNPROFOR personnel in Pale, Banja Luka, Brčko, and in and around Sarajevo and Goražde. The Trial Chamber recalls that the UNMOs arrested by police officers were then placed in VRS custody. Some were detained in their OPs while others were taken to and detained in strategic military locations in Bosnia-Herzegovina: the ammunition bunker in Jahorinski Potok, the Jahorina radar site, a bridge leading to Pale, a military compound in Banja Luka, the Doboj ammunition depot, the Lukavica barracks, the military police building in Lukavica, and military installations in Višegrad and between Bileća and Zvornik. They were detained in order to exert leverage over NATO to stop air strikes, recover Serb weapons under UNPROFOR control, secure the compliance of UNPROFOR forces with an order to surrender, and on one occasion, obtain the withdrawal of UNPROFOR forces from certain positions and secure an exchange of Bosnian-Serb prisoners.

5137. The Trial Chamber received and reviewed evidence, which it considers reliable, concerning orders to disarm, capture, and detain UN personnel issued by the VRS Main Staff, including the Accused, and the Bosnian-Serb political leadership as well as notes of meetings during which these actions were discussed by the Bosnian-Serb military and political leadership and statements by members of the Bosnian-Serb Presidency concerning the hostage-taking crisis. This evidence is set out in detail in chapter 6 and will be recalled below. In this respect, the Trial Chamber recalls that on 25 May 1995, the Accused ordered the Ilidža Brigade to block and disarm UNPROFOR forces and detain them as 'POWs'. Further, on 30 May 1995, the Accused ordered the SRK Command to complete the disarming of captured UNPROFOR personnel, deploy them

[17715] Defence Final Brief, paras 3308-3309, 3372, 3375, 3381, 3383-3385.

to potential NATO air strike targets, and transport the remaining detained UNPROFOR personnel to a safe place. The Trial Chamber also recalls that on 27 May 1995, the VRS Main Staff issued an order, approved by the Bosnian-Serb President, requesting VRS Corps Commands, as well as the SRK and the military police, to place captured UNPROFOR forces and disarmed surrounded UNPROFOR forces at potential air strike targets to prevent NATO from carrying out air strikes. On 28 May 1995, during a meeting of representatives of the Bosnian-Serb military and political leadership and in the presence of the Accused, it was concluded that the detained UN personnel should be treated as 'POWs'. It further recalls that on 14 and 15 June 1995 during the 51st session of the Bosnian-Serb Assembly, Karadžić acknowledged that the Bosnian-Serb leadership had ordered the arrest of the UN personnel. Around 3 June 1995, the VRS Main Staff issued a press release stating that UNMOs and UNPROFOR forces would remain under VRS control until the UN guaranteed the end of air strikes. Finally, the Trial Chamber recalls that on 15 June 1995, Nikola Koljević, Vice-President of the Bosnian-Serb Republic (*see* chapter 2.1.1), told one of the released UNMOs that the extremely high magnitude of the crisis precipitated by the bombing warranted the response of the Bosnian-Serb Government to take UN peacekeepers hostage. On 18 June 1995, Koljević gave a speech to Pale TV explaining why the Bosnian Serbs had taken hostages.

5138. The Trial Chamber also received and reviewed evidence, which it considers reliable, pertaining to the reporting obligations of VRS units to the Bosnian-Serb military or political leadership regarding the detention of UNPROFOR forces and UNMOs.[17716] In this respect, the Trial Chamber recalls that on 27 May 1995, SRK Commander Dragomir Milošević informed all SRK units that they were to report to SRK Command about, *inter alia*, the number of UN personnel taken prisoner and under blockade. On the same day, Main Staff Deputy Commander Manojlo Milovanović informed various VRS corps and units that they were to report to him personally by the next day about the execution of his order to place at potential air strike targets the captured UNPROFOR forces and the surrounded UNPROFOR forces, who had previously been disarmed. On 28 May 1995, the VRS Chief of Staff reported to the Bosnian-Serb President about the capture of 102 UNPROFOR forces by the DK, the

[17716] Set out in detail in chapter 6 and recalled in this section.

IBK, and the SRK, mentioning the involvement of the Krajina Corps and the HK Command.

5139. Further, the Trial Chamber received and reviewed evidence, which it considers reliable, concerning the release of UNMOs and UNPROFOR forces by the Bosnian-Serb political leadership and the VRS in June 1995.[17717] The Trial Chamber recalls that Karadžić and the Accused issued orders addressed to the VRS Main Staff and various VRS units to release detainees between 2 and 24 June 1995. The Accused issued these orders in execution of Karadžić's orders. The Trial Chamber further recalls that Karadžić said that the release of UN personnel had to be staggered. The MUP was tasked to organise their transport, in execution of Karadžić's orders, and facilitated their transfer. In a meeting with the Accused held on 10 June 1995, Momčilo Perišić said that Slobodan Milošević wanted the release of the rest of the detained UN personnel. The release of some of the detained UN personnel was publicised and filmed and some were taken to Pale to meet with Milošević's security chief in the presence of the press.

5140. The Trial Chamber also received and reviewed evidence, which it considers reliable, regarding the visiting of UN personnel by VRS officers, including members of the VRS Main Staff, as well as by members of the Bosnian-Serb political leadership, including Jovan Zametica, Karadžić's political advisor, at some of the sites where the UNMOs were detained.[17718]

9.8.3 Conclusion

5141. The Trial Chamber is satisfied beyond reasonable doubt that a JCE existed from around 25 May 1995, when NATO air strikes against Bosnian-Serb targets commenced, until approximately 24 June 1995, when the last UN personnel were released. The JCE's objective was the capture of UN personnel deployed in various parts of Bosnia-Herzegovina and their detention in strategic military locations to prevent NATO from launching further military air strikes on Bosnian-Serb military targets. This common objective amounted to the crime of hostage-taking punishable under Article 3 of the Statute.

[17717] Set out in detail in chapter 6 and recalled in this section.
[17718] Set out in detail in chapter 6.

5142. The members of the JCE were members of the VRS Main Staff, members of the VRS Corps Commands, Karadžić, and Nikola Koljević. With respect to the other unnamed individuals who were members of the groups charged as members of the JCE, the Trial Chamber has not received sufficient evidence identifying them and establishing their participation as members of the JCE. In some instances, the members of the JCE implemented the common objective themselves; in other instances, they used VRS soldiers and officers, including members of the military police, and members of the civilian police, to implement the common objective. Members of the JCE issued orders to capture UNMOs and members of UNPROFOR and detain them at potential air strike targets. These orders were implemented by VRS soldiers and officers, including members of the military police, and members of the civilian police. Information on the capture or detention of UN personnel was reported to the VRS Main Staff and/or the Bosnian-Serb political leadership. The Trial Chamber is satisfied that the issuance of orders and their implementation, the reporting obligations by the members of the JCE, as well as their statements, establish that the members of the JCE shared the intent to achieve the common objective.

5143. Concerning the Accused's alleged contribution and intent to participate in the JCE, the Trial Chamber will consider it in chapter 9.9 below.

9.9 Ratko Mladić's alleged contribution to the fourth joint criminal enterprise (Hostages)

9.9.1 Overview of the charges

5144. According to the Indictment, the Accused significantly contributed to the objective of taking hostages by one or more of the following: (1) participating in the establishment, organization, and/or maintenance of the VRS, one of the organs used to implement the objective of the JCE; (2) commanding and controlling the VRS, including issuing orders, formulating plans, and monitoring, authorizing, and/or directing operations in furtherance of the objective of the JCE; (3) directing, monitoring and/or authorizing the VRS's cooperation and coordination with other elements of Serb forces and with Bosnian-Serb political and governmental organs in furtherance of the objective of the JCE; (4) participating in the development and implementation of Bosnian-Serb governmental policies intended to advance the objective of the JCE; and (5) facilitating and/or encouraging the commission by members of the VRS, and other elements of Serb forces under his effective control, of crimes that furthered the objective of the JCE by failing, while under a duty stemming from his position as the most senior officer of the VRS, to take adequate steps to prevent and/or investigate such crimes, and/or arrest and/or punish the perpetrators of such crimes.[17719] The Accused shared the intent for the commission of the crime of hostage-taking with other members of the hostage-taking JCE.[17720]

5145. The Defence submitted that the Prosecution did not establish that the Accused significantly contributed to the common objective of the hostage-taking JCE.[17721] More specifically, the Defence submitted that the Prosecution failed to establish that the acts or conduct of the Accused resulted in the detention of UN personnel, that the Accused attempted to secure concessions through hostage-taking, that the Accused threatened the detained UNPROFOR personnel or used them as human shields,[17722] or that the detention of UN personnel was for the purpose of deterring NATO air strikes.[17723] The Defence further submitted that the Accused did not intend that UNPROFOR personnel

[17719] Indictment, paras 13(a), 13(b), 13(d), 13(f), 13(j), 28.
[17720] Indictment, para. 25.
[17721] Defence Final Brief, para. 3384.
[17722] The Trial Chamber understands this to be a reference to the crime of hostage-taking.
[17723] Defence Final Brief, paras 171, 173, 3372, 3382-3383, 3385.

be detained in order to deter any action and that any knowledge he may have had regarding the use of human shields was vague and acquired after the fact.[17724]

9.9.2 The Accused's alleged contribution

5146. The Trial Chamber recalls its finding in chapter 3.1.4 that, throughout the duration of the hostage-taking, the Accused was Commander of the VRS Main Staff.

5147. The Trial Chamber received evidence with regard to the alleged contribution of the Accused, which is discussed in chapter 6 and will be recalled below. The Trial Chamber finds this evidence reliable.

5148. In particular, the Trial Chamber considered the evidence that on 25 May 1995, the Accused ordered the Ilidža Brigade to block and disarm UNPROFOR forces and detain them as 'POWs'. On 26 May 1995, a VRS officer informed an UNPROFOR officer, Jonathon Riley, that he had been ordered by the Accused to attack the UNPROFOR officer's camp if further NATO attacks were to take place. The UNPROFOR officer was told that the UNPROFOR headquarters and UN commanders in Srebrenica, Tuzla, and Žepa had received similar messages.[17725] Two days later, all OPs in the area were surrounded by heavily armed Serbs and 33 of the UNPROFOR officer's soldiers were detained. As early as 26 May 1995, the Accused was informed about the detention of UN personnel at potential NATO military targets.

5149. On 28 May 1995, during a meeting of the Supreme Command of the Bosnian-Serb Republic in the presence of Karadžić and attended by the Accused, it was concluded that the detained UNPROFOR personnel should be treated as 'POWs' and that relations with the UN should be frozen.

5150. Also on 28 May 1995, in a conversation with General Smith, the Accused stated that neither he nor the Bosnian Serbs had threatened the detained UN personnel; that the detained UN personnel were treated humanely and properly, although some were

[17724] Defence Final Brief, paras 178-179, 3308-3309.

[17725] The Defence submitted that there is no documentary evidence of this order and questions the accuracy of the communication from the VRS officer to the UNPROFOR officer regarding this order (Defence Final Brief, para. 3372). The Trial Chamber notes that Riley, who testified as to these events, is the UNPROFOR officer who received the message conveying the threat to shell the UNPROFOR camp. The Trial Chamber further notes that there is no suggestion that the order issued by the Accused was a written order. The Trial Chamber thus finds Riley's evidence in this regard reliable.

located at potential NATO targets; and that he had ordered that the detained UN personnel not be handcuffed, although he was aware that some had been.

5151. On 30 May 1995, the Accused informed various VRS corps commands and units that NATO was preparing an operation to free the UNPROFOR personnel held captive. Based on a 29 May 1995 Supreme Command decision, he ordered that all units were to open fire on the area of airborne assault and the area of deployment of UNPROFOR troops in the event NATO launched such an operation.

5152. On 30 May 1995, the Accused ordered the SRK Command to complete the disarming of captured UNPROFOR personnel, to deploy them to potential NATO air strike targets, and to transport the remaining detained UNPROFOR personnel to a safe place. This order included a reporting obligation to the Accused by way of regular combat reports.

5153. The Accused visited some of the detained UNMOs between 2 and 4 June 1995 and ordered their filming; footage of detained UNMOs was later broadcast on a local Bosnian-Serb television station and worldwide. The Accused issued orders addressed to various VRS units to release detained UN personnel between 2 and 17 June 1995 in execution of Karadžić's orders.

5154. During a meeting between General Janvier, the UNPROFOR Commander, and the Accused, held on 4 June 1995, Janvier requested the immediate release of UN personnel, to which the Accused stated that their liberation was contingent on a guarantee concerning the end of air strikes.

5155. Finally, the Trial Chamber recalls its finding on the hostage-taking JCE in chapter 9.8.

5156. Based on the foregoing, the Trial Chamber finds that the Accused was closely involved from around 25 May 1995 and throughout every stage of the hostage-taking, including as a negotiator with UNPROFOR representatives. Apart from the inherent threats associated with the way in which UN personnel were taken hostage, he ordered VRS units to detain the UNPROFOR personnel and to place them at potential NATO air strike targets, ordered the release of the detained UNPROFOR personnel, and informed an UNPROFOR representative that such release was contingent on the cessation of air strikes. The Trial Chamber further considers that UNPROFOR personnel were detained after a VRS officer communicated a threat from the Accused

that an UNMO officer's camp would be attacked if air strikes continued, and concludes that the only reasonable interpretation is that the Accused ordered the detention of the UNPROFOR personnel. The Accused's contributions to the hostage-taking JCE were central to the implementation of the JCE's common objective. Having considered the above, the Trial Chamber finds that the Accused significantly contributed to the JCE's common objective of capturing UN personnel deployed in various parts of Bosnia-Herzegovina and detaining them in strategic military locations to prevent NATO from launching further military air strikes on Bosnian-Serb military targets. The Trial Chamber is satisfied that the Accused's contribution falls within the scope of what is charged in the Indictment in that respect.

9.9.3 Mens rea

5157. The Trial Chamber recalls its findings in chapter 9.9.2 regarding the significant contribution of the Accused to the objective of the hostage-taking JCE, in particular that between 25 May and approximately 24 June 1995, the Accused ordered VRS units to detain UNPROFOR personnel, ordered the detainees to be placed at potential NATO air strike targets, personally visited the detainees, and informed the UNPROFOR Commander that the detainees' release was contingent on a guarantee concerning the end of air strikes. While the Accused, in his conversation with an UNPROFOR representative, maintained that the detained UNPROFOR personnel had not been threatened, the Trial Chamber recalls its finding in chapter 6 that subordinates of the Accused made such threats to exert leverage over NATO in order to secure the end of air strikes. The Trial Chamber finds that the Accused intended these threats to allow the hostage-taking crisis to develop.

5158. The Trial Chamber further received evidence with regard to the Accused's intent for the commission of the crime of hostage-taking, which is discussed in chapter 6 and recalled below. The Trial Chamber finds this evidence reliable. In particular, the Trial Chamber considered the evidence that on 26 May 1995, a VRS officer informed an UNPROFOR officer that he had been ordered by the Accused to attack the UNPROFOR officer's camp if further NATO attacks were to take place. Two days later, all OPs in the area were surrounded by heavily armed Serbs and 33 of the UNPROFOR officer's soldiers were detained.

5159. The Accused had two conversations with the UNPROFOR Commander on 26 May 1995. In the first conversation and upon the resumption of NATO air strikes around 10 a.m., the Accused urged the UNPROFOR Commander to think of the consequences to those under his command. In the second conversation, which took place around 2:50 p.m., the Accused informed the UNPROFOR Commander that he had received information that some detained UNPROFOR personnel had been placed at targets and that their fate rested with the UNPROFOR Commander.

5160. The Accused again spoke with the UNPROFOR Commander on 28 May 1995, acknowledging that some UN personnel were detained at potential NATO targets. During this conversation, the Accused told the UNPROFOR Commander that if he were to comply with the Accused's request to send letters of condolences to the families of dead Serb soldiers, he would 'give a chance for survival to the UK soldiers in Goražde'. The Accused also met separately with a representative of the French government, General Janvier, and the Commander of the VJ between 29 May and 10 June 1995. Each of these individuals urged the Accused to release the detained UNPROFOR personnel. The Accused informed General Janvier that the release of the detainees was directly linked to a guarantee that air strikes would cease.

5161. On 30 May 1995, the Accused ordered various VRS commands and units not to leak any information regarding the detained UNPROFOR personnel and forbade contact with the detained UNPROFOR personnel without Main Staff approval. Around 3 June 1995, following a meeting of the VRS Supreme Command, a press release was issued presenting the detention of UN personnel as an act of self-defence that would continue until the UN guaranteed the end of air strikes.

5162. The Trial Chamber considers both Defence submissions – that the Accused did not intend that UNPROFOR personnel should be detained in order to deter any action and that any knowledge the Accused had regarding the hostage-taking was vague and acquired after the fact – unsupported in light of the evidence recalled above, particularly the evidence of the Accused issuing orders to detain UN personnel and to place them at potential NATO air strike locations.

5163. Based on the foregoing, particularly the Accused's statements and conduct throughout the hostage-taking, including his issuing of orders to detain UN personnel and to place them at potential NATO air strike locations, the Trial Chamber finds that the Accused intended to capture UN personnel deployed in various parts of Bosnia-

Herzegovina and detain them in strategic military locations. The Trial Chamber also finds that the Accused's statements, in particular on the fate of UNPROFOR personnel, are tantamount to having issued threats to kill or continue to detain the UN personnel, and that these threats were meant to obtain the end of the air strikes. The Trial Chamber further finds that the evidence – particularly the Accused communicating to the UNPROFOR Commander that the release of the detained UNPROFOR personnel was contingent on the cessation of air strikes and the Accused's subordinates threatening the detained UNPROFOR personnel with the aim of stopping the air strikes – establishes that the Accused intended the hostage-taking to prevent NATO from launching further air strikes on Bosnian-Serb military targets. The Trial Chamber is thus satisfied that the Accused shared the intent to achieve the common objective of the hostage-taking JCE.

9.10 Other modes of liability

5164. The Indictment charges the Accused for the crimes pursuant to multiple modes of liability, including planning, instigating, ordering, and aiding and abetting, as well as liability as a superior pursuant to Article 7(3) of the Statute.[17726] It also charges the Accused for the same crimes through his participation in the four JCEs.[17727] The Defence argued that alleging all forms of responsibility in respect of each incident threatens to cumulatively convict the Accused under multiple modes of liability for the same conduct.[17728]

5165. The Trial Chamber first emphasises that an accused's convictions rest on the crimes themselves and not the mode or modes of liability.[17729] The Trial Chamber notes that trial chambers are not inherently precluded from entering a conviction for a crime on the basis of more than one mode of liability where doing so would reflect the totality of the accused's conduct.[17730] In light of the Accused's leading and grave role in the four JCEs, the Trial Chamber considers that his conviction for commission of the crimes charged fully reflects the totality of his conduct. For this reason, the Trial Chamber will not enter convictions for planning, instigating, ordering, and aiding and abetting the crimes.

5166. With regard to the Accused's responsibility as a superior pursuant to Article 7(3), the Trial Chamber recalls that it is inappropriate to convict an accused pursuant to Article 7(1) and Article 7(3) of the Statute in relation to the same counts based on the same facts.[17731] Where both individual and superior responsibility are alleged under the same count, and elements of both modes of liability are satisfied, a trial chamber should enter a conviction on the basis of Article 7(1) only, and consider the accused's superior position as an aggravating factor in sentencing.[17732] In this regard, the Trial Chamber observes that Mladić's conduct and superior position is encapsulated within the conduct

[17726] Indictment, paras 4, 31.
[17727] Indictment, paras 5, 7. *See also* Indictment, paras 14, 19, 24.
[17728] Defence Final Brief, para. 40.
[17729] *See Đorđević* Appeal Judgment, para. 831, referring to *Kamuhanda* Appeal Judgment, Separate and Partially Dissenting Opinion of Judge Shahabuddeen, para. 405; *Ndindabahizi* Appeal Judgment, para. 122.
[17730] *Đorđević* Appeal Judgment, para. 831.
[17731] *Blaškić* Appeal Judgment, para. 92; *Kordić and Čerkez* Appeal Judgment, paras 33-34; *Jokić* Sentencing Appeal Judgment, para. 23.
[17732] *Aleksovski* Appeal Judgment, para. 183; *Čelebići* Appeal Judgment, para. 745; *Blaškić* Appeal Judgment, para. 91; *Kordić and Čerkez* Appeal Judgment, para. 34; *Jokić* Sentencing Appeal Judgment, para. 23; *Đorđević* Appeal Judgment, para. 939.

relied upon to establish his participation in the four JCEs. For this reason, the Trial Chamber will not enter convictions pursuant to superior responsibility and will consider his superior position for the purposes of sentencing in chapter 11 below. The Trial Chamber will enter convictions under Article 7(1) only.

5167. In relation to crimes that the Trial Chamber found were not part of the JCEs due to the physical perpetrators not being JCE members or used as tools by any JCE member, the Trial Chamber has considered whether the Accused is criminally responsible pursuant to other modes of liability. In all these incidents, however, the link between the Accused and the physical perpetrators is too tenuous to find him liable.

10. Cumulative convictions

5168. The Trial Chamber has found Mladić responsible for genocide under Article 4 of the Statute; for persecution, extermination, murder, deportation, and inhumane acts (forcible transfer) as crimes against humanity under Article 5 of the Statute; and for murder, acts of violence the primary purpose of which is to spread terror among the civilian population, unlawful attacks on civilians, and taking of hostages as violations of the laws or customs of war under Article 3 of the Statute.

5169. The Defence submitted that cumulative convictions for Counts 4 and 5 are impermissible because 'the crime of extermination subsumes the elements for murder'.[17733] Secondly, the Defence submitted that Counts 7 and 8 are not only 'potentially cumulative' but 'mutually exclusive' because deportation requires 'an evacuation which takes individuals beyond State borders' whereas inhumane acts (forcible transfer) requires that 'the evacuation occurs only within a State'.[17734] With respect to Counts 3, 5, and 8, the Defence further submitted that where persecution is committed through acts of murder and inhumane acts, cumulative convictions are impermissible.[17735]

5170. The Trial Chamber recalls that it is permissible to enter cumulative convictions under different statutory provisions to punish the same criminal conduct only if 'each statutory provision involved has a materially distinct element not contained in the other', and an element is materially distinct 'if it requires proof of a fact not required by the other statutory provision'.[17736] For this purpose, the elements include the general elements and jurisdictional requirements.[17737] When this test is not met, the conviction on the more specific provision will be entered.[17738] The more specific offence subsumes

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[17733] Defence Final Brief, para. 35.
[17734] Defence Final Brief, para. 37. The Trial Chamber considers this point moot because, as set out above in chapter 8, there are no incidents where a positive finding is made for both deportation and forcible transfer.
[17735] Defence Final Brief, para. 39.
[17736] *Čelebići* Appeal Judgment, para. 412; *Jelisić* Appeal Judgment, para. 78; *Kupreškić et al.* Appeal Judgment, para. 387; *Kunarac et al.* Appeal Judgment, paras 168, 173; *Krstić* Appeal Judgment, para. 218; *Kordić and Čerkez* Appeal Judgment, para. 1032; *Stakić* Appeal Judgment, para. 355; *Naletilić and Martinović* Appeal Judgment, para. 584; *Galić* Appeal Judgment, para. 163; *Krajišnik* Appeal Judgment, para. 386; *Dragomir Milošević* Appeal Judgment, para. 39; *Đorđević* Appeal Judgment, para. 839; *Tolimir* Appeal Judgment, paras 601-602; *Stanišić and Župljanin* Appeal Judgment, para. 1088.
[17737] *Kunarac et al.* Appeal Judgment, para. 177; *Stakić* Appeal Judgment, para. 356.
[17738] *Čelebiči* Appeal Judgment, para. 413; *Jelisić* Appeal Judgment, para. 79; *Kupreškić et al.* Appeal Judgment, para. 387; *Kunarac et al.* Appeal Judgment, para. 168; *Krstić* Appeal Judgment, para. 218; *Kordić and Čerkez* Appeal Judgment, para. 1032; *Stakić* Appeal Judgment, para. 355; *Galić* Appeal

the less specific one because the commission of the former necessarily entails the commission of the latter.[17739]

Cumulative convictions under Article 3 and Article 5 of the Statute

5171. With regard to the permissibility of cumulative convictions for crimes against humanity under Article 5 of the Statute and violations of the laws or customs of war under Article 3 of the Statute, the two categories of crimes require proof of distinct elements.[17740] While crimes under Article 3 require proof of a nexus between the acts of the accused and the armed conflict, crimes under Article 5 require proof that the act occurred as part of a widespread or systematic attack directed against a civilian population.[17741] Therefore, a conviction for crimes under both Articles 3 and 5 of the Statute, with regard to the same criminal conduct, is permissible.

Cumulative convictions under Article 4 and Article 5 of the Statute

5172. With regard to the permissibility of cumulative convictions for the crime of genocide under Article 4 of the Statute and crimes against humanity under Article 5 of the Statute on the basis of the same acts, each contains a materially distinct element from the other.[17742] Genocide requires proof of intent to destroy, in whole or in part, a national, ethnic, racial, or religious group. This element is not required for crimes against humanity under Article 5.[17743] Common to offences under Article 5 is the requirement that the underlying act be committed as part of a widespread or systematic attack directed against a civilian population. This requirement is not present in the legal

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Judgment, para. 163; *Strugar* Appeal Judgment, para. 321; *Krajišnik* Appeal Judgment, para. 386; *Đorđević* Appeal Judgment, para. 839; *Tolimir* Appeal Judgment, para. 601.

[17739] *Krstić* Appeal Judgment, para. 218; *Galić* Appeal Judgment, para. 163.

[17740] *Jelisić* Appeal Judgment, para. 82; *Kupreškić et al.* Appeal Judgment, para. 387; *Kunarac et al.* Appeal Judgment, para. 176; *Kordić and Čerkez* Appeal Judgment, para. 1036; *Galić* Appeal Judgment, para. 165.

[17741] *Jelisić* Appeal Judgment, para. 82; *Kupreškić et al.* Appeal Judgment, para. 387; *Kordić and Čerkez* Appeal Judgment, para. 1036; *Galić* Appeal Judgment, para. 165.

[17742] *Krstić* Appeal Judgment paras 222-227; *Ntakirutimana* Appeal Judgment, para. 542; *Semanza* Appeal Judgment, para. 318; *Ntagerura et al.* Appeal Judgment, para. 426; *Nahimana et al.* Appeal Judgment, para. 1029; *Tolimir* Appeal Judgment, para. 610.

[17743] *Musema* Appeal Judgment, para. 366; *Krstić* Appeal Judgment, paras 222-226; *Semanza* Appeal Judgment, para. 318; *Ntagerura et al*. Appeal Judgment, para. 426; *Tolimir* Appeal Judgment, para. 610.

elements of genocide.[17744] Therefore, cumulative convictions for genocide and crimes against humanity are permissible.

Cumulative convictions under Article 3 and Article 4 of the Statute

5173. Cumulative convictions for genocide under Article 4 of the Statute and violations of the laws or customs of war under Article 3 of the Statue may be entered on the basis of their materially distinct elements.[17745] While genocide requires proof of specific intent, violations of the laws or customs of war under Article 3 of the Statute require proof of the existence of a nexus between the alleged crimes and an armed conflict.[17746] Cumulative convictions for genocide under Article 4 and violations of the laws and customs of war under Article 3 of the Statute are therefore permissible.

Cumulative convictions under Article 5 of the Statute

5174. Persecution as a crime against humanity has a materially distinct element from murder as a crime against humanity in that persecution requires proof that an act or omission discriminates in fact and proof that the act or omission was committed with specific intent to discriminate. Conversely, murder as a crime against humanity requires proof that the accused intentionally caused the death of one or more persons which is not required by persecution.[17747] As a result, cumulative convictions for persecution, on the one hand, and murder on the other hand, are permissible. The same reasoning applies to cumulative convictions for persecution, on the one hand, and deportation and inhumane acts (forcible transfer), on the other hand. Accordingly, the Trial Chamber rejects the Defence submissions that cumulative convictions are impermissible when the

[17744] *Musema* Appeal Judgment, para. 366; *Krstić* Appeal Judgment, para. 223; *Semanza* Appeal Judgment, para. 318; *Ntagerura et al.* Appeal Judgment, para. 426; *Tolimir* Appeal Judgment, para. 610.
[17745] *Rutaganda* Appeal Judgment, para. 583; *Semanza* Appeal Judgment, para. 368; *Tolimir* Appeal Judgment, para. 616.
[17746] *Rutaganda* Appeal Judgment, para. 583; *Semanza* Appeal Judgment, para. 368; *Tolimir* Appeal Judgment, para. 616.
[17747] *Kordić and Čerkez* Appeal Judgment, para. 1041; *Stakić* Appeal Judgment, para. 359; *Krajišnik* Appeal Judgment, paras 388-391; *Đorđević* Appeal Judgment, para. 840; *Stanišić and Župljanin* Appeal Judgment, para. 1089.

crime of persecution under Count 3 is committed through acts of murder or inhumane acts, as alleged under Counts 5 and 8, respectively.[17748]

5175. When considering the crimes of extermination under Article 5 (b) of the Statute and murder under Article 5 (a) of the Statute, the Trial Chamber notes that the crime of extermination subsumes the elements of murder. In addition to the elements of murder, extermination requires that the killings occur on a mass scale and that the perpetrator intended by his or her acts this result.[17749] Where the elements of the crimes of extermination and murder are established on the basis of the same underlying facts, the crime of extermination is considered the more specific crime and cumulative convictions for crimes under Articles 5 (a) and 5 (b) of the Statute are therefore impermissible.[17750] Accordingly, the Trial Chamber accepts the Defence submission that cumulative convictions for Counts 4 and 5 are impermissible.

Cumulative convictions under Article 3 of the Statute

5176. With respect to the offences of terror and unlawful attacks on civilians under Article 3 of the Statute, despite similarities between their elements, the two offences are separate and distinct as each requires proof of a fact not required by the other. The offence of unlawful attacks on civilians requires proof of death or serious injury to body or health which is not required for the offence of terror. Conversely, the offence of terror requires proof of intent to spread terror among the civilian population, which is not an element of the offence of unlawful attacks.[17751] Cumulative convictions for these two offences are therefore permissible.

5177. With regard to murder as a violation of the laws or customs of war and unlawful attacks on civilians under Article 3 of the Statute, the two are materially distinct offences. The offence of murder requires proof that the accused intentionally caused the death of one or more persons. However, death is not a requirement *per se* of unlawful attacks on civilians. The offence may also be established by proof of serious injury to

[17748] *See* Defence Final Brief, para. 39. Regarding this submission, the Trial Chamber notes that this matter was recently addressed by the Appeals Chamber in the *Stanišić and Župljanin* case. *See Stanišić and Župljanin* Appeal Judgment, paras 1089-1091.
[17749] *Ntakirutimana and Ntakirutimana* Appeal Judgment, paras 516, 542; *Stakić* Appeal Judgment, paras 260, 366; *Bagosora and Nsengiyumya* Appeal Judgment, para. 416; *Ntabakuze* Appeal Judgment, para. 260.
[17750] *Stakić* Appeal Judgment, para. 366; *Bagosora and Nsengiyumya* Appeal Judgment, para. 416; *Ntabakuze* Appeal Judgment, paras 260-261.

body or health, or any other consequence of the same gravity. Additionally, the offence of unlawful attacks requires that the attack be directed against civilians, which is not required for murder. Therefore, cumulative convictions for murder and unlawful attacks on civilians under Article 3 of the Statute are permissible.

5178. Similarly, it is permissible to enter convictions for murder as a violation of the laws or customs of war and terror as the elements for the two offences are materially distinct from one another. While the offence of murder requires proof that the accused caused the death of one or more persons, this is not a *per se* requirement of the offence of terror. Rather, causing death represents only one of the possible modes of commission of the offence of terror.[17752] Conversely, the offence of terror requires proof of intent to spread terror among the civilian population which is not an element of murder.

Conclusion

5179. The Trial Chamber recalls its findings concerning Counts 4 (extermination as a crime against humanity) and 5 (murder as a crime against humanity). For certain incidents it has found the Accused guilty on both counts based on the same criminal conduct. Therefore, for those incidents and based on the law of cumulative convictions as set out above, it will enter a conviction for extermination only.

[17751] *Dragomir Milošević* Appeal Judgment, para. 39.
[17752] *Dragomir Milošević* Appeal Judgment, paras 33, 39.

11. Sentencing

11.1 Law on sentencing

5180. The relevant provisions of the Tribunal's Statute and Rules are:

Article 24 of the Statute

Penalties

1. The penalty imposed by the Trial Chamber shall be limited to imprisonment. In determining the terms of imprisonment, the Trial Chambers shall have recourse to the general practice regarding prison sentences in the courts of the former Yugoslavia.

2. In imposing the sentences, the Trial Chambers should take into account such factors as the gravity of the offence and the individual circumstances of the convicted person.

3. In addition to imprisonment, the Trial Chambers may order the return of any property and proceeds acquired by criminal conduct, including by means of duress, to their rightful owners.

Rule 101

Penalties

(A) A convicted person may be sentenced to imprisonment for a term up to and including the remainder of the convicted person's life.

(B) In determining the sentence, the Trial Chamber shall take into account the factors mentioned in Article 24, paragraph 2, of the Statute, as well as such factors as:

(i) any aggravating circumstances;

(ii) any mitigating circumstances including the substantial cooperation with the Prosecutor by the convicted person before or after conviction;

(iii) the general practice regarding prison sentences in the courts of the former Yugoslavia;

(iv) the extent to which any penalty imposed by a court of any State on the convicted person for the same act has already been served, as referred to in Article 10, paragraph 3, of the Statute.

(C) Credit shall be given to the convicted person for the period, if any, during which the convicted person was detained in custody pending surrender to the Tribunal or pending trial or appeal.

11.2 Purpose of sentencing

5181. The case law of the Tribunal indicates that the two primary purposes of sentencing are retribution and deterrence.[17753] Rehabilitation is also considered to be a relevant, though less important, purpose of sentencing.[17754]

5182. Retribution is not to be interpreted as a desire for revenge or vengeance but as an expression of the outrage of the international community at the crimes committed; retribution, unlike vengeance, requires the imposition of a 'just and appropriate punishment, and nothing more'.[17755] To fulfil the objective of retribution, the Trial Chamber must therefore impose a sentence which properly reflects the personal culpability of the wrongdoer.[17756] The Trial Chamber considers that this purpose is reflected in the obligation that the Trial Chamber has to take into account the gravity of the offences or the totality of the culpable conduct.

5183. Both special and general deterrence are important purposes of sentencing in criminal law.[17757] The rationale of special deterrence is to dissuade the wrongdoer from recidivism in the future, whereas general deterrence aims at discouraging others from committing similar crimes.[17758] As far as general deterrence is concerned, persons who believe themselves to be beyond the reach of international criminal law must be warned that they have to abide by the norms underpinned by substantive criminal law or face prosecution and, if convicted, sanctions.[17759] In the present case, and considering the circumstances in which the crimes were committed, the Trial Chamber considers that the risk that Ratko Mladić would commit the same kinds of crimes in the future is small, which considerably reduces the relevance of special deterrence. The Trial Chamber further considers that an appropriate sentence for Mladić in this case essentially contributes to achieving a general deterrent effect.

[17753] *Aleksovski* Appeal Judgment, para. 185; *Čelebići* Appeal Judgment, para. 806; *Stakić* Appeal Judgment, para. 402; *Krajišnik* Appeal Judgment, paras 775, 803.
[17754] *Čelebići* Appeal Judgment, para. 806; *Kordić and Čerkez* Appeal Judgment, para. 1079; *Stakić* Appeal Judgment, para. 402; *Hadžihasanović and Kubura* Appeal Judgment, paras 325, 328; *Krajišnik* Appeal Judgment, para. 806.
[17755] *Kordić and Čerkez* Appeal Judgment, para. 1075; *Krajišnik* Appeal Judgment, para. 804. *See also Aleksovski* Appeal Judgment, para. 185.
[17756] *Kordić and Čerkez* Appeal Judgment, para. 1075.
[17757] *Kordić and Čerkez* Appeal Judgment, para. 1076.
[17758] *Kordić and Čerkez* Appeal Judgment, paras 1077-1078; *Dragan Nikolić* Appeal Sentencing Judgment, para. 45; *Krajišnik* Appeal Judgment, paras 776, 805.
[17759] *Kordić and Čerkez* Appeal Judgment, para. 1078.

11.3 Sentencing factors

11.3.1 Gravity of the offences and the totality of the culpable conduct

5184. The gravity of the offences is the primary consideration in imposing a sentence.[17760] By considering the gravity of the offences together with aggravating circumstances, the Trial Chamber avoids the pitfall that a specific factor will be counted twice for sentencing purposes, which is impermissible.[17761]

5185. Determining the gravity of the crime to impose an appropriate sentence requires consideration of the particular circumstances of the case, as well as the form and degree of the participation of the convicted person in the crime.[17762] Aggravating circumstances must be directly related to the charged offence.[17763] A Trial Chamber has the discretion to find that direct responsibility, under Article 7 (1) of the Statute, is aggravated by the abuse of a perpetrator's position of authority.[17764] In assessing the gravity of the offence the overall impact of the crimes upon the victims and their families may be considered.[17765] Only factors which have been proven beyond a reasonable doubt will be taken into consideration as aggravating circumstances.[17766] The Appeals Chamber has established that there is no hierarchy of crimes.[17767] As such, crimes against humanity are not to be sentenced more harshly than violations of the laws or customs of war, in respect of the same acts, or *vice versa*.[17768]

5186. In the present case, the Prosecution submitted that the scale, scope, and duration of the underlying crimes as well as the form and degree of Mladić's participation are of

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[17760] *Aleksovski* Appeal Judgment, para. 182; *Čelebići* Appeal Judgment, para. 731; *Kupreškić et al.* Appeal Judgment, para. 442; *Blaškić* Appeal Judgment, para. 683; *Momir Nikolić* Appeal Sentencing Judgment, para. 11; *Galić* Appeal Judgment, para. 442; *Mrkšić* Appeal Judgment, para. 375; *Krajišnik* Appeal Judgment, para. 774.
[17761] *Deronjić* Appeal Sentencing Judgment, paras 106-107; *Limaj* Appeal Judgment, para. 143; *Krajišnik* Appeal Judgment, para. 787; *Dragomir Milošević* Appeal Judgment, para. 309.
[17762] *Aleksovski* Appeal Judgment, para. 182; *Furundžija* Appeal Judgment, para. 249; *Čelebići* Appeal Judgment, para. 731; *Jelisić* Appeal Judgment, para. 101; *Blaškić* Appeal Judgment, para. 683; *Kordić and Čerkez* Appeal Judgment, para. 1061; *Dragan Nikolić* Appeal Sentencing Judgment, para. 18; *Babić* Appeal Sentencing Judgment, para. 39; *Galić* Appeal Judgment, para. 409.
[17763] *Stakić* Trial Judgment, para 911; *Đorđević* Trial Judgment, para. 2218.
[17764] *Aleksovski* Appeal Judgment, para. 183; *Čelebići* Appeal Judgment, para. 745; *Kupreškić et al.* Appeal Judgment, para. 451; *Blaškić* Appeal Judgment, paras 90-91; *Naletilić and Martinović* Appeal Judgment, para. 613; *Hadžihasanović and Kubura* Appeal Judgment, para. 320; *Strugar* Appeal Judgment, para. 353; *Dragomir Milošević* Appeal Judgment, para. 302.
[17765] *Krajišnik* Appeal Judgment, para. 779; *Mrkšić* Appeal Judgment, para. 409; *Dragomir Milošević* Appeal Judgment, para. 323.
[17766] *Čelebići* Appeal Judgment, para. 763.
[17767] *Kunarac et al.* Appeal Judgment, para. 171.
[17768] *Tadić* Sentencing Appeal Judgment, para. 69; *Furundžija* Appeal Judgment, para. 247; *Kunarac et al.* Appeal Judgment, para. 171.

such gravity that the strongest condemnation that the international community can express is merited.[17769] In relation to aggravating factors, the Prosecution submitted that Mladić's abuse of authority as the Commander of the VRS Main Staff and the special vulnerability of many of the victims constitute two of the most significant aggravating circumstances.[17770]

5187. The Defence submitted that in deciding on a sentence, the Trial Chamber is primarily tasked with analysing the gravity of the offences with the sole purpose of imposing a corresponding penalty.[17771] Furthermore, the Defence submitted that no aggravating circumstances exist.[17772] In the alternative, it argued that if the Trial Chamber were satisfied that aggravating circumstances do exist, limited weight should be attached to them.[17773] Mladić did not abuse his position within the VRS and he did everything in his power to maintain or achieve peace, given the circumstances.[17774] Additionally, the Defence argued that the vulnerability of the victims has been subsumed in the overall gravity of the crimes for which Mladić has been charged, and that therefore extending the sentence based on this consideration would constitute double-counting.[17775]

5188. Mladić has been found responsible for having committed a wide range of criminal acts through his participation in four JCEs. The crimes committed include some of the most heinous in international humanitarian law, namely genocide and extermination as a crime against humanity. In determining an appropriate sentence for Mladić, the Trial Chamber has considered the nature, scale, and brutality of the crimes for which Mladić has been found responsible, as well as the duration of his participation in those crimes and their overall impact on the victims and their families.

5189. More specifically, with respect to the Municipalities component of the case, Mladić has been found responsible for having significantly contributed to the overarching JCE the purpose of which was to permanently remove Bosnian-Muslim and Bosnian-Croat inhabitants from the territories of Bosnia-Herzegovina between 12 May 1992 and 30 November 1995. This is set out in detail in chapter 9.3, and involved the

[17769] Prosecution Final Brief, paras 1735-1739. *See also* T. 44572-44574.
[17770] Prosecution Final Brief, paras 1740-1743.
[17771] Defence Final Brief, para. 3413.
[17772] Defence Final Brief, para. 3420.
[17773] Defence Final Brief, para. 3420.
[17774] Defence Final Brief, paras 3421-3423.
[17775] Defence Final Brief, paras 3429-3431.

commission of the crimes of persecution, extermination, murder, and deportation. The Trial Chamber's findings concerning these crimes are set out in detail in chapters 4 and 8. The Trial Chamber therefore finds that the crimes that Mladić has been found to have committed through his participation in the overarching JCE for the Municipalities are of a high level of gravity.

5190. With respect to the Sarajevo component of the case, Mladić has been found responsible for having significantly contributed to a JCE to establish and carry out a campaign of sniping and shelling against the civilian population of Sarajevo between 12 May 1992 and November 1995, the primary purpose of which was to spread terror among the civilian population. This is set out in detail in chapter 9.5 and involved the commission of the crimes of terror, unlawful attacks on civilians, and murder. The Trial Chamber's findings concerning these crimes are set out in detail in chapters 5 and 8. The Trial Chamber therefore finds that the crimes that Mladić has been found to have committed through his participation in the Sarajevo JCE are of a high level of gravity.

5191. With respect to the Srebrenica component of the case, Mladić has been found responsible for having significantly contributed to a JCE to eliminate the Bosnian Muslims in Srebrenica by killing the men and boys and by forcibly removing women, young children, and some elderly men from at least 11 July to 11 October 1995. This is set out in detail in chapter 9.7 and involved the commission of the crimes of genocide, persecution, extermination, murder, and inhumane acts (forcible transfer). The Trial Chamber's findings concerning these crimes are set out in detail in chapters 7 and 8. The Trial Chamber therefore finds that the crimes that Mladić has been found to have committed through his participation in the Srebrenica JCE are of a high level of gravity.

5192. With respect to the hostages component of the case, Mladić has been found responsible for having significantly contributed to a JCE to take UN personnel hostage in order to compel NATO to abstain from conducting air strikes against Bosnian-Serb military targets during the months of May and June 1995. This is set out in detail in chapters 9.9 and involved the commission of the crime of taking hostages, which the Trial Chamber has discussed in chapters 6 and 8. The Trial Chamber therefore finds that the crime that Mladić has been found to have committed through his participation in the JCE to take UN personnel hostage was grave.

5193. Mladić's participation in all four JCEs was undertaken in his official capacity as Commander of the VRS Main Staff, a position which he held throughout the entire

Indictment period. The Trial Chamber therefore finds that Mladić abused his position. The Trial Chamber further considered the vulnerability of the victims of the four JCEs for which Mladić has been found responsible, who to a large extent consisted of POWs and civilians, including women, children, and elderly. The Trial Chamber finds that Mladić's abuse of his superior position and the vulnerability of the victims adds to the gravity of the offences.

11.3.2 Individual circumstances of Ratko Mladić

5194. The acknowledgement and application of mitigating circumstances does not diminish the gravity of the crime.[17776] Such factors only need to be proven on a balance of probabilities.[17777] The only mitigating factor specifically mentioned in the Rules is the 'substantial cooperation with the Prosecutor by the convicted person before or after conviction'.[17778] Other mitigating factors recognised by the Tribunal's jurisprudence include: voluntary surrender;[17779] good character, including no prior criminal record;[17780] comportment in detention;[17781] personal and family circumstances;[17782] and age.[17783] Voluntary surrender constitutes a mitigating factor since it presents considerable benefits to the international community and because it may encourage other accused persons to surrender in the future.[17784] Good behaviour in detention has been considered in mitigation although it does not weigh significantly in favour of mitigation.[17785]

[17776] *Erdemović* Sentencing Judgment, para. 46; *Bralo* Sentencing Judgment, para. 42; *Zelenović* Trial Sentencing Judgment, para. 44.
[17777] *Blaškić* Appeal Judgment, para. 697; *Krajišnik* Appeal Judgment, para. 816.
[17778] Rule 101 (B) (ii).
[17779] *Blaškić* Appeal Judgment, para. 696; *Babić* Appeal Sentencing Judgment, para. 43; *Hadžihasanović and Kubura* Appeal Judgment, para. 325; *Martić* Appeal Judgment, para. 341.
[17780] *Kupreškić et al.* Appeal Judgment, para. 459; *Blaškić* Appeal Judgment, para. 696; *Kordić and Čerkez* Appeal Judgment, para. 1090; *Babić* Appeal Sentencing Judgment, para. 43; *Hadžihasanović and Kubura* Appeal Judgment, para. 325; *Krajišnik* Appeal Judgment, para. 816.
[17781] *Blaškić* Appeal Judgment, paras 696, 728; *Kordić and Čerkez* Appeal Judgment, para. 1091; *Babić* Appeal Sentencing Judgment, para. 43; *Simić et al.* Appeal Judgment, para. 266; *Hadžihasanović and Kubura* Appeal Judgment, para. 325; *Krajišnik* Appeal Judgment, para. 816.
[17782] *Kunarac et al.* Appeal Judgment, paras 362, 408; *Blaškić* Appeal Judgment, para. 696; *Kordić and Čerkez* Appeal Judgment, para. 1091; *Babić* Appeal Sentencing Judgment, para. 43; *Simić et al.* Appeal Judgment, para. 266; *Hadžihasanović and Kubura* Appeal Judgment, para. 325; *Krajišnik* Appeal Judgment, para. 816.
[17783] *Blaškić* Appeal Judgment, para. 696; *Babić* Appeal Sentencing Judgment, para. 43; *Simić et al.* Appeal Judgment, para. 266; *Krajišnik* Appeal Judgment, para. 816.
[17784] *Naletilić and Martinović* Appeal Judgment, para. 600.
[17785] *Momir Nikolić* Sentencing Judgment, para. 168; *Deronjić* Sentencing Judgment, para. 273.

5195. The Defence referred to the following mitigating circumstances: (i) benevolent treatment of, and assistance to, victims;[17786] (ii) good character;[17787] (iii) diminished mental capacity;[17788] (iv) poor physical health;[17789] and (v) advanced age.[17790] The Prosecution submitted that there are no factors warranting mitigation.[17791] It submitted that Mladić's health does not have an impact on the determination of his sentence and noted that his health has improved since his transfer into the custody of the Tribunal.[17792]

Benevolent treatment of, and assistance to, victims

5196. The Trial Chamber first turns to the Defence's submission regarding Mladić's treatment of, and assistance to, victims. The Defence submitted that Mladić took concrete steps to minimise the number of victims and the suffering to the best of his abilities, through: a demilitarisation agreement; issuing an order commanding the observance of two ceasefires; ordering a ceasefire with the sole purpose of ensuring that part of the civilian population would be able to safely withdraw from the combat zone; and, ordering that troops ought to be mobilised to protect Bosnian Serbs and members of other nationalities alike.[17793] The Defence further submitted that Mladić insisted that patients should not be discriminated against during a visit to the Sokolac Military hospital; personally provided assistance to the daughter of a Bosnian Muslim; and was kind towards children throughout the conflict as evidenced by his distribution of sweets.[17794]

5197. With regard to ordering that troops ought to be mobilised to protect Bosnian Serbs and members of other nationalities alike, the Trial Chamber notes that the order only concerned 'honest' members of other nationalities.[17795] Moreover, regarding the order of a ceasefire with the sole purpose of ensuring that part of the civilian population

[17786] Defence Final Brief, paras 3393-3398.
[17787] Defence Final Brief, paras 3399, 3400-3402. On 12 December 2016, the Trial Chamber also admitted into evidence three witness statements tendered by the Defence pursuant to Rule 85 (A) of the Rules.
[17788] Defence Final Brief, paras 3403-3406.
[17789] Defence Final Brief, paras 3407-3410.
[17790] Defence Final Brief, paras 3411-3414.
[17791] Prosecution Final Brief, para. 1745.
[17792] Prosecution Final Brief, paras 1746-1747.
[17793] Defence Final Brief, paras 3393-3394.
[17794] Defence Final Brief, paras 3395-3397.
[17795] P3032 (2nd Military District mobilisation order in Bosnia-Herzegovina,11 May 1992), p. 1.

would be able to safely withdraw from the combat zone, the Trial Chamber notes that it solely concerned the Jewish population of Sarajevo, and does therefore not constitute a benevolent treatment of, and assistance to, Bosnian Muslims or Bosnian Croats.[17796]

5198. The Trial Chamber considers that while some of the acts cited by the Defence may show at best some kindness towards individual Bosnian Muslims and Bosnian Croats, they did not affect the achievement of the common objective of the overarching JCE. Bearing in mind the gravity of the crimes of which Mladić is found responsible, the assistance provided by him was sporadic. By occupying a central position within the leadership of the VRS, Mladić had the power to provide assistance to the victimized population on a large scale, had he wished to do so. The Trial Chamber recalls that in such a case, sporadic benevolent acts or ineffective assistance may be disregarded.[17797] The Trial Chamber therefore will not consider the factors raised by the Defence in this respect in mitigation.

Good character

5199. The Trial Chamber notes that some witnesses including Velibor Šotra, Darko Mladić, Witness GRM-999, Simo Bilbija, Rajko Banduka, and Dusan Todić gave evidence as to Mladić's good character.[17798] The Trial Chamber recalls, in this regard, that the good character of a person is often accorded little weight in the determination of the sentence.[17799] The Trial Chamber considered the evidence, but finds that, in light of the crimes for which Mladić has been found responsible, it has little weight as a mitigating factor.

Diminished mental capacity

5200. The Defence submitted that the death of Mladić's daughter at the height of the conflict took a significant toll on Mladić's mental health and clouded his

[17796] P4264 (VRS Main Staff Order, 3 August 1992), paras 1-2.
[17797] *Čelebići* Appeal Judgment, para. 776; *Krajišnik* Appeal Judgment, para. 817.
[17798] D711 (Rajko Banduka, witness statement, 14 July 2014), paras 4, 17-18; D798 (Dusan Todić, witness statement, 19 June 2014), para. 21; D832 (Simo Bilbija, witness statement, 28 July 2014), para. 20; D2182 (Velibor Šotra, witness statement, 7 October 2016); D2183 (Darko Mladić, witness statement, 30 October 2016); D2184 (Witness GRM-999, witness statement, 17 December 2016).
[17799] *Babić* Sentencing Appeal Judgment, paras 49-51; *Stanišić and Župljanin* Appeal Judgment, para. 1132.

judgement/vision of 'the conflict'.[17800] The Defence further submitted that there was uncertainty around his daughter's death and that it caused Mladić to blame her death on the 'opposing side'.[17801]

5201. The Defence correctly recalled that an accused suffers from a diminished mental responsibility where his capacity to appreciate the unlawfulness or the nature of his conduct, or to control his conduct so as to conform to the requirements of the law is impaired.[17802] In this regard, the Trial Chamber notes that the evidence the Defence relies on does not establish that Mladić suffered from a diminished mental capacity. The Trial Chamber will therefore not further consider these Defence submissions.

Physical health

5202. The Defence also recalled a Defence Interlocutory Appeal Brief concerning the health of Mladić.[17803] The Defence submitted that Mladić has a history of medical issues.[17804] It further submitted that Mladić has a high risk of aggravation and is at a risk of a stroke if the given sentence is unjustifiably long.[17805]

5203. The Trial Chamber considers that, although Mladić is suffering certain health problems, these are not such as to warrant consideration as mitigating factors. The Trial Chamber further notes that Mladić's general condition is stable.[17806] The Trial Chamber therefore will not consider the factors raised by the Defence in this respect in mitigation.

[17800] Defence Final Brief, paras 3405-3406.
[17801] Defence Final Brief, paras 3405-3406.
[17802] *Čelebići* Appeal Judgment, para. 590; *Vasiljević* Appeal Judgment, para. 22.
[17803] Defence Final Brief, paras 3406-3408, referring to Defence Interlocutory Appeal Brief Against the Trial Chamber Decision on Second Defence Motion Seeking Adjustment of the Trial Sitting Schedule due to the Health Concerns of the Accused, 29 August 2013, para. 17.
[17804] Defence Final Brief, para. 3408.
[17805] Defence Final Brief, para. 3409.
[17806] *See e.g.*, Deputy Registrar's Submission of Medical Report, 13 April 2017, Annex, point 5 (Confidential); Deputy Registrar's Submission of Independent Expert's Medical Report, 7 April 2017, Annex B, p. 7 (Confidential); Deputy Registrar's Submission of Independent Expert's Medical Report, 10 October 2017(Confidential); Deputy Registrar's Submission of Medical Report, 12 October 2017 (Confidential); Confidential Annex to Second Registry Submission in Relation to Defence Motion on the Provision of Medical Records, 3 November 2017.

Age

5204. Mladić was born on 12 March 1942. At the time of rendering of this judgment, he is therefore 75 years old. The Trial Chamber has given due consideration to Mladić's age.

11.3.3 General practice regarding the prison sentences in the courts of the former Yugoslavia

5205. The Trial Chamber is required to consider 'the general practice regarding prison sentences in the courts of the former Yugoslavia' in determining the appropriate penalty. This does not mean that the Trial Chamber is obliged to conform to that practice.[17807] The Defence submitted that any sentence that would exceed the parameters of the 1976 Criminal Code of the SFRY would be a violation of the principle of legality and of the prohibition of retroactive application of the law.[17808] The Tribunal may impose a sentence in excess of that which would be applicable under the relevant law in the former Yugoslavia, and the Appeals Chamber has held that this sentencing practice does not violate the principle of *nulla poena sine lege* because a defendant would have been aware that the crimes for which he or she is indicted constitute serious violations of international humanitarian law, punishable by the most severe of penalties.[17809] Moreover, a trial chamber may diverge from the sentencing practice of the former Yugoslavia if this practice is inadequate in light of international law.[17810]

5206. During the period of the Indictment, the sentencing law in Bosnia-Herzegovina was regulated by the Criminal Code of the SFRY, adopted by the Federal Assembly on 28 September 1976, and in force since 1 July 1977 (SFRY Criminal Code), and by the Criminal Code of the Socialist Republic of Bosnia-Herzegovina of 10 June 1977 (Bosnia-Herzegovina Criminal Code). The SFRY Criminal Code regulated the general

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[17807] *Tadić* Appeal Sentencing Judgment, para. 21; *Čelebići* Appeal Judgment, paras 813, 816, 820; *Jelisić* Appeal Judgment, para. 117; *Kupreškić et al.* Appeal Judgment, para. 418; *Kunarac et al.* Appeal Judgment, paras 347-349; *Krstić* Appeal Judgment, para. 260; *Blaškić* Appeal Judgment, paras 681-682; *Kordić and Čerkez* Appeal Judgment, para. 1085; *Dragan Nikolić* Appeal Sentencing Judgment, paras 17, 69; *Jokić* Appeal Sentencing Judgment, para. 38; *Galić* Appeal Judgment, para. 398; *Hadžihasanović and Kubura* Appeal Judgment, paras 335, 346; *Krajišnik* Appeal Judgment, paras 749, 811; *Boškoski and Tarčulovski* Appeal Judgment, para. 212.

[17808] Defence Final Brief, paras 3416-3417.

[17809] *Tadić* Appeal Sentencing Judgment, para. 21; *Čelebići* Appeal Judgment, para. 817; *Krstić* Appeal Judgment, para. 262; *Blaškić* Appeal Judgment, para. 681; *Stakić* Appeal Judgment, para. 398; *Simić et al.* Appeal Judgment, para. 264; *Krajišnik* Appeal Judgment, para. 750.

aspects of criminal law and a few specific offences, such as genocide and war crimes, while the Bosnia-Herzegovina Criminal Code primarily regulated the specific offences. Both criminal codes remained in force after Bosnia-Herzegovina declared independence in 1992.

5207. Chapter 16 of the SFRY Criminal Code is entitled 'Criminal acts against humanity and international law' and covers crimes committed during armed conflict. Specifically, Article 141 of the SFRY Criminal Code prohibited genocide, Article 142 prohibited war crimes against the civilian population, Article 143 prohibited war crimes against the wounded and sick, and Article 144 prohibited war crimes against POWs.[17811] The offences under Articles 141-144 of the SFRY Criminal Code were punishable by imprisonment for not less than five years or by the death penalty.[17812] The punishments for specific offences, such as murder, rape, and grievous bodily harm were regulated by the Bosnia-Herzegovina Criminal Code.[17813] It does not, however, codify crimes against humanity, with their specific *actus reus* and *mens rea* requirements. The punishment provided for specific crimes which do not require proof of these distinguishing elements does not reflect the seriousness of crimes against humanity. It is thus not an adequate basis for determining the punishment to be imposed for this category of crimes.[17814]

5208. Under the SFRY Criminal Code, the range of penalties included fines, confiscation of property, imprisonment, and the death penalty.[17815] The general provisions of the SFRY Criminal Code regarding punishment provided that the maximum term of imprisonment was 15 years,[17816] but that for the most serious crimes the death penalty may be imposed,[17817] or, instead of the death penalty, a prison sentence of 20 years.[17818] In 1998, Bosnia-Herzegovina abolished the death penalty.[17819] The maximum sentence that may currently be imposed in Bosnia-Herzegovina and in

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[17810] *Kunarac et al.* Appeal Judgment, para. 377.
[17811] Arts 141-144 of the SFRY Criminal Code. *See also* Arts 145 (organising a group and instigating the commission of genocide and war crimes), 150 (cruel treatment of the wounded, sick, and prisoners of war), 151(destruction of cultural and historical monuments), and 154 (racial and other discrimination).
[17812] Articles 141-144 of the SFRY Criminal Code.
[17813] Arts 36 (punishing murder with imprisonment of not less than five years, and in aggravated cases, not less than 10 years or the death penalty) and 88 (punishing rape with one to 10 years of imprisonment, in aggravated cases the lower limit being three years imprisonment) of the Bosnia-Herzegovina Criminal Code.
[17814] *Erdemović* Sentencing Judgment, para. 32.
[17815] Art. 34 of the SFRY Criminal Code.
[17816] Art. 38 (1) of the SFRY Criminal Code.
[17817] Art. 37 of the SFRY Criminal Code.
[17818] Art. 38 (2) of the SFRY Criminal Code.
[17819] *Tadić* Sentencing Judgment, para. 12.

the Bosnian-Serb Republic is 45 years for 'the gravest forms of serious criminal offences perpetrated with intent'.[17820] The Appeals Chamber has upheld sentences of more than 20 years of imprisonment by Trial Chambers of this Tribunal as not infringing the principle of *nulla poena sine lege*.[17821]

5209. In determining the appropriate sentence for Mladić in accordance with Article 24(1) of the Statute, the Trial Chamber has taken into account the general practice regarding prison sentences in the courts of Bosnia-Herzegovina at the time of the commission of the crimes in relation to which Mladić was found responsible, and the manner in which it developed.

11.3.4 Comparison with other cases

5210. The Trial Chamber recalls that the Appeals Chamber has held that, while a sentence must be tailored to the individual circumstances of the case at hand, a sentence should not be capricious or out of line with sentences in similar cases, for similar crimes, and with similar circumstances.[17822] The Trial Chamber notes the long history of cases dealing with the events in the Municipalities,[17823] Srebrenica,[17824] and Sarajevo.[17825] The Trial Chamber has considered the sentences imposed in these cases but finds them of limited guidance considering the scope and size of this case and the individual circumstances of Mladić.

11.3. 5 Credit for the time served in custody

5211. According to Rule 101 (C) credit shall be given to the convicted person for the period during which the convicted person was detained pending surrender to the Tribunal or pending trial. Mladić has been detained since his arrest on 26 May 2011. He is therefore entitled to credit for the time spent in detention.

[17820] Art. 42(2) Bosnia-Herzegovina Criminal Code, 2013; Art. 31a(1) Bosnian-Serb Republic Criminal Code, 2013.
[17821] *Stakić* Appeal Judgment, para. 398.
[17822] *Kvočka et al.* Appeal Judgment, para. 681; *Čelebići* Appeal Judgment, paras. 719, 721; *Jelisić* Appeal Judgment, para. 96; *Furundžija* Appeal Judgment, para. 250; *Krstić* Appeal Judgment, para. 248.
[17823] *Plavšić* Sentencing Judgment, paras 120-133; *Krajišnik* Appeal Judgment, paras 732-819.
[17824] *Krstić* Appeal Judgment, paras 234-275; *Blagojević & Jokić* Appeal Judgment paras 136-142, 319-346; *Popović et al.* Appeal Judgment, paras 1959-2116; *Tolimir* Appeal Judgment, paras 624-648.

11.4 Determination of sentence

5212. The Prosecution recommended that Mladić be sentenced to life imprisonment.[17826] The Defence argued that considering Mladić's age when the sentence will be read out, it should be borne in mind that any sentence exceeding five years would be tantamount to imposing a life sentence.[17827] For this reason, in the event that the Trial Chamber was to determine that the gravity of the crimes demands the highest punishment, it would mean nothing more than a sentence of five years.[17828]

5213. The Trial Chamber has considered all the circumstances referred to above and finds that the appropriate sentence is life imprisonment.

[17825] *Galić* Appeal Judgment, paras 391-456; *Dragomir Milošević* Appeal Judgment, paras 295-338.
[17826] Prosecution Final Brief, para. 1735.
[17827] Defence Final Brief, para. 3412.
[17828] Defence Final Brief, para. 3413.

12. Disposition

5214. For all the foregoing reasons, pursuant to Articles 23 and 24 of the Statute and Rules 98 *ter*, 101, and 103 of the Rules, and having considered all of the evidence and the parties' submissions, the Trial Chamber finds the Accused, Ratko Mladić:

NOT GUILTY of Count 1: Genocide; and

GUILTY of the following counts pursuant to Article 7(1) of the Statue:

Count 2: Genocide;

Count 3: Persecution, a crime against humanity;

Count 4: Extermination, a crime against humanity;

Count 5: Murder, a crime against humanity;

Count 6: Murder, a violation of the laws or customs of war;

Count 7: Deportation, a crime against humanity;

Count 8: Inhumane acts (forcible transfer), a crime against humanity;

Count 9: Terror, a violation of the laws or customs of war;

Count 10: Unlawful attacks on civilians, a violation of the laws or customs of war; and

Count 11: Taking of Hostages, a violation of the laws or customs of war.

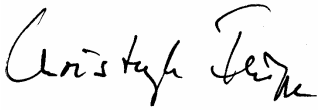
5215. The Trial Chamber sentences Ratko Mladić to life imprisonment.

5216. Pursuant to Rule 101(C) of the Rules, Ratko Mladić is entitled to credit for time served since his arrest and detention on 26 May 2011. Pursuant to Rule 103(C) of the Rules, Ratko Mladić shall remain in the custody of the Tribunal pending the finalisation of arrangements for his transfer to the State where he shall serve his sentence.

Judge Orie appends a partially dissenting opinion.

Done in five volumes, in English and French, the English text being authoritative.

Dated this twenty-second day of November 2017
At The Hague,
The Netherlands



Judge Bakone Justice Moloto | **Judge Alphons Orie Presiding** | **Judge Christoph Flügge**

13. Partially Dissenting opinion of Judge Alphons Orie

5217. With regard to the Trial Chamber's legal findings on genocide in the Municipalities, the majority concludes that certain physical perpetrators in five of the Count 1 municipalities possessed the intent to destroy a part of the protected group of Bosnian Muslims in Bosnia-Herzegovina as such.[17829] I respectfully disagree with this conclusion.

5218. It should be emphasized that in the relevant chapter, the Trial Chamber solely deals with the intent of the physical perpetrators. In order for them to commit the crime of genocide, thereby possibly engaging the Accused's individual criminal responsibility through various modes of liability, these individuals need to possess the intent to destroy a part of the protected group as such.

5219. Proving intent, in particular intent to destroy a part of a protected group, is difficult. Evidence of utterances of the physical perpetrators suggesting such intent is rare. There is an inherent and complex evidentiary issue with regard to establishing the intent vis-à-vis the fate of the group as such, where the physical perpetrators act in a limited geographic area and at a relatively low level of hierarchy and responsibility. As is often the case when analysing *mens rea*, the mental state of the physical perpetrators must be determined based on inferences from their acts and omissions. In this respect, it is insufficient to rely on the fact that the physical perpetrators committed murder, extermination, or persecution. The acts as established by the Trial Chamber were horrendous, widespread, and systematic. However, the only question here is whether the only reasonable inference to be drawn from their acts and omissions is that the physical perpetrators intended to physically or biologically destroy a part of the protected group as such.[17830]

5220. The Trial Chamber rightly explored various factors and links between physical perpetrators so as to carefully analyse whether intent to destroy could be found. However, I differ from my colleagues in their findings. The prohibited acts and other culpable acts were committed by the physical perpetrators on a large scale. The culpable

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[17829] *See* chapter 8.10.2.

[17830] I am here not focusing on the requirement that this part of the group be 'substantial' as I consider that the 'intent to destroy a part of the group as such' is already lacking, irrespective of the substantiality of the part of the group. I note in this respect that the Trial Chamber, after having found by majority the intent to destroy part of the group as such, concludes that the targeted group cannot be considered 'substantial'.

acts included displacements, destruction of property, looting, or forced labour. While many were killed, many others were displaced. I, however, cannot reasonably discount that there were other reasons on the physical perpetrators' minds than the intent to destroy part of the protected group *as such*. I am convinced that the acts of the physical perpetrators were committed with the intent to support the moving out of the Bosnian-Muslim population so as to create ethnically pure areas, but not with the intent to destroy a part of the protected group as such. In other words, for me, the evidence only allows for an inference that the physical perpetrators intended to destroy the part of the group's *presence* in their respective municipalities, but not part of the group's *existence* per se.[17831]

5221. Despite this difference of opinion, the majority and I come to the same conclusion, *i.e.* that the physical perpetrators of crimes in the Municipalities did not commit genocide.

Done in English and French, the English text being authoritative.

Dated this twenty-second day of November 2017
At The Hague,
The Netherlands

Judge Alphons Orie

[17831] I note that for me the situation in Srebrenica is different. In that respect, I fully agree with the Trial Chamber's findings that the only reasonable inference from the evidence is that the physical perpetrators in Srebrenica intended to destroy part of the protected group as such, as set out in chapter 8.10.2.

Appendices

A. Procedural history

Arrest, transfer, and initial appearance

5222. From August 1995 onwards, the Tribunal issued a number of arrest warrants and orders for surrender to various state authorities in relation to the Accused.[17832] He was arrested in Serbia on 26 May 2011 and transferred to the seat of the Tribunal on 31 May 2011.[17833] His initial appearance was held before Judges Orie, Moloto, and Flügge on 3 June 2011.[17834] A further appearance was held on 4 July 2011.[17835] On that date, a plea of 'not guilty' was entered by the Pre-Trial Chamber on behalf of the Accused.[17836] Following the filing of the third amended indictment, the Pre-Trial Chamber ordered a further appearance to enable the Accused to enter a plea on the new crime charged therein, namely the Bišina incident.[17837] On 8 December 2011, the Accused pled 'not guilty' to the Bišina incident.[17838]

Assignment of case to Trial Chamber I

5223. On 27 May 2011, the Acting President of the Tribunal assigned the case of *Prosecutor v. Ratko Mladić* to Trial Chamber I and ordered that the Bench be composed of Judges Flügge, Orie, and Moloto.[17839] On 1 June 2011, acting pursuant to Article 14

[17832] *Prosecutor v. Ratko Mladić*, Case No. IT-95-5-I, Warrant of Arrest Order for Surrender, 1 August 1995; *Prosecutor v. Ratko Mladić*, Case No. IT-95-18-I, Warrant of Arrest Order for Surrender, 21 November 1995; *Prosecutor v. Ratko Mladić*, Case No. IT-95-5-I, Warrant of Arrest Order for Surrender, 7 September 1995; *Prosecutor v. Ratko Mladić*, Case No. IT-95-5-I, Warrant of Arrest Order for Surrender, 11 October 1995; *Prosecutor v. Radovan Karadžić and Ratko Mladić*, Case No. IT-95-5/18-R61, International Arrest Warrant and Order for Surrender, 12 July 1996; *Prosecutor v. Ratko Mladić*, Case No. IT-95-5/18-I, Order for Issue of a Warrant of Arrest and Order for Surrender to the Republika Srpska for Ratko Mladić, 14 February 2002; *Prosecutor v. Ratko Mladić*, Case No. IT-95-5/18-I, Warrant of Arrest Order for Surrender, 14 February 2002; *Prosecutor v. Ratko Mladić*, Case No. IT-95-5/18-I, Warrant of Arrest Order for Surrender, 11 November 2002.
[17833] T. 6; *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-I, Scheduling Order for Initial Appearance, 1 June 2011.
[17834] T. 1; *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-I, Scheduling Order for Initial Appearance, 1 June 2011.
[17835] T. 19-20, 38-39.
[17836] T. 47-50, 123.
[17837] *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-PT, Decision on Consolidated Prosecution Motion to Sever the Indictment, to Conduct Separate Trials, and to Amend the Indictment, 13 October 2011, para. 42.
[17838] T. 124-125.
[17839] *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-I, Order Assigning Judges to a Case Before a Trial Chamber, 27 May 2011.

(7) of the Statute and Rules 54 and 65 *ter* (A), Judge Orie, the Presiding Judge of Trial Chamber I, was designated the Pre-Trial Judge in the case.[17840]

5224. On 11 May 2012, the Defence filed a motion seeking the disqualification of Judge Orie.[17841] On 14 May 2012, Judge Orie reported to the President of the Tribunal, presenting his views as to why the grounds for disqualification advanced by the Defence were without merit.[17842] On 15 May 2012, the President of the Tribunal denied the Defence request for disqualification.[17843]

5225. On 16 December 2013, the Defence filed two motions seeking, *inter alia*, the disqualification of Judges Orie and Flügge pursuant to Rule 15 (A).[17844] On 17 January 2014, Judge Orie submitted a report to the President of the Tribunal pursuant to Rule 15 (B) concerning both motions in which he presented his views as to why the grounds for disqualification advanced by the Defence were without merit. Judge Orie attached a memorandum from Judge Flügge also concluding that the grounds advanced for his disqualification were without merit.[17845] On 22 January 2014, the President of the Tribunal rendered two separate decisions in which he found both motions to be without merit. [17846]

5226. On 20 July 2016, the Defence filed a motion seeking the disqualification of Judges Orie and Flügge.[17847] On 1 August 2016, Judge Orie reported to the President of the Tribunal, presenting his and Judge Flügge's views as to why the grounds for

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[17840] *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-I, Order Designating Pre-Trial Judge, 1 June 2011.
[17841] *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-PT, Defence Motion Pursuant to Rule 15(B) Seeking Disqualification of Presiding Judge Alphons Orie and for a Stay of Proceedings, 11 May 2012, p. 41.
[17842] *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-PT, Order Denying Defence Motion Pursuant to Rule 15(B) Seeking Disqualification of Presiding Judge Alphons Orie and for a Stay of Proceedings, 15 May 2012 (Confidential with Confidential Annexes).
[17843] *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-PT, Order Denying Defence Motion Pursuant to Rule 15(B) Seeking Disqualification of Presiding Judge Alphons Orie and for a Stay of Proceedings, 15 May 2012 (Confidential with Confidential Annexes), p. 3.
[17844] Defence Motion to Exceed Word Count and Defence Motion Pursuant to Rule 15(B) Seeking Disqualification of Judge Christoph Flügge, 16 December 2013, p. 11; Defence Motion to Exceed Word Count and Defence Motion Pursuant to Rule 15(B) Seeking Disqualification of Judge Alphons Orie, 16 December 2013, p. 46.
[17845] Decision Concerning Defence Motion to Exceed Word Count and Defence Motion Pursuant to Rule 15(B) Seeking Disqualification of Judge Christoph Flügge, 22 January 2014.
[17846] Decision Concerning Defence Motion to Exceed Word Count and Defence Motion Pursuant to Rule 15(B) Seeking Disqualification of Judge Christoph Flügge, 22 January 2014, p. 3; Decision Concerning Defence Motion to Exceed Word Count and Defence Motion Pursuant to Rule 15(B) Seeking Disqualification of Judge Alphons Orie, 22 January 2014, p. 3.
[17847] Defence Motion Seeking to Disqualify the Honourable Judge Alphons Orie and the Honourable Judge Christoph Flügge under this Trial Chamber's Enunciated Standard for Judicial Bias, 20 July 2016.

disqualification advanced by the Defence were without merit.[17848] On 26 August 2016, the President of the Tribunal denied the Defence request for disqualification.[17849]

Assignment of counsel

5227. Pursuant to Rule 45 (C), the Deputy Registrar assigned, on 2 June 2011, Mr Aleksandar Aleksić as duty counsel to represent the Accused at his initial appearance and in any relevant matters until permanent counsel could be assigned.[17850] On 22 July 2011, the Deputy Registrar temporarily assigned Mr Branko Lukić as lead counsel and terminated the assignment of Mr Aleksić.[17851] On 23 February 2012, the Registrar temporarily assigned Mr Miodrag Stojanović as co-counsel to Mr Lukić.[17852] On 31 January 2013, the Deputy Registrar permanently assigned Mr Lukić as counsel and Mr Stojanović as co-counsel.[17853] On 19 January 2017, the Registrar issued a decision withdrawing the assignment of Mr Stojanović as co-counsel to Mr Lukić and assigning Mr Dragan Ivetić as co-counsel to Mr Lukić effective as of 19 January 2017.[17854]

5228. On 17 September 2012, the Trial Chamber granted Mr Ivetić and Mr Nenad Petrušić permission to cross-examine witnesses and make witness-related submissions before the Trial Chamber, provided that either counsel or co-counsel would be present.[17855] On 13 January 2014, the Trial Chamber granted Mr Ivetić conditional permission to be the sole member of the Defence team present at the Rule 98 *bis* oral proceedings, pending the consent of the Accused, which was filed on 5 March 2014.[17856] On 19 May 2014, Mr Ivetić was granted permission to examine Defence witnesses and to make witness-related submissions throughout the Defence case, although only in the presence of lead or co-counsel.[17857] On 18 February 2015, the Trial Chamber granted

[17848] Decision on Defence Motion Seeking to Disqualify the Honourable Judge Alphons Orie and the Honourable Judge Christoph Flügge, 26 August 2016, Annex A.
[17849] Decision on Defence Motion Seeking to Disqualify the Honourable Judge Alphons Orie and the Honourable Judge Christoph Flügge, 26 August 2016.
[17850] *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-I, Decision of the Deputy Registrar on Assignment of Duty Counsel, 2 June 2011.
[17851] *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-PT, Decision of the Deputy Registrar on Assignment of Counsel, 22 July 2011, p. 2.
[17852] *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-PT, Decision of the Registrar on Assignment of Co-Counsel, 23 February 2012.
[17853] Decision by the Deputy Registrar regarding Appointment of Counsel, 1 February 2013.
[17854] Decision of the Registrar on Withdrawal and Assignment of Co-Counsel, 19 January 2017.
[17855] T. 2416.
[17856] Scheduling Order for Rule 98 *bis* Oral Submissions, 13 January 2014, p. 3; Notice of Filing, 5 March 2014.
[17857] T. 21046-21047.

the Defence request for Mr Saša Lukić to be able to examine one witness and to make related procedural submissions.[17858]

Indictment

5229. On 24 July 1995, the Prosecution filed its first joint indictment against Radovan Karadžić and the Accused.[17859] Judge Jorda confirmed the indictment against Karadžić and the Accused on 25 July 1995.[17860] On 15 November 1995, the Prosecution filed a second indictment against Karadžić and the Accused, concerning events that took place in Srebrenica in July 1995.[17861] Judge Riad confirmed the second indictment against Karadžić and the Accused on 16 November 1995.[17862] On 20 and 21 June 1996, Judges Jorda and Riad, respectively, ordered that the first and second indictment be submitted by the Prosecution in open court, in accordance with Rule 61.[17863] On 16 July 1996, a trial chamber composed of Judges Jorda, Odio Benito, and Riad ordered the joinder of the cases *Prosecutor v. Radovan Karadžić and Ratko Mladić*, Case no. IT-95-5, and *Prosecutor v. Radovan Karadžić and Ratko Mladić*, Case no. IT-95-18, and invited the Prosecutor to supplement the indictment.[17864] On the same day, after having reviewed all the evidence submitted and hearing from witnesses and two *amici curiae*, this trial chamber stated that there were reasonable grounds to believe that Karadžić and the Accused committed the offences charged in the indictments confirmed on 25 July and 16 November 1995.[17865]

[17858] T. 31928-31929.
[17859] *Prosecutor v. Radovan Karadžić and Ratko Mladić*, Case No. IT-95-5-I, Indictment, 24 July 1995.
[17860] *Prosecutor v. Radovan Karadžić and Ratko Mladić*, Case No. IT-95-5-I, Review of the Indictment, 25 July 1995.
[17861] *Prosecutor v. Radovan Karadžić and Ratko Mladić*, Case No. IT-95-18-I, Indictment, 15 November 1995.
[17862] *Prosecutor v. Radovan Karadžić and Ratko Mladić*, Case No. IT-95-18-I, Review of the Indictment, 16 November 1995.
[17863] *Prosecutor v. Radovan Karadžić and Ratko Mladić*, Case No. IT-95-5-R61, Order for Review of the Indictment in Open Court by Trial Chamber I (Rule 61 of the Rules of Procedure and Evidence), 20 June 1996; *Prosecutor v. Radovan Karadžić and Ratko Mladić*, Case No. IT-95-18-R61, Order for Review of the Indictment in Open Court by Trial Chamber I (Rule 61 of the Rules of Procedure and Evidence), 21 June 1996.
[17864] *Prosecutor v. Radovan Karadžić and Ratko Mladić*, Case Nos IT-95-5-R61, IT-95-18-R61, Review of the Indictments Pursuant to Rule 61 of the Rules of Procedure and Evidence, 16 July 1996.
[17865] *Prosecutor v. Radovan Karadžić and Ratko Mladić*, Case Nos IT-95-5-R61, IT-95-18-R61, Review of the Indictments Pursuant to Rule 61 of the Rules of Procedure and Evidence, 16 July 1996, pp. 2, 58.

5230. On 11 October 2002, the Prosecution filed a motion for leave to file an amended indictment and on the same day filed an amended indictment.[17866] Judge Orie granted leave to file an amended indictment and confirmed the amended indictment on 11 November 2002.[17867]

5231. On 15 October 2009, Trial Chamber III severed the case of the Accused from case IT-95-5/18, concerning Karadžić.[17868] Trial Chamber III recalled that since Karadžić had made his initial appearance before the Tribunal on 31 July 2008 and the Accused remained at large, it was in the interests of justice and clarity to sever the case of the Accused from the case of Karadžić.[17869]

5232. On 10 May 2010, the Prosecution filed a motion to amend the 11 October 2002 indictment and supporting materials in order to further clarify and specify its allegations against the Accused in the form of a proposed second amended indictment.[17870] On 27 May 2011, Judge Orie instructed the Prosecution to file the proposed second amended indictment with exception of the Bišina crime, within seven days.[17871] On 1 June 2011, the Prosecution filed the second amended indictment.[17872]

5233. On 16 August 2011, the Prosecution filed a consolidated motion to sever the indictment, to conduct separate trials, and to amend the resulting 'Srebrenica indictment'.[17873] In particular, the Prosecution sought leave to sever the second amended indictment into a 'Srebrenica indictment' and a 'Sarajevo, Municipalities, and Hostages indictment', and for the Accused to be tried first in relation to the 'Srebrenica

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[17866] *Prosecutor v. Radovan Karadžić and Ratko Mladić*, Case No. IT-95-5/18-I, Memorandum in Support of Prosecutor's Motion for Leave to file an Amended Indictment, for Confirmation of the Amended Indictment, and for an Order in terms of Rules 53(A) and 59 *bis* (A), 11 October 2002; *Prosecutor v. Radovan Karadžić and Ratko Mladić*, Case No. IT-95-5/18-I, Amended Indictment, 11 October 2002.
[17867] *Prosecutor v. Radovan Karadžić and Ratko Mladić*, Case No. IT-95-5/18-I, Order Granting Leave to file an Amended Indictment and Confirming the Amended Indictment, 11 November 2002.
[17868] *Prosecutor v. Radovan Karadžić and Ratko Mladić*, Case No. IT-09-92-I, Order Severing Ratko Mladić, 15 October 2009.
[17869] *Prosecutor v. Radovan Karadžić and Ratko Mladić*, Case No. IT-95-5/18-PT, Order Severing Ratko Mladić, 15 October 2009, p. 2.
[17870] *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-I, Motion to Amend the Amended Indictment and for Orders Under Rules 53(A), 55 and 59 *bis* (A), 10 May 2010; *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-I, Supporting Material to Motion to Amend the Amended Indictment and for Orders Under Rules 53 (A), 55 and 59 *bis* (A), 10 May 2010 (Confidential).
[17871] *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-I, Decision on Amendment of Indictment, 27 May 2011.
[17872] *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-I, Prosecution's Second Amended Indictment, 1 June 2011.
[17873] *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-PT, Consolidated Prosecution Motion to Sever Indictment, to Conduct Separate Trials and to Amend Resulting Srebrenica Indictment, 16 August 2011.

indictment'.[17874] In addition, the Prosecution sought to amend the 'Srebrenica indictment' to include the Bišina incident.[17875] On 13 October 2011, the Pre-Trial Chamber denied leave to sever the case but granted the Prosecution's motion to amend the indictment to include the Bišina incident. In addition, the Pre-Trial Chamber instructed the Prosecution to file the third amended indictment within seven days of that decision.[17876] On 20 October 2011, the Prosecution filed its third amended indictment.[17877]

5234. At status conferences held on 25 August, 6 October, and 10 November 2011, the Pre-Trial Chamber invited the Prosecution to reduce the scope of the indictment pursuant to Rule 73 *bis* (D).[17878] On 18 November 2011, the Prosecution submitted a proposed reduction pursuant to Rule 73 *bis* (D).[17879] On 2 December 2011, the Pre-Trial Chamber adopted the Prosecution's proposal with respect to the reduction of the scope of its case and instructed the Prosecution to file an amended indictment.[17880] On 16 December 2011, the Prosecution filed its Fourth Amended Indictment which became the operative Indictment in this case.[17881]

Preliminary motion

5235. On 12 September 2011, the Defence filed a motion alleging defects in the form of the second amended indictment, arguing that the indictment lacked sufficient

[17874] *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-PT, Consolidated Prosecution Motion to Sever Indictment, to Conduct Separate Trials and to Amend Resulting Srebrenica Indictment, 16 August 2011, paras 1, 7-14, 23-25.
[17875] *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-PT, Consolidated Prosecution Motion to Sever Indictment, to Conduct Separate Trials and to Amend Resulting Srebrenica Indictment, 16 August 2011, paras 1, 29-30; *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-I, Decision on Amendment of Indictment, 27 May 2011, paras 17, 20.
[17876] *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-PT, Decision on Consolidated Prosecution Motion to Sever the Indictment, to Conduct Separate Trials, and to Amend the Indictment, 13 October 2011, para. 42.
[17877] *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-PT, Third Amended Indictment, 20 October 2011; *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-PT, Prosecution's Submission of the Third Amended Indictment and Schedules of Incidents, 20 October 2011.
[17878] T. 64-65, 83, 97-98.
[17879] *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-PT, Prosecution Submission on Reduction of the Indictment pursuant to Rule 73 *bis* (D), 18 November 2011.
[17880] *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-PT, Decision Pursuant to Rule 73 *bis* (D), 2 December 2011, para. 15.
[17881] *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-PT, Prosecution Submission of the Fourth Amended Indictment and Schedules of Incidents, 16 December 2011.

identification of victims, dates, and locations.[17882] On 13 October 2011, the Pre-Trial Chamber denied the Defence's motion and, although it affirmed that the identity of the victims were not material to the case, instructed the Prosecution to file a list of identifying information by 1 November 2011 on the basis that the information would assist the Defence in its preparation.[17883] On 1 November 2011, the Prosecution filed its victim lists in relation to scheduled incidents in the third amended indictment.[17884] An updated victims list in relation to scheduled incidents in the fourth amended indictment was filed on 16 December 2011.[17885] Following an additional Defence motion on the form of the indictment, on 30 November 2016, the Trial Chamber issued a decision denying said motion.[17886]

Pre-Trial Preparations, Pre-Trial Briefs, and Rule 65 ter Filings

5236. During the pre-trial stage, the Pre-Trial Judge held regular Rule 65 *ter* meetings and status conferences to monitor the parties' trial preparations, including the status of disclosure.[17887] On 10 February 2012, the Prosecution filed its Rule 65 *ter* witness list and exhibit list.[17888] On 24 February 2012, the Prosecution filed its Pre-Trial Brief.[17889] On 3 April 2012, the Defence filed its Pre-Trial Brief.[17890]

Rule 73 bis (C) and commencement of trial

5237. On 24 April 2012, the Pre-Trial Chamber set the number of Prosecution witnesses to be presented at 413 and the number of hours available to the Prosecution

[17882] *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-PT, Defence Preliminary Motion Objecting to the Form of the Second Amended Indictment, 12 September 2011, paras 5-16.
[17883] *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-PT, Decision on Defence Preliminary Motion Objecting to the Form of the Second Amended Indictment, 13 October 2011, paras 8, 16.
[17884] *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-PT, Prosecution Filing of Victim Lists in Relation to Scheduled Incidents in the Third Amended Indictment, 1 November 2011.
[17885] *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-PT, List of Victims Relevant to the Fourth Amended Indictment, 16 December 2011.
[17886] Decision on Defence Motion Alleging Defects in the Form of the Indictment, 30 November 2016.
[17887] *See Prosecutor v. Ratko Mladić*, Case No. IT-09-92-PT, Scheduling Order for Status Conference, 18 July 2011; *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-PT, Scheduling Order for Rule 65 *ter* Meetings and Status Conferences and Decision on Deadline for Rule 68 (i) Disclosure, 1 September 2011.
[17888] *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-PT, Prosecution Witness List, 10 February 2012 (Confidential); *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-PT, Prosecution Supplemental Witness List, 10 February 2012 (Confidential); *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-PT, Prosecution Exhibit List, 10 February 2012 (Confidential).
[17889] *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-PT, Prosecution Pre-Trial Brief, 24 February 2012.
[17890] *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-PT, Defence Pre-Trial Brief, 3 April 2012.

for its examinations-in-chief at 200.[17891] On 16 and 17 May 2012, the Prosecution presented its opening statement.[17892] The first Prosecution witness gave evidence on 9 July 2012.[17893] On 3 December 2013, the Trial Chamber granted the Prosecution additional time for the presentation of its case.[17894]

End of Prosecution's case and Rule 98 bis decision

5238. The last Prosecution witness concluded his testimony on 12 December 2013.[17895] The Prosecution rested its case on 24 February 2014 and the Trial Chamber closed the Prosecution's case on 26 February 2014.[17896] The Trial Chamber heard Rule 98 *bis* submissions from 17 to 19 March 2014.[17897] On 15 April 2014, the Trial Chamber delivered its Rule 98 *bis* decision, denying the motion for acquittal on all counts.[17898] On 24 July 2014, the Appeals Chamber dismissed the Defence's appeal of the Trial Chamber's Rule 98 *bis* decision.[17899]

Start of Defence Case

5239. At the Pre-Defence Conference on 12 May 2014, the Trial Chamber granted the Defence 207.5 hours to present its case, the same amount of time used by the Prosecution to present its case, and set a deadline of 16 May 2014 for the Defence to file an amended witness list and a consolidated exhibit list.[17900] The Defence stated that it would not make an opening statement at the start of the Defence case and that the Accused did not wish to make a statement pursuant to Rule 84 *bis*.[17901] The first Defence witness gave evidence on 19 May 2014.[17902]

[17891] T. 313-315.
[17892] T. 402-523.
[17893] T. 537.
[17894] T. 20189-20191.
[17895] T. 20685.
[17896] Prosecution Notice of the Close of its Case-in-Chief, 24 February 2014; Scheduling and Closing Order, 26 February 2014.
[17897] T. 20716-20916.
[17898] T. 20918-20955.
[17899] *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-AR73.4, Decision on the Defence Interlocutory Appeal from the Trial Chamber Rule 98 *bis* Decision, 24 July 2014.
[17900] T. 20992, 21004, 21024, 21033.
[17901] T. 21003.
[17902] T. 21049.

Re-opening of Prosecution's Case

5240. On 23 October 2014, the Trial Chamber granted the Prosecution's motion to re-open its case-in chief to present evidence in relation to a recently discovered mass grave in Tomašica.[17903] On 27 March 2015, the Trial Chamber issued its Decision on the Defence Request to Adopt Modality for Prosecution Re-Opening, which provided for a four-week adjournment prior to the presentation of the Prosecution's re-opening evidence.[17904] On 17 April 2015, the Trial Chamber granted the Defence certification to appeal its 27 March 2015 decision. [17905] The Defence's Interlocutory Appeal was dismissed by the Appeals Chamber on 22 May 2015.[17906] The Prosecution re-opened its case-in-chief on 22 June 2015 and closed its case on 8 July 2015.[17907]

End of Defence case

5241. On 29 September 2015, the Trial Chamber set a deadline of 18 January 2016 for the filing of Defence bar table motions.[17908] On 31 March 2016, the Trial Chamber set a deadline of 15 April 2016 for the tendering of certain documents relating to witness testimony.[17909] On 26 April 2016, the Trial Chamber ordered that the remaining Defence witnesses should start their testimonies no later than the week of 30 May 2016.[17910] On 16 June 2016, the Trial Chamber informed the parties that it would formally close the Defence case once it had decided on all evidentiary motions.[17911] During a status conference on 8 July 2016, the Defence indicated that there would be no more evidentiary filings as part of the Defence case after 22 July 2016.[17912] On 15 August 2016, the Trial Chamber denied the Defence's request for an extension of the deadline

[17903] Decision on Prosecution Motion to Re-Open its Case-In-Chief, 23 October 2014.
[17904] Decision on Defence Request to Adopt Modality for Prosecution Re-Opening, 27 March 2015.
[17905] Decision on Defence Motion for Certification to Appeal the Decision on Defence Request to Adopt Modality for Prosecution Re-Opening, 17 April 2015.
[17906] *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-AR73.5, Decision on Interlocutory Appeal Against the 27 March 2015 Trial Chamber Decision on Modality for Prosecution Re-Opening, 22 May 2015.
[17907] T. 36085, 36885.
[17908] T. 39449.
[17909] First Defence Case Omnibus Decision, 31 March 2016, para. 2.
[17910] T. 43703.
[17911] T. 44211.
[17912] T. 44223.

for presenting its remaining witnesses.[17913] The last Defence witness concluded his testimony on 16 August 2016.[17914]

5242. On 4 July 2016, the Trial Chamber issued its decision denying the Defence motion 'for a fair trial and the presumption of innocence or, in the alternative, a mistrial'.[17915] On 27 February 2017, the Appeals Chamber issued its decision dismissing the interlocutory appeal against that decision.[17916]

5243. On 16 August 2016, the Trial Chamber established that no evidentiary issues remained, that the Defence had rested its case, and that the Defence case was therefore closed.[17917] On 23 August 2016, the Trial Chamber dismissed the Defence's request for a 'reasoned decision' on this matter.[17918]

Rebuttal and rejoinder evidence

5244. On 16 August 2016, the Trial Chamber granted the Prosecution's motion requesting the admission of rebuttal evidence.[17919] On 2 September 2016, the Trial Chamber granted the Prosecution's request for leave to withdraw three of the exhibits admitted in rebuttal and dismissed a Defence motion to admit evidence in rejoinder as moot.[17920]

Final Trial Briefs and closing arguments

5245. On 9 September 2016, the Trial Chamber issued a scheduling order closing the presentation of evidence in this case.[17921] On 25 October 2016, the parties filed their

[17913] Decision on Defence Requests to Vary the Deadline for Presenting Witnesses, 15 August 2016 (Confidential).
[17914] *See* T. 44311.
[17915] Decision on Defence Motion for a Fair Trial and the Presumption of Innocence or, in the Alternative, a Mistrial, 4 July 2016.
[17916] *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-AR73.6, Decision on Interlocutory Appeal against Decision on Defence Motion for a Fair Trial and the Presumption of Innocence, 27 February 2017.
[17917] T. 44319.
[17918] Decision on Defence Request for Reasoned Decision Regarding Closure of Defence Case, 23 August 2016.
[17919] Decision on Prosecution Motion to Admit Evidence in Rebuttal, 16 August 2016; Corrigendum to Decision on Prosecution Motion to Admit Evidence in Rebuttal, 18 August 2016.
[17920] Decision on Defence Motion to Admit Evidence in Rejoinder and Prosecution Request to Withdraw Exhibits, 2 September 2016.
[17921] Scheduling Order, 9 September 2016.

Final Trial Briefs.[17922] On 2 December 2016, the Appeals Chamber issued its decision dismissing the interlocutory appeal against the scheduling order.[17923] The Trial Chamber heard the parties' closing arguments from 5 to 15 December 2016.[17924]

Behaviour of the Accused during the proceedings

5246. The Accused received verbal warnings from the Trial Chamber over 150 times during the course of the proceedings for disruptive behaviour.[17925] Such disruptive behaviour included communicating with the public gallery and speaking out of turn.[17926] The Trial Chamber also warned the Accused that such conduct would result in his removal if it were to continue.[17927] The Accused was removed from the courtroom 17 times during the course of the trial due to disruptive behaviour.[17928]

Health of the Accused and the trial sitting schedule.

5247. During the trial, the Trial Chamber established four types of medical reporting regimes to monitor the health of the Accused: (i) regular expert medical reports; (ii) regular reports from the UNDU Reporting Medical Officer; (iii) special UNDU medical reports filed only on occasions when the Accused raised health concerns; and (iv) reports from the UNDU filed only when the Accused was absent from court.[17929]

5248. On 16 November 2011, the Trial Chamber ordered the Registry to have a complete medical examination of the Accused conducted and to have a detailed report compiled.[17930] On 15 February 2012, the Trial Chamber granted the Defence request for morning court sessions and urged the Registry to do its utmost to schedule such

[17922] Prosecution Final Brief, 25 October 2016 (Confidential); Defence Final Brief, 25 October 2016 (Confidential).
[17923] Decision on Interlocutory Appeal against Scheduling Order, 2 December 2016.
[17924] T. 44323-44905.
[17925] *See*, for example, T. 211, 3102, 3479, 4262, 4805, 5761, 7695, 10148, 11376, 12161, 14572, 19346, 19363, 19376, 20234, 21292, 23690, 26000, 29480, 30453, 31415, 33120, 35423, 40671, 43556, 44194.
[17926] T. 36769, 38285.
[17927] T. 3728, 21801, 24693-24694, 27139, 27157, 33202, 33329, 33433, 35725, 42204, 43965, 44870.
[17928] T. 46-47, 2057, 3728, 4040-4041, 5081, 6416-6418, 7729-7730, 8832, 9564-9566, 9885-9888, 22032-22033, 22723, 29051-29052, 29090, 29788, 35159-35160, 35854.
[17929] T. 12016-12017, 24176-24177; Decision on the Trial Sitting Schedule, 14 March 2014; Decision on Defence Motion Seeking Adjustment of Modalities for Trial, 13 March 2013 (Confidential).
[17930] *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-PT, Order for a Medical Examination of the Accused Pursuant to Rule 74 *bis*, 16 November 2011.

sessions.[17931] On 12 July 2013, the Trial Chamber denied a Defence motion requesting that trial days last no longer than four hours in total and that the trial sitting schedule be reduced from five days per week to four four-hour days separated by a day of rest.[17932] On 22 August 2013, the Trial Chamber granted the Defence certification to appeal its Decision of 12 July 2013.[17933] On 22 October 2013, the Appeals Chamber reversed the Trial Chamber's 12 July 2013 Decision and ordered the Trial Chamber to adopt a four-day trial sitting schedule for the remainder of the Prosecution case and directed the Trial Chamber to reassess the matter at the beginning of the Defence case.[17934] On 15 November 2013, in compliance with the Appeals Chamber's Decision, the Trial Chamber ordered the Registry to have expert medical examinations of the Accused conducted, in order to reassess the trial sitting schedule before the commencement of the Defence case.[17935] Given the findings of the expert medical reports, on 14 March 2014, the Trial Chamber denied the Defence request for a four-day trial sitting schedule and ordered a five-day trial sitting schedule for the Defence case.[17936] On 9 and 24 July 2014, the Registry filed two additional expert medical reports.[17937] Given the findings of these expert medical reports, the Trial Chamber, on 25 August 2014, partially granted the Defence's request dated 13 June 2014 to permanently adopt a four-day trial sitting schedule with Friday provisionally designated as the non-sitting day.[17938]

Safe conduct orders

5249. In April and May 2014, the Trial Chamber granted a number of safe conduct orders for Defence witnesses the basis being that Article XVIII(1) of the Agreement between the UN and the Kingdom of The Netherlands concerning the Headquarters of the Tribunal only afforded protection from prosecution in the Kingdom of the

[17931] *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-PT, Scheduling Order, 15 February 2012.
[17932] Decision on Second Defence Motion Seeking Adjustment of the Trial Sitting Schedule due to the Health Concerns of the Accused, 12 July 2013 (Confidential).
[17933] Decision on Defence Motions for Reconsideration and Certification to Appeal the Decision on Defence Motion Seeking Adjustment of the Trial Schedule, 22 August 2013.
[17934] *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-AR73.3, Decision on Mladić's Interlocutory Appeal Regarding Modification of Trial Sitting Schedule Due to Health Concerns, 22 October 2013 (Confidential).
[17935] Order for Medical Examination of the Accused Pursuant Rule 74 *bis*, 15 November 2013.
[17936] Decision on the Trial Sitting Schedule, 14 March 2014.
[17937] Deputy Registrar's Submission of Medical Report, 9 July 2014 (Confidential); Registrar's Submission of Medical Report, 24 July 2014 (Confidential).
[17938] T. 24701-24702; Reasons for Decision on the Future Trial Sitting Schedule, 17 September 2014 (Confidential).

Netherlands to witnesses appearing at the request of the Tribunal or the Prosecutor but not to witnesses appearing at the request of the Defence. In accordance with fair trial standards, including the principle of equality of arms, the Trial Chamber granted safe conduct to a number of Defence witnesses in order to ensure that the appearance in court of Defence witnesses was not made more difficult than the appearance of Prosecution witnesses.[17939] On 21 May 2014, the Trial Chamber expressed its concern regarding the number of safe conduct motions being filed by the Defence and reminded the Defence that for safe conduct to be ordered, a realistic concern about being prosecuted or investigated should exist.[17940]

[17939] Orders for Safe Conduct, 5 May 2014 (Confidential).
[17940] T. 21224-21229.

B. Sources and use of evidence

Standard of Proof

5250. Pursuant to Article 21 (3) of the Statute, an accused is entitled to be presumed innocent until proven guilty. Pursuant to Rule 87 (A) of the Rules, the standard for determining guilt is proof beyond a reasonable doubt. While each and every fact in a Trial Judgement need not be proven beyond a reasonable doubt,[17941] all facts which are material to the elements of the alleged crime must be proven beyond a reasonable doubt for a finding of guilt in relation to that crime.[17942] The burden of proof remains with the Prosecution throughout the trial.[17943] An accused must be acquitted if there is any reasonable explanation of the evidence other than the guilt of the accused.[17944] In making findings, the Trial Chamber applied this standard of proof. The Trial Chamber notes that in many instances the evidence suggested a conclusion which seemed to be very likely. However, in keeping with the applicable standard of proof, the Trial Chamber strictly examined whether such a conclusion was the only reasonable one.[17945]

Witnesses

5251. In total, the Trial Chamber heard or received evidence of 592 witnesses. On 24 April 2012, the Trial Chamber, pursuant to Rule 73 *bis* (C) of the Rules, granted the Prosecution's request for 200 hours to present evidence through witnesses.[17946] On 3 December 2013, the Trial Chamber granted the Prosecution's request to exceed the 200 hours in order to finish the testimony of one witness, which resulted in a total number of 207.5 hours.[17947] On 12 May 2014, the Defence was granted the same amount of time to present evidence through witnesses, and used a total of almost 188.5 hours out of the

[17941] *Ntagerura et al*. Appeal Judgment, paras 174-175.
[17942] *Čelebići* Trial Judgment, para. 109; *Halilović* Appeal Judgment, para. 109; *Martić* Appeal Judgment, para. 55; *Dragomir Milošević* Appeal Judgment, para. 20.
[17943] *Brđanin* Trial Judgment, para. 22; *Haradinaj et al*. Trial Judgment, para. 7; *Gotovina et al*. Trial Judgment, para. 14.
[17944] *Čelebići* Appeal Judgment, para. 458.
[17945] *See Vasiljević* Appeal Judgment, paras 120, 128. For example, this was often the case in relation to the ethnicity of victims of crimes.
[17946] T. 313-315.
[17947] T. 20189-20191, 21032-21033. *See also* T. 34539, where the Trial Chamber granted the Prosecution an additional nine hours for the re-opening of its case in order to present evidence on the then recently discovered Tomasiča mass grave, which is not reflected in the total hours granted to the Prosecution to present its case-in-chief.

207.5 hours.[17948] Out of a total of 377 fact and expert witnesses who appeared before the Trial Chamber, 169 were called by the Prosecution and 208 were called by the Defence.[17949]

5252. The Trial Chamber admitted witness statements or testimony pursuant to Rules 92 *bis*, *ter*, and *quater* of the Rules. The Trial Chamber admitted the written evidence of 187 witnesses pursuant to Rule 92 *bis* of the Rules.[17950] Rule 92 *bis* of the Rules allows for the admission of written evidence that goes to proof of matters other than the acts and conduct of the accused as charged in the indictment, without the need for the witness to appear in person before the Court.[17951] The Trial Chamber admitted written evidence tendered pursuant to Rule 92 *ter* of the Rules in relation to 299 witnesses. Rule 92 *ter* of the Rules allows for the admission of written evidence that goes to proof of the acts and conduct of the accused as charged in the indictment and, *inter alia*, requires the witness's presence in court.[17952] Rule 92 *quater* of the Rules allows for the admission of written evidence that goes to proof of the acts and conduct of an accused as charged in the indictment, in circumstances where the witness is unavailable or unable to testify due to reasons set out in the Rule which include death or the existence of a mental condition.[17953] The Trial Chamber admitted statements and prior testimony of 24 unavailable witnesses pursuant to this Rule. The Trial Chamber admitted such written evidence only if it was satisfied that the evidence concerned was reliable.[17954] In its assessment, the Trial Chamber considered whether the statements were corroborated by other evidence, whether the statements were internally consistent, the circumstances in which the statements were made or recorded, and whether the evidence had ever been subject to cross-examination.[17955]

[17948] T. 21032-21033.
[17949] One person was called to testify by the Defence and appeared before the Trial Chamber, but refused to testify after the Trial Chamber denied the witness protective measures. Therefore, the Trial Chamber did not hear the evidence of this person, resulting in the total number of Defence witnesses testifying before the Trial Chamber being 208. *See* T. 30269.
[17950] *See*, for example, Decision on Prosecution's 18th Motion to Admit Evidence Pursuant to Rule 92 *bis*, 23 September 2013; Decision on Prosecution 31st Motion to Admit Evidence Pursuant to Rule 92 *bis*, 13 February 2014; Decision on Defence Motion to Admit the Evidence of Dušan Đenadija Pursuant to Rule 92 *bis*, 29 October 2015; Decision on Defence Motion to Admit the Evidence of Witness GRM-065 Pursuant to Rule 92 *bis*, 14 January 2016.
[17951] Rule 92 *bis* (A) of the Rules.
[17952] Rule 92 *ter* (B) of the Rules.
[17953] Rule 92 *quater* (B) of the Rules.
[17954] Rule 92 *quater* (A) (ii) of the Rules.
[17955] *See*, for example, Decision on Prosecution Motion to Admit the Evidence of Witness RM-266 pursuant to Rule 92 *quater*, 23 July 2012; Decision on Prosecution Motion to Admit the Evidence of Witnesses Zaim Košarić and Đula Leka pursuant to Rule 92 *quater*, 9 November 2012; Decision on

5253. On 12 December 2016, the Trial Chamber admitted three statements tendered by the Defence pursuant to Rule 85 (A)(vi) of the Rules.[17956] This rule provides for the presentation of relevant information that may assist the Trial Chamber in determining an appropriate sentence if the accused is found guilty.[17957]

5254. The Trial Chamber heard the evidence of 26 witnesses by way of video-conference link, pursuant to Rule 81 *bis* of the Rules. In each instance a Court Officer was present with the witness for the duration of the witness's testimony. The consequences of denying a motion to hear a witness by video-conference link can result in, *inter alia*, the evidence not being heard by the Chamber. When deciding whether hearing a witness in this way would be consistent with the interests of justice, the Trial Chamber considered a number of factors which varied depending on the reasons provided by the calling party for the witness's evidence to be heard by video-conference link. Factors included but were not limited to the importance of the witness's testimony, the ability for the parties to cross-examine and directly confront the witness, the reasons for the witness's unwillingness to testify in The Hague, the parties' ability to prepare for the examination of the witness, the Trial Chamber's ability to assess the witness's demeanour, the impact on trial expediency due to possible technical delays, the witness's perception of the seriousness of the proceedings, and the parties' ability to present the witness's evidence.[17958]

Experts

5255. Rule 94 *bis* of the Rules sets out the requirements relating to expert witness testimony.[17959] Of the total number of witnesses heard in court, 34 were expert witnesses. In most cases, the Trial Chamber decided on the expertise of the witness

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Prosecution Motion to Admit the Evidence of Witness RM-265 pursuant to Rule 92 *quater*, 4 October 2014; Decision on Joint Motion to Admit the Evidence of Jasmin Odobašić pursuant to Rule 92 *quater*, 28 July 2016.

[17956] T. 44723-44727.

[17957] Rule 85 (A)(vi) of the Rules.

[17958] *See*, for example, Decision on Prosecution Motion for Testimony of Witness RM-088 to be Heard via Video-Conference Link, 1 November 2012; Decision on Prosecution Motion for Testimony of Witness RM-145 to be Heard via Video-Conference Link, 7 September 2012; Reasons for the Decision on Prosecution Motion for Testimony of Witness RM-284 via Video-Conference Link and Request to Registry, 10 May 2013; Decision on Defence Motion for Testimony of Witness Tomislav Delić to be Heard via Video-Conference Link, 10 November 2014; Decision on Defence Motion for Testimony of José Cutiliero to be Heard via Video-Conference Link, 12 November 2015.

[17959] Rule 94 *bis* of the Rules. The Trial Chamber considered Rule 92 *ter* motions which related to expert witnesses under Rule 94 *bis* of the Rules.

before the witness testified, and in doing so considered whether the person, by virtue of some specialized knowledge, skill, or training, could assist the Trial Chamber in understanding an issue in dispute, and whether the content of his or her report fell within this expertise. The Trial Chamber deferred its decision to admit the expert's report until the time of the expert witness's testimony, and admitted expert reports which it found to be relevant and probative.[17960] In addition to those expert witnesses who appeared in court, the Trial Chamber also admitted the evidence of one Prosecution expert witness pursuant to Rule 94 *bis* (C) of the Rules, which permits the admission of expert testimony by the Trial Chamber without calling the witness to testify in person, if certain requirements have been met.[17961]

Admission of Evidence

5256. Pursuant to Rule 89 (C) of the Rules, the Trial Chamber admitted documents into evidence which it determined were relevant and of probative value.[17962] Such documents included exhumation reports, orders, photographs, and (marked) maps tendered in connection with witness testimonies, or tendered from the bar table. In relation to those documents tendered from the bar table, the Trial Chamber also considered whether the tendering party had demonstrated with clarity and specificity where and how each document fitted into its case.[17963] In total, the Trial Chamber admitted 9,914 exhibits.

Tendering of contextual documents

5257. On 13 January 2016, the Trial Chamber decided on the Prosecution's request to tender contextual evidence in response to Defence bar table motions, as opposed to tendering such evidence during the rebuttal phase. The Trial Chamber decided that the

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[17960] *See*, for example, Decision on Defence Motion to Disqualify Richard Philipps as an Expert and Bar the Prosecution from Presenting His Report, 1 November 2012; Decision Pursuant to Rule 94 *bis* in relation to Proposed Expert Helge Brunborg, 19 July 2013; Decision on Zoran Stanković's Expertise Pursuant to Rule 94 *bis*, 6 April 2016; Decision on the Admission of Mitar Kovač's Expert Report and its Annex, 30 May 2016; Decision on Defence Motion to Admit into Evidence Subotić and Poparić's Expert Reports and Related Documents, 9 June 2016. For examples of in-court admissions of expert reports *see* T. 4682, 5327-5329, 19474, 19806, 38152, 41982, 42188-42189, 43239-43240.
[17961] T. 13973-13975.
[17962] Rule 89 (C) of the Rules.
[17963] *See*, for example, Decision on Prosecution First Motion to Admit Evidence from the Bar Table Mladić Notebooks, 25 September 2012, para. 12; Decision on Prosecution's Bar Table Motion for the Admission of Intercepts: Srebrenica Segment, 2 May 2013, paras 7-10; Decision on Defence's Eighth Motion for the Admission of Documents from the Bar Table, 24 March 2016, para. 7.

Prosecution should explain the necessity of tendering the specific evidence during the Defence phase of the proceedings. Only after hearing these submissions and any submissions by the Defence, would the Trial Chamber decide whether the Prosecution should be allowed to proceed with the tendering.[17964]

Guidance on the presentation and tendering of evidence

5258. Motivated by case management concerns and as part of its obligations under Article 20 of the Statute and Rule 90 (F) of the Rules, the Pre-Trial Chamber and subsequently the Trial Chamber issued guidance on how to present and tender evidence.[17965] Through this guidance the Trial Chamber provided an indication to both parties of its strong preferences regarding the presentation and tendering of evidence.[17966] It set out that the parties were responsible for selecting the most relevant evidence and presenting their case in a clear and comprehensible manner.[17967] For example, the Pre-Trial Chamber instructed the parties to avoid presenting evidence overlapping with Adjudicated Facts and that any such tendering would need to be clearly explained.[17968] It also set out that the parties should limit Rule 92 *bis*, 92 *ter*, and 92 *quater* motions to one witness statement, while exceptionally accepting one or more short supplemental witness statements dealing with specific issues or corrections to the original statement.[17969] For both Rule 92 *bis* and 92 *ter* motions, the Trial Chamber would only under exceptional circumstances admit transcripts of testimony given in another case if compelling reasons existed.[17970] The tendering party should only tender those portions of a transcript upon which it wanted to rely, including any portions necessary to contextualise or clarify, while the other party in its response to the motion should add any portions considered relevant for the proper understanding of the witness's testimony.[17971] The parties were to abstain from redactions that could result in a misleading presentation of the evidence.[17972]

[17964] Reasons for Decision on Prosecution Request to Tender Documents and Decision on Defence Motion for Certification to Appeal, 10 March 2016, paras 1, 10, 12.
[17965] T. 106.
[17966] T. 526.
[17967] T. 106.
[17968] T. 204-206, 528-530.
[17969] T. 107-109, 321, 527.
[17970] T. 108, 527-528
[17971] T. 5407-5508. *See also* Decision on Prosecution Motion to Admit the Evidence of Witness RM-266 Pursuant to Rule 92 *quater*, 23 July 1012, para. 14.
[17972] T. 5407.

5259. The Pre-Trial Chamber further instructed the parties that, generally, the number of associated exhibits for Rule 92 *bis* witnesses should not exceed five documents and that those exhibits would need to be clearly addressed and discussed in the witness's statement. Its preference was that Rule 92 *ter* motions should not encompass any associated exhibits at all but that exhibits that the parties intended to tender with a witness pursuant to Rule *92 ter* were to be presented as part of the examination-in-chief.[17973] Documentary evidence supporting a witness's statement should only be tendered in re-examination in a case where the relevant part of a statement was challenged in cross-examination.[17974]

5260. With regard to bar table submissions, the Pre-Trial Chamber instructed the parties that documentary evidence should preferably be tendered in court through witnesses who could give a proper contextualisation and that bar table motions would only be accepted exceptionally and for a limited amount of documents.[17975] Based on its preference of receiving bar table motions at a late stage of the case, the Pre-Trial Chamber accepted the Prosecution's proposal to submit bar table motions at the close of the presentation of an individual component of its case when it would be evident to the tendering party that the documentary evidence could not have been tendered through any witness.[17976]

Agreed Facts

5261. On 25 August 2011, during the Pre-Trial phase of the proceedings, the parties were encouraged by the Pre-Trial Chamber to identify issues not in dispute between the parties.[17977] The parties filed joint submissions on agreed facts on 19 September and 25 November 2011, 6 January, 10 February, 16 March, 27 April, and 6 July 2012.[17978] On 4

[17973] T. 109, 530-532.
[17974] T. 320.
[17975] T. 109-110.
[17976] T. 110, 235-237.
[17977] T. 63-64.
[17978] T. 63, 77; *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-PT, Joint Submission on Progress of Agreed Facts Negotiations (Confidential with Confidential Appendix A), 19 September 2011; *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-PT, Second Joint Submission on Progress of Agreed Facts Negotiations (Confidential), 25 November 2011; *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-PT, Third Joint Submission on Progress of Agreed Facts Negotiations (Confidential), 6 January 2012; *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-PT, Fourth Joint Submission on Progress of Agreed Facts Negotiations (Confidential), 10 February 2012; *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-PT, Fifth Joint Submission on Progress of Agreed Facts Negotiations (Confidential with Confidential Annexes A and B, 16 March 2012; *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-PT, Sixth Joint Submission on

June 2013 and 6 June 2016, the parties filed joint submissions on agreed facts pertaining to the Accused's whereabouts between 14 and 17 July 1995, and on 4 March 2016, the parties filed a joint submission on agreed facts pertaining to a correction to site coordinates for Godinjske Bare.[17979] In the course of the trial, the parties agreed to other facts through stipulations made in court.[17980]

Adjudicated Facts

5262. Subsequent to an agreement by the parties on a template for the Prosecution's adjudicated facts motion,[17981] and guidance from the Pre-Trial Chamber,[17982] the Prosecution filed a motion on 9 December 2011, requesting that the Pre-Trial Chamber take judicial notice of certain adjudicated facts. The Pre-Trial Chamber issued four separate decisions on the Prosecution's 9 December motion, addressing the annexes to the motion and the rebuttal evidence procedure. These decisions were issued on 28 February, 21 March, 13 April, and 2 May 2012, taking notice of approximately 2,000 adjudicated facts.[17983] Following an interlocutory appeal by the Defence on three of the decisions issued by the Trial Chamber, on 12 November 2013 the Appeals Chamber instructed the Trial Chamber to remove from the record 61 adjudicated facts.[17984] The Trial Chamber accordingly withdrew its judicial notice of these facts on 13 November

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Progress of Agreed Facts Negotiations (Confidential with Confidential Annex A), 27 April 2012; Seventh Joint Submission on Progress of Agreed Facts Negotiations (Confidential with Confidential Annex A), 6 July 2012.

[17979] Joint Submission on Agreed Facts (Location of Mladić 14 to 17 July 1995), 4 June 2013; Joint Submission on Agreed Facts (Correction to Site Coordinates for Godinjske Bare), 4 March 2016; Joint Submission on Revised Agreed Facts (Location of Mladić 14 to 17 July 1995), 6 June 2016.

[17980] *See*, for example, T. 1105, 16253-16254, 20631-20632, 29075.

[17981] *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-PT, Proposed Adjudicated Facts Motion Template, 20 October 2011.

[17982] T. 102-103.

[17983] *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-PT, First Decision on Prosecution Motion for Judicial Notice of Adjudicated Facts, 28 February 2012; *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-PT, Second Decision on Prosecution Motion for Judicial Notice of Adjudicated Facts, 21 March 2012; *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-PT, Third Decision on Prosecution Motion for Judicial Notice of Adjudicated Facts, 13 April 2012; Fourth Decision on Prosecution Motion for Judicial Notice of Adjudicated Facts Concerning the Rebuttal Evidence Procedure, 2 May 2012. During the trial proceedings the Trial Chamber took *proprio motu* judicial notice of two adjudicated facts, *see* Decision on *Proprio Motu* Taking Judicial Notice of Two Adjudicated Facts, 5 June 2012. On 15 January 2016, the Prosecution filed a notice clarifying its reliance on Adjudicated Fact 1233, which the Trial Chamber had taken judicial notice of in its 28 February 2012 decision, *see* Prosecution Notice Concerning Adjudicated Fact 1233, 15 January 2016.

[17984] *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-AR73.1, Decision on Ratko Mladić's Appeal Against the Trial Chamber's Decisions on the Prosecution Motion for Judicial Notice of Adjudicated Facts, 12 November 2013.

2013.[17985] The Prosecution reformulated some of the facts in accordance with the Appeals Chamber's 12 November decision and requested that the Trial Chamber take judicial notice of 24 of the 61 adjudicated facts. The Trial Chamber took judicial notice of 12 of these proposed adjudicated facts.[17986]

Judicial notice of the authenticity of documents

5263. Pursuant to Rule 94 (B) of the Rules, the Trial Chamber decided to take judicial notice of the authenticity of documentary evidence which had been admitted in prior proceedings.[17987] In doing so, the Trial Chamber considered whether the moving party had demonstrated that the relevant documents had been tendered as evidence before the Tribunal, had been found to be authentic in those prior proceedings, and were relevant to the present case.[17988]

Public character of proceedings

5264. Accused before the Tribunal have the right to a public hearing. This right is not absolute. The Statute and the Rules provide for the protection of victims and witnesses,[17989] as well as the protection of the national security interests of States,[17990] or of public order.[17991] In this case, protective measures applied for 137 witnesses.

[17985] T. 19228.
[17986] Decision on Prosecution Motion Pursuant to the Appeals Chamber's Decision on Adjudicated Facts, 30 January 2014.
[17987] Decision on Prosecution First Motion to Admit Evidence from the Bar Table: Mladić Notebooks, 25 September 2012; Decision on Prosecution's Bar Table Motion for the Admission of Intercepts: Srebrenica Segment, 2 May 2013; Decision on Prosecution Motion to Admit Evidence from the Bar Table: Excerpts from Mladić's Audio Tapes, 18 September 2013.
[17988] *See*, for example, Decision on Prosecution First Motion to Admit Evidence from the Bar Table: Mladić Notebooks, 25 September 2012, paras 5, 7-11.
[17989] Article 22 of the Statute and Rule 75 of the Rules.
[17990] Rule 54 *bis* (F) of the Rules.
[17991] Rule 79 (A) (i) of the Rules.

Interpretation of the Indictment: Scheduled and unscheduled incidents

5265. In its Final Brief, the Defence argued that there are defects in the form of the Indictment.[17992] It alleged that for the purposes of entering a conviction, if any, against the Accused, the crimes underpinning all eleven Counts in the Indictment are confined to the 106 Scheduled Incidents. This would make certain Counts partially defective.[17993] The Defence submitted that Counts 7 and 8, relating to deportation and forcible transfer, are wholly defective as they do not identify any Scheduled Incidents and are therefore without factual basis.[17994] According to the Defence, the Trial Chamber's Rule 73 *bis* (D) decision must be interpreted as excluding all crimes apart from those listed in Schedules A-G and the crime of hostage-taking.[17995] The Defence submitted that in relation to the crime of hostage-taking a schedule is not necessary as Count 11 is 'premised upon a single set of facts which is not amenable to inclusion in any of the Schedules' and that it is 'based upon the facts which were in reality set out in the body of the Indictment rather than the Schedules'.[17996] The Defence claimed to have relied on the interpretation regarding the scope of the case both from apparent Prosecution statements at the Rule 73 *bis* (D) stage and from the Trial Chamber's apparent confirmation in its Rule 73 *bis* (D) decision.[17997] The Prosecution averred that the reduction in its case at the Rule 73 *bis* (D) stage was limited to the reduction of certain *scheduled* incidents and nothing further.[17998]

5266. On 25 October 2016, the Defence filed a motion also arguing that there are defects in the form of the Indictment.[17999] The Trial Chamber reiterates, as it clarified in the decision denying this motion, that challenges to an indictment may be brought by the Defence in two ways: (a) at the pre-trial stage, as a preliminary motion pursuant to

[17992] Defence Final Brief, paras 8-33.
[17993] Defence Final Brief, paras 8-17, 20(h), 23-33.
[17994] Defence Final Brief, paras 28-31.
[17995] Defence Final Brief, paras 11-12, 22.
[17996] Defence Final Brief, para. 22. The Defence does however state that it does not necessarily accept the sufficiency of the way in which Count 11 is pled.
[17997] Defence Final Brief, paras 13-23.
[17998] T. 44384 ('And finally, Mr. President, Your Honours, let me quickly address the 73 bis argument, another Defence claim that is frankly untethered to reality. The reduction pursuant to 73 bis in this case was clearly about Scheduled Incidents, as reflected in the very first paragraph of the Prosecution's submission. After explaining in paragraph 1 which of the "crimes enumerated in the schedules" it would present evidence on, it noted again in paragraph 7 that it had identified "the scheduled crimes" upon which it would present evidence and that it would not present evidence on the remainder of the previously scheduled crimes, resulting in a reduction of the case. Thereafter, the Trial Chamber adopted the proposal and ordered the Prosecution to file an amended indictment in accordance with the decision, which the Prosecution did.').

Rule 72 of the Rules, for alleged defects on the face of an indictment; or (b) at the trial stage, by way of objecting to the admission of evidence, when alleged defects become apparent as a result of evidence of material facts proffered by the Prosecution.[18000] In relation to (a), on 12 September 2011, the Defence filed a preliminary motion objecting to the form of the then-operative indictment.[18001] On 13 October 2011, the Pre-Trial Chamber issued a decision denying that preliminary motion on the basis that the Indictment was not defective.[18002] In respect of (b), the Defence did not identify any evidence of apparent new material facts led by the Prosecution during trial to which it objected and, therefore, this avenue was not pursued by the Defence.

5267. The Trial Chamber also reiterates, as it has previously clarified, that at the Rule 73 *bis* (D) stage it approved amendments to the Indictment so as to fix the number of *scheduled* incidents but its decision did not affect other incidents within the scope of the Indictment, which accordingly remained part of the Indictment as charged.[18003] The amendments to the Indictment included striking out 90 incidents from Schedules A-G which had, as the Prosecution confirmed, the following consequence: 'Allegations and text that are marked by the single strikethrough are withdrawn, vestigial and no longer have legal effect'.[18004] These stricken-out incidents were, therefore, no longer charged and were not considered by the Trial Chamber although the Trial Chamber allowed the Prosecution to lead evidence on them under certain circumstances.[18005]

[17999] Defence Motion Alleging Defects in the Form of the Indictment, 25 October 2016.
[18000] *See* Decision on Defence Motion Alleging Defects in the Form of the Indictment, 30 November 2016; Decision on Defence Motion for Reconsideration of or, in the Alternative Certification to Appeal the Decision on the Defence Motion Alleging Defects in the Form of the Indictment, 23 February 2017.
[18001] *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-PT, Defence Preliminary Motion Objecting to the Form of the Second Amended Indictment, 12 September 2011. *See also Prosecutor v. Ratko Mladić*, Case No. IT-09-92-PT, Second Amended Indictment, 1 June 2011; *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-PT, Ratko Mladić's Motion for Enlargement of Time to File Preliminary Motion, 12 August 2011 (Confidential); *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-PT, Prosecution's Response to Motion for Enlargement of Time, 23 August 2011; T. 59; *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-PT, Prosecution Response to Defence Preliminary Motion Objecting to the Form of the Second Amended Indictment, 26 September 2011; *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-PT, Defence Request to File Reply in Support of Preliminary Motion Objecting to the Form of the Second Amended Indictment, with Annex A, Defence Reply in Support of Preliminary Motion Objecting to the Form of the Second Amended Indictment, 30 September 2011.
[18002] *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-PT, Decision on Defence Preliminary Motion Objecting to the Form of the Second Amended Indictment, 13 October 2011.
[18003] Decision on Defence Motion for Reconsideration of or, in the Alternative Certification to Appeal the Decision on the Defence Motion Alleging Defects in the Form of the Indictment, 23 February 2017. *See Prosecutor v. Ratko Mladić*, Case No. IT-09-92-PT, Decision Pursuant to Rule 73 *bis* (D), 2 December 2011, paras 12, 14-15.
[18004] Indictment, fn. 1.
[18005] In its Rule 73 *bis* (D) decision, the Chamber held that '[it] does not strictly prohibit the Prosecution from presenting evidence on incidents it has proposed to remove, if it considers this necessary to prove an

5268. Based on the foregoing, and notwithstanding the fact that the challenges to the Indictment cannot be brought at this stage of the proceedings, the Trial Chamber makes the following observations, for clarification, relating to 'unscheduled incidents' in the Indictment as charged.

5269. Alleged crimes not enumerated in Schedules A-G of the Indictment may loosely be considered as 'unscheduled incidents'. Whether an alleged crime is listed in a schedule attached to the Indictment or not does not determine whether an indictment is defective. As set out in the jurisprudence, the key consideration is whether the relevant material facts were pled with sufficiency under the applicable law.[18006] The Trial Chamber recalls that in the Pre-Trial Chamber's decision of 13 October 2011 on the Rule 72 preliminary motion, it was held that there were no formal requirements as to how the notification of relevant information (such as the identity of victims) in an indictment ought to be made and there was no requirement to have annexes or schedules.[18007] The Pre-Trial Chamber's decision on the preliminary motion was not appealed by the parties.

5270. In the Indictment, a number of alleged crimes are not particularised by schedule, for instance: deportation, forcible transfer, inhumane treatment, plunder, discriminatory measures, and forced labour. A number of alleged crimes are enumerated partly by schedule, for instance: destruction, terror and unlawful attacks, and murder. This enumeration is not exhaustive as is indicated by the use of incorporating language such as 'including',[18008] 'illustrative examples',[18009] 'as well as',[18010] and 'including but not limited to'.[18011] The Trial Chamber further notes that the Indictment details sufficient material facts, such as references to victims, dates, and locations, for each incident whether enumerated by schedule or not. Those material facts limit the scope of the

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element of a charged count. The Prosecution should indicate such proposed evidence clearly in its Rule 65 *ter* filings and explain its specific relevance to the Prosecution's case. The Chamber notes that the Accused cannot be convicted with respect to crimes which have been removed pursuant to Rule 73 *bis* (D) of the Rules'.

[18006] *See*, for example, Decision on Defence Preliminary Motion Objecting to the Form of the Second Amended Indictment, 13 October 2011.

[18007] Decision on Defence Preliminary Motion Objecting to the Form of the Second Amended Indictment, 13 October 2011, para. 8.

[18008] Indictment, paras 46, 59(j), 62,

[18009] Indictment, para. 81.

[18010] Indictment, paras 39, 62.

[18011] Indictment, para. 46.

relevant charge.[18012] The Trial Chamber's understanding is consistent with its previous interpretation of language used in the Indictment.[18013] Accordingly, the Trial Chamber's interpretation of the language of the Indictment remains unchanged, is attuned to the clear context in which limiting or incorporating words are used, and is subject to the material facts limiting a charge.

Consideration of adjudicated facts

5271. During the pre-trial stage of this case, the Pre-Trial Chamber set out its approach to Adjudicated Facts in its 'Fourth Decision on Prosecution Motion for Judicial Notice of Adjudicated Facts Concerning the Rebuttal Evidence Procedure'.[18014] The parties neither sought reconsideration nor certification to appeal this decision. Accordingly, the Trial Chamber proceeded on the basis of this decision with regard to the approach on Adjudicated Facts.

5272. By taking judicial notice of an adjudicated fact, a chamber establishes a well-founded presumption for the accuracy of this fact, which therefore does not have to be proven again at trial, but which may be challenged during that trial.[18015] Taking judicial notice of an adjudicated fact does not shift the ultimate burden of persuasion, which remains with the Prosecution.[18016] It fosters judicial economy by avoiding the need for evidence-in-chief to be presented in support of a fact already previously adjudicated.[18017] Taking judicial notice of an adjudicated fact is limited to the fact itself and does not involve a trial chamber taking notice of the evidence on which the

[18012] *See*, for example, the limiting language in the Indictment, para. 58, relating to the alleged persecution against the Bosnian Muslims of Srebrenica.
[18013] *See*, for example, the Interim Decision Regarding the Expert Reports of Mile Poparić and Zorica Subotić, 17 September 2015, where the Trial Chamber held in relation to paragraph 81 of the Indictment, that '[a]ccording to the Indictment, the specific instances of the sniping and shelling attacks forming part of the campaign, by way of illustrative examples, include but are not limited to, the incidents set forth in Schedule F and G of the Indictment'. *See*, for example, the Trial Chamber's Rule 98 *bis* decision of 15 April 2014, where it held that '[t]he destructions of religious sites are part of one of seven charged underlying acts of persecution for the municipalities part of the case. The other part of this underlying act concerns the destruction of public and private property'.
[18014] *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-PT, Fourth Decision on Prosecution Motion for Judicial Notice of Adjudicated Facts Concerning the Rebuttal Evidence Procedure, 2 May 2012.
[18015] *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-AR73.5, Decision on the Prosecution's Interlocutory Appeal against the Trial Chamber's 10 April 2003 Decision on Prosecution Motion for Judicial Notice of Adjudicated Facts, 28 October 2003, p. 4.
[18016] *See Prosecutor v. Karemera et al.*, Case No. ICTR-98-44-AR73(C), Decision on Prosecutor's Interlocutory Appeal of Decision on Judicial Notice, 16 June 2006, para. 42.
[18017] *See Prosecutor v. Karemera et al.*, Case No. ICTR-98-44-AR73.17, Decision on Joseph Nzirorera's Appeal on Decision on Admission of Evidence Rebutting Adjudicated Facts, 29 May 2009, para. 20.

previous chamber relied to establish that fact. The presentation of evidence contradicting an adjudicated fact is to be understood as a step towards reopening the evidentiary debate on the issues addressed in the adjudicated fact.

5273. The Trial Chamber analysed the evidence and considered, as an initial step, whether evidence contradicted the Adjudicated Facts. The Trial Chamber required evidence to be unambiguous in its meaning in order to be termed as 'contradicting the Adjudicated Facts'. For example, evidence suggesting mere possibilities was deemed not to reach that threshold.[18018] In other words, merely pointing at the possibility of alternative scenarios was in itself not sufficient ground to reopen the evidentiary debate. A contradiction can exist in either presenting evidence on a specific alternative scenario, as opposed to a mere suggestion of one or more possible alternative scenarios, or in the unambiguous demonstration that the scenario as found in the Adjudicated Fact must reasonably be excluded as true.

5274. The Trial Chamber was mindful that evidence contradicting adjudicated facts does not automatically rebut the adjudicated fact. The presumption of accuracy of the adjudicated fact is only rebutted by 'reliable and credible' contradictory evidence.[18019] In determining whether a piece of evidence rebuts the presumption of accuracy, the Trial Chamber was mindful to limit its analysis of the reliability only to that piece of evidence, without weighing it against any evidence supporting the relevant adjudicated fact. To do otherwise would be tantamount to prematurely reopening the evidentiary debate and thus undermine the very purpose of adjudicated facts.

5275. As facts themselves cannot be weighed against evidence, once an adjudicated fact has been rebutted, the party who initially presented the adjudicated fact must be allowed to submit evidence proving the fact at issue. This evidence will then be weighed against the evidence presented to contradict the Adjudicated Fact. This restores a situation in which the Trial Chamber weighs evidence and makes its own findings regarding the issue addressed in the adjudicated fact.[18020] During the presentation of

[18018] For example, if an adjudicated fact stated that 'B killed C', and the Trial Chamber received evidence that 'C was possibly/likely killed by A'. *See* in this regard also chapter 5.3.6.
[18019] *Prosecutor v. Karemera et al.*, Case No. ICTR-98-44-AR73(C), Decision on Prosecutor's Interlocutory Appeal of Decision on Judicial Notice, 16 June 2006, paras 42, 49. *See also Prosecutor v. Dragomir Milošević*, Case No. IT-98-29/1-AR73.1, Decision on Interlocutory Appeals Against Trial Chamber's Decision on Prosecution Motion for Judicial Notice of Adjudicated Facts and Prosecution's Catalogue of Agreed Facts, 26 June 2007, paras 16-17.
[18020] Fourth Decision on Prosecution Motion for Judicial Notice of Adjudicated Facts Concerning the Rebuttal Evidence Procedure, 2 May 2012.

evidence, there is no obligation for the Defence to preface any challenge to an adjudicated fact by referring to that fact.[18021] Such a reference may contribute to the expediency of the trial, but is not a requirement for the Trial Chamber to consider whether an adjudicated fact has been rebutted.

5276. The Trial Chamber used a specific approach for dealing with evidence in relation to adjudicated facts. Where evidence overlapped and was congruous with the adjudicated facts, meaning that relying on the evidence would lead to the same factual finding already contained in the adjudicated facts, the Trial Chamber found that the evidence was 'consistent with the Adjudicated Facts' and did not further summarise such evidence in detail.[18022] In situations where evidence added relevant details, which could not be found in the adjudicated facts, the Trial Chamber summarised and considered such evidence for its findings. Where evidence contradicted the adjudicated facts, the Trial Chamber generally summarized this evidence and specifically addressed whether or not it was sufficiently reliable to rebut the adjudicated facts. Where a witness's evidence mainly contradicted the adjudicated facts, but in some parts contained information, which overlapped and was congruent with the adjudicated facts, the Trial Chamber used the expression 'the evidence is partly consistent with the Adjudicated Facts'.

5277. A special category of evidence, which could be seen as contradicting the Adjudicated Facts, was not explicitly discussed in the Trial Chamber's findings.[18023] With regard to this category, the Trial Chamber considered that even if the evidence could be found to be contradicting the Adjudicated Facts, it was insufficiently reliable to rebut the Adjudicated Facts.[18024] Considering that the evidence in this category was relevant to a multitude of incidents, the Trial Chamber refrained from repeating this determination in each finding.

[18021] Fourth Decision on Prosecution Motion for Judicial Notice of Adjudicated Facts Concerning the Rebuttal Evidence Procedure, 2 May 2012, fn. 31; T. 21047.

[18022] However, the Trial Chamber referenced evidence it found to be consistent with the Adjudicated Facts.

[18023] This category especially related to documents underlying the expert reports of Ewa Tabeau. For example, certain forensic documentation such as 'Circumstances of Death' documents or 'Death reports' contained information about date, location, or circumstances of the death of a victim. This information generally stemmed from relatives or friends of the victims who were not eye-witnesses to any crimes or at least did not provide any source of knowledge for this information and therefore lacked a sound basis for providing reliable information in this regard.

[18024] The Trial Chamber in such instances used the following terminology: 'the evidence does not rebut the Adjudicated Facts'.

Weighing the Evidence

5278. The Trial Chamber considered the charges against the Accused in light of all the evidence it admitted during the trial. It assessed the evidence in accordance with the Statute, the Rules, and the jurisprudence of the Tribunal. Where no specific guidance was found in these sources the Trial Chamber decided matters of evidence in such a way as would best favour a fair determination of the case in consonance with the spirit of the Statute and the general principles of law.[18025]

5279. In evaluating the evidence, the Trial Chamber took into account the witnesses' credibility and reliability, which sometimes varied for different portions of their evidence. It considered the demeanour of witnesses when they appeared in court. It further considered the individual circumstances of a witness, including his or her possible involvement in the events and fear of self-incrimination, the witness's relationship with the Accused, and whether the witness would have an underlying motive which could affect his or her credibility and reliability. The Trial Chamber also assessed the internal consistency of each witness's testimony and other features of his or her evidence, as well as whether there was corroborating or contradicting evidence. The evidence presented in this case relates to events which occurred between 1991 and 1995, in many cases more than 20 years before the witnesses' testimony in this Tribunal. The Trial Chamber took into consideration that the time that had passed since the events might have affected the memories of witnesses and thereby their testimonies. It has therefore carefully considered whether, and if so how, minor inconsistencies affected the overall reliability and credibility of the testimony of certain witnesses.[18026]

5280. Some of the witnesses who played a role in the events at the time were evasive in their testimonies. This in itself did not lead the Trial Chamber to discard all of their evidence irrespective of the subject-matter. This is consistent with the jurisprudence of the Tribunal according to which it is not unreasonable for a Trial Chamber to accept certain parts of a witness's testimony while rejecting others.[18027] While the Trial Chamber may not always have explicitly stated whether it found a witness's testimony or portions of his or her testimony credible, it consistently took the aforementioned

[18025] Rule 89 (B) of the Rules.
[18026] *Čelebići* Appeal Judgment, paras 484-485, 496-498; *Kupreškić et al*. Appeal Judgment, para. 31.
[18027] *Kupreškić et al*. Appeal Judgment, para. 333; *Blagojević and Jokić* Appeal Judgment, para. 82.

factors into account in making findings on the evidence. The Trial Chamber explicitly dealt with inconsistencies and other credibility and reliability issues where these touched upon significant aspects of the testimony and where the parties raised these issues.

5281. The Appeals Chamber has held that the testimony of a single witness on a material fact does not, as a matter of law, require corroboration.[18028] Nonetheless, in such situations, the Trial Chamber exercised particular caution, considering all circumstances relevant to the testimony of the witness, including whether the witness may have had a motive to give inaccurate evidence.[18029]

5282. In assessing and weighing the testimony of expert witnesses, the Trial Chamber considered factors such as the professional competence of the expert, the material at his or her disposal, the methodologies used, the credibility of the findings made in light of these factors and other evidence, the position or positions held by the expert, and the limits of the expertise of each witness. The Trial Chamber's general approach to underlying documents used by expert witnesses in compiling their reports was that the calling party was not expected to tender such material merely because it was referred to in the expert's report.[18030] In the Trial Chamber's opinion, expert reports should be sufficiently clear, insofar as they describe and draw conclusions, so as to render the tendering of underlying documentation unnecessary.[18031] However, the Trial Chamber permitted the cross-examining party to tender certain material, including underlying documentation, when challenging the conclusions of an expert witness. Subsequently, the calling party could also tender its underlying material in response.[18032]

5283. A number of witnesses have not been cited by the Trial Chamber in the Judgment. The Trial Chamber reviewed all of the witnesses' evidence, but considered that the evidence of some of them was marginal to the adjudication of this case. It notes in this respect that many of these witnesses were not at all, or hardly, cited by the parties in their final briefs. The evidence of some witnesses was, at least partially, deemed unreliable or not credible by the Trial Chamber. The Trial Chamber gave its reasons for such assessments in those sections of the Judgment to which the evidence related.

[18028] *Tadić* Appeal Judgment, para. 65; *Aleksovski* Appeal Judgment, para. 62; *Čelebići* Appeal Judgment, para. 492; *Kupreškić et al.* Appeal Judgment, para. 33.
[18029] *See Muvunyi* Appeal Judgment, para. 37.
[18030] T. 4139.
[18031] T. 4139, 18023.

5284. In relation to some witnesses, due to lack of relevance or reliability and credibility, the Trial Chamber gave no weight to their evidence. In the following section, the Trial Chamber will provide its reasoning in relation to each such witness.

5285. *Richard Higgs.* On 2 September 2013, the Trial Chamber decided that Richard Higgs, an expert in the field of mortar weaponry, could testify as an expert witness.[18033] Higgs presented evidence on the trajectory and origin of fire in relation to a number of shelling incidents listed in Schedule G of the Indictment. Higgs's evidence includes, *inter alia*, reports he had prepared on a number of shelling incidents specifically for this case and statements about the same incidents as provided in the Karadžić case. Although the evidence presented falls within the direct scope of Higgs's expertise,[18034] the Trial Chamber observes that some of the conclusions in relation to the direction of fire provided by Higgs in the Karadžić case differ from the conclusions established in the reports he had prepared for this case.[18035] In particular, Higgs testified that he had changed his estimates for this particular case in light of the 'confusion' it caused in the Karadžić case.[18036] Higgs, however, was unable to adequately explain the inaccuracies or provide an explanation as to why changes were made. In light of this, the Trial Chamber finds the witness's evidence unreliable and did not rely on it for any of its findings.

5286. *Richard Dannatt.* Dannatt provided evidence in relation to the concept of command and control, which falls within the scope of his expertise, as well as evidence in relation to a number of factual matters. The Trial Chamber observed Dannatt's aggressive demeanour in court[18037] and considered that the evidence proffered was often based on his personal views and included his views of the Accused. In particular, Dannatt described the Accused as a 'monster' and expressed his desire that he 'be apprehended by justice'.[18038] The Trial Chamber considers Dannatt's evidence unreliable. The Trial Chamber did not rely on Dannatt's evidence for any of its findings.

[18032] T. 4139, 18023-18024.
[18033] T. 16050-16051.
[18034] *See* P2604 (*Curriculum vitae* of Richard Higgs).
[18035] *See*, for example, Richard Higgs, T. 18778-18788, 18793-18809, 19029; P2605 (Report of Richard Higgs, 8 October 2012); D395 (Report on market firing incident, 28 August 1995). *See also* D396 (Markale Market map); D397 (Markale Market Google earth map); D398 (Markale Market parallel lines); D399 (Google earth map Colina kapa-Bistrik kula); D400 (Google earth map-terrain profile 170 degrees); D401 (Google earth map-terrain profile 160 degrees).
[18036] *See* Richard Higgs, T. 18778-18788, 18807.
[18037] *See*, for example, Richard Dannatt, T. 19151, 19174, 19185.
[18038] *See* Richard Dannatt, T. 19135-19137, 19192-19193.

5287. The Defence argued that UN personnel were biased against Bosnian Serbs, and that therefore the evidence they provided as witnesses was is unreliable.[18039] The Defence generally asserted biased actions taken against Bosnian Serbs by UN personnel, but it failed to demonstrate that these were relevant to the credibility and reliability of UN witnesses and documentary evidence.[18040] Therefore, the Trial Chamber rejects the Defence's assertion that evidence provided by UN personnel is inherently unreliable, and treats this evidence as any other witness testimony or documentary evidence; assessing its credibility and reliability in the context of the entire trial record. In case of inconsistencies or other credibility and reliability issues, the Trial Chamber will assess these in the sections of the Judgment to which the evidence relates.

5288. In assessing the reliability of documentary evidence and the weight to be attributed to it, the Trial Chamber considered the origin of the document, the author and his or her role in the relevant events, the chain of custody of the document, the source of the information contained in the document, and whether the evidence was corroborated by witness testimony or other exhibits.

5289. In evaluating the probative value of hearsay evidence, the Trial Chamber carefully considered all *indicia* of its reliability, including whether the evidence stemmed from a source that gave it voluntarily, whether that source had personal knowledge of the information, the absence of an opportunity to cross-examine the source, and the circumstances under which the hearsay evidence arose.[18041] The Trial Chamber's primary interest in hearing a fact witness's testimony was to establish facts which were observed by the witness.

[18039] Defence Final Brief, paras 1726-1734, 1848, 2752-2781; T. 44707-44708, 44611. In relation to Defence arguments, relying on evidence from Yasushi Akashi, that the UN and UNPROFOR were no longer neutral from May 1995 onwards, the Trial Chamber considered this in chapter 6.1. *See further,* Defence Final Brief, paras 3331, 3337, 3346.

[18040] The Trial Chamber notes that in its final brief, the Defence referred in particular to the testimony of Joseph Kingori and alleged that UN reporting on Srebrenica was severely compromised because UNMOs conveyed unverified information which they had received from one of their Bosnian-Muslim interpreters. The Trial Chamber notes, however, that when conveying such information, the UNMOs clearly noted that it had not been verified. *See* Defence Final Brief, para. 2772; Joseph Kingori, T. 1108-1112.

[18041] *See Prosecutor v. Aleksovski*, Case No. IT-95-14/1-T, Decision on Prosecutor's Appeal on Admissibility of Evidence, 16 February 1999, para. 15.

Assessment of the evidence of specific witnesses

5290. *András Riedlmayer.* In a decision of 3 October 2013, the Trial Chamber accepted András Riedlmayer as an expert witness on matters related to the destruction of cultural monuments in Bosnia-Herzegovina.[18042] In its Final Brief, the Defence submitted that Riedlmayer relies on hearsay and records from various sources which are not in evidence.[18043] The Trial Chamber considered that Riedlmayer's evidence on destruction in the municipalities listed in the Indictment, such as evidence on the scope and type of destruction, falls within the direct scope of his expertise and found it reliable. Concerning his evidence on dates and perpetrators of destruction, the Trial Chamber notes that he relied on various sources.[18044] Riedlmayer did not always specify how his sources had obtained their information or the methods they had used to compile the written information he ultimately relied on. In such cases, the Trial Chamber generally did not rely on Riedlmayer's evidence. However, the Trial Chamber relied on Riedlmayer's evidence in relation to dates and perpetrators of destruction, when it was based on eye-witness accounts or from journalists embedded within armed units or present at the time of the events, and whose source of information was deemed reliable by the Trial Chamber. The Trial Chamber discussed Riedlmayer's evidence in greater detail when reviewing his evidence in relation to specific incidents of destruction in chapter 4.

5291. *Dragić Gojković.* In a decision of 13 May 2015, the Trial Chamber accepted Dragić Gojković as an expert witness on matters related to the destruction of the religious buildings in Bosnia-Herzegovina between 1992 and 1995.[18045] Gojković testified on 10 and 11 August 2015 and the Trial Chamber admitted into evidence various documents during and after his testimony.[18046] The Defence argued that Gojković challenged the reliability of Riedlmayer's report on the ground of Riedlmayer's lack of analysis of the construction material, sources used to prepare the

[18042] P2503 (Expert report of András Riedlmayer, December 2012), para. 75; András Riedlmayer, T. 17790-17792, 17888; P2504 (*Curriculum vitae* of András Riedlmayer), p. 1.
[18043] Defence Final Brief, paras 1155, 1501.
[18044] For a non-exhaustive list of András Riedlmayer's sources, *see* P2503 (András Riedlmayer's expert report, December 2012), paras 78-97.
[18045] T. 35584-35585; D1170 (*Curriculum vitae* of Dragić Gojković), pp. 1-2; D1183 (Expert report of Dragić Gojković on the destruction of Islamic and Catholic religious buildings in Bosnia-Herzegovina between 1992 and 1995, 10 November 2014), p. 2.
[18046] Dragić Gojković, T. 37491-37647; T. 43827-43829.

report, and the timing of his on-site visits.[18047] The Prosecution submitted that Gojković left out critical information on the timing of events thereby falsifying his arguments.[18048] The Prosecution further submitted that Gojković admitted that he did not study the sites relevant to this case beyond looking at the pictures collected by Riedlmayer.[18049] The Prosecution also argued that Gojković could not explain his conclusion that ten sites had been destroyed during combat and 84 after the VRS had left the area and admitted that some sites did not fit in either category.[18050]

5292. Gojković identified very few of the sources used to prepare his report. His conclusions on the circumstances and perpetrators of destruction of the religious buildings rest mainly on general assertions, such as technical training of the VRS at the time of the events or selected comparative analyses of the manner of destruction and construction material of destroyed buildings.[18051] They are not based on a case-by-case analysis of specific destructions. Under these circumstances, the Trial Chamber finds that Gojković's conclusions in this regard are unreliable. Accordingly, the Defence's claim concerning the reliability of Riedlmayer's evidence is rejected.

5293. *Ewa Tabeau.* On 7 November 2013, the Trial Chamber decided that Ewa Tabeau could testify as an expert witness.[18052] In relation to Ewa Tabeau's report on displaced persons and refugees, in evidence as exhibits P2788 and P2798, the Trial Chamber considered the report's methodology of comparing data from the 1991 population census and the 1997-1998 OSCE voters register. While this methodology is reliable insofar as it reveals changes in the ethnic composition of certain municipalities between 1991 and 1997-1998, it does not indicate if, when exactly, and for what reason, people left these municipalities. Therefore, the Trial Chamber did not rely on Ewa Tabeau's conclusion that these demographic changes occurred as a result of conflict and not of usual economic, social, and demographic factors.[18053] Instead, the Trial Chamber relied on the underlying data contained in the report to determine the ethnic composition of a municipality, where necessary.

[18047] Defence Final Brief, paras 1055, 1155, 1478.
[18048] Prosecution Final Brief, para. 1716; T. 44449.
[18049] T. 44448-44449.
[18050] T. 44449.
[18051] D1183 (Expert report of Dragić Gojković on the destruction of Islamic and Catholic religious buildings in Bosnia-Herzegovina between 1992 and 1995, 10 November 2014), p. 40.
[18052] T. 18874-18875.
[18053] *See* P2798 (Ewa Tabeau, Ethnic Composition and Displaced Persons and Refugees in 22 Municipalities of Bosnia-Herzegovina, 1991 and 1997), pp. 15-16.

5294. Ewa Tabeau's proof of death expert report, Exhibit P2796, contains an overview and assessment of (i) the proof of death evidence collected by the Prosecution for the victims on the scheduled victims list; and (ii) the proof of death material for additional victims not included on the scheduled victims list.[18054] Tabeau linked victims to incidents based on an analysis of the available proof of death documents. Victims marked 'confirmed' meant that (i) the victim should be regarded as confirmed as a war victim; and (ii) the victim's circumstances of death fell within the scope of the incident as set out in the Indictment.[18055] The report does not claim that the number of victims it confirms as being linked to any incident is exhaustive. Therefore, if the report confirms a lower number of victims than provided for by an Adjudicated Fact, the Trial Chamber did not consider this to contradict the Adjudicated Fact.

5295. In instances where underlying proof of death documentation was tendered[18056] and if there was an inconsistency between the report and the proof of death documentation, the Trial Chamber placed more weight on the underlying documentation.

5296. With regard to Tabeau's conclusions as to the military status of victims,[18057] the Trial Chamber did not place any weight on this evidence. Tabeau's basis for identifying victims as soldiers was that their names appeared on 'lists of fallen soldiers and other military personnel of the three warring parties'.[18058] The Trial Chamber was not satisfied as to the completeness and reliability of such lists so as to rely on Tabeau's conclusions in this respect. The Trial Chamber in particular took into consideration Tabeau's own analysis of the reliability of such lists as set out in exhibit D344. There, Tabeau states '[…] reporting of cases in ABiH lists is not highly reliable. The lists were made for the post-mortem pension purposes, so attention was predominantly paid to the fact whether or not a given person died. Including cases in these lists was motivated financially and in some cases had nothing to do with the actual being of an army member'.[18059]

[18054] P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), p. 1.
[18055] P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), p. 12.
[18056] For example autopsy reports, exhumation reports, identification reports, court rulings on death, death certificates, and missing person certificates.
[18057] P2797 (Annex to Expert report by Ewa Tabeau, 14 July 2013), column 7 'Military Status'.
[18058] P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), p. 10.
[18059] D344 (Memorandum by Ewa Tabeau, 24 July 2008), p. 2.

5297. Generally, the Defence submitted that Tabeau's testimony is unreliable, based on her bias towards the Prosecution and the concealment of her sources and methodology.[18060] Tabeau was examined at length in court. The Trial Chamber also considered in this respect the evidence of expert witness Svetlana Radovanović, which the Defence relied on to challenge the reliability of Tabeau's evidence.[18061] The Trial Chamber does not find that Tabeau concealed her sources or methodology. It also does not find that she was biased towards the Prosecution so as to call into question the reliability of her evidence.

5298. *William Haglund.* The Trial Chamber recalls that during the testimony of expert William Haglund, he raised a matter concerning his health which occurred over the previous two years.[18062] Both the Prosecution and Defence were aware of and informed about this matter prior to Haglund's testimony.[18063] The Trial Chamber was made aware of the matter for the first time during the testimony.[18064] The parties asked that greater weight be placed on Haglund's testimony from previous cases.[18065] Given the parties position on the matter and that the matter concerning his health did not impact evidence which was more than two years old, the Trial Chamber gave greater weight to Haglund's testimony from previous cases as well as his reports which were produced closer in time to the relevant underlying events, as opposed to his testimony provided in this case. The Trial Chamber did not fully discount Haglund's testimony in this case, but approached it with caution.

5299. *Dušan Janc*. The Trial Chamber received evidence from Dušan Janc concerning the exhumation of the graves and surface remains recoveries related to Srebrenica.[18066] In this section, the Trial Chamber will address Janc's methodology with regard to the determination of the number of individuals identified in each mass grave and the DNA connections between mass graves. The Trial Chamber will not address the overall number of victims related to Srebrenica in this section but rather in the section dedicated to the findings on the allegation of genocide in Srebrenica. The Trial Chamber notes that one of Janc's reports admitted in evidence as Exhibit P1987 contains the total

[18060] Defence Final Brief, paras 1097-1105, 1108-1109..
[18061] Defence Final Brief, paras 1099-1101.
[18062] William Haglund, T. 15021-15022.
[18063] William Haglund, T. 15021-15030.
[18064] William Haglund, T. 15023-15024, 15027-15030.
[18065] William Haglund, T. 15027-15030.
[18066] P1987 (Dušan Janc, Srebrenica Investigation, Update to Summary of Forensic Evidence, 28 June 2013), p. 2.

number of victims identified in each known Srebrenica grave sites.[18067] In Annex D of this report, Janc compiled the lists of DNA profiles corresponding to the remains exhumed from each mass grave.[18068] Janc clarified that the term 'identified' referred to an individual with a unique DNA profile, whether matched to a missing person or not. In Annex C of this report, Janc identified DNA connections between primary mass graves or execution sites and secondary mass graves.[18069] Janc defined a DNA connection as a situation in which the remains of one individual were found in at least two different graves.[18070] When DNA connections were identified between mass graves, Janc only listed the related DNA profile in one mass grave (as can be found in Annex D of his report), thus avoiding double counting individuals.

5300. The Trial Chamber considers that the absence of an established DNA connection between two graves does not mean that these graves are not connected. The Trial Chamber further considers that the number of DNA connections between a primary and a secondary grave is not necessarily indicative of the number of bodies that were ultimately moved from one grave to the other.

5301. In terms of assessing the number of bodies, the Trial Chamber took a conservative approach in its determination of the number of individuals to be linked to a specific Scheduled Incident and considered three scenarios. The first scenario concerns a situation where a DNA connection has been established between a primary and a secondary grave, irrespective of the number of connections, and if no connection to any other grave was established. In this scenario, the Trial Chamber determined that all the bodies in the secondary grave originated from the primary grave. The second scenario concerns a situation where a DNA connection has been established between a primary and a secondary grave. In this scenario an additional DNA connection has been established between this secondary grave and another secondary grave which is solely connected to the same primary grave or connected to other secondary graves. All of these secondary graves are not connected to other primary graves. In this scenario, the

[18067] P1987 (Dušan Janc, Srebrenica Investigation, Update to Summary of Forensic Evidence, 28 June 2013), pp. 2-3. *See also* P1987 (Dušan Janc, Srebrenica Investigation, Update to Summary of Forensic Evidence, 28 June 2013), Annex A, pp. 40-41.
[18068] P1982 (Annex D to the report titled Update to the Summary of Forensic Evidence, Srebrenica Investigation, by Dušan Janc).
[18069] P1987 (Dušan Janc, Srebrenica Investigation, Update to Summary of Forensic Evidence, 28 June 2013), Annex C, p. 48.
[18070] P1987 (Dušan Janc, Srebrenica Investigation, Update to Summary of Forensic Evidence, 28 June 2013), Annex C, p. 48.

Trial Chamber determined that all the bodies in the secondary grave originated from the primary grave. The third scenario concerns a situation where there is an additional DNA connection to another primary grave or another secondary grave that is connected to another primary grave. In this scenario, the Trial Chamber considered the frequency of connections in order to determine whether bodies, and if so how many, could be counted as part of the Scheduled Incident at issue.

5302. *Patrick Van der Weijden.* On 9 January 2013, the Trial Chamber denied a Defence request to disqualify Patrick Van der Weijden as an expert witness and bar the Prosecution from presenting his report and decided that he could testify as an expert witness.[18071] In its Final Brief, the Defence made a number of submissions which called into question Van der Weijden's qualifications and training, as well as his methodology.[18072] The Defence submitted, *inter alia*, that in drafting his report, the witness used information from the internet for which he could not provide a source when questioned during cross-examination.[18073] On the basis of these submissions, the Defence argued that 'the testimony of this witness must be disqualified as expert in nature'.[18074] The Trial Chamber reviewed Van der Weijden's evidence in relation to some of the Sarajevo sniping incidents in Chapter 5. However, in these incidents, given that Van der Weijden's evidence was consistent with the Adjudicated Facts or the testimony of other witnesses, the Trial Chamber relied on the latter and therefore did not need to determine whether Van der Weijden's testimony was reliable. Given these circumstances, the Trial Chamber sees no need to further address the Defence submissions in this regard.

5303. *John Clark.* On 23 September 2013, John Clark testified before the Trial Chamber as a forensic pathologist expert.[18075] In some of his reports admitted into evidence on 23 September 2013 and 22 October 2015, Clark used the following formulation to describe the age range of exhumed bodies upon which autopsies were conducted: 'ranging in age potentially from 17 to 85 or above'.[18076] The Trial Chamber

[18071] Decision on Defence request to disqualify Patrick Van der Weijden as an expert and bar the Prosecution from presenting his report, 9 January 2013.
[18072] Defence Final Brief, paras 2253-2263.
[18073] Defence Final Brief, para. 2258.
[18074] Defence Final Brief, para. 2262.
[18075] John Clark, T. 17185; P2236 (*Curriculum vitae* of John Clark); P2257 (John Clark, *Krstić* transcript, 30-31 May 2000), pp. 3897-3899; P2258 (John Clark, *Karadžić* transcript, 10 January 2012), pp. 22692-22693.
[18076] P2260 (John Clark, Report on autopsies of human remains from Lažete 1-2, Glogova 1, Kravica, and Ravnice, 2000), p. 14.

understands Clark's evidence to refer to an almost certain age range but nonetheless not excluding the possibility that some of the examined bodies were those of individuals younger than 17 or older than 85.

5304. *Momir Nikolić*. The Trial Chamber received evidence from Momir Nikolić concerning the attack and takeover of the Srebrenica enclave in early July 1995, the gathering of people in Potočari, the separation of the Bosnian-Muslim men and the forcible removal of Bosnian-Muslim women, children, and elderly out of the enclave, as well as killings and burial operations that occurred in the immediate aftermath of the fall of Srebrenica. The Defence argued that Nikolić is a dubious and unreliable witness.[18077] In particular, the Defence submitted that as an 'insider witness', Nikolić is 'motivated to give false testimony inasmuch as he pled guilty for his role in the opportunistic killings/executions in Srebrenica'.[18078] The Trial Chamber notes that on 8 March 2006, Nikolić was sentenced to 20 years' imprisonment for crimes committed in Srebrenica.[18079] The Trial Chamber also notes the problems associated with the testimony of accused or convicted persons, notably a witness's motive or incentive to testify untruthfully for the purpose of improving his or her chances at the sentencing stage, but recalls that such evidence is not *per se* unreliable, especially when the witness may be thoroughly cross-examined.[18080] The Trial Chamber notes that in this respect, it has approached Nikolić's evidence with great caution. The witness testified over the course of four days, during which the Defence was granted ample time for cross examination.[18081] The Trial Chamber finds Nikolić's testimony to be generally credible and internally consistent. It notes that a Trial Chamber may find certain parts of a witness's testimony credible, and rely on them, while rejecting other parts of that same testimony as not credible.[18082] In light of the above, the Trial Chamber sees no need to further address the Defence submissions with regard to Nikolić's general reliability. Bruce Bursik, an investigator with the Prosecution as of 1 September 1999,[18083] testified about Momir Nikolić's demeanour during his interviews with him.[18084] According to

[18077] Defence Final Brief, paras 2523-2575.
[18078] Defence Final Brief, paras 2523-2526.
[18079] *Momir Nikolić* Appeal Sentencing Judgment. *See also Momir Nikolić* Sentencing Judgment.
[18080] *See Krajišnik* Trial Judgment, para. 1203. *See also Krajišnik* Appeal Judgment, para. 147; *Šainović et al.* Appeal Judgment, para. 1101; *Popović at al.* Appeal Judgment, para. 134.
[18081] *See* Momir Nikolić, T. 11974-12157.
[18082] *See Krajišnik* Trial Judgement, para. 1203. *See also Blagojević and Jokić* Appeal Judgment, para. 82.
[18083] Bruce Bursik, T. 38860.
[18084] Bruce Bursik, T. 38861.

Bursik, Nikolić was evasive, but that for the most part told the truth.[18085] However, Bursik believed that Nikolić did not tell everything in its entirety.[18086] Where the Defence has made further arguments regarding specific evidence that it considers unreliable, the Trial Chamber has dealt with this accordingly in the relevant section of the Judgment.

Assessment of certain documentary evidence

5305. *Intercepts.* The Defence argued that the ABiH, the SDB, and the Croatian authorities lacked the necessary expertise and technological capacity to intercept VRS communications, the majority of which were encrypted radio-relay transmissions.[18087] The Defence further asserted that the intercepts were neither authentic nor reliable as the Tribunal was provided with transcripts of intercepted communications but not with the corresponding audio recordings.[18088] The Defence also argued that the transcripts were inaccurate due to negligent reporting procedures and claimed that there were indications that many of them had been forged or doctored after the war.[18089] Finally, the Defence submitted that the evidence of Witness RM-506, who testified about Croatian intercept operations, should be given no weight as the Rule 70 restrictions imposed by the Croatian government impacted upon the fair trial rights of the Accused.[18090]

5306. The Prosecution argued that VRS communications were regularly unencrypted and that important communication lines were open and susceptible to interception.[18091] It further stated that the intercepts were corroborated by various other sources of evidence, such as original VRS documents, aerial imagery, and the testimony of witnesses, including members of the VRS.[18092] The Prosecution asserted that a full chain of custody was established, and that intercept operators from the ABiH, the SDB, and the Croatian authorities gave detailed testimony which demonstrated that consistent

[18085] Bruce Bursik, T. 38861.
[18086] Bruce Bursik, T. 38861.
[18087] Defence Final Brief, paras 2579-2583, 2605-2611, 2619-2622, 2624, 2627-2628, 2630, 2633-2634, 2638-2640, 2644, 2649-2650, 2652-2654, 2656-2657, 2676; T. 44806.
[18088] Defence Final Brief, paras 2588, 2590-2591, 2594, 2632, 2636, 2674, 2677.
[18089] Defence Final Brief, paras 2587, 2589, 2592-2593, 2595-2596, 2598-2599, 2618, 2661-2662, 2663, 2668-2671, 2674; T. 44611, 44788.
[18090] Defence Final Brief, paras 2625-2626.
[18091] Prosecution Final Brief, paras 1724-1725.
[18092] Prosecution Final Brief, para. 1723.

procedures were followed with regard to the transcription of intercepted conversations.[18093]

5307. The Trial Chamber assessed the intercepts in the context of the entire trial record, and is satisfied that the intercepts are genuine contemporaneous reports of intercepted VRS communications. The Trial Chamber finds that there is no evidence to support the Defence's assertion that the intercepts were forged or manipulated or that the ABiH, the SDB, and the Croatian authorities were unable to intercept VRS communications. Nonetheless, the Trial Chamber treated the intercepts with caution, and considered whether there was corroboration or further detail provided by other sources of evidence.

5308. With regard to the Defence's argument concerning the evidence of Witness RM-506, the Trial Chamber previously considered the conditions concerning the testimony of this witness pursuant to Rule 70.[18094] It is satisfied that the interventions of the Croatian representative, which were permitted by the Trial Chamber in court, did not exceed what was necessary and proportionate, and did not interfere with the Accused's right to a fair trial, particularly when assessed in light of the witness's testimony as a whole. The Trial Chamber thus finds that the interventions of the Croatian representative do not affect the reliability of Witness RM-506's evidence, and rejects the Defence's arguments in this regard.

5309. *Forensic documentation.* The Defence argued that the presence of alleged blindfolds on some of the exhumed bodies could be bandanas worn to distinguish Bosnian-Muslim fighters, which may have slipped over their eyes during the putrefaction of the bodies or worn by victims before being killed.[18095] The Defence further argued that the loose strips of cloth found in some of the graves could also be bandanas or identifying ribbons and not ligatures.[18096] The Trial Chamber recalls that it received a large amount of evidence on the circumstances of the executions, including evidence that victims were blindfolded and that their hands were tied as well as evidence relevant to establish the status of the victims. Based on this evidence, the Trial Chamber found that the Defence submission did not amount to a reasonable alternative

[18093] Prosecution Final Brief, paras 1721-1722.
[18094] Decision on Prosecution Motion for Conditions Concerning the Testimony of Witness RM-506 Pursuant to Rule 70, 9 July 2013.
[18095] Defence Final Brief, paras 2689-2694; T. 44807-44808.
[18096] Defence Final Brief, paras 2695-2698.

explanation of this issue. Accordingly, the Trial Chamber dismisses the Defence's arguments.

The Trial Chamber's approach to findings

5310. The Trial Chamber took judicial notice of a number of Adjudicated Facts and received a large quantity of evidence in relation to the crimes alleged in the Indictment. The Trial Chamber reviewed the Adjudicated Facts and evidence and proceeded to make factual findings on all relevant aspects in relation to the crimes charged.[18097] These factual findings can be found in chapters 4-7.[18098] In chapter 8, the Trial Chamber then proceeded to make legal findings on the basis of these factual findings by considering the evidence in light of the applicable law. Finally, in chapter 9, the Trial Chamber addressed the criminal responsibility of the Accused.

5311. The Trial Chamber reviewed all of the evidence before it. While the Trial Chamber did not cite in the Judgment to every piece of evidence, it examined each piece of evidence individually, as well as in light of the totality of the evidence, and considered its specific relevance to the crimes alleged in the Indictment. The Trial Chamber also paid particular attention to the evidence referred to by the parties in their final briefs and closing arguments. The Trial Chamber generally set out and addressed the most pertinent submissions of the parties in those sections it deemed most appropriate.

5312. A finding of the Trial Chamber that a charge in the Indictment had been proven beyond a reasonable doubt required that the Trial Chamber was convinced beyond a reasonable doubt that every material aspect of the charge was proven. However, in some instances, the Indictment alleged further factual details that the Trial Chamber found to be immaterial or inconsequential to the charge. In some such instances, the Trial

[18097] In its review of the evidence, the Trial Chamber provided precise citations to exhibits in the footnotes. It generally referred to the page numbers allocated to the exhibit in eCourt, the electronic filing system used by the Tribunal, with the following three exceptions. First, where a single exhibit comprised multiple, separate documents, as was often the case when a party tendered evidence pursuant to Rule 92 *bis* of the Rules, the Trial Chamber cited to the page number of the specific document within the exhibit. Second, where an exhibit comprised portions of transcript from a prior Tribunal case, the Trial Chamber cited to the page number of the original transcript rather than to the eCourt page number. Third, in the interest of specificity, the Trial Chamber cited to paragraph numbers rather than page numbers where paragraphs were numbered.

[18098] With regard to Trnovo Municipality as part of the Municipalities component of the case, the Trial Chamber notes that the Prosecution presented insufficient evidence to prove the charges. Accordingly, it did not address Trnovo Municipality as part of chapter 4.

Chamber did not make a finding as to these aspects. For example, with respect to Scheduled Incident B.13.4, the Indictment charges that a number of 'men' from a particular region were executed at a specific place on or about a specific date,[18099] and the Trial Chamber found that 'individuals' from that region were killed at that place on or about that date but did not make a finding as to their sex.[18100] Further, with respect to Scheduled Incident F.16, the Indictment charges that a particular victim was shot and wounded 'in the hand' while walking on a particular street,[18101] and the Trial Chamber found that that victim was shot and wounded on that date and on that street but did not make a finding as to precisely where on his body he was shot.[18102] In these instances, the Trial Chamber made findings on the material aspects of the crime and concluded that the sex of the victims in Scheduled Incident B.13.4 and the precise location of the victim's injury in Scheduled Incident F.16 were immaterial to the charges. Other examples pertain to the direction of fire as included in Schedule G of the Indictment.

5313. According to the Indictment, the Accused is responsible for, *inter alia*, the forcible transfer and deportation of Bosnian Muslims and Bosnian Croats from 'the Municipalities'.[18103] The 'Municipalities' are defined in the Indictment as 15 municipalities in Bosnia-Herzegovina.[18104] Accordingly, in the context of the alleged crime of forcible transfer and deportation, the Trial Chamber assessed whether any displacement related to individuals who were residents of one of these Indictment municipalities. This meant that any displacement of individuals residing outside the Indictment municipalities, even if they were brought into an Indictment municipality during the displacement process, was not covered by the Indictment. A further consequence of this was that the Trial Chamber discussed the displacement of individuals in the chapter of their municipality of origin, even if the displacement process involved other municipalities. Additionally, the Trial Chamber considered an individual's displacement holistically, from the moment the individual was displaced from his or her home until the end of the displacement, as opposed to treating separate transfers to and from detention centres as multiple displacements.

[18099] Indictment, Schedule B.13.4.
[18100] Chapter 4.10.1 *Schedule B.13.4*.
[18101] Indictment, Schedule F.16.
[18102] Chapter 5.2.10.
[18103] Indictment, para. 67.
[18104] Indictment, para. 47.

5314. In its findings, the Trial Chamber used a specific terminology to set out its conclusions. It will here describe and explain some of that terminology. For example, in several instances, the Trial Chamber used the terms 'approximately' or 'at least' with regard to the number of victims of an incident or the date range on which an incident occurred. The Trial Chamber used 'approximately' to indicate that a number or date range was roughly accurate but not precise. The Trial Chamber used 'at least' to indicate a precise minimum number or date range. Consistent with the principle of *in dubio pro reo*, the Trial Chamber must resolve ambiguities in favour of the Accused. As such, the Trial Chamber used 'at least' to indicate where it made a factual finding on the minimum number or date range established with precision and beyond reasonable doubt.

5315. The Trial Chamber considered that the word 'sniping', when used in the Indictment, the Adjudicated Facts, and in evidence, should not be interpreted narrowly to merely refer to fire from professional snipers with sniping equipment.

5316. Further concerning terminology, the Trial Chamber received evidence from various witnesses and documentary evidence which referred to 'exchanges' of detained people. The Trial Chamber also used this term in its findings. In all of these instances, the Trial Chamber considered that this term is not to be understood in a narrow sense, *i.e.* limited to a reciprocal hand-over of POWs between parties to the conflict. Rather, the Trial Chamber understood this term as encapsulating any transfer of detained people by those keeping them detained to territory not under their control.

5317. Lastly, evidence, Adjudicated Facts, and the Trial Chamber's findings were often pertinent to numerous parts of the charges. Instead of repeating evidence, Adjudicated Facts, or findings in all relevant chapters, the Trial Chamber often recalled such information by way of cross-referencing. In doing so, the Trial Chamber sometimes provided short summaries of the information recalled. These short summaries are exclusively meant as an aid for the reader, to facilitate review of the Judgment. They are not meant to be complete or authoritative versions of the information recalled.

C. Table of cases* with abbreviations

** ICTY cases, unless otherwise indicated.*

Akayesu	Trial Judgement: *Prosecutor v. Jean-Paul Akayesu*, Judgement, 2 September 1998 (ICTR)
	Appeal Judgement: *Prosecutor v. Jean-Paul Akayesu*, Judgement, 1 June 2001 (ICTR)
Aleksovski	Appeal Judgement: *Prosecutor v. Zlatko Aleksovski*, Judgement, 24 March 2000
Bagilishema	Appeal Judgement: *Prosecutor v. Ignace Bagilishema*, Judgement, 3 July 2002 (ICTR)
Bagosora and Nsengiyumva	Appeal Judgement: *Théoneste Bagosora and Anatole Nsengiyumva v. The Prosecutor*, Judgement, 14 December 2011 (ICTR)
Blaškić	Trial Judgement: *Prosecutor v. Tihomir Blaškić*, Judgement, 3 March 2000
	Appeal Judgement: *Prosecutor v. Tihomir Blaškić*, Judgement, 29 July 2004
Blagojević and Jokić	Trial Judgement: *Prosecutor v. Vidoje Blagojević and Dragan Jokić*, Judgement, 17 January 2005
	Appeal Judgement: *Prosecutor v. Vidoje Blagojević and Dragan Jokić*, Judgement, 9 May 2007
Boškoski and Tarčulovski	Trial Judgement: *Prosecutor v. Ljube Boškoski and Johan Tarčulovski*, Judgement, 10 July 2008
	Appeal Judgement: *Prosecutor v. Ljube Boškoski and Johan Tarčulovski*, Judgement, 19 May 2010
Bralo	Sentencing Judgement: *Prosecutor v. Miroslav Bralo*, Judgement, 7 December 2005
Brđanin	Trial Judgement: *Prosecutor v. Radoslav Brđanin*, Judgement, 1 September 2004
	Appeal Judgement: *Prosecutor v. Radoslav Brđanin*, Judgement, 3 April 2007
Čelebići	Trial Judgement: *Prosecutor v. Zejnil Delalić, Zdravko Mucić, Hazim Delić, and Esad Landžo*, Judgement, 16 November 1998
	Appeal Judgement: *Prosecutor v. Zejnil Delalić, Zdravko Mucić, Hazim Delić, and Esad Landžo*, Judgement, 20 February 2001
Deronjić	Sentencing Judgement: *Prosecutor v. Miroslav Deronjić*, Judgement, 30 March 2004
	Appeal Sentencing Judgement: *Prosecutor v. Miroslav Deronjić*, Judgement on Sentencing Appeal, 20 July 2005

Đorđević	Trial Judgement: *Prosecutor v. Vlastimir Đorđević*, Judgement, 23 February 2011
	Appeal Judgement: *Prosecutor v. Vlastimir Đorđević*, Judgement, 27 January 2014
Erdemović	Sentencing Judgement: *Prosecutor v. Dražen Erdemović*, Judgement, 29 November 1996
Furundžija	Appeal Judgement: *Prosecutor v. Anto Furundžija*, Judgement, 21 July 2000
Gacumbitsi	Appeal Judgement: *Prosecutor v. Sylvestre Gacumbitsi*, 7 July 2006 (ICTR)
Galić	Trial Judgement: *Prosecutor v. Stanislav Galić*, Judgement and Opinion, 5 December 2003
	Appeal Judgement: *Prosecutor v. Stanislav Galić*, Judgement, 30 November 2006
Hadžihasanović and Kubura	Trial Judgement: *Prosecutor v. Enver Hadžihasanović and Amir Kubura*, Judgement, 15 March 2006
	Appeal Judgement: *Prosecutor v. Enver Hadžihasanović and Amir Kubura*, Judgement, 22 April 2008
Halilović	Appeal Judgement: *Prosecutor v. Sefer Halilović*, Judgement, 16 October 2007
Haradinaj et al.	Trial Judgement: *Prosecutor v. Ramush Haradinaj, Idriz Balaj and Lahi Brahimaj*, Judgement, 3 April 2008
	Appeal Judgement: *Prosecutor v. Ramush Haradinaj, Idriz Balaj and Lahi Brahimaj*, Judgement, 19 July 2010
Hategekimana	Appeal Judgment: *Ildephonse Hategekimana v. Prosecutor*, Judgement, 8 May 2012 (ICTR)
Jelisić	Trial Judgement: *Prosecutor v. Goran Jelisić*, Judgement, 14 December 1999
	Appeal Judgement: *Prosecutor v. Goran Jelisić*, Judgement, 5 July 2001
Jokić	Appeal Sentencing Judgement: *Prosecutor v. Miodrag Jokić*, Judgement on Sentencing Appeal, 30 August 2005
Kajelijeli	Appeal Judgement: *Prosecutor v. Juvénal Kajelijeli*, Judgement, 23 May 2005 (ICTR)
Kalimanzira	Appeal Judgement: *Prosecutor v. Callixte Kalimanzira*, Judgement, 20 October 2010 (ICTR)
Kamuhanda	Appeal Judgement: *Prosecutor v. Jean de Dieu Kamuhanda*, Judgement, 19 September 2005 (ICTR)
Karadžić	Trial Judgment: *Prosecutor v. Radovan Karadžić*, Judgment, 24 March 2016

Karemera	Appeal Judgement: *Édouard Karemera, Matthieu Ngirumpatse v. Prosecutor*, Judgement, 29 September 2014 (ICTR)
Kayishema and Ruzindana	Appeal Judgement: *Prosecutor v. Clément Kayishema and Obed Ruzindana*, Judgement (Reasons), 1 June 2001 (ICTR)
Kordić and Čerkez	Appeal Judgement: *Prosecutor v. Dario Kordić and Mario Čerkez*, Judgement, 17 December 2004 (with corrigendum of 26 January 2005)
Krajišnik	Trial Judgement: *Prosecutor v. Momčilo Krajišnik*, Judgement, 27 September 2006
	Appeal Judgement: *Prosecutor v. Momčilo Krajišnik*, Judgement, 17 March 2009
Krnojelac	Trial Judgement: *Prosecutor v. Milorad Krnojelac*, Judgement, 15 March 2002
	Appeal Judgement: *Prosecutor v. Milorad Krnojelac*, Judgement, 17 September 2003
Krstić	Trial Judgement: *Prosecutor v. Radislav Krstić*, Judgement, 2 August 2001
	Appeal Judgement: *Prosecutor v. Radislav Krstić*, Judgement, 19 April 2004
Kunarac et al.	Trial Judgement: *Prosecutor v. Dragoljub Kunarac, Radomir Kovač and Zoran Vuković*, Judgement, 22 February 2001
	Appeal Judgement: *Prosecutor v. Dragoljub Kunarac, Radomir Kovač, and Zoran Vuković*, Judgement, 12 June 2002
Kupreškić et al.	Trial Judgement: *Prosecutor v. Zoran Kupreškić, Mirjan Kupreškić, Vlatko Kupreškić, Drago Josipović, Dragan Papić, and Vladimir Šantić*, Judgement, 14 January 2000
	Appeal Judgement: *Prosecutor v. Zoran Kupreškić, Mirjan Kupreškić, Vlatko Kupreškić, Drago Josipović, and Vladimir Šantić*, Appeal Judgement, 23 October 2001
Kvočka et al.	Trial Judgement: *Prosecutor v. Miroslav Kvočka, Milojica Kos, Mlađo Radić, Zoran Žigić, and Dragoljub Prcać*, Judgement, 2 November 2001
	Appeal Judgement: *Prosecutor v. Miroslav Kvočka, Mlađo Radić, Zoran Žigić, and Dragoljub Prcać*, Judgement, 28 February 2005
Limaj et al.	Appeal Judgement: *Prosecutor v. Fatmir Limaj, Haradin Bala and Isak Musliu*, Judgement, 27 September 2007
Lukić and Lukić	Appeal Judgement: *Prosecutor v. Milan Lukić and Sredoje Lukić*, Judgement, 4 December 2012

Martić	Trial Judgement: *Prosecutor v. Milan Martić*, Judgement, 12 June 2007
	Appeal Judgement: *Prosecutor v. Milan Martić*, Judgement, 8 October 2008
Dragomir Milošević	Appeal Judgement: *Prosecutor v. Dragomir Milošević*, Judgement, 12 November 2009
Mrkšić and Šljivančanin	Appeal Judgement: *Prosecutor v. Mile Mrkšić and Veselin Šljivančanin*, Judgement, 5 May 2009
Musema	Appeal Judgement: *Alfred Musema v. Prosecutor*, Judgement, 16 November 2001 (ICTR)
Muvunyi	Appeal Judgement: *Tharcisse Muvunyi v. Prosecutor*, Judgement, 29 August 2008
Nahimana et al.	Trial Judgement: *Ferdinand Nahimana, Jean-Bosco Barayagwiza, and Hassan Ngeze v. Prosecutor*, Judgement, 3 December 2003 (ICTR)
	Appeal Judgement: *Prosecutor v. Ferdinand Nahimana, Jean-Bosco Barayagwiza, and Hassan Ngeze*, Judgement, 28 November 2007 (ICTR)
Naletilić and Martinović	Trial Judgement: *Prosecutor v. Mladen Naletilić and Vinko Martinović*, Judgement, 31 March 2003
	Appeal Judgement: *Prosecutor v. Mladen Naletilić and Vinko Martinović*, Judgement, 3 May 2006
Nchamihigo	Appeal Judgement: *Prosecutor v. Siméon Nchamihigo*, Judgement, 18 March 2010 (ICTR)
Ntabakuze	Appeal Judgement: *Aloys Ntabakuze v. Prosecutor*, Judgement, 8 May 2012
Ntagerura et al.	Appeal Judgement: *Prosecutor v. André Ntagerura, Emmanuel Bagambiki, Samuel Imanishimwe*, Judgement, 7 July 2006 (ICTR)
Ntakirutimana and Ntakirutimana	Appeal Judgement: *Prosecutor v. Elizaphan Ntakirutimana and Gérard Ntakirutimana*, Judgement, 13 December 2004 (ICTR)
Dragan Nikolić	Appeal Sentencing Judgement: *Prosecutor v. Dragan Nikolić*, Judgement on Sentencing Appeal, 4 February 2005
Momir Nikolić	Sentencing Judgement: *Prosecutor v. Momir Nikolić*, Judgement, 2 December 2003
	Appeal Sentencing Judgement: *Prosecutor v. Momir Nikolić*, Judgement on Sentencing Appeal, 8 March 2006
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